

CHAPTER 1165

VEHICLES AND OPERATION THEREOF

H. F. 1332

AN ACT relating to vehicles and the operation of vehicles including vehicle registration, issuance and suspension of operators' licenses, temporary driver permits and instruction permits, vehicle lighting and miscellaneous equipment, operating and passenger rules, imposition of penalties related to equipment and operating and passenger rules, the transfer of motor vehicle certification, and the correction of erroneous, inconsistent and obsolete sections of chapter three hundred twenty-one (321) of the Code referring to duties and operations of the state department of transportation and providing for a motorized bicycle license and specifying the operation requirements for a motorized bicycle.

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

1 SECTION 1. Chapter three hundred eight A (308A), Code 1975, is amended by
2 adding the following new section:

3 NEW SECTION. Bikeways and walkways approved as either incidental features
4 of highway construction projects primarily for motor vehicular traffic or as an
5 independent bikeway or walkway construction project constructed pursuant to
6 the Highway Act of 1973, 23 U.S.C. 217, shall not be constructed as elevated
7 structures joining private buildings or so constructed to provide elevated access or
8 egress facilities to private buildings.

1 SEC. 2. Chapter three hundred twenty-one (321), Code 1975, as amended by
2 Acts of the Sixty-sixth General Assembly, 1975 and 1976 Sessions, is amended by
3 adding the following new section:

4 NEW SECTION. **Motorized bicycle license.**

5 1. The department may issue a motorized bicycle license to any person fourteen
6 years of age or older who has passed the approved driver education course
7 required for applicants for such license. A motorized bicycle license shall entitle
8 the licensee to operate a motorized bicycle while having the license in immediate
9 possession on the highways of the state for a period of two years.

10 2. A motorized bicycle license shall be canceled upon a conviction for a
11 moving traffic violation and reapplication may be made thirty days after the date
12 of cancellation. The cancellation of the license upon conviction for a moving
13 traffic violation shall not result in requiring the applicant to maintain proof of
14 financial responsibility under section three hundred twenty-one A point seventeen
15 (321A.17), of the Code, unless the conviction would otherwise result in a
16 suspension or revocation of a person's operator's license.

17 3. As used in this section, "moving traffic violation" does not include any
18 violation of any section of the Code or any municipal ordinance pertaining to the
19 standards to be maintained for motor vehicle equipment except sections three
20 hundred twenty-one point four hundred thirty (321.430) and three hundred
21 twenty-one point four hundred thirty-one (321.431) of the Code, or any municipal
22 ordinance pertaining to motor vehicle brake requirements as applicable to
23 motorized bicycles.

24 4. A motorized bicycle license is not required to operate a motorized bicycle if
25 possessed of an operator's or chauffeur's license.

26 5. A motorized bicycle license shall terminate upon issuance to the licensee of
27 an operator's or chauffeur's license valid for operation of motorcycles. A valid
28 motorized bicycle license shall be returned to the department prior to issuance of
29 an operator's or chauffeur's license valid for operation of motorcycles.

1 SEC. 3. Section three hundred twenty-one point one (321.1), subsection
2 seventy-two (72), Code 1975, is amended to read as follows:

3 72. A "special truck" means a motor truck not used for hire with a gross weight
4 registration of eight through ~~twelve~~ *eighteen* tons, ~~inclusive~~, used by a person
5 engaged in farming to transport commodities produced only by the owner, or to
6 transport commodities purchased by the owner for use in his own farming
7 operation *or occasional use for charitable purposes*.

1 SEC. 4. Section three hundred twenty-one point one (321.1), Code 1975, as
2 amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapters
3 sixty-seven (67) and one hundred seventy (170), is amended by adding the
4 following new subsections:

5 NEW SUBSECTION. "Motorized bicycle" or "motor bicycle" means a two-
6 wheeled motor vehicle with an engine having a displacement no greater than fifty
7 cubic centimeters as fixed by the department and not capable of operation at a
8 speed in excess of twenty-five miles per hour on level ground unassisted by
9 human power.

10 NEW SUBSECTION. "Fifth-wheel travel trailer" means a type of travel trailer
11 which is towed by a pickup by a connecting device known as a fifth wheel.
12 However, this type of travel trailer may have an overall length which shall not
13 exceed forty feet.

1 SEC. 5. Section three hundred twenty-one point one (321.1), subsection three
2 (3), Code 1975, is amended to read as follows:

3 3. "Motorcycle" means every motor vehicle having a saddle or seat for the use
4 of the rider and designed to travel on not more than three wheels in contact with
5 the ground including a motor scooter ~~and a bicycle with motor attached~~ but
6 excluding a tractor *and a motorized bicycle*.

1 SEC. 6. Section three hundred twenty-one point four (321.4), Code 1975, is
2 amended to read as follows:

3 **321.4 Rules.** The ~~director~~ *commission* is ~~hereby~~ authorized to adopt and
4 ~~enforce such departmental promulgate administrative~~ rules governing ~~procedure~~
5 ~~procedures~~ as may be necessary to carry out the provisions of this chapter; ~~also~~
6 ~~and~~ to carry out any other laws the enforcement of which is vested in the
7 department.

1 SEC. 7. Section three hundred twenty-one point thirty-four (321.34),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The county treasurer upon receiving application, accompanied by proper fee,
4 for registration of a vehicle shall issue to the owner one registration plate for a
5 motorcycle, *motorized bicycle*, truck tractor, trailer, or semitrailer and two
6 registration plates for every other motor vehicle.

1 SEC. 8. Section three hundred twenty-one point thirty-seven (321.37),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 Registration plates issued for a motor vehicle other than a motorcycle,
4 *motorized bicycle* or a truck tractor shall be attached thereto, one in the front and
5 the other in the rear. The registration plate issued for a motorcycle or other
6 vehicle required to be registered hereunder shall be attached to the rear thereof.
7 The registration plate issued for a truck tractor shall be attached to the front
8 thereof.

1 SEC. 9. Section three hundred twenty-one point forty-four (321.44), Code
2 1975, is amended to read as follows:

3 **321.44 Regulations governing change of motors.** The director is authorized to
4 ~~adopt and~~ enforce such ~~registration~~ rules ~~and regulations~~ *governing registration* as
5 may be deemed necessary *by the commission* and compatible with the public
6 interest with respect to the change or substitution of one engine in place of
7 another in any motor vehicle.

1 SEC. 10. Section three hundred twenty-one point forty-six (321.46),
2 unnumbered paragraph one (1), Code 1975, is amended to read as follows:

3 The purchaser or transferee shall immediately apply for and obtain from the
4 county treasurer of his residence a transfer of registration and a new certificate of
5 title for such vehicle except as provided in section 321.48. The purchaser or
6 transferee shall present with the application the certificate of title endorsed and
7 assigned by the previous owner and the signed registration card. *The purchaser or*
8 *the transferee shall not be required to list a social security number as part of the*
9 *application for a registration transfer and a new title.*

1 SEC. 11. Section three hundred twenty-one point fifty-one (321.51), subsection
2 six (6), Code 1975, is amended to read as follows:

3 6. No vehicle sold or otherwise transferred pursuant to the provisions of this
4 section shall be driven upon the highway until a valid official certificate of
5 inspection has been affixed thereto and an unrestricted certificate of title, a
6 registration card, and registration plates for the vehicle have been issued to the
7 purchaser or transferee, except as set out in section 321.98. *However, upon receipt*
8 *of an affidavit signed by the owner of the vehicle stating that the vehicle is reasonably*
9 *safe for operation, an inspection station may issue a permit authorizing the owner to*
10 *operate the vehicle to and from a specific inspection station. The affidavit and permit*
11 *mentioned in this section shall be on forms prescribed and furnished by the department*
12 *which shall forward these forms to each county treasurer where they shall be made*
13 *available upon request, such permit shall be valid for forty-eight hours after issuance*
14 *by inspection station.*

1 SEC. 12. Section three hundred twenty-one point one hundred seventeen
2 (321.117), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
3 1975 Session, chapter one hundred seventy-one (171), section eleven (11), is
4 amended to read as follows:

5 **321.117 Motorcycle and hearse fees.** For all motorcycles the annual fee shall
6 be ten dollars. *For all motorized bicycles the annual fee shall be five dollars.* When
7 said motorcycle has been registered five times, the annual registration fee shall be
8 five dollars. The annual registration fee for hearses shall be fifty dollars.
9 Passenger car plates shall be issued for hearses.

1 SEC. 13. Section three hundred twenty-one point one hundred twenty-one
2 (321.121), Code 1975, is amended to read as follows:

3 **321.121 Special trucks for farm use.** The registration fee for a special truck
4 shall be one hundred dollars for a gross weight of eight, ~~nine, or ten~~ tons, ~~and one~~
5 ~~hundred fifty dollars for a gross weight of eleven or twelve tons and in addition,~~
6 ~~fifteen dollars for each ton over eight tons.~~ Any person convicted of using a truck
7 registered as a special truck for any purpose other than permitted by section
8 321.1, subsection 72, shall, in addition to any other penalty imposed by law, be
9 required to pay regular motor truck registration fees upon such truck. A
10 distinctive decal shall be applied to the special truck registration plate for easy
11 identification.

1 SEC. 14. Section three hundred twenty-one point one hundred twenty-three
2 (321.123), subsection three (3), unlettered paragraph two (2), Code 1975, is
3 amended to read as follows:

4 Travel trailers ~~and fifth-wheel travel trailers, regardless of whether or not they~~
5 ~~are used on the highways,~~ except those in manufacturer's or dealer's stock, an
6 annual fee of twenty cents per square foot of floor space computed on the
7 exterior overall measurements, but excluding three feet occupied by any trailer
8 hitch as provided by and certified to by the owner, to the nearest whole dollar,
9 which amount shall not be prorated or refunded; except the annual fee for travel
10 trailers *of any type*, when registered in Iowa for the first time, shall be prorated on
11 a monthly basis. The registrant of a travel trailer *of any type* shall be issued a
12 "travel trailer" plate. It is further provided the annual fee thus computed shall be
13 limited to seventy-five percent of the full fee after the sixth registration.

1 SEC. 15. Section three hundred twenty-one point one hundred twenty-six
2 (321.126), subsection five (5), unnumbered paragraph one (1), Code 1975, is
3 amended to read as follows:

4 If the motor vehicle is ~~licensed~~ *registered* by the county treasurer during the
5 registration year and the owner or lessee registers the vehicle for prorate under
6 chapter 326, the owner of the registered vehicle shall surrender the registration
7 plates to the county treasurer and may file a claim for refund.

1 SEC. 16. Section three hundred twenty-one point one hundred thirty-four
2 (321.134), unnumbered paragraph one (1), Code 1975, is amended to read as
3 follows:

4 On February ~~+~~ *first* of each year, a penalty of five percent of the annual
5 registration fee shall be added to all fees not paid by that date, and five percent
6 of the annual registration fee shall be added to such fees on the first of each
7 month thereafter that the same remains unpaid, until paid, provided that ~~said the~~ *the*
8 penalty in no case shall be less than one dollar, and provided that the owner of a
9 vehicle who, before February ~~+~~ *first* of any year, surrenders all registration plates
10 for ~~said that~~ *said* vehicle to the county treasurer of the county in which ~~said the~~ *the* plates
11 are of record, shall have the right to register ~~said the~~ *said* vehicle at any later period of
12 ~~said that~~ *said* year by paying the full yearly registration fee without ~~said~~ *said* penalty.
13 Provided, however, that the annual registration fee for trucks, truck tractors, road
14 tractors, trailers and semitrailers, as provided in sections 321.120 to 321.123,
15 inclusive, when said annual registration fee is in excess of seventy dollars, may be
16 payable in two equal semiannual installments *except that semiannual installments*
17 *shall not apply to commercial vehicles subject to proportional registration with a base*
18 *state other than the state of Iowa as defined in section three hundred twenty-six point*
19 *two (326.2), subsection six (6), of the Code.*

1 SEC. 17. Section three hundred twenty-one point one hundred seventy-six
2 (321.176), subsection one (1), Code 1975, is amended to read as follows:

3 1. Any person while operating a *military* motor vehicle in the service of the
4 ~~army, navy, or marine corps~~ *armed forces* of the United States.

1 SEC. 18. Section three hundred twenty-one point one hundred seventy-seven
2 (321.177), subsection one (1), Code 1975, is amended to read as follows:

3 1. To any person, as an operator, who is under the age of sixteen years;
4 provided that, effective August 1, 1966, the department shall not issue a license to
5 any person, as an operator, who is under the age of seventeen years and effective
6 August 1, 1967, the department shall not issue a license to any person, as an
7 operator, who is under the age of eighteen years, without his first having
8 successfully completed an approved driver education course, in which case, the
9 minimum age shall be sixteen years. However, the department may issue a
10 restricted license as provided in section 321.194, or an instruction permit as
11 provided in section 321.180, to any person who is at least fourteen years of age.
12 *The department may issue a license restricted only for use for motorized bicycles as*
13 *provided in this Act, to any person fourteen years of age or older who has successfully*
14 *completed an approved driver's education course established by the department of*
15 *public instruction to acquaint the motorized bicycle operator with the rules of the*
16 *road.*

1 SEC. 19. Section three hundred twenty-one point one hundred seventy-eight
2 (321.178), subsection one (1), unnumbered paragraph three (3), Code 1975, is
3 amended to read as follows:

4 "Student," for purposes of this section, ~~shall mean~~ *means* any person between
5 the ages of fifteen years and twenty-one years who resides in the public school
6 district and who satisfies the preliminary licensing requirements of the department
7 *or any person between fourteen and twenty-one years of age who resides in the public*

8 school district, who satisfies the preliminary licensing requirements of the department
 9 for operation of a motorized bicycle and who is enrolled in an approved driver
 10 education course for the purpose of qualifying for a motorized bicycle license as
 11 provided for in this Act.

1 SEC. 20. Section three hundred twenty-one point one hundred seventy-eight
 2 (321.178), Code 1975, as amended by Acts of the Sixty-sixth General Assembly,
 3 1975 Session, chapter seventy-nine (79), section fifteen (15), is amended by adding
 4 the following new subsection:

5 NEW SUBSECTION. An individual applying for a motorized bicycle license shall
 6 take the approved driver education course without meeting the highway driving
 7 experience requirement.

1 SEC. 21. Section three hundred twenty-one point one hundred eighty-one
 2 (321.181), Code 1975, is amended by adding the following new paragraph:

3 NEW PARAGRAPH. A person issued a temporary driver's permit whose permit
 4 is canceled upon conviction for a moving traffic violation may be issued by the
 5 department upon a showing of need by the permittee a restricted temporary
 6 driver's permit authorizing the permittee to drive from the permittee's residence to
 7 designated locations such as the permittee's place of employment during the
 8 cancellation period. The temporary restricted driver's permit shall be canceled
 9 upon violation of the restrictions of the permit or for conviction of a moving
 10 traffic violation and application for a temporary driver's permit or restricted
 11 temporary driver's permit may not be made within a time period fixed by the
 12 department but not to exceed ninety days.

1 SEC. 22. Section three hundred twenty-one point one hundred eighty-two
 2 (321.182), Code 1975, is amended to read as follows:

3 **321.182 Application for license or permit.** Every application for an
 4 instruction permit ~~or for~~, an operator's or chauffeur's license ~~or~~, a temporary
 5 driver's permit or a motorized bicycle license shall be made upon a form furnished
 6 by the department and shall be verified by the applicant before a person
 7 authorized to administer oaths, and officers and employees of the department are
 8 hereby authorized to administer such oaths without charge. The applicant shall
 9 write his usual signature with pen and ink upon the application in the space
 10 provided for signature.

1 SEC. 23. Section three hundred twenty-one point one hundred eighty-four
 2 (321.184), Code 1975, is amended to read as follows:

3 **321.184 Applications of unmarried minors.** The application of any *unmarried*
 4 person under the age of eighteen years for an instruction permit, operator's
 5 license, *motorized bicycle license*, or permit issued under section 321.194 shall
 6 contain the verified consent and confirmation of applicant's birthday by ~~both the~~
 7 ~~father and mother either parent of the applicant, or the parent having custody in~~
 8 ~~the event of the legal separation or the death of one parent;~~ if neither parent is
 9 living, the guardian or other person having custody; or the employer; of such
 10 minor may consent. Officers and employees of the department are hereby
 11 authorized to administer such oaths without charge.

1 SEC. 24. Section three hundred twenty-one point one hundred eighty-six
 2 (321.186), Code 1975, is amended to read as follows:

3 **321.186 Examination of new or incompetent operators.** The department may
 4 examine every new applicant for an operator's, *motorized bicycle* or chauffeur's
 5 license or any person holding a valid operator's, *motorized bicycle* or chauffeur's
 6 license when the department has reason to believe that such person may be
 7 physically or mentally incompetent to operate a motor vehicle, or whose driving
 8 record appears to the department to justify such an examination. Such
 9 examinations shall be held in every county within periods not to exceed fifteen
 10 days. It shall include a test of the applicant's eyesight, his ability to read and

11 understand highway signs regulating, warning, and directing traffic, his
 12 knowledge of the traffic laws of this state, and shall include an actual
 13 demonstration of ability to exercise ordinary and reasonable control in the
 14 operation of a motor vehicle and such further physical and mental examinations
 15 as the department finds necessary to determine the applicant's fitness to operate a
 16 motor vehicle safely upon the highways.

1 SEC. 25. Section three hundred twenty-one point one hundred eighty-seven
 2 (321.187), Code 1975, is amended to read as follows:

3 **321.187 Appointment of examiners.** The department is hereby authorized to
 4 appoint persons from the members of the department or may designate the
 5 county sheriff for the purpose of examining applicants for operators', *motorized*
 6 *bicycle* and chauffeurs' licenses. It shall be the duty of any such person so
 7 appointed to conduct examinations of applicants for operators', *motorized bicycle*
 8 and chauffeurs' licenses under the provisions of this chapter to make a written
 9 report of findings and recommendations upon such examination to the
 10 department. Examiners appointed by the department when on duty shall wear a
 11 proper identifying badge or badges as prescribed by the director which shall be
 12 purchased by the department and paid for from the department maintenance
 13 fund.

1 SEC. 26. Section three hundred twenty-one point one hundred eighty-nine
 2 (321.189), Code 1975, is amended to read as follows:

3 **321.189 Licenses issued.** The department shall upon payment of the required
 4 fee, issue to every applicant qualifying therefor an operator's, *motorized bicycle* or
 5 chauffeur's license as applied for, which license shall bear thereon a distinguishing
 6 number assigned to the licensee, the full name, date of birth, occupation, sex,
 7 residence address, a brief description of the licensee, and the usual signature of
 8 the licensee. No license shall be valid unless it bears the signature of the licensee.
 9 *The distinguishing number assigned to a licensee shall not be the licensee's social*
 10 *security number.*

1 SEC. 27. Section three hundred twenty-one point one hundred ninety
 2 (321.190), Code 1975, is amended to read as follows:

3 **321.190 Carried and exhibited.** Every licensee shall have his operator's or
 4 chauffeur's, or *motorized bicycle* license in his immediate possession at all times
 5 when operating a motor vehicle and shall display the same, upon demand of a
 6 judicial magistrate or district associate judge, a peace officer, or a field deputy or
 7 examiner of the department. However, no person charged with violating this
 8 section shall be convicted if he produces in court, within a reasonable time, an
 9 operator's or chauffeur's or *motorized bicycle* license ~~theretofore~~ issued to him and
 10 valid at the time of his arrest.

1 SEC. 28. Section three hundred twenty-one point one hundred ninety-one
 2 (321.191), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 The fee for an operator's license shall be five dollars if issued for a period of
 5 two years, and ten dollars if issued for a period of four years. The fee for a
 6 chauffeur's license shall be ten dollars if issued for a period of two years, and
 7 twenty dollars if issued for a period of four years. The fee for an instruction
 8 permit shall be three dollars and, for a temporary driver's permit, five dollars and
 9 for a *motorized bicycle* license, five dollars.

1 SEC. 29. Section three hundred twenty-one point one hundred ninety-two
 2 (321.192), Code 1975, is amended to read as follows:

3 **321.192 Disposal of fees.** Such license fees shall be forwarded by the
 4 department to the treasurer of state who shall place same in the general fund of
 5 the state, provided that for each operator's and *motorized bicycle* license issued by
 6 a county sheriff for which a license fee is paid, the sheriff issuing the same shall

7 be entitled to retain the sum of fifteen cents and for each chauffeur's license, the
8 sum of fifty cents, which shall be credited to the county general fund.

1 SEC. 30. Section three hundred twenty-one point one hundred ninety-three
2 (321.193), unnumbered paragraph one (1), Code 1975, is amended to read as
3 follows:

4 When provided in rules adopted pursuant to chapter 17A, the department upon
5 issuing an operator's or chauffeur's license *or motorized bicycle license* shall have
6 authority whenever good cause appears to impose restrictions suitable to the
7 licensee's driving ability with respect to the type of vehicle or special mechanical
8 control devices required on a motor vehicle which the licensee may operate or
9 such other restrictions applicable to the licensee, including licenses issued under
10 section 321.194, as the department may determine to be appropriate to assure the
11 safe operation of a motor vehicle by the licensee. *The department shall not require*
12 *a person issued a valid operator's or chauffeur's license to comply with any other*
13 *licensing requirements in order to operate a motorized bicycle.*

1 SEC. 31. Section three hundred twenty-one point one hundred ninety-five
2 (321.195), Code 1975, is amended to read as follows:

3 **321.195 Duplicate certificates.** In the event that an instruction permit ~~or~~,
4 operator's or chauffeur's license, *motorized bicycle license* or extension certificate
5 issued under the provisions of this chapter is lost or destroyed, the person to
6 whom the same was issued may upon payment of a fee of two dollars for an
7 operator's or chauffeur's license, ~~or~~ extension certificate *or motorized bicycle*
8 *license*, obtain a duplicate, or substitute thereof, upon furnishing proof
9 satisfactory to the department that such permit, license, or extension certificate
10 has been lost or destroyed.

1 SEC. 32. Section three hundred twenty-one point two hundred one (321.201),
2 Code 1975, is amended by adding the following new unlettered paragraph:

3 NEW UNLETTERED PARAGRAPH. The provisions applicable in sections three
4 hundred twenty-one point two hundred one (321.201) through three hundred
5 twenty-one point two hundred fifteen (321.215) of the Code relating to
6 cancellation, suspension or revocation of an operator's or chauffeur's license are
7 also applicable to motorized bicycle licenses and licensees holding motorized
8 bicycle licenses.

1 SEC. 33. Section three hundred twenty-one point two hundred eleven
2 (321.211), Code 1975, is amended to read as follows:

3 **321.211 Notice and hearing.** Upon suspending the license of any person as
4 hereinbefore authorized the department shall immediately notify the licensee in
5 writing and upon his request shall afford him an opportunity for a hearing before
6 the director or his duly authorized agent as early as practical within not to exceed
7 ~~twenty~~ *thirty* days after receipt of such request in the county wherein the licensee
8 resides unless the department and the licensee agree that such hearing may be
9 held in some other county. Upon such hearing the director or his duly authorized
10 agent may administer oaths and may issue subpoenas for the attendance of
11 witnesses and the production of relevant books and papers and may require a re-
12 examination of the licensee. Upon such hearing the department shall either
13 rescind its order of suspension or, *for good cause appearing therefor*, may extend
14 the suspension of such license or revoke such license.

1 SEC. 34. Section three hundred twenty-one point two hundred sixteen
2 (321.216), Code 1975, is amended to read as follows:

3 **321.216 Unlawful use of license.** It is a misdemeanor, punishable as provided
4 in section 321.482 unless another punishment is otherwise provided, for any
5 person:

6 1. To display or cause or permit to be displayed or have in his possession any
7 canceled, revoked, suspended, fictitious or fraudulently altered temporary driver's

8 permit, temporary instruction permit, *motorized bicycle license*, operator's license,
9 or chauffeur's license.

10 2. To lend his temporary driver's permit, temporary instruction permit,
11 *motorized bicycle license*, operator's license, or chauffeur's license to any other
12 person or knowingly permit the use thereof by another.

13 3. To display or represent as one's own any temporary driver's permit,
14 temporary instruction permit, *motorized bicycle license*, operator's license, or
15 chauffeur's license not issued to him.

16 4. To fail or refuse to surrender to the department upon its lawful demand any
17 temporary driver's permit, temporary instruction permit, *motorized bicycle license*,
18 operator's license, or chauffeur's license which has been suspended, revoked, or
19 canceled.

20 5. To use a false or fictitious name in any application for a temporary driver's
21 permit, temporary instruction permit, *motorized bicycle license*, operator's license,
22 or chauffeur's license or to knowingly make a false statement or to knowingly
23 conceal a material fact or otherwise commit a fraud in any such application.

24 6. To permit any unlawful use of a temporary driver's permit, temporary
25 instruction permit, *motorized bicycle license*, operator's license, or chauffeur's
26 license issued to him.

1 SEC. 35. Section three hundred twenty-one point two hundred eighteen
2 (321.218), Code 1975, is amended by adding the following new unlettered
3 paragraph:

4 **NEW UNLETTERED PARAGRAPH.** Any person operating a motorized bicycle on
5 the highways of the state not possessed of an operator's or chauffeur's license
6 valid for operation of motorcycles or a valid motorized bicycle license, shall, upon
7 conviction, be guilty of a misdemeanor and punished by a fine of not less than
8 five nor more than fifty dollars.

1 SEC. 36. Section three hundred twenty-one point two hundred thirty-one
2 (321.231), Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **321.231 Authorized emergency vehicles.**

5 1. The driver of an authorized emergency vehicle, when responding to an
6 emergency call or when in the pursuit of an actual or suspected perpetrator of a
7 felony or in response to an incident dangerous to the public or when responding
8 to but not upon returning from a fire alarm, may exercise the privileges set forth
9 in this section.

10 2. The driver of any authorized emergency vehicle, may:

11 a. Park or stand an authorized emergency vehicle, irrespective of the provisions
12 of this chapter.

13 b. Disregard laws or regulations governing direction of movement for the
14 minimum distance necessary before an alternative route that conform to the
15 traffic laws and regulations is available.

16 3. The driver of a fire department vehicle, police vehicle or ambulance may:

17 a. Proceed past a red or stop signal or stop sign, but only after slowing down as
18 may be necessary for safe operation.

19 b. Exceed the maximum speed limits so long as the driver does not endanger
20 life or property.

21 4. The exemptions granted to an authorized emergency vehicle under
22 subsection two (2) of this section and for a fire department vehicle, police vehicle
23 or ambulance as provided in subsection three (3) of this section shall apply only
24 when such vehicle is making use of an audible signaling device meeting the
25 requirements of section three hundred twenty-one point four hundred thirty-three
26 (321.433) of the Code, or a visual signaling device approved by the department
27 except that use of an audible or visual signaling device shall not be required when
28 exercising the exemption granted under subsection three (3), paragraph b of this
29 section when the vehicle is operated by a peace officer, pursuing a suspected

30 violator of the speed restrictions imposed by or pursuant to this chapter, for the
31 purpose of determining the speed of travel of such suspected violator.

32 5. The foregoing provisions shall not relieve the driver of an authorized
33 emergency vehicle from the duty to drive with due regard for the safety of all
34 persons, nor shall such provisions protect the driver from the consequences of his
35 reckless disregard for the safety of others.

1 SEC. 37. Sections three hundred twenty-one point two hundred thirty-two
2 (321.232) and three hundred twenty-one point two hundred ninety-six (321.296),
3 Code 1975, are repealed.

1 SEC. 38. Section three hundred twenty-one point two hundred thirty-eight
2 (321.238), subsection one (1), Code 1975, is amended to read as follows:

3 1. The director may grant permits for the operation of vehicle inspection
4 stations authorized to issue official certificates of inspection of vehicles. The
5 ~~director~~ *commission* may adopt such rules ~~and regulations~~, subject to the
6 provisions of chapter 17A, as shall be necessary for the efficient operation and
7 maintenance of vehicle inspection stations.

1 SEC. 39. Section three hundred twenty-one point two hundred thirty-eight
2 (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-
3 sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179),
4 section one (1), is amended to read as follows:

5 12. Every motor vehicle subject to registration under the laws of this state,
6 except motor vehicles registered under section 321.115 *and motorized bicycles*,
7 when first registered in this state, *other than a registration to a dealer licensed under*
8 *chapter three hundred twenty-two (322) of the Code*, and each time when transferred
9 for use within this state or when registration is changed from a registration as
10 provided in section 321.115 to a regular registration, other than transfers to a
11 dealer licensed under chapter three hundred twenty-two (322), shall be inspected
12 at an authorized inspection station, unless there is affixed to the motor vehicle a
13 valid certificate of inspection which was issued for the motor vehicle not more
14 than sixty days prior to the date on which the vehicle was transferred and the
15 vehicle has not been transferred during the sixty-day period, provided that during
16 a one-year period the vehicle may be transferred between parents and their
17 children or between spouses without another inspection. A vehicle inspection is
18 not required when the transfer of the vehicle or an interest in the vehicle is
19 between spouses or when required pursuant to a decree for dissolution of
20 marriage between former spouses. However, the certificate of inspection for a new
21 motor vehicle which has not previously been sold at retail and which is not sold
22 within sixty days after the date the inspection was performed may be revalidated
23 by the inspection station without another inspection provided the motor vehicle
24 has not been driven more than one hundred miles since the inspection was
25 performed. If the motor vehicle is subject to inspection, the authorized inspection
26 station shall issue and affix a valid certificate of inspection or certificate of
27 rejection, as the case may be, in accordance with the results of the inspection. If
28 an inspection is required, an applicant shall file with an application for title to the
29 vehicle or for registration thereof under the provisions of section 321.23,
30 subsection 2 or 3, with the county treasurer of the county of his residence, a
31 statement on a form provided by the director, signed by an authorized inspection
32 station certifying the date that a certificate of inspection was issued for and
33 affixed to the vehicle. If an inspection is required the county treasurer shall not
34 issue a title to the vehicle to the applicant or register the vehicle unless such
35 statement is filed with the application showing that the inspection of the vehicle
36 was made not more than sixty days prior to the date of sale or transfer, or unless
37 the vehicle was purchased out of this state by a resident of this state who resides
38 outside of this state, but desires to maintain his Iowa residency and he executes a
39 statement to that effect in form and content as prescribed by the director. The

40 county treasurer shall stamp the registration card for such vehicle with the words
 41 "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized
 42 inspection station within fifteen days after being brought into this state. The
 43 county treasurer shall mail the statement of inspection or statement of out-of-
 44 state residency to the department at the time of mailing copies of the registration
 45 receipt. The department may destroy any forms, certificates or statements after
 46 one year from the date they are filed unless they relate to pending appeals.

1 SEC. 40. Section three hundred twenty-one point two hundred thirty-eight
 2 (321.238), subsection twelve (12), Code 1975, as amended by Acts of the Sixty-
 3 sixth General Assembly, 1975 Session, chapter one hundred seventy-nine (179),
 4 section one (1), is amended by adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. The provisions of this subsection shall not
 6 be applicable to the transfer of a motor vehicle to the insurer of such vehicle who
 7 obtains ownership of such vehicle as a result of a settlement with the owner
 8 thereof arising out of damage to such vehicle and written proof thereof is
 9 submitted to the county treasurer on forms prescribed by the department.

1 SEC. 41. Section three hundred twenty-one point two hundred thirty-eight
 2 (321.238), subsection twenty-one (21), paragraph c, Code 1975, is amended to
 3 read as follows:

4 c. An employee of the ~~state highway commission~~ department experienced in
 5 automotive mechanics designated by the director of highways.

1 SEC. 42. Section three hundred twenty-one point two hundred thirty-eight
 2 (321.238), subsection twenty-one (21), unnumbered paragraph three (3), Code
 3 1975, is amended to read as follows:

4 After the hearing, the review board may sustain, modify, or reverse the
 5 ~~commissioner's~~ director's order of suspension or revocation. A suspension or
 6 revocation sustained or modified by the review board shall take effect ten days
 7 from the date of the decision. Judicial review of actions of the review board may
 8 be sought in accordance with the terms of the Iowa administrative procedure Act.

1 SEC. 43. Section three hundred twenty-one point two hundred fifty-two
 2 (321.252), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 **321.252 Department to adopt sign manual.** The department shall adopt a
 5 manual and specifications for a uniform system of traffic-control devices
 6 consistent with the provisions of this chapter for use upon highways within this
 7 state. Such uniform system shall correlate with and so far as possible conform to
 8 the system then current as approved by the American association of state
 9 highway and transportation officials.

1 SEC. 44. Section three hundred twenty-one point two hundred fifty-three
 2 (321.253), Code 1975, is amended to read as follows:

3 **321.253 Highway commission Department to erect signs.** The ~~state highway~~
 4 ~~commission~~ department shall place and maintain such traffic-control devices,
 5 conforming to its manual and specifications, upon all primary highways as it shall
 6 deem necessary to indicate and to carry out the provisions of this chapter or to
 7 regulate, warn, or guide traffic. Whenever practical, said devices or signs shall be
 8 purchased from the director of the division of corrections of the department of
 9 social services.

1 SEC. 45. Section three hundred twenty-one point two hundred seventy-five
 2 (321.275), Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. The provisions of this section shall apply to motorized
 4 bicycles.

1 SEC. 46. Section three hundred twenty-one point two hundred eighty-eight
 2 (321.288), Code 1975, is amended to read as follows:

3 **321.288 Control of vehicle.** The A person operating a motor vehicle or
 4 motorcycle shall have the same under control at all times and shall reduce the
 5 speed to a reasonable and proper rate:

6 1. When approaching and passing a person walking in the traveled portion of
 7 the public highway.

8 2. When approaching and passing an animal which is being led, ridden, or
 9 driven upon a public highway.

10 3. When approaching and traversing a crossing or intersection of public
 11 highways, or a bridge, or a sharp turn, or a curve, or a steep descent, in a public
 12 highway.

13 4. When approaching and passing a fusee, flares, red reflector electric lanterns,
 14 red reflectors or red flags displayed in accordance with section 321.448, or an
 15 emergency vehicle displaying a revolving or flashing light.

1 SEC. 47. Section three hundred twenty-one point two hundred eighty-eight
 2 (321.288), Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. When approaching and passing a slow moving vehicle
 4 displaying a reflective device as provided by section three hundred twenty-one
 5 point three hundred eighty-three (321.383) of the Code.

1 SEC. 48. Section three hundred twenty-one point three hundred seventeen
 2 (321.317), subsection three (3), Code 1975, is amended to read as follows:

3 3. After the thirty-first day of December, 1953, it shall be unlawful for any
 4 person to sell or offer for sale or operate on the highways of the state of Iowa any
 5 vehicle subject to registration under the provisions of this chapter which has never
 6 been registered in this or any other state prior to January 1, 1954, unless such
 7 vehicle is equipped with a directional signal device of a type approved by the
 8 department and is in compliance with the provisions of subsection 2 of this
 9 section. Motorcycles, motor scooters, bicycles with motor attached and semi-
 10 trailers and trailers less than forty inches in width are exempt from the provisions
 11 of this section.

1 SEC. 49. Section three hundred twenty-one point three hundred twenty-four
 2 (321.324), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 Upon the immediate approach of an authorized emergency vehicle with any
 5 lamp or device displaying a red light or flashing red light or an authorized
 6 emergency vehicle of a fire department displaying a blue light from directly in front
 7 thereof, or when the driver is giving audible signal by siren, exhaust whistle, or
 8 bell, the driver of every other vehicle shall yield the right of way and shall
 9 immediately drive to a position parallel to, and as close as possible to, the
 10 righthand edge or curb of the highway clear of any intersection and shall stop
 11 and remain in such position until the authorized emergency vehicle has passed,
 12 except when otherwise directed by a police officer. For the purposes of this section,
 13 "red light" or "blue light" means a light or lighting device that, when illuminated, will
 14 exhibit a solid flashing or strobing red or blue light.

1 SEC. 50. Section three hundred twenty-one point three hundred seventy-six
 2 (321.376), unnumbered paragraph one (1), Code 1975, is amended to read as
 3 follows:

4 The driver of every school bus shall have a regular or special chauffeur's
 5 license issued by the department of public safety, and in addition thereto, must
 6 hold a school bus driver's permit issued by the department of public instruction.

1 SEC. 51. Section three hundred twenty-one point three hundred eighty-three
 2 (321.383), Code 1975, is amended by adding the following new subsection:

3 NEW SUBSECTION. Garbage collection vehicles, when operated on the streets
 4 or highways of this state at speeds of twenty-five miles per hour or less, may
 5 display a reflective device of a type and in a manner approved by the director. At
 6 speeds in excess of twenty-five miles per hour the device shall not be visible.

1 SEC. 52. Section three hundred twenty-one point three hundred eighty-five
2 (321.385), Code 1975, is amended to read as follows:

3 **321.385 Head lamps on motor vehicles.** Every motor vehicle other than a
4 motorcycle or motorized bicycle shall be equipped with at least two head lamps
5 with at least one on each side of the front of the motor vehicle, which head lamps
6 shall comply with the requirements and limitations set forth in this chapter.

1 SEC. 53. Section three hundred twenty-one point three hundred ninety-three
2 (321.393), unnumbered paragraph four (4), Code 1975, is amended to read as
3 follows:

4 The provisions of this section shall not prohibit the use of a lighting device or
5 reflector displaying a ~~blue~~ or an amber light when such lighting device or reflector
6 is mounted on a motor truck, trailer, tractor, or motor grader owned by the state,
7 or any political subdivision of the state, or any municipality therein, while such
8 equipment is being used for snow removal, sanding, maintenance, or repair of the
9 public streets or highways.

1 SEC. 54. Section three hundred twenty-one point four hundred twenty-three
2 (321.423), Code 1975, is amended by striking the section and inserting in lieu
3 thereof the following:

4 **321.423 Flashing lights.**

5 1. Definitions. As used in this section, unless the context otherwise requires:

6 a. "Fire department" means a paid or volunteer organized fire department.

7 b. "Member" means a person who is a member in good standing of a fire
8 department.

9 2. A flashing light on or in a motor vehicle is prohibited except as follows:

10 a. On an authorized emergency vehicle.

11 b. On a vehicle as a means of indicating a right or left turn, a mechanical
12 failure, or an emergency stop or intent to stop.

13 c. On a motor vehicle used by a rural mail carrier when stopping or stopped on
14 or near a highway in the process of delivering mail, if such a light is any shade of
15 color between white and amber and if it is mounted as a dome light on the roof
16 of the vehicle.

17 d. On a vehicle being operated under an excess size permit issued under
18 chapter three hundred twenty-one E (321E) of the Code.

19 e. A flashing blue light on a vehicle upon which a blue light is permitted
20 pursuant to subsection three (3) of this section.

21 3. A blue light shall not be used on any vehicle except:

22 a. A vehicle owned or exclusively operated by a fire department; or

23 b. A vehicle authorized by the director when:

24 (1) The vehicle is owned by a member of a fire department.

25 (2) The request for authorization is made by the member on forms provided by
26 the department.

27 (3) Necessity for authorization is demonstrated in the request.

28 (4) The chief of the fire department certifies that the member is in good
29 standing with the fire department and recommends that the authorization be
30 granted.

31 4. The authorization shall expire at midnight on the thirty-first day of
32 December five years from the year in which it was issued, or when the vehicle is
33 no longer owned by the member, or when the member has ceased to be an active
34 member of the fire department or when the member has used the blue light
35 beyond the scope of its authorized use.

36 5. The certificate of authorization shall be carried at all times with the
37 certificate of registration of the authorized vehicle and the operator of the vehicle
38 shall not illuminate the blue light except:

39 a. When the member is en route to the scene of a fire or is responding to an
40 emergency in the line of duty requiring the services of the member;

41 b. When the authorized vehicle is transporting a person requiring emergency
42 care; or

43 c. When the authorized vehicle is at the scene of an emergency.

44 d. The use of a blue light in or on a private motor vehicle shall be for
45 identification purposes only.

46 6. A farm tractor, farm tractor with towed equipment, self-propelled implement
47 of husbandry, road construction or maintenance vehicle, road grader, or other
48 vehicle principally designed for use off the highway which, when operated on a
49 primary or secondary road, is operated at a speed of twenty-five miles an hour or
50 less, shall be equipped with and display an amber flashing light visible from the
51 rear at any time from sunset to sunrise. All vehicles specified in this subsection
52 which are manufactured for sale or sold in this state shall be equipped with an
53 amber flashing light. The type, number, dimensions, and method of mounting of
54 the lights shall be determined by the director. The director, when approving the
55 light, shall be guided as far as practicable by the standards of the American
56 Society of Agricultural Engineers.

1 SEC. 55. Section three hundred twenty-one point four hundred twenty-eight
2 (321.428), unnumbered paragraph one (1), Code 1975, is amended to read as
3 follows:

4 The director is hereby authorized to approve or disapprove lighting devices and
5 to issue and enforce regulations establishing standards and specifications for the
6 approval of such lighting devices, their installation, adjustment and aiming, and
7 adjustment when in use on motor vehicles. Such regulations shall *be approved by*
8 *the transportation commission and shall* correlate with and, so far as practicable,
9 conform to the then current standards and specifications of the society of
10 automotive engineers applicable to such equipment.

1 SEC. 56. Section three hundred twenty-one point four hundred thirty
2 (321.430), subsection one (1), Code 1975, is amended to read as follows:

3 1. Every motor vehicle, other than a motorcycle *or motorized bicycle*, when
4 operated upon a highway shall be equipped with brakes adequate to control the
5 movement of and to stop and hold such vehicle, including two separate means of
6 applying the brakes, each of which means shall be effective to apply the brakes to
7 at least two wheels. If these two separate means of applying the brakes are
8 connected in any way, they shall be so constructed that failure of any one part of
9 the operating mechanism shall not leave the motor vehicle without brakes on at
10 least two wheels.

1 SEC. 57. Section three hundred twenty-one point four hundred thirty
2 (321.430), subsection four (4), paragraph a, Code 1975, is amended to read as
3 follows: a. Any motorcycle *or motorized bicycle*.

1 SEC. 58. Section three hundred twenty-one point four hundred thirty-eight
2 (321.438), Code 1975, is amended to read as follows:

3 **321.438 Windshields and windows.** No person shall drive any motor vehicle
4 equipped with a windshield, sidewings, or side or rear windows which do not
5 permit clear vision. *Every motor vehicle except a motorcycle, or a vehicle included in*
6 *the provisions of section three hundred twenty-one point three hundred eighty-three*
7 *(321.383) or section three hundred twenty-one point one hundred fifteen (321.115) of*
8 *the Code, shall be equipped with a windshield in accordance with section three*
9 *hundred twenty-one point four hundred forty-four (321.444) of the Code.*

1 SEC. 59. Section three hundred twenty-one point four hundred fifty-five
2 (321.455), Code 1975, is amended to read as follows:

3 **321.455 Projecting loads on passenger vehicles.** No passenger-type vehicle
4 shall be operated on any highway with any load carried thereon extending

5 beyond the line of the fenders on the left side of such vehicle nor extending more
6 than six inches beyond the line of the fenders on the right side thereof. *Passengers*
7 *shall not ride on any part of any vehicle unless it is expressly designed either for*
8 *passenger use or designed for carrying livestock, merchandise, or freight.*

1 SEC. 60. Section three hundred twenty-one point four hundred fifty-seven
2 (321.457), subsection three (3), Code 1975, is amended to read as follows:

3 3. Except as to combinations of vehicles, provisions for which are otherwise
4 made in this chapter, no combination of truck tractor and a semitrailer hauling
5 livestock shall have an overall length, inclusive of front and rear bumpers, in
6 excess of sixty feet, nor shall any other combination of vehicles coupled together,
7 unladen or with load, have an overall length, inclusive of front and rear bumpers,
8 in excess of fifty-five feet. Combinations of vehicles consisting of a motor vehicle
9 upon which a van box is fastened and which draws and bears a portion of the
10 weight of a semitrailer purchased by an Iowa resident prior to April 16, 1974, may
11 be operated on the highways of this state with a length exceeding fifty-five feet
12 but not exceeding sixty feet, if a special overlength permit is obtained from the
13 ~~state highway commission~~ *department* for such operation. The special overlength
14 permit shall be issued for the vehicle and such permit shall be valid until such
15 time as the vehicle is no longer operable or until the owner of the vehicle transfers
16 title to the vehicle to a nonresident. All such vehicles purchased after April 16,
17 1974, shall not be allowed to operate on the highways of this state.

1 SEC. 61. Section three hundred twenty-one point four hundred fifty-seven
2 (321.457), subsection five (5), Code 1975, is amended to read as follows:

3 5. No combination of vehicles coupled together which are used exclusively for
4 the transportation of passenger vehicles, light delivery trucks, panel delivery
5 trucks, pickup trucks, travel trailers, boats, farm and industrial tractors and self-
6 propelled farm implements, *nonself-propelled implements of husbandry*, and self-
7 propelled vehicles shall have an unladen length, inclusive of front and rear
8 bumpers in excess of sixty feet, but the passenger vehicles, light delivery trucks,
9 panel delivery trucks, pickup trucks, or boats being transported may extend up to
10 three feet beyond the front and rear bumpers of the transporting vehicles when
11 the overall length of the vehicle with load does not exceed sixty-five feet.

1 SEC. 62. Section three hundred twenty-one point four hundred seventy-eight
2 (321.478), Code 1975, is amended to read as follows:

3 **321.478 Bond.** Prior to entering upon the discharge of his duties as such
4 peace officer, each of said designated employees shall furnish to the ~~commission~~
5 *department* a surety bond to the state in the sum of five hundred dollars,
6 conditioned upon the faithful discharge of his duties.

1 SEC. 63. Section three hundred twenty-one point four hundred eighty-five
2 (321.485), subsection two (2), paragraph b, Code 1975, is amended to read as
3 follows:

4 b. Prepare a memorandum of the alleged traffic violation containing the name
5 and address of such person, the registration number, if any, of his vehicle, the
6 offense alleged to have been committed, and such other information as may be
7 prescribed by the commissioner *of public safety with the concurrence of the director.*

1 SEC. 64. Section three hundred twenty-one point four hundred eighty-five
2 (321.485), unnumbered paragraph two (2), Code 1975, is amended to read as
3 follows:

4 The number of copies and the form of the citations and memorandums
5 authorized by this section shall be as prescribed by the commissioner *of public*
6 *safety with the concurrence of the director.*

1 SEC. 65. Section three hundred twenty-five point thirty-seven (325.37), Code
2 1975, is amended to read as follows:

3 **325.37 Safety equipment and regulations for all truck operators.** "Motor
4 carrier" when used in this section and sections 325.38 and 325.39 means carriers
5 holding a certificate under this chapter, truck operators and contract carriers
6 holding permits under chapter 327, liquid transport carriers holding a certificate
7 under chapter 327A, and private carriers. *However, private carriers operating*
8 *intrastate are not subject to federal drivers compliance and qualification requirements.*

1 SEC. 66. The sections of this Act amending section three hundred twenty-one
2 point forty-six (321.46), unnumbered paragraph one (1), Code 1975, and section
3 three hundred twenty-one point one hundred eighty-nine (321.189), Code 1975,
4 shall be effective January 1, 1977.

Approved June 26, 1976

CHAPTER 1166

SECONDARY ROAD CONSTRUCTION PROGRAM

H. F. 739

AN ACT relating to the priority of secondary road assessment district projects in a secondary road construction program.

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

1 SECTION 1. Section three hundred eleven point seven (311.7), unnumbered
2 paragraphs one (1) and two (2), Code 1975, are amended to read as follows:

3 ~~When any~~ The owner or a group of owners of not less than seventy-five percent
4 of the lands adjacent to, or abutting upon any secondary road ~~or roads shall may,~~
5 on or before October 1 of any year, petition the board of supervisors of their
6 county for the improving by graveling or other suitable surfacing, of ~~said such~~
7 ~~road or roads,~~ and for the assessment of not less than fifty percent (or such
8 greater portion as may be provided in said petition) of the cost of such improving,
9 by graveling or other suitable surfacing, to the lands adjacent to, or abutting upon
10 ~~said such road or roads, the.~~ *When the petition has been filed, the board of*
11 *supervisors shall review the project proposed by the petition and may accept or reject*
12 *the proposed project. If the board of supervisors shall, in the order in which such*
13 *petitions were filed with it, accepts the petition, the board shall include and give*
14 *preference to said such project or projects in the secondary road construction*
15 *program of said county for the ensuing year. When a proper petition is filed, it*
16 *shall retain its preference in succeeding years and establish a priority for the*
17 *completion of such project.*

18 The board of supervisors shall proceed ~~during the ensuing year~~ with the
19 construction and completion of said project *in accordance with its assigned priority*
20 *and under the same procedure as is prescribed generally for the improvement of*
21 *secondary roads by assessment, and shall, as the law may provide, establish a*
22 *special secondary road assessment district and assess against the lands included*
23 *therein not less than fifty percent (or such greater portion as may be provided in*
24 *said petition) of the engineer's estimated cost of the surfacing of the road or roads*
25 *included in said project against all the lands adjacent to or abutting upon the said*
26 *road or roads.*

Approved March 12, 1976