

CHAPTER 31**FELONIOUS MISCONDUCT BY PUBLIC OFFICER
OR EMPLOYEE — FALSIFIED WRITINGS***H.F. 272*

AN ACT relating to felonious misconduct by a public officer or employee and providing a penalty.

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

Section 1. Section 721.1, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 3. Falsifies a writing, or knowingly delivers a falsified writing, with the knowledge that the writing is falsified and that the writing will become a public record of a government body.

NEW SUBSECTION. 4. For purposes of this section, “government body” and “public record” mean the same as defined in section 22.1.

Approved April 16, 2001

CHAPTER 32**TRANSPORTATION — MISCELLANEOUS PROVISIONS***H.F. 324*

AN ACT relating to transportation, including provisions on road projects, vehicle sales, movement, and reports, and mailing of notices, and providing a penalty and an effective date.

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

**DIVISION I
HIGHWAYS**

Section 1. Section 306.19, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. Compensate the owner for any diminution in the market value of the property by the denial or alteration by lengthening the driveway; ~~however, in.~~ In computing ~~such the~~ diminution in value no consideration shall be given to the additional maintenance expense for maintaining the additional length of driveway, but in lieu thereof, both in condemnation proceedings or negotiated purchases, the agency shall pay to the owner the sum of ~~five~~ twenty dollars for every lineal foot of additional length of driveway located on ~~said the~~ owner's property. This payment shall represent just compensation to ~~said the~~ property owner for the additional driveway maintenance caused by reason of the highway or road project.

Sec. 2. Section 309.35, Code 2001, is amended to read as follows:

309.35 SURVEYS REQUIRED.

Before proceeding to the construction of any road or roads included in ~~said the~~ secondary

road construction program where the grading, exclusive of bridges and culverts, is estimated to cost over ~~three ten~~ thousand dollars per mile, the county engineer shall cause detailed surveys and plans for ~~said~~ the road or roads to be prepared.

Sec. 3. NEW SECTION. 309.40A EMERGENCY HIGHWAY AND BRIDGE PROJECTS.

Notwithstanding section 309.40, a county may contract for the emergency repair, restoration, or reconstruction of a highway or bridge under the county's jurisdiction without advertising for bids if all of the following conditions are met:

1. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss.

2. The county solicits written bids from three or more contractors engaged in the type of work needed.

3. The necessary work can be done for less than one hundred thousand dollars.

4. If possible, the county notifies the appropriate Iowa highway contractors' associations of the proposed work.

Sec. 4. Section 309.93, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A detailed cost accounting of all instances in the previous fiscal year of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system, in the manner prescribed by rule of the department under section 314.1A. The statement shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system during the previous fiscal year.

Sec. 5. Section 312.14, Code 2001, is amended to read as follows:

312.14 CITIES TO SUBMIT REPORT.

Cities in the state which receive allotments of funds from road use tax funds shall prepare and deliver on or before September 30 each year to the department an annual report showing all street receipts and expenditures for the city for the previous fiscal year. The report shall include a detailed cost accounting of all instances of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year, in the manner prescribed by rule of the department under section 314.1A. The report shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year.

Sec. 6. Section 313.10, Code 2001, is amended to read as follows:

313.10 BIDS — ADVERTISING.

As soon as the approved plans and specifications for any primary road construction project are filed with the department, ~~# the department~~ shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids for the construction of ~~said~~ the improvement.

The department may contract for the emergency repair, restoration, or reconstruction of a highway or bridge without advertising for bids ~~under~~ if all of the following conditions are met:

1. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss;

2. The department solicits written bids from three or more contractors engaged in the type of work needed; ~~and~~.

3. The necessary work can be done for less than ~~seventy-five~~ five hundred thousand dollars.

4. If possible, the department notifies the appropriate Iowa highway contractors' associations of the proposed work.

Sec. 7. Section 314.1, Code 2001, is amended to read as follows:

314.1 BIDDERS' STATEMENTS OF QUALIFICATIONS — BASIS FOR AWARDING CONTRACTS.

1. The agency having charge of the receipt of bids and the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of any a highway, bridge, or culvert may require, for any highway, bridge, or culvert contract letting, that each bidder shall file with said the agency a statement showing the bidder's financial standing, equipment, and experience in the execution of like or similar work. Said The statements shall be on standard forms prepared by the department and shall be filed with said the agency previous prior to the letting at which such the bidder expects to bid. The agency may, in advance of the letting, notify the bidder as to the amount and the nature of the work for which the bidder is deemed qualified to bid. A bidder who is prequalified under this subsection by the department shall be deemed qualified for a highway, bridge, or culvert contract letting by any other agency and shall submit proof of the prequalification in a manner determined by the department if required to do so by the agency.

2. Notwithstanding any other provision of law to the contrary, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert and that has a cost in excess of the applicable threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, 313.10, or 384.96, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, except such public improvements that involve emergency work pursuant to section 309.40A, 313.10, 384.95, or 384.103, subsection 2. However, a public improvement that has an estimated total cost to a city in excess of a threshold of fifty thousand dollars, as modified by the bid threshold subcommittee pursuant to section 314.1B, and that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that is under the jurisdiction of a city with a population of more than fifty thousand, shall be advertised and let for bid.

3. In the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of any a highway, bridge, or culvert, the agency having charge of awarding such contracts shall give due consideration not only to the prices bid but also to the mechanical or other equipment and the financial responsibility and experience in the performance of like or similar contracts. The agency may reject any or all bids, or. The agency may readvertise and relet the project without conducting an additional public hearing if no substantial changes are made to the project's plans or specifications. The agency may let by private contract or build by day labor, at a cost not in excess of the lowest bid received.

PARAGRAPH DIVIDED. Upon the completion of any contract or project on either the farm-to-market or secondary road system, the county engineer shall file with the county auditor a statement showing the total cost thereof with certificate that said the work has been done in accordance with the plans and specifications. Upon completion of a contract or project on the municipal street system, the city public works department or city engineer shall file with the city clerk a statement showing the total cost of the contract or project with a certificate that the work has been done in accordance with the plans and specifications. All contracts shall be in writing and shall be secured by a bond for the faithful performance thereof as provided by law.

Sec. 8. NEW SECTION. 314.1A DETAILED COST ACCOUNTINGS BY CITIES AND COUNTIES — RULES.

The department shall adopt rules prescribing the manner by which cities and counties shall provide a detailed cost accounting under section 309.93 or 312.14, of all instances of the use of day labor or public or private contracts for construction, reconstruction, or im-

provement projects on highways within their jurisdiction. The rules shall include definitions concerning types of projects and uniform requirements and definitions that cities and counties shall use in determining costs for such projects. The department shall establish an advisory committee composed of representatives of public sector agencies, private sector contractor organizations, and certified public employee collective bargaining organizations to make recommendations for such rules.

Sec. 9. NEW SECTION. 314.1B BID THRESHOLD SUBCOMMITTEE — ADJUSTMENTS — NOTICE.

1. The director of the department shall appoint, from the members of the advisory committee established under section 314.1A, a bid threshold subcommittee. The subcommittee shall consist of seven members, three of whom shall be representatives of local public sector agencies, three of whom shall be representatives of private sector contractor organizations, and with the remaining member being the director or the director's designee, who shall serve as chairperson of the subcommittee. A vacancy in the membership of the subcommittee shall be filled by the director.

2. a. The subcommittee shall review the competitive bid thresholds applicable to city and county highway, bridge, and culvert projects. The subcommittee shall review price adjustments for all types of city and county highway, bridge, and culvert construction, reconstruction, and improvement projects, based on changes in the construction price index from the preceding year. Upon completion of the review the subcommittee may make adjustments in the applicable bid thresholds for types of work based on the price adjustments.

b. A bid threshold shall not be adjusted to an amount that is less than the bid threshold applicable to a city or county on the effective date of this section of this Act, as provided in section 73A.18, 309.40, 310.14, 314.1, or 384.96. An adjusted bid threshold shall take effect as provided in subsection 3, and shall remain in effect until a new adjusted bid threshold is established and becomes effective as provided in this section.

3. The subcommittee shall meet to conduct the review and make the adjustments described in this section on or before August 1 of every other year, or of every year if determined necessary by the subcommittee, with the first meeting occurring on or before August 1, 2002. By September 1 of each year in which the subcommittee makes adjustments in the bid thresholds, the director shall cause an advisory notice to be published in the Iowa administrative bulletin and in a newspaper of general circulation in this state, stating the adjusted bid thresholds to be in effect on January 1 of the following year, as established by the subcommittee under this section.

Sec. 10. Section 314.13, Code 2001, is amended by adding the following new subsection: NEW SUBSECTION. 5. "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

Sec. 11. Section 320.5, Code 2001, is amended to read as follows:

320.5 TERM OF GRANT.

~~Such grants~~ A grant made under section 320.4 shall be on such reasonable conditions as the state department of transportation or the board of supervisors may exact, and on such conditions as the general assembly may hereafter prescribe. Grants for gas or water mains shall not exceed twenty years.

Sec. 12. DEPARTMENT REVIEW OF CERTAIN HIGHWAY PROJECT PROCEDURES AND EQUIPMENT USE — RULES.

1. The rules adopted by the department pursuant to section 314.1A, as enacted in this Act, shall be in draft form prior to December 31, 2001, and shall specifically define the terms "construction", "reconstruction", "improvement", and "repair or maintenance" as such terms relate to highway, bridge, and culvert projects.

2. The department shall review the highway and street construction and maintenance equipment procurement policies and the use of such equipment by all entities receiving road use tax fund moneys. The department shall report its findings, and any recommendations regarding potential efficiencies and cost savings in the procurement and use of such equipment, to the general assembly by December 31, 2002. The department shall consult with public and private entities in reviewing the procurement policies and use of equipment and in formulating the department's recommendations.

Sec. 13. **DISPLACEMENT OF EMPLOYEES — OTHER EMPLOYMENT — RECALL.** If a city or county employee is displaced from employment as a result of a city's or county's compliance with the provisions of this division of this Act, which enact section 314.1, subsection 2, and amend section 314.1, unnumbered paragraph 2, and redesignate that unnumbered paragraph as section 314.1, subsection 3, the city or county shall offer the displaced employee other available employment with the city or county, as applicable. A city or county employee who is placed in such other employment or who elected to be laid off shall be eligible for recall to the position held by the employee at the time of displacement. This provision shall not supersede the provisions of any applicable collective bargaining agreement.

Sec. 14. **EFFECTIVE DATE.** The following provisions of this Act take effect July 1, 2002:

1. The provision enacting section 309.93, subsection 7.
2. The provision amending section 312.14.
3. The provision enacting section 314.1, subsection 2.
4. The provision amending section 314.1, unnumbered paragraph 2, and redesignating that unnumbered paragraph as section 314.1, subsection 3.
5. The provision enacting section 314.1B.
6. Section 13 of this Act relating to the displacement of employees.

DIVISION II VEHICLES

Sec. 15. Section 321.1, Code 2001, is amended by adding the following new subsection: **NEW SUBSECTION.** 83B. "Tracked implement of husbandry" means a fence-line feeder, grain cart, or tank wagon that is mounted on a chassis attached to a pair of tracks that transfer the weight of the implement to the ground or the roadway surface.

Sec. 16. Section 321.20B, subsection 6, Code 2001, is amended to read as follows:

6. This section does not apply to a snowmobile or all-terrain vehicle or to a motor vehicle identified in section 321.18, subsections 1 through 6, and subsection 8.

Sec. 17. Section 321.34, Code 2001, is amended by adding the following new subsection: **NEW SUBSECTION.** 12A. An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge, but shall be subject to the annual registration fee of fifteen dollars if all of the following conditions are met:

- a. The owner is eligible for, but has relinquished to the department or the county treasurer or has not been issued, congressional medal of honor, ex-prisoner of war, or legion of merit special registration plates under this section, or disabled veteran registration plates under section 321.105.

- b. The owner provides the appropriate information regarding the owner's eligibility for any of the special registration plates described in paragraph "a", and regarding the owner's eligibility for the special registration plates for which the owner has applied, as required by the department.

A disabled veteran shall be exempt from payment of the fifteen dollar annual registration fee as provided in section 321.105.

Upon the death of the vehicle owner entitled to the special registration plates, the special registration plates shall be surrendered to the department or the county treasurer.

Sec. 18. Section 321.271, unnumbered paragraph 2, Code 2001, is amended to read as follows:

All written reports filed by a law enforcement officer as required under section 321.266 shall be made available to any party to an accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, or the attorney general, on written request to the department and the payment of a fee of four dollars for each copy. If a copy of an investigating officer's report of a motor vehicle accident filed with the department is retained by the law enforcement agency of the officer who filed the report, a copy shall be made available to any party to the accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, or the attorney general, on written request and the payment of a fee. ~~The~~ However, the attorney general and the federal motor carrier safety administration shall not be required by the department or the law enforcement agency to pay a fee for a copy of a report filed by a law enforcement or investigating officer.

Sec. 19. Section 321.423, subsection 6, Code 2001, is amended to read as follows:

6. AMBER FLASHING LIGHT. A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the highway which, when operated on a primary or secondary road, is operated at a speed of ~~twenty-five~~ thirty-five miles an hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time from sunset to sunrise. If the amber flashing light is obstructed by the towed equipment, the towed equipment shall also be equipped with and display an amber flashing light as required under this subsection. All vehicles specified in this subsection which are manufactured for sale or sold in this state shall be equipped with an amber flashing light in accordance with the standards of the American society of agricultural engineers.

Sec. 20. Section 321.450, Code 2001, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions of this section to the contrary, a driver who is engaged exclusively in intrastate commerce and who operates a truck or truck-tractor exclusively for the movement of refined oil products may drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days, or eighty hours in eight consecutive days.

Sec. 21. Section 321.457, subsection 2, paragraph d, Code 2001, is amended to read as follows:

d. A combination of three vehicles coupled together one of which is a motor vehicle, unladen or with load, other than a truck tractor, shall not have an overall length, inclusive of front and rear bumpers, in excess of ~~sixty~~ seventy feet.

Sec. 22. Section 321.457, subsection 2, Code 2001, is amended by adding the following new paragraphs:

NEW PARAGRAPH. j. A motor home shall not have an overall length, excluding front and rear bumpers and safety equipment, in excess of forty-five feet.

NEW PARAGRAPH. k. A combination of two vehicles coupled together, one of which is a motor home, shall not have an overall length in excess of sixty-five feet.

NEW PARAGRAPH. l. A combination of two vehicles coupled together, one of which is a travel trailer or fifth-wheel travel trailer, shall not have an overall length in excess of sixty-five feet.

Sec. 23. Section 321.463, subsection 4, paragraph b, subparagraph (1), Code 2001, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. Notwithstanding any provision of this section to the contrary, a tracked implement of husbandry operated on the highways of this state shall not have a maximum gross weight in excess of ninety-six thousand pounds.

Sec. 24. Section 321.463, subsection 4, paragraph b, subparagraph (1), unnumbered paragraph 2, Code 2001, is amended to read as follows:

A fence-line feeder, grain cart, ~~or tank wagon,~~ or tracked implement of husbandry shall comply with the other provisions of this section and chapter when operated over a bridge in this state. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of a fence-line feeder, grain cart, ~~or tank wagon,~~ or tracked implement of husbandry with a weight in excess of the weights allowed under this chapter.

Sec. 25. Section 321.463, subsection 5, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. The maximum gross weight allowed to be carried on a tracked implement of husbandry when operated on a noninterstate highway bridge is as follows:

NONINTERSTATE HIGHWAY BRIDGES
MAXIMUM GROSS WEIGHT TABLE
TRACKED IMPLEMENTS OF HUSBANDRY

Length of Track in Feet	Weight in Pounds
4	34,000
5	34,000
6	34,000
7	34,000
8	42,000
9	42,500
10	45,000
11	46,000
12	47,000
13	48,500
14	49,500
15	50,500
16	51,500
17	54,000
18	55,000
19	56,000
20	57,000
21	58,000
22	59,000
23	60,000
24	61,000
25	62,000
26	63,000
27	64,000
28	65,000
29	66,000
30	67,000
31	68,000
32	69,000

33	70,000
34	71,000
35	72,000
36	73,000
37	74,000
38	75,000
39	76,000
40	77,000
41	78,000
42	79,000
43	80,000

“Length of track in feet” means the length of track on one side of the tracked implement of husbandry which is in contact with the ground or roadway surface.

Sec. 26. Section 321E.8, subsection 2, Code 2001, is amended to read as follows:

2. Vehicles with indivisible loads having an overall width not to exceed ~~twelve~~ thirteen feet five inches or mobile homes, including appurtenances, having an overall width not to exceed ~~twelve~~ thirteen feet five inches and an overall length not to exceed one hundred twenty feet zero inches may be moved on highways specified by the permitting authority for unlimited distances if the height of the vehicle and load does not exceed fifteen feet five inches and the total gross weight of the vehicle does not exceed one hundred thirty-six thousand pounds. The vehicle owner or operator shall verify with the permitting authority prior to movement of the load that highway conditions have not changed so as to prohibit movement of the vehicle. Any cost to repair damage to highways or highway structures shall be borne by the owner or operator of the vehicle causing the damage. Permitted vehicles under this subsection shall not be allowed to travel on any portion of the interstate highway system.

Sec. 27. Section 321E.8, subsection 4, Code 2001, is amended by striking the subsection.

Sec. 28. Section 321E.14, Code 2001, is amended to read as follows:

321E.14 FEES FOR PERMITS.

The department or local authorities issuing permits shall charge a fee of twenty-five dollars for an annual permit issued under section 321E.8, subsection 1; or 3, ~~or 4~~, a fee of three hundred dollars for an annual permit issued under section 321E.8, subsection 2, a fee of two hundred dollars for a multi-trip permit, and a fee of ten dollars for a single-trip permit, and shall determine charges for special permits issued pursuant to section 321E.29 by rules adopted pursuant to chapter 17A. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the issuing authority. A fee not to exceed two hundred fifty dollars per day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 75, operated pursuant to section 321E.7, subsection 2, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars.

The annual fee for an all-system permit is one hundred twenty dollars which shall be deposited in the road use tax fund.

DIVISION III
VEHICLE MANUFACTURERS, DISTRIBUTORS,
DEALERS, AND FRANCHISERS

Sec. 29. Section 322.2, Code 2001, is amended by adding the following new subsection: NEW SUBSECTION. 20A. "Special equipment" means equipment installed on a motor truck which, in combination with the motor truck on which the equipment is installed, constitutes a self-contained unit configured for a specific purpose. To constitute special equipment, a minimum of seven thousand five hundred dollars or twenty-five percent of the retail value of the motor truck, whichever is greater, must be expended in installing the equipment on the motor truck, including the cost of the equipment. "Special equipment" does not include equipment designed for the transportation of passengers.

Sec. 30. Section 322.3, subsection 13, Code 2001, is amended to read as follows:

13. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, warranty any of the following if twelve months or more have passed since the claim was submitted to the manufacturer, distributor, or importer or agent or representative thereof:

a. Warranty parts, repairs, or service supplied by a motor vehicle dealer if twelve months or more have passed since the warranty claim was submitted to the manufacturer, distributor, or importer of motor vehicles or agent or representative thereof.

b. Sales or leasing incentives provided to a motor vehicle dealer or to a customer of a motor vehicle dealer including, but not limited to, rebates and discounted interest rates.

PARAGRAPH DIVIDED. The twelve-month limitation shall not apply if a court of competent jurisdiction in this state finds the ~~warranty~~ claim was fraudulent.

Sec. 31. Section 322.3, subsection 14, unnumbered paragraph 1, Code 2001, is amended to read as follows:

A manufacturer, ~~distributor, wholesaler,~~ or importer shall not directly or indirectly be licensed as, own an interest in, operate, or control a motor vehicle dealer. This subsection shall not prohibit any of the following:

Sec. 32. Section 322.5, subsection 2, Code 2001, is amended by striking the subsection and inserting in lieu thereof the following:

2. a. In addition to selling motor vehicles at the motor vehicle dealer's principal place of business and at car lots, a motor vehicle dealer may do any of the following:

(1) Display new motor vehicles at fairs, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department.

(2) Display, offer for sale, and negotiate sales of new motor vehicles at county or district fairs, as described in chapter 174, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at fairs, vehicle shows, and vehicle exhibitions that are held in the county of the motor vehicle dealer's principal place of business. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair, vehicle show, or vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

b. An application for a temporary permit under this subsection shall be made upon a form provided by the department and shall be accompanied by a ten dollar permit fee. The department may issue a temporary permit for a period not to exceed fourteen days.

Sec. 33. Section 322.28, Code 2001, is amended to read as follows:

322.28 DISTRIBUTOR OR WHOLESALER'S LICENSE.

A distributor or wholesaler of new motor vehicles shall not sell or offer for sale a new

motor vehicle at retail unless licensed as a new motor vehicle dealer. A licensed distributor or wholesaler of a new motor vehicle shall not register or title a new motor vehicle held for sale and shall transfer ownership of a new motor vehicle by assigning the manufacturer's statement of origin for the vehicle.

Sec. 34. Section 322.29, subsection 5, Code 2001, is amended to read as follows:

5. Upon payment of the license fee as provided in this section, a person who installs cranes, hook loaders, buckets, aerial ladders, ~~or tanks~~, or special equipment on new completed motor trucks with a gross vehicle weight rating of ~~nineteen~~ fourteen thousand five hundred pounds or more may be issued a license as a wholesaler of new motor vehicles of the make and model on which the equipment is installed without written authorization from the manufacturer.

Sec. 35. Section 322A.1, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. "Substantially detrimental" means that, by a preponderance of the evidence, the market share of the franchiser's motor vehicles in the community will be significantly reduced in comparison to the franchiser's historical market share in the community.

Sec. 36. Section 322A.11, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the following shall not ~~constitute~~ be considered facts supporting a finding of good cause for the termination or noncontinuation of a franchise, or for entering into a franchise for the establishment of an additional dealership in a community for the same line-make:

Sec. 37. Section 322A.11, subsections 2 and 5, Code 2001, are amended to read as follows:

2. The change of ownership of the franchisee's dealership or the change of executive management of the franchisee's dealership, unless the franchiser, having the burden of proof, proves that such change of ownership or executive management will be substantially detrimental to the distribution of the franchiser's motor vehicles in the community and that good cause for the termination or noncontinuation of the franchise or for the establishment of an additional dealership otherwise exists.

5. The fact that the dealership does not meet an index or standard established by the franchiser, unless the franchiser proves that the failure of the dealership to meet the index or standard will be substantially detrimental to the distribution of the franchiser's motor vehicles in the community and that good cause for the termination or noncontinuation of the franchise or for the establishment of an additional dealership otherwise exists.

Sec. 38. Section 322B.3, subsection 4, Code 2001, is amended to read as follows:

4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile home dealers, in addition to selling mobile homes at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new mobile homes for sale and negotiate sales of new mobile homes at fairs, shows, and exhibitions ~~which are approved by the department~~. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

Sec. 39. Section 322C.3, subsection 9, Code 2001, is amended to read as follows:

9. A travel trailer dealer may display new travel trailers at fairs, shows, and ~~exhibits~~ exhibitions on any day of the week as provided in this subsection. Travel trailer dealers, in addition to selling travel trailers at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new travel trailers for sale and negotiate sales of new travel trailers at fairs, shows, and exhibitions

~~which are approved by the department.~~ Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

Sec. 40. EFFECTIVE DATE. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. Section 31 of this Act, amending section 322.3, subsection 14.
2. Section 33 of this Act, amending section 322.28.
3. Section 35 of this Act, adding section 322A.1, subsection 9A.
4. Section 36 of this Act, amending section 322A.11, unnumbered paragraph 1.
5. The provision of section 37 of this Act, amending section 322A.11, subsection 2.

DIVISION IV MAILINGS

Sec. 41. Section 321.16, unnumbered paragraph 1, Code 2001, is amended to read as follows:

When the department is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving ~~notices~~ notice is expressly prescribed, notice shall be given either by personal delivery to the person to be so notified or by personal service in the manner of original notice by R.C.P. 56.1, paragraph "a," or by certified first class mail addressed to the person at the address shown ~~by in~~ the records of the department, notwithstanding chapter 17A. Return acknowledgment is required to prove the latter service. The department shall adopt rules regarding the giving of notice by first class mail, the updating of addresses in department records, and the development of affidavits verifying the mailing of notices under this chapter and chapter 321J. A person's refusal to accept or a claim of failure to receive a notice of revocation, suspension, or bar mailed by first class mail to the person's last known address shall not be a defense to a charge of driving while suspended, revoked, denied, or barred.

Sec. 42. Section 321.182, subsection 1, Code 2001, is amended to read as follows:

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. A licensee shall notify the department when the licensee's mailing address changes and provide the new address within thirty days of obtaining the new address. The application provided by the department shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change. The penalty under section 321.482 shall not apply to a licensee's failure to notify the department of such an address change.

Sec. 43. Section 321.196, unnumbered paragraph 1, Code 2001, is amended to read as follows:

Except as otherwise provided, a driver's 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. 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. Except as required in section 321.188, and except for a motorcycle instruction permit issued in accordance with section 321.180 or 321.180B, a driver's license is renewable without written examination or penalty within a period of

sixty days after its expiration date and without a driving test within a period of one year after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the 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. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department, 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, or is eligible for renewal by mail pursuant to rules adopted by the department. The department may assess an applicant a fee of no more than two dollars for administration and mailing expenses for providing for renewal of the applicant's driver's license by mail. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1.

Sec. 44. Section 321.208, subsection 8, unnumbered paragraph 2, Code 2001, is amended to read as follows:

The effective date of disqualification shall be thirty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test or, notwithstanding chapter 17A, the department may notify the person by ~~certified~~ first class mail. If immediate notice is served, the peace officer shall take the commercial driver's license or permit of the driver, if issued within the state, and issue a temporary commercial driver's license effective for only thirty days. The peace officer shall immediately send the person's commercial driver's license to the department in addition to the officer's certification required by this subsection.

Sec. 45. NEW SECTION. 321.211A APPEAL OF EXTENDED SUSPENSION OR REVOCATION.

Notwithstanding any provision of law to the contrary, if a person was not served with notice of a suspension or revocation under section 321.16, or section 321J.9, subsection 4, or section 321J.12, subsection 3, the person may appeal to the department an extension of the period of suspension or revocation based upon a conviction under section 321.218 or 321J.21. At the hearing on the appeal, the sole issue shall be whether the department failed to send notice of the underlying suspension or revocation to the person at the address contained in the department's records. If the department determines it failed to send such notice, the department shall rescind the extended suspension or revocation resulting from the conviction and send notice of the department's determination to the court that rendered the conviction. Upon receipt of the notice, the court shall enter an order exonerating the person of the conviction, and ordering that the record of the conviction be expunged by the clerk of the district court.

Sec. 46. Section 321.556, subsection 1, Code 2001, is amended to read as follows:

1. If, upon review of the record of convictions of any person, the department determines that the person appears to be a habitual offender, the department shall immediately notify the person in writing and afford the licensee an opportunity for a hearing. ~~The Notwithstanding chapter 17A,~~ the notice shall meet the requirements of section ~~17A.12~~ 321.16 and

shall be served in the manner provided in that section. Service of notice on any nonresident of this state may be made in the same manner as provided in sections 321.498 through 321.506. A peace officer stopping a person for whom a notice has been issued under this section may personally serve the notice upon forms approved by the department to satisfy the notice requirements of this section. A peace officer may confiscate the driver's license of a person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the driver's license to the department as required.

Sec. 47. Section 321J.9, subsection 4, Code 2001, is amended to read as follows:

4. The effective date of revocation shall be ten days after the department has mailed notice of revocation to the person by ~~certified first class mail, or, on behalf of the department, a notwithstanding chapter 17A. The peace officer offering or directing who requested or directed~~ the administration of a chemical test may, on behalf of the department, serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. If the peace officer serves ~~that~~ immediate notice, the peace officer shall take the Iowa license or permit of the driver, if any, and issue a temporary license effective for ~~only~~ ten days. The peace officer shall immediately send the person's license to the department along with the officer's certificate indicating the person's refusal to submit to chemical testing.

Sec. 48. Section 321J.12, subsection 3, Code 2001, is amended to read as follows:

3. The effective date of the revocation shall be ten days after the department has mailed notice of revocation to the person by ~~certified first class mail, notwithstanding chapter 17A. The peace officer who requested or directed the administration of the chemical test~~ may, on behalf of the department, serve immediate notice of revocation on a person whose test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, or a combination of alcohol and another controlled substance or drug in violation of section 321J.2.

DIVISION V MISCELLANEOUS PROVISIONS

Sec. 49. **RELOCATION OF UTILITY LINES AND MAINS — STUDY.** The state department of transportation shall conduct a study and present a report to the general assembly by January 31, 2002, regarding the compliance by utility companies with requirements regarding the relocation of electrical or telephone transmission lines or of water and gas mains on highway construction or reconstruction projects. The report shall document cases when relocation of such lines or mains on a highway project was not timely, state the financial impact on such projects, and may include department recommendations for further remedies to ensure timely compliance with utility relocation requirements.

Approved April 16, 2001