

loess or undrainable clays. When the borrow pit is acquired by easement, the restoration method shall be determined by agreement with the landowner.

Sec. 2. This Act is effective January first following its enactment.

Approved May 21, 1980

CHAPTER 1103
MOTOR VEHICLE LAWS
S. F. 278

AN ACT relating to motor vehicle laws by providing four-year operators' and chauffeurs' licenses for licensees between the ages of eighteen and seventy, by providing for the admission of motor vehicle records in court actions, by providing for personal service of notices, by providing for consideration of out-of-state moving violation convictions in habitual offender determinations, by authorizing the director of transportation to enter into nonresident violator compacts, by providing that operating a motor vehicle without a valid operator's license shall be a scheduled violation, by providing a revised schedule for excess speed violations, by prohibiting deferral of fines when a defendant admits a scheduled violation or is convicted of a scheduled violation, by providing for forfeiture of appearance bonds, and by providing technical corrections and providing penalties.

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

Section 1. Section three hundred twenty-one point ten (321.10), Code 1979, is amended to read as follows:

321.10 CERTIFIED COPIES OF RECORDS. The director and ~~such~~ officers of the department ~~as he may designate~~ designated by the director are hereby authorized to prepare under the seal of the department and ~~deliver~~ provide upon request a certified copy of any record of the department, charging a fee of fifty cents for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original ~~thereof~~ and shall be considered to be true and accurate unless shown otherwise by an objecting party.

Sec. 2. Section three hundred twenty-one point sixteen (321.16), Code 1979, is amended to read as follows:

321.16 GIVING OF NOTICES. Whenever the department is authorized or required to give any notice under this chapter or other law regulating the operation of vehicles, unless a different method of giving such notices is otherwise expressly prescribed, such notice shall be given either by personal delivery ~~thereof~~ to the person to be so notified or by personal service in the manner of original notice by rule fifty-six point one (56.1), paragraph a, of the rules of civil procedure, or by restricted certified mail addressed

to such person at his the address as shown by the records of the department. Return acknowledgment is required to prove such latter service.

Proof of the giving of notice by personal service may be made by the certificate of any officer or employee of the department or affidavit of any person over eighteen years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof.

Sec. 3. Section three hundred twenty-one point forty (321.40), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county treasurer shall refuse to renew the registration of a vehicle registered to a person when notified that there is a warrant outstanding for that person's arrest out of a court located within that county and the warrant arises out of the alleged violation of a provision of chapter three hundred twenty-one (321) of the Code or of an ordinance adopted by a local authority relating to the stopping, parking or operation of a vehicle or the regulation of traffic. Each clerk of court in this state shall, by December first of each year, submit to the county treasurer of that county an alphabetized list of all persons against whom such an arrest warrant has been issued and is outstanding. Immediately upon the cancellation or satisfaction of such an arrest warrant the clerk of court shall notify the person against whom the arrest warrant was issued and the county treasurer if that person's name appeared on the last list furnished to the county treasurer. This paragraph shall not apply to the transfer of a registration or the issuance of a new registration. The provisions of this paragraph are applicable to counties with a population of two hundred thousand or more. The provisions of this paragraph shall be applicable to any county with a population of less than two hundred thousand upon the adoption of a resolution by the county board of supervisors so providing.

Sec. 4. Section three hundred twenty-one point one hundred seventy-four (321.174), Code 1979, is amended to read as follows:

321.174 OPERATORS AND CHAUFFEURS LICENSED. ~~No~~ A person, except those hereinafter expressly exempted shall not drive any motor vehicle upon a highway in this state unless such person has a valid motor vehicle license as an-operator-ex-chauffeur issued by the department. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

Sec. 5. Section three hundred twenty-one point one hundred seventy-four (321.174), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Every licensee shall have his or her operator's or chauffeur's, or motorized bicycle license or instruction permit in 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 the person's arrest.

Sec. 6. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection three (3), Code 1979, is amended by striking the subsection.

Sec. 7. Section three hundred twenty-one point one hundred ninety-six (321.196), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~Prior to July 17, 1975, the director shall issue, under rules formulated by the director, operators' licenses valid for two or four years. Each~~ An operator's license ~~issued after July 17, 1977,~~ shall expire four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of eighteen and ~~sixty-five~~ seventy years on the date of issuance of the license, otherwise the license shall be effective for a period of two years, but the license shall be renewable without written examination or penalty within a period of thirty days after such birthday anniversary and such its expiration date. A person shall not be considered to be driving with an invalid license during ~~such a period before renewal, however~~ of thirty days following the license expiration date. However for any license renewed within such thirty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February 29 twenty-ninth shall be deemed to occur on March 1 first. All applications for renewal of operators' licenses shall be made under the direct supervision of a uniformed member of the department and shall be approved by ~~such~~ the uniformed member. The ~~director~~ department in its discretion may authorize the renewal of a valid license upon application without an examination provided that, ~~a person holding such license has not more than three convictions of moving traffic violations during the previous two years and, provided that such person~~ the applicant satisfactorily passes a vision test as prescribed by the department.

Sec. 8. Section three hundred twenty-one point one hundred ninety-seven (321.197), Code 1979, is amended to read as follows:

321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every chauffeur's license ~~issued hereunder~~ shall expire every two or four years at the option of the applicant on the licensee's birthday anniversary. A chauffeur's license may be renewed within thirty days after the applicant's license expiration date without written examination or penalty. A person shall not be considered to be driving with an invalid license during a period of thirty days following the license expiration date. However, if the licensee is ~~sixty-five~~ seventy years of age or older on the date of issuance of the license, ~~such~~ the license shall be issued to be valid for two years. ~~Persons whose birthdays occur~~ For the purposes of this section the birthday anniversary of a person born on February 29 twenty-ninth shall be deemed to occur on March 1, ~~for the purpose of this section~~ first. The department in its discretion may waive the examination of any ~~such~~ the applicant previously licensed as a chauffeur under this chapter, provided that ~~such~~ the person satisfactorily passes a vision test as prescribed by the department. ~~All applications~~ An application for the renewal of a chauffeur's license shall be made under the direct supervision of a uniformed member of the department and shall be approved by ~~such~~ the uniformed member.

Sec. 9. Section three hundred twenty-one point two hundred three (321.203), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS. A nonresident's privilege of driving a motor vehicle on a highway in this state is subject to suspension and revocation for the same reasons and in the same manner as suspension or revocation of an operator's or chauffeur's license and is also subject to suspension as provided in section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 10. Section three hundred twenty-one point two hundred ten (321.210), Code 1979, is amended by adding the following new subsection following subsection seven (7):

NEW SUBSECTION. Should have his or her license suspended under the provisions of section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 11. Section three hundred twenty-one point two hundred twelve (321.212), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

The Except as provided in section three hundred twenty-one point five hundred thirteen (321.513) of the Code, the department shall not suspend a license for a period of more than one year, except that a license suspended because of incompetency to drive a motor vehicle shall be suspended until the department receives satisfactory evidence that the former holder thereof is competent to operate a motor vehicle and a refusal to reinstate shall constitute a denial of license within the provisions of section 321.215; upon revoking a license the department shall not in-any-event grant an application for a new license until the expiration of one year after such the revocation.

Sec. 12. Section three hundred twenty-one point two hundred fifteen (321.215), subsection one (1), paragraph d, Code 1979, is amended to read as follows:

d. Proof of financial responsibility is established as defined in chapter 321A, however such proof is not required if the license was suspended, under section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 13. Section three hundred twenty-one point two hundred eighteen (321.218), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Any person whose operator's or chauffeur's license or driving privilege, has been denied, canceled, suspended or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is denied, canceled, suspended, or revoked, is guilty of a simple misdemeanor. The sentence imposed under this section shall not be suspended by the court, notwithstanding the provisions of section 907.3 or any other provision of statute. The department, upon receiving the record of the conviction of any person under this section upon a charge of driving a motor vehicle while the license of such person was suspended or revoked, shall, except for licenses suspended under section three hundred twenty-one point five hundred thirteen (321.513) of the Code, extend the period of

suspension or revocation for an additional like period, and the department shall not issue a new license during such additional period.

Sec. 14. Section three hundred twenty-one point two hundred thirty-six (321.236), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the registration of a vehicle shall be denied for outstanding arrest warrants under section three hundred twenty-one point forty (321.40) of the Code, the simple notice of fine under paragraph a of this subsection shall contain the following statement:

"FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

This paragraph does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.

Sec. 15. Section three hundred twenty-one point five hundred fifty-five (321.555), unnumbered paragraph one (1) and subsections one (1) and two (2), Code 1979, are amended to read as follows:

As used in this division, "habitual offender" means any person who has accumulated convictions for separate and distinct offenses described in subsections 1, 2, or 3, committed after July 1, 1974, for which final convictions have been rendered, as follows:

1. Three or more ~~convictions within a six-year period~~, of the following offenses, either singularly or in combination, within a six-year period:

- a. Manslaughter resulting from the operation of a motor vehicle.
- b. Driving a motor vehicle while under the influence of an alcoholic beverage or a controlled substance as defined in section 204.101.
- c. Driving a motor vehicle while operator's or chauffeur's license is suspended or revoked.
- d. Perjury or the making of a false affidavit or statement under oath to the department of public safety.
- e. An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used.
- f. Failure to stop and leave information or to render aid as required by section 321.263.

~~g. A violation of the traffic laws, except parking regulations, committed during a period of suspension or revocation.~~

2. Six or more ~~convictions~~ of any separate and distinct offenses within a two-year period in the operation of a motor vehicle which are required to be reported to the department ~~of public safety~~ by section 321.207 or chapter three hundred twenty-one C (321C) of the Code, except equipment violations, violations of parking regulations of cities, violations of registration laws, operating a vehicle with an expired license or permit, failure to appear, and weights and measures violations and speeding violations of less than ~~six~~ fifteen miles per hour over the legal speed limit, ~~as provided by law prior to enactment of chapter 1189, Acts of the Sixty-fifth General Assembly, 1974 Session.~~

Sec. 16. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section as section three hundred twenty-one point five hundred thirteen (321.513) of the Code:

NEW SECTION. 321.513 NONRESIDENT VIOLATOR COMPACT.

1. AUTHORITY TO COMPACT. The director, subject to the approval of the commission, may enter into nonresident violator compacts with other jurisdictions. The compacts shall contain in substantially the same form the following provisions:

a. DEFINITIONS. For purposes of the nonresident violator compact, unless the context requires otherwise:

(1) "Citation" means a summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

(2) "Collateral" means cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "Court" means a court of law or traffic tribunal.

(4) "Driver's license" means a license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that the motorist will comply with the terms of that traffic citation.

(10) "Police officer" means a peace officer as defined in section eight hundred one point four (801.4) of the Code authorized by the party jurisdiction to issue a citation for a traffic violation.

(11) "Terms of the citation" means those options expressly stated upon the citation.

b. PROCEDURE FOR ISSUING JURISDICTION.

(1) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, except as provided in subparagraph two (2) of this paragraph, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed personal recognizance that the motorist will comply with the terms of the citation.

(2) Unless prohibited by law, personal recognizance is acceptable. If mandatory appearance is required by law, the appearance must take place immediately following issuance of the citation.

(3) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the

licensing authority of the jurisdiction in which the traffic citation was issued, and that licensing authority shall transmit the information contained in the report to the licensing authority in the home jurisdiction of the motorist.

(4) The licensing authority of the issuing jurisdiction shall not suspend for failure to comply with the terms of a traffic citation the driving privilege of a motorist for whom a report has been transmitted.

(5) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation if the date of transmission is more than six months after the date the traffic citation was issued.

(6) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation where the date of issuance of the citation predates the most recent effective date of entry for the two jurisdictions.

c. PROCEDURE FOR HOME JURISDICTION. Upon receipt of a report of a failure to comply, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards shall be accorded.

d. EXCEPTIONS. The provisions of the nonresident violator compact do not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

e. ADDITIONAL PROVISIONS. The nonresident violator compact may contain other provisions the director reasonably determines are necessary or appropriate for inclusion in the compact.

2. RULES. The department may adopt rules pursuant to chapter seventeen A (17A) of the Code as necessary to carry out the provisions of this section.

3. ENFORCEMENT. The agencies and officers of this state and its political subdivisions shall enforce the nonresident violator compacts and shall do all things appropriate to accomplish their purpose and intent.

Sec. 17. Section three hundred twenty-one point five hundred sixty (321.560), Code 1979, is amended to read as follows:

321.560 BARRED FOR SIX YEARS. A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section 321.555, subsection 1 for a period of not less than two years nor more than six years from the date of judgment as ordered by the court. A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section 321.555, subsection 2, for a period of one year from the date of judgment.

Sec. 18.* Section three hundred twenty-one point five hundred sixty-one (321.561), Code 1979, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION. It shall be unlawful for any person convicted as an habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560. Any person guilty of violating the provisions of this section shall upon conviction be punished by imprisonment---in---the---penitentiary---for---not---more---than---two---years---and notwithstanding the provisions--of--section--687-27--such committed to the

*See also ch 1015, §48 herein

custody of the director of the division of adult corrections. This conviction shall constitute a an aggravated misdemeanor and not a felony.

Sec. 19. Section three hundred twenty-one A point seventeen (321A.17), subsection five (5), Code 1979, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under the provisions of section 321.216 or three hundred twenty-one point five hundred thirteen (321.513) of the Code shall not be required to maintain proof of financial responsibility under the provisions of this section.

Sec. 20.* Section eight hundred five point six (805.6), subsection one (1), paragraph c, subparagraph two (2), Code 1979, is amended by striking the subparagraph and inserting in lieu thereof the following:

(2) If the violation charged involved or resulted in an accident or injury to property and the total damages are less than two hundred fifty dollars, the amount of fifty dollars and five dollars costs. If the violation is for any offense for which a court appearance is mandatory, the amount of one hundred dollars plus five dollars costs.

Sec. 21. Section eight hundred five point eight (805.8), subsection two (2), paragraph f, Code 1979, is amended to read as follows:

f. For excessive speed violations when not more than ~~ten~~ five miles per hour in excess of the limit under sections 111.36, 321.236, subsections 5 and 11, 321.285, 321.286 and 321.287, the scheduled fine is ten dollars.

Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

~~For excessive speed violations when in excess of ten but not more than twenty miles per hour in excess of the limit under those sections, the scheduled fine is thirty dollars. Excessive speed more than twenty miles per hour in excess of the limit is not a scheduled violation. For excessive speed violations when in excess of the limit under those sections by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.~~

For excessive speed violations when in excess of the limit under those sections by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in a subparagraph of this paragraph "f".

Sec. 22. Section eight hundred five point eight (805.8), subsection two (2), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. For failure to have a valid license or permit for operating a motor vehicle on the highways of this state, the scheduled fine is fifteen dollars.

Sec. 23. Section eight hundred five point ten (805.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. When the violation charged is being in excess of the speed limit by more than twenty miles per hour.

*See also ch 1014, §41 herein

Sec. 24. Section eight hundred five point ten (805.10), subsection one (1), Code 1979, is amended to read as follows:

1. When the violation charged involved or resulted in an accident or injury to ~~person--or~~ property and the total damages are two hundred fifty dollars or more or in injury to person.

Sec. 25. Section eight hundred eleven point nine (811.9), Code 1979, is amended to read as follows:

811.9 FORFEITURE OF APPEARANCE BOND. Sections 811.6 through 811.8 shall not apply in a case where a ~~scheduled-offense~~ simple misdemeanor is charged upon a uniform citation and complaint and where the defendant has submitted an unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside.

Approved March 21, 1980

CHAPTER 1104
MOTOR HOMES REGISTRATION
S. F. 2051

AN ACT relating to the registration and licensing of class A, B and C motor homes and multipurpose vehicles.

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

Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter seventy (70), section six (6), subsection one (1), paragraph a and subsection three (3), are amended to read as follows:

a. Class A motor home means a truck chassis or special chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters. A class A motor home shall also mean a passenger carrying bus which has been registered at least five times as a motor truck and which has been converted, modified or altered to provide temporary living quarters.

3. The annual registration fee for motor homes and multipurpose vehicles is as follows:

a. For class A motor homes with a list price of thirty-five thousand dollars or more as certified to the department by the manufacturer, four hundred dollars for the first ~~ten~~ five registrations and three hundred dollars for each succeeding registration.

b. For class A motor homes with a list price of twenty thousand dollars or more but less than thirty-five thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for the first ~~ten~~