

a. Notifies the owner and the principal contractor within thirty days of the furnishing of the labor or materials and the lien claim is supported by for which a lien claim is made, including the amount, kind, and value of the labor or materials furnished.

b. Supports the lien claim with a certified statement that the principal contractor had been was notified within thirty days after the labor or materials were furnished of the amount, kind, and value of the labor or materials furnished. This requirement is in addition to all other requirements of this chapter.

Approved April 22, 1998

CHAPTER 1143

COUNTY ISSUANCE OF MOTOR VEHICLE LICENSES

H.F. 2424

AN ACT providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

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

Section 1. NEW SECTION. 321M.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Cluster" means a group of four to six contiguous counties serving a population area comparable to an area served by a department itinerant team, that is subject to an agreement among the participating counties that is executed pursuant to chapter 28E.
2. "Commercial driver's license" means a motor vehicle license valid for the operation of a commercial motor vehicle, as regulated by chapter 321.
3. "County issuance" means the system or process of issuing motor vehicle licenses, nonoperator identification cards, and persons with disabilities identification devices, including all related testing, to the same extent that such items are issued by the department.
4. "Department" means the state department of transportation.
5. "Digitized photolicensing equipment" means the machines and related materials, obtained pursuant to contract, the use of which results in the on-site production of motor vehicle licenses and nonoperator identification cards.
6. "Digitized photolicensing equipment contract period" means the period of time that the contract for the digitized photolicensing equipment is in effect, including any contract extensions elected by the department under the terms of the contract.
7. "Initial opt-in period" means the first opportunity for a county to indicate its interest in being authorized to participate in county issuance.
8. "Issuing county" means a county that is participating in county issuance.
9. "Itinerant team" means a traveling team of department personnel assigned to license issuance activities in a specified geographic area.
10. "Motor vehicle" means a vehicle which is self-propelled, including but not limited to automobiles, cars, motor trucks, semitrailers, motorcycles, and similar vehicles regulated under chapter 321.
11. "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 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.

12. "Nonoperator identification card" means the card issued pursuant to section 321.190 that contains information pertaining to the personal characteristics of the applicant but does not convey to the person issued the card any operating privileges for any motor vehicle.

13. "Opt in" means a county's indication of its interest in being authorized to participate in county issuance, or to continue participating in county issuance.

14. "Opt-in period" means a time period when a county may indicate its interest in being authorized to participate in county issuance, or to continue participating in county issuance.

15. "Opt out" means the choice of a county that is authorized to issue licenses to terminate that authorization and its participation in county issuance.

16. "Opt-out period" means a time period when a county that is authorized to issue licenses may terminate that authorization and its future participation in county issuance.

17. "Persons with disabilities identification devices" means those devices issued pursuant to chapter 321L.

Sec. 2. NEW SECTION. 321M.2 RELATION TO OTHER LAWS.

Notwithstanding provisions of chapter 321 or 321L that grant sole authority to the department for the issuance of motor vehicle licenses, nonoperator identification cards, and persons with disabilities identification devices, certain counties shall be authorized to issue motor vehicle licenses, nonoperator identification cards, and persons with disabilities identification devices, according to the requirements of this chapter.

Sec. 3. NEW SECTION. 321M.3 AUTHORIZATION TO ISSUE LICENSES — INITIAL OPT-IN.

1. Adams, Cass, Fremont, Mills, Montgomery, and Page counties shall be authorized to issue motor vehicle licenses, nonoperator identification cards, and persons with disabilities identification devices on a permanent basis, provided that such counties continue to meet the department's standards for issuance.

a. Any county desiring to opt out of county issuance effective with the beginning of the next digitized photolicensing equipment contract period may do so if the cluster, minus the county opting out, is approved by the department, or if one of the alternatives for continued service by the remaining counties in the cluster is arranged pursuant to section 321M.4.

b. A county shall submit in writing to the department its election either to continue participation in county issuance, or to opt out, during the opt-out period established by the department prior to the beginning of the next digitized photolicensing equipment contract period.

2. No more than forty-two additional counties shall be authorized to issue motor vehicle licenses, nonoperator identification cards, and persons with disabilities identification devices, effective with the beginning of the next digitized photolicensing equipment contract period.

a. A county that is served by a permanent department facility is not eligible to opt in to county issuance.

b. An initial opt-in period shall be designated by the department for an eligible county to indicate its desire to participate in county issuance at the time when the next contract for digitized photolicensing equipment is implemented. The department may designate an opt-in period at a time sufficiently in advance of the time for submission of request for proposals related to the next digitized photolicensing equipment contract period, so that the department may accurately estimate the number of sets of equipment that will be needed under the new contract.

c. Initial participation by a county in county issuance requires prior approval in writing by the county treasurer and the board of supervisors.

d. If more than forty-two counties indicate an interest in participating in county issuance, the department shall give preference to the first forty-two counties that are approved as proposed clusters according to section 321M.4, provided that such counties have also filed the written authorizations required under paragraph "c".

3. A county may opt in to county issuance only during the initial opt-in period, unless a county is requested to participate in an existing cluster pursuant to section 321M.4. A county that is so approved by the department to join an existing cluster shall satisfy all requirements under this chapter for a county in an initial opt-in period.

Sec. 4. NEW SECTION. 321M.4 CLUSTERING.

1. The system of county issuance shall be implemented through the use of clusters.

2. A proposed cluster shall replace one department itinerant team. However, the proposed cluster need not be composed of precisely the same counties served by an existing department itinerant team.

3. The department shall have authority to approve proposed clusters, in accordance with the following principles:

a. Proposed clusters should avoid reducing service availability to any neighboring county not part of the cluster, below service levels offered to such county by the department. This principle applies, but is not limited to, situations where service to the neighboring county by a department itinerant team would become exceedingly difficult, or would result in reduced annual hours of service availability due to the need for changes in itinerant team assignments.

b. A cluster may elect to offer service to a neighboring county outside of the proposed cluster, if approval of a cluster by the department is opposed because of difficulties in servicing one or more counties that surround the cluster, or because the cluster would require a reduction in annual hours of service availability by the department to such counties.

c. The department shall exercise its approval authority under this section in good faith, and shall consult with the Iowa county treasurers association in making its decision regarding approval of individual clusters.

4. Prior to issuing any licenses, an approved cluster shall execute an agreement among participating counties pursuant to chapter 28E, addressing the relative rights and liabilities associated with cluster activity. A copy of this agreement, as well as any subsequent alterations or addendum, shall be filed with the department within thirty days of execution.

5. If a county within a cluster opts out of county issuance during a designated opt-out period under section 321M.3 or 321M.8, or is otherwise subject to termination of all or part of its county issuance authorization, the remaining counties in the cluster may pursue one or more of the following alternatives:

a. The counties may request that one or more counties contiguous to the counties remaining in the cluster join the cluster, in accordance with this section and other provisions of this chapter.

b. The counties may elect to provide service to the terminated county, in accordance with this section and other provisions of this chapter.

6. If a cluster subject to the provisions of subsection 5 is not approved by the department for continued service as a cluster, the individual counties in the cluster shall revert to service by the department.

Sec. 5. NEW SECTION. 321M.5 CONTRACT BETWEEN THE DEPARTMENT AND ISSUING COUNTIES.

1. The department and each county participating in county issuance shall execute an agreement pursuant to chapter 28E, detailing the relative responsibilities and liabilities of each party to the agreement.

2. The agreement required by subsection 1 shall specifically address the following issues, in addition to other issues that may be required by chapter 28E or that may otherwise be deemed necessary for inclusion in the agreement by the parties to the agreement:

a. Responsibility for collection of, and accounting for, any fees associated with the licensing process.

b. Oversight guidelines.

c. Performance standards.

d. Progressive discipline standards and measures, including appeals.

e. Rights and responsibilities during any extensions of a digitized photolicensing contract.

f. A specified opt-out period prior to each future request for proposals for digitized photolicensing equipment contracts, and procedures related to a decision to opt out by a county within a particular cluster.

3. An addendum to such an agreement may be executed by the parties, in accordance with chapter 28E.

Sec. 6. NEW SECTION. 321M.6 CERTIFICATION OF COMMERCIAL DRIVER'S LICENSE ISSUANCE.

1. A county shall be authorized to issue commercial driver's licenses if certified to do so by the department.

2. The department shall certify the commercial driver's license issuance in a county authorized to issue licenses pursuant to section 321M.3 if all of the following conditions are met:

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

b. The county 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.

c. The department provides supervision over the issuance of commercial driver's licenses, including the administration of written and driving skills tests by the county treasurer. However, the failure of the department to provide appropriate supervision shall not alone be used as a reason to deny certification.

d. The county otherwise complies with the procedures for issuance of commercial driver's licenses as provided in chapter 321.

3. If a county fails to meet the standards for certification under this section, and fails to correct deficiencies according to the department's operating standards, the county's right to issue commercial driver's licenses shall be terminated, and the county shall cease issuing commercial driver's licenses. Procedures and conditions for recertification shall be addressed in the operating standards for the department.

4. The issuance of commercial driver's licenses for residents of a county whose issuance rights have been terminated under subsection 3 may be provided by other counties in the relevant cluster, according to the provisions of section 321M.5. The department is not obligated to provide service in a county for issuance of commercial driver's licenses if the county fails to meet certification standards under this section. However, the department shall facilitate appropriate arrangements for availability of such services as it deems necessary.

Sec. 7. NEW SECTION. 321M.7 TRAINING.

1. The department shall provide a minimum of eight weeks of initial training for county personnel participating in county issuance. The maximum class size for this initial training shall be twenty people.

2. The department shall also provide individualized additional training for county personnel within each participating county office following initial training.

3. The department shall periodically offer continuing education and training opportunities to county personnel.

4. The department shall not segregate training sessions for county personnel and department employees.

5. New county personnel, including new county treasurers, who will participate in county issuance, shall complete the initial training session prior to engaging in any licensing activities. A county treasurer shall use best efforts to complete initial training as soon as possible. A county treasurer who does not make reasonable attempts to begin initial training within three months of taking office may be subject to having the county issuance program in that county placed on probation.

Sec. 8. NEW SECTION. 321M.8 NEW OR SUBSEQUENT CONTRACTS – OPT-OUT PERIOD.

1. If entering into a new digitized photolicensing equipment contract is anticipated by the department, the department shall provide an opt-out period sufficiently prior to the issuance of a request for proposals related to such contract by the department.

2. According to the time frame established by the agreement executed pursuant to section 321M.5, during an opt-out period described in subsection 1, each issuing county shall indicate in writing to the department one of the following:

a. That the county elects to continue to participate in county issuance for the duration of the next digitized photolicensing contract period, subject to the other provisions of this chapter.

b. That the county elects to opt out of county issuance, effective at the end of the present digitized photolicensing contract period.

3. An issuing county may opt out of county issuance only during an opt-out period described under subsection 1.

Sec. 9. NEW SECTION. 321M.9 FINANCIAL RESPONSIBILITY.

1. FEES TO COUNTIES. Notwithstanding any other provision in the Code to the contrary, the county treasurer of any county authorized to issue motor vehicle licenses under this chapter shall retain for deposit in the county general fund three dollars and seventy-five cents of fees received for each issuance or renewal of motor vehicle licenses and nonoperator identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices. The county treasurer shall remit the balance of fees to the department.

2. DIGITIZED PHOTOLICENSING EQUIPMENT.

a. The department shall pay for all digitized photolicensing equipment, including that used by the department and authorized for use by issuing counties under this subsection. Moneys from the road use tax fund shall be used, subject to appropriation by the general assembly, for payment of costs associated with the purchase or lease of digitized photolicensing equipment.

b. An issuing county shall be entitled to one set of digitized photolicensing equipment, unless the county was served at multiple sites by the department, in which case the county shall be entitled to two sets of digitized photolicensing equipment. A county shall indicate at the time of opting in how many sets of equipment are needed by the county.

3. OTHER EQUIPMENT. The department shall pay for all other equipment needed by a county to participate in county issuance, comparable to the equipment provided for issuance activities by a department itinerant team, with the exception of the following:

a. Office furniture.

b. Computer hardware needed to access department computer databases, facsimile machines used to transmit documents between the department and the county, and similar office equipment of a general nature that is not dedicated solely or primarily to the issuance process.

Sec. 10. NEW SECTION. 321M.10 SUPERVISORY AUTHORITY OF DEPARTMENT.

1. The department shall retain all supervisory authority over the county treasurers who shall be subject to the supervision of the department and shall be considered agents of the department when performing motor vehicle licensing functions.

2. Approximately one supervisor shall be assigned from the department to every six issuance sites participating in county issuance.

3. Approximately one technical computer support employee shall be assigned from the department to every twenty-four counties participating in county issuance.

4. The department shall provide issuing counties access to computer databases at a level equal to that provided to comparable department employees.

5. The department may adopt rules pursuant to chapter 17A as necessary to administer this chapter. The department may also develop operating standards as necessary to administer this chapter. The department shall consult with the Iowa county treasurers association in developing operating standards and proposed rules.

Sec. 11. NEW SECTION. 321M.11 GOOD FAITH EFFORTS REQUIRED.

The department and issuing counties shall use their best good faith efforts to work in cooperation in implementing and maintaining an effective system of county issuance.

The department and all persons involved with administration of this chapter, department procedures, and related administrative rules shall use their best good faith efforts to ensure that the application of the laws, rules, and procedures related to county issuance shall not be used to impede county issuance.

Sec. 12. Section 48A.7, Code 1997, is amended to read as follows:

48A.7 REGISTRATION IN PERSON.

An eligible elector may register to vote by appearing personally and completing a voter registration form at the office of the commissioner in the county in which the person resides, at a motor vehicle driver's license station, including any county treasurer's office that is participating in county issuance of motor vehicle licenses under chapter 321M, or at any voter registration agency. A separate registration form shall be signed by each individual registrant.

Sec. 13. Section 48A.9, subsection 4, Code 1997, is amended to read as follows:

4. Registration forms submitted to voter registration agencies, ~~or~~ to motor vehicle driver's license stations, and to county treasurer's offices participating in county issuance of motor vehicle licenses under chapter 321M shall be considered on time if they are received no later than five p.m. on the day registration closes for that election. Offices or agencies other than the county commissioner's office are not required to be open for voter registration purposes at times other than their usual office hours.

Sec. 14. Section 48A.18, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A county treasurer's office participating in county issuance of motor vehicle licenses pursuant to chapter 321M shall participate in voter registration under this section to the same extent as a license facility of the state department of transportation.

Sec. 15. Section 48A.21, Code 1997, is amended to read as follows:

48A.21 TRANSMISSION OF FORMS FROM AGENCIES AND DRIVER'S LICENSE STATIONS.

The state registrar of voters shall adopt administrative rules regulating the transmission of completed voter registration forms from voter registration agencies and from driver's license stations, including county treasurer's offices participating in county issuance of motor vehicle licenses under chapter 321M. All completed voter registration applications in the possession of a voter registration agency, ~~or~~ a driver's license station, or a county treasurer's office that is participating in county issuance of motor vehicle licenses at five p.m. on the last work day of each week shall be transmitted to the location designated by the state registrar of voters by rule. Procedures or requirements for more frequent transmissions may be specified by rule.

Sec. 16. Section 48A.27, subsection 1, Code Supplement 1997, is amended to read as follows:

1. Any voter registration form received by any voter registration agency, driver's license station, including county treasurer's offices participating in county issuance of motor vehicle licenses under chapter 321M, or the commissioner shall be considered as updating the registrant's previous registration.

Sec. 17. Section 48A.27, subsection 2, paragraph a, subparagraph (4), Code Supplement 1997, is amended to read as follows:

(4) A change of address form to the office of driver services of the state department of transportation, or to a county treasurer's office that is participating in county issuance of motor vehicle licenses under chapter 321M.

Sec. 18. Section 321.151, Code 1997, is amended to read as follows:

321.151 DUTY AND LIABILITY OF TREASURER.

The county treasurer shall collect the registration fee and penalties on each vehicle registered by the county treasurer and shall be responsible on the county treasurer's bond for such amount. The county treasurer shall remit such amount to the treasurer of state as ~~herein~~ provided in this chapter. Fees collected pursuant to participation in county issuance of motor vehicle licenses under chapter 321M shall be governed by the provisions of that chapter.

Sec. 19. Section 321.152, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not apply to fees collected or retained by a county treasurer pursuant to participation in county issuance of motor vehicle licenses under chapter 321M.

Sec. 20. Section 321.153, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not apply to fees collected or retained by a county treasurer pursuant to participation in county issuance of motor vehicle licenses under chapter 321M.

Sec. 21. NEW SECTION. 331.557A DUTIES RELATING TO ISSUANCE OF MOTOR VEHICLE LICENSES.

The treasurer of any county participating in county issuance of motor vehicle licenses under chapter 321M shall:

1. Issue, renew, and replace lost or damaged nonoperator identification cards and motor vehicle licenses, including commercial driver's licenses, according to the provisions of chapter 321M.
2. Issue persons with disabilities parking permits under chapter 321L.
3. Collect fees associated with nonoperator identification cards and motor vehicle licenses, including commercial driver's licenses, and pay to the state amounts in excess of the amount the treasurer is permitted to retain for deposit in the county general fund for license issuance.
4. Participate in voter registration according to the terms of chapter 48A, and submit completed voter registration forms to the state registrar of voters.
5. Attend initial training as required by chapter 321M, and participate in continuing education as offered by the state department of transportation.
6. Comply with the terms of any applicable agreements created pursuant to chapter 28E, and state department of transportation operating standards for license issuance.

Sec. 22. Section 321.179, Code Supplement 1997, is repealed.

Sec. 23. 1995 Iowa Acts, chapter 220, section 27, is repealed.

Sec. 24. DISPLACED DEPARTMENTAL EMPLOYEES. State department of transportation employees, who are members of a collective bargaining unit and who are displaced as a result of the implementation of this Act, shall be covered by and dealt with according to the provisions of the applicable collective bargaining agreement relating to contracting, sub-contracting, outsourcing, privatization, and layoffs.

Sec. 25. REQUEST FOR PROPOSALS AND RESPONSES. The state department of transportation, in conjunction with the auditor of state, shall prepare, and the department shall issue a request for proposals for the digitized photolicensing equipment contract period beginning January 1, 2000, on a schedule that shall make available responses to the request for proposals, and an analysis of the response from the successful bidder, to the first session of the Seventy-eighth General Assembly no later than January 2, 1999. The proposal shall require responses on two options. One option shall be issuance of motor vehicle licenses by Adams, Cass, Fremont, Mills, Montgomery, and Page counties with the department authorized to issue motor vehicle licenses in all remaining ninety-three counties. Option two shall be issuance of motor vehicle licenses by Adams, Cass, Fremont, Mills, Montgomery, and Page counties, and up to forty-two additional counties who have met the conditions of section 3 of this Act, with the department authorized to issue motor vehicle licenses in the remaining fifty-one counties. The first session of the Seventy-eighth General Assembly may use the results of the responses in making a determination on expanding county issuance of motor vehicle licenses and shall do so before March 1, 1999. If the general assembly does not act in response to such information before March 1, 1999, then the department of transportation shall proceed with implementation of county issuance as detailed in this Act.

Sec. 26. CODE EDITOR DIRECTIVE. The Code Editor is instructed to change all references to "motor vehicle license" contained in chapter 321M and in this bill to "driver's license" if Senate File 2113 is enacted by the Seventy-seventh General Assembly, 1998 Session.* This directive includes authority to change plural forms of the terms, and to reorganize definitions in section 321M.1, as enacted by this Act, so that the subsections remain in alphabetical order following any change of a defined term according to this directive.

Approved April 22, 1998

CHAPTER 1144

PENALTIES FOR VIOLATIONS OF CITY OR COUNTY ORDINANCES AND CITY OR COUNTY INFRACTIONS

H.F. 2472

AN ACT relating to civil penalties imposed for violations of city or county ordinances or city or county infractions.

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

Section 1. Section 331.302, subsection 15, Code 1997, is amended to read as follows:

15. A county shall not provide a civil penalty in excess of ~~one~~ five hundred dollars for the violation of an ordinance which is classified as a county infraction or if the infraction is a repeat offense, a civil penalty not to exceed ~~two~~ seven hundred fifty dollars for each repeat offense. A county infraction is not punishable by imprisonment.

Sec. 2. Section 331.307, subsection 1, Code 1997, is amended to read as follows:

1. A county infraction is a civil offense punishable by a civil penalty of not more than ~~one~~ five hundred dollars for each violation or if the infraction is a repeat offense a civil penalty not to exceed ~~two~~ seven hundred fifty dollars for each repeat offense.

Sec. 3. Section 364.3, subsection 6, Code 1997, is amended to read as follows:

* See chapter 1073 herein