

Transportation
Jensen, Chairperson
Coleman
Goodwin

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SENATE FILE 2211

By DELUHERY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the safety and operation of mopeds and
2 motorcycles.

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

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1 Section 1. Section two hundred fifty-seven point twenty-
2 five (257.25), subsection four (4), Code 1979, is amended
3 to read as follows:

4 4. The following shall be taught in grades seven and eight
5 as a minimum program: Science, including conservation of
6 natural resources and environmental awareness; mathematics;
7 social studies; cultures of other peoples and nations, and
8 American citizenship; English-language arts which shall include
9 reading, spelling, grammar, oral and written composition,
10 and may include other communication subjects; health and
11 physical education, including the effects of alcohol, tobacco,
12 drugs and poisons on the human body, the characteristics of
13 communicable diseases, including venereal diseases and current
14 crucial health issues; music; and art; and moped education.

15 Sec. 2. Section three hundred twenty-one point one (321.1),
16 subsection three (3), paragraph b, Code 1979, as the section
17 is amended by Acts of the Sixty-eighth General Assembly, 1979
18 Session, chapter seventy (70), sections one (1) and two (2),
19 and chapter seventy-four (74), section twenty-two (22), is
20 amended to read as follows:

21 b. "Motorized bicycle" ~~or~~, "motor bicycle", or "moped"
22 means a ~~two-wheeled~~ motor vehicle having a saddle or a seat
23 for the use of the rider and designed to travel on not more
24 than three wheels in contact with the ground, with an engine
25 having a displacement no greater than fifty cubic centimeters
26 ~~as-fixed-by-the-department~~ and not capable of ~~operation~~
27 operating at a speed in excess of twenty-five miles per hour
28 on level ground unassisted by human power.

29 Sec. 3. Section three hundred twenty-one point one hun-
30 dred seventy-seven (321.177), subsection one (1), Code 1979,
31 is amended to read as follows:

32 1. To any person, as an operator, who is under the age
33 of eighteen years, without his or her first having successfully
34 completed an approved driver education course, in which case,
35 the minimum age shall be sixteen years. However, the

1 department may issue a restricted license as provided in
2 section 321.194, or an instruction permit as provided in
3 section 321.180, to any person who is at least fourteen years
4 of age. The department may issue a license restricted only
5 for use for motorized bicycles as provided in section 321.189,
6 ~~subsection 2, to any person fourteen years of age or older~~
7 ~~who has successfully completed a written examination on the~~
8 ~~rules of the road and a vision test.~~

9 Sec. 4. Section three hundred twenty-one point one hundred
10 eighty (321.180), subsection one (1), Code 1979, is amended
11 by striking the subsection and inserting in lieu thereof the
12 following:

13 1. a. Upon meeting the requirements of section three
14 hundred twenty-one point one hundred eighty-six (321.186)
15 of the Code other than driving demonstration, and upon paying
16 the required fee, a person who is at least fourteen years
17 of age shall be issued a temporary instruction permit by the
18 department, entitling the permittee while having the temporary
19 instruction permit in his or her immediate possession to drive
20 a motor vehicle upon the highways when under the immediate
21 supervision of an accompanying qualified operator. The
22 temporary instruction permit shall be valid for a period of
23 two years from the date of issuance.

24 b. For purposes of this subsection, "under the immediate
25 supervision" means:

26 (1) If the permittee is driving a motor vehicle other
27 than a motorcycle or moped, that the qualified operator
28 actually occupies a seat beside the driver.

29 (2) If the permittee is driving a motorcycle or moped,
30 that the qualified operator is within audible and visual
31 communications distance from the permittee and is accompanying
32 the permittee on or in a different motor vehicle. However,
33 there shall be only one permit holder for each accompanying
34 qualified operator, unless the qualified operator is an
35 approved motorcycle or driver education instructor or a

1 prospective driver or motorcycle education instructor and
2 the permittee is enrolled in an approved motorcycle or driver
3 education course, when there shall be no more than three
4 students for each instructor while on the highway.

5 c. For purposes of this subsection, "qualified operator"
6 means:

7 (1) If the permittee is sixteen years of age or greater,
8 a person at least eighteen years of age who has a valid
9 operator's or chauffeur's license for the type of motor vehicle
10 being operated by the permittee.

11 (2) If the permittee is less than sixteen years of age,
12 the permittee's parent or guardian, a driver or motorcycle
13 education instructor approved by the department of public
14 instruction, or a prospective driver or motorcycle education
15 instructor who is enrolled in a safety education program
16 approved by the department of public instruction and has been
17 designated as a student teacher by a teacher education
18 institution, provided the person holds a valid operator's
19 or chauffeur's license for the type of motor vehicle being
20 operated by the permittee. However, any person who is twenty-
21 five years of age or more and who holds a valid operator's
22 or chauffeur's license for the type of motor vehicle being
23 operated by the permittee may be a qualified operator if
24 written permission is granted by the parent or guardian of
25 the permittee.

26 Sec. 5. Section three hundred twenty-one point one hun-
27 dred eighty-nine (321.189), subsection two (2), paragraph
28 a, Code 1979, is amended to read as follows:

29 a. The department may issue a motorized bicycle license
30 to any person fourteen years of age or older who has passed
31 a vision test, and a written examination on the rules of the
32 road, and an actual driving demonstration of the person's
33 ability to exercise ordinary and reasonable control in the
34 operation of a motorized bicycle. A motorized bicycle license
35 ~~shall-entitle~~ entitles the licensee to operate a motorized

1 bicycle upon the highway while having the license in the
2 licensee's immediate possession ~~on-the-highways-of-the-state~~
3 ~~for-a-period-of-two-years.~~ The license is valid for a period
4 of two years, subject to termination or cancellation as
5 provided in this section.

6 Sec. 6. Section three hundred twenty-one point two hun-
7 dred seventy-five (321.275), Code 1979, is amended by striking
8 the section and inserting in lieu thereof the following:

9 321.275 OPERATION OF MOTORCYCLES AND MOPEDS.

10 1. GENERAL. The motor vehicle laws apply to the operators
11 of motorcycles and mopeds to the extent practically applicable.

12 2. RIDERS.

13 a. MOPEDS. A person operating a moped on the highways
14 shall not carry any other person on the vehicle.

15 b. MOTORCYCLES. A person shall not operate or ride a
16 motorcycle on the highways with another person on the
17 motorcycle unless the motorcycle is designed to carry more
18 than one person. The additional passenger may ride upon the
19 permanent and regular seat if designed for two persons, or
20 upon another seat firmly attached to the motorcycle at the
21 rear of the operator. The motorcycle shall be equipped with
22 foot rests for the passenger unless the passenger is riding
23 in a sidecar or enclosed cab. The motorcycle operator shall
24 not carry any person nor shall any other person ride in a
25 position that will interfere with the operation or control
26 of the motorcycle or the view of the operator.

27 3. SITTING POSITION. A person operating a motorcycle or
28 moped shall ride only upon the vehicle's permanent and regular
29 attached seat. Every person riding upon the vehicle shall
30 be sitting astride the seat, facing forward with one leg on
31 either side of the vehicle.

32 4. USE OF TRAFFIC LANES. Persons shall not operate motor-
33 cycles or mopeds more than two abreast in a single lane.
34 Except for persons operating such vehicles two abreast, a
35 motor vehicle shall not be operated in a manner depriving

1 a motorcycle or moped operator of the full use of a lane.
2 A motorcycle or moped shall not be operated between lanes
3 of traffic or between adjacent lines or rows of vehicles.
4 The operator of a motorcycle or moped shall not overtake and
5 pass in the same lane occupied by the vehicle being overtaken.

6 5. HEADLIGHTS ON. A person shall not operate a 1977 or
7 later model year motorcycle or any model year moped upon the
8 highways without displaying at least one lighted headlamp
9 of the type described in section three hundred twenty-one
10 point four hundred nine (321.409) of the Code. However, this
11 subsection is subject to the exceptions with respect to parked
12 vehicles as provided in this chapter.

13 6. EYE PROTECTION REQUIRED. After January 1, 1981, a
14 person shall not operate or ride a moped without wearing an
15 eye protective device of a type approved by the director
16 unless the vehicle is equipped with an approved windscreen.
17 This subsection does not apply to persons riding within an
18 enclosed cab.

19 7. PACKAGES. The operator of a motorcycle or moped shall
20 not carry any package, bundle, or other article which prevents
21 the operator from keeping both hands on the handlebars.

22 8. HANDLEBARS. A person shall not operate a motorcycle
23 or moped with handlebars more than fifteen inches in height
24 above that portion of the seat occupied by the operator.

25 9. PARADES. The provisions of this section do not apply
26 to motorcycles or mopeds when used in a parade authorized
27 by proper permit from local authorities.

28 Sec. 7. Section three hundred twenty-one point three
29 hundred seventeen (321.317), subsection three (3), Code 1979,
30 is amended to read as follows:

31 3. ~~After the thirty-first day of December, 1953, it shall~~
32 be it is unlawful for any person to sell or offer for sale
33 or operate on the highways of the state of Iowa any vehicle
34 subject to registration under the provisions of this chapter
35 which has never been registered in this or any other state

1 prior to January 1, 1954, unless such vehicle is equipped
2 with a directional signal device of a type approved by the
3 department and is in compliance with the provisions of
4 subsection 2 of this section. Motorcycles, ~~motor-seeters~~
5 mopeds, and semitrailers and trailers less than forty inches
6 in width are exempt from the provisions of this section.

7 Sec. 8. Section three hundred twenty-one point three
8 hundred eighty-six (321.386), Code 1979, is amended to read
9 as follows:

10 321.386 HEAD LAMPS ON MOTORCYCLES AND MOPEDS. Every
11 motorcycle and moped shall be equipped with at least one and
12 not more than two head lamps which shall comply with the
13 requirements and limitations of this chapter.

14 Sec. 9. Section three hundred twenty-one point four hundred
15 nine (321.409), unnumbered paragraph one (1) and subsection
16 three (3), Code 1979, are amended to read as follows:

17 Except as hereinafter provided, the head lamps or the
18 auxiliary driving lamp or the auxiliary passing lamp or
19 combination thereof on motor vehicles other than 1976 or older
20 model year motorcycles ~~or-motor-driven-eyeles~~ shall be so
21 arranged that the driver may select at will between
22 distributions of light projected to different elevations and
23 such lamps may, in addition, be so arranged that such selection
24 can be made automatically, subject to the following
25 limitations:

26 3. Every new motor vehicle, other than a 1976 or older
27 model year motorcycle ~~or-motor-driven-eyele,-registered-in~~
28 ~~this-state-after-January-1,-1956~~, which has multiple-beam
29 road-lighting equipment shall be equipped with a beam
30 indicator, which shall be lighted whenever the uppermost
31 distribution of light from the head lamps is in use, and shall
32 not otherwise be lighted. Said indicator shall be so designed
33 and located that when lighted it will be readily visible
34 without glare to the driver of the vehicle so equipped.

35 Sec. 10. Section three hundred twenty-one point four

1 hundred fifteen (321.415), Code 1979, is amended to read as
2 follows:

3 321.415 REQUIRED USAGE OF LIGHTING DEVICES. Whenever
4 a motor vehicle is being operated on a roadway or shoulder
5 adjacent thereto during the times specified in section 321.384,
6 the driver shall use a distribution of light, or composite
7 beam, directed high enough and of sufficient intensity to
8 reveal persons and vehicles at a safe distance in advance
9 of the vehicle, subject to the following requirements and
10 limitations:

11 1. Whenever a driver of a vehicle approaches an oncoming
12 vehicle within five hundred feet, such driver shall use a
13 distribution of light, or composite beam, so aimed that the
14 glaring rays are not projected into the eyes of the oncoming
15 driver. The lowermost distribution of light, or composite
16 beam, specified in section 321.409, subsection 2, shall be
17 deemed to avoid glare at all times, regardless of road contour
18 and loading.

19 2. Whenever the driver of a vehicle follows another vehicle
20 within two hundred feet to the rear, except when engaged in
21 the act of overtaking and passing, such driver shall use a
22 distribution of light permissible under this chapter other
23 than the uppermost distribution of light specified in section
24 321.409, subsection 1.

25 3. The provisions of subsections one (1) and two (2) of
26 this section shall not apply to motorcycles or mopeds being
27 operated between sunrise and sunset.

28 Sec. 11. Section three hundred twenty-one point four
29 hundred thirty (321.430), subsection two (2), Code 1979, is
30 amended to read as follows:

31 2. Every motorcycle, and ~~bicycle-with-motor-attached~~
32 moped, when operated upon a highway shall be equipped with
33 at least one brake, which may be operated by hand or foot.

34 Sec. 12. Chapter three hundred twenty-one (321), Code
35 1979, is amended by adding the following new section as section

1 three hundred twenty-one point four hundred thirty-five
2 (321.435):

3 NEW SECTION. HELMETS, EYE-PROTECTIVE DEVICES, AND
4 WINDSCREENS. The director shall adopt rules establishing
5 standards and specifications for the approval of protective
6 headgear, eye-protective devices, and windscreens and shall
7 approve the headgear, eye-protective devices and windscreens
8 which meet the standards and specifications. The director
9 shall publish lists of all approved protective headgear, eye-
10 protective devices, and windscreens.

11 A person shall not possess for the purpose of sale, offer
12 for sale, or sell an item of protective headgear, an eye-
13 protective device or a windscreen, for use by a person riding
14 a motorcycle or moped, unless the equipment is of a type
15 listed as approved by the director and unless the equipment
16 carries the trademark or name under which it was approved
17 by the director so as to be immediately legible to a person
18 examining the equipment.

19 Sec. 13. Chapter three hundred twenty-two (322), Code
20 1979, is amended by adding the following new section:

21 NEW SECTION. MOPED INSTRUCTION MANUAL PROVIDED BY DEALER.
22 Anyone selling at retail a moped, as defined in section three
23 hundred twenty-one point one (321.1), subsection three (3)
24 of the Code, shall provide the purchaser a copy of the moped
25 instruction manual published by the department. This section
26 applies only to persons engaging in the business of selling
27 at retail motor vehicles in this state.

28 Sec. 14. Section five (5) of this Act takes effect July
29 1, 1980, for persons applying for a motorized bicycle license
30 on or after that date.

31 Sec. 15. Sections one (1), twelve (12), and thirteen (13)
32 of this Act take effect January 1, 1981. The director of
33 transportation shall, prior to January 1, 1981, adopt rules
34 pursuant to chapter seventeen A (17A) of the Code necessary
35 to carry out the provisions of section twelve (12) of this

1 Act.

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EXPLANATION

3 Except as otherwise indicated this bill is effective July
4 1, 1980. Section 1 requires schools to offer in grades seven
5 and eight moped education, effective January 1, 1981. Section
6 2 modifies the definition of a moped to include three-wheeled
7 vehicles. Sections 3 and 5 require new applicants for a
8 motorized bicycle license to pass a driving demonstration
9 as well as a vision test and written examination. Section
10 4 allows a person with a temporary instruction permit to use
11 the permit to learn to operate a motorcycle or a moped.
12 Section 6 prohibits moped operators from carrying a passenger
13 and after January 1, 1981, moped operators must, with certain
14 exceptions, wear eye-protective devices approved by the
15 director. Sections 6, 9, and 10 require certain motorcycles
16 and all mopeds to operate with either their low or high beams
17 on during daylight hours and also require the vehicles to
18 be equipped with high beam indicators. Section 7 exempts
19 mopeds from the requirement of having turn signals and section
20 8 requires mopeds to be equipped with at least one headlamp.
21 Section 11 makes a technical correction in the Code. Section
22 12 provides for the director to approve helmets, eye-protective
23 devices and windscreens and prohibits the sale of such devices
24 that are not approved by the director for use of moped or
25 motorcycle operators, effective January 1, 1981. Section
26 13 requires moped dealers to distribute to the purchaser
27 of a moped a copy of the moped instruction manual published
28 by the department, effective January 1, 1981.

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