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Passed on File.

Senate File 53
By DYKHOUSE, ELTHON, HULTMAN,
REILLY, WATSON, HARRY E. (Graham).

Referred to
Passed Senate, Date.....
Vote: Ayes..... Nays.....
Passed House, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to provide for state safety lanes for motor vehicles
and to amend section three hundred twenty-one point
ninety-five (321.95) Code 1946, relating to the right
of inspection.

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

1 Section 1. Section three hundred twenty-one point ninety-
2 five (321.95), Code 1946, is hereby amended by adding thereto
3 the following:
4 "In the event such motor vehicle is found to be in unsafe
5 condition or any required part or equipment is not present or
6 is not in proper repair and adjustment, the peace officer shall
7 give a written notice to the driver and shall send a copy to
8 the department. Said notice shall require that such vehicle
9 be placed in safe condition and its equipment in proper repair
10 and adjustment specifying the particulars with reference thereto
11 and that a certificate of inspection and approval be obtained
12 within ten (10) days.
13 Nothing contained in this section shall be so construed
14 as to limit or impair the authority or duty of such peace

15 officer in the enforcement of the motor vehicle laws or any
16 portion thereof.

1 Sec. 2. Owners and operators to comply with inspection
2 laws. No person operating a motor vehicle shall refuse to
3 submit such motor vehicle to an inspection and test when
4 required to do so by the commissioner or an authorized
5 officer or employee of the department.

6 "Every owner or operator, upon receiving a notice as
7 provided in section one (1) of this Act, shall comply there-
8 with and shall within ten (10) days secure an official
9 certificate of inspection and approval which shall be issued
10 in duplicate, one copy to be retained by the owner or
11 operator and the other copy to be forwarded to the department.
12 In lieu of such compliance such motor vehicle shall not be
13 operated, except as hereinafter provided.

14 "No person shall operate any motor vehicle after
15 receiving a notice with reference thereto as above provided,
16 except as may be necessary to return such motor vehicle to
17 the residence or place of business of the owner or operator,
18 if within a distance of twenty (20) miles, or to a garage,
19 until said motor vehicle and its equipment has been placed
20 in proper repair and adjustment and otherwise made to conform
21 to the requirements of this act and a certificate of inspection
22 and approval shall be obtained as promptly as possible there-
23 after.

24 "In the event repair or adjustment of any motor vehicle

25 or its equipment is found necessary upon inspection, the
26 owner of said motor vehicle may obtain such repair or adjust-
27 ment at any place he may choose but in every event an official
28 certificate of inspection and approval must be obtained,
29 otherwise such motor vehicle shall not be operated upon the
30 highways of this state.

1 Sec. 3. Commissioner to require periodical inspection.

2 The commissioner shall require that every motor vehicle
3 registered in this state, which is used on the highways of
4 this state, except farm tractors used exclusively as implements
5 of husbandry, be inspected at least once each year, but not
6 more frequently than twice each year, and that an official
7 certificate of inspection and approval be obtained for each
8 such motor vehicle.

9 "Such inspections shall be made and such certificates
10 obtained with respect to the mechanism, brakes, and equipment
11 of every such motor vehicle as shall be designated by the
12 commissioner.

13 "The commissioner is hereby authorized to make necessary
14 rules and regulations for the administration and enforcement
15 of this section and to designate any period or periods of
16 time during which owners of any motor vehicles, subject to
17 this section, shall display upon such motor vehicles certi-
18 ficates of inspection and approval or shall produce the same
19 upon demand of any police or peace officer or upon demand of
20 any peace officer or examiner employed in the department.

21 “The commissioner may authorize the acceptance in this
22 state of a certificate of inspection and approval issued in
23 another state having a safety lane law similar to this act
24 and may extend the time within which a certificate shall be
25 obtained by the resident owner of a motor vehicle which was
26 not in this state during the time an inspection was required.

27 “The commissioner may suspend the registration of any
28 motor vehicle which he determines is in such unsafe condition
29 as to constitute a menace to safety or which after notice
30 and demand is not equipped as required in this act or for
31 which a required certificate has not been obtained.

1 Sec. 4. Commissioner may establish safety lanes. For
2 the purpose of making inspections and issuing official cer-
3 tificates of inspection and approval as provided herein the
4 commissioner may establish such permanent or temporary safety
5 lanes of the department and shall provide such equipment either
6 stationary or portable as he may deem necessary and suitable
7 for such purposes and shall publicize the location of all
8 safety lanes or other places where and the times when official
9 certificates of inspection and approval may be obtained.

1 Sec. 5. Improper representation as official safety
2 lane. No person shall in any manner represent any place as
3 an official safety lane unless such safety lane is operated
4 by the department.

5 “No person other than a duly authorized officer or employee
6 of the department shall issue a certificate of inspection and

7 approval.

1 Sec. 6. It shall be unlawful for any person employed
2 by the department in any official safety lane, to directly
3 or indirectly, or in any manner whatsoever, order, direct,
4 recommend or influence, the correction of motor vehicle equip-
5 ment defects by any person or persons whatsoever, nor shall
6 such employee while in or about any official safety lane
7 perform any repair or adjustment upon any motor vehicle or
8 any equipment or appliance of any motor vehicle whatsoever.

1 Sec. 7. It shall be unlawful for any person to solicit
2 in any manner the repair to any vehicle or the adjustment of
3 any equipment or appliance of any motor vehicle upon the
4 property of any official safety lane or upon any public highway,
5 street or alley adjacent thereto.

1 Sec. 8. False certificates. No person shall make, issue,
2 or knowingly use any imitation or counterfeit of an official
3 certificate of inspection and approval.

4 "No person shall display or cause or permit to be dis-
5 played upon any motor vehicle any certificate of inspection
6 and approval knowing the same to be fictitious or issued for
7 another motor vehicle or issued without an inspection having
8 been made.

1 Sec. 9. Fees. It shall be lawful for the department
2 to make a charge of not to exceed seventy-five (75) cents
3 for each motor vehicle inspected. Only one (1) such fee
4 shall be charged for each semi-annual inspection or any

5 other inspection made during each semi-annual period. No
6 charge, however, shall be made for motor vehicles owned and
7 operated by the state of Iowa, by any municipality of this
8 state or for motor vehicles owned and operated by the United
9 States government. The department shall be authorized to use
10 any funds obtained as fees from such inspection for the estab-
11 lishment, maintenance and operation of such safety lanes and
12 equipment as may be necessary to assist the department in
13 carrying out the provisions of this Act.

1 Sec. 10. Penalties. It is a misdemeanor, punishable
2 as provided in section three hundred twenty-one point four
3 hundred eighty-two (321.482) unless another punishment is
4 otherwise provided, for any person:

5 (1) To refuse to have his motor vehicle inspected or
6 after having his motor vehicle inspected, to refuse to display
7 a certificate of inspection and approval, if issued, upon such
8 motor vehicle;

9 (2) To fraudulently obtain a certificate of inspection
10 and approval;

11 (3) To refuse to place his motor vehicle in proper
12 condition after having had said motor vehicle inspected;

13 (4) To in any manner fail to conform to the provisions
14 of this Act.

1 Sec. 11. Constitutionality. If any part or parts of
2 this Act shall be held unconstitutional, such unconstitution-
3 ality shall not affect the validity of the remaining parts

4 of this Act. The legislature hereby declares that it would
5 have passed the remaining parts of this Act if it had known
6 that such part or parts thereof would be declared unconstitu-
7 tional.

1 Sec. 12. Effective date. This Act shall be in full
2 force and effect beginning _____1, 1949.