

CHAPTER 38

TRANSPORTATION — VEHICLES, MOTOR VEHICLE OPERATORS, MOTOR CARRIERS, AND PUBLIC TRANSIT

S.F. 205

AN ACT relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

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

DIVISION I MOTOR VEHICLE

Section 1. Section 307.27, subsection 8, Code 2011, is amended to read as follows:

8. Administer the registration of interstate authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. § 14504 14504a and United States department of transportation regulations.

Sec. 2. Section 321.1, subsection 15, Code 2011, is amended to read as follows:

15. “*Conviction*” means a final conviction, including but not limited to a plea of guilty or nolo contendere accepted by the court; a final administrative ruling or determination;² or an unvacated forfeiture of bail or collateral deposited to secure a person’s appearance in court.

Sec. 3. Section 321.47, subsection 2, Code 2011, is amended to read as follows:

2. The persons entitled under the laws of descent and distribution of an intestate’s property to the possession and ownership of a vehicle owned in whole or in part by a decedent, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent’s estate, which instrument shall also contain an agreement to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, are entitled upon fulfilling the other requirements of this chapter, to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to it. If a decedent dies testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit and, upon fulfilling the other requirements of this chapter, are entitled to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to the vehicle. The affidavit shall contain the same information and indemnity agreement as is required in cases of intestacy pursuant to this section. A requirement of chapter 450 or 451 shall not be considered satisfied by the filing of the affidavit provided for in this section. If, from the records in the office of the county treasurer, there appear to be any liens on the vehicle, the certificate of title shall contain a statement of the liens unless the application is accompanied by proper evidence of their satisfaction or extinction. Evidence of extinction may consist of, but is not limited to, an affidavit of the applicant stating that a security interest was foreclosed as provided in chapter 554, article 9, part 6. The department shall waive the certificate of title fee and surcharge required under sections 321.20, 321.20A, 321.23, 321.46, 321.52, and 321.52A if the person entitled to possession and ownership of a vehicle, as provided in this subsection, is the surviving spouse of a decedent.

Sec. 4. Section 321.113, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 5. As used in this section, “*owner*” includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

Sec. 5. Section 321.121, subsection 1, paragraph b, Code 2011, is amended to read as follows:

b. If the registration is a renewal for a special truck registered to the same owner prior to January 1, 2009, the annual registration fee shall be eighty dollars for a gross weight of six tons, one hundred dollars for a gross weight of seven tons, one hundred twenty dollars for a gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons and not exceeding eighteen tons. As used in this paragraph, "owner" includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

Sec. 6. Section 321.122, subsection 1, paragraph b, Code 2011, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) As used in this paragraph "b", "owner" includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

Sec. 7. Section 321.174, subsection 2, Code 2011, is amended to read as follows:

2. *a.* A person operating a commercial motor vehicle shall not have more than one driver's license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver's license, or a driver's license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver's license, or driver's license is valid for the vehicle operated.

b. A person who operates a commercial motor vehicle upon the highways of this state without having been issued a driver's license valid for the vehicle operated commits a simple misdemeanor.

c. A person who operates a commercial motor vehicle upon the highways of this state after the person's commercial driver's license has been downgraded to a noncommercial status pursuant to section 321.207 commits a simple misdemeanor.

Sec. 8. Section 321.178, subsection 2, Code 2011, is amended to read as follows:

2. *Restricted license.*

a. (1) A person between sixteen and eighteen years of age who has completed an approved driver's education course and is not in attendance at school and has not met the requirements described in section 299.2, subsection 1, may be issued a restricted license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person's present employment. The restricted license shall be issued by the department only upon confirmation of the person's employment and need for a restricted license to travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain the person's employment. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen.

(2) (a) A person issued a restricted license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph division does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. ~~A violation of this subparagraph division shall not be considered a moving violation except for purposes of section 321.193.~~

(b) For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of subparagraph division (a). The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph division (a).

b. The department may suspend a restricted driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions imposed under paragraph "a", subparagraph (2), subparagraph division (a). The department may also suspend a restricted license issued under this section upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record

of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways, other than parking violations as defined in section 321.210. After revoking a license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the person attains the age of eighteen whichever is the longer period.

c. A person who violates the restrictions imposed under paragraph "a", subparagraph (2), subparagraph division (a), may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under paragraph "a", subparagraph (2), subparagraph division (a), shall not be considered a moving violation.

Sec. 9. Section 321.180B, subsection 3, Code 2011, is amended to read as follows:

3. *Remedial driver improvement action — suspension of permit, intermediate license, or full license.*

a. A person who has been issued an instruction permit, an intermediate license, or a full driver's license under this section, upon conviction of a moving traffic violation or involvement in a motor vehicle accident which occurred during the term of the instruction permit or intermediate license, shall be subject to remedial driver improvement action or suspension of the permit or current license. A person possessing an instruction permit who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued an intermediate license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the six-month period immediately preceding the application for the intermediate license. A person possessing an intermediate license who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued a full driver's license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the twelve-month period immediately preceding the application for a full driver's license.

b. The department may suspend an instruction permit, intermediate license, or full license issued under this section upon receiving satisfactory evidence that the person issued the instruction permit, intermediate license, or full license violated the restrictions imposed under subsection 1, 2, or 6 during the term of the instruction permit or intermediate license.

Sec. 10. Section 321.180B, subsection 6, paragraph a, Code 2011, is amended to read as follows:

a. A person issued an instruction permit or intermediate driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This paragraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. ~~A violation of this paragraph shall not be considered a moving violation except for purposes of section 321.193.~~

Sec. 11. Section 321.180B, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. Citations for violation of restrictions. A person who violates the restrictions imposed under subsection 1, 2, or 6 may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 1, 2, or 6 shall not be considered a moving violation.

Sec. 12. Section 321.186A, subsection 1, Code 2011, is amended to read as follows:

1. An applicant for a new or renewed driver's license ~~other than a commercial driver's license~~ need not take a vision test administered by the department if the applicant files with the department a vision report signed by a licensed vision specialist in accordance with this section.

Sec. 13. Section 321.188, subsection 1, paragraph c, Code 2011, is amended to read as follows:

c. ~~Successfully pass knowledge tests and driving skills tests which the department shall require by rule, provide self-certification of type of driving, and provide a medical examiner's certificate prepared by a medical examiner, as defined in 49 C.F.R. § 390.5, as required by rule by the department.~~ The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H, as adopted by rule by the department. Except as required under 49 C.F.R. part 383, subpart E, G, or H, a commercial driver's license is renewable without a driving skills test within one year after its expiration date.

Sec. 14. Section 321.188, subsection 4, Code 2011, is amended to read as follows:

4. The department shall check the applicant's driving record as maintained by the applicant's current licensing state, the national commercial driver's license information system, and the national driver register to determine whether the applicant qualifies to be issued a commercial driver's license. The department shall notify the national commercial driver's license information system of the issuance, renewal, or upgrade of a commercial driver's license and shall post the driver's self-certification of type of driving as required by rule. The department shall also post information from the medical examiner's certificate required under subsection 1, paragraph "c", to the national commercial driver's license information system, if required by rule.

Sec. 15. Section 321.194, subsection 1, paragraph c, subparagraph (1), Code 2011, is amended to read as follows:

(1) A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. ~~A violation of this subparagraph shall not be considered a moving violation except for purposes of section 321.193.~~

Sec. 16. Section 321.194, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Citations for violation of restrictions. A person who violates the restrictions imposed under subsection 1, paragraph "a" or "c", may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 1, paragraph "a" or "c", shall not be considered a moving violation.

Sec. 17. **NEW SECTION. 321.207 Downgrade of commercial driver's license.**

The department shall adopt rules for downgrading a commercial driver's license to a noncommercial status upon a driver's failure to provide a medical examiner's certificate as required pursuant to section 321.188, subsection 1, paragraph "c", or upon a driver's failure to provide a self-certification of type of driving as required pursuant to section 321.188, subsection 1, paragraph "c". The rules shall substantially comply with 49 C.F.R. § 383.71 and 383.73, as adopted by rule by the department.

Sec. 18. Section 321.376, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 3. As used in this section and section 321.375, "driver of a school bus" or "school bus driver" does not include a mechanic, delivery driver, or other person operating an empty school bus for purposes other than the transportation of passengers. Such persons must still hold a commercial driver's license valid for the operation of a vehicle of the size and type operated, including a passenger endorsement, but are not required to hold a driver's license with a school bus endorsement.

Sec. 19. Section 321A.5, subsection 1, Code 2011, is amended to read as follows:

1. The department shall, immediately or within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death or damage

to the property of any one person in the amount of one thousand five hundred dollars or more, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in the accident, and if the operator is a nonresident the privilege of operating a motor vehicle within this state, and if the owner is a nonresident the privilege of the use within this state of any motor vehicle owned by the owner, unless the operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the department to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against the operator or owner; provided notice of the suspension shall be sent by the department to the operator and owner not less than ten days prior to the effective date of the suspension and shall state the amount required as security.

Sec. 20. Section 321A.17, subsection 4, Code 2011, is amended to read as follows:

4. An individual applying for a driver's license following a period of suspension or revocation pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.180B, section 321.210, subsection 1, paragraph "a", subparagraph (4), or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension under section 321.178 or 321.194, or following a period of revocation pursuant to a court order issued under section 901.5, subsection 10, or under section 321J.2A, is not required to maintain proof of financial responsibility under this section.

Sec. 21. Section 321G.10, Code 2011, is amended to read as follows:

321G.10 Accident reports.

If a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land or ice under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. ~~For all All other accidents resulting in injury or death or property damage amounting to one thousand dollars or more, the operator shall forward a written report to the department of transportation within seventy-two hours, unless the accident is investigated by a law enforcement agency as provided in shall be reported as required under section 321.266.~~

Sec. 22. Section 321I.11, Code 2011, is amended to read as follows:

321I.11 Accident reports.

If an all-terrain vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land or ice under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. ~~For all All other accidents resulting in injury or death or property damage amounting to one thousand dollars or more, the operator shall forward a written report to the department of transportation within seventy-two hours, unless the accident is investigated by a law enforcement agency as provided in shall be reported as required under section 321.266.~~

Sec. 23. Section 322C.3, Code 2011, is amended by adding the following new subsection:

NEW SUBSECTION. 10. A person who has been convicted of a fraudulent practice, 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 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 travel trailer dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed travel trailer dealer.

Sec. 24. Section 325A.4, subsection 1, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 25. Section 325A.21, Code 2011, is amended to read as follows:

325A.21 Transferability of regular-route Regular-route certificate nontransferable.

~~A regular-route passenger certificate shall not be sold, transferred, leased, or assigned without the approval of the department. The department shall approve the sale, transfer, lease, or assignment if the person obtaining or seeking to obtain ownership or control of a certificate is found to be fit, willing, and able to perform the service proposed. In determining the fitness of the person seeking transfer of the certificate, the department shall consider only the person's compliance with safety, financial fitness, and insurance requirements.~~

Sec. 26. Section 327B.1, Code 2011, is amended to read as follows:

327B.1 Authority secured and registered.

~~1. a. It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the United States department of transportation or evidence that such authority is not required with the state department of transportation.~~

~~b. 2. The department shall participate in the single state insurance registration program unified carrier registration plan and agreement for regulated motor carriers as provided in 49 U.S.C. § 14504 14504a and United States department of transportation regulations.~~

~~e. Registration for carriers transporting commodities exempt from United States department of transportation regulation shall be granted without hearing upon application and payment of a twenty-five-dollar filing fee and an annual one-dollar fee per vehicle.~~

~~d. The state department of transportation may execute reciprocity agreements with authorized representatives of any state exempting nonresidents from payment of fees as set forth in this chapter. The state department of transportation shall adopt rules pursuant to chapter 17A for the identification of vehicles operated under reciprocity agreements.~~

~~e. Fees may be subject to reduction or proration pursuant to sections 326.5 and 326.32.~~

~~2. a. On and after the date on which the secretary of the United States department of transportation establishes the unified carrier registration system in accordance with Title 49, United States Code, as amended by Pub. L. No. 109-59,~~

~~3. As provided in 49 U.S.C. § 14504a, a foreign or domestic motor carrier, motor private carrier, leasing company, broker, or freight forwarder shall not operate any motor vehicle on the highways of this state without first registering the motor vehicle under the unified carrier registration system agreement and paying all required fees.~~

~~b. The state department of transportation shall continue to require each interstate for-hire motor carrier to make an annual payment of one dollar per owned and operated vehicle for filings made with the state department of transportation under the single state registration system until the occurrence of the transition termination date in accordance with 49 U.S.C. § 13902(f), as amended by Pub. L. No. 109-59.~~

~~e. The state department of transportation may participate in the unified carrier registration plan and agreement established in accordance with 49 U.S.C. § 14504a, as amended by Pub. L. No. 109-59, and to file on behalf of the state the plan required by the provisions of 49 U.S.C. § 14504a(e).~~

~~3. A motor carrier shall keep proper evidence of interstate authority in the motor vehicle being operated by the motor carrier and the motor carrier owner or driver shall make such evidence available to a peace officer upon request.~~

~~4. A motor carrier owner or driver charged with failure to have proper evidence of interstate authority shall not be convicted of such violation and the citation shall be dismissed by the court if the person produces to the clerk of court prior to the date of such person's court appearance as indicated on the citation, proof of interstate authority issued to that person and valid at the time the person was charged with the violation under this section. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.~~

Sec. 27. Section 327B.2, Code 2011, is amended to read as follows:

327B.2 Enforcement.

The state department of transportation may designate by resolution certain of its employees upon each of whom there is hereby conferred the authority of a peace officer to make arrests

for violations of laws relating to ~~the registration of a motor carrier's interstate transportation service with the state department of transportation~~ registering a motor vehicle under the unified carrier registration agreement.

Sec. 28. Section 805.8A, subsection 13, paragraph f, Code 2011, is amended by striking the paragraph and inserting in lieu thereof the following:

f. For violations of section 327B.1, subsection 1 or 2, the scheduled fine is two hundred fifty dollars.

Sec. 29. Section 805.8A, subsection 13, paragraph g, Code 2011, is amended by striking the paragraph.

Sec. 30. Section 901.5, subsection 10, Code 2011, is amended to read as follows:

10. *a.* In addition to any sentence imposed pursuant to chapter 902 or 903, the court shall order the state department of transportation to revoke the defendant's driver's license or motor vehicle operating privilege for a period of one hundred eighty days, or to delay the issuance of a driver's license for one hundred eighty days after the person is first eligible if the defendant has not been issued a driver's license, and shall send a copy of the order in addition to the notice of conviction required under section 124.412, 126.26, or 453B.16, to the state department of transportation, if the defendant is being sentenced for any of the following offenses:

a. (1) A controlled substance offense under section 124.401, 124.401A, 124.402, or 124.403.

b. (2) A drug or drug-related offense under section 126.3.

c. (3) A controlled substance tax offense under chapter 453B.

b. If the person's operating privileges are suspended or revoked at the time of sentencing, the order shall provide that the one hundred eighty-day revocation period shall not begin until all other suspensions or revocations have terminated. ~~Any order under this section shall also provide that the department shall not issue a temporary restricted license to the defendant during the revocation period, without further order by the court.~~

DIVISION II TRANSIT REPORT

Sec. 31. Section 324A.4, subsection 2, Code 2011, is amended to read as follows:

2. *a.* Upon request, the department shall provide assistance to political subdivisions, state agencies, and organizations affected by this chapter for federal aid applications for urban and rural transit system program aid. The department, in cooperation with the regional planning agencies, shall maintain current information reflecting the amount of federal, state, and local aid received by the public and private nonprofit organizations providing public transit services and the purpose for which the aid is received. The department shall ~~annually~~ biennially prepare a report to be submitted to the general assembly, ~~the department of management, and to the governor, prior to February 1 of each year, stating the receipts and disbursements made during the preceding fiscal year and the adequacy of programs financed by federal, state, local, and private aid in the state. The department shall analyze the programs financed and~~ December 15 of even-numbered years. The report shall recommend methods of avoiding duplication and increasing the efficacy of programs financed to increase transportation coordination and improve the efficiency of federal, state, and local government programs used to finance public transit services and may address other topics as appropriate. The department shall receive comments from the department of human services, the department on aging, and the officers and agents of the other affected state and local government units ~~relative to the department's analysis~~ shall provide input as requested by the department.

b. The department shall use the following criteria to adopt rules to determine compliance with and exceptions to subsection 1:

(1) Elimination of duplicative and inefficient administrative costs, policies, and management.

(2) Utilization of resources for transportation services effectively and efficiently.

(3) Elimination of duplicative and inefficient transportation services.

(4) Development of transportation services which meet the needs of the general public and insure services adequate to the needs of transportation disadvantaged persons.

(5) Protection of the rights of private enterprise public transit providers.

(6) Coordination of planning for transportation services at the urban and regional level by all agencies or organizations receiving public funds that are purchasing or providing transportation services.

(7) Management of equipment and facilities purchased with public funds so that efficient and routine maintenance and replacement is accomplished.

(8) Training of transit management, drivers, and maintenance personnel to provide safe, efficient, and economical transportation services.

b. c. Eligibility to receive or expend federal, state, or local funds for transportation services by all agencies or organizations purchasing or providing these services shall be contingent upon compliance with these criteria as determined by the department.

Approved April 12, 2011