

Reprinted 4/79

Referred Judiciary 2/28
S. Pass per 3269
2/25 (p. 534)

FILED FEB 20 1979

SENATE FILE 278

By COMMITTEE ON TRANSPORTATION
(Report 2/21 (p. 533))

Passed Senate, Date 4-2-79 (p. 1042) Passed House, Date _____
Vote: Ayes 41 Nays 4 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to violations of motor vehicle laws by providing
2 for the admission of motor vehicle records in court actions,
3 by providing for personal service of notices, by providing
4 for consideration of out-of-state moving violation convic-
5 tions in habitual offender determinations, by providing
6 that operating a motor vehicle without a valid operator's
7 license shall be a scheduled violation, by providing a
8 revised schedule for excess speed violations, by prohibiting
9 deferral of fines when a defendant admits a scheduled viola-
10 tion or is convicted of a scheduled violation, by providing
11 for forfeiture of appearance bonds, and by providing tech-
12 nical corrections and providing penalties.

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

SENATE FILE 278

S-3118

- 1 Amend Senate File 278 as follows:
- 2 1. Page 1, lines 9 and 10, by striking the words
- 3 "considered prima facie evidence".
- 4 2. Page 1, line 11, by inserting after the word
- 5 "thereof" the words "and shall be considered to be
- 6 true and accurate unless shown otherwise by an
- 7 objecting party".
- 8 3. Page 4, line 1, by striking the words "in
- 9 excess of" and inserting in lieu thereof the words
- 10 "in-excess-of more than".
- 11 4. Page 4, line 3, by striking the word "is" and
- 12 inserting in lieu thereof the word "is".

S-3118 FILED *Adopted 2/28 (p. 594)*
FEBRUARY 26, 1979

BY RICHARD F. DRAKE
JOHN W. JENSEN
CLOYD E. ROBINSON
C. JOSEPH COLEMAN

1 Section 1. Section three hundred twenty-one point ten
2 (321.10), Code 1979, is amended to read as follows:

3 321.10 CERTIFIED COPIES OF RECORDS. The director and
4 ~~such~~ officers of the department ~~as-he-may-designate~~ designated
5 by the director are ~~hereby~~ authorized to prepare under the
6 seal of the department and ~~deliver~~ provide upon request a
7 certified copy of any record of the department, charging
8 a fee of fifty cents for each document so authenticated, and
9 every such certified copy shall be considered prima facie
10 evidence admissible in any proceeding in any court in like
11 manner as the original ~~thereof~~.

12 Sec. 2. Section three hundred twenty-one point sixteen
13 (321.16), Code 1979, is amended to read as follows:

14 321.16 GIVING OF NOTICES. Whenever the department is
15 authorized or required to give any notice under this chapter
16 or other law regulating the operation of vehicles, unless
17 a different method of giving such notices is otherwise
18 expressly prescribed, such notice shall be given either by
19 personal delivery ~~thereof~~ to the person to be so notified
20 or by personal service in the manner of original notice by
21 rule fifty-six point one (56.1), paragraph a, of the rules
22 of civil procedure, or by restricted certified mail addressed
23 to such person at ~~his~~ the address as shown by the records
24 of the department. Return acknowledgment is required to prove
25 such latter service.

26 Proof of the giving of notice by personal service may be
27 made by the certificate of any officer or employee of the
28 department or affidavit of any person over eighteen years
29 of age, naming the person to whom such notice was given and
30 specifying the time, place, and manner of the giving thereof.

31 Sec. 3. Section three hundred twenty-one point one hun-
32 dred seventy-four (321.174), Code 1979, is amended to read
33 as follows:

34 321.174 OPERATORS AND CHAUFFEURS LICENSED. ~~No~~ A person,
35 except those hereinafter expressly exempted shall not drive

1 any motor vehicle upon a highway in this state unless such
 2 person has a valid motor vehicle license ~~as-an-operator-or~~
 3 ~~chauffeur~~ issued by the department. No person shall operate
 4 a motor vehicle as a chauffeur unless he holds a valid
 5 chauffeur's license.

6 Sec. 4. Section three hundred twenty-one point one hun-
 7 dred seventy-four (321.174), Code 1979, is amended by adding
 8 the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Every licensee shall have his
 10 or her operator's or chauffeur's, or motorized bicycle license
 11 or instruction permit in immediate possession at all times
 12 when operating a motor vehicle and shall display the same,
 13 upon demand of a judicial magistrate or district associate
 14 judge, a peace officer, or a field deputy or examiner of the
 15 department. However, no person charged with violating this
 16 section shall be convicted if he or she produces in court,
 17 within a reasonable time, an operator's or chauffeur's or
 18 motorized bicycle license or instruction permit issued to
 19 him or her and valid at the time of the person's arrest.

20 Sec. 5. Section three hundred twenty-one point one hun-
 21 dred eighty-nine (321.189), subsection three (3), Code 1979,
 22 is amended by striking the subsection.

23 Sec. 6. Section three hundred twenty-one point five hundred
 24 fifty-five (321.555), unnumbered paragraph one (1) and
 25 subsections one (1) and two (2), Code 1979, are amended to
 26 read as follows:

27 As used in this division, "habitual offender" means any
 28 person who has accumulated convictions for separate and
 29 distinct offenses described in subsections 1, 2, or 3,
 30 committed after July 1, 1974, for which final convictions
 31 have been rendered, as follows:

32 1. Three or more ~~convictions-within-a-six-year-period~~,
 33 of the following offenses, either singularly or in combination,
 34 within a six-year period:

35 2. Six or more ~~convictions~~ of any separate and distinct

1 offenses within a two-year period in the operation of a motor
2 vehicle which are required to be reported to the department
3 ~~of public safety~~ by section 321.207 and chapter three hundred
4 twenty-one C (321C) of the Code, except equipment violations,
5 violations of parking regulations of cities, violations of
6 registration laws, operating a vehicle with an expired license
7 or permit, failure to appear, and weights and measures
8 violations and speeding violations of less than six miles
9 per hour over the legal speed limit, ~~as provided by law prior~~
10 ~~to enactment of chapter 1189, Acts of the Sixty-fifth General~~
11 ~~Assembly, 1974 Session.~~

12 Sec. 7. Section three hundred twenty-five point thirty-
13 four (325.34), Code 1979, is amended to read as follows:

14 325.34 SIMPLE MISDEMEANOR--PENALTY. Every owner, officer,
15 agent, or employee of any motor carrier, and every other
16 person who violates or fails to comply with, or who procures,
17 aids, or abets in the violation of any provision of this
18 chapter, or who fails to obey, observe, or comply with any
19 order, decision, rule, or regulation, direction, demand, or
20 requirement or any part or provision thereof, of the ~~commission~~
21 department, or who procures, aids, or abets any corporation
22 or person in his failure to obey, observe, or comply with
23 any such order, decision, rule, direction, demand, or
24 regulation or any part or provision thereof, shall be guilty
25 of a simple misdemeanor.

26 Sec. 8. Section eight hundred five point eight (805.8),
27 subsection two (2), paragraph f, Code 1979, is amended to
28 read as follows:

29 f. For excessive speed violations when not more than ten
30 miles per hour in excess of the limit under sections 111.36,
31 321.236, subsections 5 and 11, 321.285, 321.286 and 321.287,
32 the scheduled fine is ten dollars.

33 Excessive speed in conjunction with a violation of section
34 321.278 is not a scheduled violation, whatever the amount
35 of excess speed.

1 For excessive speed violations when in excess of ten but
2 ~~not more than twenty~~ miles per hour in excess of the limit
3 under those sections, the scheduled fine ~~is thirty dollars~~
4 two dollars for each mile per hour over the speed limit.
5 ~~Excessive speed more than twenty miles per hour in excess~~
6 ~~of the limit is not a scheduled violation.~~

7 Excessive speed in whatever amount by a school bus is not
8 a scheduled violation under any section listed in a
9 subparagraph of this paragraph "f".

10 Sec. 9. Section eight hundred five point eight (805.8),
11 subsection two (2), Code 1979, is amended by adding the
12 following new lettered paragraph:

13 NEW LETTERED PARAGRAPH. For failure to have a valid license
14 or permit for operating a motor vehicle on the highways of
15 this state, the scheduled fine is fifteen dollars.

16 Sec. 10. Section eight hundred five point nine (805.9),
17 subsection four (4), Code 1979, is amended to read as follows:

18 4. Any defendant who admits a scheduled violation may
19 nevertheless appear before court. The procedure, costs, and
20 fine, without suspension or deferral of the fine, after the
21 hearing shall be the same as in the traffic violations office.

22 Sec. 11. Section eight hundred five point eleven (805.11),
23 Code 1979, is amended to read as follows:

24 805.11 OTHER PENALTIES. If the defendant is convicted
25 of a scheduled violation, the penalty shall be the scheduled
26 fine, without suspension or deferral of the fine prescribed
27 in section 805.8 together with costs assessed and distributed
28 as prescribed by section 602.63, unless it appears from the
29 evidence that the violation was of the type set forth in
30 section 805.10, subsections 1 or 3, in which event the
31 scheduled fine shall not apply and the penalty shall be
32 increased within the limits provided by law for the offense.

33 Upon the conviction of a defendant of a violation specified
34 in sections 805.8 or 805.10, fees shall not be imposed or
35 collected for the purposes specified in section 606.15,

1 subsection 9, 10 or 20.

2 Sec. 12. Section eight hundred eleven point nine (811.9),
3 Code 1979, is amended to read as follows:

4 811.9 FORFEITURE OF APPEARANCE BOND. Sections 811.6
5 through 811.8 shall not apply in a case where a ~~scheduled~~
6 offense simple misdemeanor is charged upon a uniform citation
7 and complaint and where the defendant has submitted an
8 unsecured appearance bond or has submitted bail in the form
9 of cash, check, credit card as provided in section 805.14,
10 or guaranteed arrest bond certificate as defined in section
11 321.1. When a defendant fails to appear as required in such
12 cases, the court shall enter a judgment of forfeiture of the
13 bond or bail. The judgment shall be final upon entry and
14 shall not be set aside.

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EXPLANATION

16 Section 1 provides that certified copies of department
17 records shall be considered prima facie evidence.

18 Section 2 provides for personal service in the manner pro-
19 vided under the rules of civil procedure.

20 Section 3 changes references from operator's and chauffeur's
21 licenses to motor vehicle licenses which includes permits.

22 Section 4 moves the language from section 321.189,
23 subsection 3 to 321.174 so that the unlawful act and penalty
24 appear in the same section and section 5 strikes the subsection
25 which is reenacted in section 3.

26 Section 6 provides for the consideration of out-of-state
27 moving violations convictions in habitual offender determina-
28 tions and provides that suspension occurs at the time of the
29 violation.

30 Section 7 is corrective in that it changes a reference
31 in section 325.34 from "commission" to the "department".

32 Section 8 provides that the scheduled fine for speeding
33 violations shall be computed at two dollars for every mile
34 over the speed limit.

35 Section 9 makes failure to have an operator's license to

1 operate a vehicle upon the highways of this state a scheduled
2 violation with a fine of fifteen dollars.

3 Sections 10 and 11 prohibit deferral of a fine when a
4 person admits a scheduled violation or is convicted of a
5 scheduled violation.

6 Section 12 provides for forfeiture of the appearance bond
7 for failure to appear on simple misdemeanors rather than on
8 only scheduled violations.

9 The bill is effective July first following enactment.

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SENATE FILE 278

S-3269

1 Amend Senate File 278 as follows:
2 1. Page 4, by striking line 16 through page 5,
3 line 1.

S-3269 FILED *Adopted 3/28*
MARCH 23, 1979 *(p. 946)*

BY COMMITTEE ON JUDICIARY
LUCAS J. DeKOSTER, CHAIRPERSON

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SENATE FILE 278

S-3280

1 Amend Senate File 278 as follows:
2 1. Page 3, by striking lines 12 through 25.

S-3280 FILED *Adopted 3/28* *(p. 946)*
MARCH 26, 1979

BY RICHARD F. DRAKE

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SENATE FILE 278

S-3313

1 Amend Senate File 278 as follows:

2 1. Page 3, by inserting after line 25 the follow-
3 ing new section:

4 "Sec. ____ Section eight hundred five point six
5 (805.6), subsection one (1), paragraph c, subparagraph
6 two (2), Code 1979, is amended by striking the subpara-
7 graph and inserting in lieu thereof the following:

8 (2) If the violation charged involved or resulted
9 in an accident or injury to property and the total
10 damages are less than two hundred fifty dollars, the
11 amount of fifty dollars and five dollars costs. If
12 the violation is for any offense for which a
13 court appearance is mandatory, the amount of one
14 hundred dollars plus five dollars costs."

15 2. Page 4, by inserting after line 21 the follow-
16 ing new section:

17 "Sec. ____ Section eight hundred five point ten
18 (805.10), subsection one (1), Code 1979, is amended
19 to read as follows:

20 1. When the violation charged involved or re-
21 sulted in an accident or injury to ~~person or~~ property
22 and the total damages are two hundred fifty dollars
23 or more or in injury to person."

24 3. By renumbering sections and correct internal
25 references as are necessary in accordance with this
26 amendment.

S-3313 FILED *March 28, 1979* BY BOB CARR
MARCH 28, 1979

SENATE FILE 278

S-3315

1 Amend the Carr amendment, S-3313, to Senate File
2 278 as follows:

3 1. Page 1, line 15, by striking the figure "21"
4 and inserting in lieu thereof the figure "15".

S-3315 FILED *March 28, 1979* BY BOB CARR
MARCH 28, 1979

SENATE FILE 278

S-3339

1 Amend Senate File 278, as follows:

2 1. Page 3, lines 3 and 4, by striking the words
3 "and chapter three hundred twenty-one C (321C) of the
4 Code".

BY LOWELL JUNKINS
ROBERT M. CARR
C. JOSEPH COLEMAN
RICHARD COMITO
A.R. BUD KUDART
DICK RAMSEY
BOB RUSH

S-3339 FILED & ADOPTED *April 2, 1979*
APRIL 2, 1979

House Transportation 4/3
Do Pass per 3745 4/5 (p 1397)

SENATE FILE 278

BY COMMITTEE ON TRANSPORTATION

House Labor Amend + Do Pass per 5003 1/15 (p 59)
House Judiciary 2/4 Amend per 5119 + Do Pass 2/13 (p 464)

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 1979)

Passed Senate, Date 2-18-80 (p 480) Passed House, Date 1-18-80 (p 142)
Vote: Ayes 38 Nays 8 Vote: Ayes 91 Nays 0

Approved March 20, 1980

Motion to reconsider w/d 2/20 (p 512)

Motion to reconsider, Proposed House 1-24-80 (p 184)

Proposed House per 5268 2-29-80 75-10

A BILL FOR

1 An Act relating to violations of motor vehicle laws by providing
2 for the admission of motor vehicle records in court actions,
3 by providing for personal service of notices, by providing
4 for consideration of out-of-state moving violation convictions
5 in habitual offender determinations, by providing
6 that operating a motor vehicle without a valid operator's
7 license shall be a scheduled violation, by providing a
8 revised schedule for excess speed violations, by prohibiting
9 deferral of fines when a defendant admits a scheduled violation
10 or is convicted of a scheduled violation, by providing
11 for forfeiture of appearance bonds, and by providing technical
12 corrections and providing penalties.

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

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_____ = New Language
by the Senate

* = Language Stricken
by the Senate

1 Section 1. Section three hundred twenty-one point ten
2 (321.10), Code 1979, is amended to read as follows:

3 321.10 CERTIFIED COPIES OF RECORDS. The director and
4 ~~such~~ officers of the department ~~as he may designate~~ designated
5 by the director are ~~hereby~~ authorized to prepare under the
6 seal of the department and ~~deliver~~ provide upon request a
7 certified copy of any record of the department, charging a
8 fee of fifty cents for each document so authenticated, and
* 9 every such certified copy shall be admissible in any proceeding
10 in any court in like manner as the original ~~thereof~~ and shall
11 be considered to be true and accurate unless shown otherwise
12 by an objecting party.

13 Sec. 2. Section three hundred twenty-one point sixteen
14 (321.16), Code 1979, is amended to read as follows:

15 321.16 GIVING OF NOTICES. Whenever the department is
16 authorized or required to give any notice under this chapter
17 or other law regulating the operation of vehicles, unless
18 a different method of giving such notices is otherwise
19 expressly prescribed, such notice shall be given either by
20 personal delivery ~~thereof~~ to the person to be so notified
21 or by personal service in the manner of original notice by
22 rule fifty-six point one (56.1), paragraph a, of the rules
23 of civil procedure, or by restricted certified mail addressed
24 to such person at his the address as shown by the records
25 of the department. Return acknowledgment is required to prove
26 such latter service.

27 Proof of the giving of notice by personal service may be
28 made by the certificate of any officer or employee of the
29 department or affidavit of any person over eighteen years
30 of age, naming the person to whom such notice was given and
31 specifying the time, place, and manner of the giving thereof.

32 Sec. 3. Section three hundred twenty-one point one hun-
33 dred seventy-four (321.174), Code 1979, is amended to read
34 as follows:

35 321.174 OPERATORS AND CHAUFFEURS LICENSED. No A person,

1 except those hereinafter expressly exempted shall not drive
 2 any motor vehicle upon a highway in this state unless such
 3 person has a valid motor vehicle license as an operator or
 4 ~~chauffeur~~ issued by the department. No person shall operate
 5 a motor vehicle as a chauffeur unless he holds a valid
 6 chauffeur's license.

7 Sec. 4. Section three hundred twenty-one point one hun-
 8 dred seventy-four (321.174), Code 1979, is amended by adding
 9 the following new unnumbered paragraph:

10 NLW UNNUMBERED PARAGRAPH. Every licensee shall have his
 11 or her operator's or chauffeur's, or motorized bicycle license
 12 or instruction permit in immediate possession at all times
 13 when operating a motor vehicle and shall display the same,
 14 upon demand of a judicial magistrate or district associate
 15 judge, a peace officer, or a field deputy or examiner of the
 16 department. However, no person charged with violating this
 17 section shall be convicted if he or she produces in court,
 18 within a reasonable time, an operator's or chauffeur's or
 19 motorized bicycle license or instruction permit issued to
 20 him or her and valid at the time of the person's arrest.

21 Sec. 5. Section three hundred twenty-one point one hun-
 22 dred eighty-nine (321.189), subsection three (3), Code 1979,
 23 is amended by striking the subsection.

24 Sec. 6. Section three hundred twenty-one point five hundred
 25 fifty-five (321.555), unnumbered paragraph one (1) and
 26 subsections one (1) and two (2), Code 1979, are amended to
 27 read as follows:

28 As used in this division, "habitual offender" means any
 29 person who has accumulated convictions for separate and
 30 distinct offenses described in subsections 1, 2, or 3,
 31 committed after July 1, 1974, for which final convictions
 32 have been rendered, as follows:

33 1. Three or more convictions within a six-year period,
 34 of the following offenses, either singularly or in combination,
 35 within a six-year period:

1 2. Six or more ~~convictions~~ of any separate and distinct
 2 offenses within a two-year period in the operation of a motor
 3 vehicle which are required to be reported to the department
 4 ~~of public safety~~ by section 321.207, except equipment
 5 violations, violations of parking regulations of cities,
 6 violations of registration laws, operating a vehicle with
 7 an expired license or permit, failure to appear, and weights
 8 and measures violations and speeding violations of less than
 9 six miles per hour over the legal speed limit, ~~as provided~~
 10 ~~by law prior to enactment of chapter 4489, Acts of the Sixty-~~
 11 ~~fifth General Assembly, 1974 Session.~~

12 Sec. 7. Section eight hundred five point six (805.6),
 13 subsection one (1), paragraph c, subparagraph two (2), Code
 14 1979, is amended by striking the subparagraph and inserting
 15 in lieu thereof the following:

16 (2) If the violation charged involved or resulted in an
 17 accident or injury to property and the total damages are less
 18 than two hundred fifty dollars, the amount of fifty dollars
 19 and five dollars costs. If the violation is for any offense
 20 for which a court appearance is mandatory, the amount of one
 21 hundred dollars plus five dollars costs.

22 Sec. 8. Section eight hundred five point eight (805.8),
 23 subsection two (2), paragraph f, Code 1979, is amended to
 24 read as follows:

25 f. For excessive speed violations when not more than ten
 26 miles per hour in excess of the limit under sections 111.36,
 27 321.236, subsections 5 and 11, 321.285, 321.286 and 321.287,
 28 the scheduled fine is ten dollars.

29 Excessive speed in conjunction with a violation of section
 30 321.278 is not a scheduled violation, whatever the amount
 31 of excess speed.

32 For excessive speed violations when in excess of more than
 33 ten but not more than twenty miles per hour in excess of the
 34 limit under those sections, the scheduled fine is thirty
 35 dollars two dollars for each mile per hour over the speed

1 ~~limit. Excessive-speed-more-than-twenty-miles-per-hour-in~~
2 ~~excess-of-the-limit-is-not-a-scheduled-violation.~~

3 Excessive speed in whatever amount by a school bus is not
4 a scheduled violation under any section listed in a
5 subparagraph of this paragraph "f".

6 Sec. 9. Section eight hundred five point eight (805.8),
7 subsection two (2), Code 1979, is amended by adding the
8 following new lettered paragraph:

9 NEW LETTERED PARAGRAPH. For failure to have a valid license
10 or permit for operating a motor vehicle on the highways of
11 this state, the scheduled fine is fifteen dollars.

* 12 Sec. 10. Section eight hundred five point ten (805.10),
13 subsection one (1), Code 1979, is amended to read as follows:

14 1. When the violation charged involved or resulted in
15 an accident or injury to person or property and the total
16 damages are two hundred fifty dollars or more or in injury
17 to person.

18 Sec. 11. Section eight hundred eleven point nine (811.9),
19 Code 1979, is amended to read as follows:

20 811.9 FORFEITURE OF APPEARANCE BOND. Sections 811.6
21 through 811.8 shall not apply in a case where a scheduled
22 offense simple misdemeanor is charged upon a uniform citation
23 and complaint and where the defendant has submitted an
24 unsecured appearance bond or has submitted bail in the form
25 of cash, check, credit card as provided in section 805.14,
26 or guaranteed arrest bond certificate as defined in section
27 321.1. When a defendant fails to appear as required in such
28 cases, the court shall enter a judgment of forfeiture of the
29 bond or bail. The judgment shall be final upon entry and
30 shall not be set aside.

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SENATE FILE 278

H-4008

1 Amend Senate File 278, as amended, passed and
2 reprinted, by the Senate, as follows:
3 1. Page 2, by inserting after line 35, the
4 following:
5 "a. Manslaughter resulting from the operation of
6 a motor vehicle.
7 b. Driving a motor vehicle while under the
8 influence of an alcoholic beverage or a controlled
9 substance as defined in section 204.101.
10 c. Driving a motor vehicle while operator's
11 or chauffeur's license is suspended or revoked.
12 d. Perjury or the making of a false affidavit
13 or statement under oath to the department of
14 public safety.
15 e. An offense punishable as a felony under
16 the motor vehicle laws of Iowa or any felony in
17 the commission of which a motor vehicle is used.
18 f. Failure to stop and leave information or to
19 render aid as required by section 321.263.
20 ~~g. A violation of the traffic laws, except~~
21 ~~parking regulations, committed during a period of~~
22 ~~suspension or revocation."~~

H-4008 FILED - *Adopted 1/12/80 (7/43)* BY CONLON of Muscatine
APRIL 19, 1979

Refer to record number 7 175 w/d 1124

SENATE FILE 278

H-3868

1 Amend the Committee Amendment H-3745 to Senate
2 File 278 as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, line 41 by striking the word "ten"
5 and inserting in lieu thereof the word "eleven".

H-3868 FILED *Committee Amendment, 3745 w/d* BY WOODS of Polk
APRIL 11, 1979 *1/17/80* SCHROEDER of Pottawattamie

SENATE FILE 278

H-3745

1 Amend Senate File 278 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, by inserting after line 23 the
4 following:
5 "Sec. 6. Section three hundred twenty-one point
6 two hundred three (321.203), Code 1979, is amended
7 to read as follows:
8 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.
9 The privilege of driving a motor vehicle on the high-
10 ways of this state given to a nonresident hereunder
11 shall be subject to suspension or revocation by the
12 department in like manner and for like cause as an
13 operator's or chauffeur's license issued hereunder
14 may be suspended or revoked except as provided under
15 section ten (10) of this Act.
16 Sec. 7. Section three hundred twenty-one point
17 two hundred ten (321.210), Code 1979, is amended by
18 adding the following new subsection:
19 NEW SUBSECTION. Should have his or her license
20 suspended under the provisions of section ten (10)
21 of this Act.
22 Sec. 8. Section three hundred twenty-one point
23 two hundred twelve (321.212), unnumbered paragraph
24 one (1), Code 1979, is amended to read as follows:
25 The Except as provided in section ten (10) of this
26 Act, the department shall not suspend a license for
27 a period of more than one year, except that a license
28 suspended because of incompetency to drive a motor
29 vehicle shall be suspended until the department
30 receives satisfactory evidence that the former holder
31 thereof is competent to operate a motor vehicle and
32 a refusal to reinstate shall constitute a denial of
33 license within the provisions of section 321.215;
34 upon revoking a license the department shall not in
35 any event grant application for a new license until
36 the expiration of one year after such revocation."
37 2. Page 3, line 4, by inserting after the figure
38 "321.207" the words and figure "or chapter three
39 hundred twenty-one C (321C) of the Code".
40 3. Page 3, line 9, by striking the word "six"
41 and inserting in lieu thereof the words "six ten".
42 4. Page 3, by inserting after line 11 the
43 following:
44 "Sec. 10. Chapter three hundred twenty-one (321),
45 Code 1979, is amended by adding the following new
46 section:
47 NEW SECTION. NONRESIDENT VIOLATOR COMPACT.
48 1. AUTHORITY TO COMPACT. The director of
49 transportation may, subject to the approval of the
50 state transportation commission, enter into nonresident

Page Two
H-3745

1 violator compacts with other jurisdictions. The
2 compact shall contain in substantially the same form
3 the following provisions:
4 a. DEFINITIONS. For purposes of the nonresident
5 violator compact, the following words have the meaning
6 indicated, unless the context requires otherwise:
7 (1) "Citation" means any summons, ticket, or other
8 official document issued by a police officer for a
9 traffic violation containing an order which requires
10 the motorist to respond.
11 (2) "Collateral" means any cash or other security
12 deposited to secure an appearance for trial, following
13 the issuance by a police officer of a citation for
14 a traffic violation.
15 (3) "Court" means a court of law or traffic
16 tribunal.
17 (4) "Driver's license" means any license or
18 privilege to operate a motor vehicle issued under
19 the laws of the home jurisdiction.
20 (5) "Home jurisdiction" means the jurisdiction
21 that issued the driver's license of the traffic
22 violator.
23 (6) "Issuing jurisdiction" means the jurisdiction
24 in which the traffic citation was issued to the
25 motorist.
26 (7) "Jurisdiction" means a state, territory, or
27 possession of the United States, the District of
28 Columbia, or the Commonwealth of Puerto Rico.
29 (8) "Motorist" means a driver of a motor vehicle
30 operating in a party jurisdiction other than the home
31 jurisdiction.
32 (9) "Personal recognizance" means an agreement
33 by a motorist made at the time of issuance of the
34 traffic citation that the motorist will comply with
35 the terms of that traffic citation.
36 (10) "Police officer" means any individual
37 authorized by the party jurisdiction to issue a
38 citation for a traffic violation.
39 (11) "Terms of the citation" means those options
40 expressly stated upon the citation.
41 b. PROCEDURE FOR ISSUING JURISDICTION.
42 (1) When issuing a citation for a traffic
43 violation, a police officer shall issue the citation
44 to a motorist who possesses a driver's license issued
45 by a party jurisdiction and shall not, except as
46 provided in subparagraph two (2) of this paragraph,
47 require the motorist to post collateral to secure
48 appearance, if the officer receives the motorist's
49 signed personal recognizance that he or she will
50 comply with the terms of the citation.

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1 (2) Unless prohibited by law, personal recognizance
2 is acceptable. If mandatory appearance is required
3 by law, the appearance must take place immediately
4 following issuance of the citation.

5 (3) Upon failure of a motorist to comply with
6 the terms of a traffic citation, the appropriate
7 official shall report the failure to comply to the
8 licensing authority of the jurisdiction in which the
9 traffic citation was issued, and that licensing
10 authority shall transmit the information contained
11 in the report to the licensing authority in the home
12 jurisdiction of the motorist.

13 (4) The licensing authority of the issuing
14 jurisdiction may not suspend the driving privilege
15 of a motorist for whom a report has been transmitted.

16 (5) The licensing authority of the issuing
17 jurisdiction shall not transmit a report on any
18 violation if the date of transmission is more than
19 six months after the date the traffic citation was
20 issued.

21 (6) The licensing authority of the issuing
22 jurisdiction shall not transmit a report on any
23 violation where the date of issuance of the citation
24 predates the most recent effective date of entry for
25 the two jurisdictions.

26 c. PROCEDURE FOR HOME JURISDICTION. Upon receipt
27 of a report of a failure to comply, the licensing
28 authority of the home jurisdiction shall notify the
29 motorist and initiate a suspension action, in
30 accordance with the home jurisdiction's procedures,
31 to suspend the motorist's driver's license until
32 satisfactory evidence of compliance with the terms
33 of the traffic citation has been furnished to the
34 home jurisdiction licensing authority. Due process
35 safeguards must be accorded.

36 d. EXCEPTIONS. The provisions of the nonresident
37 violator compact shall not apply to parking or standing
38 violations, highway weight limit violations, and
39 violations of law governing the transportation of
40 hazardous materials.

41 e. ADDITIONAL PROVISIONS. The nonresident violator
42 compact shall contain such other provisions as the
43 director of transportation reasonably determines as
44 necessary or appropriate for inclusion in the compact.

45 2. RULES. The state department of transportation
46 is authorized to adopt and promulgate administrative
47 rules it determines are necessary to carry out the
48 provisions of this section. The rules shall be adopted
49 subject to the provisions of chapter seventeen A (17A)
50 of the Code.

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H-3745

- 1 3. ENFORCEMENT. The agencies and officers of
- 2 this state and its subdivisions and municipalities
- 3 shall enforce the nonresident violator compacts and
- 4 shall do all things appropriate to accomplish their
- 5 purpose and intent."
- 6 5. Amend the title, line 5, by inserting after
- 7 the word "determinations," the words "by authorizing
- 8 the director of transportation to enter into
- 9 nonresident violator compacts,".
- 10 6. By renumbering sections and internal references
- 11 as necessary in conformance with this amendment.

H-3745 FILED
APRIL 5, 1979

BY COMMITTEE ON TRANSPORTATION
Egenes, Chairperson

Withdrawn 1/18/80 (7127)

SENATE FILE 278

H-3970

1 Amend Senate File 278, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 23 the following
4 new section:

5 "Sec. _____. Section three hundred twenty-one point
6 two hundred nine (321.209), Code 1979, is amended
7 by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The department shall
9 revoke the license or permit of an individual to
10 operate a motor vehicle on the highways of this state
11 if the person is not able to demonstrate proof of
12 financial responsibility as defined in section three
13 hundred twenty-one A point one (321A.1) of the Code."

14 2. Page 3, by inserting after line 11 the following
15 new section:

16 "Sec. _____. Chapter three hundred twenty-one (321),
17 Code 1979, is amended by adding the following new
18 section:

19 NEW SECTION. PROOF OF FINANCIAL RESPONSIBILITY.

20 1. Notwithstanding the provisions of chapter three
21 hundred twenty-one A (321A) of the Code, as it pertains
22 to who is required to maintain proof of financial
23 responsibility to operate a motor vehicle on the
24 highways of this state, a person shall not operate
25 a motor vehicle, which is required to be registered
26 in this state, on the highways of this state unless
27 the person has demonstrated proof of financial
28 responsibility as defined in section three hundred
29 twenty-one A point one (321A.1), subsection ten (10)
30 of the Code.

31 2. The department shall not register a motor
32 vehicle in this state unless the applicant has
33 demonstrated proof of financial responsibility in
34 a manner provided in this section or such other manner
35 as prescribed by the department to substantiate that
36 a person has the ability to respond in damages for
37 liability in the amounts specified in section three
38 hundred twenty-one A point one (321A.1), subsection
39 ten (10) of the Code. A certificate of insurance
40 from an insurance company licensed to conduct business
41 in Iowa, an appropriate bond or a certificate from
42 the treasurer of state shall be adequate evidence
43 of proof of financial responsibility.

44 3. An insurance company operating in the state
45 shall notify the state department of transportation
46 in a manner prescribed by the commissioner of insurance
47 after consultation with the state department of
48 transportation of a cancellation of an insurance
49 policy issued to a person to satisfy the requirements
50 for proof of financial responsibility. The department

- 1 shall revoke the motor vehicle license or permit of
- 2 a person who is unable to demonstrate proof of
- 3 financial responsibility.
- 4 4. The state department of transportation and
- 5 the insurance department shall adopt rules pursuant
- 6 to chapter seventeen A (17A) of the Code to implement
- 7 the provisions of this Act."
- 8 3. Amend the title, line 2, by inserting after
- 9 the word "actions," the words "providing for the
- 10 maintenance of proof of financial responsibility,".
- 11 4. Renumber sections and correct internal
- 12 references as are necessary in accordance with this
- 13 amendment.

H-3970 FILED *H/D 1/18/80 (p. 141)* BY MILLER of Buchanan
APRIL 18, 1979 BRANDT of Black Hawk

SENATE FILE 278

H-3961

- 1 Amend the Committee on Transportation amendment,
- 2 H-3745, to Senate File 278, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, lines 48 and 49, by striking the words
- 5 "of transportation".
- 6 2. Page 1, line 50, by striking the words "state
- 7 transportation".
- 8 3. Page 2, line 36, by striking the word "individual"
- 9 and inserting in lieu thereof the words "peace officer
- 10 as defined in section eight hundred one point four
- 11 (801.4) of the Code".
- 12 4. Page 3, line 43, by striking the words "of
- 13 transportation".
- 14 5. Page 3, by striking lines 45 through 50 and
- 15 inserting in lieu thereof the following:
- 16 "2. RULES. The department may adopt rules pursuant
- 17 to chapter seventeen A (17A) of the Code necessary to
- 18 carry out the provisions of this section."
- 19 6. Page 4, line 2, by striking the words "subdivisions
- 20 and municipalities" and inserting in lieu thereof the words
- 21 "political subdivisions".

H-3961 FILED *Out of order, 3745 w/d* BY EGENES of Story
APRIL 18, 1979 *1/17/80*

SENATE FILE 278

H-3816

- 1 Amend Senate File 278 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 8 by striking the word "less"
- 4 and inserting in lieu thereof the word "less more".

H-3816 FILED *H/D 1/18/80 (p. 142)* BY WOODS of Polk
APRIL 9, 1979 SCHROEDER of Pottawattamie

SENATE FILE 278

H-98

1 Amend the Committee on Transportation amendment,
2 H-3745, to Senate File 278, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 1, by inserting before line 3 the
5 following:

6 "1. Page 1, by inserting before line 1 the
7 following:

8 "Section 1. Section sixty-eight A point seven
9 (68A.7), Code 1979, is amended by adding the following
10 new subsection:

11 NEW SUBSECTION. Reports, informations, citations
12 or warnings issued for traffic violations for exceeding
13 the legal speed limit by ten miles per hour or less
14 and court reports of convictions of a traffic violation
15 for exceeding the legal speed limit by ten miles per
16 hour or less."

17 2. Page 1, by inserting after line 15 the
18 following:

19 "Sec. ____ . Section three hundred twenty-one point
20 two hundred seven (321.207), Code 1979, is amended
21 to read as follows:

22 321.207 RECORD FORWARDED. Every court having
23 jurisdiction over offenses committed under this
24 chapter, or any other law of this state or any city
25 traffic ordinances, other than parking regulations,
26 regulating the operation of motor vehicles on highways,
27 shall forward to the department a record of the
28 conviction of any person in said court for a violation
29 of any said laws except violations of the legal speed
30 limit by ten miles per hour or less, and may recommend
31 the suspension of the operator's or chauffeur's license
32 of the person so convicted, and the department shall
33 thereupon consider and act upon such recommendation
34 in such manner as may seem to it best."

35 3. Page 1, by inserting after line 21 the
36 following:

37 "Sec. ____ . Section three hundred twenty-one point
38 two hundred ten (321.210), Code 1979, is amended by
39 adding the following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. In determining the
41 suspension or the length of suspension of an operator's
42 or chauffeur's license, the department shall not
43 assess points for nor take into consideration a
44 speeding violation of ten miles per hour or less over
45 the legal speed limit."

46 4. Page 4, by inserting after line 9 the following:

47 " ____ . Amend the title, line 8, by inserting after
48 the word "violations," the words "by prohibiting
49 consideration of a speeding violation of ten miles
50 per hour or less over the legal speed limit in

APRIL 20, 1979
PAGE FIVE

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H-3998

- 1 suspending an operator's or chauffeur's license, by
- 2 providing confidentiality of public records of a
- 3 speeding violation of ten miles per hour or less over
- 4 the legal speed limit,."
- 5 5. By renumbering sections and correcting internal
- 6 references as necessary.

H-3998 FILED *Out of order, 3745 w/d* BY HORN of Linn
APRIL 19, 1979 *1/18/80*

(
SENATE FILE 278
H-3986

- 1 Amend Senate File 278, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, after line 23, by inserting the following
- 4 new section:
- 5 "Sec. ____ Section three hundred twenty-one point
- 6 two hundred thirty-three (321.233), Code 1979, is
- 7 amended by adding the following new unnumbered
- 8 paragraph:
- 9 NEW UNNUMBERED PARAGRAPH. The provisions of section
- 10 three hundred twenty-one point one hundred seventy-
- 11 four (321.174) of the Code requiring chauffeurs'
- 12 licenses shall not apply to individuals operating
- 13 road maintenance equipment as specified by the
- 14 department while engaged in road maintenance work
- 15 including the movement of the equipment to and from
- 16 work."
- 17 2. Renumber sections and correct internal
- 18 references as are necessary in accordance with this
- 19 amendment.

H-3986 FILED *7/2 1/18/80 (3.141)* BY MENKE of O'Brien
APRIL 18, 1979

(

1 Amend Senate File 278 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 23 the
4 following:

5 "Sec. 6. Section three hundred twenty-one point
6 one hundred ninety-six (321.196), unnumbered paragraph
7 one (1), Code 1979, is amended to read as follows:

8 ~~Prior to July 1, 1975, the director shall issue,~~
9 ~~under rules formulated by the director, operators'~~
10 ~~licenses valid for two or four years. Each An~~
11 operator's license issued after July 1, 1977, shall
12 expire four years from the licensee's birthday
13 anniversary occurring in the year of issuance if the
14 licensee is between the ages of eighteen and sixty-
15 five seventy years on the date of issuance of the
16 license, otherwise the license shall be effective
17 for a period of two years. ~~but~~ The license shall be
18 renewable without written examination or penalty
19 within a period of thirty days after such birthday
20 anniversary and such its expiration date. A per-
21 son shall not be considered to be driving with an
22 invalid license during such a period before renewal,
23 however of thirty days following the license expiration
24 date. However for any license renewed within such
25 thirty-day period, the date of issuance shall be
26 considered to be the previous birthday anniversary
27 on which it expired. Applicants whose licenses are
28 restricted due to vision or other physical deficiencies
29 may be required to renew their licenses every two
30 years. For the purposes of this section the birthday
31 anniversary of a person born on February 29 twenty-
32 ninth shall be deemed to occur on March 1 first.

33 All applications for renewal of operators' licenses
34 shall be made under the direct supervision of a
35 uniformed member of the department and shall be
36 approved by such the uniformed member. The ~~director~~
37 department in its discretion may authorize the renewal
38 of a valid license upon application without an
39 examination provided that, ~~a person holding such~~
40 ~~license has not more than three convictions of moving~~
41 ~~traffic violations during the previous two years and,~~
42 ~~provided that such person~~ the applicant satisfactorily
43 passes a vision test as prescribed by the department.

44 Sec. 7. Section three hundred twenty-one point
45 one hundred ninety-seven (321.197), Code 1979, is
46 amended to read as follows:

47 321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every
48 chauffeur's license issued hereunder shall expire
49 every two or four years at the option of the applicant
50 on the licensee's birthday anniversary. A chauffeur's

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1 license may be renewed within thirty days after the
2 applicant's license expiration date without written
3 examination or penalty. A person shall not be
4 considered to be driving with an invalid license
5 during a period of thirty days following the license
6 expiration date. However, if the licensee is ~~sixty-~~
7 five seventy years of age or older on the date of
8 issuance of the license, ~~such the~~ license shall be
9 issued to be valid for two years. ~~Persens-whose~~
10 ~~birthdays-occur~~ For the purposes of this section the
11 birthday anniversary of a person born on February
12 29 twenty-ninth shall be deemed to occur on March
13 17--for-the-purpose-of-this-section first. The
14 department in its discretion may waive the examination
15 of any ~~such~~ applicant previously licensed as a
16 chauffeur under this chapter, provided that ~~such the~~
17 person satisfactorily passes a vision test as
18 prescribed by the department. ~~All-applications~~ An
19 application for the renewal of a chauffeur's license
20 shall be made under the direct supervision of a
21 uniformed member of the department and shall be
22 approved by ~~such the~~ uniformed member."

23 2. Page 2, by inserting before line 24 the
24 following:

25 "Sec. 8. Section three hundred twenty-one point
26 two hundred three (321.203), Code 1979, is amended
27 to read as follows:

28 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.
29 The privilege of driving a motor vehicle on the high-
30 ways of this state given to a nonresident ~~hereunder~~
31 ~~shall-be is~~ subject to suspension or revocation by
32 the department in like manner and for like cause as
33 an operator's or chauffeur's license ~~issued-hereunder~~
34 may be suspended or revoked except as provided under
35 section three hundred twenty-one point five hundred
36 thirteen (321.513) of the Code.

37 Sec. 9. Section three hundred twenty-one point
38 two hundred ten (321.210), Code 1979, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. Should have his or her license
41 suspended under the provisions of section three hundred
42 twenty-one point five hundred thirteen (321.513) of
43 the Code.

44 Sec. 10. Section three hundred twenty-one point
45 two hundred twelve (321.212), unnumbered paragraph
46 one (1), Code 1979, is amended to read as follows.

47 The Except as provided in section three hundred
48 twenty-one point five hundred thirteen (321.513) of
49 the Code, the department shall not suspend a license
50 for a period of more than one year, except that a

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1 license suspended because of incompetency to drive
2 a motor vehicle shall be suspended until the department
3 receives satisfactory evidence that the former holder
4 thereof is competent to operate a motor vehicle and
5 a refusal to reinstate shall constitute a denial of
6 license within the provisions of section 321.215;
7 upon revoking a license the department shall not in
8 any event grant an application for a new license until
9 the expiration of one year after such the revocation."

10 3. Page 3, line 4, by inserting after the figure
11 "321.207" the words and figure "or chapter three
12 hundred twenty-one C (321C) of the Code".

13 4. Page 3, line 9, by striking the word "six"
14 and inserting in lieu thereof the words "~~six~~ ten".

15 5. Page 3, by inserting after line 11 the
16 following:

17 "Sec. 12. Chapter three hundred twenty-one (321),
18 Code 1979, is amended by adding the following new
19 section as section three hundred twenty-one point
20 five hundred thirteen (321.513) of the Code:

21 NEW SECTION. NONRESIDENT VIOLATOR COMPACT.

22 1. AUTHORITY TO COMPACT. The director, subject
23 to the approval of the commission, may enter into
24 nonresident violator compacts with other jurisdictions.
25 The compacts shall contain in substantially the same
26 form the following provisions:

27 a. DEFINITIONS. For purposes of the nonresident
28 violator compact, unless the context requires
29 otherwise:

30 (1) "Citation" means a summons, ticket, or other
31 official document issued by a police officer for a
32 traffic violation containing an order which requires
33 the motorist to respond.

34 (2) "Collateral" means cash or other security
35 deposited to secure an appearance for trial, following
36 the issuance by a police officer of a citation for
37 a traffic violation.

38 (3) "Court" means a court of law or traffic
39 tribunal.

40 (4) "Driver's license" means a license or privilege
41 to operate a motor vehicle issued under the laws of
42 the home jurisdiction.

43 (5) "Home jurisdiction" means the jurisdiction
44 that issued the driver's license of the traffic
45 violator.

46 (6) "Issuing jurisdiction" means the jurisdiction
47 in which the traffic citation was issued to the
48 motorist.

49 (7) "Jurisdiction" means a state, territory, or
50 possession of the United States, the District of

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1 Columbia, or the Commonwealth of Puerto Rico.

2 (8) "Motorist" means a driver of a motor vehicle
3 operating in a party jurisdiction other than the home
4 jurisdiction.

5 (9) "Personal recognizance" means an agreement
6 by a motorist made at the time of issuance of the
7 traffic citation that the motorist will comply with
8 the terms of that traffic citation.

9 (10) "Police officer" means a peace officer as
10 defined in section eight hundred one point four (801.4)
11 of the Code authorized by the party jurisdiction to
12 issue a citation for a traffic violation.

13 (11) "Terms of the citation" means those options
14 expressly stated upon the citation.

15 b. PROCEDURE FOR ISSUING JURISDICTION.

16 (1) When issuing a citation for a traffic
17 violation, a police officer shall issue the citation
18 to a motorist who possesses a driver's license issued
19 by a party jurisdiction and shall not, except as
20 provided in subparagraph two (2) of this paragraph,
21 require the motorist to post collateral to secure
22 appearance, if the officer receives the motorist's
23 signed personal recognizance that the motorist will
24 comply with the terms of the citation.

25 (2) Unless prohibited by law, personal recognizance
26 is acceptable. If mandatory appearance is required
27 by law, the appearance must take place immediately
28 following issuance of the citation.

29 (3) Upon failure of a motorist to comply with
30 the terms of a traffic citation, the appropriate
31 official shall report the failure to comply to the
32 licensing authority of the jurisdiction in which the
33 traffic citation was issued, and that licensing
34 authority shall transmit the information contained
35 in the report to the licensing authority in the home
36 jurisdiction of the motorist.

37 (4) The licensing authority of the issuing
38 jurisdiction shall not suspend the driving privilege
39 of a motorist for whom a report has been transmitted.

40 (5) The licensing authority of the issuing
41 jurisdiction shall not transmit a report on a violation
42 if the date of transmission is more than six months
43 after the date the traffic citation was issued.

44 (6) The licensing authority of the issuing
45 jurisdiction shall not transmit a report on a violation
46 where the date of issuance of the citation predates
47 the most recent effective date of entry for the two
48 jurisdictions.

49 c. PROCEDURE FOR HOME JURISDICTION. Upon receipt
50 of a report of a failure to comply, the licensing

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1 authority of the home jurisdiction shall notify the
2 motorist and initiate a suspension action, in
3 accordance with the home jurisdiction's procedures,
4 to suspend the motorist's driver's license until
5 satisfactory evidence of compliance with the terms
6 of the traffic citation has been furnished to the
7 home jurisdiction licensing authority. Due process
8 safeguards shall be accorded.

9 d. EXCEPTIONS. The provisions of the nonresident
10 violator compact do not apply to parking or standing
11 violations, highway weight limit violations, and
12 violations of law governing the transportation of
13 hazardous materials.

14 e. ADDITIONAL PROVISIONS. The nonresident violator
15 compact may contain other provisions the director
16 reasonably determines are necessary or appropriate
17 for inclusion in the compact.

18 2. RULES. The department may adopt rules pursuant
19 to chapter seventeen A (17A) of the Code as necessary
20 to carry out the provisions of this section.

21 3. ENFORCEMENT. The agencies and officers of
22 this state and its political subdivisions shall enforce
23 the nonresident violator compacts and shall do all
24 things appropriate to accomplish their purpose and
25 intent."

26 6. Page 4, by inserting after line 30 the
27 following:

28 "Sec. 18. Sections eight (8), nine (9), ten (10),
29 and twelve (12) of this Act, relating to the
30 nonresident violator compact are effective July 1,
31 1981."

32 7. Amend the title, line 1, by deleting the words
33 "violations of motor vehicle laws" and inserting in
34 lieu thereof the words "motor vehicle laws by providing
35 four-year operators' and chauffers' licenses for
36 licensees between the ages of eighteen and seventy,"

37 8. Amend the title, line 5, by inserting after
38 the word "determinations," the words "by authorizing
39 the director of transportation to enter into
40 nonresident violator compacts,".

41 9. By renumbering sections and internal references
42 as necessary in conformance with this amendment.

H-5003 FILED *Adopted as amended by* COMMITTEE ON TRANSPORTATION
JANUARY 15, 1980 *5030+5032 1/18 (p. 141)* EGENES of Story, Chair

*motion to reconsider, reconsidered 5030 w/d
later amended by 5058 and readopted 1/24 (p. 193)*

SENATE FILE 278

H-4059

1 Amend the Committee on Transportation amendment,
2 H-3745, to Senate File 278, as amended, passed and
3 reprinted by the Senate, as follows:

4 1. Page 1, by inserting after line 15 the
5 following:

6 "Sec. _____. Section three hundred twenty-one point
7 two hundred seven (321.207), Code 1979, is amended
8 to read as follows:

9 321.207 RECORD FORWARDED. Every court having
10 jurisdiction over offenses committed under this
11 chapter, or any other law of this state or any city
12 traffic ordinances, other than parking regulations,
13 regulating the operation of motor vehicles on highways,
14 shall forward to the department a record of the
15 conviction of any person in said court for a violation
16 of any said laws except violations of the legal speed
17 limit by less than ten miles per hour, and may
18 recommend the suspension of the operator's or
19 chauffeur's license of the person so convicted, and
20 the department shall thereupon consider and act upon
21 such recommendation in such manner as may seem to
22 it best."

23 2. Page 1, by inserting after line 21 the
24 following:

25 "Sec. _____. Section three hundred twenty-one point
26 two hundred ten (321.210), Code 1979, is amended by
27 adding the following new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. In determining the
29 suspension or the length of suspension of an operator's
30 or chauffeur's license, the department shall not
31 assess points for nor take into consideration a
32 speeding violation of less than ten miles per hour
33 over the legal speed limit."

34 3. By renumbering sections and correcting internal
35 references as necessary.

H-4059 FILED *Out of order 3745 w/2* BY LIND of Black Hawk
APRIL 23, 1979 *1/18/80* HORN of Linn

1 Amend Senate File 278 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 2, by inserting after line 23 the follow-
 4 ing:
 5 "Sec. ____ . Section three hundred twenty-one point
 6 two hundred eighty-one (321.281), unnumbered paragraphs
 7 one (1), three (3) and four (4), Code 1979, are amended
 8 to read as follows:

9 Whoever operates a motor vehicle upon the public
 10 highways of this state while under the influence of
 11 an alcoholic beverage, a narcotic, hypnotic or other
 12 drug, including marijuana, or any combination of such
 13 substances shall, upon conviction or a plea of guilty,
 14 be guilty of a serious misdemeanor for the first
 15 offense and shall be imprisoned in the county jail
 16 for not less than two days; be guilty of an aggravated
 17 misdemeanor for the second offense and shall be
 18 imprisoned in the county jail not less than seven
 19 days; and be guilty of a class "D" felony for a third
 20 offense and each offense thereafter.

21 The court in pronouncing sentence may provide as
 22 to the period during which a new license to operate
 23 a motor vehicle shall not be issued to the defendant,
 24 provided said period shall not be less than one hundred
 25 twenty days for conviction of a first offense of
 26 operating a motor vehicle while under the influence
 27 of an alcoholic beverage, a narcotic, hypnotic or
 28 other drug, including marijuana, or any combination
 29 of such substances; of not less than two hundred forty
 30 days for conviction of a second offense of such charge;
 31 and not less than one year for conviction of a third
 32 offense of such charge and for each offense thereafter,
 33 notwithstanding the provisions of section 321.212;
 34 and the clerk of court shall forthwith certify to
 35 the department a true copy of the judgment sentencing
 36 the defendant under this section. The department
 37 may receive an application for and shall grant a new
 38 license at the expiration of the period provided in
 39 the judgment of the court notwithstanding the
 40 provisions of sections 321.177 and 321.212.

41 This section shall not apply to a person operating
 42 a motor vehicle while under the influence of a
 43 narcotic, hypnotic or other drug, including marijuana,
 44 if such substances were prescribed for such person
 45 and have been taken under such prescription and in
 46 accordance with the directions of a medical
 47 practitioner as defined in section 155.3, subsection
 48 11, provided however there is no evidence of the
 49 consumption of alcohol and further provided said
 50 medical practitioner has not directed such person

Page Two

1 to refrain from operating a motor vehicle."
 2 2. By renumbering the sections to conform with
 3 this amendment.

HOUSE CLIP SHEET

TUESDAY, JANUARY 22, 1980

SENATE FILE 278

H-5030

1 Amend the Committee on Transportation amendment,
2 H-5003, to Senate File 278, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, by inserting after line 2 the following:

5 " . Page 1, by inserting after line 31 the
6 following new section:

7 "Sec. . Section three hundred twenty-one point
8 thirty (321.30), Code 1979, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. That there is a warrant outstanding
11 for the arrest of the owner of the motor vehicle out
12 of any court located within the county in which
13 application is being made and that the warrant arises
14 out of an alleged violation of the provisions of
15 chapter three hundred twenty-one (321) of the Code,
16 or of an ordinance enacted pursuant to the provisions
17 of chapter three hundred twenty-one (321) of the Code.

18 Each court in the state shall, on or before the
19 fifth day of each month, submit to the county treasurer
20 of the county in which the court is located, an
21 alphabetized list of all persons against whom an
22 arrest warrant has been issued and is outstanding.

23 The provisions of this subsection are mandatory
24 in counties with a population of two hundred thousand
25 or more. Any county with a population of less than
26 two hundred thousand may, upon the adoption of a
27 resolution by the county board of supervisors, make
28 the provisions of this subsection applicable within
29 the county."

H-5030 FILED
JANUARY 18, 1980

BY THOMPSON of Polk
CHIODO of Polk

ADOPTED

*p. 139 withdrawn (24/1/80)
as amended Motion to reconsider (p. 145)
by 5037*

SENATE FILE 278

H-5037

1 Amend amendment, H-5030, to the Committee on
2 Transportation amendment, H-5003, to Senate File 278,
3 as amended, passed, and reprinted by the Senate, as
4 follows:

5 1. Page 1, line 22, by inserting after the word
6 "warrant" the words and figures "under chapter three
7 hundred twenty-one (321) of the Code".

H-5037 FILED
JANUARY 18, 1980

BY THOMPSON of Polk

ADOPTED BY UNANIMOUS CONSENT *p. 138*

SENATE FILE 278

H-5027

1 Amend Senate File 278 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 23 the follow-
4 ing:

5 "Sec. ____ . Section three hundred twenty-one point
6 two hundred seven (321.207), Code 1979, is amended
7 to read as follows:

8 321.207 RECORD FORWARDED. Every court having
9 jurisdiction over offenses committed under this
10 chapter, or any other law of this state or any city
11 traffic ordinances, other than parking regulations,
12 regulating the operation of motor vehicles on highways,
13 shall forward to the department a record of the
14 conviction of any person in said court for a violation
15 of any said laws, and may recommend the suspension
16 of the operator's or chauffeur's license of the person
17 so convicted, and the department shall thereupon
18 consider and act upon such recommendation in such
19 manner as may seem to it best. However, a record
20 of conviction for a scheduled excessive speed violation
21 shall not be forwarded to the department nor result
22 in a license suspension or revocation if the person
23 signed the admission of violation on the citation
24 and complaint pursuant to section eight hundred five
25 point nine (805.9), subsection one (1) of the Code.

26 Sec. ____ . Section three hundred twenty-one point
27 four hundred ninety-one (321.491), unnumbered paragraph
28 two (2), Code 1979, is amended to read as follows:

29 Within ten days after the conviction or forfeiture
30 of bail of a person upon a charge of violating any
31 provision of this chapter or other law regulating
32 the operation of vehicles on highways every said
33 magistrate of the court or clerk of the court of
34 record in which such conviction was had or bail was
35 forfeited shall prepare and immediately forward to
36 the department an abstract of the record of said court
37 covering the case in which said person was so convicted
38 or forfeited bail, which abstract must be certified
39 by the person so required to prepare the same to be
40 true and correct. However, a record of conviction
41 for a scheduled excessive speed violation shall not
42 be forwarded to the department nor result in a license
43 suspension or revocation if the person signed the
44 admission of violation on the citation and complaint
45 pursuant to section eight hundred five point nine
46 (805.9), subsection one (1) of the Code."

47 2. Page 3, by inserting after line 11 the follow-
48 ing:

49 "Sec. ____ . Section eight hundred five point six
50 (805.6), subsection one (1), paragraph a, Code 1979,

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1 is amended to read as follows:

2 a. The commissioner of public safety and the state
3 conservation director, acting jointly, shall adopt
4 a uniform, combined citation and complaint which shall
5 be used for charging all traffic violations in Iowa
6 under state law or local regulation or ordinance,
7 and which shall be used for charging all other
8 violations which are designated by section 805.8 to
9 be scheduled violations. This subsection shall not
10 be deemed to prevent the charging of any of those
11 violations by information, by private complaint filed
12 under the provisions of chapter 804, or by a simple
13 notice of fine where permitted by section 321.236,
14 subsection 1. Each uniform citation and complaint
15 shall be serially numbered and shall be in
16 quintuplicate, and the officer shall deliver the
17 original and a copy to the court where the defendant
18 is to appear, two copies to the defendant, and a copy
19 to the law enforcement agency of the officer. The
20 court shall forward the copy of the uniform citation
21 and complaint in accordance with section 321.207 when
22 applicable. The uniform citation and complaint shall
23 contain spaces for the parties names; the address
24 of the alleged offender; the registration number of
25 the offender's vehicle; the information required by
26 section 805.2; a promise to appear as provided in
27 section 805.3 and a place where the cited person may
28 sign the promise to appear; a list of the scheduled
29 fines prescribed by section 805.8, either separately
30 or by group, and a statement that the court costs
31 in scheduled offense cases, whether or not a court
32 appearance is required or is demanded, shall be five
33 dollars; a brief explanation of sections 805.9 and
34 805.10; a space where the defendant may sign an
35 admission of the violation when permitted by section
36 805.9; a space where the peace officer shall, when
37 charging a speeding violation, indicate the date and
38 time that the officer's speed detection equipment
39 was last tested for accuracy and the date when the
40 officer was last instructed in the use of the
41 equipment; a statement that certain speed detection
42 equipment has not been proved to be accurate; and
43 the uniform citation and complaint shall require that
44 the defendant appear before a court at a specified
45 time and place. The uniform citation and complaint
46 also may contain a space for the imprint of a credit
47 card, and may contain any other information which
48 the commissioner of public safety and the state
49 conservation director may determine."

50 3. By renumbering the sections to conform with
H-5027

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1 this amendment.

FILED JANUARY 17, 1980

BY LIND of Black Hawk

Withdrawn 1/18/80 (8-141)

SENATE FILE 278

H-5032

1 Amend the Committee on Transportation amendment,
2 H-5003, to Senate File 278, as amended, passed, and
3 reprinted by the Senate as follows:

4 1. Page 2, by striking lines 27 through 36 and
5 inserting in lieu thereof the following: "by striking
6 the section and inserting in lieu thereof the
7 following:

8 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.
9 A nonresident's privilege of driving a motor vehicle
10 on a highway in this state is subject to suspension
11 and revocation for the same reasons and in the same
12 manner as suspension or revocation of an operator's
13 or chauffeur's license and is also subject to
14 suspension as provided in section three hundred twenty-
15 one point five hundred thirteen (321.513) of the
16 Code."

17 2. Page 2, line 39, by adding after the word
18 "subsection" the words "following subsection seven
19 (7)".

20 3. Page 3, by striking line 9 and inserting in
21 lieu thereof the following: "the expiration of one
22 year after such the revocation.

23 Sec. _____. Section three hundred twenty-one point
24 two hundred fifteen (321.215), subsection one (1),
25 paragraph d, Code 1979, is amended to read as follows:
26 d. Proof of financial responsibility is established
27 as defined in chapter 321A, however such proof is
28 not required if the license was suspended, under
29 section three hundred twenty-one point five hundred
30 thirteen (321.513) of the Code.

31 Sec. _____. Section three hundred twenty-one point
32 two hundred eighteen (321.218), unnumbered paragraph
33 one (1), Code 1979, is amended to read as follows:
34 Any person whose operator's or chauffeur's license
35 or driving privilege, has been denied, canceled,
36 suspended or revoked as provided in this chapter,
37 and who drives any motor vehicle upon the highways
38 of this state while such license or privilege is
39 denied, canceled, suspended, or revoked, is guilty
40 of a simple misdemeanor. The sentence imposed under
41 this section shall not be suspended by the court,
42 notwithstanding the provisions of section 907.3 or
43 any other provision of statute. The department, upon
44 receiving the record of the conviction of any person
45 under this section upon a charge of driving a motor
46 vehicle while the license of such person was suspended
47 or revoked, shall, except for licenses suspended under
48 section three hundred twenty-one point five hundred
49 thirteen (321.513) of the Code, extend the period
50 of suspension or revocation for an additional like

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1 period, and the department shall not issue a new
2 license during such additional period."

3 4. Page 3, line 21, by inserting after the word
4 "SECTION." the figure "321.513".

5 5. Page 4, line 38, by inserting after the word
6 "suspend" the words "for failure to comply with the
7 terms of a traffic citation".

8 6. Page 5, by striking line 25 and inserting in
9 lieu thereof the following: "intent.

10 Sec. ____ . Section three hundred twenty-one A point
11 seventeen (321A.17), subsection five (5), Code 1979,
12 is amended to read as follows:

13 5. An individual applying for a motor vehicle
14 license following a period of suspension or revocation
15 under the provisions of section 321.216 or three
16 hundred twenty-one point five hundred thirteen
17 (321.513) of the Code shall not be required to maintain
18 proof of financial responsibility under the provisions
19 of this section."

20 7. Page 5, by striking lines 26 through 31.

21 8. By renumbering sections and internal references
22 as necessary in conformance with this amendment.

H-5032 FILED
JANUARY 18, 1980
ADOPTED *f* 141

BY TOFTE of Winneshiek
EGENES of Story

SENATE FILE 278

H-5058

1 Amend the amendment H-5003, to Senate File 278
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, by inserting after line 2 the following:
5 " . Page 1, by inserting after line 31 the
6 following:

7 "Sec. . Section three hundred twenty-one point
8 forty (321.40), Code 1979, is amended by adding the
9 following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. The county treasurer
11 shall refuse to renew the registration of a vehicle
12 registered to a person when notified that there is
13 a warrant outstanding for that person's arrest out
14 of a court located within that county and the warrant
15 arises out of the alleged violation of a provision
16 of chapter three hundred twenty-one (321) of the Code
17 or of an ordinance adopted by a local authority
18 relating to the stopping, parking or operation of
19 a vehicle or the regulation of traffic. Each clerk
A 20 of court in this state shall, by the fifth day of
21 each month, submit to the county treasurer of that
22 county an alphabetized list of all persons against
23 whom such an arrest warrant has been issued and is
24 outstanding. Immediately upon the cancellation or
25 satisfaction of such an arrest warrant the clerk of
26 court shall notify the person against whom the arrest
27 warrant was issued and the county treasurer if that
28 person's name appeared on the last list furnished
29 to the county treasurer. This paragraph shall not
30 apply to the transfer of a registration or the issuance
31 of a new registration. The provisions of this
32 paragraph are applicable to counties with a population
33 of two hundred thousand or more. The provisions of
34 this paragraph shall be applicable to any county with
35 a population of less than two hundred thousand upon
36 the adoption of a resolution by the county board of
37 supervisors so providing."

C 38 2. Page 3, line 14, by striking the word "ten"
39 and inserting in lieu thereof the word "fifteen".

40 3. Page 5, by inserting after line 25 the
41 following:

42 " . Page 3, by striking lines 32 through page
43 4, line 2, and inserting in lieu thereof the following:

B 44 "~~For excessive speed violations when in excess~~
45 ~~of ten but not more than twenty miles per hour in~~
46 ~~excess of the limit under those sections, the scheduled~~
47 ~~fine is thirty dollars. Excessive speed more than~~
48 ~~twenty miles per hour in excess of the limit is not~~
49 ~~a scheduled violation. For excessive speed violations~~
50 when in excess of the limit under those sections by

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1 five or less miles per hour the fine is ten dollars,
2 by more than five and not more than ten miles per
3 hour the fine is twenty dollars, by more than ten
4 and not more than fifteen miles per hour the fine
5 is thirty dollars, by more than fifteen and not more
6 than twenty miles per hour the fine is forty dollars,
7 and by more than twenty miles per hour the fine is
8 forty dollars plus two dollars for each mile per hour
9 of excessive speed over twenty miles per hour over
10 the limit."

B

11 . Page 4, by inserting after line 11 the
12 following:
13 "Sec. . Section eight hundred five point ten
14 (805.10), Code 1979, is amended by adding the following
15 new subsection:
16 NEW SUBSECTION. When the violation charged is
17 being in excess of the speed limit by more than twenty
18 miles per hour."
19 4. By renumbering the sections and subsections
20 and correcting internal references to conform with
21 this amendment.

H-5058 FILED	BY	SCHROEDER of Pottawattamie	CONNORS of Polk
JANUARY 24, 1980		THOMPSON of Polk	POPE of Polk
DIV. A - <u>ADOPTED</u>	p. 193	CHIODO of Polk	TYRRELL of Iowa
DIV. B - <u>ADOPTED</u>		EGENES of Story	SHERZAN of Polk
DIV. C - <u>ADOPTED</u>			SMALLEY of Polk

SENATE FILE 278

H-5060

1 Amend Senate File 278 as follows:
2 1. Page 3, by striking line 25, and inserting in
3 lieu thereof the following:
4 "f. For excessive speed violations when not more
5 than ten five".

H-5060 FILED
JANUARY 24, 1980
ADOPTED BY UNANIMOUS
CONSENT (p 193)

BY SCHROEDER of Pottawattamie

HOUSE AMENDMENT TO SENATE FILE 278

S-5016

1 Amend Senate File 278 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 31 the
4 following:

5 "Sec. _____. Section three hundred twenty-one point
6 forty (321.40), Code 1979, is amended by adding the
7 following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. The county treasurer
9 shall refuse to renew the registration of a vehicle
10 registered to a person when notified that there is
11 a warrant outstanding for that person's arrest out
12 of a court located within that county and the warrant
13 arises out of the alleged violation of a provision
14 of chapter three hundred twenty-one (321) of the Code
15 or of an ordinance adopted by a local authority
16 relating to the stopping, parking or operation of
17 a vehicle or the regulation of traffic. Each clerk
18 of court in this state shall, by the fifth day of
19 each month, submit to the county treasurer of that
20 county an alphabetized list of all persons against
21 whom such an arrest warrant has been issued and is
22 outstanding. Immediately upon the cancellation or
23 satisfaction of such an arrest warrant the clerk of
24 court shall notify the person against whom the arrest
25 warrant was issued and the county treasurer if that
26 person's name appeared on the last list furnished
27 to the county treasurer. This paragraph shall not
28 apply to the transfer of a registration or the issuance
29 of a new registration. The provisions of this
30 paragraph are applicable to counties with a population
31 of two hundred thousand or more. The provisions of
32 this paragraph shall be applicable to any county with
33 a population of less than two hundred thousand upon
34 the adoption of a resolution by the county board of
35 supervisors so providing."

36 2. Page 2, by inserting after line 23 the
37 following:

38 "Sec. _____. Section three hundred twenty-one point
39 one hundred ninety-six (321.196), unnumbered paragraph
40 one (1), Code 1979, is amended to read as follows:

41 ~~Prior to July 17, 1975, the director shall issue,~~
42 ~~under rules formulated by the director, operators'~~
43 ~~licenses valid for two or four years. Each An~~
44 operator's license issued after July 17, 1977 shall
45 expire four years from the licensee's birthday
46 anniversary occurring in the year of issuance if the
47 licensee is between the ages of eighteen and sixty-
48 five seventy years on the date of issuance of the
49 license, otherwise the license shall be effective
50 for a period of two years. ~~but~~ The license shall be

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Page 2

1 renewable without written examination or penalty
2 within a period of thirty days after ~~such birthday~~
3 ~~anniversary-and-such~~ its expiration date. A per-
4 son shall not be considered to be driving with an
5 invalid license during ~~such a period before-renewal,~~
6 ~~however~~ of thirty days following the license expiration
7 date. However for any license renewed within such
8 ~~thirty-day period,~~ the date of issuance shall be
9 considered to be the previous birthday anniversary
10 on which it expired. Applicants whose licenses are
11 restricted due to vision or other physical deficiencies
12 may be required to renew their licenses every two
13 years. For the purposes of this section the birthday
14 anniversary of a person born on February 29 twenty-
15 ninth shall be deemed to occur on March ± first.
16 All applications for renewal of operators' licenses
17 shall be made under the direct supervision of a
18 uniformed member of the department and shall be
19 approved by ~~such the~~ uniformed member. The ~~director~~
20 department in its discretion may authorize the renewal
21 of a valid license upon application without an
22 examination provided that, ~~a person holding such~~
23 ~~license has not more than three convictions of moving~~
24 ~~traffic violations during the previous two years and~~
25 ~~provided that such person~~ the applicant satisfactorily
26 passes a vision test as prescribed by the department.
27 Sec. ____ . Section three hundred twenty-one point
28 one hundred ninety-seven (321.197), Code 1979, is
29 amended to read as follows:
30 321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every
31 chauffeur's license ~~issued hereunder~~ shall expire
32 every two or four years at the option of the applicant
33 on the licensee's birthday anniversary. A chauffeur's
34 license may be renewed within thirty days after the
35 applicant's license expiration date without written
36 examination or penalty. A person shall not be
37 considered to be driving with an invalid license
38 during a period of thirty days following the license
39 expiration date. However, if the licensee is ~~sixty-~~
40 ~~five~~ seventy years of age or older on the date of
41 issuance of the license, ~~such the~~ license shall be
42 issued to be valid for two years. ~~Persons whose~~
43 ~~birthdays occur~~ For the purposes of this section the
44 birthday anniversary of a person born on February
45 29 twenty-ninth shall be deemed to occur on March
46 ~~±, for the purpose of this section~~ first. The
47 department in its discretion may waive the examination
48 of any ~~such~~ applicant previously licensed as a
49 chauffeur under this chapter, provided that ~~such the~~
50 person satisfactorily passes a vision test as

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Page 3

1 prescribed by the department. All-applications An
2 application for the renewal of a chauffeur's license
3 shall be made under the direct supervision of a
4 uniformed member of the department and shall be
5 approved by such the uniformed member."

6 3. Page 2, by inserting before line 24 the
7 following:

8 "Sec. _____. Section three hundred twenty-one point
9 two hundred three (321.203), Code 1979, is amended
10 by striking the section and inserting in lieu thereof
11 the following:

12 321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS.
13 A nonresident's privilege of driving a motor vehicle
14 on a highway in this state is subject to suspension
15 and revocation for the same reasons and in the same
16 manner as suspension or revocation of an operator's
17 or chauffeur's license and is also subject to
18 suspension as provided in section three hundred twenty-
19 one point five hundred thirteen (321.513) of the Code.

20 Sec. _____. Section three hundred twenty-one point
21 two hundred ten (321.210), Code 1979, is amended by
22 adding the following new subsection following
23 subsection seven (7):

24 NEW SUBSECTION. Should have his or her license
25 suspended under the provisions of section three hundred
26 twenty-one point five hundred thirteen (321.513) of
27 the Code.

28 Sec. _____. Section three hundred twenty-one point
29 two hundred twelve (321.212), unnumbered paragraph
30 one (1), Code 1979, is amended to read as follows:

31 The Except as provided in section three hundred
32 twenty-one point five hundred thirteen (321.513) of
33 the Code, the department shall not suspend a license
34 for a period of more than one year, except that a
35 license suspended because of incompetency to drive
36 a motor vehicle shall be suspended until the department
37 receives satisfactory evidence that the former holder
38 thereof is competent to operate a motor vehicle and
39 a refusal to reinstate shall constitute a denial of
40 license within the provisions of section 321.215;
41 upon revoking a license the department shall not in
42 any event grant an application for a new license until
43 the expiration of one year after such the revocation.

44 Sec. _____. Section three hundred twenty-one point
45 two hundred fifteen (321.215), subsection one (1),
46 paragraph d, Code 1979, is amended to read as follows:

47 d. Proof of financial responsibility is established
48 as defined in chapter 321A, however such proof is
49 not required if the license was suspended, under
50 section three hundred twenty-one point five hundred

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1 thirteen (321.513) of the Code.
2 Sec. _____. Section three hundred twenty-one point
3 two hundred eighteen (321.218), unnumbered paragraph
4 one (1), Code 1979, is amended to read as follows:
5 Any person whose operator's or chauffeur's license
6 or driving privilege, has been denied, canceled,
7 suspended or revoked as provided in this chapter,
8 and who drives any motor vehicle upon the highways
9 of this state while such license or privilege is
10 denied, canceled, suspended, or revoked, is guilty
11 of a simple misdemeanor. The sentence imposed under
12 this section shall not be suspended by the court,
13 notwithstanding the provisions of section 907.3 or
14 any other provision of statute. The department, upon
15 receiving the record of the conviction of any person
16 under this section upon a charge of driving a motor
17 vehicle while the license of such person was suspended
18 or revoked, shall, except for licenses suspended under
19 section three hundred twenty-one point five hundred
20 thirteen (321.513) of the Code, extend the period
21 of suspension or revocation for an additional like
22 period, and the department shall not issue a new
23 license during such additional period."

5142, 5143, 5144

- 24 4. Page 3, by inserting before line 1, the
25 following:
26 "a. Manslaughter resulting from the operation
27 of a motor vehicle.
28 b. Driving a motor vehicle while under the
29 influence of an alcoholic beverage or a controlled
30 substance as defined in section 204.101.
31 c. Driving a motor vehicle while operator's or
32 chauffeur's license is suspended or revoked.
33 d. Perjury or the making of a false affidavit
34 or statement under oath to the department of public
35 safety.
36 e. An offense punishable as a felony under the
37 motor vehicle laws of Iowa or any felony in the
38 commission of which a motor vehicle is used.
39 f. Failure to stop and leave information or to
40 render aid as required by section 321.263.
41 ~~g. A violation of the traffic laws, except parking~~
42 ~~regulations, committed during a period of suspension~~
43 ~~or revocation."~~
44 5. Page 3, line 4, by inserting after the figure
45 "321.207" the words and figure "or chapter three
46 hundred twenty-one C (321C) of the Code".
47 6. Page 3, line 9, by striking the word "six"
48 and inserting in lieu thereof the words "six fifteen".
49 7. Page 3, by inserting after line 11 the
50 following:

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1 "Sec. _____. Chapter three hundred twenty-one (321),
2 Code 1979, is amended by adding the following new
3 section as section three hundred twenty-one point
4 five hundred thirteen (321.513) of the Code:

5 NEW SECTION. 321.513 NONRESIDENT VIOLATOR COMPACT.

6 I. AUTHORITY TO COMPACT. The director, subject
7 to the approval of the commission, may enter into
8 nonresident violator compacts with other jurisdictions.
9 The compacts shall contain in substantially the same
10 form the following provisions:

11 a. DEFINITIONS. For purposes of the nonresident
12 violator compact, unless the context requires
13 otherwise:

14 (1) "Citation" means a summons, ticket, or other
15 official document issued by a police officer for a
16 traffic violation containing an order which requires
17 the motorist to respond.

18 (2) "Collateral" means cash or other security
19 deposited to secure an appearance for trial, following
20 the issuance by a police officer of a citation for
21 a traffic violation.

22 (3) "Court" means a court of law or traffic
23 tribunal.

24 (4) "Driver's license" means a license or privilege
25 to operate a motor vehicle issued under the laws of
26 the home jurisdiction.

27 (5) "Home jurisdiction" means the jurisdiction
28 that issued the driver's license of the traffic
29 violator.

30 (6) "Issuing jurisdiction" means the jurisdiction
31 in which the traffic citation was issued to the
32 motorist.

33 (7) "Jurisdiction" means a state, territory, or
34 possession of the United States, the District of
35 Columbia, or the Commonwealth of Puerto Rico.

36 (8) "Motorist" means a driver of a motor vehicle
37 operating in a party jurisdiction other than the home
38 jurisdiction.

39 (9) "Personal recognizance" means an agreement
40 by a motorist made at the time of issuance of the
41 traffic citation that the motorist will comply with
42 the terms of that traffic citation.

43 (10) "Police officer" means a peace officer as
44 defined in section eight hundred one point four (801.4)
45 of the Code authorized by the party jurisdiction to
46 issue a citation for a traffic violation.

47 (11) "Terms of the citation" means those options
48 expressly stated upon the citation.

49 b. PROCEDURE FOR ISSUING JURISDICTION.

50 (1) When issuing a citation for a traffic

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1 violation, a police officer shall issue the citation
2 to a motorist who possesses a driver's license issued
3 by a party jurisdiction and shall not, except as
4 provided in subparagraph two (2) of this paragraph,
5 require the motorist to post collateral to secure
6 appearance, if the officer receives the motorist's
7 signed personal recognizance that the motorist will
8 comply with the terms of the citation.

9 (2) Unless prohibited by law, personal recognizance
10 is acceptable. If mandatory appearance is required
11 by law, the appearance must take place immediately
12 following issuance of the citation.

13 (3) Upon failure of a motorist to comply with
14 the terms of a traffic citation, the appropriate
15 official shall report the failure to comply to the
16 licensing authority of the jurisdiction in which the
17 traffic citation was issued, and that licensing
18 authority shall transmit the information contained
19 in the report to the licensing authority in the home
20 jurisdiction of the motorist.

21 (4) The licensing authority of the issuing
22 jurisdiction shall not suspend for failure to comply
23 with the terms of a traffic citation the driving
24 privilege of a motorist for whom a report has been
25 transmitted.

26 (5) The licensing authority of the issuing
27 jurisdiction shall not transmit a report on a violation
28 if the date of transmission is more than six months
29 after the date the traffic citation was issued.

30 (6) The licensing authority of the issuing
31 jurisdiction shall not transmit a report on a violation
32 where the date of issuance of the citation predates
33 the most recent effective date of entry for the two
34 jurisdictions.

35 c. PROCEDURE FOR HOME JURISDICTION. Upon receipt
36 of a report of a failure to comply, the licensing
37 authority of the home jurisdiction shall notify the
38 motorist and initiate a suspension action, in
39 accordance with the home jurisdiction's procedures,
40 to suspend the motorist's driver's license until
41 satisfactory evidence of compliance with the terms
42 of the traffic citation has been furnished to the
43 home jurisdiction licensing authority. Due process
44 safeguards shall be accorded.

45 d. EXCEPTIONS. The provisions of the nonresident
46 violator compact do not apply to parking or standing
47 violations, highway weight limit violations, and
48 violations of law governing the transportation of
49 hazardous materials.

50 e. ADDITIONAL PROVISIONS. The nonresident violator

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1 compact may contain other provisions the director
2 reasonably determines are necessary or appropriate
3 for inclusion in the compact.

4 2. RULES. The department may adopt rules pursuant
5 to chapter seventeen A (17A) of the Code as necessary
6 to carry out the provisions of this section.

7 3. ENFORCEMENT. The agencies and officers of
8 this state and its political subdivisions shall enforce
9 the nonresident violator compacts and shall do all
10 things appropriate to accomplish their purpose and
11 intent.

12 Sec. _____. Section three hundred twenty-one A point
13 seventeen (321A.17), subsection five (5), Code 1979,
14 is amended to read as follows:

15 5. An individual applying for a motor vehicle
16 license following a period of suspension or revocation
17 under the provisions of section 321.216 or three
18 hundred twenty-one point five hundred thirteen
19 (321.513) of the Code shall not be required to maintain
20 proof of financial responsibility under the provisions
21 of this section."

22 8. Page 3, by striking line 25, and inserting
23 in lieu thereof the following:

24 "f. For excessive speed violations when not more
25 than ten five".

26 9. Page 3, by striking lines 32 through page 4,
27 line 2, and inserting in lieu thereof the following:

28 "~~Fer-excessive-speed-violations-when-in-excess~~
29 ~~of-ten-but-not-more-than-twenty-miles-per-hour-in~~
30 ~~excess-of-the-limit-under-these-sections,-the-scheduled~~
31 ~~fine-is-thirty-dollars---Excessive-speed-more-than~~
32 ~~twenty-miles-per-hour-in-excess-of-the-limit-is-not~~
33 ~~a-scheduled-violation. For excessive speed violations~~
34 when in excess of the limit under those sections by
35 five or less miles per hour the fine is ten dollars,
36 by more than five and not more than ten miles per
37 hour the fine is twenty dollars, by more than ten
38 and not more than fifteen miles per hour the fine
39 is thirty dollars, by more than fifteen and not more
40 than twenty miles per hour the fine is forty dollars,
41 and by more than twenty miles per hour the fine is
42 forty dollars plus two dollars for each mile per hour
43 of excessive speed over twenty miles per hour over
44 the limit."

45 10. Page 4, by inserting after line 11 the
46 following:

47 "Sec. _____. Section eight hundred five point ten
48 (805.10), Code 1979, is amended by adding the following
49 new subsection:

50 NEW SUBSECTION. When the violation charged is

S-5016
Page 8

1 being in excess of the speed limit by more than twenty
2 miles per hour."

3 11. Amend the title, line 1, by deleting the words
4 "violations of motor vehicle laws" and inserting in
5 lieu thereof the words "motor vehicle laws-by providing
6 four-year operators' and chauffers' licenses for
7 licensees between the ages of eighteen and seventy,".

8 12. Amend the title, line 5, by inserting after
9 the word "determinations," the words "by authorizing
10 the director of transportation to enter into
11 nonresident violator compacts,".

12 13. Renumbering sections and internal references
13 as necessary in conformance with this amendment.

S-5016 FILED
JANUARY 28, 1980

RECEIVED FROM THE HOUSE

House amended & Concurred 2/18 (p 480)

S-5119

1 Amend the House amendment S-5016 to Senate File
2 278 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, line 11, by inserting after the word *B*
5 "arrest" the words "or a judgment which has not been *Leah*
6 paid on or before the date set by the court for
7 payment".

8 2. Page 1, line 12, by inserting after the word
9 "warrant" the words "or judgment".

10 3. Page 1, line 21, by inserting after the word
11 "warrant" the words "or judgment".

12 4. Page 1, line 23, by inserting after the word
13 "warrant" the words "or judgment".

14 5. Page 1, line 25, by inserting after the word
15 "warrant" the words "or judgment".

16 6. Page 1, line 31, by striking the words "two *B*
17 hundred" and inserting in lieu thereof the words "one *Leah*
18 hundred sixty".

19 7. Page 1, line 33, by striking the words "two
20 hundred" and inserting in lieu thereof the words "one *B*
21 hundred sixty". *Leah*

22 8. Page 7, by inserting after line 11 the
23 following:

24 "Sec. ____ . Section three hundred twenty-one point *A*
25 five hundred sixty (321.560), Code 1979, is amended *Adopted*
26 to read as follows:

27 321.560 BARRED FOR SIX YEARS. A license to operate
28 a motor vehicle in this state shall not be issued
29 to any person declared to be an habitual offender
30 under section 321.555, subsection 1 for a period of
31 not less than two years nor more than six years from
32 the date of judgment as ordered by the court. A
33 license to operate a motor vehicle in this state shall
34 not be issued to any person declared to be an habitual
35 offender under section 321.555, subsection 2, for
36 a period of one year from the date of judgment.

37 Sec. ____ . Section three hundred twenty-one point
38 five hundred sixty-one (321.561), Code 1979, is amended
39 to read as follows:

40 321.561 PUNISHMENT FOR VIOLATION. It shall be
41 unlawful for any person convicted as an habitual
42 offender to operate any motor vehicle in this state
43 during the period of time specified in section 321.560.
44 Any person guilty of violating the provisions of this
45 section shall upon conviction be ~~punished by~~
46 ~~imprisonment-in-the-penitentiary-for-not-more-than~~
47 ~~two-years-and-notwithstanding-the-provisions-of-section~~
48 ~~687-27--such~~ committed to the custody of the director
49 of the division of adult corrections. This conviction
50 shall constitute a an aggravated misdemeanor and not

Page 2

1 a-felony."

S-5119 FILED

FEBRUARY 14, 1980

A- *Adopted 2/18 (p. 476) B.L.B. Leah (p. 475)*

BY COMMITTEE ON JUDICIARY

LUCAS J. DE KOSTER, CHAIRPERSON

SENATE FILE 278

S-5050

- 1 Amend the House amendment, S-5016, to Senate File
- 2 278, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, lines 18 and 19, by striking the words
- 5 "the fifth day of each month" and inserting in lieu
- 6 thereof the words "December first of each year".

S-5050 FILED & ADOPTED (p. 293) BY JOHN W. JENSEN
FEBRUARY 4, 1980

SENATE FILE 278

S-5074

- 1 Amend the House amendment S-5016 to Senate File
- 2 278 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, line 11, by inserting after the
- 5 word "arrest" the words "or a judgment which has not
- 6 been paid on or before the date set by the court for
- 7 payment".
- 8 2. Page 1, line 12, by inserting after the word
- 9 "warrant" the words "or judgment".
- 10 3. Page 1, line 21, by inserting after the word
- 11 "warrant" the words "or judgment".
- 12 4. Page 1, line 23, by inserting after the word
- 13 "warrant" the words "or judgment".
- 14 5. Page 1, line 25, by inserting after the word
- 15 "warrant" the words "or judgment".
- 16 6. Page 1, line 31, by striking the words "two
- 17 hundred" and inserting in lieu thereof the words
- 18 "one hundred sixty".
- 19 7. Page 1, line 33, by striking the words "two
- 20 hundred" and inserting in lieu thereof the words
- 21 "one hundred sixty".

S-5074 FILED
FEBRUARY 6, 1980

BY A. R. BUD KUDART
BOB RUSH

Filed out of order 2/15 (p. 276)

SENATE FILE 278

S-5142

1 Amend the House amendment, S-5016 to Senate File
2 278 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 4, by striking line 23, and inserting
5 in lieu thereof the following: "license during such
6 additional period.

7 Sec. _____. Section three hundred twenty-one point
8 two hundred thirty-six (321.236), subsection one (1),
9 Code 1979, is amended by adding the following new
10 paragraph:

11 NEW PARAGRAPH. The simple notice of fine under
12 paragraph a of this subsection shall contain the
13 following statement:

14 "FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION
15 CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR
16 VEHICLE'S REGISTRATION."

17 This paragraph does not invalidate forms for notice
18 of parking violations in existence prior to July 1,
19 1980. Existing forms may be used until supplies are
20 exhausted.""

21 2. Page 7, by inserting before line 22 the
22 following:

23 "_____. Page 3, by inserting before line 22 the
24 following:

25 "Sec. _____. Section eight hundred five point six
26 (805.6), subsection one (1), Code 1979, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. The uniform citation and complaint
29 shall contain the following statement:

30 "FAILURE TO PAY A JUDGMENT FOR A VIOLATION OF THE
31 TRAFFIC LAWS CAN BE GROUNDS FOR REFUSING TO RENEW
32 YOUR MOTOR VEHICLE'S REGISTRATION."

33 This paragraph does not invalidate forms of uniform
34 citation and complaint in existence prior to July
35 1, 1980. Existing forms may be used until supplies
36 are exhausted.""

S-5142 FILED & WITHDRAWN (476) BY PATRICK DELUHERY
FEBRUARY 18, 1980

S-5145

1 Amend S-5016, the House amendment to Senate File
2 278, as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, line 35, by adding after the word
5 "providing." the words "The clerk of court for a
6 county in which the provisions of this paragraph apply
7 shall, after consultation with the county treasurer,
8 annually determine the administrative costs incurred
9 in this paragraph. The county shall be reimbursed
10 for these administrative costs from the cities in
11 the county and from moneys transferred to the temporary
12 school fund. The administrative costs shall be paid
13 by each city in the proportion that the city's fines
14 and forfeited bail collected from persons on the
15 alphabetized list are to all fines and forfeited bail
16 collected from persons on the list. Similarly, the
17 county treasurer shall transfer from the temporary
18 school fund to the county general fund that portion
19 of the administrative costs in the proportion that
20 all fines and forfeited bail collected from persons
21 on the alphabetized list and transferred to the
22 temporary school fund are to the total amount of fines
23 and forfeited bail collected from persons on the
24 list."

S-5145 FILED & LOST (p 477) BY C. JOSEPH COLEMAN
FEBRUARY 18, 1980

SENATE FILE 278

S-5146

1 Amend the House amendment, S-5016 to Senate File
2 278 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 4, by striking line 23, and inserting
5 in lieu thereof the following: "license during such
6 additional period.

7 Sec. ____ . Section three hundred twenty-one point
8 two hundred thirty-six (321.236), subsection one (1),
9 Code 1979, is amended by adding the following new
10 paragraph:

11 NEW PARAGRAPH. If the local authority regulating
12 the standing or parking of vehicles under this
13 subsection is located in a county where the
14 registration of a vehicle shall be denied for
15 outstanding arrest warrants under section three hundred
16 twenty-one point forty (321.40) of the Code, the
17 simple notice of fine under paragraph a of this
18 subsection shall contain the following statement:

19 "FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION
20 CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR
21 VEHICLE'S REGISTRATION."

22 This paragraph does not invalidate forms for notice
23 of parking violations in existence prior to July 1,
24 1980. Existing forms may be used until supplies are
25 exhausted."

S-5146 FILED & ADOPTED (p 480) BY PATRICK DELUHERY
FEBRUARY 18, 1980

S-5144

1 Amend the House amendment, S-5016 to Senate File
2 278 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 4, by striking line 23, and inserting
5 in lieu thereof the following: "license during such
6 additional period.

7 Sec. _____. Section three hundred twenty-one point
8 two hundred thirty-six (321.236), subsection one (1),
9 Code 1979, is amended by adding the following new
10 paragraph:

11 NEW PARAGRAPH. If the local authority regulating
12 the standing or parking of vehicles under this
13 subsection is located in a county where the
14 registration of a vehicle shall be denied for
15 outstanding arrest warrants or unpaid judgments under
16 section three hundred twenty-one point forty (321.40)
17 of the Code, the simple notice of fine under paragraph
18 a of this subsection shall contain the following
19 statement:

20 "FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION
21 CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR
22 VEHICLE'S REGISTRATION."

23 This paragraph does not invalidate forms for notice
24 of parking violations in existence prior to July 1,
25 1980. Existing forms may be used until supplies are
26 exhausted.""

27 2. Page 7, by inserting before line 22 the
28 following:

29 "_____. Page 3, by inserting before line 22 the
30 following:

31 "Sec. _____. Section eight hundred five point six
32 (805.6), subsection one (1), Code 1979, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. The uniform citation and complaint
35 shall contain the following statement if the citation
36 is issued for a violation occurring in a county where
37 the registration of a vehicle shall be denied for
38 outstanding arrest warrants or unpaid judgments under
39 section three hundred twenty-one point forty (321.40)
40 of the Code:

41 "FAILURE TO PAY A JUDGMENT FOR A VIOLATION OF THE
42 TRAFFIC LAWS CAN BE GROUNDS FOR REFUSING TO RENEW
43 YOUR MOTOR VEHICLE'S REGISTRATION."

44 This paragraph does not invalidate forms of uniform
45 citation and complaint in existence prior to July
46 1, 1980. Existing forms may be used until supplies
47 are exhausted.""

S-5144 FILED & ADOPTED (f 476) BY PATRICK DELUHERY
FEBRUARY 18, 1980
RECONSIDERED & WITHDRAWN (f 480)

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 278

H-5268

1 Amend the House amendment, S-5016, to Senate File
2 278 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, lines 18 and 19, by striking the words
5 "the fifth day of each month" and inserting in lieu
6 thereof the words "December first of each year".

7 2. Page 4, by striking line 23, and inserting
8 in lieu thereof the following: "license during such
9 additional period.

10 Sec. _____. Section three hundred twenty-one point
11 two hundred thirty-six (321.236), subsection one (1),
12 Code 1979, is amended by adding the following new
13 paragraph:

14 NEW PARAGRAPH. If the local authority regulating
15 the standing or parking of vehicles under this
16 subsection is located in a county where the
17 registration of a vehicle shall be denied for
18 outstanding arrest warrants under section three hundred
19 twenty-one point forty (321.40) of the Code, the
20 simple notice of fine under paragraph a of this
21 subsection shall contain the following statement:

22 "FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION
23 CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR
24 VEHICLE'S REGISTRATION."

25 This paragraph does not invalidate forms for notice
26 of parking violations in existence prior to July 1,
27 1980. Existing forms may be used until supplies are
28 exhausted."

29 3. Page 7, by inserting after line 11 the
30 following:

31 "Sec. _____. Section three hundred twenty-one point
32 five hundred sixty (321.560), Code 1979, is amended
33 to read as follows:

34 321.560 BARRED FOR SIX YEARS. A license to operate
35 a motor vehicle in this state shall not be issued
36 to any person declared to be an habitual offender
37 under section 321.555, subsection 1 for a period of
38 not less than two years nor more than six years from
39 the date of judgment as ordered by the court. A

40 license to operate a motor vehicle in this state shall
41 not be issued to any person declared to be an habitual
42 offender under section 321.555, subsection 2, for
43 a period of one year from the date of judgment.

44 Sec. _____. Section three hundred twenty-one point
45 five hundred sixty-one (321.561), Code 1979, is amended
46 to read as follows:

47 321.561 PUNISHMENT FOR VIOLATION. It shall be
48 unlawful for any person convicted as an habitual
49 offender to operate any motor vehicle in this state
50 during the period of time specified in section 321.560.

FEBRUARY 21, 1980

PAGE THREE

H-5268

Page Two

1 Any person guilty of violating the provisions of this
2 section shall upon conviction be punished by
3 ~~imprisonment in the penitentiary for not more than~~
4 ~~two years and notwithstanding the provisions of section~~
5 ~~687-27 such~~ committed to the custody of the director
6 of the division of adult corrections. This conviction
7 shall constitute a an aggravated misdemeanor and not
8 a felony."

H-5268 FILED
FEBRUARY 20, 1980

RECEIVED FROM THE SENATE

Have concurred 2/29 (p 717)

SENATE FILE 278

AN ACT

RELATING TO MOTOR VEHICLE LAWS BY PROVIDING FOUR-YEAR OPERATORS' AND CHAUFFEURS' LICENSES FOR LICENSEES BETWEEN THE AGES OF EIGHTEEN AND SEVENTY, BY PROVIDING FOR THE ADMISSION OF MOTOR VEHICLE RECORDS IN COURT ACTIONS, BY PROVIDING FOR PERSONAL SERVICE OF NOTICES, BY PROVIDING FOR CONSIDERATION OF OUT-OF-STATE MOVING VIOLATION CONVICTIONS IN HABITUAL OFFENDER DETERMINATIONS, BY AUTHORIZING THE DIRECTOR OF TRANSPORTATION TO ENTER INTO NONRESIDENT VIOLATOR COMPACTS, BY PROVIDING THAT OPERATING A MOTOR VEHICLE WITHOUT A VALID OPERATOR'S LICENSE SHALL BE A SCHEDULED VIOLATION, BY PROVIDING A REVISED SCHEDULE FOR EXCESS SPEED VIOLATIONS, BY PROHIBITING DEFERRAL OF FINES WHEN A DEFENDANT ADMITS A SCHEDULED VIOLATION OR IS CONVICTED OF A SCHEDULED VIOLATION, BY PROVIDING FOR FORFEITURE OF APPEARANCE BONDS, AND BY PROVIDING TECHNICAL CORRECTIONS AND PROVIDING PENALTIES.

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

Section 1. Section three hundred twenty-one point ten (321.10), Code 1979, is amended to read as follows:

321.10 CERTIFIED COPIES OF RECORDS. The director and ~~such~~ officers of the department ~~as-he-may-designate~~ designated by the director are hereby authorized to prepare under the seal of the department and ~~deliver~~ provide upon request a certified copy of any record of the department, charging a fee of fifty cents for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof and shall be considered to be true and accurate unless shown otherwise by an objecting party.

Sec. 2. Section three hundred twenty-one point sixteen (321.16), Code 1979, is amended to read as follows:

321.16 GIVING OF NOTICES. Whenever the department is authorized or required to give any notice under this chapter or other law regulating the operation of vehicles, unless a different method of giving such notices is otherwise expressly prescribed, such notice shall be given either by personal delivery ~~thereof~~ to the person to be so notified or by personal service in the manner of original notice by rule fifty-six point one (56.1), paragraph a, of the rules of civil procedure, or by restricted certified mail addressed to such person at ~~his~~ the address ~~as~~ shown by the records of the department. Return acknowledgment is required to prove such latter service.

Proof of the giving of notice by personal service may be made by the certificate of any officer or employee of the department or affidavit of any person over eighteen years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof.

Sec. 3. Section three hundred twenty-one point forty (321.40), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The county treasurer shall refuse to renew the registration of a vehicle registered to a person when notified that there is a warrant outstanding for that person's arrest out of a court located within that county and the warrant arises out of the alleged violation of a provision of chapter three hundred twenty-one (321) of the Code or of an ordinance adopted by a local authority relating to the stopping, parking or operation of a vehicle or the regulation of traffic. Each clerk of court in this state shall, by December first of each year, submit to the county treasurer of that county an alphabetized list of all persons against whom such an arrest warrant has been issued and is outstanding. Immediately upon the cancellation or satisfaction of such an arrest warrant the clerk of court

shall notify the person against whom the arrest warrant was issued and the county treasurer if that person's name appeared on the last list furnished to the county treasurer. This paragraph shall not apply to the transfer of a registration or the issuance of a new registration. The provisions of this paragraph are applicable to counties with a population of two hundred thousand or more. The provisions of this paragraph shall be applicable to any county with a population of less than two hundred thousand upon the adoption of a resolution by the county board of supervisors so providing.

Sec. 4. Section three hundred twenty-one point one hundred seventy-four (321.174), Code 1979, is amended to read as follows:

321.174 OPERATORS AND CHAUFFEURS LICENSED. No A person, except those hereinafter expressly exempted shall not drive any motor vehicle upon a highway in this state unless such person has a valid motor vehicle license ~~as an operator or chauffeur~~ issued by the department. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

Sec. 5. Section three hundred twenty-one point one hundred seventy-four (321.174), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Every licensee shall have his or her operator's or chauffeur's, or motorized bicycle license or instruction permit in immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he or she produces in court, within a reasonable time, an operator's or chauffeur's or motorized bicycle license or instruction permit issued to him or her and valid at the time of the person's arrest.

Sec. 6. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection three (3), Code 1979, is amended by striking the subsection.

Sec. 7. Section three hundred twenty-one point one hundred ninety-six (321.196), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~Prior to July 17, 1977, the director shall issue, under rules formulated by the director, operators' licenses valid for two or four years. --~~ Each An operator's license ~~issued after July 17, 1977,~~ shall expire four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of eighteen and ~~sixty-five~~ seventy years on the date of issuance of the license, otherwise the license shall be effective for a period of two years, but ~~The license shall be renewable without written examination or penalty within a period of thirty days after such birthday anniversary and such its expiration date.~~ A person shall not be considered to be driving with an invalid license during such a period before renewal, however of thirty days following the license expiration date. However for any license renewed within such thirty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February 29 twenty-ninth shall be deemed to occur on March 1 ~~first~~. All applications for renewal of operators' licenses shall be made under the direct supervision of a uniformed member of the department and shall be approved by such the uniformed member. ~~The director~~ department in its discretion may authorize the renewal of a valid license upon application without an examination provided that, ~~a person holding such license has not more than three convictions of moving traffic violations during the previous two years and, provided that such person~~ the applicant satisfactorily passes a vision test as prescribed by the department.

Sec. 8. Section three hundred twenty-one point one hundred ninety-seven (321.197), Code 1979, is amended to read as follows:

321.197 EXPIRATION OF CHAUFFEUR'S LICENSE. Every chauffeur's license ~~issued hereunder~~ shall expire every two or four years at the option of the applicant on the licensee's birthday anniversary. A chauffeur's license may be renewed within thirty days after the applicant's license expiration date without written examination or penalty. A person shall not be considered to be driving with an invalid license during a period of thirty days following the license expiration date. However, if the licensee is ~~sixty-five~~ seventy years of age or older on the date of issuance of the license, ~~such the~~ license shall be issued to be valid for two years. ~~Persons whose birthdays occur~~ For the purposes of this section the birthday anniversary of a person born on February 29 twenty-ninth shall be deemed to occur on March 1, for the purpose of this section first. The department in its discretion may waive the examination of any ~~such~~ such applicant previously licensed as a chauffeur under this chapter, provided that ~~such the~~ person satisfactorily passes a vision test as prescribed by the department. ~~All applications~~ An application for the renewal of a chauffeur's license shall be made under the direct supervision of a uniformed member of the department and shall be approved by ~~such the~~ such uniformed member.

Sec. 9. Section three hundred twenty-one point two hundred three (321.203), Code 1979, is amended by striking the section and inserting in lieu thereof the following:

321.203 SUSPENDING PRIVILEGES OF NONRESIDENTS. A nonresident's privilege of driving a motor vehicle on a highway in this state is subject to suspension and revocation for the same reasons and in the same manner as suspension or revocation of an operator's or chauffeur's license and is also subject to suspension as provided in section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 10. Section three hundred twenty-one point two hundred ten (321.210), Code 1979, is amended by adding the following new subsection following subsection seven (7):

NEW SUBSECTION. Should have his or her license suspended under the provisions of section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 11. Section three hundred twenty-one point two hundred twelve (321.212), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

~~The Except as provided in section three hundred twenty-one point five hundred thirteen (321.513) of the Code, the~~ department shall not suspend a license for a period of more than one year, except that a license suspended because of incompetency to drive a motor vehicle shall be suspended until the department receives satisfactory evidence that the former holder ~~thereof~~ is competent to operate a motor vehicle and a refusal to reinstate shall constitute a denial of license within the provisions of section 321.215; upon revoking a license the department shall not ~~in any event~~ grant an application for a new license until the expiration of one year after ~~such the~~ such revocation.

Sec. 12. Section three hundred twenty-one point two hundred fifteen (321.215), subsection one (1), paragraph d, Code 1979, is amended to read as follows:

d. Proof of financial responsibility is established as defined in chapter 321A, however such proof is not required if the license was suspended, under section three hundred twenty-one point five hundred thirteen (321.513) of the Code.

Sec. 13. Section three hundred twenty-one point two hundred eighteen (321.218), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Any person whose operator's or chauffeur's license or driving privilege, has been denied, canceled, suspended or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is denied, canceled, suspended, or revoked, is guilty of a simple misdemeanor. The sentence imposed under this section shall not be suspended by the court, notwithstanding the provisions of section 907.3 or any other

provision of statute. The department, upon receiving the record of the conviction of any person under this section upon a charge of driving a motor vehicle while the license of such person was suspended or revoked, shall, except for licenses suspended under section three hundred twenty-one point five hundred thirteen (321.513) of the Code, extend the period of suspension or revocation for an additional like period, and the department shall not issue a new license during such additional period.

Sec. 14. Section three hundred twenty-one point two hundred thirty-six (321.236), subsection one (1), Code 1979, is amended by adding the following new paragraph:

NEW PARAGRAPH. If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the registration of a vehicle shall be denied for outstanding arrest warrants under section three hundred twenty-one point forty (321.40) of the Code, the simple notice of fine under paragraph a of this subsection shall contain the following statement:

"FAILURE TO PAY A JUDGMENT FOR A PARKING VIOLATION CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION."

This paragraph does not invalidate forms for notice of parking violations in existence prior to July 1, 1980. Existing forms may be used until supplies are exhausted.

Sec. 15. Section three hundred twenty-one point five hundred fifty-five (321.555), unnumbered paragraph one (1) and subsections one (1) and two (2), Code 1979, are amended to read as follows:

As used in this division, "habitual offender" means any person who has accumulated convictions for separate and distinct offenses described in subsections 1, 2, or 3, committed after July 1, 1974, for which final convictions have been rendered, as follows:

1. ~~Three or more convictions within a six-year period~~ of the following offenses, either singularly or in combination, within a six-year period:

a. Manslaughter resulting from the operation of a motor vehicle.

b. Driving a motor vehicle while under the influence of an alcoholic beverage or a controlled substance as defined in section 204.101.

c. Driving a motor vehicle while operator's or chauffeur's license is suspended or revoked.

d. Perjury or the making of a false affidavit or statement under oath to the department of public safety.

e. An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used.

f. Failure to stop and leave information or to render aid as required by section 321.263.

~~g--A violation of the traffic laws, except parking regulations, committed during a period of suspension or revocation.~~

2. Six or more ~~convictions~~ of any separate and distinct offenses within a two-year period in the operation of a motor vehicle which are required to be reported to the department ~~of public safety~~ by section 321.207 or chapter three hundred twenty-one C (321C) of the Code, except equipment violations, violations of parking regulations of cities, violations of registration laws, operating a vehicle with an expired license or permit, failure to appear, and weights and measures violations and speeding violations of less than six fifteen miles per hour over the legal speed limit, ~~as provided by law prior to enactment of chapter 1189, Acts of the Sixty-fifth General Assembly, 1974 Session.~~

Sec. 16. Chapter three hundred twenty-one (321), Code 1979, is amended by adding the following new section as section three hundred twenty-one point five hundred thirteen (321.513) of the Code:

NEW SECTION. 321.513 NONRESIDENT VIOLATOR COMPACT.

1. AUTHORITY TO COMPACT. The director, subject to the approval of the commission, may enter into nonresident violator

compacts with other jurisdictions. The compacts shall contain in substantially the same form the following provisions:

a. DEFINITIONS. For purposes of the nonresident violator compact, unless the context requires otherwise:

(1) "Citation" means a summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

(2) "Collateral" means cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "Court" means a court of law or traffic tribunal.

(4) "Driver's license" means a license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator.

(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that the motorist will comply with the terms of that traffic citation.

(10) "Police officer" means a peace officer as defined in section eight hundred one point four (801.4) of the Code authorized by the party jurisdiction to issue a citation for a traffic violation.

(11) "Terms of the citation" means those options expressly stated upon the citation.

b. PROCEDURE FOR ISSUING JURISDICTION.

(1) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who

possesses a driver's license issued by a party jurisdiction and shall not, except as provided in subparagraph two (2) of this paragraph, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed personal recognizance that the motorist will comply with the terms of the citation.

(2) Unless prohibited by law, personal recognizance is acceptable. If mandatory appearance is required by law, the appearance must take place immediately following issuance of the citation.

(3) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued, and that licensing authority shall transmit the information contained in the report to the licensing authority in the home jurisdiction of the motorist.

(4) The licensing authority of the issuing jurisdiction shall not suspend for failure to comply with the terms of a traffic citation the driving privilege of a motorist for whom a report has been transmitted.

(5) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation if the date of transmission is more than six months after the date the traffic citation was issued.

(6) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation where the date of issuance of the citation predates the most recent effective date of entry for the two jurisdictions.

c. PROCEDURE FOR HOME JURISDICTION. Upon receipt of a report of a failure to comply, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards shall be accorded.

d. EXCEPTIONS. The provisions of the nonresident violator compact do not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

e. ADDITIONAL PROVISIONS. The nonresident violator compact may contain other provisions the director reasonably determines are necessary or appropriate for inclusion in the compact.

2. RULES. The department may adopt rules pursuant to chapter seventeen A (17A) of the Code as necessary to carry out the provisions of this section.

3. ENFORCEMENT. The agencies and officers of this state and its political subdivisions shall enforce the nonresident violator compacts and shall do all things appropriate to accomplish their purpose and intent.

Sec. 17. Section three hundred twenty-one point five hundred sixty (321.560), Code 1979, is amended to read as follows:

321.560 BARRED FOR SIX YEARS. A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section 321.555, subsection 1 for a period of not less than two years nor more than six years from the date of judgment as ordered by the court. A license to operate a motor vehicle in this state shall not be issued to any person declared to be an habitual offender under section 321.555, subsection 2, for a period of one year from the date of judgment.

Sec. 18. Section three hundred twenty-one point five hundred sixty-one (321.561), Code 1979, is amended to read as follows:

321.561 PUNISHMENT FOR VIOLATION. It shall be unlawful for any person convicted as an habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560. Any person guilty of violating the provisions of this section shall upon conviction be ~~punished by imprisonment in the penitentiary for not more than two years and notwithstanding the provisions of section~~

~~607-2--men committed to the custody of the director of the division of adult corrections. This conviction shall constitute a an aggravated misdemeanor and-not-a- felony.~~

Sec. 19. Section three hundred twenty-one A point seventeen (321A.17), subsection five (5), Code 1979, is amended to read as follows:

5. An individual applying for a motor vehicle license following a period of suspension or revocation under the provisions of section 321.216 or three hundred twenty-one point five hundred thirteen (321.513) of the Code shall not be required to maintain proof of financial responsibility under the provisions of this section.

Sec. 20. Section eight hundred five point six (805.6), subsection one (1), paragraph c, subparagraph two (2), Code 1979, is amended by striking the subparagraph and inserting in lieu thereof the following:

(2) If the violation charged involved or resulted in an accident or injury to property and the total damages are less than two hundred fifty dollars, the amount of fifty dollars and five dollars costs. If the violation is for any offense for which a court appearance is mandatory, the amount of one hundred dollars plus five dollars costs.

Sec. 21. Section eight hundred five point eight (805.8), subsection two (2), paragraph f, Code 1979, is amended to read as follows:

f. For excessive speed violations when not more than ~~ten~~ five miles per hour in excess of the limit under sections 111.36, 321.236, subsections 5 and 11, 321.285, 321.286 and 321.287, the scheduled fine is ten dollars.

Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

~~For excessive speed violations when in excess of ten but not more than twenty miles per hour in excess of the limit under these sections, the scheduled fine is thirty dollars. Excessive speed more than twenty miles per hour in excess~~

~~of the limit is not a scheduled violation.~~ For excessive speed violations when in excess of the limit under those sections by five or less miles per hour the fine is ten dollars, by more than five and not more than ten miles per hour the fine is twenty dollars, by more than ten and not more than fifteen miles per hour the fine is thirty dollars, by more than fifteen and not more than twenty miles per hour the fine is forty dollars, and by more than twenty miles per hour the fine is forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in a subparagraph of this paragraph "f".

Sec. 22. Section eight hundred five point eight (805.8), subsection two (2), Code 1979, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. For failure to have a valid license or permit for operating a motor vehicle on the highways of this state, the scheduled fine is fifteen dollars.

Sec. 23. Section eight hundred five point ten (805.10), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. When the violation charged is being in excess of the speed limit by more than twenty miles per hour.

Sec. 24. Section eight hundred five point ten (805.10), subsection one (1), Code 1979, is amended to read as follows:

1. When the violation charged involved or resulted in an accident or injury to ~~person or~~ property and the total damages are two hundred fifty dollars or more or in injury to person.

Sec. 25. Section eight hundred eleven point nine (811.9), Code 1979, is amended to read as follows:

811.9 FORFEITURE OF APPEARANCE BOND. Sections 811.6 through 811.8 shall not apply in a case where a ~~scheduled offense simple misdemeanor~~ is charged upon a uniform citation and complaint and where the defendant has submitted an

unsecured appearance bond or has submitted bail in the form of cash, check, credit card as provided in section 805.14, or guaranteed arrest bond certificate as defined in section 321.1. When a defendant fails to appear as required in such cases, the court shall enter a judgment of forfeiture of the bond or bail. The judgment shall be final upon entry and shall not be set aside.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 278, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved 7 March 20, 1980

ROBERT D. RAY
Governor