

Sec. 10. Sections two (2) and three (3) of this Act are effective September 1, 1979.

Sec. 11. Sections one (1), four (4) through seven (7), and nine (9) of this Act are effective January 1, 1978.

Approved June 26, 1978

CHAPTER 1113

MOTOR VEHICLE PROVISIONS

S. F. 2187

AN ACT relating to transportation providing for licensing authorized vehicle recyclers, modification of temporary drivers permit provisions, the issuance of restricted certificate of title, junking certificate and salvage certificate of title, the inspections of vehicles and component parts, requirements for perfecting state liens on motor vehicles, elimination of the listing of "occupation" on motor vehicle licenses, the prohibition of eluding or attempting to elude a marked police vehicle, appropriations for notice of suspensions and revocations, the elimination of inspection requirements for pollution control equipment and for vehicles for which the certificate of title must be surrendered, definitions for illuminated signals on official traffic control signals and the duties for stopping before yield signs, stop signs and railroad crossings, the reporting of property damage accidents, the placement of stop signs on highways, the promulgation of motor vehicle noise and exhaust requirements, the prohibitions of removing certain motor vehicle identification numbers, elimination of certain financial responsibility requirements, the movement of oversized loads of hay, straw or stover, a ten dollar fee for car lots, providing for penalties and repeal of certain sections.

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

Section 1. The Code editor, in codifying the provisions of this Act, is directed to codify sections two (2) through eight (8) of this Act as a new chapter.

Sec. 2. NEW SECTION. ADMINISTRATION. The administration of this chapter shall be vested in the director of the state department of transportation. The department may employ such employees as are necessary for the administration of this chapter, within applicable budget limitations.

Sec. 3. NEW SECTION. DEFINITIONS. As used in this chapter and unless a different meaning appears from the context:

1. "Person" includes any individual, firm, corporation, copartnership, joint adventure, or association, and the plural

as well as the singular number.

2. "Department" means the state department of transportation.

3. "Selling" includes bartering, exchanging, or otherwise dealing in.

4. "Vehicle" means any vehicle as defined in chapter three hundred twenty-one (321) of the Code.

5. "Vehicle rebuilder" means a person engaged in the business of rebuilding or restoring to operating condition vehicles subject to registration under chapter three hundred twenty-one (321) of the Code, which have been damaged or wrecked.

6. "Used vehicle parts dealer" means a person engaged in the business of selling bodies, parts of bodies, frames or component parts of used vehicles subject to registration under chapter three hundred twenty-one (321) of the Code.

7. "Vehicle salvager" means a person engaged in the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under chapter three hundred twenty-one (321) of the Code.

8. "Authorized vehicle recycler" means a person licensed to operate as a vehicle rebuilder, used vehicle parts dealer or vehicle salvager.

9. "Wrecked or salvage vehicle" means a damaged vehicle for which the cost of repair exceeds fifty percent of the fair market value of the vehicle before it became damaged.

10. "Extension" means a place of business of an authorized vehicle recycler other than the principal place of business within the county of the principal place of business.

Sec. 4. NEW SECTION. PROHIBITIONS. Except for educational institutions, people licensed as new or used vehicle dealers under chapter three hundred twenty-two (322) of the Code, people engaged in a hobby not for profit, people engaged in the business of purchasing bodies, parts of bodies, frames or component parts of vehicles only for sale as scrap metal or a person licensed under the provisions of this chapter as an authorized vehicle recycler, a person in this state shall not engage in the business of:

1. Selling used bodies, parts of bodies, frames or component parts of more than six used vehicles subject to registration under chapter three hundred twenty-one (321) of the Code in a calendar year; or

2. Wrecking or dismantling in a calendar year more than six vehicles or the parts of more than six vehicles subject to registration under chapter three hundred twenty-one (321) of the Code for resale; or

3. Rebuilding or restoring for sale six or more wrecked or salvage vehicles subject to registration under chapter three hundred twenty-one (321) of the Code in a calendar year; or

4. Storing vehicles not currently registered or storing damaged vehicles except where such storing of damaged vehicles is incidental to the primary purpose of the repair of motor vehicles for others, scrapping, disposing, salvaging or recycling more than six vehicles or parts of more than six vehicles subject to registration under chapter three hundred twenty-one (321) of the Code in a calendar year.

Sec. 5. NEW SECTION. LICENSE APPLICATION AND FEES.

1. Upon application and payment of a thirty-five dollar fee, a person may apply for a license to operate as an authorized vehicle recycler to engage in the business as one or more of the following:

- a. A vehicle rebuilder; or
- b. A used vehicle parts dealer; or
- c. A vehicle salvager.

2. Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by the fee. The license shall be approved or disapproved within thirty days after application for the license. Each license shall expire, unless revoked or suspended by the department, on December thirty-first of the calendar year for which the license was granted. A separate license shall be obtained for each county in which an applicant conducts operations.

3. Each licensee shall file with the department a supplemental statement form when the licensee's principal place of business, an extension or the operation of business in the county is changed to differ from the information contained on the initial license application form within fifteen days after each operational change. The department shall notify each licensee of the approval of a change in license status. If a change in license status is approved by the department the licensee shall surrender the old license to the department together with a thirty-five dollar fee. The department shall issue a new license modified to reflect the principal place of business, each extension and the

operations of the licensee.

Sec. 6. NEW SECTION. DISPLAY OF LICENSE. A license issued under the provisions of this chapter shall specify the location of the principal place of business, each extension within the county of the principal place of business and the license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modifications.

Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The license of a person issued under the provisions of this chapter may be denied, revoked or suspended if the department finds that the licensee has:

1. Violated any provisions of this chapter; or
2. Made any material misrepresentation to the department in connection with an application for a license, junking certificate, salvage certificate, certificate of title or registration of a vehicle; or
3. Been convicted of a fraudulent practice in connection with selling or offering for sale vehicles or parts of vehicles subject to registration under chapter three hundred twenty-one (321) of the Code; or
4. Failed to maintain an established principal place of business in the county without notification to the department; or
5. Had a license issued under the provisions of this chapter denied, suspended or revoked within the previous three years; or
6. Been convicted of violation of any of sections three hundred twenty-one point fifty-two (321.52), three hundred twenty-one point seventy-one (321.71), three hundred twenty-one point seventy-eight (321.78), three hundred twenty-one point ninety-two (321.92), three hundred twenty-one point ninety-seven (321.97), three hundred twenty-one point ninety-eight (321.98), three hundred twenty-one point ninety-nine (321.99), three hundred twenty-one point one hundred (321.100), or seven hundred thirteen point twenty-four (713.24) of the Code.

Sec. 8. NEW SECTION. FEES. All fees of whatever character accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and shall be credited to the road use tax fund.

Sec. 9. Section three hundred twenty-one point one (321.1),

Code 1977 Supplement, is amended by adding the following new subsections:

NEW SUBSECTION. "Vehicle rebuilder" means a person engaged in the business of rebuilding or restoring to operating condition vehicles subject to registration under chapter three hundred twenty-one (321) of the Code, which have been damaged or wrecked.

NEW SUBSECTION. "Used vehicle parts dealer" means a person engaged in the business of selling bodies, parts of bodies, frames or component parts of used vehicles subject to registration under chapter three hundred twenty-one (321) of the Code.

NEW SUBSECTION. "Vehicle salvager" means a person engaged in the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under chapter three hundred twenty-one (321) of the Code.

Sec. 10. Section three hundred twenty-one point thirty (321.30), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The treasurer shall also refuse registration of any vehicle if the applicant for registration of such vehicle has failed to pay the required registration fees of any vehicle owned or previously owned when the registration fee was required to be paid by the applicant and for which vehicle the registration was suspended or revoked under the provisions of section three hundred twenty-one point one hundred one (321.101), subsection four (4), of the Code, until such fees are paid together with any accrued penalties.

Sec. 11. Section three hundred twenty-one point forty-nine (321.49), subsection one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section nineteen (19), is amended to read as follows:

1. ¶ Except as provided in section three hundred twenty-one point fifty-two (321.52) of the Code, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within 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. 12. Section three hundred twenty-one point fifty-one (321.51), subsection four (4), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-two (22) is amended to read as follows:

4. The Except as provided in section three hundred twenty-one point fifty-two (321.52) of the Code, the county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, the appropriate fee therefor, and the affidavit as provided in subsection 2 of this section, and when satisfied as to the genuineness and regularity thereof of the application, 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 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 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 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 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.

Sec. 13. Section three hundred twenty-one point fifty-one (321.51), subsection seven (7), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-two (22), is amended by striking the subsection.

Sec. 14. Section three hundred twenty-one point fifty-two (321.52), subsection one (1), Code 1977, as amended by

Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-three (23), is amended by striking the subsection.

Sec. 15. Section three hundred twenty-one point fifty-two (321.52), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-three (23), is amended by adding the following new subsections:

NEW SUBSECTION. The purchaser or transferee of a motor vehicle for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title and registration receipt to the county treasurer of the county of residence of the transferee within fifteen days after assignment of the certificate of title. The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department. The junking certificate shall be of a form to allow for the assignment of ownership of the vehicle. The junking certificate shall provide a space for the notation of the transferee of the component parts of the vehicle transferred by the owner of the vehicle.

NEW SUBSECTION. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the registration receipt and certificate of title to the county treasurer. Upon surrendering the certificate of title, the county treasurer shall issue to such person, without fee, a junking certificate, which shall authorize the holder to possess, transport or transfer ownership of the junked vehicle by endorsement of the junking certificate. A certificate of title shall not again be issued for the junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

NEW SUBSECTION. A vehicle rebuilder or a motor vehicle dealer licensed under chapter three hundred twenty-two (322)

of the Code, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title and registration receipt or manufacturer's or importer's statement of origin properly assigned, together with an application for a salvage certificate of title to the county treasurer of the county of residence of the purchaser or transferee within fourteen days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. The provisions of this subsection shall apply only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of two dollars, the county treasurer shall issue a salvage certificate of title which shall be of a distinctive color and bear the words "SALVAGE CERTIFICATE OF TITLE". A salvage certificate of title may be assigned to any person. Notwithstanding any other provisions in this section a vehicle on which ownership has transferred to an insurer of such vehicle, as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of the vehicle, shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply with the provisions of this subsection to obtain a salvage certificate of title within fourteen days after the date of assignment of the certificate of title of the vehicle. Any owner, except an insurer of vehicles, who transfers a wrecked or salvage vehicle with a fair market value less than five hundred dollars, based on the value before it became wrecked or salvage, shall comply with the provisions of section three hundred twenty-one point fifty-one (321.51) of the Code.

When a wrecked or salvage vehicle has been repaired or rebuilt, that person shall make application for a certificate of title to the county treasurer of the county of residence of the owner, and shall surrender the salvage certificate of title issued for the vehicle. A verification of the vehicle identification number of the vehicle shall be made by a peace officer of the state department of transportation, the department of public safety, county sheriff or police department of cities with a population exceeding five thousand persons or a person designated by the commissioner of public safety or the director. The verification shall be made on forms provided by the department and signed by the peace officer or the appropriately designated person and the verification form shall be surrendered by the owner to the

county treasurer at the time application is made for a certificate of title. Upon payment of the appropriate fees and surrender of the appropriate documents the county treasurer shall issue a certificate of title to the person making application.

For purposes of this subsection a "wrecked or salvage vehicle" means a damaged vehicle for which the cost of repair exceeds fifty percent of the fair market value of the vehicle before it became damaged.

Sec. 16. Section three hundred twenty-one point ninety-five (321.95), Code 1977, is amended to read as follows:

321.95 RIGHT OF INSPECTION. Peace officers ~~or-examiners employed-in-the-department~~ shall have the authority to inspect any vehicle or component part in possession of a ~~demolisher vehicle rebuilder, vehicle salvager, used vehicle parts dealer~~ or any person licensed under chapter three hundred twenty-two (322) of the Code, or found upon the public highway or in any public garage ~~or~~, enclosure or property in which vehicles or component parts are kept for sale, storage, hire or repair and for that purpose may enter any such public garage ~~or~~, enclosure or property. Every ~~person-doing-business as-a-demolisher~~ vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter three hundred twenty-two (322) of the Code, or a person having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received for resale as component parts in the course of business. These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred or the junking certificate if required for the vehicle. These records shall be open for inspection by any ~~police-authority~~ peace officer at any time during normal business hours. Records required by this section shall be kept for at least three years after the transaction which they record.

Sec. 17. Section three hundred twenty-one point one hundred (321.100), Code 1977 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. To transfer in any manner or to offer to transfer in any manner a certificate of title, manufacturer's or importer's certificate to any vehicle on which a salvage certificate of title or junking certificate

is required under section three hundred twenty-one point fifty-two (321.52) of the Code, with knowledge or reason to believe that the certificate will be used for a vehicle other than the vehicle for which the certificate is issued.

"Transfer" for the purposes of this subsection means to sell, exchange, change possession or ownership or convey in any manner.

Sec. 18. Section three hundred twenty-one point one hundred one (321.101), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a vehicle, for which the registration has been suspended or revoked pursuant to subsection four (4) of this section, is transferred to a bona fide purchaser for value without actual knowledge of such suspension or revocation then the vehicle shall be deemed to be registered and the provisions of sections three hundred twenty-one point twenty-eight (321.28) and three hundred twenty-one point thirty (321.30), subsections four (4) and five (5), of the Code shall not be applicable to such vehicle for the failure of the previous owner to pay the required fees.

Sec. 19. Section three hundred twenty-one point one hundred thirty-one (321.131), Code 1977, is amended to read as follows:

321.131 LIEN OF FEE. All registration or other fees provided for in this chapter shall be and continue a lien against the vehicle for which said fees are payable unless otherwise provided in this section until such time as they are paid as provided by law, with any accrued penalties. The county treasurer may perfect a security interest in a vehicle for the amount of such fees by noting the lien upon the certificate of title for the vehicle as provided in section three hundred twenty-one point fifty (321.50) of the Code. If the lien is not perfected as provided in this section, the lien shall not be valid against a bona fide purchaser of the vehicle without actual notice to the purchaser.

Sec. 20. Section three hundred twenty-one point one hundred sixty-six (321.166), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section thirty-four (34), is amended by adding the following new subsection:

NEW SUBSECTION. 6. Registration plates issued a disabled veteran under the provisions of section three hundred twenty-one point one hundred five (321.105) of the Code, shall display the alphabetical characters "DV", which shall be of the same

size as the characters in the registration plate number and shall precede the registration plate number.

Sec. 21. Section three hundred twenty-one point one hundred eighty (321.180), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A permittee shall not be penalized for failing to have his or her permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to him or her and valid at the time of the permittee's arrest.

Sec. 22. Section three hundred twenty-one point one hundred eighty-one (321.181), Code 1977, is amended by striking unnumbered paragraphs two (2), three (3), four (4), and five (5).

Sec. 23. Section three hundred twenty-one point one hundred eighty-three (321.183), Code 1977, is amended to read as follows:

321.183 CONTENTS OF APPLICATION. Every said application shall state the full name, date of birth, ~~occupation~~, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

Sec. 24. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section forty-one (41), is amended to read as follows:

1. MOTOR VEHICLE LICENSE. Upon the payment of the required fee, the department shall issue to every qualifying applicant an operator's license, motorized bicycle license, or chauffeur's license, as applied for. Appearing on this license shall be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, ~~occupation~~, sex, residence address; a colored photograph; 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, 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 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 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. 25. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection three (3), Code 1977, is amended to read as follows:

3. CARRIED AND EXHIBITED. Every licensee shall have his or her operator's or chauffeur's, or motorized bicycle license or instruction permit in ~~his~~ immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he or she produces in court, within a reasonable time, an operator's or chauffeur's or motorized bicycle license or instruction permit issued to him or her and valid at the time of ~~his~~ the person's arrest.

Sec. 26. Section three hundred twenty-one point two hundred ten (321.210), unnumbered paragraph five (5), Code 1977, is amended to read as follows:

If the department assesses any points against an operator or chauffeur of a motor vehicle under any point system devised by the department for the purpose of suspending operators' or chauffeurs' licenses, the department must notify the

licensee by ordinary mail that such points have been assessed and the reason therefor. Such notice shall also contain a reference to all code sections under which the person's motor vehicle license may be suspended, revoked, canceled or denied. Provided that no license shall be suspended on the basis of any point system devised by the department without notice of proposed suspension to the licensee and a reasonable opportunity for a preliminary hearing before a member of the department who shall have authority in meritorious cases to revoke the suspension.

Sec. 27. Section three hundred twenty-one point two hundred eleven (321.211), Code 1977, is amended to read as follows:

321.211 NOTICE AND HEARING. Upon suspending the license of any person as hereinbefore authorized the department shall immediately notify the licensee in writing and upon his or her request shall afford him or her an opportunity for a hearing before the director of his or her duly authorized agent as early as practical within not to exceed thirty days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the director or his or her duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or for good cause may extend the suspension of such license or revoke such license. There is hereby appropriated each year from the general fund of the state to the department one hundred five thousand dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal delivery of service, if necessary to meet the notice requirement of this section. The department shall promulgate rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section three hundred twenty-one point one hundred ninety-one (321.191) of the Code shall be deposited in the general fund of the state in a manner provided in section three hundred twenty-one point one hundred ninety-two (321.192) of the Code, as reimbursement for the costs of notice under this section.

A peace officer stopping a person for whom a notice of a suspension or revocation has been issued or to whom a notice of a hearing has been sent under the provisions of this section

may personally serve such notice upon forms approved by the department to satisfy the notice requirements of this section. The peace officer may confiscate the motor vehicle license of such person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the motor vehicle license to the department as required.

Sec. 28. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection ten (10), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In making a vehicle inspection, the inspection station shall inspect such of the following equipment as is applicable to the vehicle: Brakes, lights, turning signals, steering, sound devices, glass, mirrors, exhaust system, windshield wipers, seat belts, tires and such other safety equipment as may be prescribed for inspection under rules adopted by the director. ~~The inspection station shall also inspect each motor vehicle to ascertain that none of the factory-installed emission control devices have been removed or rendered inoperable.~~

Sec. 29. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1977, is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115, and motorized bicycles, motor vehicles transferred under the provisions of sections three hundred twenty-one point fifty-one (321.51) and three hundred twenty-one point fifty-two (321.52) of the Code when first registered in this state, other than a registration to a dealer licensed under chapter 322, and each time when transferred for use within this state or when registration is changed from a registration as provided in section 321.115 to a regular registration, other than transfers to a dealer licensed under chapter 322, shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was transferred and the vehicle has not been transferred during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children ~~or between spouses~~ without another inspection. A vehicle inspection is not required when the transfer of a vehicle or an interest in the vehicle is between

spouses or when required pursuant to a decree for dissolution of marriage between former spouses. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. If an inspection is required, an applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his or her residence, a statement on a form provided by the director, signed by an authorized inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. If an inspection is required the county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his or her Iowa residency and he or she executes a statement to that effect in form and content as prescribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residence to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals.

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

Sec. 30. Section three hundred twenty-one point two hundred fifty-six (321.256), Code 1977, is amended to read as follows:

321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.

No driver of a vehicle ~~or motorman-of-a-streetcar~~ shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a ~~police~~ peace officer subject to the exceptions granted the driver of an authorized emergency vehicle.

Sec. 31. Section three hundred twenty-one point two hundred fifty-seven (321.257), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.

1. For the purposes of this section "stop at the official traffic control signal" means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection.

2. Official traffic control signals consisting of colored lights or colored lighted arrows shall regulate vehicle and pedestrian traffic in the following manner:

a. A "steady circular red" light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or a left turn from a one-way street to a one-way street from the left lane of traffic on a one-way street onto the left most lane of traffic on a one-way street. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.

b. A "steady circular yellow" or a "steady yellow arrow" light means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right-of-way to all vehicles.

c. A "steady circular green" light means vehicular traffic

may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right-of-way to other vehicular and pedestrian traffic lawfully within the intersection.

d. A "steady green arrow" light shown alone or with another official traffic control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection.

e. A "flashing circular red" light means vehicular traffic shall stop and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but then may proceed.

f. A "flashing yellow" light means vehicular traffic shall proceed through the intersection or past such signal with caution.

g. A "don't walk" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.

h. A "walk" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right-of-way by drivers of all vehicles.

Sec. 32. Section three hundred twenty-one point two hundred fifty-eight (321.258), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC CONTROL SIGNALS.

1. Colored lights placed on a vertical official traffic control signal face shall be arranged from the top to the bottom in the following order when used: Circular red, circular yellow, circular green, straight through yellow arrow, straight through green arrow, left turn yellow arrow, left turn green arrow, right turn yellow arrow, and right turn green arrow.

2. Colored lights placed on a horizontal official traffic control signal face shall be arranged from the left to the

right in the following order when used: Circular red, circular yellow, left turn yellow arrow, left turn green arrow, circular green, straight through yellow arrow, straight through green arrow, right turn yellow arrow, and right turn green arrow.

Sec. 33. Section three hundred twenty-one point two hundred sixty-five (321.265), Code 1977, is amended to read as follows:

321.265 STRIKING FIXTURES UPON A HIGHWAY. The driver of any vehicle involved in an accident resulting only in damage to property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner, a peace officer or person in charge of such property of such fact and of his or her name and address and of the registration number of the vehicle he-is-driving causing the damage and shall upon request and if available exhibit his or her operator's or chauffeur's license and shall make report of such accident when and as required in section 321.266.

Sec. 34. Section three hundred twenty-one point three hundred twenty-two (321.322), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.322 VEHICLES ENTERING STOP OR YIELD INTERSECTION.

1. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

2. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the

driver is moving across or within the intersection.

Sec. 35. Section three hundred twenty-one point three hundred forty-two (321.342), unnumbered paragraph one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section forty-seven (47), is amended by striking the paragraph and inserting in lieu thereof the following:

The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to crossing the railroad at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad traffic.

Sec. 36. Section three hundred twenty-one point three hundred forty-five (321.345), Code 1977, is amended to read as follows:

321.345 STOP OR YIELD AT THROUGH HIGHWAYS. The department, based on an engineering study, with reference to primary highways, and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs, in accordance with specifications established by the department at specified entrances thereto to the highway or may designate any intersection as a stop intersection or as a yield intersection and erect like signs at one or more entrances to such intersection.

~~Every said sign shall bear the word "Stop" or "Yield" in letters not less than six inches in height. Every stop or yield sign shall be located as near as practical at the property line of the highway at the entrance to which the stop or yield must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.~~

~~Every driver of a vehicle and every motorman of a streetcar shall stop or yield at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal.~~

Sec. 37. Section three hundred twenty-one point three hundred ninety-three (321.393), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

No lighting device or reflector, when mounted on or near

the front of any motor truck or trailer, except school buses shall display any other color than white, yellow, or amber; provided that installations heretofore in place and otherwise complying with the law may display a green light ~~until~~ replacements-are-made, however, such green light shall be replaced with the appropriate color when replacement is made or prior to January 1, 1980, whichever is earlier.

Sec. 38. Section three hundred twenty-one point four hundred thirty-seven (321.437), Code 1977, is amended to read as follows:

321.437 MIRRORS. Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Any motor vehicle so loaded, or towing another vehicle in such manner, as to obstruct the view in a rear view mirror located in the driver's compartment shall be equipped with a side mirror so located that the view to the rear will not be obstructed however when such vehicle is not loaded or towing another vehicle the side mirrors shall be retracted or removed. All van or van type motor vehicles shall be equipped with outside mirrors of unit magnification, each with not less than nineteen point five square inches of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene.

Sec. 39. Chapter three hundred twenty-one (321), Code 1977, is amended by adding the following new section:

NEW SECTION.

1. Upon conviction and the suspension or revocation of a person's motor vehicle license under sections three hundred twenty-one point two hundred nine (321.209), subsections six (6) and seven (7), three hundred twenty-one point two hundred ten (321.210) or three hundred twenty-one point five hundred fifty-five (321.555), subsection two (2), of the Code, and upon the denial by the director of an application for a temporary restricted license, a person may apply to the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle to and from work. The application may be granted only if all the following criteria is satisfied:

a. The restricted temporary permit is requested only for a case of extreme hardship where alternative means of

transportation does not exist.

b. The permit applicant has not made an application for such a permit in any other district court in the state which was denied or revoked.

c. The permit is restricted for travel to and from work at times specified in the permit.

d. Proof of financial responsibility is established as defined in chapter three hundred twenty-one A (321A) of the Code.

2. The district court shall forward a record of each application for such temporary restricted permit to the department, together with the results of the disposition of the request by the court.

3. A temporary restricted permit shall be valid only if the department is in receipt of records required by this section. The permit shall be canceled upon conviction of a moving traffic violation as defined in section three hundred twenty-one point one hundred eighty-one (321.181) of the Code, or upon any violation of the terms of the permit.

Sec. 40. Section three hundred twenty-one A point seventeen (321A.17), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. An individual applying for a motor vehicle license following a period of suspension or revocation under the provisions of section three hundred twenty-one point two hundred sixteen (321.216) of the Code Supplement shall not be required to maintain proof of financial responsibility under the provisions of this section.

Sec. 41. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section fifty-four (54), the first new section added to chapter three hundred twenty-one E (321E), Code 1977, is amended to read as follows:

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. However movement of hay, straw or stover may be allowed in

the absence of special or emergency situations, however such movement shall be consistent with the other requirements for movement of oversize divisible loads.

Sec. 42. Section three hundred twenty-two point two (322.2), subsection seven (7), Code 1977, is amended to read as follows:

7. "Motor vehicle" means any self-propelled vehicle subject to registration under the laws of this state.

Sec. 43. Section three hundred twenty-two point five (322.5), Code 1977, is amended to read as follows:

322.5 LICENSE FEE. The license fee for a motor vehicle dealer for each calendar year or part thereof shall be the sum of thirty-five dollars for the licensee's principal place of business in each city or township and an additional five ten dollars for each used-car car lot which is in the city or township wherein-said in which the principal place of business is located and which is not adjacent to such place, to be paid to the department at the time a license is applied for. In case the application is denied, the department shall refund the amount of such fee to the applicant.

A motor vehicle dealer may display new motor vehicles at fairs, vehicle shows and vehicle exhibitions. Motor vehicle dealers, in addition to selling vehicles at their principal place of business and car lots, may, upon receipt of a temporary permit approved by the department, display and offer new motor vehicles for sale and negotiate sales of new motor vehicles only at county fairs, as defined in chapter one hundred seventy-four (174) of the Code, vehicle shows and vehicle exhibitions which fairs, shows and exhibitions are approved by the department and are held in the county of the motor vehicle dealer's principal place of business. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Permits shall be issued for periods of not to exceed fourteen days. No sale of a motor vehicle by a motor vehicle dealer shall be completed nor any sales agreement signed at any such fair, show or exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

Sec. 44. Section eight hundred five point eight (805.8), subsection two (2), paragraph b, Code 1977 Supplement, is amended to read as follows:

b. For registration violations under sections 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and ~~324.490~~ section

three hundred twenty-one point one hundred eighty-nine (321.189) of the Code, the scheduled fine is five dollars. For violations of ~~section-321.190~~ sections three hundred twenty-one point thirty-two (321.32) and three hundred twenty-one point one hundred eighty-nine (321.189), subsection three (3), of the Code, the case shall be dismissed without imposition of fine or costs if a license or registration valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

Sec. 45. Section eight hundred five point eight (805.8), subsection two (2), paragraph c, Code 1977 Supplement, is amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections 321.317, 321.387, 321.388, 321.389, 321.390, 321.391, 321.392, three hundred twenty-one point three hundred ninety-three (321.393) of the Code, 321.399, 321.422, 321.432, 321.435, 321.436, 321.437, 321.438, 321.439, 321.440, 321.441, 321.442, 321.444, 321.445, and 321.447 the scheduled fine is ten dollars.

Sec. 46. The state department of transportation shall promulgate rules to provide for the placement of motor vehicle registration validation stickers on all registration plates issued for the motor vehicle when such validation stickers are issued in lieu of issuing new registration plates under the provisions of section three hundred twenty-one point thirty-four (321.34) of the Code.

Sec. 47. Sections three hundred twenty-one point one hundred twenty-four (321.124) and three hundred twenty-one point four hundred thirty-five (321.435), Code 1977, are repealed.

Sec. 48. Sections one (1) through eighteen (18), twenty (20), twenty-three (23), twenty-six (26), thirty (30) and thirty-four (34) of this Act shall become effective January 1, 1979.

Approved June 23, 1978