



THOMAS J. VILSACK  
GOVERNOR

**OFFICE OF THE GOVERNOR**

SALLY J. PEDERSON  
LT. GOVERNOR

March 15, 2005

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit:

**House File 216**, an Act relating to motor vehicle regulation by the State Department of Transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

The above House File is hereby approved this date.

Sincerely,

Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House





HOUSE FILE 216

AN ACT

RELATING TO MOTOR VEHICLE REGULATION BY THE STATE DEPARTMENT OF TRANSPORTATION, INCLUDING MOTOR VEHICLE REGISTRATION AND TITLING, RESTRICTED AND SPECIAL DRIVER'S LICENSES FOR MINORS, DRIVER LICENSING, REGULATION OF COMMERCIAL VEHICLES, THE USE OF FLASHING LIGHTS ON CERTAIN VEHICLES, CITATIONS FOR CHILD RESTRAINT VIOLATIONS, PERMITS FOR VEHICLES OF EXCESSIVE HEIGHT OR WEIGHT, PROCEDURES FOR MOTOR VEHICLE DEALERS, AND PERSONS WITH DISABILITIES PARKING, AND RELATING TO REFUNDS OF TAXES ON MOTOR FUEL USED IN TAXICABS AND BUSES THAT PROVIDE CERTAIN SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 299.1B, Code 2005, is amended to read as follows:

299.1B FAILURE TO ATTEND -- LOSS-OF DRIVER'S LICENSE.

A person who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or adult education classes, ~~or who is not employed at least twenty-hours-per-week~~ shall not receive a motor vehicle operator's an intermediate or full driver's license until age eighteen. ~~A person under age eighteen who has been issued a motor vehicle operator's license who does not attend a public school, an accredited nonpublic school, competent private instruction in accordance with the provisions of chapter 299A, an alternative school, or adult education classes, shall surrender the license and be issued a temporary restricted license under section 321.215.~~

Sec. 2. Section 321.1, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "Bona fide business address" means the current street or highway address of a firm, association, or corporation.

NEW SUBSECTION. 6B. "Bona fide residence" or "bona fide address" means the current street or highway address of an individual's residence. The bona fide residence of a homeless person is a primary nighttime residence meeting one of the criteria listed in section 48A.2, subsection 2.

Sec. 3. Section 321.1, subsection 61, Code 2005, is amended by striking the subsection.

Sec. 4. Section 321.9, Code 2005, is amended to read as follows:

321.9 AUTHORITY TO ADMINISTER OATHS.

Officers and employees of the department designated by the director, county officials authorized under this chapter to issue motor vehicle registrations and titles, and county officials authorized under chapter 321M to issue driver's licenses are authorized, for the purpose of administering the motor vehicle laws, ~~authorized~~ to administer oaths and acknowledge signatures, and shall do so without fee.

Sec. 5. Section 321.12, subsection 4, Code 2005, is amended to read as follows:

4. The director shall not destroy any operating records pertaining to arrests or convictions for operating while intoxicated, in violation of section 321J.2 or operating records pertaining to revocations for violations of section 321J.2A, except that a conviction or revocation under section 321J.2 or 321J.2A that is not subject to 49 C.F.R. § 383 shall be deleted from the operating records twelve years after the date of conviction or the effective date of revocation. Convictions or revocations that are retained in the operating records for more than twelve years under this subsection shall be considered only for purposes of disqualification actions under 49 C.F.R. § 383.

Sec. 6. Section 321.23, subsection 1, Code 2005, is amended to read as follows:

1. If the vehicle to be registered is a specially constructed, reconstructed, ~~remanufactured,~~ or foreign vehicle, such fact shall be stated in the application. A fee

of ten dollars shall be paid by the person making the application upon issuance of a certificate of title by the county treasurer. ~~With-reference-to-every~~ For a specially constructed or reconstructed motor vehicle subject to registration, the application shall be accompanied by a statement from the department authorizing the motor vehicle to be titled and registered in this state. The department shall cause a physical inspection to be made of all specially constructed or reconstructed motor vehicles, upon application for a certificate of title by the owner, to determine whether the motor vehicle complies with the definition of specially constructed motor vehicle or reconstructed motor vehicle in this chapter and to determine that the integral component parts are properly identified and that the rightful ownership is established before issuing the owner the authority to have the motor vehicle registered and titled. The purpose of the physical inspection under this section is not to determine whether the motor vehicle is in a condition safe to operate. ~~With-reference-to-every~~ The owner of a specially constructed or reconstructed vehicle shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of the inspection. For a foreign vehicle which has been registered outside of this state, the owner shall surrender to the treasurer all registration plates, registration cards, and certificates of title, or, if the vehicle to be registered is from a nontitle state, the evidence of foreign registration and ownership as may be prescribed by the department except as provided in subsection 2.

Sec. 7. Section 321.24, subsection 1, Code 2005, is amended to read as follows:

1. Upon receipt of the application for title and payment of the required fees for a motor vehicle, trailer, or semitrailer, the county treasurer or the department shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home or manufactured home, that taxes are not owing under chapter 435, issue a certificate of title and, except for a mobile home or manufactured home, a registration receipt, and shall file the application, the manufacturer's or importer's certificate, the certificate of title, or other evidence of ownership, as

prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, the amount of the fee paid, the amount of tax paid pursuant to section 423.26, the type of fuel used, and a description of the vehicle as determined by the department, and ~~upon the reverse side~~ a form for notice of transfer of the vehicle. The name and address of any lessee of the vehicle shall not be printed on the registration receipt or certificate of title. Up to three owners may be listed on the registration receipt and certificate of title.

Sec. 8. Section 321.24, subsection 11, Code 2005, is amended to read as follows:

11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The owner of a vehicle subject to the bond requirements of this subsection shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of issuance of written authorization from the department. The bond shall be in an amount equal to one and one-half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right,

title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished and the holder of the security interest cannot be located to release the security interest as provided in section 321.50.

Sec. 9. Section 321.34, subsection 8A, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The owner of a motor vehicle subject to registration under section 321.109, subsection 1, motorcycle, trailer, or motor truck who was a prisoner of war during ~~the Second World War at any time between December 7, 1941, and December 31, 1946, the Korean Conflict at any time between June 25, 1950, and January 31, 1955, or the Vietnam Conflict at any time between August 5, 1964, and June 30, 1973, all dates inclusive,~~ a time of military conflict may, upon written application to the department, order only one set of special registration plates with an ex-prisoner of war processed emblem. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was a prisoner of war as described in this subsection. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

Sec. 10. Section 321.43, Code 2005, is amended to read as follows:

321.43 NEW IDENTIFYING NUMBERS.

The department may assign a distinguishing number to a vehicle when the serial number on the vehicle is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the vehicle in a position to be determined by the director. The vehicle shall be registered and titled under the distinguishing number in lieu of the former serial number within thirty days of issuance of the distinguishing number.

Sec. 11. Section 321.52, subsections 1 and 2, Code 2005, are amended to read as follows:

1. When a vehicle is sold outside the state for purposes other than for junk, the owner, dealer or otherwise, shall detach the registration plates and registration card and shall indicate on the ~~reverse-side-of-such~~ registration card the name and address of the foreign purchaser or transferee over the person's signature. The Unless the registration plates are legally attached to another vehicle, the owner shall surrender the registration plates and registration card to the county treasurer, ~~unless-the-registration-plates-are-properly attached-to-another-vehicle,~~ who shall cancel the records, and ~~shall~~ destroy the registration plates, and forward the registration card to the department. The department shall make a notation on the records of the out-of-state sale, and, after a reasonable period, may destroy the files ~~to~~ for that particular vehicle. The department is not authorized to make a refund of ~~license~~ registration fees on a vehicle sold out of state unless it receives the registration card completed as provided in this section.

2. The purchaser or transferee of a motor vehicle for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title, properly endorsed and signed by the previous owner, to the county treasurer of the county of residence of the transferee, and shall apply for a junking certificate from the county treasurer, within thirty days after assignment of the certificate of title. The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport, or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking

certificate except as provided in subsection 3. The county treasurer shall cancel the record of the vehicle. The junking certificate shall be printed on the registration receipt form and shall be imprinted with the words "junking certificate", as prescribed by the department. A space for transfer by endorsement shall be on the ~~reverse-side-of-the~~ junking certificate. A separate form for the notation of the transfer of component parts shall be attached to the junking certificate when the certificate is issued.

Sec. 12. Section 321.109, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Dealers may, in addition to other provisions of this section, purchase from the department in-transit ~~stickers~~ permits, for which a fee of two dollars per ~~sticker~~ permit shall be paid at time of purchase. One such ~~sticker~~ permit shall be displayed on each vehicle purchased from a dealer by a nonresident for removal to the state of the nonresident's residence, and one such ~~sticker~~ permit shall also be displayed on each vehicle not currently registered in Iowa and purchased by an Iowa dealer for removal to the dealer's place of business in this state. The ~~stickers~~ permits shall be void fifteen days after issuance by the selling dealer. Each ~~sticker~~ permit shall contain the following information:

Sec. 13. Section 321.109, subsection 2, unnumbered paragraph 2, Code 2005, is amended to read as follows:

~~This information shall be on the gummed side of the sticker and the sticker shall be made of a type of material which is self-destructive when the sticker is removed.~~ The sales invoice verifying the sale shall be in the possession of the driver of the vehicle in transit and shall be signed by the owner or an authorized individual of the issuing dealership.

Sec. 14. Section 321.176A, subsection 3, Code 2005, is amended to read as follows:

~~3. Military personnel while on active duty and operating equipment owned or operated by the United States department of defense.~~ The following persons when operating commercial motor vehicles for military purposes:

- a. Active duty military personnel.
- b. Members of the military reserves.
- c. Members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-



time national guard training, and national guard military technicians.

d. Active duty United States coast guard personnel.

Sec. 15. Section 321.178, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. 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 or who is in attendance in a public or private school where an approved driver's education course is not offered or available, 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, ~~without having completed an approved driver's education course.~~ 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 ~~and upon receipt of a written statement from the public or private school that an approved course in driver's education was not offered or available to the person, if applicable.~~ The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen. ~~The person shall not have a restricted license revoked or suspended upon reentering school prior to age eighteen if the student enrolls in and completes the classroom portion of an approved driver's education course as soon as a course is available.~~

Sec. 16. Section 321.191, subsection 7, Code 2005, is amended to read as follows:

7. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS. The fee for a double/triple trailer endorsement, tank vehicle endorsement, and hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement or a school bus endorsement is ten dollars. The fee for removal of an air brake restriction on a commercial driver's license is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the period of the license. Upon renewal of a

commercial driver's license, no fee is payable for retaining endorsements or the removal of the air brake restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

Sec. 17. Section 321.191, subsection 9, unnumbered paragraph 2, Code 2005, is amended to read as follows:

As used in this subsection "to upgrade a license class privilege" means to add any privilege to a valid driver's license. The addition of a privilege includes converting from a noncommercial to a commercial license, converting from a noncommercial class C to a class D license, converting an instruction permit to a class license, adding any privilege to a section 321.189, subsection 7, license, adding an instruction permit privilege, adding a section 321.189, subsection 7, license to an instruction permit, and adding any privilege relating to a driver's license issued to a minor under section 321.194 or ~~section 321.1787-subsection-2~~.

Sec. 18. Section 321.194, subsection 1, paragraph a, subparagraph (1), Code 2005, is amended to read as follows:

(1) During the hours of 6 a.m. to 10 p.m. over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district.

Sec. 19. Section 321.198, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The effective date of a valid driver's license ~~to the extent that it permits the operation of a motor vehicle other than a commercial motor vehicle and other than as a chauffeur,~~ issued under the laws of this state, held by any person at the time of entering the military service of the United States or of the state of Iowa, notwithstanding the expiration of the license according to its terms, is hereby extended without fee until six months following the initial separation from active duty of the person from the military service, provided the person is not suffering from physical disabilities which impair the person's competency as an operator and provided further that the licensee shall ~~upon demand of any peace~~

~~officer~~ furnish, upon demand of any peace officer, satisfactory evidence of the person's military service. However, a person entitled to the benefits of this section, who is charged with operating a motor vehicle without an operator's a valid driver's license, shall not be convicted if the person produces in court, within a reasonable time, a valid driver's license previously issued to that person along with evidence of the person's military service as ~~above~~ mentioned provided in this paragraph.

Sec. 20. Section 321.200, Code 2005, is amended to read as follows:

321.200 CONVICTION AND ACCIDENT FILE.

The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state or any other state or foreign jurisdiction and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.

Sec. 21. Section 321.205, Code 2005, is amended to read as follows:

321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER JURISDICTION.

The department is authorized to suspend or revoke the driver's license of a resident of this state upon or disqualify a resident of this state from operating a commercial motor vehicle for any of the following reasons:

1. Upon receiving notice of the conviction of the resident in another state for an offense which, if committed in this state, would be grounds for the suspension or revocation of the license or upon disqualification of the person from operating a commercial motor vehicle.

2. Upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license or disqualification of the person from operating a commercial motor vehicle in this state.

Sec. 22. Section 321.208, subsection 1, Code 2005, is amended to read as follows:

1. A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person ~~while operating a commercial motor vehicle~~ has committed any of the following acts or offenses in any state or foreign jurisdiction while operating a commercial motor vehicle:

~~a. Operating a commercial motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances.~~

~~b. a.~~ a. Operating a commercial motor vehicle with an alcohol concentration, as defined in section 321J.1, of 0.04 or more.

~~c. Refusal to submit to chemical testing required under chapter 321J.~~

~~d. Failure to stop and render aid at the scene of an accident involving the person's vehicle.~~

~~e. A felony or aggravated misdemeanor involving the use of a commercial motor vehicle other than an offense involving manufacturing, distributing, or dispensing a controlled substance.~~

~~f. b.~~ b. Operating a commercial motor vehicle while any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

c. Operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the person's commercial driver's license is revoked, suspended, or canceled or the person is disqualified from operating a commercial motor vehicle.

d. Operating a commercial motor vehicle involved in a fatal accident and being convicted of a moving traffic violation that contributed to the fatality, or manslaughter or vehicular homicide.

~~However, a person is disqualified for three years if the act or offense occurred while the person was operating a commercial motor vehicle transporting hazardous material of a type or quantity requiring vehicle placarding.~~

Sec. 23. Section 321.208, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person has committed any of the following acts or offenses in any state or foreign jurisdiction while operating a commercial motor vehicle or while operating a noncommercial motor vehicle and holding a commercial driver's license:

a. Operating a motor vehicle while under the influence of an alcoholic beverage or other drug or controlled substance or a combination of such substances.

b. Refusal to submit to chemical testing required under chapter 321J.

c. Leaving the scene or failure to stop or render aid at the scene of an accident involving the person's vehicle.

d. A felony or aggravated misdemeanor involving the use of a commercial motor vehicle other than an offense involving manufacturing, distributing, or dispensing a controlled substance.

NEW SUBSECTION. 1B. A person is disqualified from operating a commercial motor vehicle for three years if an act or offense described in subsection 1 or 1A occurred while the person was operating a commercial motor vehicle transporting hazardous material of a type or quantity requiring vehicle placarding.

Sec. 24. Section 321.208, subsections 2, 3, and 4, Code 2005, are amended to read as follows:

2. A person is disqualified from operating a commercial motor vehicle for life if convicted or found to have committed two or more of the ~~above~~ acts or offenses described in subsection 1 or 1A arising out of two or more separate incidents. However, a disqualification for life is subject to a reduction to a ten-year disqualification as provided in 49 C.F.R. § 383.51 as adopted by rule by the department.

3. A person is disqualified from operating a commercial motor vehicle for ~~the-person's~~ life upon a conviction that the person used a commercial or noncommercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101 and held a commercial driver's license at the time the offense was committed.

4. A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle:

~~a. Speeding fifteen miles per hour or more over the legal speed limit.~~

~~b. Reckless driving.~~

~~c. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.~~

~~d. a. Operating a commercial motor vehicle upon a highway when not issued a commercial driver's license valid for the vehicle operated.~~

~~e. b. Operating a commercial motor vehicle upon a highway when disqualified not issued the proper class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.~~

~~f. c. Operating a commercial motor vehicle upon a highway without immediate possession of a driver's license valid for the vehicle operated.~~

~~g. Following another motor vehicle too closely.~~

~~h. Improper lane changes in violation of section 321.306.~~

~~The period of disqualification under this subsection shall be sixty days for two offenses within any three-year period and one hundred twenty days for three offenses within any three-year period.~~

Sec. 25. Section 321.208, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle or while operating a noncommercial motor vehicle and holding a commercial driver's license if the convictions result in the revocation, cancellation, or suspension of the person's commercial driver's license or noncommercial motor vehicle driving privileges:

a. Speeding fifteen miles per hour or more over the legal speed limit.

b. Reckless driving.

c. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.

d. Following another motor vehicle too closely.

e. Improper lane changes in violation of section 321.306.

NEW SUBSECTION. 4B. The period of disqualification under subsections 4 and 4A shall be sixty days for two offenses within any three-year period and one hundred twenty days for three offenses within any three-year period.

Sec. 26. Section 321.213B, Code 2005, is amended to read as follows:

321.213B SUSPENSION FOR FAILURE TO ATTEND.

The department shall establish procedures by rule for suspending the license of a juvenile who ~~is-in-violation~~ has been issued a driver's license and is not in compliance with the requirements of section 299.1B or issuing the juvenile a temporary restricted license under section ~~321.215-if-the juvenile-is-employed-at-least-twenty-hours-per-week~~ 321.178.

Sec. 27. 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~~ 7; 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~~7~~ or section 126.3; or to a juvenile whose license has been suspended under section 321.213B. 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. 28. Section 321.218, subsections 4 and 5, Code 2005, are amended to read as follows:

4. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 or the imminent hazard provisions of 49 C.F.R. § 383.52 commits a

serious misdemeanor if a commercial driver's license is required for the person to operate the commercial motor vehicle.

5. The department, upon receiving the record of a conviction of a person under this section upon a charge of operating a commercial motor vehicle while the person is disqualified, shall extend the period of disqualification for an additional like period or for the time period specified in section 321.208, whichever is longer.

Sec. 29. Section 321.423, subsection 2, paragraph g, Code 2005, is amended to read as follows:

g. A Flashing red and amber warning lights on a school bus as described in section 321.372, and a white flashing strobe light mounted on a school bus as permitted under section 321.373, subsection 7.

Sec. 30. Section 321.423, subsection 2, Code 2005, is amended by adding the following new paragraphs:

NEW PARAGRAPH. h. A flashing amber light is permitted on a towing or recovery vehicle, a utility maintenance vehicle, a municipal maintenance vehicle, a highway maintenance vehicle, or a vehicle operated in accordance with subsection 6 or section 321.398 or 321.453.

NEW PARAGRAPH. i. Modulating headlamps in conformance with 49 C.F.R. § 571.108 S7.9.4. are permitted on a motorcycle.

Sec. 31. Section 321.423, subsection 7, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Except as provided in section 321.373, subsection 7, and subsection 2, ~~paragraph~~ paragraphs "c" and "i" of this section, a flashing white light shall only be used on a vehicle in the following circumstances:

Sec. 32. Section 321.446, subsection 4, paragraph a, Code 2005, is amended to read as follows:

a. An operator who violates subsection 1 or 2 is guilty of a simple misdemeanor and subject to the penalty provisions of section 805.8A, subsection 14, paragraph "c". However, if a child is being transported in a taxicab in a manner that is not in compliance with subsection 1 or 2, the parent, legal guardian, or other responsible adult traveling with the child shall be served with a citation for a violation of this section in lieu of the taxicab operator.



Sec. 33. Section 321.449, subsection 7, Code 2005, is amended by striking the subsection.

Sec. 34. Section 321.451, subsection 1, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A towing or recovery vehicle, subject to rules adopted by the department.

Sec. 35. Section 321.451, subsection 2, Code 2005, is amended to read as follows:

2. The application for a certificate of designation must include the name ~~and occupation~~ of the owner of the vehicle, vehicle identification information, a description of the vehicle's equipment, and a description of the use of the vehicle when its red light is flashing, and a photograph showing a side view of the vehicle how the vehicle will be used as an authorized emergency vehicle.

Sec. 36. Section 321.456, Code 2005, is amended to read as follows:

321.456 HEIGHT OF VEHICLES ~~---PERMITS---~~ ~~EXEMPTION.~~

A vehicle unladen or with load shall not exceed a height of thirteen feet, six inches, except ~~by permit as provided in this section.~~ ~~However,~~ that a vehicle or combination of vehicles coupled together and used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or recreational vehicle chassis may operate ~~without a permit provided that the height of the vehicle or vehicles coupled together does not~~ with a height not to exceed fourteen feet. This section shall not be construed to require any railroad or public authorities to provide sufficient vertical clearance to permit the operation of such vehicle upon the highways of this state. Any damage to highways, highway or railroad structures, or underpasses caused by the height of any vehicle provided for by this section shall be borne by the operator or owner of the vehicle. ~~Vehicles unladen or with load exceeding a height of thirteen feet, six inches but not exceeding fourteen feet may be operated with a permit issued by the department or jurisdictional local authorities.~~ ~~The permits shall be issued annually for a fee of twenty-five dollars and subject to rules adopted by the department.~~ ~~The state or a political subdivision shall not be liable for damage to any vehicle or its cargo if changes in vertical clearance of a structure are~~

~~made-subsequent-to-the-issuance-of-a-permit-during-the-term-of  
the-permit-~~

Sec. 37. Section 321A.39, unnumbered paragraph 3, Code 2005, is amended to read as follows:

The seller shall print or stamp ~~said~~ the statement conspicuously on the purchase order or invoice ~~in-distinctive color-ink-and-with-clearly-visible-letters~~. ~~Said~~ The statement shall be signed by the purchaser in the space provided ~~therein~~ on or before the date of delivery of the motor vehicle described in the purchase order or invoice and a copy ~~thereof~~ of the statement shall be given to the purchaser by the seller.

Sec. 38. Section 321E.12, Code 2005, is amended to read as follows:

321E.12 REGISTRATION MUST BE CONSISTENT.

A vehicle traveling under permit shall be properly registered for the gross weight of the vehicle and load. A trip permit issued according to section 326.23 shall not be used in lieu of the registration provided for in this section. A person owning special mobile equipment may use a transport vehicle registered for the gross weight of the transport without a load. Vehicles, while being used for the transportation of buildings, except mobile homes and factory-built structures, may be registered for the combined gross weight of the vehicle and load on a single-trip basis. The fee is five cents per ton exceeding the weight registered under section 321.122 per mile of travel. Fees shall not be prorated for fractions of miles. This provision does not exempt these vehicles from any other provision of this chapter.

Sec. 39. Section 321L.2, subsection 5, Code 2005, is amended by striking the subsection.

Sec. 40. Section 321L.2A, subsection 4, Code 2005, is amended by striking the subsection.

Sec. 41. Section 326.11, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to the fleet owner's prorate fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent

identification is issued, except that the temporary authority shall expire after ~~ninety~~ sixty days.

Sec. 42. Section 326.23, subsection 1, Code 2005, is amended to read as follows:

1. The owner of a commercial vehicle which is properly registered and licensed in some other jurisdiction and is to be operated occasionally on highways in this state, may, in lieu of payment of the annual registration fee for such vehicle, obtain a trip permit authorizing operation of the vehicle on the highways of this state ~~in-interstate-commerce~~ for a period of not to exceed seventy-two hours. The fee for the trip permit shall be ten dollars.

Sec. 43. Section 452A.17, subsection 1, paragraph a, subparagraph (2), Code 2005, is amended to read as follows:

(2) An Iowa urban transit system, or a company operating a taxicab service under contract with an Iowa urban transit system, which is used for a purpose specified in section 452A.57, subsection 6.

Sec. 44. RESTRICTED LICENSES ISSUED UNDER PRIOR LAW -- VALIDITY. A restricted license issued under section 321.178, subsection 2, Code 2005, prior to the effective date of this Act remains in effect, subject to the provisions of that subsection, for as long as the license remains valid or until the minor reaches the age of eighteen.

Sec. 45. SPECIAL MINOR'S LICENSE INTERIM STUDY COMMITTEE.

1. The legislative council is requested to establish a special minor's license interim study committee to review the provisions of Code section 321.194 concerning special minor's (school) licenses and make recommendations for revisions. The primary goals of the committee shall be to eliminate ambiguities in existing language, ensure the safe transportation of Iowa's youth, and improve highway safety.

2. The membership of the committee shall include the following:

a. Two members of the senate standing committee on transportation.

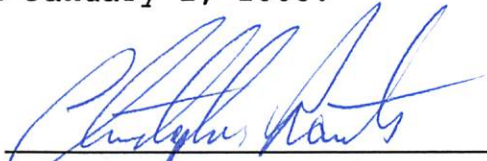
b. Two members of the house standing committee on transportation.

c. Two members of the senate standing committee on education.

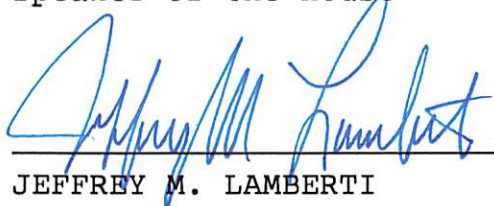
d. Two members of the house standing committee on education.

e. Representatives of the governor's office, the state department of transportation, the department of education, the department of public safety, the office of the attorney general, the Iowa prosecuting attorneys council, the Iowa association of chiefs of police, the Iowa state sheriffs and deputies association, and the Iowa association of safety educators.

3. The committee shall report its findings and recommendations, including proposed legislation, to the general assembly no later than January 1, 2006.



CHRISTOPHER C. RANTS  
Speaker of the House



JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 216, Eighty-first General Assembly.



MARGARET THOMSON  
Chief Clerk of the House

Approved March 15, 2005



THOMAS J. VILSACK  
Governor