

**CHAPTER 1230****MOTOR VEHICLE LICENSING AND REGULATION***S.F. 2329*

**AN ACT** relating to motor vehicles including provisions relating to implied consent to test persons operating commercial motor vehicles, to motor vehicle registration fees by allowing semiannual installment payments of registration fees for certain commercial vehicles, and to the use and issuance of motor vehicle licenses including provisions authorizing the issuance of commercial driver's licenses, setting fees for issuance of motor vehicle licenses, providing penalties, and making penalties applicable and providing for the Act's applicability.

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

Section 1. Section 172B.1, Code 1989, is amended by adding the following new subsection: **NEW SUBSECTION. 6.** "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle on the highways.

Sec. 2. Section 172B.3, subsection 2, paragraphs b, i, and j, Code Supplement 1989, are amended to read as follows:

- b. The name, ~~driver's~~ motor vehicle license number, and address of the owner of the livestock.
- i. The motor vehicle ~~operator's~~ license number of the person transporting livestock.
- j. The vehicle ~~license~~ registration plate number and the state of issuance.

Sec. 3. Section 172B.5, subsection 1, Code 1989, is amended to read as follows:

1. INVESTIGATION. A law enforcement officer may stop and detain a person, whether on or off a highway, who is transporting livestock for the purpose of obtaining compliance with section 172B.2, and the officer may request the presentation or execution of a transportation certificate. The officer may examine the livestock for identification, the vehicle for the purpose of obtaining the vehicle registration plate number, and the registration of the vehicle and the ~~operator's~~ motor vehicle license of the driver or person detained. However, nothing in this chapter shall be construed to authorize any law enforcement officer to open or require the opening of the cargo compartment of any vehicle manufactured for use in carrying refrigerated cargo when both the cargo is actually under refrigeration at the time the vehicle is detained by the law enforcement officer, and the person operating the vehicle has in possession when stopped a valid transportation certificate or approved shipping document which was executed by the shipper and which identifies the cargo as processed livestock and otherwise complies with section 172B.3, subsection 2.

Sec. 4. Section 285.11, subsection 10, Code 1989, is amended by striking the subsection.

Sec. 5. Section 312.2, subsection 17, Code Supplement 1989, is amended to read as follows:

17. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the motorcycle rider education fund established in section 321.189, subsection ~~3~~ 9, an amount equal to one dollar per year of license validity for each issued or renewed motor vehicle license which is valid for the operation of a motorcycle. Moneys credited to the motorcycle rider education fund under this subsection shall be taken from moneys credited to the road use tax fund under section 423.24.

Sec. 6. Section 321.1, subsection 24, Code Supplement 1989, is amended to read as follows:

24. a. "~~Gross weight~~ ~~shall mean~~ means the empty weight of a vehicle plus the maximum load to be carried ~~thereon~~ by the vehicle. The maximum load to be carried by a passenger-carrying vehicle shall be determined by multiplying one hundred fifty pounds by the number of passenger seats carried by such vehicle.

b. "Unladen weight" means the weight of a vehicle or vehicle combination without load.

c. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

Sec. 7. Section 321.1, subsection 25, Code Supplement 1989, is amended to read as follows:  
25. a. ~~“Combined gross weight” shall mean means the gross weight of a motor vehicle plus the gross weight of a trailer or semitrailer to be drawn thereby~~ combination of vehicles.

b. “Gross combination weight rating” means the combined weights specified by the manufacturer as the loaded weight of each vehicle in a combination of vehicles. In the absence of a weight specified by the manufacturer for a towed vehicle, the gross vehicle weight rating of the towed vehicle shall be its gross weight.

Sec. 8. Section 321.1, subsection 32, Code Supplement 1989, is amended to read as follows:  
32. “Commercial vehicle” means a vehicle or combination of vehicles designed principally to transport passengers or property of any kind if any or all of the following apply:

a. The vehicle or any combination of vehicles has a gross weight or combined gross weight of ten thousand one or more pounds.

b. The vehicle or any combination of vehicles has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds.

c. The vehicle is designed to transport sixteen or more than fifteen passengers persons, including the driver.

d. The vehicle is used in the transportation of hazardous material in of a type or quantity requiring vehicle placarding.

Sec. 9. Section 321.1, subsection 42, Code Supplement 1989, is amended to read as follows:  
42. “Operator” or “driver” means every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

Sec. 10. Section 321.1, subsection 43, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

“Chauffeur” means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation or hire, or a person who operates a truck tractor, road tractor or any a motor truck which is required to be registered at has a gross vehicle weight classification rating exceeding five tons, or any such motor vehicle exempt from registration which would be within the gross weight classification if not so exempt sixteen thousand pounds. A person is not a chauffeur when the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner’s or operator’s principal business.

Sec. 11. Section 321.1, subsection 44, Code Supplement 1989, is amended by striking the subsection.

Sec. 12. Section 321.1, subsection 77, Code Supplement 1989, is amended to read as follows:

77. “Motor vehicle license” means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to operator, chauffeur, and motorized bicycle licenses and instruction and a driver’s, commercial driver’s, temporary restricted, or temporary license and an instruction, chauffeur’s instruction, commercial driver’s instruction, temporary restricted, or temporary permits permit.

Sec. 13. Section 321.1, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 90. “Conviction” means a final conviction or an unvacated forfeiture of bail or collateral deposited to secure a person’s appearance in court.

NEW SUBSECTION. 91. “Endorsement” means an authorization to a person’s motor vehicle license required to permit the person to operate certain types of motor vehicles or to transport certain types or quantities of hazardous materials.

Sec. 14. Section 321.1, Code Supplement 1989, is amended by adding the following new subsection:

**NEW SUBSECTION. 92.** For purposes of administering and enforcing the commercial driver's license provisions:

- a. "Commercial driver" means the operator of a commercial motor vehicle.
- b. "Commercial driver's license" means a motor vehicle license valid for the operation of a commercial motor vehicle.
- c. "Commercial driver's license information system" means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
- d. "Commercial motor vehicle" means a motor vehicle or combination of vehicles used to transport passengers or property if any of the following apply:
  - (1) The combination of vehicles has a gross combination weight rating of twenty-six thousand one or more pounds provided the towed vehicle has a gross vehicle weight rating of ten thousand one or more pounds.
  - (2) The motor vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds.
  - (3) The motor vehicle is designed to transport sixteen or more persons, including the operator, or is of a size and design to transport sixteen or more persons, including the operator, but is redesigned or modified to transport less than sixteen handicapped persons.
  - (4) The motor vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.
- e. "Foreign jurisdiction" means a jurisdiction outside the fifty United States, the District of Columbia, and Canada.
- f. "Nonresident commercial driver's license" means a commercial driver's license issued to a person who is not a resident of the United States or Canada.
- g. "Tank vehicle" means a commercial motor vehicle that is designed to transport liquid or gaseous materials within a tank having a rated capacity of one thousand one or more gallons that is either permanently or temporarily attached to the vehicle or chassis.

Sec. 15. Section 321.1A, unnumbered paragraph 2, Code 1989, is amended to read as follows: "Resident" does not include a person who is attending a college or university in this state, if the person has a domicile in another state and has a valid ~~operator's motor vehicle license and vehicle registration~~ issued by the state of domicile. "Resident" also does not include members of the armed forces that are stationed in Iowa, providing that their vehicles are properly registered in their state of residency.

Sec. 16. Section 321.12, Code 1989, is amended to read as follows:

**321.12 OBSOLETE RECORDS DESTROYED.**

The director may destroy any records of the department which have been maintained on file for three years which the director ~~may deem~~ deems obsolete and of no further service in carrying out the powers and duties of the department. However, operating records relating to a person who has been issued a commercial driver's license shall be maintained on file in accordance with rules adopted by the department.

Sec. 17. Section 321.96, Code 1989, is amended to read as follows:

**321.96 PROHIBITED PLATES — CERTIFICATES — BADGES.**

~~No~~ A person shall not display or cause or permit to be displayed, or have in the person's possession, ~~any~~ a vehicle identification number or component part number except as provided in this chapter, or ~~any~~ a canceled, revoked, altered, or fictitious registration number plates, registration receipt, or certificate of title, ~~chauffeur's license certificate, or chauffeur's badge,~~ as the same are respectively provided for in this chapter.

Sec. 18. Section 321.134, subsection 2, Code Supplement 1989, is amended to read as follows:

2. The annual registration fee for trucks, truck tractors, and road tractors, as provided in sections 321.121 and 321.122, may be payable in two equal semiannual installments if the annual registration fee exceeds the registration fee for a vehicle with a gross weight exceeding five

tons. The penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid. Semiannual installments do not apply to commercial vehicles, as defined under section 326.2, subject to proportional registration, with a base state other than the state of Iowa, as defined in section 326.2, subsection 6. The penalty on vehicles registered under chapter 326 accrues August 1 of each year except as provided in section 326.6.

Sec. 19. Section 321.145, Code 1989, is amended to read as follows:

321.145 DISPOSITION OF MONEYS AND FEES.

The money, except ~~Except for fines, and forfeitures, operator's and chauffeur's license fees~~ court costs, and ~~except the collection fees retained by the county treasurer pursuant to section 321.152, moneys and motor vehicle license fees collected pursuant to the provisions of~~ under this chapter shall be credited by the treasurer of state to the road use tax fund.

Sec. 20. Section 321.174, Code 1989, is amended to read as follows:

321.174 OPERATORS AND CHAUFFEURS LICENSED — OPERATION OF COMMERCIAL MOTOR VEHICLES.

1. A person, except those hereinafter expressly exempted, shall not drive operate any motor vehicle upon a highway in this state unless such the person has a valid motor vehicle license issued by the department valid for the vehicle's operation. No person shall operate a motor vehicle as a chauffeur unless the person holds a valid chauffeur's license.

2. A person operating a commercial motor vehicle shall not have more than one motor vehicle license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver's license, or a motor vehicle license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver's license, or motor vehicle license is valid for the vehicle operated. A person who operates a commercial motor vehicle upon the highways of this state without having been issued a motor vehicle license valid for the vehicle operated commits a simple misdemeanor.

3. ~~Every~~ A licensee shall have the licensee's operator's or chauffeur's, or motorized bicycle license or instruction permit motor vehicle license 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 district judge, peace officer, or a field deputy or examiner of the department. However, no a person charged with violating this section subsection shall not be convicted if the person produces in court, within a reasonable time, an operator's or chauffeur's or motorized bicycle license or instruction permit a motor vehicle license issued to that person and valid for the vehicle operated at the time of the person's arrest or at the time the person was charged with a violation of this section.

Sec. 21. Section 321.176, Code 1989, is amended to read as follows:

321.176 PERSONS EXEMPT FROM MOTOR VEHICLE LICENSING REQUIREMENTS.

The following persons are exempt from license hereunder motor vehicle licensing requirements:

1. Any person while operating a military motor vehicle in the service of the armed forces of the United States.

2. Any person while operating a farm tractor or implement of husbandry to or from the home farm buildings to any adjacent or nearby farm land for the exclusive purpose of conducting farm operations.

3. A nonresident operating a motor vehicle within the legal scope of the nonresident's home state or country license except a nonresident may operate a commercial motor vehicle only in compliance with section 321.174.

Sec. 22. **NEW SECTION. 321.176A PERSONS EXEMPT FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.**

The following operators are exempt from the commercial driver's license requirements:

1. A farmer or a person working for a farmer while operating a special truck within one hundred fifty air miles of the farmer's farm to transport agricultural products, farm machinery, or farm supplies to or from the farm.

2. A firefighter while operating a fire vehicle for a volunteer or paid fire organization under conditions necessary to preserve life or property or to execute related governmental functions.

3. Military personnel while on active duty and operating equipment owned or operated by the United States department of defense.

4. A person while operating a motor home solely for personal or family use.

5. A person operating a motor vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds towing a travel trailer or fifth-wheel travel trailer solely for personal or family use.

6. A person exempted by rules adopted by the department pursuant to section 321.176B.

Sec. 23. **NEW SECTION. 321.176B PERSONS EXEMPT BY RULE FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.**

If after July 1, 1990, federal law or federal regulations are changed to allow exemptions from commercial driver's license requirements for suppliers of agricultural inputs or their employees while delivering these products to their customers, the department shall immediately, pursuant to chapter 17A, adopt rules which allow these exemptions from the commercial driver's license requirements.

Sec. 24. Section 321.177, Code 1989, is amended to read as follows:

**321.177 PERSONS NOT TO BE LICENSED.**

The department shall not issue any a motor vehicle license hereunder:

1. To any person, as an operator, who is under the age of eighteen years, without the person's first having successfully completed an approved driver education course, in which case, the minimum age is sixteen years. However, the department may issue a school driver's license to certain minors as provided in section 321.194, or a temporary an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age. The department may issue subsection 1, or a driver's license restricted for use only for to motorized bicycles as provided in section 321.189, subsection 2 8.

2. To any person, as a chauffeur, who is under the age of eighteen years holding any other motor vehicle license.

3. To any person, as an operator or chauffeur whose motor vehicle license or driving privilege has been is suspended during such suspension or to any person whose license, or driving privilege, has been revoked, until the expiration of one year after such revocation.

4. To any person, as an operator or chauffeur, who is a chronic alcoholic, or is addicted to the use of an illegal narcotic drugs drug.

5. To any person, as an operator or chauffeur, who has previously been adjudged to be incompetent by reason of mental illness and who has not at the time of application been restored to competency by the methods provided by law.

6. To any person, as an operator or chauffeur, who is fails to pass an examination required by this chapter to take an examination, unless such person shall have successfully passed such examination.

7. To any person when the director has good cause to believe that such the person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways safely.

8. To any person to operate a commercial motor vehicle unless the person is eighteen years of age or older and the person qualifies under federal and state law to be issued a commercial driver's license in this state.

9. To any person, as a chauffeur, who is under the age of eighteen.

Sec. 25. Section 321.178, subsection 1, unnumbered paragraph 4, Code Supplement 1989, is amended to read as follows:

Any person who successfully completes an approved driver education course at a private or commercial driver education school licensed by the department, shall likewise be eligible for an operator's a driver's license at the age of sixteen years, providing the instructor in charge of the student's training has satisfied the educational requirements for a teaching certificate at the secondary level and holds a valid certificate to teach driver education in the public schools of Iowa.

Sec. 26. Section 321.180, Code Supplement 1989, is amended to read as follows:  
321.180 INSTRUCTION PERMITS.

1. a. A person who is at least fourteen years of age and who, except for the person's lack of ~~instructions~~ instruction in operating a motor vehicle, would be qualified to obtain an ~~operator's~~ a driver's license, shall, upon meeting the requirements of section 321.186 other than a driving demonstration, and upon paying the required fee, be issued a ~~temporary~~ an instruction permit by the department. Subject to the limitations in this subsection, a ~~temporary~~ an instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to ~~drive~~ operate a motor vehicle, other than a commercial motor vehicle or as a chauffeur or a motor vehicle with a gross vehicle weight rating of sixteen thousand one or more pounds, upon the highways for a period of not to exceed two years from the date of issuance from the licensee's birthday anniversary in the year of issuance. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the need of an accompanying person.

A permittee shall not be penalized for failing to have the instruction permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

b. The Except as otherwise provided, a permittee who is sixteen years of age or older must be accompanied by a licensed operator or chauffeur person issued a motor vehicle license valid for the vehicle operated who is at least eighteen years of age, who is an approved driver education instructor, or who is a prospective driver education instructor enrolled in and specifically designated by a practitioner preparation program with a safety education program approved by the state board of education, and who is actually occupying a seat beside the driver. The temporary instruction permit issued to Except as otherwise provided, a person permittee who is less than sixteen years of age entitles the permittee to drive a motor vehicle upon the highways only when must be accompanied by a licensed operator or chauffeur person issued a motor vehicle license valid for the vehicle operated who is the parent or guardian of the permittee, member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in and has been specifically designated by a practitioner preparation program with a safety education program approved by the state board of education, or a person who is twenty-five years of age or more if written permission is granted by the parent or guardian, and who is actually occupying a seat beside the driver.

If However, if the permittee is driving operating a motorcycle, the qualified operator accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permit holder permittee shall be under the immediate supervision of an accompanying qualified operator person, unless the qualified operator person is an approved motorcycle or driver education instructor or a prospective motorcycle or driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, and the permittee 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.

2. A person who holds a class A, B, C, or D driver's license, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's commercial driver's instruction permit valid for the operation of a commercial motor vehicle requiring a chauffeur's license when the permittee is accompanied by a person, possessing a valid chauffeur's license, properly licensed to drive the operate a commercial motor vehicle and actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise and qualified to obtain a valid chauffeur's commercial driver's license and must meet including the requirements of section ~~321.186~~ 321.188 other than a the knowledge examination and driving demonstration skills tests. The chauffeur's commercial driver's instruction permit shall be valid for a period not to exceed two years and shall be returned to the department upon receipt of a valid chauffeur's license six months. Issuance of a chauffeur's instruction permit shall not require the surrender of a valid operator's license. A commercial driver's instruction permit may be renewed only once in any two-year period. If the applicant for a commercial driver's instruction permit holds a driver's license issued in this state valid for the operation of a commercial or noncommercial vehicle, the commercial driver's instruction permit shall be valid for such operation without the need of an accompanying person.

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

3. A person, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's instruction permit valid for the operation of a motor vehicle, other than a commercial motor vehicle, as a chauffeur when the permittee is accompanied by a person, possessing a valid class D driver's license or commercial driver's license valid for the operation of the motor vehicle and the accompanying person is actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise qualified to obtain a class D driver's license, and must meet the requirements of section 321.186 other than a driving demonstration. The chauffeur's instruction permit shall be valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance and shall be returned to the department upon issuance of a class D driver's license or commercial driver's license. If the applicant for a chauffeur's instruction permit holds a driver's license issued under this chapter, the chauffeur's instruction permit shall be valid in the same manner as the driver's license would be for the operation of motor vehicles without the need of an accompanying person.

4. The instruction permit, chauffeur's instruction permit, and commercial driver's instruction permit are subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a driver's license.

#### Sec. 27. NEW SECTION. 321.180A SPECIAL INSTRUCTION PERMIT.

1. Notwithstanding other provisions of this chapter, a physically disabled person, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose motor vehicle license has been suspended under section 321.210, subsection 1, paragraph "c", upon meeting the requirements of section 321.186, other than a driving demonstration or the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph "c", and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

2. a. A special instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a noncommercial motor vehicle upon the highways for a period of six months from the date of issuance. However, the permittee must be accompanied by a person who is at least twenty-one years of age, who has been issued a motor vehicle license valid for the vehicle being operated, and who is actually occupying a seat beside the permittee.

b. A permittee shall not be penalized for failing to have the permit in immediate possession if the permittee produces in court, within a reasonable time, the special instruction permit issued to the permittee which was valid at the time of the permittee's arrest.

3. The permittee may apply for a motor vehicle license if thirty days have elapsed since issuance of the special instruction permit. The department shall issue a motor vehicle license if the permittee is qualified, passes all required tests, including a driving test, and pays the required fees. If the person has not obtained a motor vehicle license before expiration of the person's special instruction permit, the person's former denial or suspension under sections 321.177, subsection 6 or 7, or section 321.210, subsection 1, paragraph "c", upon service of notice by the department, shall be reinstated. A permit shall be reissued for one additional six-month period if a permittee continues to meet the qualifications of subsection 1 and has incurred no motor vehicle violations.

Sec. 28. Section 321.181, Code 1989, is amended to read as follows:

**321.181 TEMPORARY PERMIT.**

The department may, ~~in its discretion,~~ issue a temporary driver's permit to an applicant for ~~an operator's or chauffeur's a~~ motor vehicle license permitting the applicant to operate a motor vehicle ~~other than a commercial motor vehicle~~ while the department is completing its investigation and determination of all facts relative to ~~such~~ the applicant's right privilege to receive ~~an operator's the~~ motor vehicle license. ~~Such~~ The permit must be in the applicant's immediate possession while operating a motor vehicle, ~~and it.~~ The temporary permit shall be invalid and returned to the department when the applicant's license has been is issued or for good cause has been refused when the license is denied.

~~The temporary driver's permit shall bear a colored photograph of the permittee and shall contain such other information as the department may by rule require. The department shall not retain a positive or negative photograph of the permittee.~~

Sec. 29. Section 321.182, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**321.182 APPLICATION.**

Every applicant for a motor vehicle license shall do all of the following:

1. Make application on a form provided by the department which shall include the applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and physical description including sex, height, and eye color. The application may contain other information the department may require by rule.

2. Surrender all other motor vehicle licenses.

3. Certify that the applicant has no other motor vehicle license.

4. Certify that the applicant is not currently subject to suspension, revocation, or cancellation of any motor vehicle license and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in suspension, revocation, or cancellation of any motor vehicle license.

Sec. 30. Section 321.184, subsection 1, Code 1989, is amended to read as follows:

1. **CONSENT REQUIRED.** The application of an unmarried person under the age of eighteen years for ~~an instruction permit, operator's license, motorized bicycle license, restricted license, or school license issued under section 321.194~~ a motor vehicle license shall contain the verified consent and confirmation of the applicant's birthday by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under chapter 600A. Officers and employees of the department may administer the oaths without charge.

Sec. 31. Section 321.186, Code 1989, is amended to read as follows:

**321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.**

The department may examine every new applicant for ~~an operator's, motorized bicycle or chauffeur's a~~ motor vehicle license or any person holding a valid ~~operator's, motorized bicycle or chauffeur's~~ motor vehicle license when the department has reason to believe that ~~such~~ the



person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify such an examination. ~~Such~~ The examinations shall be held in every county within periods not to exceed fifteen days. It except that the driving skills test for a commercial driver's license shall be given only at locations where required driving skills may be adequately tested, including pretrip and off-road examinations. The department shall make every effort to accommodate a functionally illiterate applicant when the applicant is taking a knowledge test. The department shall make every effort to have an examiner conduct the commercial driver's license driving skills tests at other locations in this state where skills may be adequately tested when requested by a person representing ten or more drivers requiring driving skills testing.

The department shall make every effort to accommodate a commercial driver's license applicant's need to arrange an appointment for a driving skills test at an established test site other than where the applicant passed the required knowledge test. The department shall report to the governor and the general assembly on any problems, extraordinary costs and recommendations regarding the appointment scheduling process.

PARAGRAPH DIVIDED. The examination shall include a test screening of the applicant's eyesight, a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, a test of the applicant's knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and ~~such further~~ other physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. However, an applicant for a new motor vehicle license other than a commercial driver's license need not pass a vision test administered by the department if the applicant files with the department a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

Sec. 32. NEW SECTION. 321.186A VISION REPORT IN LIEU OF VISION TEST.

1. An applicant for a new or renewed motor vehicle license other than a commercial driver's license need not take a vision test administered by the department if the applicant files with the department a vision report signed by a licensed vision specialist in accordance with this section.

2. An applicant for such a new or renewed motor vehicle license who fails a vision test administered by the department may subsequently be issued the motor vehicle license without need of passing a department administered vision test, if the applicant files with the department a vision report from a licensed vision specialist in accordance with this section.

3. The vision report shall state the visual acuity level of the applicant as measured by the vision specialist and shall be in the form and include other information as required by rule of the department. A vision report is valid only if the visual acuity level of the applicant has been measured by the licensed vision specialist within thirty days before the application for the new or renewed motor vehicle license.

4. As used in this section, a "licensed vision specialist" means a physician licensed under chapter 148, 150, or 150A, or an optometrist licensed under chapter 154.

Sec. 33. Section 321.187, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

321.187 EXAMINERS.

The department shall examine applicants for motor vehicle licenses. Examiners of the department shall wear an identifying badge and uniform provided by the department.

1. The department may by rule designate area vocational schools and community colleges to administer the driving skills test required for a commercial driver's license provided that all of the following occur:

a. The driving skills test is the same as that which would otherwise be administered by the state.

b. The examiner contractually agrees to comply with the requirements of 49 C.F.R. § 383.75 adopted as of a specific date by rule by the department.

2. The department may also designate by rule other parties to administer the driving skills test required for a commercial driver's license provided that both subsection 1, paragraphs "a" and "b" apply. This subsection is repealed April 1, 1992.

Sec. 34. NEW SECTION. 321.188 COMMERCIAL DRIVER'S LICENSE REQUIREMENTS.

1. Before the department issues, renews, or upgrades a commercial driver's license and in addition to the requirements of section 321.182, the license applicant shall do all of the following:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. part 391 adopted as of a specific date by rule by the department.

b. Certify the applicant is not subject to any commercial driver's license disqualification and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in commercial driver's license disqualification.

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H adopted as of a specific date by rule by the department.

d. Certify the vehicle to be operated in the driving skills tests represents the largest class of vehicle the applicant will operate on the highway.

e. Certify that the applicant is a resident of Iowa or a resident of a foreign jurisdiction.

2. An applicant for a commercial driver's license may substitute for a driving skills test the applicant's operating record and previous passage of a driving skills test or the applicant's operating record and previous driving experience if all of the following conditions exist:

a. The applicant is currently licensed to operate a commercial motor vehicle.

b. The applicant certifies that during the two years immediately preceding application all of the following apply:

(1) The applicant has not held motor vehicle licenses valid for the operation of commercial motor vehicles from more than one state simultaneously.

(2) The applicant has not had any convictions which are federal commercial driver's license disqualifying offenses under 49 C.F.R. § 383.51 adopted as of a specific date by rule by the department while operating any type of vehicle.

(3) The applicant has not committed a traffic violation, other than a parking violation, arising in connection with a traffic accident.

(4) No record of an accident exists for which the applicant was convicted of a moving traffic violation.

(5) The applicant has not had any motor vehicle license suspended, revoked, or canceled.

c. The applicant provides evidence of and certifies that the applicant is employed in a job requiring operation of a commercial motor vehicle and the applicant has done one of the following:

(1) Has previously passed a driving skills test given by this state or its designee in a motor vehicle representative of the class of motor vehicle the applicant will operate.

(2) Has operated during the two-year period immediately preceding the application a motor vehicle representative of the class of motor vehicle the applicant will operate.

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. § 383.121 adopted as of a specific date by rule by the department to obtain or retain the endorsement. However, an applicant for license upgrade may retain the endorsement if the applicant successfully passed the endorsement test within the preceding twenty-four months.

4. The department shall check the applicant's driving record as maintained by the applicant's current licensing state, the national commercial driver's license information system, and the national driver register to determine whether the applicant qualifies to be issued a

commercial driver's license. The department shall notify the national commercial driver's license information system of the issuance, renewal, or upgrade of a commercial driver's license.

5. A resident of this state holding a commercial driver's license issued by a former state of residence in conformity with the federal commercial driver testing and licensing standards shall not be required to take a knowledge or driving skills test prior to issuance of a commercial driver's license in this state, except a basic Iowa rules of the road knowledge test and, when applicable, motorcycle operator knowledge and driving skills tests. The commercial driver's license issued by this state shall be valid for operation of the same class of vehicles with the same endorsements and restrictions as in the former state of licensure. However, a person with a hazardous materials endorsement must comply with subsection 3.

Sec. 35. Section 321.189, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**321.189 DRIVER'S LICENSE – CONTENT – MOTORCYCLE RIDER EDUCATION FUND.**

1. **CLASSIFICATION AND ISSUANCE.** Upon payment of the required fee, the department shall issue to every qualified applicant a driver's license. Driver's licenses shall be classified as follows:

a. **Class A** – Valid for the operation of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds if one of the towed vehicles has a gross vehicle weight rating of ten thousand one or more pounds and valid for the operation of vehicles with lower gross combination weight ratings and other vehicles except motorcycles.

b. **Class B** – Valid for the operation of a vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds provided the towing vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds and each towed vehicle has a gross vehicle weight rating of less than ten thousand one pounds and valid for the operation of vehicles with lower gross vehicle weight ratings or gross combination weight ratings except motorcycles.

c. **Class C** – Valid for the operation of a vehicle, other than a motorcycle, or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds provided the towing vehicle has a gross vehicle weight rating of less than twenty-six thousand one pounds and each towed vehicle has a gross vehicle weight rating of less than ten thousand one pounds, or a combination of vehicles with a gross vehicle weight rating or gross combination weight rating of less than twenty-six thousand one pounds and also valid for the operation of any vehicle, other than a motorcycle, for which the operator is exempt from commercial driver's license requirements under section 321.176A.

d. **Class D** – Valid for the operation of a motor vehicle as a chauffeur.

e. **Class M** – Valid for the operation of a motorcycle.

A driver's license may be issued for more than one class. Class A and B driver's licenses shall only be issued as commercial driver's licenses. Class C and M driver's licenses may be issued as commercial driver's licenses. A driver's license is not valid for the operation of a vehicle requiring an endorsement unless the driver's license is endorsed for the vehicle. A class D driver's license is also valid as a noncommercial class C driver's license. The holder of a commercial driver's license is not required to obtain a class D driver's license to operate a motor vehicle as a chauffeur. When necessary, the department shall by rule create additional classes or modify existing classes of driver's licenses, however, the rule shall be temporary and if within sixty days after the next regular session of the general assembly convenes the general assembly has not made corresponding changes in this chapter, the temporary classification or modification shall be nullified.

**2. CONTENT OF LICENSE.**

a. Appearing on the driver's license shall be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, sex, and residence address; a colored photograph;

a physical description of the licensee; the name of the state; the dates of issuance and expiration; and the usual signature of the licensee. The license shall identify the class of vehicle the licensee may operate and the applicable endorsements and restrictions which the department shall require by rule.

b. A commercial driver's license shall include the licensee's address as required under federal regulations, the licensee's social security number, and the word "commercial" shall appear prominently on the face of the license. If the applicant is a nonresident, the license must conspicuously display the word "nonresident".

c. The department shall advise an applicant that the applicant for a motor vehicle license other than a commercial driver's license may request a number other than a social security number as the motor vehicle license number.

d. The license may contain other information as required under the department's rules.

3. **REPLACEMENT.** If prior to the renewal date, a person desires to obtain a motor vehicle license in the form authorized by this section, a license may be issued as a voluntary replacement upon payment of the required fee as set by the department by rule. A person shall return a motor vehicle license and be issued a new license when the first license contains inaccurate information upon payment of the required fee as set by the department by rule.

4. **SYMBOLS.** Upon the request of a licensee, the department shall indicate on the license the presence of a medical condition or that the licensee is a donor under the uniform anatomical gift law. The license may contain such other information as the department may require by rule.

5. **TAMPERPROOFING.** The department shall issue a motor vehicle license by a method or process which prevents as nearly as possible the alteration, reproduction, or superimposition of a photograph on the license without ready detection.

6. **LICENSES ISSUED TO MINORS.** A motor vehicle license issued to a person under twenty-one years of age shall be identical in form to any other motor vehicle license except that the word "minor" shall appear prominently on the face of the license. Upon attaining the age of twenty-one, and upon payment of a one dollar fee, the person shall be entitled to a new motor vehicle license or nonoperator's identification card for the unexpired months of the motor vehicle license or card.

7. **CLASS "M" LICENSE EDUCATION REQUIREMENTS.** A person under the age of eighteen applying for a driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of education or from a private or commercial driver education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under subsection 9.

8. **MOTORIZED BICYCLE.**

a. The department may issue a driver's license valid only for operation of a motorized bicycle to a person fourteen years of age or older who has passed a vision test or who files a vision report as provided in section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department and who passes a written examination on the rules of the road. A person under the age of sixteen applying for a driver's license valid only for operation of a motorized bicycle shall also be required to successfully complete a motorized bicycle education course approved and established by the department of education 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 shall charge a student a fee which shall not exceed the actual cost of instruction. A driver's license valid only for operation of a motorized bicycle entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession. The license is valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance, subject to termination or cancellation as provided in this section.

b. A driver's license valid only for operation of a motorized bicycle shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after

the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section 321A.17, unless the conviction would otherwise result in a suspension or revocation of a person's driver's license.

c. As used in this section, "moving traffic violation" does not include a parking violation as defined in section 321.210 or a violation of a section of the Code or municipal ordinance pertaining to standards to be maintained for motor vehicle equipment except sections 321.430 and 321.431, or except a municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

d. The holder of any class of driver's license may operate a motorized bicycle.

9. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the department of education to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and established by the department of education. The department of education shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the costs of providing the education courses.

Sec. 36. Section 321.190, subsection 1, Code Supplement 1989, is amended to read as follows:

1. APPLICATION FOR AND CONTENTS OF CARD.

a. The department shall, upon application and payment of the required fee, issue to an applicant a nonoperator's identification card, ~~which~~. To be valid the card shall bear a distinguishing number assigned to the card holder, the full name, date of birth, sex, residence address, a brief physical description and a colored photograph of the card holder, the usual signature of the card holder, and such other information as the department may require by rule ~~require~~. The card, ~~including the colored photograph~~, shall be issued to the applicant at the time of application and ~~no positive or negative photograph shall be retained~~. ~~The department shall, by rule, establish procedures for the application for, and issuance of, a nonoperator's identification card. An identification card shall not be valid unless it bears the usual signature of the card holder pursuant to procedures established by rule.~~

b. The department shall not issue a card to a person holding a motor vehicle license. The card shall be identical in form to a driver's license issued under section 321.189 except the word "nonoperator" shall appear prominently on the face of the card. A nonoperator's identification card issued to a person under twenty-one years of age shall include the word "minor" prominently on the face of the card.

c. The department shall use a process or processes for issuance of a nonoperator's identification card, that prevents, as nearly as possible, the opportunity for alteration or reproduction of, and the superimposition of a photograph on the nonoperator's identification card without ready detection.

d. ~~The fee for a nonoperator's identification card shall be five dollars and the card shall be valid for the purpose of identification for a period of four years from the date of issuance. No issuance fee shall be charged for a person whose motor vehicle license or driving privilege has been suspended under section 321.210, subsection 1, paragraph "c".~~

~~The nonoperator's identification card fees shall be transmitted by the department to the treasurer of state who shall credit such the fees to the general fund of the state road use tax fund.~~

Sec. 37. Section 321.190, subsection 3, Code Supplement 1989, is amended by striking the subsection and inserting in lieu thereof the following:

3. The department shall cancel a person's nonoperator's identification card upon determining the person was not entitled to be issued the card, did not provide correct information, committed fraud in applying for the card, or unlawfully used a nonoperator's identification card.

Sec. 38. Section 321.191, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**321.191 FEES FOR MOTOR VEHICLE LICENSES.**

1. **INSTRUCTION PERMITS.** The fee for an instruction permit, other than a special instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit, is six dollars. The fee for a special instruction permit is ten dollars. The fee for a chauffeur's instruction permit or commercial driver's instruction permit is twelve dollars.

2. **NONCOMMERCIAL MOTOR VEHICLE LICENSES.** The fee for a noncommercial motor vehicle license, other than a class D driver's license or any type of instruction permit, valid for two years is eight dollars.

3. **LICENSES FOR CHAUFFEURS.** The fee for a noncommercial class D driver's license valid for two years is sixteen dollars.

4. **COMMERCIAL MOTOR VEHICLE LICENSES.** An additional fee of eight dollars is required to issue a motor vehicle license, other than an instruction permit, valid for two years for the operation of a commercial motor vehicle.

5. **LICENSES VALID FOR MOTORCYCLES.** An additional fee of one dollar per year of license validity is required to issue a license valid to operate a motorcycle.

6. **SPECIAL MINOR' LICENSES.** Notwithstanding subsection 2, the fee for a driver's license issued to a minor under section 321.194 or a restricted license issued to a minor under section 321.178, subsection 2, is eight dollars.

7. **FOUR-YEAR LICENSES.** The fee for a motor vehicle license valid for four years is twice the fee for a two-year license.

8. **ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.** The fee for a double/triple trailer endorsement, tank vehicle endorsement, and hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement is ten dollars. The fee for removal of an air brake restriction on a commercial driver's license is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the length of the time period of the license regardless of whether the license is issued for two or four years. Upon renewal of a commercial driver's license there is no fee for retaining endorsements or the removal of the air brake restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

9. **MOTOR VEHICLE LICENSE REINSTATEMENTS.** The fee for reinstatement of a motor vehicle license shall be twenty dollars for a license which is, after notice and opportunity for hearing, canceled, suspended, or revoked. However, reinstatement of the privilege suspended under section 321.210, subsection 1, paragraph "c", shall be without fee. The fee for reinstatement of the privilege to operate a commercial motor vehicle after a period of disqualification shall be twenty dollars.

10. **UPGRADING A LICENSE CLASS PRIVILEGE — FEE ADJUSTMENT.** If an applicant wishes to upgrade a license class privilege, the fee charged shall be prorated on full-year fee increments of the new license in accordance with rules adopted by the department. The expiration date of the new license shall be the expiration date of the currently held driver's license. The fee for a commercial driver's license endorsement, the removal of an air brake restriction, or a commercial driver's license instruction permit shall not be prorated.

As used in this subsection "to upgrade a license class privilege" means to add any privilege to a valid motor vehicle license. The addition of a privilege includes converting from a non-commercial to a commercial license, converting from a noncommercial class C to a class D license, converting an instruction permit to a class license, adding any privilege to a section 321.189, subsection 8, license, adding an instruction permit privilege, adding a section 321.189, subsection 8, license to an instruction permit, and adding any privilege relating to a motor vehicle license issued to a minor under section 321.194 or section 321.178, subsection 2.

Sec. 39. Section 321.193, Code 1989, is amended to read as follows:

**321.193 RESTRICTED RESTRICTIONS ON LICENSES.**

~~When As provided in rules adopted pursuant to chapter 17A by rule, the department upon issuing an operator's or chauffeur's license or motorized bicycle license shall have authority~~

whenever good cause appears to may impose restrictions suitable to the motor vehicle licensee's driving ability with respect to the type of motor vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee, including licenses issued under section 321.194, as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. The department shall not require a person issued a valid operator's or chauffeur's license to comply with any other licensing requirements in order to operate a motorized bicycle.

The department may either issue a special restricted license or may set forth such restrictions upon the usual motor vehicle license form.

The department may suspend or revoke the motor vehicle license upon receiving satisfactory evidence of any violation of the license's restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

It is a misdemeanor, punishable as provided in section 321.482, for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person.

Sec. 40. Section 321.194, Code Supplement 1989, is amended to read as follows:

321.194 SPECIAL MINORS' SCHOOL LICENSES.

1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL. Upon certification of a special need by the school board or the superintendent of the applicant's school, the department may issue a school class C or M driver's license to a person between the ages of fourteen and eighteen years who has successfully completed completes an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules under chapter 17A defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

a. The school driver's license entitles the holder, while having the license in immediate possession, to operate a motor vehicle during other than a commercial motor vehicle or as a chauffeur:

(1) During the hours of 6 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment and between schools of enrollment for the purpose of attending duly scheduled courses of instruction and extracurricular activities at the schools or at any time when accompanied by a parent or guardian, member of the license holder's immediate family if the family member is at least twenty-one years of age, 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. The license shall expire on the licensee's eighteenth birthday or upon issuance of a restricted license under section 321.178, subsection 2, or operator's license. Parental consent given for the issuance of a school license under this section shall not be deemed to be consent given under section 321.184 for the issuance of any other permit or license applied for by the school license applicant.

(2) At any time when the licensee is accompanied in accordance with section 321.180, subsection 1, paragraph "b".

b. Each application shall be accompanied by a statement from the school board or superintendent of the applicant's school. The statement shall be upon a form provided by the department. The school board or superintendent shall certify that a need exists for the license and that the board and superintendent are not responsible for actions of the applicant which pertain to the use of the school driver's license. The department of education shall adopt rules pursuant to chapter 17A establishing criteria for issuing a statement of necessity. Upon receipt of a statement of necessity, the department shall issue a school the driver's license. The fact that the applicant resides at a distance less than one mile from the applicant's schools of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. A school The driver's license shall not be issued for purposes of attending a public school in a school district other than the either of the following:

(1) The district of residence, or a of the parent or guardian of the student.

(2) A district which is contiguous to the district of residence, of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in chapter 282.

2. SUSPENSION AND REVOCATION. A driver's license issued under this section is subject to suspension or revocation in like manner as for the same reasons and in the same manner as suspension or revocation of any other driver's license or permit issued under a law of this state. The department may also suspend a driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a driver's license issued under this section and a permit issued under section 321.180 upon receiving a record of the licensee's conviction for one violation. The department shall revoke the license and any permit issued under section 321.180 upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After revoking a person licensed under this section receives two or more convictions which require revocation of the person's license or permit under this section, the department shall not grant an application for a new motor vehicle license or permit until the expiration of one year or until the licensee's sixteenth birthday, whichever is the longer period.

Sec. 41. Section 321.196, Code Supplement 1989, is amended to read as follows:

321.196 EXPIRATION OF OPERATOR'S LICENSE — RENEWAL — VISION TEST MANDATORY.

Except as otherwise provided, an operator's a motor vehicle license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires, at the option of the applicant, two or four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years, eleven months and seventy years on the date of issuance of the license, otherwise. If the licensee is under the age of seventeen years eleven months or age seventy or over the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. The Except as required in section 321.188, a motor vehicle license is renewable without written examination or penalty within a period of thirty sixty days after its expiration date. A person shall not be considered to be driving with an invalid license during a period of thirty sixty days following the license expiration date. However, for a license renewed within the thirty-day sixty-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 shall be deemed to occur on March 1. 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 the uniformed member. The department in its discretion may authorize the renewal of a valid motor vehicle license other than a commercial driver's license upon application without an examination provided that the applicant either satisfactorily passes a vision test as prescribed by the department or files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

Any resident of Iowa holding a valid operator's or chauffeur's motor vehicle license who is temporarily absent from the state, or incapacitated, may, at the time for renewal for such license, obtain from the sheriff of the county of the licensee's residence a form to apply to the department for a temporary extension of the license. The department upon receipt of such the application form properly filled out shall, upon a showing of good cause, issue a temporary extension of such the motor vehicle license for a period not to exceed six months. The department shall prescribe and furnish such forms to each county sheriff.



Prior to the renewal of a license pursuant to this section, the department shall issue to each applicant information on the law relating to the operation of a motor vehicle while intoxicated and statistical information relating to the number of injuries and fatalities occurring as a result of the operation of motor vehicles while intoxicated.

Sec. 42. Section 321.197, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**321.197 EXPIRATION OF CHAUFFEUR'S LICENSES — REPLACEMENT BY COMMERCIAL DRIVER'S LICENSE.**

Notwithstanding other provisions of this chapter, a valid chauffeur's license issued by the department shall be valid to operate a motor vehicle according to the terms and limitations of the license until the earlier of the expiration date on the license or April 1, 1992. A person who has been issued a valid chauffeur's license by the department which expires on or after July 1, 1990, and before July 1, 1991, may renew the license and be issued a special class D driver's license which shall be valid according to the terms and limitations of the chauffeur's license previously issued to the person. However, after April 1, 1992, a chauffeur's license or a special class D driver's license issued under this section shall not be valid for operating a commercial motor vehicle. Between July 1, 1990, and April 1, 1992, the holder of a valid chauffeur's license may apply for a new driver's license and, if qualified, be issued a commercial driver's license valid only until the expiration date appearing on the surrendered chauffeur's license, upon surrender of the chauffeur's license and upon payment of a one dollar replacement fee together with the fees for any commercial driver's license endorsements obtained. Additionally, if application is made within one year preceding the chauffeur's license expiration date and upon payment of required fees, a qualified applicant may be issued a commercial driver's license valid for a two-year or four-year period beginning on the expiration date on the surrendered chauffeur's license. For purposes of section 321.221, a valid chauffeur's license shall be deemed to be a class D driver's license.

This section is repealed effective July 1, 1994.

Sec. 43. Section 321.198, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The effective date of a valid ~~operator's motor vehicle license and of a valid chauffeur's license~~ to the extent that it permits the operation of a motor vehicle as an operator other than a commercial motor vehicle and other than as a chauffeur, issued under the laws of this state, held by any person at the time of entering the military service of the United States or of the state of Iowa notwithstanding the expiration of ~~such the~~ license according to its terms, is hereby extended without fee until six months following the initial separation from active duty of ~~such the~~ person from the military service, provided ~~such the~~ person is not suffering from ~~such physical disabilities as to impair which impair~~ the person's competency as an operator and provided further that ~~such the~~ licensee shall upon demand of any peace officer furnish satisfactory evidence of the person's military service. However, ~~no~~ a person entitled to the benefits of this section, charged with operating a motor vehicle without an operator's license, shall not be convicted if the person produces in court, within a reasonable time, a valid ~~operator's or chauffeur's motor vehicle license theretofore previously~~ issued to that person along with evidence of the person's military service as above mentioned.

Sec. 44. Section 321.198, Code 1989, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** A person whose period of validity of the person's motor vehicle license is extended under this section may file an application in accordance with rules adopted by the department to have the person's record of issuance of a motor vehicle license retained in the department's record system during the period for which the motor vehicle license remains valid. If a person has had the record of issuance of their motor vehicle license removed from the department's records, the person shall have their record of motor vehicle license issuance reentered by the department upon request if the request is accompanied by a letter from the applicable person's commanding officer verifying the military service.

Sec. 45. Section 321.199, Code 1989, is amended to read as follows:

321.199 MOTOR VEHICLE LICENSE RECORDS.

The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order, all of the following:

1. All applications denied and ~~on each thereof note the reasons for such the denial.~~
2. All applications granted.
3. The name of every licensee who has been disqualified from operating a commercial motor vehicle or whose license has been suspended, or revoked, or canceled by the department and after each ~~such~~ name a note on the reasons for such the action.

Sec. 46. Section 321.201, Code 1989, is amended to read as follows:

321.201 AUTHORITY TO CANCEL CANCELLATION AND RETURN OF LICENSE — PROHIBITION FROM ISSUANCE OF COMMERCIAL DRIVER'S LICENSE FOR FALSE INFORMATION.

1. The department is ~~hereby authorized to may cancel any operator's or chauffeur's a motor vehicle license upon determining that determination of any of the following:~~

a. ~~That the licensee was not entitled to the issuance thereof hereunder or that said of the license.~~

b. ~~That the licensee failed to give the required or correct information in the licensee's application or committed any fraud in making such the application.~~

~~The provisions applicable in this section and sections 321.202 to 321.215 relating to cancellation, suspension or revocation of an operator's or chauffeur's license are also applicable to motorized bicycle licenses and licensees holding motorized bicycle licenses.~~

Upon cancellation, the licensee shall immediately return the license to the department.

2. Upon cancellation of a commercial driver's license for providing false information or committing fraud in the application, the applicant shall not operate a commercial motor vehicle in this state and shall not be issued a license valid to operate a commercial motor vehicle for a period of sixty days.

Sec. 47. Section 321.203, Code 1989, is amended to read as follows:

321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.

A nonresident's privilege of driving to operate a motor vehicle on a highway in this state is subject to suspension and or revocation for the same reasons and in the same manner as suspension or revocation of an operator's or chauffeur's a resident's driver's license and is also subject to suspension as provided in section 321.513.

Sec. 48. Section 321.204, Code 1989, is amended to read as follows:

321.204 CERTIFICATION OF CONVICTION — NOTIFICATION OF COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION.

1. The department is ~~further~~ authorized, upon receiving a record of the conviction in this state of a nonresident ~~driver operator~~ of a motor vehicle ~~of for any offense under the motor vehicle laws of this state, to forward a certified copy of such written or electronic record of the conviction to the motor vehicle administrator in the licensing state wherein the person so convicted is a resident.~~

2. The department shall notify the commercial driver's license information system and the commercial motor vehicle administrator in the licensing state, if applicable, of the disqualification of a commercial driver within ten days of any of the following:

a. The disqualification of the commercial driver under section 321.208 if the disqualification is for sixty days or more.

b. The suspension or revocation of a commercial driver's license if the suspension or revocation is for sixty days or more.

c. The cancellation of a commercial driver's license.

Sec. 49. Section 321.205, Code 1989, is amended to read as follows:

**321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER STATE.**

The department is authorized to suspend or revoke the motor vehicle license of any a resident of this state upon receiving notice of the conviction of such person the resident in another state of for an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur or upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license in this state.

Sec. 50. Section 321.206, Code 1989, is amended to read as follows:

**321.206 SURRENDER OF LICENSE – DUTY OF COURT.**

Whenever any If a person is convicted in court of any an offense for which this chapter makes requires mandatory the revocation of the operator's or chauffeur's person's motor vehicle license of such person by the department or, if the person's license is a commercial driver's license and the conviction disqualifies the person from operating a commercial motor vehicle, the court in which such conviction is had shall require the person to surrender to it of all operator's and chauffeur's licenses then the motor vehicle license held by the person so convicted and the court shall thereupon forward the same license together with a record of such the conviction to the department as provided in section 321.491.

Sec. 51. Section 321.208, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**321.208 COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION – REPLACEMENT DRIVER'S LICENSE – TEMPORARY LICENSE.**

1. A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person while operating a commercial motor vehicle has committed any of the following acts or offenses in any state or foreign jurisdiction:

a. Operating a commercial motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances.

b. Operating a commercial motor vehicle with a blood alcohol concentration, as defined in section 321J.1, of 0.04 or more.

c. Refusal to submit to chemical testing required under chapter 321J.

d. Failure to stop and render aid at the scene of an accident involving the person's vehicle.

e. A felony or aggravated misdemeanor involving the use of a commercial motor vehicle other than an offense involving manufacturing, distributing, or dispensing a controlled substance.

However, a person is disqualified for three years if the act or offense occurred while the person was operating a commercial motor vehicle transporting hazardous material of a type or quantity requiring vehicle placarding.

2. A person is disqualified for life if convicted or found to have committed two or more of the above acts or offenses arising out of two or more separate incidents. However, a disqualification for life is subject to a reduction to a ten-year disqualification as provided in 49 C.F.R. § 383.51 adopted as of a specific date by rule by the department.

3. A person is disqualified from operating a commercial motor vehicle for the person's life upon a conviction that the person used a commercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 204.101.

4. A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle:

a. Speeding fifteen miles per hour or more over the legal speed limit.

b. Reckless driving.

c. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.

d. Operating a commercial motor vehicle when not issued a motor vehicle license valid for the vehicle operated.

- e. Operating a commercial motor vehicle upon a highway when disqualified.
- f. Operating a commercial motor vehicle upon a highway without immediate possession of a motor vehicle license valid for the vehicle operated.
- g. Following another motor vehicle too closely.
- h. Improper lane changes in violation of section 321.306.

The period of disqualification under this subsection shall be sixty days for two offenses within any three-year period and one hundred twenty days for three offenses within any three-year period.

5. A person is disqualified from operating a commercial motor vehicle when the person's driving privilege is suspended or revoked.

6. Upon receiving a record of a person's disqualifying conviction, administrative decision, suspension, or revocation, the department shall, by rule, without preliminary hearing and upon twenty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway.

7. A person is disqualified from operating a commercial motor vehicle if the person either refuses to submit to chemical testing required under chapter 321J or submits to chemical testing and the results show a blood alcohol concentration as defined in section 321J.1 of 0.04 or more. The department, upon receipt of the peace officer's certification, subject to penalty for perjury, that the peace officer had reasonable grounds to believe the person to have been operating a commercial motor vehicle with a blood alcohol concentration of 0.04 or more and that the person refused to submit to the chemical testing or submitted to chemical testing and the results show a blood alcohol concentration as defined in section 321J.1 of 0.04 or more, shall, without preliminary hearing and upon twenty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway.

8. Upon notice, the disqualified person shall surrender the person's commercial driver's license to the department and the department may issue a driver's license valid only to operate a noncommercial motor vehicle upon payment of a one dollar fee. The department shall notify the commercial driver's license information system of the disqualification if required to do so under section 321.204.

9. Notwithstanding the Iowa administrative procedure Act, the filing of a petition for judicial review shall stay the disqualification pending the determination by the district court.

10. The department may reinstate a qualified person's privilege to operate a commercial motor vehicle after a period of disqualification and after payment of required fees.

11. As used in this section, the terms "acts", "actions", and "offenses" mean acts, actions, or offenses which occur on or after July 1, 1990.

Sec. 52. NEW SECTION. 321.208A TWENTY-FOUR HOUR OUT-OF-SERVICE ORDER.

A person required to hold a commercial driver's license to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. An employer shall not allow an employee to drive a commercial motor vehicle in violation of such out-of-service order. The department shall adopt out-of-service rules which shall be consistent with 49 C.F.R. § 392.5 adopted as of a specific date by the department.

Sec. 53. Section 321.209, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The department shall ~~forthwith~~ upon twenty days' notice and without preliminary hearing revoke the license or operating privilege of any an operator or chauffeur, or driving privilege, upon receiving a record of ~~such the operator's or chauffeur's conviction of~~ for any of the following offenses, when such conviction has become final:

Sec. 54. Section 321.210, Code Supplement 1989, is amended by striking the section and inserting in lieu thereof the following:

321.210 SUSPENSION.

1. The department is authorized to establish rules providing for the suspension of the license of an operator upon twenty days' notice and without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

- a. Is an habitually reckless or negligent driver of a motor vehicle.
- b. Is an habitual violator of the traffic laws.
- c. Is physically or mentally incapable of safely operating a motor vehicle.
- d. Has permitted an unlawful or fraudulent use of the license.
- e. Has committed an offense or acted in a manner in another state or foreign jurisdiction which in this state would be grounds for suspension or revocation.
- f. Has committed a serious violation of the motor vehicle laws of this state.
- g. Is subject to a license suspension under section 321.513.

Prior to a suspension taking effect under paragraph "a", "b", "c", "d", "e", or "f", the licensee shall have received twenty days' advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, the filing of a petition for judicial review shall operate to stay the suspension pending the determination by the district court.

2. In determining suspension the department shall not consider the following:

- a. Violation of motor vehicle equipment standards if repairs are made within seventy-two hours of the violation and satisfactory evidence of repair is immediately sent to the department.
- b. Violations of requirements to install and use safety belts, safety harnesses, and child restraint devices under sections 321.445 and 321.446.
- c. Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 6, and 321.354 through 321.361 except section 321.354, subsection 1.
- d. The first two speeding violations within any twelve-month period of ten miles per hour or less over the legal speed limit in speed zones having a legal speed limit between thirty-four miles per hour and fifty-six miles per hour.

Sec. 55. Section 321.211, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

There is appropriated each year from the road use tax fund to the department of transportation one hundred twenty-five thousand dollars, or as much thereof as is necessary, to be used to pay the cost of notice and personal delivery of service, as necessary to meet the notice requirement of this section. The department shall adopt rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in the manner provided in section ~~321.192~~ 321.145, as reimbursement for the costs of notice under this section.

Sec. 56. Section 321.212, subsection 2, Code 1989, is amended to read as follows:

2. The department upon suspending or revoking a motor vehicle license shall require that ~~such~~ the license be surrendered to and be retained by the department ~~except that at~~. At the end of the period of suspension such the license so surrendered shall be returned reissued to the licensee upon payment of the reinstatement fee under section 321.191. At the end of a period of revocation the licensee must apply for a new motor vehicle license.

Sec. 57. Section 321.213, Code Supplement 1989, is amended to read as follows:

**321.213 LICENSE SUSPENSIONS OR REVOCATIONS DUE TO VIOLATIONS BY JUVENILE DRIVERS.**

Upon the entering of an order at the conclusion of an adjudicatory hearing under section 232.47 that the child violated a provision of this chapter or chapter 321A or chapter 321J for which the penalty is greater than a simple misdemeanor, the clerk of the juvenile court in the adjudicatory hearing shall forward a copy of the adjudication to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter or chapter 321A or chapter 321J constitutes a final conviction of a violation of a provision of this chapter or chapter 321A or chapter 321J for purposes of section 321.189, subsection ~~2~~ 8, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321A.17, 321J.2, 321J.3, and 321J.4.

Sec. 58. Section 321.215, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

**321.215 TEMPORARY RESTRICTED LICENSE — TEMPORARY RESTRICTED PERMIT.**

1. The department, on application, may issue a temporary restricted license to a person whose motor vehicle license is suspended or revoked under this chapter, allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by any of the following:

- a. The person's full-time or part-time employment.
- b. The person's continuing health care or the continuing health care of another who is dependent upon the person.
- c. The person's continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion.
- d. The person's substance abuse treatment.
- e. The person's court-ordered community service responsibilities.

However, a temporary restricted license shall not be issued to a person whose license is revoked under section 321.209, subsections 1 through 5 or subsection 7. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

2. Upon conviction and the suspension or revocation of a person's motor vehicle license under section 321.209, subsection 5 or 6, 321.210, 321.210A, 321.513, or 321.555, subsection 2, 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 for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

- a. The temporary restricted permit is requested only for a case of extreme hardship where alternative means of transportation do not exist.
- b. The permit applicant has not made an application for a temporary restricted permit in any district court in the state which was denied.
- c. The temporary restricted permit is restricted to the limited purpose or purposes specified in subsection 1 at times specified in the permit.
- d. Proof of financial responsibility is established as defined in chapter 321A; however, such proof is not required if the motor vehicle license was suspended under section 321.210A or 321.513.

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. A temporary restricted permit is valid only if the department is in receipt of records required by this section.

3. The temporary restricted license or permit shall be canceled upon conviction of a moving traffic violation or upon a violation of a term of the license or permit. A "moving traffic violation" does not include a parking violation as defined in section 321.210.

4. The temporary restricted license or permit is not valid to operate a commercial motor vehicle if a commercial driver's license is required for the person's operation of the commercial motor vehicle and the person is disqualified to operate a commercial motor vehicle under section 321.208, subsections 1, 2, 3, or 4.

Sec. 59. Section 321.216, Code Supplement 1989, is amended to read as follows:

**321.216 UNLAWFUL USE OF LICENSE — PENALTY.**

It is a simple misdemeanor for any person:

1. To display or cause or permit to be displayed or have in the person's possession ~~any a~~ canceled, revoked, suspended, fictitious, or fraudulently altered ~~temporary driver's permit~~,

temporary instruction permit, motorized bicycle license, operator's license, or chauffeur's motor vehicle license.

2. To lend that person's temporary driver's permit, temporary instruction permit, motorized bicycle license, operator's license, or chauffeur's motor vehicle license to any other another person or knowingly permit the use thereof of the license by another.

3. To display or represent as one's own any temporary driver's permit, temporary instruction permit, motorized bicycle license, operator's license, or chauffeur's a motor vehicle license not issued to that person.

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

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

6. To permit any an unlawful use of a temporary driver's permit, temporary instruction permit, motorized bicycle license, operator's license, or chauffeur's motor vehicle license issued to that person.

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

8. To obtain, possess, or have in one's control or on one's premises a motor vehicle license, a nonoperator's identification card, or a blank motor vehicle license form, which has been made by a person having no authority or right to make the license, card, or form.

Sec. 60. Section 321.218, Code Supplement 1989, is amended to read as follows:

321.218 DRIVING OPERATING WITHOUT VALID MOTOR VEHICLE LICENSE OR WHEN DISQUALIFIED – PENALTIES.

1. A person whose operator's or chauffeur's motor vehicle license or driving operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter, and who drives operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a simple misdemeanor.

2. However, a person whose license or driving operating privilege has been revoked under section 321.209, and who drives operates a motor vehicle upon the highways of this state while the license or privilege is revoked, commits a serious misdemeanor.

3. The sentence imposed under this section shall not be suspended by the court, notwithstanding section 907.3 or any other statute.

4. The department, upon receiving the record of the conviction of a person under this section upon a charge of driving operating a motor vehicle while the license of the person was is suspended or revoked, shall, except for licenses suspended under section 321.210, subsection 1, paragraph "c", 321.210A, or 321.513, extend the period of suspension or revocation for an additional like period, and the department shall not issue a new motor vehicle license to the person during the additional period.

5. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 commits a simple misdemeanor if a commercial driver's license is required for the person to operate the commercial motor vehicle.

6. A person operating a motorized bicycle on the highways of the state and not possessed of an operator's or chauffeur's license or a valid motorized bicycle license, is, upon conviction, guilty of a simple misdemeanor The department, upon receiving the record of a conviction of a person under this section upon a charge of operating a commercial motor vehicle while the person is disqualified shall extend the period of disqualification for an additional like period.

Sec. 61. Section 321.220, Code 1989, is amended to read as follows:

**321.220 PERMITTING UNAUTHORIZED PERSON TO DRIVE.**

~~No A person shall not knowingly authorize or knowingly permit a motor vehicle owned by that the person or under the person's control to be driven upon any a highway by any a person who is not authorized hereunder or in violation of any of the provisions of this chapter issued a motor vehicle license valid for the vehicle's operation.~~

Sec. 62. Section 321.221, Code 1989, is amended to read as follows:

**321.221 EMPLOYING UNLICENSED CHAUFFEUR.**

~~No A person shall not employ as a chauffeur of a motor vehicle any a person not then licensed holding a class D driver's license or a commercial driver's license as provided in this chapter.~~

Sec. 63. Section 321.223, Code 1989, is amended to read as follows:

**321.223 MOTOR VEHICLE LICENSE INSPECTED INSPECTION FOR MOTOR VEHICLE RENTAL.**

~~No A person shall not rent a motor vehicle to another until the person has inspected without inspecting the operator's or chauffeur's motor vehicle license of the person to whom the vehicle is to be rented and compared doing all of the following:~~

- ~~1. A comparison and verified verification of the signature thereon on the motor vehicle license with the signature of such person written in the inspecting person's presence.~~
- ~~2. A comparison and verification of the person to whom the motor vehicle is to be rented with the photograph and other identification information on the person's motor vehicle license.~~
- ~~3. A determination that the motor vehicle license of the person to whom the vehicle is to be rented is valid for operating the vehicle to be rented.~~

Sec. 64. Section 321.233, unnumbered paragraph 2, Code 1989, is amended by striking the unnumbered paragraph.

Sec. 65. Section 321.234A, Code 1989, is amended to read as follows:

**321.234A ALL-TERRAIN VEHICLES — BICYCLE SAFETY FLAG REQUIRED.**

All-terrain vehicles shall be operated on a highway only between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes. A person operating an all-terrain vehicle on a highway shall have a valid operator's motor vehicle license and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, be day-glow in color, and shall be in lieu of the reflective equipment required by section 321.383.

Sec. 66. Section 321.247, Code 1989, is amended to read as follows:

**321.247 GOLF CART OPERATION ON CITY STREETS.**

Incorporated areas may, upon approval of their governing body, allow the operation of golf carts on city streets by persons possessing a valid operator's motor vehicle license. However, a golf cart shall not be operated upon a city street which is a primary road extension through the city but shall be allowed to cross a city street which is a primary road extension through the city. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and operate on the streets only from sunrise to sunset. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to the registration provisions of this chapter.

Sec. 67. Section 321.261, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

~~3. Any A person failing to stop or to comply with the requirements in subsection 1 of this section, in the event of an accident resulting in the death of any a person, is guilty upon conviction of an aggravated misdemeanor.~~

~~4. The director shall revoke the operator's or chauffeur's motor vehicle license of the a person so convicted of a violation of this section.~~



Sec. 68. Section 321.263, Code 1989, is amended to read as follows:

321.263 INFORMATION AND AID — LEAVING SCENE OF ACCIDENT.

1. The driver of any a vehicle involved in an accident resulting in injury to or death of any a person or damage to any a vehicle which is driven or attended by any a person shall give the driver's name, address, and the registration number of the vehicle the driver is driving and shall upon request and if available exhibit the driver's operator's or chauffeur's motor vehicle license to the person struck, or the driver or occupant of, or the person attending any the vehicle collided with involved in the accident and shall render to any a person injured in such the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, transporting or arranging for the transporting of such the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such medical treatment is necessary or if such carrying transportation for medical treatment is requested by the injured person.

2. If the accident causes the death of any a person, the all surviving driver drivers shall not leave remain at the scene of the accident except to seek necessary aid for the surviving driver or to report the accident to law enforcement authorities. Before leaving the scene of the fatal accident, the each surviving driver shall leave the surviving driver's motor vehicle license, automobile registration receipt, or other identification data at the scene of the accident. After leaving the scene of the accident, the a surviving driver shall promptly report the accident by telephone to law enforcement authorities, and shall immediately return to the scene of the accident, or shall inform the law enforcement authorities where the surviving driver can be located.

Sec. 69. Section 321.265, Code 1989, is amended to read as follows:

321.265 STRIKING FIXTURES UPON A HIGHWAY.

The driver of any a vehicle involved in an accident resulting 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 the damaged property of such fact the damage and shall inform the person of the driver's name and address and of the registration number of the vehicle causing the damage and shall, upon request and if available, exhibit the driver's operator's or chauffeur's motor vehicle license and shall make report of such the accident when and as required in section 321.266.

Sec. 70. Section 321.375, Code Supplement 1989, is amended to read as follows:

321.375 SCHOOL BUS DRIVERS — QUALIFICATIONS — GROUNDS FOR SUSPENSION.

1. The drivers A driver of a school buses bus must meet all of the following requirements:

a. (1) be Be at least eighteen years of age., unless such person has successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years, (2) be

b. Be physically and mentally competent., (3) not

c. Not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported., (4) have

d. Have an annual physical examination and meet all established requirements for physical fitness.

2. Any of the following shall constitute grounds for a school bus driver's immediate suspension from duties, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a nonpublic school:

a. Use of nonprescription controlled substances or alcoholic beverages during working hours., operating

b. Operating a school bus while under the influence of nonprescription controlled substances or alcoholic beverages., fraud

c. Fraud in the procurement or renewal of a school bus driver's permit., the

d. The commission of or conviction for a public offense as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student with the intent to commit or the commission of acts and practices proscribed under sections 709.2 through 709.4, section 709.8, and sections 725.1 through 725.3 shall constitute grounds for the driver's immediate suspension from duties, pending a termination hearing by the board.

Sec. 71. Section 321.376, Code Supplement 1989, is amended to read as follows:

321.376 LICENSE — PERMIT — INSTRUCTION REQUIREMENT.

The driver of every school bus shall have a regular or special chauffeur's hold a school bus driver's permit issued by the department of education and a driver's license issued by the department, and in addition thereto, must hold a school bus driver's permit issued by the department of education valid for the operation of the school bus. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus.

A person applying for a school bus driver's permit for the first time shall have enrolled in and successfully completed an approved course of instruction for school bus drivers, as programmed by the department of education, before a permit may be issued by the department. Certification of course completion shall be submitted to the department of education, prior to issuance of a permit, by an authorized program instructor on forms provided by the department of education.

A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter. If an employee fails to provide an employer with a certificate of completion of an approved the required school bus driver's course within the first six months of employment as a school bus driver, the driver's employer shall report the failure to the department of education and the employee's school bus driver's permit shall be revoked. The department of education shall send notice of the revocation of the employee's permit to both the employee and the employer. A person whose school bus driver's permit has been revoked under this section shall not be issued a another school bus driver's permit until certification of the completion of an approved school bus driver's course is received by the department of education.

Sec. 72. Section 321.485, subsection 1, paragraph b, subparagraph (1), Code 1989, is amended to read as follows:

(1) Prepare a written citation to appear in court containing the name and address of such person, the operator or chauffeur motor vehicle license number, if any, the registration number, if any, of the person's vehicle, the offense charged, and the time when and place where such the person shall appear in court; or

Sec. 73. Section 321.491, Code 1989, is amended to read as follows:

321.491 CONVICTIONS AND RECOMMENDATIONS FOR SUSPENSION TO BE REPORTED.

Every district court judge, district associate judge, and judicial magistrate shall keep a full record of every case in which a person is charged with any violation of this chapter or of any other law regulating the operation of vehicles on highways.

Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every said magistrate of the court or clerk of the court of record in which such the conviction was had occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which. The abstract must be certified by the person so required to prepare the same preparing it to be true and correct.

Said The abstract must be made upon a form furnished by the department and shall include the name and address of the party charged, the registration number of the vehicle involved,

the nature of the offense, the date of hearing, the plea, the judgment, or whether the bail was forfeited, and the amount of the fine or forfeiture as the case may be, and any court recommendation, if any, that the person's motor vehicle license be suspended. The department shall consider and act upon the recommendation.

Every clerk of a court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure, refusal, or neglect of any such an officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom from office.

The department shall keep all All abstracts received hereunder at its main office and the same by the department under this section shall be open to public inspection during reasonable business hours.

Sec. 74. Section 321.555, subsection 1, paragraph c, Code Supplement 1989, is amended to read as follows:

c. Driving a motor vehicle while ~~operator's or chauffeur's~~ the person's motor vehicle license is suspended or revoked.

Sec. 75. Section 321.555, subsection 1, paragraph f, Code Supplement 1989, is amended to read as follows:

f. Failure to stop and leave information or to render aid as required by ~~section~~ sections 321.261 and 321.263.

Sec. 76. Section 321.555, subsection 2, Code Supplement 1989, is amended to read as follows:

2. Six or more 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 by section ~~321.207~~ 321.491 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of sections 321.445 and 321.446, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit.

Sec. 77. Section 321A.1, subsections 3 and 7, Code 1989, are amended to read as follows:

3. LICENSE. ~~Any license, temporary instruction permit, or temporary~~ A motor vehicle license as defined in section 321.1 issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.

7. OPERATOR. ~~Every~~ A person who is in actual physical control of a motor vehicle whether or not licensed as an operator or chauffeur that person has a motor vehicle license as required under the laws of this state.

Sec. 78. Section 321A.17, Code Supplement 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 6. This section does not apply to a commercial driver's licensee who is merely disqualified from operating a commercial motor vehicle under section 321.208 if the licensee's driver's license is not suspended or revoked.

Sec. 79. Section 321E.26, Code 1989, is amended to read as follows:

321E.26 DRIVER OF ESCORT VEHICLE – LICENSE REQUIRED.

Any An operator of an escort vehicle, serving as an escort in the movement of vehicles and loads of excess size and weight under permits as required by this chapter shall have a ~~valid operator's or chauffeur's~~ motor vehicle license as defined in section 321.1 valid for the operation of the escort vehicle.

Sec. 80. Section 321G.9, subsection 6, paragraph b, Code Supplement 1989, is amended to read as follows:

b. A person twelve to fifteen years of age and possessing a valid safety certificate must be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian, who is experienced in all-terrain vehicle or snowmobile operation, and who possesses a valid operator's or chauffeur's motor vehicle license, instruction permit, restricted license or temporary permit issued under chapter 321 as defined in section 321.1, or a safety certificate issued under this chapter.

Sec. 81. Section 321G.20, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

~~No~~ An owner or operator of any a snowmobile shall not permit any a person under twelve years of age to operate nor shall any and a person less than twelve years of age shall not operate, the a snowmobile except when accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and who possesses a valid operator's or chauffeur's motor vehicle license, instruction permit, restricted license, or temporary permit issued under chapter 321 as defined in section 321.1, or a safety certificate issued under this chapter.

Sec. 82. Section 321G.24, subsection 1, Code Supplement 1989, is amended to read as follows:

1. A person under eighteen years of age shall not operate an all-terrain vehicle or snowmobile in this state without obtaining a valid safety certificate issued by the commission and having the certificate in the person's possession, ~~or unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid operator's or chauffeur's motor vehicle license, instruction permit, restricted license or temporary permit issued under chapter 321 as defined in section 321.1, or a safety certificate issued under this chapter.~~

Sec. 83. Section 321J.1, subsection 6, Code 1989, is amended to read as follows:

6. "Motor vehicle license" means any license or permit issued to a person to operate a motor vehicle in on the highways of this state, including but not limited to an operator, chauffeur, or motorized bicycle license and an instruction a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, temporary restricted, or temporary permit.

Sec. 84. Section 321J.4, subsection 8, Code 1989, is amended to read as follows:

8. A person whose motor vehicle license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter, and who is not eligible for a temporary restricted license under this chapter may petition the court for an order to the department to require the department to issue a temporary restricted license to the person notwithstanding section 321.560. The court shall determine if the temporary restricted license is necessary for the person to maintain the person's present employment. If the court determines that the temporary restricted license is necessary for the person to maintain the person's present employment, the court shall order the department to issue to the person a temporary restricted license conditioned upon the person's certification to the court of the installation of approved ignition interlock devices in all motor vehicles that it is necessary for the person to operate to maintain the person's present employment. Section 321.561 does not apply to a person operating a motor vehicle in the manner permitted under this subsection. If the person operates a motor vehicle which does not have an approved ignition interlock device or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license shall be revoked. A person holding a temporary restricted license issued under this subsection shall not operate a commercial motor vehicle, as defined in section 321.1, on a highway if a commercial driver's license is required for the person to operate the commercial motor vehicle.

Sec. 85. Section 321J.6, subsection 1, paragraph e, Code 1989, is amended to read as follows:

e. The preliminary breath screening test was administered to a person operating a commercial motor vehicle as defined in section 321.1 and it indicated an alcohol concentration of 0.04 or more.

f. The preliminary breath screening test was administered and it indicated an alcohol concentration of less than 10 0.10 and the peace officer has reasonable grounds to believe that the person was under the influence of a drug other than alcohol or a combination of alcohol and another drug.

Sec. 86. Section 321J.8, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the person is operating a commercial motor vehicle as defined in section 321.1 and either refuses to submit to the test or submits to the test and the results indicate an alcohol concentration of 0.04 or more, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's license or operating privilege which may be applicable under this chapter.

Sec. 87. Section 321J.20, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver's license is required for the person's operation of the commercial motor vehicle. However, this subsection does not apply if the temporary restricted license was issued as a result of a violation of this chapter while the person was operating a vehicle other than a commercial motor vehicle.

Sec. 88. Section 321J.20, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A person holding a temporary license issued by the department under this chapter shall be prohibited from operating a school bus.

Sec. 89. Section 326.6, subsection 2, paragraph d, Code 1989, is amended to read as follows:

d. The product so obtained under paragraph "c" of this subsection shall be the amount payable by the owner for proportional registration of the fleet for the registration year. Payment of registration fees shall be made in accordance with law section 321.134, subsection 2, or a fleet owner on a renewal registration may pay a fee equal to one-half of the applicable fee and post a surety bond, certificate of deposit, or letter of credit, equal to one-half of the applicable fee at the time of the first installment. Payment of the first installment entitles an owner to the issuance of full-year credentials. The second installment shall be paid by July 15. If the second installment is not paid by July 15, the department shall file claim against the security for payment of fees and penalties due and the owner shall not be entitled to elect the installment payment option for the following year. Excess surety moneys received shall be refunded minus a fifty dollar administration fee.

Sec. 90. Section 331.427, subsection 1, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 84.21, 98.35, 98A.6, 101A.3, 101A.7, 110.12, 123.36, 123.143, 176A.8, 246.908, 321.105, 321.152, ~~321.192~~, 321G.7, 331.554, subsection 6, 341A.20, 364.3, 368.21, 422.65, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 441.68, 445.52, 445.57, 533.24, 556B.1, 567.10, 583.6, 906.17, and 911.3, and chapter 405A, and the following:

Sec. 91. Section 331.653, subsection 31, Code 1989, is amended by striking the subsection.

Sec. 92. Section 331.655, subsection 1, paragraph n, Code 1989, is amended by striking the paragraph.

Sec. 93. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The commissioner of public safety, ~~the director of transportation~~, and the director of natural resources, acting jointly, shall adopt a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. The court costs in cases of parking violations which are denied, and charged and collected pursuant to section 321.236, subsection 1, are eight dollars per court appearance, regardless of the number of parking violations considered at that court appearance. The court costs in scheduled violation cases where a court appearance is not required are ten dollars. The court costs in scheduled violation cases where a court appearance is required are fifteen dollars. This subsection does not prevent the charging of any of those violations by information, by private complaint filed under chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward ~~the copy an abstract~~ of the uniform citation and complaint in accordance with section ~~321.207~~ 321.491 when applicable.

Sec. 94. Section 805.8, subsection 2, paragraph f, Code Supplement 1989, is amended to read as follows:

f. For violations of ~~a restricted the conditions or restrictions of a motor vehicle license~~ under section 321.180, 321.193 and 321.194, the scheduled fine is twenty dollars.

Sec. 95. Section 805.9, subsections 1 and 2, Code 1989, are amended to read as follows:

1. In cases of scheduled violations, the defendant, before the time specified in the citation and complaint for appearance before the court, may sign the admission of violation on the citation and complaint and deliver or mail a copy of the citation and complaint, together with the minimum fine for the violation, plus court costs, to a scheduled violations office in the county. The office shall, if the offense is a moving violation under chapter 321, forward ~~a copy an abstract~~ of the citation and complaint and admission to the state department of transportation as required by section ~~321.207~~ 321.491. In this case the defendant is not required to appear before the court. The admission constitutes a conviction.

2. A defendant charged with a scheduled violation by information may obtain two copies of the information from the court and, before the time the defendant is required to appear before the court, deliver or mail the copies, together with the defendant's admission, fine, and court costs, to the scheduled violations office in the county. The procedure, fine, and costs are the same as when the charge is by citation and complaint, with the admission and the number of the defendant's ~~operator's or chauffeur's motor vehicle license~~ as defined in section 321.1 placed upon the information; when the violation involves the use of a motor vehicle.

Sec. 96. Section 805.16, subsection 2, Code 1989, is amended to read as follows:

2. A person under the age of eighteen who refuses to sign the citation without qualification, who persists in engaging in the conduct for which the citation was issued, who refuses to provide proper identification or to identify the person's self, or who constitutes an immediate threat to the person's own safety or the safety of the public may be arrested in the manner provided in subsection 3. In addition, or alternatively, the peace officer may require that person to surrender the person's motor vehicle ~~operator's license~~ as defined in section 321.1 until the time of the person's initial court appearance. The peace officer shall immediately send the person's ~~operator's motor vehicle license~~ along with a copy of the unsigned citation indicating the juvenile's refusal to sign to the clerk of the district court for the district in which the peace officer issued the citation.

Sec. 97. Sections 321.175, 321.183, 321.192, 321.202, 321.207, 321.214, and 321A.35, Code 1989, are repealed.

Sec. 98.

The legislative council may authorize an interim study in the 1991 interim to evaluate the implementation of this Act and to recommend necessary legislative changes.

**Sec. 99.**

Notwithstanding contrary provisions of the Code or this Act, the state department of transportation shall not issue commercial driver's licenses until the commercial driver's license provisions of this Act have been approved by federal authorities. A valid chauffeur's license issued by the state department of transportation which expires on or after July 1, 1990, shall be valid to operate a motor vehicle according to the terms and limitations of the license until the date commercial driver's licenses may be issued by the state department of transportation under this section in accordance with rules adopted by the state department of transportation.

**Sec. 100.**

Section 89 of this Act applies to the 1992 and subsequent registration years.

Approved May 1, 1990

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**CHAPTER 1231****ENTREPRENEURSHIP TASK FORCE***H.F. 2482*

**AN ACT** establishing an entrepreneurship task force, and providing an appropriation.

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

**Section 1. ENTREPRENEURSHIP TASK FORCE.**

The department of economic development shall convene an entrepreneurship task force on November 15, 1990, or as soon thereafter as practicable, for the purpose of studying how to encourage, promote, and support entrepreneurship in the state with the goal of increasing the formation and success of new business enterprises. The entrepreneurship task force shall be composed of twenty-five members appointed or designated by August 1, 1990, as follows:

1. The director of the department of economic development or the director's designee.
2. A member of the board of directors of the Wallace technology transfer foundation appointed by the board of directors of the Wallace technology transfer foundation.
3. A member of the board of directors of a small business economic development corporation appointed by the director of the department of economic development.
4. A member of the board of directors of the Iowa product development corporation appointed by the board of directors of the Iowa product development corporation.
5. A member of the board of directors of the Iowa business development corporation appointed by the board of directors of the Iowa business development corporation.
6. A member of the Iowa finance authority board appointed by the Iowa finance authority board.
7. A representative of the university of Iowa to be appointed by the president of the university of Iowa, a representative of Iowa state university of science and technology to be appointed by the president of Iowa state university of science and technology, and a representative of the university of northern Iowa to be appointed by the president of the university of northern Iowa.
8. A representative of the community colleges appointed by the Iowa association of community college presidents.
9. A representative of the private colleges and universities appointed by the Iowa association of independent colleges and universities.
10. A designee of the governor from state government.
11. A senator appointed by the majority leader of the senate.
12. A senator appointed by the minority leader of the senate.