

CHAPTER 1072

ITEMS DEEMED NUISANCES

S.F. 2015

AN ACT to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

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

Section 1. Section 657.2, subsection 8, Code 1997, is amended by striking the subsection.

Approved April 10, 1998

CHAPTER 1073

DRIVER AND MOTOR VEHICLE LICENSING, REPORTING, AND REGISTRATION

S.F. 2113

AN ACT relating to driver and motor vehicle licensing, reporting, and registration.

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

Section 1. Section 321.1, subsection 11, paragraph b, Code Supplement 1997, is amended to read as follows:

b. "Commercial driver's license" means a ~~motor vehicle~~ driver's license valid for the operation of a commercial motor vehicle.

Sec. 2. Section 321.1, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 20A. "Driver's 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 a temporary restricted or temporary license and an instruction, chauffeur's instruction, commercial driver's instruction, temporary restricted, or temporary permit.

For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, "driver's license" includes any privilege to operate a motor vehicle.

Sec. 3. Section 321.1, subsection 21, Code Supplement 1997, is amended to read as follows:

21. "Endorsement" means an authorization to a person's ~~motor vehicle~~ driver's license required to permit the person to operate certain types of motor vehicles or to transport certain types or quantities of hazardous materials.

Sec. 4. Section 321.1, subsection 43, Code Supplement 1997, is amended by striking the subsection.

Sec. 5. Section 321.23, subsection 1, Code Supplement 1997, is amended to read as follows:

1. If the vehicle to be registered is a specially constructed, reconstructed, remanufactured, or foreign vehicle, such fact shall be stated in the application. A fee of ten dollars shall be

paid by the person making the application upon issuance of a certificate of title by the county treasurer. With reference to every specially constructed or reconstructed motor vehicle subject to registration the application shall be accompanied by a statement from the department authorizing the motor vehicle to be titled and registered in this state. The department shall cause a physical inspection to be made of all specially constructed or reconstructed motor vehicles, upon application for a certificate of title by the owner, to determine whether the motor vehicle ~~is in a safe operating condition~~ complies with the definition of specially constructed motor vehicle or reconstructed motor vehicle in this chapter and to determine that the integral component parts are properly identified and that the rightful ownership is established before issuing the owner the authority to have the motor vehicle registered and titled. The purpose of the physical inspection under this section is not to determine whether the motor vehicle is in a condition safe to operate. With reference to every foreign vehicle which has been registered outside of this state, the owner shall surrender to the treasurer all registration plates, registration cards, and certificates of title, or, if the vehicle to be registered is from a nontitle state, the evidence of foreign registration and ownership as may be prescribed by the department except as provided in subsection 2.

Sec. 6. Section 321.265, Code 1997, is amended to read as follows:

321.265 STRIKING FIXTURES UPON A HIGHWAY.

The driver of 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 the damaged property of the damage and shall inform the person of the driver's name and address and the registration number of the vehicle causing the damage and shall, upon request and if available, exhibit the driver's ~~motor vehicle license of the driver of the vehicle~~ and shall report the accident when and as required in section 321.266.

Sec. 7. Section 321.271, unnumbered paragraph 1, Code 1997, is amended to read as follows:

All accident reports filed by a driver of a vehicle involved in an accident as required under section 321.266 shall be in writing. The report shall be without prejudice to the individual so reporting and shall be for the confidential use of the department, except that upon the request of any person involved in the accident, the person's insurance company or its agent, or the attorney for such person, the department shall disclose the identity and address of ~~the person~~ other persons involved in the accident and may disclose the name of the insurance companies with whom the other persons have liability insurance. The department, upon written request of the person making the report, shall provide the person with a copy of that person's report. The written report filed with the department shall not be admissible in or used in evidence in any civil or criminal case arising out of the facts on which the report is based.

Sec. 8. Section 321.492, unnumbered paragraph 1, Code Supplement 1997, is amended to read as follows:

A peace officer is authorized to stop a vehicle to require exhibition of the driver's ~~motor vehicle license of the driver~~, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.

Sec. 9. Sections 18.138, 123.48, 124B.3, subsection 2, paragraph "a", 172B.1, 172B.3, 172B.5, 321.1A, 321.46, 321.174, 321.177, 321.180, 321.180A, 321.181, 321.182, 321.184, 321.186, 321.186A, 321.188, 321.191, 321.193, 321.194, 321.195, 321.196, 321.198, 321.199, 321.201, 321.205, 321.206, 321.208, 321.210A, 321.211, 321.212, 321.213, 321.213A, 321.215, 321.216, 321.216A, 321.220, 321.223, 321.234A, 321.247, 321.261, 321.263, 321.485, 321.556, 321A.1, 321A.17, 321G.9, 321G.20, 321G.24, 321J.1, 321J.2A, 321J.8, 805.9, and 901.5, Code

1997, and sections 22.7, 232.52, 312.2,* 321.20, 321.174A, 321.189, 321.190, 321.210B, 321.216B, 321.218, 321.218A, 321.491, 321.492, 321.555, 321A.32,** 321A.32A, 321E.34, 321J.2, 321J.4, 321J.4B, 321J.9, 321J.12, 321J.13, 321J.17, 321J.20, 321J.21, 321J.25, 321L.3, 707.6A, 805.8, and 805.16, Code Supplement 1997, are amended by striking from the sections the words “motor vehicle license” and inserting in lieu thereof the words “driver’s license”.

Sec. 10. Sections 321.182, 321.187, 321.188, 321.191, 321.195, and 321.216A, Code 1997, and sections 321.179, 321.189A, and 602.8102, Code Supplement 1997, are amended by striking from the sections the words “motor vehicle licenses” and inserting in lieu thereof the words “driver’s licenses”.

Sec. 11. Section 321.176, Code 1997, and section 321.179, Code Supplement 1997, are amended by striking from the sections the words “motor vehicle licensing” and inserting in lieu thereof the words “driver’s licensing”.

Sec. 12. CODE EDITOR DIRECTIONS. The Code editor shall correct any remaining references in the Code or in Acts enacted by the Seventy-seventh General Assembly to reflect the terminology change made in this Act from motor vehicle license to driver’s license.

Approved April 10, 1998

CHAPTER 1074
SUBSTANTIVE CODE CORRECTIONS
S.F. 2136

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

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

Section 1. Section 19A.3, subsection 13, Code Supplement 1997, is amended to read as follows:

13. Members of the Iowa ~~highway safety state~~ patrol and other peace officers employed by the department of public safety. The commissioner of public safety shall adopt rules not inconsistent with the objectives of this chapter for the persons described in this subsection.

Sec. 2. Section 29A.79, unnumbered paragraph 2, Code 1997, is amended to read as follows:

The Iowa national guard shall be requested to provide the emergency helicopter ambulance service from its available staffed helicopters when the plan is implemented on order of the governor at the request of the Iowa ~~highway safety state~~ patrol, or the administrative heads of the hospitals located in Iowa, unless the Iowa national guard does not have a staffed helicopter available or is in active service under the armed forces of the United States.

Sec. 3. Section 80.4, Code 1997, is amended to read as follows:

80.4 **HIGHWAY IOWA STATE PATROL.**

The Iowa ~~highway safety state~~ patrol is established in the department of public safety. The patrol shall be under the direction of the commissioner of public safety.

* Section 312.2 did not appear in 1997 Code Supplement; Code 1997 probably intended

** Terminology does not appear in §321A.32