

CHAPTER 1035**MOTOR VEHICLE REGULATION — MISCELLANEOUS CHANGES***S.F. 2246*

AN ACT relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines.

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

Section 1. Section 321.1, subsection 7A, Code Supplement 2009, is amended to read as follows:

7A. “*Business-trade truck*” means a model year 2010 or newer motor truck with an unladen weight of ten thousand pounds or less which is owned by a corporation, limited liability company, or partnership or by a person who files a schedule C or schedule F form with the federal internal revenue service and which is eligible for depreciation under § 167 of the Internal Revenue Code. If the motor truck is a leased vehicle, the motor truck is a business-trade truck only if the lessee is a corporation, limited liability company, or partnership and the truck is used primarily for purposes of the business operations of the corporation, limited liability company, or partnership or the lessee is a person who files a schedule C or schedule F form with the federal internal revenue service and the truck is used primarily for purposes of the person’s own business or farming operation.

Sec. 2. Section 321.109, subsection 1, paragraph b, Code 2009, is amended to read as follows:

b. The annual registration fee shall be sixty dollars for a vehicle, ~~otherwise subject to paragraph “a”~~, with permanently installed equipment manufactured for and necessary to assist a person with a disability who is either the owner or lessee of the vehicle or a member of the owner’s or lessee’s household in entry and exit of the vehicle or ~~for such a vehicle if the vehicle’s owner or lessee of the vehicle or a member of the vehicle owner’s or lessee’s household uses a wheelchair as the only means of mobility shall be sixty dollars~~. This paragraph applies only to vehicles that are otherwise subject to paragraph “a” and to motor trucks with an unladen weight of ten thousand pounds or less that are otherwise subject to section 321.122. For purposes of this paragraph, “*uses a wheelchair*” does not include use of a wheelchair due to a temporary injury or medical condition.

Sec. 3. Section 321H.3, subsection 4, Code Supplement 2009, is amended to read as follows:

4. Storing more than six vehicles not currently registered or storing damaged vehicles except where such storing of damaged vehicles is incidental to the primary purpose of the repair of ~~motor~~ vehicles for others.

Sec. 4. Section 321H.6, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The licensee has been convicted of a fraudulent practice or any ~~other~~ indictable offense in connection with selling or other activity relating to ~~motor~~ vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99.

Sec. 5. Section 321H.6, Code Supplement 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 6. The licensee has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to vehicles.

Sec. 6. Section 321H.8, subsection 2, Code Supplement 2009, is amended to read as follows:

2. A person who has been convicted of a fraudulent practice or, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor an authorized vehicle recycler or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor an authorized vehicle recycler.

Sec. 7. Section 321L.2, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or a chiropractor licensed under chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state, written on the physician's, physician assistant's, nurse practitioner's, or chiropractor's stationery, stating the nature of the applicant's disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities parking permit, the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The department may waive the requirement that the applicant furnish the applicant's social security number, Iowa driver's license number, or nonoperator's identification card number when the application for a temporary persons with disabilities parking permit is made on behalf of a person who is less than one year old.

Sec. 8. Section 322.3, subsection 12, Code Supplement 2009, is amended to read as follows:

12. A person who has been convicted of a fraudulent practice or, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer.

Sec. 9. Section 322.6, subsection 1, paragraph d, Code Supplement 2009, is amended to read as follows:

d. The applicant has been convicted of a fraudulent practice or any indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99.

Sec. 10. Section 322.6, subsection 1, paragraph i, Code Supplement 2009, is amended by striking the paragraph and inserting in lieu thereof the following:

i. The applicant has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to motor vehicles and the department determines that the applicant should not therefore be engaged in the business of selling motor vehicles.

Sec. 11. Section 325A.2, subsection 2, Code 2009, is amended to read as follows:

2. A local authority, as defined in section 321.1, shall not impose any regulations, including special registration or inspection requirements, upon the operation of motor carriers that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450. This subsection does not, however, prohibit a local authority from exercising the home rule power of the local authority to impose additional or more restrictive regulations or requirements upon the operation of taxicabs or limousines engaged in nonfixed route transportation for hire.

Approved March 10, 2010

CHAPTER 1036

LOCAL PUBLIC HEALTH GOVERNANCE

S.F. 2266

AN ACT creating the local public health governance Act, and providing penalties.

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

Section 1. **NEW SECTION. 137.100 Title and purpose.**

This chapter shall be known and may be cited as the “*Local Public Health Governance Act*”. The purpose of this chapter is to define the structure, powers, and duties of local boards of health. This chapter also provides an optional process for counties to merge to form a district board of health in order to increase efficiencies and enhance the delivery and availability of public health services.

Sec. 2. **NEW SECTION. 137.101 Definitions.**

As used in this chapter unless the context otherwise requires:

1. “*City board*” means a city board of health in existence prior to July 1, 2010.
2. “*City health department*” refers to the personnel and property under the jurisdiction of a city board in existence prior to July 1, 2010.
3. “*Council*” means a city council.
4. “*County board*” means a county board of health.
5. “*County health department*” refers to the personnel and property under the jurisdiction of a county board.
6. “*Director*” means the director of public health.
7. “*District*” means any two or more geographically contiguous counties.
8. “*District board*” means a board of health representing at least two geographically contiguous counties formed with approval of the state department in accordance with this chapter, or any district board of health in existence prior to July 1, 2010.
9. “*District health department*” refers to the personnel and property under the jurisdiction of a district board.
10. “*Iowa public health standards*” means Iowa public health standards as defined in section 135A.2.
11. “*Local board of health*” means a city, county, or district board of health.
12. “*Officers*” means a local board of health chairperson, vice chairperson, and secretary, and other officers which may be named at the discretion of the local board of health.
13. “*State board*” means the state board of health.
14. “*State department*” means the Iowa department of public health.

Sec. 3. **NEW SECTION. 137.102 Local boards of health — jurisdiction.**

1. A city board shall have jurisdiction over public health matters within the city.
2. A county board shall have jurisdiction over public health matters within the county.