

and the rate of pay ~~per~~ for the employment time.

Sec. 2. Section three hundred seventeen point four (317.4), Code 1977, is amended to read as follows:

317.4 DIRECTION AND CONTROL. Whenever, in this chapter, powers and duties are imposed upon a "commissioner," or "commissioners," pursuant to their weed eradication duties, such powers and duties shall apply to the county weed commissioners and their deputies within their respective counties. Each commissioner shall, subject to direction and control by the county board of supervisors, have supervision over the control and the destruction of all noxious weeds in ~~his~~ the commissioner's county, including those growing within the limits of cities, ~~and~~ within the confines of abandoned cemeteries, and ~~of any other weeds~~ those growing along streets and highways unless otherwise provided ~~and.~~ Each commissioner and deputy shall have the authority at any time to enter upon any land in his the commissioner's county at any time for the performance of his the commissioner's duties, and shall hire the labor and equipment necessary for the performance of his the commissioner's duties subject to the approval of the board of supervisors, which. This necessary labor and equipment shall be paid for in the same manner as the weed commissioner's compensation from the county general fund or the weed eradication and equipment fund.

Sec. 3. This Act is effective January 1, 1978.

Approved June 3, 1977

## CHAPTER 103

### MOTOR VEHICLE LAW AMENDMENTS ABSTRACTED, CATALOGED, SUMMARIZED AND INDEXED

S. F. 167

AN ACT relating to transportation providing for retention of motor vehicle registration plates upon transfer, issuance of sample registration plates, defining certain words, red stars on registration plates issued for Iowa highway safety patrol vehicles, gold stars on county sheriff's patrol vehicles, the elimination of the requirement for completion of a driver education course to obtain a motorized bicycle license, changing the requirements of perfection of certain security interests, use of a social security number on motor vehicle license applications, special permits for rubbish collection vehicles, elimination of the notation of security interests on the state copy of a certificate of title, issu-

ance of personalized, special and dealer registration plates, re-registration of a motor vehicle in a new county, issuance of substitute registration plates, the allowance of seven days after transfer of a motor vehicle to register the motor vehicle and transfer the certificate of title, transfer under a restricted certificate of title with the transferee's signature on an affidavit, collection of semi-annual fees on certain motor trucks in unequal installments, an increase in the portion of the registration fee retained by the county treasurer, working in Iowa with a chauffeur's license from another state, issuance of a temporary chauffeur's instruction permit at a cost of six dollars, people at least eighteen years old to obtain a four year license, the expiration of a chauffeur's license, prohibiting the possession of motor vehicle license forms subject to a penalty provided by law, the stopping on highways to make left turns, relating to the width and length of buses which may be operated on the highways of this state, the exemption of vehicles four tons or less from the requirement to carry certain signaling devices, covering loads, an exception for carpools and vanpools from the requirement of obtaining a certificate of public convenience and necessity, extension of the period within which a fleet owner must file certain reports, and special permits to move certain loads under emergency situations.

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

Section 1. Section one hundred thirty-five D point twenty-six (135D.26), subsection two (2), Code 1977, is amended to read as follows:

2. After complying with the provisions of subsection 1, the owner shall notify the assessor who shall inspect the new premises for compliance. If a security interest is noted on the certificate of title, the assessor shall require an affidavit, as defined in section 622.85, from the mobile home owner, declaring that the owner has complied with subsection 1, paragraph "c", and shall send notice of the proposed conversion to the secured party by regular mail not less than ten days before the conversion becomes effective. When the mobile home is properly converted, the assessor shall then collect the mobile home vehicle title, registration card, and ~~license~~, unless the registration plates are retained to be attached to another mobile home, the registration plates from the owner and. The assessor shall enter the property upon the tax rolls.

Sec. 2. Section three hundred seven point twenty-six (307.26), subsection five (5), Code 1977, is amended to read as follows:

5. Advise and assist the director in the conduct of research on railroad-highway grade crossings and encourage

and develop a safety program in order to reduce injuries or fatalities including, but not limited to, the following:

a. The implementation of a program of constructing rumble strips at grade crossings on selected hard surface roads.

b. The establishment of standards for warning devices for particularly hazardous crossings or for classes of crossings on highways, which standards are designed to reduce injuries, fatalities and property damage. Such standards shall regulate the use of warning devices and signs which shall be in addition to the requirements of section three hundred twenty-seven G point two (327G.2) of the Code. Implementation of such standards shall be the responsibility of the government agency or department or political subdivision having jurisdiction and control of the highway and such implementation shall be deemed adequate for the purposes of railroad grade crossing protection. The department, or the political subdivision having jurisdiction, may direct the installation of temporary protection while awaiting installation of permanent protection. A railroad crossing shall not be found to be particularly hazardous for any purpose unless the department has determined it to be particularly hazardous.

Sec. 3. Chapter three hundred twenty-one (321), Code 1977, is amended by adding the following new section:

NEW SECTION. SAMPLE VEHICLE REGISTRATION PLATES. Vehicle registration plates displaying the general design of regular registration plates, with the word "sample" displayed on the plate, may be furnished to any person upon payment of a fee of three dollars, except that such plates may be furnished to governmental agencies without cost. Sample registration plates shall not be attached to a vehicle moved on the highways of this state.

Sec. 4. Section three hundred twenty-one point one (321.1), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Multipurpose vehicle" means a motor vehicle designed to carry not more than ten people, and constructed either on a truck chassis or with special features for occasional off-road operation.

NEW SUBSECTION. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to operator, chauffeur, and motorized bicycle licenses and instruction and temporary permits.

Sec. 5. Section three hundred twenty-one point one (321.1),

subsection sixteen (16), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. All self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary off-road usage, and used exclusively for the application of plant food materials, agricultural limestone or agricultural chemicals, and not specifically designed or intended for transportation of agricultural limestone and such chemicals and materials. Such machinery shall be operated in compliance with section three hundred twenty-one point four hundred sixty-three (321.463) of the Code.

Sec. 6. Section three hundred twenty-one point nineteen (321.19), subsection one (1), Code 1977, is amended to read as follows:

1. All vehicles owned by the government and used in the transaction of official business by the representatives of foreign powers or by officers, boards, or departments of the government of the United States, and by the state of Iowa, counties, municipalities and other subdivisions of government including vehicles used by an urban transit company operated by a municipality and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality, and all fire trucks, providing they are not owned and operated for a pecuniary profit, are hereby exempted from the payment of the fees in this chapter prescribed, except as provided for urban transit companies in subsection 2, but shall not be exempt from the penalties herein provided. The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on Iowa highway safety patrol vehicles shall bear the word "official," and the department shall keep a separate record thereof. Registration plates issued for Iowa highway safety patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate which registration number shall be the officer's badge number. Registration plates issued for a county sheriff's patrol vehicles shall display one seven pointed gold star on a green background followed by the letter "S" and the call number of the vehicle. Provided that the director of general

services or the director of transportation may order the issuance of regular registration plates, for any such exempted vehicle, used by peace officers in the enforcement of the law and persons enforcing chapter 204 and other laws relating to controlled substances. For purposes of sale of vehicles exempted as herein indicated, the exempted governmental body, upon the sale of the exempted vehicles, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit," the name of the official body for which the vehicle was purchased, together with the date of the purchase plainly marked in minimal of one-inch letters, and other information which may be required by the department. The in-transit card shall be valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 7. Section three hundred twenty-one point twenty-four (321.24), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Upon receipt of the application for title and payment of the required fees for motor vehicle, trailer, or semitrailer, the county treasurer shall, when satisfied as to the genuineness and regularity thereof, issue a registration receipt and certificate of title and shall file the application, the manufacturer's or importer's certificate, certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon the face thereof the date issued, the name and address of the owner, the registration number assigned to the vehicle, the title number assigned to the owner of the vehicle, the amount of the fee paid, the amount of tax paid pursuant to section 423.7, type of fuel used and such description of the vehicle as determined by the department and upon the reverse side a form for notice of transfer of the vehicle. The county treasurer shall maintain in the county record system information contained on the registration receipt. Such information shall be accessible by registration number and shall be open for public inspection during reasonable business hours. Such copies as the department may require shall be sent to the department in the manner and at such time as the department may direct. The certificate of title shall contain upon the face thereof the identical information required upon the face of the registration receipt. In addition thereto, the certificate of title shall contain a statement of the

owner's title, the amount of tax paid pursuant to section 423.7, name and address of previous owner, and a statement of all security interests and encumbrances as shown in the application, upon the vehicle therein described including the nature of the security interest, ~~amount~~, date of notation and name and address of the secured party. Said certificate shall bear thereon the seal of the county treasurer, the signature of the county treasurer or that of the deputy county treasurer, and shall provide space for the signature of the owner. The owner shall sign the certificate of title in the space provided with pen and ink upon receipt of certificate of title. The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty thereof by the owner, for reassignments by a licensed dealer and for application for a new certificate of title by the transferee as provided in this chapter. All certificates of title shall be typewritten or printed by other mechanical means. The original certificate of title shall be delivered to the owner in the event no security interest or encumbrance appears thereon. Otherwise the certificate of title shall be delivered by the county treasurer to the person holding the first security interest or encumbrance as shown in the certificate. The county treasurer shall maintain in the county records system information contained on the certificate of title. Such information shall be accessible by title certificate number for a period of three years from the date of notification of cancellation of title or that a new title has been issued as provided in this chapter. Such copies as the department may require shall be sent to the department in the manner and at such time as the department shall direct. The department shall designate a uniform system of title numbers so as to indicate the county of issuance.

Sec. 8. Section three hundred twenty-one point twenty-five (321.25), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.25 APPLICATION FOR REGISTRATION AND TITLE--CARDS ATTACHED. A vehicle may be operated upon the highways of this state without registration plates for a period of twenty days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. A dealer shall not issue

a card to a person known to the dealer to be in possession of registration plates which may be attached to the vehicle. A dealer shall not issue a card unless an application for registration and certificate of title has been made by the purchaser and a receipt issued to the purchaser of the vehicle showing the fee paid by the person making the application. Dealers' records shall indicate the agency to which the fee is sent and the date the fee is sent. The dealer shall forward the application by the purchaser to the county treasurer or state office within seven calendar days from the date of delivery of the vehicle.

The department shall, upon request by any dealer, furnish "registration applied for" cards free of charge. Only cards furnished by the department shall be used.

Sec. 9. Section three hundred twenty-one point thirty-one (321.31), Code 1977, is amended to read as follows:

321.31 RECORDS SYSTEM. A state and county records system shall be maintained in the following manner:

1. STATE RECORDS SYSTEM. The department shall install and maintain a records system which shall contain the name and address of the vehicle owner, current and previous registration number, vehicle identification number, make, model, style, date of purchase, registration certificate number, maximum gross weight, weight, list price or value of the vehicle as fixed by the department, fees paid and date of payment. The records system shall also contain a record of the certificate of title including ~~the notation of all security interests recorded and released, and~~ such other information as the department deems necessary. The information to be kept in the records system shall be entered within forty-eight hours after receipt insofar as is practical. The records system shall constitute the permanent record of ownership of each vehicle titled under the laws of this state.

The department may make photostatic, microfilm, or other photographic copies of certificates of title, registration receipts, or other records, reports or documents which are required to be retained by the department. When copies have been made, the department may destroy the original records in such manner as prescribed by the director. The photostatic, microfilm, or other photographic copies, when no longer of use, may be destroyed in the manner prescribed by the director, subject to the approval of the state records commission.

Photostatic, microfilm, or other photographic copies of records shall be admissible in evidence when duly certified and authenticated by the officer having custody and control of the copies of records. Records of vehicle certificates of title may be destroyed seven years after the date of issue.

2. COUNTY RECORDS SYSTEM. Each county treasurer's office shall maintain a county records system for vehicle registration and certificate of title documents. The records system shall consist of information from the certificate of title including the notation and cancellation of security interests, information from the registration receipt, and such information shall be maintained by retention of one copy of the registration receipt in a registration number file and one copy of the title certificate in a title number file. In lieu of retaining one copy of the registration receipt and one copy of the title certificate, the information may be maintained in such other manner as may be approved by the department, provided such information is accessible by title certificate number and registration number.

The county treasurer may make photostatic, microfilm, or other photographic copies of certificates of title, registration receipts, or other records, reports or documents which are required to be retained by the county treasurer. When copies of records have been made, the county treasurer may destroy the original records three years after they have been issued, in such manner as prescribed by the department. When copies of records are no longer of use, they may be destroyed in a manner prescribed by the department. Records of vehicle certificates of title for vehicles that are delinquent for five or more consecutive years may be destroyed by the county treasurer. Photostatic, microfilm or other photographic copies of records shall be admissible in evidence when duly certified and authenticated by the officer having custody and control of the copies of records.

Sec. 10. Section three hundred twenty-one point thirty-four (321.34), subsections one (1), two (2), four (4), and subsection seven (7) paragraphs a and b, Code 1977, are amended to read as follows:

1. PLATES ISSUED. The county treasurer upon receiving application, accompanied by proper fee for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, truck tractor, trailer,



or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. Whenever the owner of a registered vehicle transfers or assigns ownership of such vehicle to another person the owner shall remove the registration plates from the vehicle. The owner shall either forward the plates to the county treasurer where the vehicle is registered or to the department if the vehicle is owned by a nonresident, or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by such person, providing the owner complies with section three hundred twenty-one point forty-six (321.46) of the Code.

2. GROSS WEIGHT EMBLEMS. The county treasurer shall also issue to applicants for registration of a truck or a truck tractor, not including in the lowest registration class, two emblems which ~~emblems~~ designate the gross weight for which the vehicle is registered by figures which show the gross weight in tons. Number plates and weight limitation emblems which are issued with registrations or registration increases are hereby declared to be integral parts of the registration of the vehicle for which issued. The weight limitation emblems shall be ~~applied to both sides of the vehicle, either to the doors of the cab or to the lower front corner of the box, or such other location as designated by the commissioner~~ attached to the registration plates issued for the vehicle.

4. RADIO OPERATORS PLATES. The owner of an automobile, light delivery truck, panel delivery truck, or pickup who holds an amateur radio license issued by the federal communications commission may, upon written application to the county treasurer accompanied by a fee of five dollars, order special registration plates bearing the call letters authorized the radio station covered by ~~his~~ the person's amateur radio license. When received by the county treasurer, such special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to ~~him~~ the person. Not more than one set of special registration plates may be issued to an applicant. Said fee shall be in addition to and not in lieu of the fee for regular registration plates. Special registration plates must be

surrendered upon expiration of the owner's amateur radio license ~~or upon transfer of title to the automobile for which such plates have been issued,~~ and the owner shall thereupon be entitled to his regular registration plates. ~~The county treasurer shall furnish the department an alphabetically arranged list of these to whom special plates have been issued.~~ The county treasurer shall validate special plates in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee.

7. INDIVIDUALIZED PERSONALIZED REGISTRATION PLATES.

a. Upon application and the payment of a fee of twenty-five dollars, the director may issue to the owner of a motor vehicle ~~except a motor truck, which is~~ registered in this state ~~as provided in this chapter, a set of~~ personalized registration plates marked with the initials, letters, or a combination of numerals and letters requested by the owner. Upon receipt of the personalized registration plates, the applicant shall surrender the regular registration plates to the director county treasurer. ~~Prior to transfer of title to the motor vehicle, the personalized registration plates shall be returned to the director and the owner shall be entitled to regular registration plates without additional fee.~~ The fee for a set of issuance of the personalized registration plates shall be in addition to the regular annual registration fee ~~provided under section 321.409.~~

b. The county treasurer shall validate personalized registration plates ~~shall be validated~~ in the same manner as regular registration plates are validated under this section at an annual fee of five dollars in addition to the regular annual registration fee.

Sec. 11. Section three hundred twenty-one point thirty-five (321.35), unnumbered paragraphs one (1) and (2), Code 1977, are amended by striking the paragraphs.

Sec. 12. Section three hundred twenty-one point thirty-seven (321.37), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Registration plates issued for a motor vehicle other than a motorcycle, motorized bicycle or a truck tractor shall be attached ~~thereto~~ to the motor vehicle, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered

hereunder shall be attached to the rear ~~thereof~~ of the vehicle. The registration plate issued for a truck tractor shall be attached to the front ~~thereof~~ of the truck tractor. The special plate issued to a dealer shall be attached on the rear of the vehicle when operated on the highways of this state.

Sec. 13. Section three hundred twenty-one point thirty-nine (321.39), Code 1977, is amended to read as follows:

321.39 EXPIRATION OF REGISTRATION. Every vehicle registration under this chapter and every registration card and registration plate issued hereunder except multiyear registration plates issued for trailers or semitrailers registered for a period of three years shall expire at midnight on the thirty-first day of December of each year. The provisions of this section shall not apply to any vehicle which is registered without the payment of fees as provided in section 321.19, but the registration plate or plates issued for such vehicle shall remain valid until suspended or revoked or canceled by the department, ~~or until the title or ownership of such vehicle has been transferred.~~

Sec. 14. Section three hundred twenty-one point forty-one (321.41), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. A person who has registered a vehicle in a county, other than the county designated on the vehicle registration plate, may apply to the county treasurer where the vehicle is registered for new registration plates upon payment of a fee of five dollars and the return of the former county registration plates.

Sec. 15. Section three hundred twenty-one point forty-two (321.42), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In the event any registration card or registration plate is lost, mutilated, or becomes illegible the owner shall immediately make application for and may obtain a duplicate or a substitute registration plate or a new registration plate, at the discretion of the department, upon the applicant furnishing information satisfactory to the department together with the payment of a fee of two dollars for each such plate or registration card.

Sec. 16. Section three hundred twenty-one point forty-six (321.46), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The ~~purchaser-or~~ transferee shall immediately within seven calendar days after purchase or transfer apply for and obtain from the county treasurer of ~~his~~ the person's residence a transfer of registration and a new certificate of title for such vehicle except as provided in section 321.48. The ~~purchaser-or~~ transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and the signed registration card. The ~~purchaser-or~~ ~~the~~ transferee shall ~~not~~ be required to list a ~~social-security~~ motor vehicle license number as part of the application for a registration transfer and a new title. The motor vehicle license number shall not be the social security number of the transferee unless requested by the transferee.

Sec. 17. Section three hundred twenty-one point forty-seven (321.47), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. Whenever ownership of a vehicle is transferred under the provisions of this section the registration plates shall be removed and forwarded to the county treasurer of the county where the vehicle is registered or to the department if the vehicle is owned by a nonresident. Upon transfer the vehicle shall not be operated upon the highways of this state until the person entitled to possession of the vehicle applies for and obtains registration for the vehicle.

Sec. 18. Section three hundred twenty-one point forty-eight (321.48), subsection one (1), Code 1977, is amended to read as follows:

1. When the transferee ~~or-purchaser~~ of a vehicle is a dealer who holds the same vehicle for resale and operates the same vehicle only for purposes incident to a resale and ~~displays-thereon-the-registration-plates-issued-for-such vehicle-or~~ displays his a dealer plates-thereon plate on the vehicle or does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain transfer of registration or a new certificate of title but upon transferring ~~his~~ title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title assigned to ~~him~~ the person and deliver the same to the person to whom such transfer is made. The dealer shall also sign the reverse side of the registration card for such vehicle indicating the name and address of the new purchaser.

Sec. 19. Section three hundred twenty-one point forty-nine (321.49), subsection one (1), Code 1977, is amended to read as follows:

1. If an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of ~~purchaser or~~ the transferee within five seven days of the date of assignment or transfer of title, a penalty of five dollars shall accrue against said vehicle, and no registration card or certificate of title shall thereafter be issued until penalty is paid.

Sec. 20. Section three hundred twenty-one point fifty (321.50), subsections three (3) and four (4), Code 1977, are amended to read as follows:

3. Upon receipt of the application, the certificate of title, if any, and the required fee, the county treasurer shall note such security interest, and the date thereof, on the certificate over the signature of such officer or deputy and the seal of office. The county treasurer shall also note such security interest and the date thereof in the county records system ~~and shall also notify the department~~. The county treasurer shall then mail the certificate of title to the first secured party as shown thereon.

4. When a security interest is discharged, the holder thereof shall execute a release within fifteen days after payment is received, such release to contain the certificate of title number, the date of the notation ~~thereof~~, and the name and address of the person to whom the title shall be delivered when such delivery is requested as hereinafter provided. The holder shall also note a cancellation of same on the face of the certificate of title over ~~his, her or its~~ the holder's signature, and deliver the release and certificate of title to the county treasurer where title was issued. The county treasurer shall immediately note the cancellation of said security interest on the face of the certificate of title and in the county records system ~~and shall also notify the department~~. The county treasurer shall on the same day deliver the certificate of title to the then first secured party or, if there is no such person, to the person as directed on the security interest release or, if there is no such person designated, then to the owner. Said cancellation of the security interest shall be noted on the certificate of title by the county treasurer without charge. The holder

of a security interest discharged by payment who fails to release such security interest as herein provided within fifteen days after being requested in writing to do so shall forfeit to the person making such payment the sum of twenty-five dollars. Such request shall be on the release form as prescribed by the department and shall contain a statement signed by the owner setting forth the name and address of the person to whom the title shall be delivered.

Sec. 21. Section three hundred twenty-one point fifty (321.50), subsection one (1), Code 1977, is amended to read as follows:

1. A security interest in a vehicle subject to registration under the laws of this state, except trailers whose empty weight is two thousand pounds or less, ~~and wagon-bus-trailers subject to a registration fee of five dollars or less,~~ and new or used vehicles held by a dealer or manufacturer as inventory for sale, is perfected by the delivery to the county treasurer of the county where the certificate of title was issued or, in the case of a new certificate, to the county treasurer where the certificate will be issued of an application for certificate of title which lists such security interest, or an application for notation of security interest signed by the owner, or by one owner of a vehicle, owned jointly by more than one person or a certificate of title from another jurisdiction which shows such security interest, and a fee of two dollars for each security interest shown. If the owner or secured party is in possession of the certificate of title, it must also be delivered at this time in order to perfect the security interest. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by the Uniform Commercial Code, section 554.9103. Delivery as provided in this subsection shall be deemed to be indication of a security interest on a certificate of title for purposes of chapter 554.

Sec. 22. Section three hundred twenty-one point fifty-one (321.51), subsections two (2), three (3), four (4), five (5), six (6) and seven (7), Code 1977, are amended to read as follows:

2. That the vehicle was obtained for the purpose of restoring, rebuilding or repairing and not for use upon the highway and such facts are evidenced by an affidavit signed

by ~~both-the-transferer-and~~ the transferee on a form provided by the department.

3. The transferor shall surrender the ~~registration-plates,~~ registration card and the certificate of title, or if a foreign vehicle from a nontitle state, such evidence of foreign registration and ownership as may be prescribed by the department, unless the vehicle is sold or transferred pursuant to the provisions of sections 321.89 to 321.91, for the vehicle together with the application of the transferee for a restricted certificate of title, the affidavit as provided in subsection 2 of this section and the fee for transfer to the county treasurer of the residence of the transferor who shall transmit the application of the transferee for a restricted certificate of title, the affidavit as provided in subsection 2 of this section, and the fee for transfer to the county treasurer of the county of residence of the transferee. No refund of fees previously paid for the registration of such motor vehicle shall be allowed.

4. The county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, fee therefor, and the affidavit as provided in subsection 2 of this section, and when satisfied as to the genuineness and regularity thereof, shall issue a restricted certificate of title to the applicant but shall not issue registration plates or a registration card. A restricted certificate of title shall be red in color and shall have conspicuously imprinted thereon in bold print, in a manner prescribed by the department, the words "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SECTION ~~324.98~~ three hundred twenty-one point fifty-one (321.51) of the Code." At such time as the transferee surrenders a valid approved certificate of inspection and the restricted certificate of title to the county treasurer of the county of ~~his~~ residence, the county treasurer, upon payment of the appropriate fees, shall issue a certificate of title that is not restricted for the vehicle and shall also issue a registration card and registration plates ~~for-the-vehicle~~ to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle, however, if the registration fee for the vehicle has been paid for the current year, the county

treasurer shall issue a registration card and registration plates ~~for the vehicle~~ to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle upon payment of an additional registration fee of five dollars. A vehicle with a restricted certificate of title shall not have a registration plate attached to the vehicle.

5. A motor vehicle which has a restricted certificate of title may be sold or otherwise transferred as provided in this section, except provisions pertaining to the surrender of the current registration plates and registration card shall not apply; however, such motor vehicle may be sold or otherwise transferred pursuant to section 321.48 to a dealer licensed under chapter 322 without compliance with the provisions of this section.

6. ~~No~~ A vehicle sold or otherwise transferred pursuant to the provisions of this section shall not be driven upon the highway until a valid official certificate of inspection has been affixed thereto to the vehicle and an unrestricted certificate of title, a registration card, ~~and registration plates~~ for the vehicle have been issued to the ~~purchaser or transferee, except as set out in section 321.98~~ and the transferee or purchaser has properly attached valid registration plates on the vehicle. However, upon receipt of an affidavit signed by the owner of the vehicle stating that the vehicle is reasonably safe for operation, an inspection station may issue a permit authorizing the owner to operate the vehicle to and from a specific inspection station. The affidavit and permit mentioned in this section shall be on forms prescribed and furnished by the department which shall forward these forms to each county treasurer where they shall be made available upon request, such permit shall be valid for forty-eight hours after issuance by inspection station.

7. The provisions of this section, except provisions pertaining to the surrender of a current registration plates and registration card, shall also be applicable to the insurer of any vehicle who obtains ownership of the vehicle as a result of settlement resulting from the theft of a motor vehicle which has not been recovered, provided the vehicle has been reported stolen as provided in ~~section 321.85~~ sections three hundred twenty-one point seventy-two (321.72) and three



hundred twenty-one point seventy-three (321.73) of the Code and written proof of payment to the insured, resulting from such theft, is submitted by the applicant. Proof of payment for loss due to theft shall be submitted on forms prescribed or provided by the department.

Sec. 23. Section three hundred twenty-one point fifty-two (321.52), Code 1977, is amended to read as follows:

321.52 DISMANTLED OR DESTROYED VEHICLES.

1. When a vehicle is permanently dismantled or destroyed so that it can no longer be used on the public highway or is sold by the owner, dealer or otherwise, for junk, the owner shall detach the registration plates and registration card and surrender ~~same~~ both, unless the registration plates are properly attached to another vehicle, along with the certificate of title to the county treasurer who shall cancel same on ~~his~~ the person's records and forward the certificate of title to the department. The certificate of title surrendered by the owner shall have noted thereon the purpose of cancellation and the name of the purchaser if sold for junk and such notation shall be ~~duly~~ signed by the owner. The department shall notify the title issuing county, if other than the county where title was surrendered, authorizing the treasurer to cancel and destroy all records pertaining to the particular vehicle. The department is not authorized to make a refund of license fees on a dismantled, destroyed or junked vehicle unless and until the certificate of title ~~thereto~~ has been surrendered.

2. When a vehicle is sold outside the state for purposes other than for junk the owner, dealer or otherwise, ~~thereof~~, shall detach the registration plates and registration card and shall indicate on the reverse side of such registration card the name and address of the foreign purchaser or transferee over ~~his~~ the person's signature. The owner shall surrender the registration plates and registration card to the county treasurer, unless the registration plates are properly attached to another vehicle, who shall cancel ~~his~~ the records and shall destroy the registration plates and forward the registration card to the department. The department shall make a notation on the records of the out-of-state sale, and, after a reasonable period, may destroy the files to that particular vehicle ~~except-the-motor-file~~. The department is not authorized to make a refund of license

fees on a vehicle sold out of state unless ~~and-until~~ it receives the registration card completed as ~~herein~~ provided in this section.

Sec. 24. Section three hundred twenty-one point fifty-seven (321.57), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

A dealer owning any vehicle of a type otherwise required to be registered hereunder may operate or move the same upon the highways solely for purposes of transporting, testing, demonstrating or selling the same without registering each such vehicle upon condition that any such vehicle display ~~thereon~~ in the manner prescribed in sections 321.37 and 321.38 a special plate ~~or-plates~~ issued to such owner as provided in sections 321.58 to 321.62. In addition to the foregoing, a new car dealer or a used car dealer may operate or move upon the highways any new or used car or trailer owned by him for either private or business purposes without registering the same providing, (1) such new or used car or trailer is in the dealer's inventory and is continuously offered for sale at retail, and (2) there is displayed thereon a special plate ~~or-plates~~ issued to such dealer as provided in sections 321.58 to 321.62.

Sec. 25. Section three hundred twenty-one point fifty-eight (321.58), Code 1977, is amended to read as follows:

321.58 APPLICATION. Any dealer in new or used cars may, upon payment of a fee of thirty-five dollars, make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more ~~pairs-of-special-plates-or-single~~ special plates as appropriate to various types of vehicles subject to registration ~~hereunder~~, and all other dealers or transporters may, upon the payment of a fee of twenty-five dollars, make an application to the department in a like manner for a like certificate and number and plates as appropriate to various types of vehicles subject to registration ~~hereunder~~. The applicant shall also submit proof of ~~his~~ the applicant's status as a bona fide transporter or dealer as may reasonably be required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of such vehicles authorizing such dealership.

Sec. 26. Section three hundred twenty-one point sixty (321.60), Code 1977, is amended to read as follows:

321.60 ISSUANCE OF SPECIAL PLATES. The department shall also issue special plates as applied for, which shall have displayed ~~thereon an identification of the type of vehicle and if a car, whether it is a new or used car and~~ the general distinguishing number assigned to the applicant. Each plate ~~or pair of plates~~ so issued shall also contain a number or symbol identifying the same from every other plate ~~or pair of plates~~ bearing the same general distinguishing number. The fee for each special plate ~~or pair of special plates for new car and used car plates~~ shall be ten dollars. ~~For all other special plates the fee for each special plate or pair of special plates shall be three dollars.~~

Special plates may be validated in the same manner as regular registration plates under this chapter at an annual fee of ten dollars.

Sec. 27. Section three hundred twenty-one point one hundred four (321.104), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. For a dealer to sell or transfer a mobile home without delivering to the purchaser or transferee a certificate of title, a manufacturer's or importer's certificate properly assigned to the purchaser, or to transfer a mobile home without disclosing to the purchaser the owner of the mobile home in a manner prescribed by the department pursuant to rules.

Sec. 28. Section three hundred twenty-one point one hundred five (321.105), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

An annual registration fee shall be paid for each ~~motor~~ vehicle ~~or trailer~~ operated upon the public highways of this state unless ~~said~~ the vehicle is specifically exempted under the provisions of this chapter. If a vehicle, which has been registered for the year, is transferred during the registration year, the transferee shall re-register the vehicle as provided in section three hundred twenty-one point forty-six (321.46) of the Code, without payment of an additional annual registration fee.

Sec. 29. Section three hundred twenty-one point one hundred twenty-one (321.121), Code 1977, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE. The registration fee for a special truck shall be one hundred dollars for a

gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons. Any person convicted of using a truck registered as a special truck for any purpose other than permitted by section 321.1, subsection 72, shall, in addition to any other penalty imposed by law, be required to pay regular motor truck registration fees upon such truck. ~~A distinctive decal shall be applied to the special truck registration plate for easy identification.~~

Sec. 30. Section three hundred twenty-one point one hundred twenty-six (321.126), subsection one (1), Code 1977, is amended to read as follows:

321.126 REFUNDS OF FEES.

1. If the motor vehicle is destroyed by fire or accident, or junked and its identity as a motor vehicle entirely eliminated, or removed and continuously used beyond the boundaries of this state, the owner in whose name the motor vehicle was registered at the time of such destruction, dismantling or removal from the state shall return the plates to the county treasurer or the department, unless the registration plates are retained and properly attached to another motor vehicle, and within thirty days thereafter make affidavit of such destruction, dismantling, or removal and make claim for refund. With reference to the destruction or dismantling of a vehicle, the affidavit shall be accompanied by the certificate of title, if titled in Iowa, as provided in section 321.52. With reference to the removal of a vehicle from this state as provided herein, the affidavit shall contain a statement indicating the foreign registration number of such vehicle, the name and address of the official of the foreign state to whom the Iowa certificate of title, if any, has been surrendered, and the number of the foreign certificate of title issued for such vehicle if registered in a title law state.

Sec. 31. Section three hundred twenty-one point one hundred twenty-seven (321.127), Code 1977, is amended to read as follows:

321.127 AMOUNT OF REFUND. For December and each succeeding month the refund for motor vehicles shall be computed on the basis of one-fourth of the annual registration fee multiplied by the number of remaining quarters of the year from date of the return of the vehicles plates to filing of the claim for refund with the county treasurer, computed to the nearest

quarter dollar. The department, unless reasonable grounds exist for delay, shall make refund on or before the fifteenth day of the quarter following the quarter in which the claim is filed with the department. For trailers or semitrailers issued a multiyear registration plate a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete calendar years.

Sec. 32. Section three hundred twenty-one point one hundred thirty-four (321.134), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

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

Sec. 33. Section three hundred twenty-one point one hundred fifty-two (321.152), Code 1977, is amended to read as follows:

321.152 FEE FOR COUNTY. Each county treasurer shall be allowed to retain for deposit in the county general fund, ~~seventy-five cents~~ two point six percent (2.6%) of the total collection for each annual or semiannual vehicle registration and each duplicate registration card or plate issued; sixty-five percent (65%) of all fees collected for certificates of title and certified copies of certificates of title; and one hundred percent (100%) of all fees collected for notation of security interests ~~notations-of-lien-or-encumbrance-and~~

~~certified-copy-of-a-certificate-of-title~~. The monies retained shall be deducted, and reported to the department, when the county treasurer transfers the money collected under the provisions of this chapter; provided, however, that no such deduction shall be lawful unless the county treasurer has complied with the provisions of sections 321.24 and 321.153.

Sec. 34. Section three hundred twenty-one point one hundred sixty-six (321.166), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.166 VEHICLE PLATE SPECIFICATIONS. Vehicle registration plates shall conform to the following specifications: \_

1. Registration plates shall be of metal and of a size not to exceed six inches by twelve inches, except that the size of plates issued for use on motorized bicycles and motorcycles shall be established by the department.

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county except plates issued for motor trucks, truck tractors, motorcycles, motorized bicycles, travel trailers, mobile homes, semitrailers and trailers. The year of expiration or the date of expiration shall be displayed on vehicle registration plates, except plates issued under the provisions of section three hundred twenty-one point nineteen (321.19) of the Code. Registration plates issued for motor trucks and truck tractors shall be designed in such a manner that the gross weight for which the vehicle is registered may be displayed on the plate. Special truck registration plates shall display the word "special".

3. The registration plate number shall be displayed in characters which shall not exceed a height of four inches nor a stroke width exceeding five-eighths of an inch. Special plates issued to dealers shall display the alphabetical character "D", which shall be of the same size of the characters in the registration plate. The registration plate number issued for motorized bicycles and motorcycles shall be a size prescribed by the department.

4. The registration plate number, except on motorized bicycle and motorcycle registration plates, shall be of sufficient size to be readable from a distance of one hundred feet during daylight.

5. There shall be a marked contrast between the color of the registration plates and the data which is required to be displayed on the registration plates. When a new series of registration plates is issued to replace a current series, the new registration plates shall be of a distinctively different color from the series which is replaced.

Sec. 35. Section three hundred twenty-one point one hundred seventy-six (321.176), subsection four (4), Code 1977, is amended to read as follows:

4. A nonresident who is at least eighteen years of age and who has in ~~his~~ immediate possession a valid chauffeur's license issued to ~~him-in-his~~ the person in the person's home state or country may operate a motor vehicle in this state either as an operator or chauffeur ~~except-any-such-person must-be-licensed-as-a-chauffeur-hereunder-before-accepting employment-as-a-chauffeur-from-a-resident-of-this-state.~~

Sec. 36. Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1977, is amended to read as follows:

1. ~~To any person, as an operator, who is under the age of sixteen years, provided that, effective August 17, 1966, the department shall not issue a license to any person, as an operator, who is under the age of seventeen years and effective August 17, 1967, the department shall not issue a license to any person, as an operator, who is under~~ the age of eighteen years, without his or her first having successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years. However, the department may issue a restricted license as provided in section 321.194, or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. The department may issue a license restricted only for use for motorized bicycles as provided in section 321.189, subsection 2, to any person fourteen years of age or older who has successfully completed ~~an-approved-driver's-education course-established-by-the-department-of-public-instruction to-acquaint-the-motorized-bicycle-operator-with~~ a written examination on the rules of the road and a vision test.

Sec. 37. Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection one (1), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

"Student," for purposes of this section, means any person between the ages of fifteen years and twenty-one years who

resides in the public school district and who satisfies the preliminary licensing requirements of the department ~~or any person between fourteen and twenty-one years of age who resides in the public school district, who satisfies the preliminary licensing requirements of the department for operation of a motorized bicycle and who is enrolled in an approved driver education course for the purpose of qualifying for a motorized bicycle license as provided for in section 324.189, subsection 2.~~

Sec. 38. Section three hundred twenty-one point one hundred seventy-eight (321.178), subsection two (2), Code 1977, is amended to read as follows:

2. ~~YOUTHS NOT ATTENDING SCHOOL--NO DRIVER'S TRAINING DRIVER EDUCATION REQUIRED.~~

a. Any person ~~under the age of~~ between sixteen and eighteen years of age who is not attending in attendance at school or in a public or private school in which where an approved driver's education course is offered or available, ~~shall not be required to complete~~ may be issued a one-year probationary operator's license without having completed an approved driver's education course ~~prior to being entitled to receive a one-year probationary operator's license from the department.~~ Any person who re-enters any private or public school prior to age eighteen shall be required to attend an approved driver's education course. Such person shall not have a probationary operator's license revoked or suspended upon reentering school prior to age eighteen provided the student enrolls in and completes the classroom portion of an approved driver's education course as soon as a course is available.

b. The department shall cancel a probationary operator's license upon proof of a conviction for a moving traffic violation.

Sec. 39. Section three hundred twenty-one point one hundred seventy-eight (321.178), Code 1977, is amended by striking subsection three (3).

Sec. 40. Section three hundred twenty-one point one hundred eighty (321.180), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. A person, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's instruction permit valid for the operation of a motor vehicle requiring a chauffeur's license when the



permittee is accompanied by a person, possessing a valid chauffeur's license, properly licensed to drive the motor vehicle and actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise qualified to obtain a valid chauffeur's license and must meet the requirements of section three hundred twenty-one point one hundred eighty-six (321.186) of the Code other than a driving demonstration. The chauffeur's instruction permit shall be valid for a period not to exceed two years and shall be returned to the department upon receipt of a valid chauffeur's license. Issuance of a chauffeur's instruction permit shall not require the surrender of a valid operator's license.

Sec. 41. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection one (1), Code 1977, is amended to read as follows:

1. MOTOR VEHICLE LICENSE. ~~The~~ Upon the payment of the required fee, the department shall ~~upon payment of the required fee,~~ issue to every qualifying applicant ~~qualifying therefor~~ an operator's license, motorized bicycle license, or chauffeur's license, as applied for, ~~which~~. Appearing on this license shall ~~bear thereon~~ be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, occupation, sex, residence address; a colored photograph; and a brief description of the licensee; and the usual signature of the licensee. If prior to the renewal date, a person desires to obtain an operator's or chauffeur's license in the form authorized by this section ~~prior to the person's renewal date~~, such license may be issued as a voluntary replacement upon payment of the required fee. The number of places where licenses are available shall not be reduced because of procedures or equipment required in placing colored photographs on licenses or permits. The department shall provide a space on every license where the licensee may affix a decal or sticker indicating that the licensee is a donor under the Uniform Anatomical Gift Act and shall provide a space ~~shall be provided~~ where the licensee may affix a symbol indicating the presence of a medical condition. The license may contain such other information as the department may by rule require. No license shall be valid unless it bears the usual signature of the licensee. ~~The distinguishing number assigned to a licensee shall not be~~

~~the licensee's social security number~~ The department shall advise an applicant that he or she may request a number other than a social security number as the motor vehicle license number. The department shall not retain a positive or negative photograph of the licensee. The licensee may affix a decal or sticker on the license in the space provided which indicates that the licensee is a donor under the Uniform Anatomical Gift Act. The decal shall not be larger than one-half inch in diameter. The use of the decal or sticker on the license shall be authorized only if the licensee has complied with the provisions for making a gift under the Uniform Anatomical Gift Act and shall be effective only if the licensee carries on or about the licensee's person a duly signed and executed donor card as authorized by the Uniform Anatomical Gift Act.

Sec. 42. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraphs a and e, Code 1977, are amended to read as follows:

a. The department may issue a motorized bicycle license to any person fourteen years of age or older who has passed ~~the approved driver education course required for applicants for such license~~ a vision test and a written examination on the rules of the road. A motorized bicycle license shall entitle the licensee to operate a motorized bicycle while having the license in immediate possession on the highways of the state for a period of two years.

e. A motorized bicycle license shall terminate upon issuance to the licensee of an operator's or chauffeur's license ~~valid for operation of motorcycles.~~ A valid motorized bicycle license shall be returned to the department prior to issuance of an operator's or chauffeur's license ~~valid for operation of motorcycles.~~

Sec. 43. Section three hundred twenty-one point one hundred ninety-one (321.191), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

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

Sec. 44. Section three hundred twenty-one point one hundred ninety-six (321.196), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Prior to July 1, 1975, the director shall issue, under rules formulated by ~~him~~ the director, operators' licenses valid for two or four years. Each operator's license issued after July 1, ~~1975~~ 1977, shall expire four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ~~age-of-twenty-one~~ ages of eighteen and sixty-five years on the date of issuance of the license, otherwise for a period of two years but shall be renewable without written examination or penalty within a period of thirty days after such birthday anniversary and such person shall not be considered to be driving with an invalid license during such period before renewal, however for any license renewed within such thirty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February ~~29~~ twenty-ninth shall be deemed to occur on March ~~4~~ first. All applications for renewal of operators' licenses shall be made under the direct supervision of a uniformed member of the department and shall be approved by such uniformed member. The director may, ~~in his discretion~~, authorize the renewal of a valid license upon application without an examination provided that, a person holding such license has not more than three convictions of moving traffic violations during the previous two years and, provided that such person satisfactorily passes a vision test as prescribed by the department.

Sec. 45. Section three hundred twenty-one point one hundred ninety-seven (321.197), Code 1977, is amended to read as follows:

321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every chauffeur's license issued hereunder shall expire every two or four years at the option of the applicant ~~thirty-days-after~~ on the licensee's birthday anniversary. A chauffeur's license may be renewed within thirty days after the applicant's license expiration date without written examination or penalty. A person shall not be considered to be driving with an invalid

license during a period of thirty days following the license expiration date. However, if the licensee is sixty-five years of age or older on the date of issuance of the license, such license shall be issued to be valid for two years. Persons whose birthdays occur on February ~~29~~ twenty-ninth shall be deemed to occur on March ~~4~~ first, for the purpose of this section. The department in its discretion may waive the examination of any such applicant previously licensed as a chauffeur under this chapter, provided that such person satisfactorily passes a vision test as prescribed by the department. All applications for the renewal of a chauffeur's license shall be made under the direct supervision of a uniformed member of the department and shall be approved by such uniformed member.

Sec. 46. Section three hundred twenty-one point two hundred sixteen (321.216), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. To obtain, possess or have in one's control or on one's premises blank motor vehicle license forms.

Sec. 47. Section three hundred twenty-one point three hundred forty-two (321.342), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department, city, or county shall be required to post the standard sign as prescribed by the manual on uniform traffic control devices adopted by the department pursuant to section three hundred twenty-one point two hundred fifty-two (321.252) of the Code in advance of each railroad grade crossing to warn the motorist that he or she is approaching a railroad grade crossing. Upon properly posting all railroad grade crossings within its jurisdiction and upon implementing the standards established in accordance with section three hundred seven point twenty-six (307.26) of the Code, the department, city, or county shall not have any other affirmative duty to warn a motor vehicle operator approaching or at the railroad grade crossing.

Sec. 48. Section three hundred twenty-one point three hundred fifty-four (321.354), Code 1977, is amended to read as follows:

321.354 STOPPING ON TRAVELED WAY. Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part

of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway, but in every event a clear and unobstructed width of at least twenty feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of two hundred feet in each direction upon such highway; provided, however, school buses may stop on highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section shall not apply to a vehicle making a turn as provided in section three hundred twenty-one point three hundred eleven (321.311) of the Code.

Sec. 49. Section three hundred twenty-one point four hundred forty-seven (321.447), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

No A person shall not operate any motor truck or truck tractor, except a motor vehicle with a combined gross weight of four tons or less upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number, not less than three, of flares, red reflector electric lanterns, red reflectors, reflective triangles or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred feet for a period of at least eight hours, except that a motor vehicle transporting flammables shall carry red reflectors, red reflector electric lanterns or reflective triangles in place of the other signals above mentioned, and during daylight hours every truck, except a motor vehicle with a combined gross weight of four tons or less, shall carry a sufficient number of red flags, not less than three, unless equipped with three reflective triangles.

Sec. 50. Section three hundred twenty-one point four hundred fifty-four (321.454), Code 1977, is amended to read as follows:

321.454 WIDTH OF VEHICLES. The total outside width of any vehicle or the load thereon shall not exceed eight feet except that a bus having a total outside width not exceeding eight feet six inches, exclusive of safety equipment, shall

be exempt from the permit requirements of chapter three hundred twenty-one E (321E) of the Code and may be operated on the public highways of the state. However, if hay, straw or stover moved on any implement of husbandry and the total width of load of the implement of husbandry exceeds eight feet in width, the implement of husbandry shall not be subject to the permit requirements of chapter 321E. If hay, straw or stover is moved on any other vehicle subject to registration, such moves shall be subject to the permit requirements for transporting loads exceeding eight feet in width as required under chapter 321E.

Sec. 51. Section three hundred twenty-one point four hundred fifty-seven (321.457), subsections one (1) and two (2), Code 1977, are amended to read as follows:

1. No single truck, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of ~~thirty-five~~ forty feet.

2. No single bus, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty feet, ~~provided that a bus in excess of thirty-five feet in overall length shall not have less than three axes.~~

Sec. 52. Section three hundred twenty-one point four hundred sixty (321.460), Code 1977, is amended to read as follows:

321.460 SPILLING LOADS ON HIGHWAYS. ~~No~~ A vehicle shall not be driven or moved on any highway by any person unless such vehicle is so constructed or loaded or the load securely covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping ~~therefrom~~ or its load covering from dropping from the vehicle, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. The provisions of this section shall not apply to vehicles loaded with hay or stover or the products listed in section three hundred twenty-one point four hundred sixty-six (321.466), unnumbered paragraphs six (6) and seven (7) of the Code.

Sec. 53. Section three hundred twenty-one point four hundred seventy-three (321.473), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may issue annual special permits for the operation of compacted rubbish vehicles

and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area exceeding the weight limitation of section three hundred twenty-one point four hundred sixty-three (321.463) of the Code, but not exceeding a rear axle gross weight for two axle vehicles of twenty-two thousand pounds for the period commencing July 1, 1978 and ending June 30, 1983 and twenty thousand pounds commencing July 1, 1983 and thereafter, and for tandem axle vehicles or transferable auxiliary axle vehicles not exceeding a gross weight on the rear axles of thirty-six thousand pounds. Annual special permits for the operation on secondary roads shall be approved by the county engineer. Annual special permits for a particular vehicle shall not be issued by the department unless prior approval is given by the county engineer of the county in which the vehicle will be operated. Annual special permits for operation on primary roads shall be approved by the state department of transportation. Compacted rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area operated pursuant to an annual special permit shall be operated only over routes designated by the local authority. Annual special permits for a particular vehicle shall not be issued by the department unless approved by the local authority responsible for the roads over which the vehicle will be operated. Annual special permits approved by the issuing authority shall be issued upon payment of an annual fee, in addition to other registration fees imposed, of one hundred dollars to be paid to the department for all nongovernmental vehicles.

Sec. 54. Chapter three hundred twenty-one E (321E), Code 1977, is amended by adding the following new sections:

NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS. Vehicles or a combination of vehicles with divisible loads may be moved on the highways of this state pursuant to a special permit issued for special or emergency situations by the department or local authorities subject to the discretion and judgment provided for in section three hundred twenty-one E point one (321E.1) of the Code. The combined gross weight or gross weight on any one axle or group of axles may exceed the limits established in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code, subject to the limits and routes established by the issuing authority.

NEW SECTION. A copy of the permits issued by the state or county to move mobile homes shall be sent to the county treasurer of the county of final destination by the permit issuing officer. A one dollar fee shall be added to the permit charge to cover the costs of this service.

Sec. 55. Section three hundred twenty-one E point one (321E.1), Code 1977, is amended to read as follows:

321E.1 PERMITS BY DEPARTMENT. The department and local authorities may in their discretion and upon application and with good cause being shown therefor issue permits for the movement of construction machinery being temporarily moved on streets, roads or highways and for vehicles with indivisible loads carried thereon which exceed the maximum dimensions and weights specified in sections 321.452 to 321.466, but not to exceed the limitations imposed in sections 321E.1 to 321E.15 except as provided in section fifty-four (54) of this Act. Permits so issued may be single-trip permits or annual permits. All permits shall be in writing and shall be carried in the cab of the vehicle for which the permit has been issued and shall be available for inspection at all times. The vehicle and load for which the permit has been issued shall be open to inspection by any peace officer or to any authorized agent of any permit granting authority. When in the judgment of the issuing local authority in cities and counties the movement of a vehicle with an indivisible load or construction machinery which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees, or other public or private property, the permit shall be denied and the reasons therefor endorsed upon the application. Permits issued by local authorities shall designate the days when and routes upon which loads and construction machinery may be moved within the county on other than primary roads.

Sec. 56. Section three hundred twenty-two point two (322.2), subsection four (4), Code 1977, is amended to read as follows:

4. "At retail" means to dispose of a motor vehicle to a person who may will devote it to a consumer use.

Sec. 57. Section three hundred twenty-five point one (325.1), Code 1977, is amended by adding the following new subsections:



NEW SUBSECTION. The term "carpool" means transportation of a group of at least two riders in a vehicle having a seating capacity for not more than eight passengers between a rider's or the owner-operator's residence or other designated location and a rider's or the owner-operator's place of employment or other common destination of the group, when the vehicle is driven by one of the members of the group.

NEW SUBSECTION. The term "vanpool" means transportation of a group of riders in a vehicle having a seating capacity for not less than eight passengers and not more than fifteen passengers between a rider's or the owner-operator's residence or other designated location and a rider's or the owner-operator's place of employment or other common destination of the group, when the vehicle is driven by one of the members of the group.

Sec. 58. Section three hundred twenty-five point six (325.6), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

It is hereby declared unlawful for any motor carrier, except a person operating a motor vehicle in a carpool or vanpool, to transport over a regular route or between fixed termini any person or property, for compensation, from any point or place in the state of Iowa to another point or place in said state irrespective of the route, highway or highways traversed, including the crossing of any state line of the state of Iowa, or the ticket or bill of lading issued and used for such transportation, without first having obtained from the board a certificate declaring that public convenience and necessity require such operation. No carrier of passengers shall operate as a charter carrier in this state unless already possessed of a certificate of convenience and necessity as a common carrier of passengers and operating in this state as such common carrier or possesses a certificate of convenience and necessity to engage in the business of a charter carrier.

Sec. 59. Section three hundred twenty-five point twenty-five (325.25), Code 1977, is amended to read as follows:

325.25 TRANSFER OF CERTIFICATE. No certificate of convenience and necessity shall be sold, transferred, leased, or assigned until the motor carrier shall have operated thereunder for at least ninety days continuous service, nor shall any contract or agreement with reference to or affect-

ing any such certificate be made except with the written approval of the board. Nor shall any person be permitted to take over any such certificate unless ~~he or it shall possess all the qualifications of and meet all the requirements and assume all the obligations imposed upon an original applicant~~ the board determines that such person is fit, willing and able to perform the operations authorized by the certificate and that such transfer is consistent with the public interest.

Sec. 60. Section three hundred twenty-six point thirteen (326.13), Code 1977, is amended to read as follows:

326.13 INFORMATION UNDER OATH. The department shall require fleet owners to submit under oath any information deemed necessary to carry out the provisions of this chapter. Information furnished under this chapter shall be forwarded to the director of the department by each fleet owner no later than ~~November 1 preceding each~~ January first of the current registration year.

Sec. 61. Section three hundred twenty-seven A point two (327A.2), Code 1977, is amended by adding the following new paragraph:

NEW PARAGRAPH. The board may allow the provision of temporary service for which there is an immediate and urgent need to point or points requested by the application for a certificate of public convenience and necessity upon consideration by the board and a finding that the point or points do not have liquid bulk carrier service capable of meeting such need or that a carrier is not currently serving those points. Upon meeting the requirements of this chapter and the rules of the board, such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the board shall specify but not to exceed one hundred twenty days. Granting temporary authority shall not create a presumption that the corresponding application will subsequently be granted.

Sec. 62. Section three hundred twenty-seven G point thirty-two (327G.32), Code 1977, is amended to read as follows:

327G.32 BLOCKING HIGHWAY CROSSING. A railroad corporation or its employees shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of ten minutes except:

1. When necessary to comply with signals affecting the safety of the movement of trains.

2. When necessary to avoid striking any object or person on the track.

3. When the train is disabled.

~~4. When the train is in motion except while engaged in switching operations.~~

~~5. When there is no vehicular traffic waiting to use the crossing.~~

6. 4. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.

Any officer or employee of a railroad corporation violating any provision of this section shall, upon conviction be subject to the penalty provided in section 327G.14. An employee shall not be guilty of such violation if his action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Such guilt shall then be with the railroad corporation.

The provisions of this section notwithstanding, a political subdivision may pass a resolution or ordinance regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates such a resolution or ordinance is necessary for public safety or convenience. If such a resolution or ordinance is passed the political subdivision shall immediately within thirty days of the effective date of the resolution or ordinance notify the board and the railroad corporation using the crossing affected by the resolution or ordinance. The resolution or ordinance shall not become effective unless the board and the railroad corporation are notified within thirty days. The resolution or ordinance shall become effective thirty days after such notification unless a person files an objection to the resolution or ordinance with the board. If an objection is filed the board shall hold a hearing according to the rules established by the board. The board may disapprove the resolution or ordinance if public safety or convenience does not require such a resolution or ordinance. The resolution approved by the political subdivision shall be prima facie evidence that the resolution is adopted to preserve public safety or convenience.

The board when considering rebuttal evidence shall weigh the benefits accruing to the political subdivision as it bears to the general public use compared to the burden placed on

the railroad operation. Public safety or convenience may include, but shall not be limited to, high traffic density at a specific crossing of a main artery or interference with the flow of authorized emergency vehicles.

Political subdivisions shall notify the board within sixty days of the effective date of this Act, of each existing resolution or ordinance which does not conform with the provisions of this section. Political subdivisions not notifying the board of an existing resolution or ordinance during the calendar year beginning January 1, 1976 shall have an additional sixty days after the effective date of this Act to notify the board. Failure to do so shall render the resolution or ordinance void.

Such ordinances or resolutions may remain in effect until the board has acted upon each ordinance or resolution under the procedures specified in this section.

Sec. 63. Section three hundred twenty-one point seventy-five (321.75), Code 1977, is repealed effective July 1, 1977.

Sec. 64. Sections three hundred twenty-one point twenty-six (321.26), three hundred twenty-one point twenty-seven (321.27), three hundred twenty-one point thirty-four (321.34), subsection five (5), three hundred twenty-one point thirty-six (321.36), three hundred twenty-one point one hundred twenty-six (321.126), subsection two (2), and three hundred twenty-one point one hundred eighty-eight (321.188), Code 1977, are repealed.

Sec. 65. Sections one hundred thirty-five D point twenty-six (135D.26), subsection two (2), three hundred twenty-one point twenty-five (321.25), three hundred twenty-one point twenty-six (321.26), three hundred twenty-one point twenty-seven (321.27), three hundred twenty-one point thirty-four (321.34), subsections one (1), two (2), four (4), and five (5), three hundred twenty-one point thirty-five (321.35), three hundred twenty-one point thirty-six (321.36), three hundred twenty-one point thirty-nine (321.39), three hundred twenty-one point forty-seven (321.47), three hundred twenty-one point forty-eight (321.48), subsection one (1), three hundred twenty-one point fifty-one (321.51), subsections three (3), four (4), five (5), six (6) and seven (7), three hundred twenty-one point fifty-two (321.52), three hundred twenty-one point fifty-seven (321.57), three hundred twenty-one point fifty-eight (321.58), three hundred twenty-one point sixty

(321.60), three hundred twenty-one point one hundred five (321.105), unnumbered paragraph one (1), three hundred twenty-one point one hundred twenty-one (321.121), three hundred twenty-one point one hundred twenty-six (321.126), subsections one (1) and two (2), three hundred twenty-one point one hundred twenty-seven (321.127), three hundred twenty-one point one hundred sixty-six (321.166), and three hundred twenty-one point one hundred eighty-eight (321.188) of the Code as amended or repealed by this Act shall be effective December 1, 1978 for the calendar year beginning January 1, 1979.

Approved June 30, 1977

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#### CHAPTER 104 TRAILER REGISTRATION FEES

S. F. 334

AN ACT relating to registration fees for motor trucks, truck tractors, road tractors, trailers and semitrailers, providing for an increase for special mobile equipment registration fees to five dollars, eliminating proration of trailer fees, providing for an additional registration fee for combinations of vehicles exceeding nineteen tons and not exceeding twenty-four tons and those exceeding twenty-four tons, providing a ten dollar registration fee for semitrailers, and a four or ten dollar registration fee for other trailers depending upon gross weight and striking certain subsections and making technical changes.

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

Section 1. Section three hundred twenty-one point one (321.1), subsection seventeen (17), Code 1977, is amended to read as follows:

17. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including trailers and bulk spreaders which are not self-propelled having a gross weight of not more than ~~six~~ twelve tons used for the transportation of fertilizers and chemicals used for farm crop production, and other equipment used primarily for the application of fertilizers and chemicals in farm fields or for farm storage, but not including trucks mounted with applicators of such products, road construction or maintenance machinery and ditch-digging apparatus. The foregoing enumeration shall be deemed partial