

CHAPTER 1094  
TRANSPORTATION

S. F. 2361

AN ACT relating to transportation by redefining motorized bicycles, repealing multiyear trailer and semitrailer registration plates, providing for release of security interest on a motor vehicle to appear on the title, providing for the issuance of special registration plates to former prisoners of war and members of the national guard, providing uniform application fees for motor vehicle dealers and transporters for special plates, providing for the crediting of moneys received from the auction of abandoned vehicles in the road use tax fund, providing for the filing of a statement upon applying for refund of registration fees when a vehicle is junked, relating to minor school licenses, providing for the operation of motorcycles and motorized bicycles, increasing certain witness fees, relating to the use of lighting devices on vehicles, relating to crossing of median strips, inspection of log books, regulating motor vehicle dealers, relating to duties of sheriffs in collecting motor vehicle fees, repealing the law relating to itinerant merchants, setting the registration fee for church buses, relating to motor vehicle inspections, relating to special registration plates issued to motor vehicle dealers, relating to the age of persons licensed to operate motorized bicycles, providing for the issuance of special registration plates to handicapped persons, making technical corrections, and providing penalties.

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

Section 1. Section three hundred seven point twelve (307.12), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Enter into reciprocal agreements relating to motor vehicle inspections with authorized officials of any other state, subject to approval by the commission. The director may exempt or impose requirements upon nonresident motor vehicles consistent with those imposed upon vehicles of Iowa residents operated in other states.

Sec. 2.\* Section three hundred twenty-one point one (321.1), subsection one (1), Code 1979, as amended by House File seven hundred forty-seven (747), section two (2), enacted by the Sixty-eighth General Assembly, 1980 Session and as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1) and two (2), and chapter seventy-four (74), section twenty-two (22), is amended by adding the following new paragraph:

NEW PARAGRAPH. Any steering axle, dolly, auxiliary axle or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

\*See §49 for effective date

Sec. 3. Section three hundred twenty-one point one (321.1), subsection three (3), paragraph b, Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), sections one (1) and two (2), and chapter seventy-four (74), section twenty-two (22), is amended to read as follows:

b. "Motorized bicycle" or "motor bicycle" means a ~~two-wheeled~~ motor vehicle having a saddle or a seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, with an engine having a displacement no greater than fifty cubic centimeters ~~as-fixed by-the-department~~ and not capable of ~~operation~~ operating at a speed in excess of twenty-five miles per hour on level ground unassisted by human power.

Sec. 4. Section three hundred twenty-one point twenty-three (321.23), subsection four (4), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-one (71), section one (1), is amended to read as follows:

4. Any vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition and will not endanger any person. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of two dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that that vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection shall not apply to snowmobiles as defined in section 321G.1. Section three hundred twenty-one point three hundred eighty-two (321.382) of the Code does not apply to a vehicle registered under this subsection which is operated exclusively by a handicapped person who has obtained a special identification device as provided in section six hundred one E point six (601E.6) of the Code, providing the special identification device is carried in the vehicle and shown to any peace officer on request.

Sec. 5. Section three hundred twenty-one point thirty-four (321.34), subsection five (5), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-one (71), section three (3), is amended to read as follows:

5. MULTIYEAR PLATES. In lieu of issuing annual registration plates for trailers and semitrailers, the ~~county-treasurer-or~~ department may issue a multiyear registration plate plates for a three-year period for trailers and semitrailers licensed under chapter three hundred twenty-six (326) of the Code upon payment of the appropriate registration fee. Fees from three-year payments shall not be reduced or prorated ~~under-the-provisions-of-chapter 326.~~

Sec. 6. Section three hundred twenty-one point thirty-four (321.34), Code 1979, as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy-one (71), section three (3), is amended by adding the following new subsections:

NEW SUBSECTION. HANDICAPPED PLATES. The owner of a motor vehicle subject to registration pursuant to section three hundred twenty-one point one hundred nine (321.109), subsection one (1), of the Code, light delivery truck, panel delivery truck or pickup who is a handicapped or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code, may upon written application to the department, order special registration plates designed by the department bearing the international symbol of accessibility. The application shall be approved by the department and the special registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the special plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle is still a handicapped or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code. The special registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle no longer qualifies as a handicapped or paraplegic person as defined in section six hundred one E point one (601E.1) of the Code.

NEW SUBSECTION. The owner of a motor vehicle subject to registration under section three hundred twenty-one point one hundred nine (321.109), subsection one (1), of the Code, light delivery truck, panel delivery truck or pickup who was a prisoner of war during the second world war at any time between December 7, 1941 and December 31, 1946, the Korean conflict at any time between June 25, 1950 and January 31, 1955 or the Vietnam conflict at any time between August 5, 1964 and June 30, 1973, all dates inclusive, may upon written application to the department, order special registration plates designed by the department in cooperation with the adjutant general which plates signify that the applicant was a prisoner of war as defined in this subsection. The application shall be approved by the department, in consultation with the adjutant general, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee.

NEW SUBSECTION. The owner of a motor vehicle subject to registration pursuant to section three hundred twenty-one point one hundred nine (321.109), subsection one (1), of the Code, light delivery truck, panel delivery truck or pickup who is a member of the national guard, as defined in chapter twenty-nine A (29A) of the Code, may upon written application to the department, order special registration plates designed by the department in cooperation with the adjutant general which plates signify that the applicant is a member of the national guard. The application shall be approved by the department, in consultation with the adjutant general, and the special

registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The fee for the special plates shall be five dollars which shall be in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. Special registration plates shall be surrendered in exchange for regular registration plates upon termination of the owner's membership in the active national guard.

Sec. 7. Section three hundred twenty-one point forty-nine (321.49), subsection one (1), Code 1979, is amended to read as follows:

1. Except as provided in section 321.52, 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~~ ten dollars shall accrue against ~~said--vehicle,~~ the applicant and no registration card or certificate of title shall ~~thereafter~~ be issued to the applicant for the vehicle until the penalty is paid.

Sec. 8. Section three hundred twenty-one point fifty (321.50), subsection four (4), Code 1979, is amended to read as follows:

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, 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 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~~ the security interest on the face of the certificate of title and in the county records system. 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~~ directed by the owner, in writing, on a form prescribed by the department or, if there is no such person designated, then to the owner. ~~Said~~ The 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 the~~ security interest ~~as herein provided~~ within fifteen days after being requested in writing to do so shall forfeit to the person making ~~such the~~ 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. 9. Section three hundred twenty-one point fifty-seven (321.57), Code 1979, is amended by inserting the following new unnumbered paragraph after unnumbered paragraph one (1):

NEW UNNUMBERED PARAGRAPH. In addition, while a service customer is having his or her own vehicle serviced or repaired by the dealer, the service customer of the dealer may operate upon the highways a motor vehicle owned by

the dealer, except a motor truck or truck tractor, upon which there is displayed a special plate issued to the dealer, provided all of the requirements of this section are complied with.

Sec. 10. Section three hundred twenty-one point fifty-eight (321.58), Code 1979, is amended to read as follows:

321.58 APPLICATION. ~~Any--dealer--in--new--or--used--cars~~ All dealers and transporters 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 special plates as appropriate to various types of vehicles subject to registration, ~~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.~~ The applicant shall also submit proof of 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~~ the vehicles authorizing ~~such~~ the dealership.

Sec. 11. Section three hundred twenty-one point eighty-nine (321.89), subsection four (4), Code 1979, is amended to read as follows:

4. AUCTION OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If it is to be sold as a vehicle for use upon the highways, it shall first be inspected as required by section 321.238 and have a valid certificate of inspection affixed. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap or sold as provided in section ~~321.88~~ three hundred twenty-one point fifty-one (321.51) of the Code with a restricted certificate of title and not for use upon the highways. The police authority shall sell the vehicle at public auction. Notwithstanding any other provision of this section, any police authority, which has taken into possession any abandoned vehicle which lacks an engine or two or more wheels or other part which renders the vehicle totally inoperable may dispose of ~~such~~ the vehicle to a demolisher for junk after complying with the notification procedures enumerated in subsection 3 and without public auction. The purchaser of the vehicle shall take title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority, and shall be entitled to register the vehicle and receive a certificate of title if sold for use upon the highways or a restricted certificate of title ~~as--the--case--may--be~~. However, if the vehicle is sold or disposed of to a demolisher for junk, the sales receipt by itself shall be sufficient title only for purposes of transferring the vehicle to ~~such~~ the demolisher for demolition, wrecking, or dismantling and, when so transferred, no further titling of the vehicle shall be permitted. From the proceeds of the sale of an abandoned vehicle the police authority shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 3,

the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the reimbursement road use tax fund received by the department pursuant to section 321.145, subsection 2. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, inspection costs and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of such the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the reimbursement road use tax fund of the department under section 321.145, subsection 2. ~~In the event the reimbursement fund is temporarily exhausted, payment shall be deferred until the reimbursement fund contains sufficient funds to meet the claims.~~

The state comptroller shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund.

Sec. 12. Section three hundred twenty-one point one hundred nine (321.109), subsection two (2), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), section four (4), is amended to read as follows:

2. Dealers may, in addition to other provisions of this section, purchase from the department in-transit stickers, for which a fee of two dollars per sticker shall be paid at time of purchase. One such sticker shall be displayed on each vehicle purchased from a dealer by a nonresident for removal to the state of his or her residence, and one such sticker shall also be displayed on each vehicle not currently registered in Iowa and purchased by an Iowa dealer for removal to his the dealer's place of business in this state. Such The stickers shall be void three days after issuance by the selling dealer. Each sticker shall ~~be at least five and one-half inches by eight inches and shall~~ contain the following information:

- a. The words "in-transit" in ~~at least two inch~~ bold type.
- b. The dealer's license number.
- c. The date issued.
- d. The purchaser's name and address.
- e. The word "Iowa" in ~~at least one inch~~ bold type.
- f. The words "good for three days after the date of issuance".
- g. ~~Such other~~ Other information as the director ~~may require~~ requires.

This information shall be on the gummed side of the sticker and the sticker shall be made of such a type of material ~~as to be~~ which is self-destructive when the sticker is removed. The sales invoice verifying the sale shall be in the possession of the driver of the vehicle in transit and shall be signed by the owner or an authorized individual of the issuing dealership.

Motor vehicles brought into the state on a transit sticker for the purpose of installation of special equipment may also be subject to the provisions of this subsection.

Sec. 13. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section as section three hundred twenty-one point one hundred nineteen (321.119) of the Code:

NEW SECTION. 321.119 CHURCH BUSES. For motor vehicles designed to carry nine passengers or more which are owned and used exclusively by a church or religious organization to transport passengers to and from activities of or sponsored by the church or religious organization and not operated for rent or hire for purposes unrelated to the activities of the church or religious organization, the annual fee shall be twenty-five dollars. At the initial registration and at every other annual registration thereafter, the county treasurer shall not register a motor vehicle under this section unless there is affixed to the motor vehicle a valid certificate of inspection issued for the motor vehicle within the last sixty days.

Sec. 14.\* Section three hundred twenty-one point one hundred twenty-two (321.122), subsection four (4), Code 1979, as amended by House File seven hundred forty-seven (747), section six (6), enacted by the Sixty-eighth General Assembly, 1980 Session, is amended by striking the subsection and inserting in lieu thereof the following:

4. This section shall not apply to a rubber-tired farm tractor not operated for hire upon the public highways.

Sec. 15. Section three hundred twenty-one point one hundred twenty-three (321.123), subsection one (1), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

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

Sec. 16. Section three hundred twenty-one point one hundred twenty-six (321.126), subsections one (1), two (2), and three (3), Code 1979, are amended to read as follows:

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~~ a statement of such destruction, dismantling, or removal and make claim for refund. With reference to the destruction or dismantling of a vehicle, ~~the affidavit no refund shall be accompanied by the allowed unless a junking certificate of title, if titled in Iowa has been issued~~, as provided in section 321.52. With reference to the removal of a vehicle from this state ~~as provided herein~~, the affidavit statement shall ~~contain--a--statement indicating~~ indicate the foreign registration number of ~~such~~ the vehicle, the

\*See §49 for effective date

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~~ the vehicle if registered in a title law state.

2. If the motor vehicle is stolen, the owner shall give notice of ~~such~~ the theft to the county treasurer within five days, who in turn shall notify the department. If the motor vehicle is not recovered by the owner before December 1 of the year for which the registration fee was paid, the owner shall make ~~affidavit~~ a statement of ~~such~~ the theft and make claim for refund.

3. If the motor vehicle is placed in storage by the owner upon ~~his~~ the ~~owner's~~ entry into the military service of the United States, the owner shall return the plates to the county treasurer or the department and make ~~affidavit~~ a statement regarding such storage and military service and make claim for refund. Whenever the owner of a motor vehicle so placed in storage desires to again register such vehicle, the county treasurer or department shall compute and collect the fees for ~~such~~ registration in accordance with section 321.106.

Sec. 17. Section three hundred twenty-one point one hundred seventy-seven (321.177), subsection one (1), Code 1979, is amended to read as follows:

1. 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 a written examination on the rules of the road and a vision test.~~

Sec. 18. Section three hundred twenty-one point one hundred eighty (321.180), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If the permit holder is driving a motorcycle, the qualified operator must be within audible and visual communications distance from the permit holder and is accompanying the permit holder on or in a different motor vehicle. However, only one permit holder shall be under the immediate supervision of an accompanying qualified operator, unless the qualified operator is an approved motorcycle or driver education instructor or a prospective driver or motorcycle education instructor, and the permit holder is enrolled in an approved motorcycle or driver education course, in which case no more than three students shall be under the immediate supervision of each instructor while on the highway.

Sec. 19. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection one (1), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. After July 1, 1981, a person under the age of eighteen applying for a motor vehicle license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education



course approved and established by the department of public instruction or successfully complete an approved motorcycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction.

Sec. 20. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

a. The department may issue a motorized bicycle license to any a person fourteen years of age or older who has passed a vision test and a written examination on the rules of the road. After July 1, 1981, persons under the age of sixteen applying for a motorized bicycle license shall also be required to successfully complete a motorized bicycle education course approved and established by the department of public instruction or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district may charge a student a fee which shall not exceed the actual cost of instruction. A motorized bicycle license ~~shall entitle~~ entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession on-the-highways-of-the-state-for-a-period-of-two-years. The license is valid for a period of two years, subject to termination or cancellation as provided in this section.

Sec. 21. Section three hundred twenty-one point one hundred ninety-four (321.194), Code 1979, is amended to read as follows:

321.194 MINORS' SCHOOL LICENSES. ~~Whenever--the-necessity-therefor-is shown,-a-restricted-license-may-be-issued~~ Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a restricted license to any person between the ages of fourteen and eighteen years which license shall entitle the holder thereof, while having such the license in his or her immediate possession, to operate a motor vehicle during the hours of 7 six a.m. to 6 nine p.m. over the most direct and accessible route between the licensee's residence and his school of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at such school or at any time when accompanied by a parent or guardian, driver education instructor, or prospective driver education instructor who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside the driver. Such The license shall expire on the licensee's eighteenth birthday or upon issuance of a temporary-driver's-permit probationary operator's or operator's license. ~~For-the-purpose-of-establishing-a-need-for-the-license provided-for-in-this-section,-each~~ Each application shall be accompanied by ~~an--affidavit a statement~~ a statement from the school board or superintendent of the applicant's school ~~which-affidavit.~~ The statement shall be upon a form provided by the department ~~and-shall-state-the-facts-deemed-to-justify-the issuance-of-a-license-to-the--applicant.~~ Neither--such--affidavit--nor--the inability--to--obtain--the-same-shall-be-binding-on-the-department-but-may-be considered-by-the-department-in-its-determining-of-whether-or--not--to--grant

~~the--application-~~ The department of public instruction shall adopt rules pursuant to chapter seventeen A (17A) of the Code establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a restricted license. The fact that the applicant resides at a distance less than one mile from his or her school shall--be is prima-facie evidence of the nonexistence of any necessity for the issuance of such a license. A license issued hereunder under this section is subject to suspension or revocation in like manner as any other license or permit issued under any law of this state and in-addition-thereto the department may also suspend such license upon receiving satisfactory evidence that the licensee has violated the restrictions of such the license or has been involved in two one or more accidents chargeable to such the licensee and--the. The department shall--revoke may suspend any license issued hereunder under this section upon receiving a record of such the licensee's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of any law of this state or city ordinance, other than parking regulations, regulating the operation of motor vehicles on highways and after revoking a license hereunder under this section the department shall not grant application for any new license or permit until the expiration of one year or until the licensee attains his or her sixteenth birthday whichever is the longer period.

Sec. 22. Section three hundred twenty-one point two hundred ten (321.210), subsection four (4), Code 1979, is amended to read as follows:

4. ~~Is--incompetent--to--drive--a-motor-vehicle~~ Is physically or mentally incapable of safely operating a motor vehicle.

Sec. 23. Section three hundred twenty-one point two hundred ten (321.210), unnumbered paragraph seven (7), Code 1979, is amended to read as follows:

The director may, on application, issue a temporary restricted license to any person convicted whose regular employment is the operation of a motor vehicle or who cannot perform his or her regular occupation without the use of a motor vehicle, but such person shall not operate a vehicle for pleasure while holding such restricted license. However, this paragraph shall not apply to any person whose license is revoked under the provisions of subsections one (1) through six (6) of section 321.209. A temporary restricted license may be issued to any person whose license is revoked under section three hundred twenty-one point two hundred nine (321.209), subsection seven (7) of the Code if the person has no previous drag racing convictions.

Sec. 24. Section three hundred twenty-one point two hundred twelve (321.212), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall revoke a license for six months for a first offense under the provisions of section three hundred twenty-one point two hundred nine (321.209), subsection seven (7), of the Code, where the violation charged did not result in a personal injury or damage to property.

Sec. 25. Section three hundred twenty-one point two hundred thirty-three (321.233), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A chauffeur's license shall not be required for a person to operate road construction and maintenance equipment while engaged in road construction and maintenance work, including the movement of the road construction and maintenance equipment to and from the work site under its own power. The department shall adopt rules pursuant to chapter seventeen A (17A) of the Code specifying each type of road construction and maintenance equipment for which a chauffeur's license is not required for the operation of the equipment.

Sec. 26. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twenty-one (21), unnumbered paragraph six (6), Code 1979, is amended to read as follows:

Witnesses shall receive ~~three-dollars-for-each-day's--attendance--and--ten cents--per--mile--for--each--mile--actually--traveled.---Witnesses--shall--be compensated~~ compensation at the rates specified in section six hundred twenty-two point sixty-nine (622.69) of the Code from funds appropriated to the department. ~~The-treasurer-of-state-may--make--rules--setting--forth--the procedure-for-such-reimbursement.~~

Sec. 27. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twenty-five (25), paragraph a, Code 1979, is amended by striking paragraph a and inserting in lieu thereof the following:

a. "Authorized officer" means a peace officer as defined in section eight hundred one point four (801.4), subsection seven (7), paragraphs a, c, and h of the Code.

Sec. 28. Section three hundred twenty-one point two hundred seventy-five (321.275), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

321.275 OPERATION OF MOTORCYCLES AND MOTORIZED BICYCLES.

1. GENERAL. The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable.

2. RIDERS.

a. MOTORIZED BICYCLES. A person operating a motorized bicycle on the highways shall not carry any other person on the vehicle.

b. MOTORCYCLES. A person shall not operate or ride a motorcycle on the highways with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

3. SITTING POSITION. A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle.

4. USE OF TRAFFIC LANES. Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for

persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle.

5. HEADLIGHTS ON. A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the highways without displaying at least one lighted headlamp of the type described in section three hundred twenty-one point four hundred nine (321.409) of the Code. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter.

6. PACKAGES. The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.

7. HANDLEBARS. A person shall not operate a motorcycle or motorized bicycle with handlebars more than fifteen inches in height above that portion of the seat occupied by the operator.

8. PARADES. The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by proper permit from local authorities.

Sec. 29. Section three hundred twenty-one point three hundred seventeen (321.317), subsections three (3) and five (5), Code 1979, are amended to read as follows:

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

5. Whenever any vehicle or combination of vehicles is disabled or for other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing ~~during the hours of darkness~~, the operator ~~of such vehicles~~ then may display on ~~such~~ the vehicle or combination of vehicles four directional signals of a type complying with the provisions of this section relating to directional signal devices in simultaneous operation. ~~The provisions of this~~ This subsection ~~shall~~ does not be ~~construed to~~ exempt any vehicle or combination of vehicles from compliance with the provisions of sections 321.447 and 321.448.

Sec. 30. Section three hundred twenty-one point three hundred sixty-six (321.366), Code 1979, is amended to read as follows:

321.366 CROSSING MEDIAN STRIP OR PARKING ON FULLY CONTROLLED-ACCESS FACILITIES. It is unlawful for any person ~~(1) to drive~~, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following:

1. Drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on fully controlled-access facilities, ~~-(2)-to-make facility.~~

2. Make a left turn or a semicircular or U-turn at a maintenance ~~cross-overs--except--by-maintenance-vehicles-and-authorized-emergency-vehicles~~, ~~-(3) to-drive cross-over where an official sign prohibits the turn.~~

3. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or ~~lines~~, ~~-(4)-to-drive line.~~

4. Drive any vehicle into the fully controlled-access facility from a local service road ~~except-through-an-opening-provided-for-that-purpose-in-the dividing-curb-or-dividing-section-or-dividing-line-which-separates-such service-road-from-the-controlled-access-facility-property~~, ~~-(5)-to-stop.~~

5. Stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved portion, the shoulders, or the right of way except at designated rest areas or in case of an emergency or other dire necessity, ~~or-in-the-case-of-an-authorized-emergency-vehicle.~~

For the purpose of this section, fully controlled-access facility shall have--the--same--meaning--as--the--meaning--prescribed-in-section-306A-2 is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections.

Violations of this section ~~shall-be~~ are punishable as provided in section 321.482.

Sec. 31. Section three hundred twenty-one point three hundred seventy-two (321.372), subsection four (4), and unnumbered paragraph four (4), Code 1979, is amended to read as follows:

4. The driver of a vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though ~~said~~ the school bus is stopped.

~~This--section--shall--not--apply--to--"business"--and--"residence"--districts, unless-so-provided-by-ordinance, but-shall-apply--in--suburban--districts--of cities-where-the-speed-limit-is-in-excess-of-thirty-five-miles-per-hour.~~

Sec. 32. Section three hundred twenty-one point three hundred eighty-six (321.386), Code 1979, is amended to read as follows:

321.386 HEAD LAMPS ON MOTORCYCLES AND MOTORIZED BICYCLES. Every motorcycle and motorized bicycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

Sec. 33. Section three hundred twenty-one point four hundred nine (321.409), Code 1979, is amended to read as follows:

321.409 MANDATORY LIGHTING EQUIPMENT. Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or ~~motor-driven eyes~~ motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and ~~such~~ the lamps may, in addition, be so arranged that ~~such~~ selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of ~~such~~ sufficient intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions.

2. There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of <sup>a</sup> least one hundred feet ahead, ~~and on.~~ On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. Every new motor vehicle, other than a motorcycle or ~~motor-driven eyelet, registered in this state after January 1, 1956,~~ motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. ~~Said~~ The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle ~~so-equipped~~.

Sec. 34. Section three hundred twenty-one point four hundred fifteen (321.415), Code 1979, is amended to read as follows:

321.415 REQUIRED USAGE OF LIGHTING DEVICES. Whenever a motor vehicle is being operated on a roadway or shoulder ~~adjacent thereto~~ during the times specified in section 321.384, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, ~~such~~ the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 321.409, subsection 2, shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, ~~such~~ the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 321.409, subsection 1.

3. The provisions of subsections one (1) and two (2) of this section do not apply to motorcycles or motorized bicycles being operated between sunrise and sunset.

Sec. 35. Section three hundred twenty-one point four hundred thirty (321.430), subsection two (2), Code 1979, is amended to read as follows:

2. Every motorcycle, and motorized bicycle ~~with motor attached~~, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.

Sec. 36. Section three hundred twenty-one point four hundred ninety-two (321.492), Code 1979, is amended to read as follows:

321.492 PEACE OFFICERS' AUTHORITY. Any peace officer is authorized to stop any vehicle to require exhibition of the driver's ~~operator or chauffeur~~ motor vehicle license, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with

\*According to enrolled Act

reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of ~~such~~ the vehicle.

Sec. 37. Chapter three hundred twenty-one H (321H), Code 1979, is amended by adding the following new section:

NEW SECTION. PENALTIES. A person convicted of violating a provision of this chapter is guilty of a simple misdemeanor.

Sec. 38. Section three hundred twenty-two point two (322.2), subsection seven (7), Code 1979, is amended to read as follows:

7. "Motor vehicle" means any self-propelled vehicle subject to registration under ~~the laws of this state~~ chapter three hundred twenty-one (321) of the Code.

Sec. 39. Section three hundred twenty-two point four (322.4), subsection seven (7), Code 1979, is amended to read as follows:

7. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required, under ~~the provisions of~~ chapter 321, the applicant ~~for such license~~ shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of twenty-five thousand dollars and be conditioned upon the faithful compliance by ~~said~~ the applicant as a dealer, ~~if the license be issued to it or him, that such dealer will comply~~ with all of the statutes of this state regulating or being applicable to the business of ~~said dealer as~~ a dealer in motor vehicles, and indemnifying any person ~~dealing or transacting business with said~~ who buys a motor vehicle from the dealer ~~in connection with any motor vehicle~~ from any loss or damage occasioned by the failure of ~~such the~~ the dealer to comply with any of the provisions of chapter 321 and this chapter, including, but not limited to, the furnishing of a proper and valid certificate of title to the motor vehicle involved in ~~any such a~~ a transaction, ~~and that such.~~ The bond shall be filed with the department prior to the issuance of a license ~~provided by law.~~ The aggregate liability of the surety ~~of all persons,~~ however, shall ~~in no event~~ not exceed the amount of ~~said the~~ the bond.

Sec. 40. Section three hundred twenty-two point six (322.6), subsection nine (9), Code 1979, is amended to read as follows:

9. Has violated any of the provisions of sections ~~321.77, 321.78, 321.80,~~ 321.81, 321.92, 321.97, 321.98, 321.99, 321.100, 539.4, seven hundred fourteen point one (714.1) and 714.16; or

Sec. 41. Section three hundred twenty-two point nine (322.9), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The department ~~is hereby authorized to~~ may revoke or suspend the license of any retail motor vehicle dealer if, after notice and hearing, it finds that ~~such the~~ the licensee has been guilty of any act which would have been a ground for the denial of a license under section 322.6. Witnesses shall receive the same compensation provided in section six hundred twenty-two point sixty-nine (622.69) of the Code and shall be compensated from funds appropriated to the department.

Sec. 42.\* House File seven hundred forty-seven (747), section twelve (12), enacted by the Sixty-eighth General Assembly, 1980 Session, is amended to read as follows:

SEC. 12. The department shall issue permits for the period beginning fifteen days following the effective date of this Act to December 31, 1980 to interstate and intrastate carriers that apply for registration authority at a weight higher than the current registered gross weight. The department shall assess a prorated fee from the schedule of fees set forth in section five (5) of this Act. Permit fees shall be payable on an annual basis. A minimum fee of ten dollars shall be collected by the department. ~~Trucks, motor trucks, and truck tractors registered under the provisions of section three hundred twenty-one point one hundred twenty-two (321.122) of the Code on the effective date of this Act shall not be eligible to reregister under section three hundred twenty-one point one hundred twenty-one (321.121) of the Code during the 1980 registration year.~~ The commission shall adopt temporary rules as are necessary to implement the provisions of this Act as it relates to revised registrations in 1980 and temporary rules adopted for this purpose are not rules as defined in section seventeen A point two (17A.2), subsection seven (7), of the Code and shall not be subject to chapter seventeen A (17A) of the Code.

Sec. 43. Section eight hundred five point eight (805.8), subsection two (2), paragraph b, Code 1979, 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 321.189, subsection 3, the scheduled fine is five dollars. For violations of sections 321.32 and 321.189, subsection 3, 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. 44. Section eight hundred five point eight (805.8), subsection two (2), paragraph n, Code 1979, is amended to read as follows:

n. For violation of registration provisions under section three hundred twenty-one point seventeen (321.17); ~~For~~ violation of intrastate hauling on foreign registration under sections 321.54 and 321.55; use of registration under section 321.99; and display of registration or plates under 321.98, the scheduled fine is twenty dollars.

Sec. 45. A multiyear registration plate issued by the county treasurer for a trailer or semitrailer prior to the effective date of this Act shall be valid for the period for which it was issued and the requirement of obtaining an annual registration plate for a trailer or semitrailer with a valid multiyear registration plate shall not be applicable until the valid multiyear registration plate has expired.

Sec. 46. The director of transportation shall investigate the inspection requirements imposed by other states on Iowa vehicles displaying a valid certificate of inspection issued in Iowa. The director may recommend to the Sixty-ninth General Assembly, 1981 Session, legislation to encourage other states to afford equitable treatment to motor vehicles displaying a valid certificate of inspection issued in Iowa.

\*See §49 for effective date



Sec. 47. The provisions of section six (6) of this Act are effective December first following enactment of this Act for registration fees payable on or after December first following enactment of this Act for vehicle registrations for the succeeding calendar year.

Sec. 48. Section three hundred twenty-one point one hundred nineteen (321.119) of the Code takes effect December first following enactment of this Act for vehicles registered for the 1981 or succeeding calendar years.

Sec. 49. Sections two (2), fourteen (14) and forty-two (42) of this Act, being deemed of immediate importance, take effect from and after their publication in the Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa, and in The Humboldt Independent, a newspaper published in Humboldt, Iowa.

Sec. 50. Chapter eighty-one (81), Code 1979, is repealed.

Sec. 51. Sections one hundred thirty-five D point twenty-seven (135D.27), three hundred twenty-one point one hundred thirty-six (321.136), three hundred twenty-one point one hundred thirty-seven (321.137), three hundred twenty-one point one hundred thirty-eight (321.138), three hundred twenty-one point one hundred thirty-nine (321.139), three hundred twenty-one point one hundred forty (321.140), three hundred twenty-one point one hundred forty-one (321.141), three hundred twenty-one point one hundred forty-two (321.142), three hundred twenty-one point one hundred forty-three (321.143) and three hundred twenty-one point one hundred forty-four (321.144), Code 1979, are repealed.

Approved May 20, 1980

I hereby certify that the foregoing Act, Senate File 2361, was published in the Fort Dodge Messenger, Fort Dodge, Iowa on May 23, 1980 and republished June 17, 1980, and published in The Humboldt Independent, Humboldt, Iowa on May 24, 1980.

MELVIN D. SYNHORST, *Secretary of State*