

In Transportation of No. Car 3/28/85

Senate File 290

Transportation: Fey, Chair: Pellett and Peterson.

SENATE FILE 290

BY COMMITTEE ON TRANSPORTATION
Approved 2/19/85 (p. 445)

FILED FEB 19 1985

Passed Senate, Date 3-1-85 (p. 550) Passed House, Date 4-19-85 (p. 1697)

Vote: Ayes 46 Nays 0 Vote: Ayes 93 Nays 0

Approved May 9, 1985

A BILL FOR

1 An Act relating to the sale of antique motor vehicles.

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

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S.F. 290

1 Section 1. Section 321.115, Code 1985, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The sale of a motor vehicle
4 twenty-five years old or older which is primarily of value as
5 a collector's item and not as transportation is not subject to
6 chapter 322 and any person may sell such a vehicle at retail
7 or wholesale without a license as required under chapter 322.

8 EXPLANATION

9 This bill allows motor vehicles which are twenty-five years
10 old or older and which are primarily of value as collector's
11 items to be sold by any persons rather than only by persons
12 who are licensed under chapter 322.

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SENATE FILE 290

H-3775

1 Amend Senate File 290 as passed by the Senate as
2 follows:

3 1. Page 1, by inserting after line 7 the
4 following:

5 "Sec. ____ . Section 321.210, Code 1985, is amended
6 by adding the following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. The department shall not
8 consider nor assess points for violations of section
9 321.445 in determining a motor vehicle license
10 suspension, revocation or cancellation.

11 Sec. ____ . Section 321.445, Code 1985, is amended
12 by striking the section and inserting in lieu thereof
13 the following:

14 321.445 SAFETY BELTS AND SAFETY HARNESES -- USE
15 REQUIRED.

16 1. Except for motorcycles or motorized bicycles,
17 motor vehicles subject to registration in Iowa shall
18 be equipped with seat belts of a type and installed in
19 a manner approved by rules adopted by the department
20 pursuant to chapter 17A. The department shall adopt
21 rules regarding the types of seat belts required to be
22 installed in motor vehicles and the manner in which
23 they are installed. The rules shall conform with
24 federal motor vehicle safety standard numbers 209 and
25 210 as published in 49 C.F.R. §§ 571.209-571.210 and
26 with prior federal motor vehicle safety standards for
27 seat belt assemblies and seat belt assembly anchorages
28 applicable for the motor vehicle's model year. The
29 department may adopt rules which comply with changes
30 in the applicable federal motor vehicle safety
31 standards with regard to the type of seat belts and
32 their manner of installation.

33 2. The driver and front seat occupants of a motor
34 vehicle subject to registration in Iowa, except a
35 motorcycle or a motorized bicycle, shall each wear a
36 properly adjusted and fastened seat belt any time the
37 vehicle is in forward motion on a street or highway in
38 this state except that a child under six years of age
39 shall be secured as required under section 321.446.

40 This subsection does not apply to:

41 a. The driver or front seat occupants of a motor
42 vehicle which is not required to be equipped with seat
43 belts under rules adopted by the department.

44 b. The driver and front seat occupants of a motor
45 vehicle who are actively engaged in work which
46 requires them to alight from and reenter the vehicle
47 at frequent intervals, providing the vehicle does not
48 exceed twenty-five miles per hour between stops.

49 c. The driver of a motor vehicle while performing
50 duties as a rural letter carrier for the United States

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1 postal service. This exemption applies only between
2 the first delivery point after leaving the post office
3 and the last delivery point before returning to the
4 post office.

5 d. Passengers on a bus.

6 e. A person possessing a written certification
7 from a physician on a form provided by the department
8 that the person is unable to wear a seat belt due to
9 physical or medical reasons. The certification shall
10 specify the time period for which the exemption
11 applies. The time period shall not exceed twelve
12 months, at which time a new certification may be
13 issued.

14 f. The driver or front seat occupants of a motor
15 vehicle equipped with an operable passive air bag
16 restraint system for the driver and front seat
17 occupants.

18 During the six-month period from July 1, 1985
19 through December 31, 1985, peace officers shall issue
20 only warning citations for violations of this
21 subsection, except this does not apply to drivers
22 subject to the federal motor carrier safety regulation
23 49 C.F.R. § 392.16.

24 The department, in cooperation with the department
25 of public safety and the department of public
26 instruction, shall establish educational programs to
27 foster compliance with the seat belt usage
28 requirements of this subsection.

29 The fact of use, or nonuse, of a seat belt by a
30 person is not admissible or material as evidence in a
31 civil action brought for damages.

32 3. The driver and front seat passengers may be
33 each charged separately for improperly used or nonused
34 equipment under subsection 2. The owner of the motor
35 vehicle may be charged for equipment violations under
36 subsection 1.

37 Sec. ____ . Section 321.555, subsection 2, Code
38 1985, is amended to read as follows:

39 2. Six or more of any separate and distinct
40 offenses within a two-year period in the operation of
41 a motor vehicle, which are required to be reported to
42 the department by section 321.207 or chapter 321C,
43 except equipment violations, parking violations as
44 defined in section 321.210, violations of registration
45 laws, violations of ~~section~~ sections 321.445 and
46 321.446, operating a vehicle with an expired license
47 or permit, failure to appear, weights and measures
48 violations and speeding violations of less than
49 fifteen miles per hour over the legal speed limit."

50 2. Title page by striking line 1 and inserting

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Page Three

1 the following: "An Act relating to motor vehicles by
2 establishing applicable standards for motor vehicle
3 seat belts, mandating seat belt use with certain
4 exceptions, requiring the establishment of education
5 programs, allowing persons to sell antique motor
6 vehicles, and making penalties applicable."

BY SHOULTZ of Black Hawk
McINTEE of Black Hawk
PLATT of Muscatine
PARKER of Jasper
HAVERLAND of Polk
GRONINGA of Cerro Gordo
CHAPMAN of Linn
TEAFORD of Black Hawk
HUGHES of Union
STURGEON of Woodbury
HATCH of Polk
CARPENTER of Polk
BRANSTAD of Winnebago
LLOYD-JONES of Johnson
BAXTER of Des Moines
MULLINS of Kossuth
McKEAN of Jones
O'KANE of Woodbury
HALVORSON of Clayton
KREMER of Buchanan
HARBOR of Mills

HANDORF of Marshall
HAMMOND of Story
PAULIN of Plymouth
DIEMER of Black Hawk
BEATTY of Warren
SHONING of Woodbury
JOHNSON of Winneshiek
COOPER of Lucas
JOCHUM of Dubuque
BRAMMER of Linn
ZIMMERMAN of Dallas
GRANDIA of Marion
FOGARTY of Palo Alto
ROYER of Page
STUELAND of Clinton
MILLER of Cherokee
CLARK of Cerro Gordo
HALVORSON of Webster
RENSINK of Sioux
DODERER of Johnson
COREY of Louisa

H-3775 FILED APRIL 12, 1985
w/d 4/19/85 (p. 1697)

SENATE FILE 290

H-3777

1 Amend amendment H-3775 to Senate File 290 as passed
2 by the Senate as follows:
3 1. Page 2, by striking lines 29 through 31 and
4 inserting the following:
5 "The failure of a person to wear a seat belt as
6 required by this section is not admissible in a civil
7 action unless it can be shown that such failure
8 directly resulted in injury to the person. The
9 evidence shall be used only for the purpose of
10 reducing the award for damages to the person in
11 proportion to the injuries caused by the failure of
12 the person to wear the seat belt."

H-3777 FILED APRIL 15, 1985 BY PETERSON of Carroll
o/b 4/19 (p. 1697)

SENATE FILE 290

H-3801

1 Amend amendment H-3775 to Senate File 290 as passed
2 by the Senate as follows:

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

5 "Sec. ____ . Section 321.200, Code 1985, is amended
6 to read as follows:

7 321.200 CONVICTION AND ACCIDENT FILE.

8 The department shall also file all accident reports
9 and abstracts of court records of convictions received
10 by it under the laws of this state and in connection
11 ~~therewith~~ with them shall maintain convenient records
12 or make suitable notations in order that an individual
13 record of each licensee showing the convictions of
14 such the licensee and the traffic accidents in which
15 the licensee has been involved shall be readily
16 ascertainable and available for the consideration of
17 the department upon any application for renewal of
18 license and at other suitable times. However, the
19 abstract of court records shall not include
20 convictions of speeding violations of ten miles per
21 hour or less over the legal speed limit in speed zones
22 having a legal limit of thirty miles per hour or
23 greater for violations occurring on or after July 1,
24 1985.

25 Sec. 2. Section 321.207, Code 1985, is amended to
26 read as follows:

27 321.207 RECORD FORWARDED.

28 Every court having jurisdiction over offenses
29 committed under this chapter, or any other law of this
30 state or any city or county traffic ordinances, other
31 than parking regulations, regulating the operation of
32 motor vehicles on highways, shall forward to the
33 department a record of the conviction of any person in
34 the court for a violation of any of the laws, and may
35 recommend the suspension of the operator's or
36 chauffeur's license of the person convicted, and the
37 department shall consider and act upon the
38 recommendation. However, a record of conviction for a
39 speeding violation of ten miles per hour or less over
40 the legal speed limit in a speed zone having a legal
41 limit of thirty miles per hour or greater shall not be
42 forwarded to the department, except for violations by
43 nonresidents as required under section 321.513 and
44 chapter 321C."

45 2. Page 1, line 8, by inserting after the word
46 "for" the words "speeding violations of ten miles per
47 hour or less over the legal speed limit in speed zones
48 having a legal limit of thirty miles per hour or
49 greater or for".

50 3. Page 2, by inserting after line 36 the

1 following:

2 "Sec. ____ . Section 321.491, unnumbered paragraph
 3 2, Code 1985, is amended to read as follows:
 4 Within ten days after the conviction or forfeiture
 5 of bail of a person upon a charge of violating any
 6 provision of this chapter or other law regulating the
 7 operation of vehicles on highways every said
 8 magistrate of the court or clerk of the court of
 9 record in which such conviction was had or bail was
 10 forfeited shall prepare and immediately forward to the
 11 department an abstract of the record of said court
 12 covering the case in which said person was so
 13 convicted or forfeited bail, which abstract must be
 14 certified by the person so required to prepare the
 15 same to be true and correct. However an abstract of
 16 the record shall not be forwarded for convictions of
 17 speeding violations of ten miles per hour or less over
 18 the legal speed limit in speed zones having a legal
 19 limit of thirty miles per hour or greater, except for
 20 violations by nonresidents as required under section
 21 321.513 and chapter 321C."

22 4. Page 2, by inserting after line 49 the
23 following:

24 ""Sec. ____ . Section 321A.3, Code 1985, is amended
25 by adding the following new subsection immediately
26 following subsection 2:

27 NEW SUBSECTION. The abstract provided under this
28 section shall not include records of convictions for
29 speeding violations of ten miles per hour or less over
30 the legal speed limit in speed zones having a legal
31 limit of thirty miles per hour or greater for
32 violations occurring on or after July 1, 1985.""

33 5. Page 3, line 1, by inserting after the word
34 "by" the words "prohibiting certain speeding
35 convictions from being considered in motor vehicle
36 license suspensions, revocations or cancellations,
37 by".

BY MUHLBAUER of Crawford
LAGESCHULTE of Bremer
PAVICH of Pottawattamie
WOODS of Polk

RENAUD of Polk
PEICK of Linn
VAN CAMP of Scott
PLATT of Muscatine

H-3801 FILED APRIL 16, 1985

o/p 4/14/85 (j. 1697)

SENATE FILE 290

H-3819

1 Amend Senate File 290 as passed by the Senate as
2 follows:

3 1. Page 1, line 2, by striking the word
4 "paragraph" and inserting the following:
5 "paragraphs".

6 2. Page 1, by inserting after line 7 the
7 following:

8 "NEW UNNUMBERED PARAGRAPH. All motor vehicles
9 registered under this section are exempt from the
10 requirements of section 321.445."

11 3. Title page, line 1, by striking the words "the
12 sale of".

H-3819 FILED APRIL 16, 1985

BY CARPENTER of Polk

Revised not germane 4/19 (j. 1697)

AN ACT
RELATING TO THE SALE OF ANTIQUE MOTOR VEHICLES.

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

Section 1. Section 321.115, Code 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The sale of a motor vehicle twenty-five years old or older which is primarily of value as a collector's item and not as transportation is not subject to chapter 322 and any person may sell such a vehicle at retail or wholesale without a license as required under chapter 322.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 290, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 9, 1985

TERRY E. BRANSTAD
Governor