

roactively to property taxes due and payable in the fiscal years beginning July 1, 2004, and July 1, 2005.

4. The section of this division of this Act amending section 423.3, subsection 5, being deemed of immediate importance, takes effect upon enactment, and applies retroactively to January 1, 1998.

5. The sections of this division of this Act amending section 441.37 apply to protests of assessment filed after January 1, 2006.

Approved June 3, 2005

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## CHAPTER 141

### MOTOR VEHICLE FUEL THEFT — MOTOR VEHICLE OPERATING PRIVILEGES

H.F. 440

**AN ACT** relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

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

Section 1. Section 321.215, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

However, a temporary restricted license shall not be issued to a person whose license is revoked pursuant to a court order issued under section 901.5, subsection 10, or under section 321.209, subsections 1 through 5 or subsection 7, or to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3, or to a person whose license has been suspended pursuant to a court order under section 714.7D. 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.

Sec. 2. Section 321.215, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5 or 6; section 321.210; 321.210A; or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or a juvenile, whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3; or upon suspension of a driver's license pursuant to a court order under section 714.7D, a person may petition the district court having jurisdiction over the residence of the person for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. The application may be granted only if all of the following criteria are satisfied:

Sec. 3. NEW SECTION. 714.7D RETAIL MOTOR FUEL.

Upon a second or subsequent conviction of a person under section 714.2, subsection 5, for theft of motor fuel from a retail dealer as defined in section 214A.1, the court may order the state department of transportation to suspend the driver's license or nonresident operating privilege of the convicted person for up to thirty days in lieu of, or in addition to, a fine or imprisonment.

Approved June 3, 2005

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## CHAPTER 142

### SECONDARY AND FARM-TO-MARKET ROADS

H.F. 674

**AN ACT** relating to distribution of secondary and farm-to-market road funds.

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

Section 1. Section 307.22, Code 2005, is amended to read as follows:

307.22 PLANNING AND RESEARCH.

The department's administrator of planning and research shall:

1. Assist the director in planning all modes of transportation in order to develop an integrated transportation system providing adequate transportation services for all citizens of the state.
2. Develop and maintain transportation statistical data for the department.
3. Assist the director in establishing, analyzing and evaluating alternative transportation policies for the state.
4. Coordinate planning and research duties and responsibilities with the planning functions carried on by other administrators of the department.
5. Conduct a study of the road and bridge facilities in state parks, state institutions, state fairgrounds, and on community college property. The study shall evaluate the construction and maintenance needs and projected needs based upon estimated growth for each type of facility to provide a quadrennially updated standard upon which to allocate funds appropriated for the purposes of this subsection.
  6. a. Annually report by July 1 of each year, for both secondary and farm-to-market systems, miles of earth, granular, and paved surface roads; the daily vehicle miles of travel; and lineal feet of bridge deck under the jurisdiction of each county's secondary road department, as of the preceding January 1, taking into account roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year. The annual report shall include those roads transferred to a county pursuant to section 306.8A.
  - b. Miles of secondary and farm-to-market roads shall not include those miles of farm-to-market extensions within cities under five hundred population that are placed under county secondary road jurisdiction pursuant to section 306.4.
  - c. The annual report of updated road and bridge data of both the secondary and farm-to-market roads shall be submitted to the Iowa county engineers association service bureau.
6. Prepare, adopt, and cause to be published the results of a study of secondary roads in the state. The study shall be designed to investigate present deficiencies and future twenty-year