

*Reprinted*

SENATE FILE 2343  
BY COMMITTEE ON TRANSPORTATION  
*Amended 7.2.85*  
(SUCCESSOR TO SSB 2226)  
*Approved (p. 717)*

Passed Senate, Date 3/12/92 (p. 192) Passed House, Date 4/17/92 (p. 1609)  
Vote: Ayes 48 Nays 0 Vote: Ayes 90 Nays 0  
Approved April 29, 1992

**A BILL FOR**

1 An Act relating to motor vehicle laws by changing to multiyear  
2 licensing for certain motor vehicle related dealers and  
3 changing fees, making certain changes related to commercial  
4 drivers' licensing, expanding the definition of motor vehicle  
5 license, providing an exemption for the sale of antique  
6 vehicles, providing for a physician's report of incompetency  
7 to operate a motor vehicle, expanding the seat belt exemption,  
8 creating a penalty for violating a license restriction, and  
9 making other technical changes.

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

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

*SSB 2343*

DIVISION I

1  
2 Section 1. Section 321.58, Code 1991, is amended to read  
3 as follows:

4 321.58 APPLICATION.

5 All dealers, transporters, and mobile home dealers licensed  
6 under chapter 322B may, upon payment of a fee of ~~thirty-five~~  
7 seventy dollars for two years, one hundred forty dollars for  
8 four years, or two hundred ten dollars for six years, may make  
9 application to the department upon the appropriate form for a  
10 certificate containing a general distinguishing number and for  
11 one or more special plates as appropriate to various types of  
12 vehicles subject to registration. The applicant shall also  
13 submit proof of the applicant's status as a bona fide  
14 transporter, mobile home dealer licensed under chapter 322B,  
15 or dealer, as reasonably required by the department. Dealers  
16 in new vehicles shall furnish satisfactory evidence of a valid  
17 franchise with the manufacturer of the vehicles authorizing  
18 the dealership.

19 Sec. 2. Section 321.60, Code 1991, is amended to read as  
20 follows:

21 321.60 ISSUANCE OF SPECIAL PLATES.

22 The department shall also issue special plates as applied  
23 for, which shall display the general distinguishing number  
24 assigned to the applicant. Each plate so issued shall also  
25 contain a number or symbol identifying the plate and  
26 distinguishing it from every other plate bearing the same  
27 general distinguishing number. The fee for each special plate  
28 ~~shall be twenty~~ is forty dollars for two years, eighty dollars  
29 for four years, or one hundred twenty dollars for six years.

30 Special plates may be validated in the same manner as  
31 regular registration plates under this chapter ~~at an annual~~  
32 ~~fee of twenty dollars.~~

33 Sec. 3. Section 321.61, Code 1991, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 321.61 EXPIRATION OF SPECIAL PLATES.

1 A special plate shall expire at midnight on the last day of  
2 the last month of the dealer's license expiration period, and  
3 upon application and payment of the fee the department shall  
4 validate the special plate in the same manner as regular  
5 registration plates.

6 Sec. 4. Section 321F.4, Code 1991, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 321F.4 FEES AND EXPIRATION.

9 1. The license fee for a license to engage in the business  
10 of leasing vehicles in this state is thirty dollars for a two-  
11 year license, sixty dollars for a four-year license, and  
12 ninety dollars for a six-year license, to be paid at the time  
13 the application for a license is filed. If the application is  
14 denied, the amount of the fee shall be refunded to the  
15 applicant.

16 2. A license is valid for two years, four years, or six  
17 years and expires on the last day of the last month of the  
18 two-year, four-year, or six-year period, as applicable.

19 Sec. 5. NEW SECTION. 321F.4A IMPLEMENTATION OF MULTIYEAR  
20 LICENSING.

21 To implement the change from calendar year to multiyear  
22 licensing provided in section 321F.4, a license shall have an  
23 expiration month as established by the department with fees  
24 prorated based upon the number of months for which the license  
25 was issued.

26 Sec. 6. Section 321F.6, Code 1991, is amended to read as  
27 follows:

28 321F.6 CERTIFICATE OF RESPONSIBILITY.

29 Within ten days after delivery of a motor vehicle under a  
30 lease entered into by a lessor, such the lessor shall file  
31 with the director evidence of financial responsibility and a  
32 copy of the lease, ~~together-with-a-certificate-on-forms-to-be~~  
33 ~~provided-by-the-director,~~ setting forth the name and address  
34 of the lessee, the period of the lease, and ~~such~~ other  
35 information as the director may require, except if the lessor

1 has on file with the director evidence of financial  
2 responsibility covering all motor vehicles which may be leased  
3 by the lessor, the lessor shall not be required to furnish  
4 further evidence of financial responsibility after delivery of  
5 the motor vehicle under a lease. ~~In-addition-if~~ if a lessor  
6 has filed with the director a lease form under which motor  
7 vehicles are to be leased, the lessor shall not be required to  
8 file a copy of each lease.

9 ~~The-lessor-shall-pay-a-filing-fee-of-fifty-cents-for-each~~  
10 ~~motor-vehicle-to-be-leased-upon-the-filing-of-each-certificate~~  
11 ~~provided-for-in-this-section.~~

12 Sec. 7. Section 321F.7, Code 1991, is amended by striking  
13 the section and inserting in lieu thereof the following:

14 321F.7 CERTIFICATE CARRIED IN VEHICLE.

15 A certificate on a form prescribed by the director shall be  
16 carried in the leased vehicle to identify the name and address  
17 of the lessee and the make, year, and vehicle identification  
18 number of the leased vehicle in addition to the vehicle's  
19 registration card. The certificate shall at all times be  
20 carried in the vehicle to which it refers and shall be shown  
21 to any peace officer upon the officer's request.

22 Sec. 8. Section 321H.4, subsections 1 and 2, Code 1991,  
23 are amended to read as follows:

24 1. Upon application and payment of a ~~thirty-five-dollar~~  
25 fee, a person may apply for a license to operate as an  
26 authorized vehicle recycler to engage in the business as one  
27 or more of the following:

- 28 a. A vehicle rebuilder; ~~or.~~  
29 b. A used vehicle parts dealer; ~~or.~~  
30 c. A vehicle salvager.

31 2. Application for a license as an authorized vehicle  
32 recycler shall be made to the department on forms provided by  
33 the department. The application shall be accompanied by the a  
34 fee of seventy dollars for a two-year license, one hundred  
35 forty dollars for a four-year license, or two hundred ten

1 dollars for a six-year license. The license shall be approved  
2 or disapproved within thirty days after application for the  
3 license. ~~Each license shall expire, unless revoked or~~  
4 ~~suspended by the department, on December 31 of the calendar~~  
5 ~~year for which the license was granted~~ A license is valid for  
6 two years, four years, or six years and expires on the last  
7 day of the last month of the two-year, four-year, or six-year  
8 period, as applicable. A separate license shall be obtained  
9 for each county in which an applicant conducts operations.

10 Sec. 9. NEW SECTION. 321H.4A IMPLEMENTATION OF MULTIYEAR  
11 LICENSING.

12 To implement the change from calendar year to multiyear  
13 licensing provided in section 321H.4, a license shall have an  
14 expiration month as established by the department with fees  
15 prorated based upon the number of months for which the license  
16 was issued.

17 Sec. 10. Section 322.1, Code 1991, is amended by adding  
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The director may enter into  
20 reciprocity agreements with the authorized representatives of  
21 any jurisdiction to exchange information on dealer activity in  
22 order to pursue legal action for violations.

23 Sec. 11. Section 322.5, subsection 1, Code 1991, is  
24 amended to read as follows:

25 1. The license fee for a motor vehicle dealer ~~for each~~  
26 ~~calendar year or part thereof shall be~~ is the sum of thirty-  
27 five seventy dollars for a two-year license, one hundred forty  
28 dollars for a four-year license, or two hundred ten dollars  
29 for a six-year license for the licensee's principal place of  
30 business in each city or township and an additional ~~ten~~ twenty  
31 dollars for two years, forty dollars for four years, or sixty  
32 dollars for six years for each car lot which is in the city or  
33 township in which the principal place of business is located  
34 and which is not adjacent to ~~such~~ that place, to be paid to  
35 the department at the time a license is applied for. In case

1 the application is denied, the department shall refund the  
2 amount of such the fee to the applicant. For the purposes of  
3 this section "adjacent" means that the principal place of  
4 business and each additional lot are adjoining parcels of  
5 property.

6 Sec. 12. Section 322.7, subsections 3 and 4, Code 1991,  
7 are amended to read as follows:

8 3. The license of a motor vehicle dealer ~~shall expire and~~  
9 ~~terminate,~~ is valid for a two-year, four-year, or six-year  
10 time period and expires unless sooner revoked or suspended, at  
11 the end of the calendar year in which it is granted on the  
12 last day of the last month of the two-year, four-year, or six-  
13 year period, as applicable.

14 4. The motor vehicle dealer license provided for in this  
15 chapter shall be renewed annually upon application in ~~such the~~  
16 form and content as prescribed by the department and upon  
17 payment of the required fee. ~~Such renewal shall take effect~~  
18 ~~on the first day of January of each year.~~

19 Sec. 13. NEW SECTION. 322.7A IMPLEMENTATION OF MULTIYEAR  
20 LICENSING.

21 To implement the change from calendar year to multiyear  
22 licensing provided in section 322.7, a license shall have an  
23 expiration month as established by the department with fees  
24 prorated based upon the number of months for which the license  
25 was issued.

26 Sec. 14. Section 322B.3, subsection 2, Code 1991, is  
27 amended to read as follows:

28 2. LICENSE FEES. The license fee for a mobile home dealer  
29 ~~for each calendar year~~ is thirty-five seventy dollars for a  
30 two-year license, one hundred forty dollars for a four-year  
31 license, or two hundred ten dollars for a six-year license.

32 If the application is denied, the department shall refund the  
33 fee. Fees and funds accruing from the administration of this  
34 chapter shall be accounted for and paid by the department to  
35 the treasurer of state monthly for deposit in the road use tax

1 fund of the state.

2 To implement the change from calendar year to multiyear  
3 licensing provided in this section, a license shall have an  
4 expiration month as established by the department with fees  
5 prorated based upon the number of months for which the license  
6 was issued.

7 Sec. 15. Section 322C.4, subsection 1, unnumbered  
8 paragraph 1, Code 1991, is amended to read as follows:

9 Upon application and payment of a thirty-five-dollar fee, a  
10 person may be licensed as a travel trailer dealer. The fee is  
11 seventy dollars for a two-year license, one hundred forty  
12 dollars for a four-year license, or two hundred ten dollars  
13 for a six-year license. The person shall pay an additional  
14 ten-dollar fee of twenty dollars for two years, forty dollars  
15 for four years, or sixty dollars for six years for each travel  
16 trailer lot in addition to the principal place of business  
17 unless the lot is adjacent to the principal place of business.  
18 For purposes of this subsection, "adjacent" means that the  
19 principal place of business and each additional lot are  
20 adjoining parcels of property. The applicant shall file in  
21 the office of the department a verified application for  
22 license as a travel trailer dealer in the form the department  
23 prescribes, which shall include the following:

24 Sec. 16. Section 322C.4, subsection 2, Code 1991, is  
25 amended to read as follows:

26 2. The license shall be granted or refused within thirty  
27 days after application. Each-license A license is valid for a  
28 two-year, four-year, or six-year period and expires, unless  
29 sooner revoked or suspended by the department, on-December-31  
30 of-the-calendar-year-for-which-the-license-is-granted on the  
31 last day of the last month of the two-year, four-year, or six-  
32 year period, as applicable. A separate license shall be  
33 obtained for each county in which an applicant does business  
34 as a travel trailer dealer.

35 To implement the change from calendar year to multiyear

1 licensing provided in this section, a license shall have an  
2 expiration month as established by the department with fees  
3 prorated based upon the number of months for which the license  
4 was issued.

5 DIVISION II

6 Sec. 17. Section 321.1, subsection 25, paragraph b, Code  
7 Supplement 1991, is amended to read as follows:

8 b. "Gross combination weight rating" means the combined  
9 ~~weights-specified-by-the-manufacturer-as-the-loaded-weight-of~~  
10 gross vehicle weight ratings for each vehicle in a combination  
11 of vehicles. In the absence of a weight specified by the  
12 manufacturer for a towed vehicle, the gross vehicle weight  
13 rating of the towed vehicle ~~shall be~~ is its gross weight.

14 Sec. 18. Section 321.176A, subsection 1, Code 1991, is  
15 amended to read as follows:

16 1. A farmer or a person working for a farmer while  
17 operating a ~~special-truck~~ commercial motor vehicle owned by  
18 the farmer within one hundred fifty air miles of the farmer's  
19 farm to transport the farmer's own agricultural products, farm  
20 machinery, or farm supplies to or from the farm.

21 Sec. 19. Section 321.188, subsection 3, Code 1991, is  
22 amended to read as follows:

23 3. An applicant for a hazardous material endorsement must  
24 pass a knowledge test as required under 49 C.F.R. § 383.121  
25 adopted as of a specific date by rule by the department to  
26 obtain or retain the endorsement. However, an applicant for  
27 license upgrade transfer may retain the endorsement if the  
28 applicant successfully passed the endorsement test within the  
29 preceding twenty-four months.

30 Sec. 20. Section 321.189, subsection 1, paragraphs a and  
31 b, Code 1991, are amended to read as follows:

32 a. Class A -- Valid for the operation of vehicles with a  
33 gross combination weight rating of twenty-six thousand one or  
34 more pounds if ~~one-of~~ the towed vehicle or vehicles has have a  
35 gross combined vehicle weight rating of ten thousand one or

1 more pounds, and also valid for the operation of vehicles with  
2 lower gross combination weight ratings and other vehicles  
3 except motorcycles.

4 b. Class B -- Valid for the operation of a vehicle with a  
5 gross vehicle weight rating of twenty-six thousand one or more  
6 pounds or a combination of vehicles with a gross combination  
7 weight rating of twenty-six thousand one or more pounds  
8 provided if the towing vehicle has a gross vehicle weight  
9 rating of twenty-six thousand one or more pounds and each the  
10 towed vehicle has or vehicles have a gross combined vehicle  
11 weight rating of less than ten thousand one pounds, and also  
12 valid for the operation of vehicles with lower gross vehicle  
13 weight ratings or gross combination weight ratings except  
14 motorcycles.

15 Sec. 21. Section 321.189, subsection 2, paragraph b, Code  
16 1991, is amended to read as follows:

17 b. A commercial driver's license shall include the  
18 licensee's address as required under federal regulations, and  
19 the licensee's social security number, and the ~~word~~ words  
20 "commercial driver's license" or "CDL" shall appear  
21 prominently on the face of the license. If the applicant is a  
22 nonresident, the license must conspicuously display the word  
23 "nonresident".

24 Sec. 22. Section 321.208, subsection 1, paragraph b, Code  
25 1991, is amended to read as follows:

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

29 Sec. 23. Section 321.208, subsection 7, Code 1991, is  
30 amended to read as follows:

31 7. A person is disqualified from operating a commercial  
32 motor vehicle if the person either refuses to submit to  
33 chemical testing required under chapter 321J or submits to  
34 chemical testing and the results show ~~a blood~~ an alcohol  
35 concentration as defined in section 321J.1 of 0.04 or more.

1 The department, upon receipt of the peace officer's  
2 certification, subject to penalty for perjury, that the peace  
3 officer had reasonable grounds to believe the person to have  
4 been operating a commercial motor vehicle with ~~a blood~~ an  
5 alcohol concentration of 0.04 or more and that the person  
6 refused to submit to the chemical testing or submitted to  
7 chemical testing and the results show ~~a blood~~ an alcohol  
8 concentration as defined in section 321J.1 of 0.04 or more,  
9 shall, without preliminary hearing and upon twenty days'  
10 advance notice, disqualify the person from operating a  
11 commercial motor vehicle upon a highway.

12 Sec. 24. Section 321.208, subsection 7, Code 1991, is  
13 amended by adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The effective date of  
15 disqualification shall be twenty days after notification.  
16 Immediate notice of disqualification may be served on a person  
17 operating a commercial motor vehicle who refused to submit to  
18 a test or whose test results indicate an alcohol concentration  
19 of 0.04 or more by the peace officer administering the  
20 chemical test or the department may notify the person by  
21 certified mail. If immediate notice is served, the peace  
22 officer shall take the commercial driver's license or permit  
23 of the driver, if issued within the state, and issue a  
24 temporary commercial driver's license effective for only  
25 twenty days. The peace officer shall immediately send the  
26 person's commercial driver's license to the department in  
27 addition to the officer's certification required by this  
28 subsection.

29 DIVISION III

30 Sec. 25. Section 204B.3, subsection 2, paragraph a, Code  
31 1991, is amended to read as follows:

32 a. A motor vehicle ~~operator's~~ license containing the pur-  
33 chaser's photograph and residential or mailing address, other  
34 than a post office box number, or any other official state-  
35 issued identification containing this information.

1 Sec. 26. Section 321.1, subsection 77, Code Supplement  
2 1991, is amended by adding the following new unnumbered  
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. For purposes of license  
5 suspension, revocation, bar, disqualification, cancellation,  
6 or denial under chapters 321, 321A, 321C, and 321J, "motor  
7 vehicle license" includes any privilege to operate a motor  
8 vehicle.

9 Sec. 27. Section 321.50, subsection 4, Code 1991, is  
10 amended by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. If a title is presented for  
12 transfer, and the lien has been released by the lienholder but  
13 has not been sent to the county of record for clearance of the  
14 lien, the county of transfer shall notify the county of record  
15 that the lien has been released as of the specified date, and  
16 shall make entry upon the computer system, and shall proceed  
17 to transfer the title. Notification to the county of record  
18 shall be made by an automated statewide system, or by sending  
19 a photocopy of the released title to the county of record.

20 Sec. 28. Section 321.115, subsection 2, Code 1991, is  
21 amended to read as follows:

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

27 Sec. 29. Section 321.186, Code 1991, is amended by adding  
28 the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. A physician licensed under  
30 chapter 148, 150, or 150A, may report to the department the  
31 identity of a person who has been diagnosed as having a  
32 physical or mental condition which would render the person  
33 physically or mentally incompetent to operate a motor vehicle  
34 in a safe manner. A physician making a report under this  
35 section shall be immune from any liability, civil or criminal,

1 which might otherwise be incurred or imposed as a result of  
2 the report. A physician has no duty to make a report or to  
3 warn third parties with regard to any knowledge concerning a  
4 person's mental or physical competency to operate a motor  
5 vehicle in a safe manner.

6 Sec. 30. Section 321.193, Code 1991, is amended by adding  
7 the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. It is a misdemeanor for a person  
9 to operate a motor vehicle in any manner in violation of the  
10 restrictions imposed on a restricted license issued to that  
11 person under this section.

12 Sec. 31. Section 321.445, subsection 2, paragraph e, Code  
13 1991, is amended to read as follows:

14 e. A person possessing a written certification from a  
15 physician on a form provided by the department that the person  
16 is unable to wear a safety belt or safety harness due to  
17 physical or medical reasons. The certification shall specify  
18 the time period for which the exemption applies. The time  
19 period shall not exceed twelve months, at which time a new  
20 certification may be issued unless the certifying physician is  
21 from a United States military facility, in which case the  
22 certificate may specify a longer period of time or a permanent  
23 exemption.

24 Sec. 32. Section 321A.1, subsection 1, Code 1991, is  
25 amended by striking the subsection and inserting in lieu  
26 thereof the following:

27 1. "Department" means the state department of  
28 transportation.

29 Sec. 33. The Code editor shall amend chapter 321A by  
30 striking the word "director" and inserting in lieu thereof the  
31 word "department" throughout the chapter.

32 EXPLANATION

33 Division 1 of this bill implements a system where a vehicle  
34 dealer, recycler, or leasing company can opt to apply for a  
35 two-year, four-year, or six-year license. Current law

1 requires annual renewals on a calendar year basis for a fee of  
2 \$35. This bill sets the fee for dealer and transporter  
3 licenses issued under chapter 321, vehicle recycler licenses  
4 issued under chapter 321H, motor vehicle dealer licenses  
5 issued under chapter 322, mobile home dealer licenses issued  
6 under chapter 322B, and travel trailer dealer licenses issued  
7 under chapter 322C at \$70 for two years, \$140 for four years,  
8 and \$210 for a six-year license. In addition, the bill  
9 changes the renewal period from an annual to a multiyear  
10 system for issuance of special plates to manufacturers,  
11 transporters, or dealers for transporting a vehicle without  
12 registering it. The current fee for issuance of a special  
13 plate is \$20 annually. This bill changes that to a minimum  
14 renewal fee of \$40 for two years, \$80 for four years, and \$120  
15 for six years.

16 Currently the fee for a license to engage in the business  
17 of leasing vehicles is \$15 annually. This bill changes it to  
18 \$30 for two years, \$60 for four years, and \$90 for a six-year  
19 license. This bill requires that a certificate be carried in  
20 a leased vehicle which identifies the name and address of the  
21 lessee and the make, year, and vehicle identification number  
22 of the leased vehicle.

23 Motor vehicle dealers and travel trailer dealers currently  
24 pay an annual fee of \$10 for each lot in addition to the  
25 principal place of business unless the lot is adjacent to the  
26 principal place of business. This bill changes the fee to \$20  
27 for two years, \$40 for four years, and \$60 for six years and  
28 defines "adjacent" to mean that the principal place of  
29 business and each additional lot are adjoining parcels of  
30 property.

31 The bill authorizes the state director of transportation to  
32 enter into reciprocity agreements with other jurisdictions to  
33 exchange information on dealer activity in order to pursue  
34 legal action against violators.

35 Division II of this bill makes technical changes to the

1 commercial driver's license legislation. The definition of  
2 "gross combination weight rating" is amended to refer to the  
3 gross vehicle weight rating rather than that weight specified  
4 by the manufacturer as the loaded weight.

5 Section 321.176A expands the commercial driver's licensing  
6 exemption for farmers by allowing the farmer to operate any  
7 commercial vehicle if owned by the farmer and used within 150  
8 air miles of the farmer's farm to transport the farmer's own  
9 agricultural products, farm machinery, or farm supplies.  
10 Currently a farmer operating a special truck to transport any  
11 agricultural product, farm machinery, or farm supplies is  
12 exempted.

13 Section 321.188 allows an applicant for transfer of a  
14 license to retain a hazardous materials endorsement if the  
15 applicant successfully passed the test within the preceding 24  
16 months. Section 321.189 amends the definitions of class A and  
17 class B driver's license classifications and directs that the  
18 face of a commercial driver's license contain the words  
19 "commercial driver's license" or "CDL" rather than the word  
20 "commercial".

21 Section 321.208 is amended to make the term "alcohol  
22 concentration" consistent with chapter 321J and clarifies  
23 notification requirements for driver disqualification.

24 Division III of this bill changes several different  
25 sections of chapters 321 and 321A. Section 204B.3, a section  
26 in the chapter regulating the sale or transfer of precursor  
27 substances, is also amended by referring to a "motor vehicle  
28 license" rather than a "motor vehicle operator's license" and  
29 its use in identification. The definition of motor vehicle  
30 license is expanded to include any privilege to operate a  
31 motor vehicle for purposes of determining a license  
32 suspension, revocation, bar, disqualification, cancellation,  
33 or denial of license under chapters 321, 321A, 321C, and 321J.  
34 Section 321.50 is amended to allow for transfer of a title if  
35 the lien has been released by the lienholder, but the county

1 of record has not received the clearance.

2 Section 321.115 is amended to expand the category of  
3 antique vehicles which are exempted from the application of  
4 chapter 322.

5 Section 321.186 allows a physician to send a report of  
6 physical or mental incompetency to safely operate a motor  
7 vehicle to the state department of transportation. This does  
8 not impose a duty to report and serve to release a physician  
9 from civil or criminal liability who chooses to do so.  
10 Language making it a misdemeanor for any person to operate a  
11 motor vehicle in any manner which violates the restrictions  
12 imposed in a restricted license issued to that person is added  
13 to section 321.193.

14 Section 321.445 is amended to allow a person to be exempted  
15 from seat belt requirements for longer than the current 12-  
16 month period if a physician from a United States military  
17 facility so certifies.

18 The Code editor is directed to amend chapter 321A to strike  
19 references to the state transportation director and replace  
20 them with references to the state department of  
21 transportation.

22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35



1 DIVISION I

2 Section 1. Section 321.58, Code 1991, is amended to read  
3 as follows:

4 321.58 APPLICATION.

5 All dealers, transporters, and mobile home dealers licensed  
6 under chapter 322B may, upon payment of a fee of thirty-five  
7 seventy dollars for two years, one hundred forty dollars for  
8 four years, or two hundred ten dollars for six years, may make  
9 application to the department upon the appropriate form for a  
10 certificate containing a general distinguishing number and for  
11 one or more special plates as appropriate to various types of  
12 vehicles subject to registration. The applicant shall also  
13 submit proof of the applicant's status as a bona fide  
14 transporter, mobile home dealer licensed under chapter 322B,  
15 or dealer, as reasonably required by the department. Dealers  
16 in new vehicles shall furnish satisfactory evidence of a valid  
17 franchise with the manufacturer of the vehicles authorizing  
18 the dealership.

19 Sec. 2. Section 321.60, Code 1991, is amended to read as  
20 follows:

21 321.60 ISSUANCE OF SPECIAL PLATES.

22 The department shall also issue special plates as applied  
23 for, which shall display the general distinguishing number  
24 assigned to the applicant. Each plate so issued shall also  
25 contain a number or symbol identifying the plate and  
26 distinguishing it from every other plate bearing the same  
27 general distinguishing number. The fee for each special plate  
28 ~~shall be twenty~~ is forty dollars for two years, eighty dollars  
29 for four years, or one hundred twenty dollars for six years.

30 Special plates may be validated in the same manner as  
31 regular registration plates under this chapter ~~at an annual~~  
32 ~~fee of twenty dollars.~~

33 Sec. 3. Section 321.61, Code 1991, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 321.61 EXPIRATION OF SPECIAL PLATES.

1 A special plate shall expire at midnight on the last day of  
2 the last month of the dealer's license expiration period, and  
3 upon application and payment of the fee the department shall  
4 validate the special plate in the same manner as regular  
5 registration plates.

6 Sec. 4. Section 321F.4, Code 1991, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 321F.4 FEES AND EXPIRATION.

9 1. The license fee for a license to engage in the business  
10 of leasing vehicles in this state is thirty dollars for a two-  
11 year license, sixty dollars for a four-year license, and  
12 ninety dollars for a six-year license, to be paid at the time  
13 the application for a license is filed. If the application is  
14 denied, the amount of the fee shall be refunded to the  
15 applicant.

16 2. A license is valid for two years, four years, or six  
17 years and expires on the last day of the last month of the  
18 two-year, four-year, or six-year period, as applicable.

19 Sec. 5. NEW SECTION. 321F.4A IMPLEMENTATION OF MULTIYEAR  
20 LICENSING.

21 To implement the change from calendar year to multiyear  
22 licensing provided in section 321F.4, a license shall have an  
23 expiration month as established by the department with fees  
24 prorated based upon the number of months for which the license  
25 was issued.

26 Sec. 6. Section 321F.6, Code 1991, is amended to read as  
27 follows:

28 321F.6 CERTIFICATE OF RESPONSIBILITY.

29 Within ten days after delivery of a motor vehicle under a  
30 lease entered into by a lessor, such the lessor shall file  
31 with the director evidence of financial responsibility and a  
32 copy of the lease, ~~together-with-a-certificate-on-forms-to-be~~  
33 ~~provided-by-the-director,~~ setting forth the name and address  
34 of the lessee, the period of the lease, and such other  
35 information as the director may require, except if the lessor

1 has on file with the director evidence of financial  
2 responsibility covering all motor vehicles which may be leased  
3 by the lessor, the lessor shall not be required to furnish  
4 further evidence of financial responsibility after delivery of  
5 the motor vehicle under a lease. ~~in-addition-if~~ If a lessor  
6 has filed with the director a lease form under which motor  
7 vehicles are to be leased, the lessor shall not be required to  
8 file a copy of each lease.

9 ~~The-lessor-shall-pay-a-filing-fee-of-fifty-cents-for-each~~  
10 ~~motor-vehicle-to-be-leased-upon-the-filing-of-each-certificate~~  
11 ~~provided-for-in-this-section:~~

12 Sec. 7. Section 321F.7, Code 1991, is amended by striking  
13 the section and inserting in lieu thereof the following:

14 321F.7 CERTIFICATE CARRIED IN VEHICLE.

15 A certificate on a form prescribed by the director shall be  
16 carried in the leased vehicle to identify the name and address  
17 of the lessee and the make, year, and vehicle identification  
18 number of the leased vehicle in addition to the vehicle's  
19 registration card. The certificate shall at all times be  
20 carried in the vehicle to which it refers and shall be shown  
21 to any peace officer upon the officer's request.

22 Sec. 8. Section 321H.4, subsections 1 and 2, Code 1991,  
23 are amended to read as follows:

24 1. Upon application and payment of a ~~thirty-five-dollar~~  
25 fee, a person may apply for a license to operate as an  
26 authorized vehicle recycler to engage in the business as one  
27 or more of the following:

- 28 a. A vehicle rebuilder; ~~or~~
- 29 b. A used vehicle parts dealer; ~~or~~
- 30 c. A vehicle salvager.

31 2. Application for a license as an authorized vehicle  
32 recycler shall be made to the department on forms provided by  
33 the department. The application shall be accompanied by the a  
34 fee of seventy dollars for a two-year license, one hundred  
35 forty dollars for a four-year license, or two hundred ten

1 dollars for a six-year license. The license shall be approved  
2 or disapproved within thirty days after application for the  
3 license. ~~Each license shall expire, unless revoked or~~  
4 ~~suspended by the department, on December 31 of the calendar~~  
5 ~~year for which the license was granted~~ A license is valid for  
6 two years, four years, or six years and expires on the last  
7 day of the last month of the two-year, four-year, or six-year  
8 period, as applicable. A separate license shall be obtained  
9 for each county in which an applicant conducts operations.

10 Sec. 9. NEW SECTION. 321H.4A IMPLEMENTATION OF MULTIYEAR  
11 LICENSING.

12 To implement the change from calendar year to multiyear  
13 licensing provided in section 321H.4, a license shall have an  
14 expiration month as established by the department with fees  
15 prorated based upon the number of months for which the license  
16 was issued.

17 Sec. 10. Section 322.1, Code 1991, is amended by adding  
18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The director may enter into  
20 reciprocity agreements with the authorized representatives of  
21 any jurisdiction to exchange information on dealer activity in  
22 order to pursue legal action for violations.

23 Sec. 11. Section 322.5, subsection 1, Code 1991, is  
24 amended to read as follows:

25 1. The license fee for a motor vehicle dealer ~~for each~~  
26 ~~calendar year or part thereof shall be~~ is the sum of thirty-  
27 five seventy dollars for a two-year license, one hundred forty  
28 dollars for a four-year license, or two hundred ten dollars  
29 for a six-year license for the licensee's principal place of  
30 business in each city or township and an additional ten twenty  
31 dollars for two years, forty dollars for four years, or sixty  
32 dollars for six years for each car lot which is in the city or  
33 township in which the principal place of business is located  
34 and which is not adjacent to such that place, to be paid to  
35 the department at the time a license is applied for. In case

1 the application is denied, the department shall refund the  
2 amount of such the fee to the applicant. For the purposes of  
3 this section "adjacent" means that the principal place of  
4 business and each additional lot are adjoining parcels of  
5 property.

6 Sec. 12. Section 322.7, subsections 3 and 4, Code 1991,  
7 are amended to read as follows:

8 3. The license of a motor vehicle dealer ~~shall expire and~~  
9 ~~terminate,~~ is valid for a two-year, four-year, or six-year  
10 time period and expires unless sooner revoked or suspended, ~~at~~  
11 ~~the end of the calendar year in which it is granted~~ on the  
12 last day of the last month of the two-year, four-year, or six-  
13 year period, as applicable.

14 4. The motor vehicle dealer license provided for in this  
15 chapter shall be renewed annually upon application in such the  
16 form and content as prescribed by the department and upon  
17 payment of the required fee. ~~Such renewal shall take effect~~  
18 ~~on the first day of January of each year.~~

19 Sec. 13. NEW SECTION. 322.7A IMPLEMENTATION OF MULTIYEAR  
20 LICENSING.

21 To implement the change from calendar year to multiyear  
22 licensing provided in section 322.7, a license shall have an  
23 expiration month as established by the department with fees  
24 prorated based upon the number of months for which the license  
25 was issued.

26 Sec. 14. Section 322B.3, subsection 2, Code 1991, is  
27 amended to read as follows:

28 2. LICENSE FEES. The license fee for a mobile home dealer  
29 ~~for each calendar year~~ is thirty-five seventy dollars for a  
30 two-year license, one hundred forty dollars for a four-year  
31 license, or two hundred ten dollars for a six-year license.

32 If the application is denied, the department shall refund the  
33 fee. Fees and funds accruing from the administration of this  
34 chapter shall be accounted for and paid by the department to  
35 the treasurer of state monthly for deposit in the road use tax

1 fund of the state.

2 To implement the change from calendar year to multiyear  
3 licensing provided in this section, a license shall have an  
4 expiration month as established by the department with fees  
5 prorated based upon the number of months for which the license  
6 was issued.

7 Sec. 15. Section 322C.4, subsection 1, unnumbered  
8 paragraph 1, Code 1991, is amended to read as follows:

9 Upon application and payment of a ~~thirty-five-dollar~~ fee, a  
10 person may be licensed as a travel trailer dealer. The fee is  
11 seventy dollars for a two-year license, one hundred forty  
12 dollars for a four-year license, or two hundred ten dollars  
13 for a six-year license. The person shall pay an additional  
14 ~~ten-dollar~~ fee of twenty dollars for two years, forty dollars  
15 for four years, or sixty dollars for six years for each travel  
16 trailer lot in addition to the principal place of business  
17 unless the lot is adjacent to the principal place of business.  
18 For purposes of this subsection, "adjacent" means that the  
19 principal place of business and each additional lot are  
20 adjoining parcels of property. The applicant shall file in  
21 the office of the department a verified application for  
22 license as a travel trailer dealer in the form the department  
23 prescribes, which shall include the following:

24 Sec. 16. Section 322C.4, subsection 2, Code 1991, is  
25 amended to read as follows:

26 2. The license shall be granted or refused within thirty  
27 days after application. Each license A license is valid for a  
28 two-year, four-year, or six-year period and expires, unless  
29 sooner revoked or suspended by the department, on-December-31  
30 of-the-calendar-year-for-which-the-license-is-granted on the  
31 last day of the last month of the two-year, four-year, or six-  
32 year period, as applicable. A separate license shall be  
33 obtained for each county in which an applicant does business  
34 as a travel trailer dealer.

35 To implement the change from calendar year to multiyear

1 licensing provided in this section, a license shall have an  
2 expiration month as established by the department with fees  
3 prorated based upon the number of months for which the license  
4 was issued.

5 DIVISION II

6 Sec. 17. Section 321.1, subsection 25, paragraph b, Code  
7 Supplement 1991, is amended to read as follows:

8 b. "Gross combination weight rating" means the combined  
9 ~~weights-specified-by-the-manufacturer-as-the-loaded-weight-of~~  
10 gross vehicle weight ratings for each vehicle in a combination  
11 of vehicles. In the absence of a weight specified by the  
12 manufacturer for a towed vehicle, the gross vehicle weight  
13 rating of the towed vehicle shall be is its gross weight.

14 Sec. 18. Section 321.176A, subsection 1, Code 1991, is  
15 amended to read as follows:

16 1. A farmer or a person working for a farmer while  
17 operating a ~~special-truck~~ commercial motor vehicle owned by  
18 the farmer within one hundred fifty air miles of the farmer's  
19 farm to transport the farmer's own agricultural products, farm  
20 machinery, or farm supplies to or from the farm. The  
21 exemption provided in this subsection shall apply to farmers  
22 who assist each other through an exchange of services and  
23 shall include operation of a commercial motor vehicle between  
24 the farms of the farmers who are exchanging services.

25 Sec. 19. Section 321.188, subsection 3, Code 1991, is  
26 amended to read as follows:

27 3. An applicant for a hazardous material endorsement must  
28 pass a knowledge test as required under 49 C.F.R. § 383.121  
29 adopted as of a specific date by rule by the department to  
30 obtain or retain the endorsement. However, an applicant for  
31 license upgrade issuance who was previously issued a  
32 commercial driver's license from another state may retain the  
33 hazardous material endorsement from the previously issued  
34 license if the applicant successfully passed the endorsement  
35 test within the preceding twenty-four months.

1     Sec. 20. Section 321.189, subsection 1, paragraphs a and  
2 b, Code 1991, are amended to read as follows:

3     a. Class A -- Valid for the operation of vehicles with a  
4 gross combination weight rating of twenty-six thousand one or  
5 more pounds if one-of the towed vehicle or vehicles has have a  
6 gross vehicle weight rating or gross combination weight rating  
7 of ten thousand one or more pounds, and also valid for the  
8 operation of vehicles with lower gross combination weight  
9 ratings and other vehicles except motorcycles.

10    b. Class B -- Valid for the operation of a vehicle with a  
11 gross vehicle weight rating of twenty-six thousand one or more  
12 pounds or a combination of vehicles with a gross combination  
13 weight rating of twenty-six thousand one or more pounds  
14 provided if the towing vehicle has a gross vehicle weight  
15 rating of twenty-six thousand one or more pounds and each the  
16 towed vehicle has or vehicles have a gross vehicle weight  
17 rating or gross combination weight rating of less than ten  
18 thousand one pounds, and also valid for the operation of  
19 vehicles with lower gross vehicle weight ratings or gross  
20 combination weight ratings except motorcycles.

21     Sec. 21. Section 321.189, subsection 2, paragraph b, Code  
22 1991, is amended to read as follows:

23     b. A commercial driver's license shall include the  
24 licensee's address as required under federal regulations, and  
25 the licensee's social security number, and the word words  
26 "commercial driver's license" or "CDL" shall appear  
27 prominently on the face of the license. If the applicant is a  
28 nonresident, the license must conspicuously display the word  
29 "nonresident".

30     Sec. 22. Section 321.208, subsection 1, paragraph b, Code  
31 1991, is amended to read as follows:

32     b. Operating a commercial motor vehicle with a-blood an  
33 alcohol concentration, as defined in section 321J.1, of 0.04  
34 or more.

35     Sec. 23. Section 321.208, subsection 7, Code 1991, is

1 amended to read as follows:

2 7. A person is disqualified from operating a commercial  
3 motor vehicle if the person either refuses to submit to  
4 chemical testing required under chapter 321J or submits to  
5 chemical testing and the results show ~~a-blood~~ an alcohol  
6 concentration as defined in section 321J.1 of 0.04 or more.  
7 The department, upon receipt of the peace officer's  
8 certification, subject to penalty for perjury, that the peace  
9 officer had reasonable grounds to believe the person to have  
10 been operating a commercial motor vehicle with ~~a-blood~~ an  
11 alcohol concentration of 0.04 or more and that the person  
12 refused to submit to the chemical testing or submitted to  
13 chemical testing and the results show ~~a-blood~~ an alcohol  
14 concentration as defined in section 321J.1 of 0.04 or more,  
15 shall, without preliminary hearing and upon twenty days'  
16 advance notice, disqualify the person from operating a  
17 commercial motor vehicle upon a highway.

18 Sec. 24. Section 321.208, subsection 7, Code 1991, is  
19 amended by adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The effective date of  
21 disqualification shall be twenty days after notification.  
22 Immediate notice of disqualification may be served on a person  
23 operating a commercial motor vehicle who refused to submit to  
24 a test or whose test results indicate an alcohol concentration  
25 of 0.04 or more by the peace officer administering the  
26 chemical test or the department may notify the person by  
27 certified mail. If immediate notice is served, the peace  
28 officer shall take the commercial driver's license or permit  
29 of the driver, if issued within the state, and issue a  
30 temporary commercial driver's license effective for only  
31 twenty days. The peace officer shall immediately send the  
32 person's commercial driver's license to the department in  
33 addition to the officer's certification required by this  
34 subsection.

35

DIVISION III

1 Sec. 25. Section 204B.3, subsection 2, paragraph a, Code  
2 1991, is amended to read as follows:

3 a. A motor vehicle operator's license containing the pur-  
4 chaser's photograph and residential or mailing address, other  
5 than a post office box number, or any other official state-  
6 issued identification containing this information.

7 Sec. 26. Section 321.1, subsection 77, Code Supplement  
8 1991, is amended by adding the following new unnumbered  
9 paragraph:

10 NEW UNNUMBERED PARAGRAPH. For purposes of license  
11 suspension, revocation, bar, disqualification, cancellation,  
12 or denial under chapters 321, 321A, 321C, and 321J, "motor  
13 vehicle license" includes any privilege to operate a motor  
14 vehicle.

15 Sec. 27. Section 321.50, subsection 4, Code 1991, is  
16 amended by adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. If a title is presented for  
18 transfer, and the lien has been released by the lienholder but  
19 has not been sent to the county of record for clearance of the  
20 lien, the county of transfer shall notify the county of record  
21 that the lien has been released as of the specified date, and  
22 shall make entry upon the computer system, and shall proceed  
23 to transfer the title. Notification to the county of record  
24 shall be made by an automated statewide system, or by sending  
25 a photocopy of the released title to the county of record.

26 Sec. 28. Section 321.115, subsection 2, Code 1991, is  
27 amended to read as follows:

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

33 Sec. 29. Section 321.186, Code 1991, is amended by adding  
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. A physician licensed under

1 chapter 148, 150, or 150A, may report to the department the  
2 identity of a person who has been diagnosed as having a  
3 physical or mental condition which would render the person  
4 physically or mentally incompetent to operate a motor vehicle  
5 in a safe manner. A physician making a report under this  
6 section shall be immune from any liability, civil or criminal,  
7 which might otherwise be incurred or imposed as a result of  
8 the report. A physician has no duty to make a report or to  
9 warn third parties with regard to any knowledge concerning a  
10 person's mental or physical competency to operate a motor  
11 vehicle in a safe manner.

12 Sec. 30. Section 321.193, Code 1991, is amended by adding  
13 the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. It is a misdemeanor for a person  
15 to operate a motor vehicle in any manner in violation of the  
16 restrictions imposed on a restricted license issued to that  
17 person under this section.

18 Sec. 31. Section 321.445, subsection 2, paragraph e, Code  
19 1991, is amended to read as follows:

20 e. A person possessing a written certification from a  
21 physician on a form provided by the department that the person  
22 is unable to wear a safety belt or safety harness due to  
23 physical or medical reasons. The certification shall specify  
24 the time period for which the exemption applies. The time  
25 period shall not exceed twelve months, at which time a new  
26 certification may be issued unless the certifying physician is  
27 from a United States military facility, in which case the  
28 certificate may specify a longer period of time or a permanent  
29 exemption.

30 Sec. 32. Section 321.449, Code 1991, is amended by adding  
31 the following new unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. Rules adopted under this section  
33 concerning periodic inspections shall not apply to special  
34 trucks as defined in section 321.1, subsection 71, and  
35 registered under section 321.123.

1     Sec. 33. Section 321A.1, subsection 1, Code 1991, is  
2 amended by striking the subsection and inserting in lieu  
3 thereof the following:

4     1. "Department" means the state department of  
5 transportation.

6     Sec. 34. The Code editor shall amend chapter 321A by  
7 striking the word "director" and inserting in lieu thereof the  
8 word "department" throughout the chapter.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

## HOUSE FILE 2343

S-5343

1 Amend House File 2343, as passed by the House, as  
2 follows:

3 1. Page 2, by inserting after line 15 the  
4 following:

5 "Sec. \_\_\_\_ . Section 467A.43, Code 1991, is amended  
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A landowner shall not be  
8 liable for a claim based upon or arising out of a  
9 claim of negligent design or specification, negligent  
10 adoption of design or specification, or negligent  
11 installation, construction, or reconstruction of a  
12 soil and water construction practice or an erosion  
13 control practice that was installed, constructed, or  
14 reconstructed in accordance with generally recognized  
15 engineering or safety standards, criteria, or design  
16 theory in existence at the time of the installation,  
17 construction, or reconstruction. A soil and water  
18 conservation practice or an erosion control practice  
19 installed, constructed, or reconstructed in compliance  
20 with rules adopted by the division and currently in  
21 effect shall be deemed to be installed, constructed,  
22 or reconstructed according to generally recognized  
23 engineering or safety standards, criteria, or design  
24 theory in existence at the time of the installation,  
25 construction, or reconstruction. A claim shall not be  
26 allowed for failure to upgrade, improve, or alter any  
27 aspect of an existing soil and water conservation  
28 practice or erosion control practice to a new,  
29 changed, or altered design standard. This section  
30 does not apply to a claim based on a failure of a  
31 landowner to upgrade, improve, or alter a soil and  
32 water conservation practice or erosion control  
33 practice in violation of law. This section does not  
34 apply to claims based upon gross negligence."

35 2. Page 4, by striking lines 2 and 3 and  
36 inserting the following: "Financial incentive  
37 programs are established within the division in order  
38 to protect the long-".

39 3. Page 4, lines 28 and 29, by striking the words  
40 "FINANCIAL INCENTIVE PROGRAMS" and inserting the  
41 following: "VOLUNTARY ESTABLISHMENT OF SOIL AND WATER  
42 CONSERVATION PRACTICES".

43 4. Page 8, line 24, by inserting after the figure  
44 "467A.64" the following: "and section 467A.66".

By DERRYL MCLAREN  
DONALD V. DOYLE  
BERL E. PRIEBE  
DALE L. TIEDEN

JACK W. HESTER  
LEONARD L. BOSWELL  
MARY E. KRAMER

S-5343 FILED MARCH 23, 1992

## SENATE FILE 2343

S-5181

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 7, line 27, by striking the words
- 3 "transfer may retain the endorsement" and inserting
- 4 the following: "issuance who was previously issued a
- 5 commercial driver's license from another state may
- 6 retain the hazardous material endorsement from the
- 7 previously issued license".
- 8 2. Page 7, line 35, by striking the words
- 9 "combined vehicle weight rating" and inserting the
- 10 following: "vehicle weight rating or gross
- 11 combination weight rating".
- 12 3. Page 8, lines 10 and 11, by striking the words
- 13 "combined vehicle weight rating" and inserting the
- 14 following: "vehicle weight rating or gross
- 15 combination weight rating".

By DONALD E. GETTINGS

S-5181 FILED MARCH 10, 1992

*Adopted 3/16 (p. 793)*

## SENATE FILE 2343

S-5182

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 7, line 20, by inserting after the word
- 3 "farm." the following: "The exemption provided in
- 4 this subsection shall apply to farmers who assist each
- 5 other through an exchange of services and shall
- 6 include operation of a commercial motor vehicle
- 7 between the farms of the farmers who are exchanging
- 8 services".

By JIM KERSTEN  
DERRYL MC LAREN  
BERL E. PRIEBE

JOHN E. SOORHOLTZ  
WILLIAM W. DIELEMAN  
EUGENE S. FRAISE

S-5182 FILED MARCH 10, 1992

*Adopted 3/16*

## SENATE FILE 2343

S-5213

- 1 Amend Senate File 2343 as follows:
- 2 1. Page 11, by inserting after line 23 the
- 3 following:
- 4 "Sec. \_\_\_\_ . Section 321.449, Code 1991, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Rules adopted under this
- 7 section concerning periodic inspections shall not
- 8 apply to special trucks as defined in section 321.1,
- 9 subsection 71, and registered under section 321.123."
- 10 2. By renumbering as necessary.

By EUGENE FRAISE  
JOHN P. KIBBIE

RICHARD F. DRAKE  
LEONARD L. BOSWELL

S-5213 FILED MARCH 12, 1992

*Adopted 3/16*

## SENATE FILE 2343

H-5549

1 Amend Senate File 2343, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 321.57, Code 1991, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. A dealer licensed as a  
8 wholesaler for a new motor vehicle model under chapter  
9 322 may operate a new motor vehicle of that model,  
10 owned by the wholesaler, upon the highway when there  
11 is displayed on the vehicle a special plate issued to  
12 the wholesaler as provided in sections 321.58 through  
13 321.62 and when operated solely for the purposes of  
14 demonstration, show, or exhibition."

15 2. Page 1, line 18, by inserting after the word  
16 "dealership." the following: "A dealer licensed as a  
17 wholesaler for a new motor vehicle model pursuant to  
18 chapter 322, shall furnish satisfactory evidence of  
19 valid written authorization from the manufacturer of  
20 the new motor vehicle of the dealer's status as a  
21 wholesaler of the new motor vehicle model."

22 3. Page 2, by inserting after line 5, the  
23 following:

24 "Sec. \_\_\_\_ . NEW SECTION. 321.64 IMPLEMENTATION OF  
25 MULTIYEAR LICENSING AND ISSUANCE OF SPECIAL PLATES.  
26 To implement the change from a calendar year to  
27 multiyear certificate as provided in section 321.58  
28 and to implement the change from calendar year to  
29 multiyear special plates as provided in section  
30 321.60, each certificate or special plate shall have  
31 an expiration month as established by the department  
32 with fees prorated based upon the number of months for  
33 which the certificate or special plate was issued."

34 4. Page 10, by inserting after line 6, the  
35 following:

36 "Sec. \_\_\_\_ . NEW SECTION. 314.26 SAFETY CONCERNS.  
37 In addition, cities, counties and the department  
38 shall take safety concerns into account in the design,  
39 construction, reconstruction, relocation, repair, or  
40 maintenance of roads, streets, or highways."

41 5. Page 10, by inserting after line 14, the  
42 following:

43 "Sec. \_\_\_\_ . Section 321.34, Code Supplement 1991,  
44 is amended by adding the following new subsection:  
45 NEW SUBSECTION. 15. LEASED VEHICLES.  
46 Registration plates under this section may be issued  
47 to the lessee of a motor vehicle if the lessee  
48 provides evidence of a lease for a period of more than  
49 sixty days and if the lessee complies with the  
50 requirements, under this section, for issuance of the

H-5549

-1-

H-5549

Page 2

1 specific registration plates."

2 6. Page 11, by inserting after line 17 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 321.385A CITATION FOR  
5 UNLIGHTED HEADLAMP. A citation issued for failure to  
6 have head lamps as required under section 321.385  
7 shall first provide for a seventy-two hour period  
8 within which the person charged with the violation  
9 shall replace or repair the headlamp. If the person  
10 complies with the directive to replace or repair the  
11 headlamp within the allotted time period, the citation  
12 shall be expunged. If the person fails to comply  
13 within the allotted time period, the citation shall be  
14 processed in the same manner as other citations. A  
15 citation issued under this section shall include a  
16 written notice of replacement or repair which shall  
17 indicate the date of replacement or repair and the  
18 manner in which the replacement or repair occurred and  
19 which shall be returned to the issuing authority  
20 within the seventy-two hour time period.

21 A citation issued for failure to have rear lamps as  
22 required under section 321.387 or a rear registration  
23 plate light as required under section 321.388 shall  
24 first provide for a seventy-two hour period within  
25 which the person charged with the violation shall  
26 replace or repair the lamps or light. If the person  
27 complies with the directive to replace or repair the  
28 lamps or light within the allotted time period, the  
29 citation shall be expunged. If the person fails to  
30 comply within the allotted time period, the citation  
31 shall be processed in the same manner as other  
32 citations.

33 Sec. \_\_\_\_ . Section 321.387, Code 1991, is amended  
34 to read as follows:

35 321.387 REAR LAMPS.

36 Every motor vehicle and every vehicle which is  
37 being drawn at the end of a train of vehicles shall be  
38 equipped with a lighted rear lamp or lamps, exhibiting  
39 a red light plainly visible from a distance of five  
40 hundred feet to the rear. All lamps and lighting  
41 equipment originally manufactured on a motor vehicle  
42 shall be kept in working condition or shall be  
43 replaced with equivalent equipment.

44 Sec. \_\_\_\_ . Section 321.415, subsections 1 and 2,  
45 Code 1991, are amended to read as follows:

46 1. Whenever a driver of a vehicle approaches an  
47 oncoming vehicle within five-hundred one thousand  
48 feet, the driver shall use a distribution of light, or  
49 composite beam, so aimed that the glaring rays are not  
50 projected into the eyes of the oncoming driver. The

H-5549

H-5549

Page 3

1 lowermost distribution of light, or composite beam,  
2 specified in section 321.409, subsection 2, shall be  
3 deemed to avoid glare at all times, regardless of road  
4 contour and loading.

5 2. Whenever the driver of a vehicle follows  
6 another vehicle within ~~two~~ four hundred feet to the  
7 rear, except when engaged in the act of overtaking and  
8 passing, the driver shall use a distribution of light  
- 9 permissible under this chapter other than the  
10 uppermost distribution of light specified in section  
11 321.409, subsection 1."

12 7. Page 11, line 31, by striking the word  
13 "paragraph" and inserting the following:  
14 "paragraphs".

15 8. Page 11, by inserting after line 35 the  
16 following:

17 "NEW UNNUMBERED PARAGRAPH. Rules adopted under  
18 this section shall not apply to vehicles used in  
19 combination provided the gross vehicle weight rating  
20 of the towing unit is ten thousand pounds or less and  
21 the gross combination weight rating is twenty-six  
22 thousand pounds or less."

23 9. Page 12, by inserting after line 5, the  
24 following:

25 "Sec. \_\_\_\_\_. Section 805.8, subsection 2, paragraph  
26 i, Code 1991, is amended to read as follows:

27 i. For violations involving failures to yield or  
28 to observe pedestrians and other vehicles under  
29 sections 321.257, subsection 2, 321.288, 321.298,  
30 ~~321.300~~, 321.307, 321.308, 321.313, 321.319, 321.320,  
31 321.321, 321.329, 321.333, and 321.367, the scheduled  
32 fine is twenty dollars.

33 Sec. \_\_\_\_\_. Section 805.8, subsection 2, paragraph  
34 r, Code 1991, is amended to read as follows:

35 r. For failure to have a valid license or permit  
36 for operating a motor vehicle on the highways of this  
37 state, the scheduled fine is ~~fifteen~~ twenty dollars.

38 Sec. \_\_\_\_\_. Sections 321.300 and 321.301, Code 1991,  
39 are repealed."

40 10. Title page, by striking lines 2 through 9 and  
41 inserting the following: "licensing for certain motor  
42 vehicle-related dealers and changing fees, making  
43 certain changes related to commercial drivers'  
44 licensing, expanding the definition of motor vehicle  
45 license, creating a penalty for violating a license  
46 restriction, relating to the operation of new motor  
47 vehicle models by a dealer licensed as a wholesaler,  
48 requiring consideration of safety concerns for  
49 location of roadways, allowing special registration  
50 plates for leased motor vehicles, relating to the sale

H-5549

H-5549

Page 4

1 of certain antique vehicles, relating to lighting  
 2 devices and citations issued for failing to have  
 3 certain lighting devices, increasing the penalty for  
 4 failure to have a valid license or permit, providing  
 5 for a physician's report of incompetency to operate a  
 6 motor vehicle, expanding the seat belt exemption,  
 7 exempting certain commercial vehicles from motor  
 8 carrier safety regulations, eliminating a yield to  
 9 honking passer requirement, and making other technical  
 10 changes."

11 11. By renumbering and relettering as necessary.

BY COMMITTEE ON TRANSPORTATION  
 KOENIGS of Mitchell, Chairperson

H-5549 FILED MARCH 26, 1992

*A-adopted B-not germane 4/17 (p. 1605)*

## SENATE FILE 2343

H-5576

1 Amend amendment, H-5549, to Senate File 2343, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 36 through 40 and  
 5 inserting the following:  
 6 "Sec. \_\_\_\_ Section 314.24, Code 1991, is amended  
 7 to read as follows:  
 8 314.24 NATURAL AND HISTORIC PRESERVATION.  
 9 Cities, counties, and the department shall to the  
 10 extent practicable preserve and protect the natural  
 11 and historic heritage of the state in the design,  
 12 construction, reconstruction, relocation, repair, or  
 13 maintenance of roads, streets, or highways.  
 14 Destruction or damage to natural areas, including but  
 15 not limited to prime agricultural land, parks,  
 16 preserves, woodlands, wetlands, recreation areas,  
 17 greenbelts, historical sites, or archaeological sites  
 18 shall be avoided, if reasonable alternatives are  
 19 available for the location of roads, streets, or  
 20 highways at no significantly greater cost or with no  
 21 significant increase in safety concerns. In  
 22 implementing this section, cities, counties, and the  
 23 department shall make a diligent effort to identify  
 24 and examine the comparative cost of utilizing  
 25 alternative locations for roads, streets, or  
 26 highways."  
 27 2. By renumbering as necessary.

By BLANSHAN of Greene

H-5576 FILED MARCH 27, 1992

*Revised not germane 4/17 (p. 1605)*

## SENATE FILE 2343

H-5713

1 Amend the amendment, H-5549, to Senate File 2343,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

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

6 "Sec \_\_\_\_ . Section 321.194, Code 1991,--is amended  
7 by adding the following new subsection:

8 NEW SUBSECTION. 1A. Driver's license issued for  
9 transportation of handicapped parent or guardian.

10 a. The department may issue a class "C" driver's  
11 license to a person between the ages of fourteen and  
12 eighteen for the purpose of transporting a handicapped  
13 parent or guardian in accordance with all of the  
14 following:

15 (1) The applicant successfully completes an  
16 approved driver's education course, unless the  
17 applicant can demonstrate that completion of the  
18 course would impose a hardship, as determined in  
19 accordance with subsection 1.

20 (2) The applicant's parent or guardian has been  
21 issued a special identification card. The special  
22 identification card shall only be issued in accordance  
23 with all of the following:

24 (a) The applicant's parent or guardian provides a  
25 statement to the department from a physician licensed  
26 under chapter 148, 149, 150, or 150A, or a  
27 chiropractor licensed under chapter 151, written on  
28 the physician's or chiropractor's stationery, stating  
29 the nature of the parent's or guardian's handicap and  
30 such additional information as required by rules  
31 adopted by the department.

32 (b) The applicant's parent or guardian  
33 successfully completes the written examination portion  
34 of the driver's test and the vision test which are  
35 required for issuance of a motor vehicle license under  
36 section 321.186.

37 (c) The applicant's parent or guardian  
38 demonstrates a hardship requiring issuance of the  
39 special minor's license. The department shall adopt  
40 rules defining the term "hardship" for purposes of  
41 transporting a handicapped parent or guardian and  
42 establish procedures for the demonstration and  
43 determination of when a "hardship" warranting issuance  
44 of a special minor's license under this subsection  
45 exists.

46 b. The special minor's license issued under this  
47 subsection entitles the holder, while having the  
48 license in the holder's immediate possession, to  
49 operate a class "C" motor vehicle as follows:

50 (1) During the hours of six a.m. to ten p.m. when

H-5713

H-5713

Page 2

- 1 accompanied by a parent or guardian who has in the  
 2 parent's or guardian's possession a special  
 3 identification card issued under paragraph "a",  
 4 subparagraph (2).  
 5 (2) At any time if the holder is at least sixteen  
 6 years of age and is accompanied in accordance with  
 7 section 321.180, subsection 1, paragraph "b".  
 8 2. Page 4, line 6, by inserting after the word  
 9 "vehicle," the following: "relating to special  
 10 minor's licenses,".  
 11 3. By renumbering as necessary.

By BANKS of Plymouth

H-5713 FILED APRIL 3, 1992

*Revised not germane 4/17 (p. 1605)*

## SENATE FILE 2343

H-5608

- 1 Amend Senate File 2343, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 10, line 33 through page 11,  
 4 line 11.  
 5 2. By renumbering as necessary.

By BROWN of Lucas

HIBBARD of Madison

H-5608 FILED MARCH 30, 1992

*Revised 4/17 (p. 1606)*

## SENATE FILE 2343

H-5777

- 1 Amend Senate File 2343, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 11, line 5, by inserting after the word  
 4 "manner." the following: "The physician shall make  
 5 reasonable efforts to notify the person who is the  
 6 subject of the report, in writing. The written  
 7 notification shall state the nature of the disclosure  
 8 and the reason for the disclosure."  
 9 2. Page 11, line 8, by inserting after the words  
 10 "the report." the following: "A physician licensed  
 11 under chapter 148, 150, or 150A shall post a notice in  
 12 the physician's patient waiting room which states that  
 13 Iowa law allows the physician to send a report to the  
 14 state department of transportation which assesses a  
 15 patient's mental or physical competency to operate a  
 16 motor vehicle in a safe manner."  
 17 3. Page 11, line 11, by inserting after the word  
 18 "manner." the following: "Any report received by the  
 19 department from a physician under this section shall  
 20 be kept confidential. Information regulated by  
 21 chapter 141 shall be subject to the provisions of  
 22 sections 141.23 and 141.24."

By BROWN of Lucas

HIBBARD of Madison

H-5777 FILED APRIL 7, 1992

*A-adopted B-lost C-adopted 4/17 (p. 1608)*

## SENATE FILE 2343

H-5962

1 Amend Senate File 2343, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 11, by inserting before line 12 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321.189, subsection 2,  
6 paragraph a, Code 1991, is amended to read as follows:

7 a. Appearing on the driver's license shall be a  
8 distinguishing number assigned to the licensee; the  
9 licensee's full name, date of birth, sex, and  
10 residence address; a colored photograph; a physical  
11 description of the licensee; the name of the state;  
12 the dates of issuance and expiration; and the usual  
13 signature of the licensee. The license shall identify  
14 the class of vehicle the licensee may operate and the  
15 applicable endorsements and restrictions which the  
16 department shall require by rule. At the request of a  
17 licensee, the department shall not place the  
18 licensee's residence address on the face of the  
19 driver's license."

20 2. By renumbering as necessary.

By COHOON of Des Moines  
DODERER of Johnson

H-5962 FILED APRIL 17, 1992

LOST (p. 1606)

APRIL 21, 1992

HOUSE AMENDMENT TO  
SENATE FILE 2343

S-5742

1 Amend Senate File 2343, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 321.57, Code 1991, is amended  
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A dealer licensed as a  
8 wholesaler for a new motor vehicle model under chapter  
9 322 may operate a new motor vehicle of that model,  
10 owned by the wholesaler, upon the highway when there  
11 is displayed on the vehicle a special plate issued to  
12 the wholesaler as provided in sections 321.58 through  
13 321.62 and when operated solely for the purposes of  
14 demonstration, show, or exhibition."

15 2. Page 1, line 18, by inserting after the word  
16 "dealership." the following: "A dealer licensed as a  
17 wholesaler for a new motor vehicle model pursuant to  
18 chapter 322, shall furnish satisfactory evidence of  
19 valid written authorization from the manufacturer of  
20 the new motor vehicle of the dealer's status as a  
21 wholesaler of the new motor vehicle model."

22 3. Page 2, by inserting after line 5, the  
23 following:

24 "Sec. \_\_\_\_ . NEW SECTION. 321.64 IMPLEMENTATION OF  
25 MULTIYEAR LICENSING AND ISSUANCE OF SPECIAL PLATES.

26 To implement the change from a calendar year to  
27 multiyear certificate as provided in section 321.58  
28 and to implement the change from calendar year to  
29 multiyear special plates as provided in section  
30 321.60, each certificate or special plate shall have  
31 an expiration month as established by the department  
32 with fees prorated based upon the number of months for  
33 which the certificate or special plate was issued."

34 4. Page 10, by inserting after line 14, the  
35 following:

36 "Sec. \_\_\_\_ . Section 321.34, Code Supplement 1991,  
37 is amended by adding the following new subsection:

38 NEW SUBSECTION. 15. LEASED VEHICLES.  
39 Registration plates under this section may be issued  
40 to the lessee of a motor vehicle if the lessee  
41 provides evidence of a lease for a period of more than  
42 sixty days and if the lessee complies with the  
43 requirements, under this section, for issuance of the  
44 specific registration plates."

45 5. Page 11, line 5, by inserting after the word  
46 "manner." the following: "The physician shall make  
47 reasonable efforts to notify the person who is the  
48 subject of the report, in writing. The written  
49 notification shall state the nature of the disclosure  
50 and the reason for the disclosure."

S-5742

-1-

S-5742

Page 2

1 6. Page 11, line 11, by inserting after the word  
2 "manner." the following: "Any report received by the  
3 department from a physician under this section shall  
4 be kept confidential. Information regulated by  
5 chapter 141 shall be subject to the provisions of  
6 sections 141.23 and 141.24."

7 7. Page 11, by inserting after line 17 the  
8 following:

9 "Sec. \_\_\_\_ . NEW SECTION. 321.385A CITATION FOR  
10 UNLIGHTED HEADLAMP. A citation issued for failure to  
11 have head lamps as required under section 321.385  
12 shall first provide for a seventy-two hour period  
13 within which the person charged with the violation  
14 shall replace or repair the headlamp. If the person  
15 complies with the directive to replace or repair the  
16 headlamp within the allotted time period, the citation  
17 shall be expunged. If the person fails to comply  
18 within the allotted time period, the citation shall be  
19 processed in the same manner as other citations. A  
20 citation issued under this section shall include a  
21 written notice of replacement or repair which shall  
22 indicate the date of replacement or repair and the  
23 manner in which the replacement or repair occurred and  
24 which shall be returned to the issuing authority  
25 within the seventy-two hour time period.

26 A citation issued for failure to have rear lamps as  
27 required under section 321.387 or a rear registration  
28 plate light as required under section 321.388 shall  
29 first provide for a seventy-two hour period within  
30 which the person charged with the violation shall  
31 replace or repair the lamps or light. If the person  
32 complies with the directive to replace or repair the  
33 lamps or light within the allotted time period, the  
34 citation shall be expunged. If the person fails to  
35 comply within the allotted time period, the citation  
36 shall be processed in the same manner as other  
37 citations.

38 Sec. \_\_\_\_ . Section 321.387, Code 1991, is amended  
39 to read as follows:

40 321.387 REAR LAMPS.

41 Every motor vehicle and every vehicle which is  
42 being drawn at the end of a train of vehicles shall be  
43 equipped with a lighted rear lamp or lamps, exhibiting  
44 a red light plainly visible from a distance of five  
45 hundred feet to the rear. All lamps and lighting  
46 equipment originally manufactured on a motor vehicle  
47 shall be kept in working condition or shall be  
48 replaced with equivalent equipment.

49 Sec. \_\_\_\_ . Section 321.415, subsections 1 and 2,  
50 Code 1991, are amended to read as follows:

S-5742

-2-

S-5742

Page 3

1 1. Whenever a driver of a vehicle approaches an  
2 oncoming vehicle within five-hundred one thousand  
3 feet, the driver shall use a distribution of light, or  
4 composite beam, so aimed that the glaring rays are not  
5 projected into the eyes of the oncoming driver. The  
6 lowermost distribution of light, or composite beam,  
7 specified in section 321.409, subsection 2, shall be  
8 deemed to avoid glare at all times, regardless of road  
9 contour and loading.

10 2. Whenever the driver of a vehicle follows  
11 another vehicle within two four hundred feet to the  
12 rear, except when engaged in the act of overtaking and  
13 passing, the driver shall use a distribution of light  
14 permissible under this chapter other than the  
15 uppermost distribution of light specified in section  
16 321.409, subsection 1."

17 8. Page 11, line 31, by striking the word  
18 "paragraph" and inserting the following:  
19 "paragraphs".

20 9. Page 11, by inserting after line 35 the  
21 following:

22 "NEW UNNUMBERED PARAGRAPH. Rules adopted under  
23 this section shall not apply to vehicles used in  
24 combination provided the gross vehicle weight rating  
25 of the towing unit is ten thousand pounds or less and  
26 the gross combination weight rating is twenty-six  
27 thousand pounds or less."

28 10. Page 12, by inserting after line 5, the  
29 following:

30 "Sec. \_\_\_\_ . Section 805.8, subsection 2, paragraph  
31 i, Code 1991, is amended to read as follows:

32 i. For violations involving failures to yield or  
33 to observe pedestrians and other vehicles under  
34 sections 321.257, subsection 2, 321.288, 321.298,  
35 ~~321.300~~, 321.307, 321.308, 321.313, 321.319, 321.320,  
36 321.321, 321.329, 321.333, and 321.367, the scheduled  
37 fine is twenty dollars.

38 Sec. \_\_\_\_ . Section 805.8, subsection 2, paragraph  
39 r, Code 1991, is amended to read as follows:

40 r. For failure to have a valid license or permit  
41 for operating a motor vehicle on the highways of this  
42 state, the scheduled fine is ~~fifteen~~ twenty dollars.

43 Sec. \_\_\_\_ . Sections 321.300 and ~~321.301~~, Code 1991,  
44 are repealed."

45 11. Title page, by striking lines 2 through 9 and  
46 inserting the following: "licensing for certain motor  
47 vehicle-related dealers and changing fees, making  
48 certain changes related to commercial drivers'  
49 licensing, expanding the definition of motor vehicle  
50 license, creating a penalty for violating a license

S-5742

S-5742

Page 4

1 restriction, relating to the operation of new motor  
2 vehicle models by a dealer licensed as a wholesaler,  
3 requiring consideration of safety concerns for  
4 location of roadways, allowing special registration  
5 plates for leased motor vehicles, relating to the sale  
6 of certain antique vehicles, relating to lighting  
7 devices and citations issued for failing to have  
8 certain lighting devices, increasing the penalty for  
9 failure to have a valid license or permit, providing  
10 for a physician's report of incompetency to operate a  
11 motor vehicle, expanding the seat belt exemption,  
12 exempting certain commercial vehicles from motor  
13 carrier safety regulations, eliminating a yield to  
14 honking passer requirement, and making other technical  
15 changes."

16 12. By renumbering, relettering, or redesignating  
17 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5742 FILED APRIL 20, 1992

*Senate concurred 4/21 (p. 1517)*

GETTINGS, CH.  
FRAISE  
JENSEN

SSB 2226

TRANSPORTATION NOW -

SENATE/HOUSE FILE 2285 also 2343  
BY (PROPOSED DEPARTMENT OF  
TRANSPORTATION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to motor vehicle laws, including multiyear  
2 licensing for certain motor vehicle related dealers and  
3 changing fees, making certain changes related to commercial  
4 drivers' licensing, expanding the definition of motor vehicle  
5 license, creating a penalty for violating a license  
6 restriction, and making other technical changes.

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

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 DIVISION I

2 Section 1. Section 321.58, Code 1991, is amended to read  
3 as follows:

4 321.58 APPLICATION.

5 All dealers, transporters, and mobile home dealers licensed  
6 under chapter 322B may, upon payment of a fee of ~~thirty-five~~  
7 seventy dollars for two years, one hundred thirty dollars for  
8 four years, or one hundred ninety dollars for six years, may  
9 make application to the department upon the appropriate form  
10 for a certificate containing a general distinguishing number  
11 and for one or more special plates as appropriate to various  
12 types of vehicles subject to registration. The applicant  
13 shall also submit proof of the applicant's status as a bona  
14 fide transporter, mobile home dealer licensed under chapter  
15 322B, or dealer, as reasonably required by the department.  
16 Dealers in new vehicles shall furnish satisfactory evidence of  
17 a valid franchise with the manufacturer of the vehicles  
18 authorizing the dealership.

19 Sec. 2. Section 321.60, Code 1991, is amended to read as  
20 follows:

21 321.60 ISSUANCE OF SPECIAL PLATES.

22 The department shall also issue special plates as applied  
23 for, which shall display the general distinguishing number  
24 assigned to the applicant. Each plate so issued shall also  
25 contain a number or symbol identifying the plate and  
26 distinguishing it from every other plate bearing the same  
27 general distinguishing number. The fee for each special plate  
28 ~~shall be twenty~~ is forty dollars for two years, seventy  
29 dollars for four years, or one hundred dollars for six years.

30 Special plates may be validated in the same manner as  
31 regular registration plates under this chapter ~~at an annual~~  
32 ~~fee of twenty dollars.~~

33 Sec. 3. Section 321.61, Code 1991, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 321.61 EXPIRATION OF SPECIAL PLATES.

222b

1 A special plate shall expire at midnight on the last day of  
2 the last month of the dealer's license expiration period, and  
3 upon application and payment of the fee the department shall  
4 validate the special plate in the same manner as regular  
5 registration plates.

6 Sec. 4. Section 321F.4, Code 1991, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 321F.4 FEES AND EXPIRATION.

9 1. The license fee for a license to engage in the business  
10 of leasing vehicles in this state is thirty dollars for a two-  
11 year license, fifty-five dollars for a four-year license, and  
12 eighty dollars for a six-year license, to be paid at the time  
13 the application for a license is filed. If the application is  
14 denied, the amount of the fee shall be refunded to the  
15 applicant.

16 2. A license is valid for two years, four years, or six  
17 years and expires on the last day of the last month of the  
18 two-year, four-year, or six-year period, as applicable.

19 Sec. 5. NEW SECTION. 321F.4A IMPLEMENTATION OF MULTIYEAR  
20 LICENSING.

21 To implement the change from calendar year to multiyear  
22 licensing provided in section 321F.4, a license shall have an  
23 expiration month as established by the department with fees  
24 prorated based upon the number of months for which the license  
25 was issued.

26 Sec. 6. Section 321F.6, Code 1991, is amended to read as  
27 follows:

28 321F.6 CERTIFICATE OF RESPONSIBILITY.

29 Within ten days after delivery of a motor vehicle under a  
30 lease entered into by a lessor, such the lessor shall file  
31 with the director evidence of financial responsibility and a  
32 copy of the lease, ~~together-with-a-certificate-on-forms-to-be~~  
33 ~~provided-by-the-director,~~ setting forth the name and address  
34 of the lessee, the period of the lease, and such other  
35 information as the director may require, except if the lessor

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 has on file with the director evidence of financial  
2 responsibility covering all motor vehicles which may be leased  
3 by the lessor, the lessor shall not be required to furnish  
4 further evidence of financial responsibility after delivery of  
5 the motor vehicle under a lease. ~~in-addition-if~~ If a lessor  
6 has filed with the director a lease form under which motor  
7 vehicles are to be leased, the lessor shall not be required to  
8 file a copy of each lease.

9 ~~The-lessor-shall-pay-a-filing-fee-of-fifty-cents-for-each~~  
10 ~~motor-vehicle-to-be-leased-upon-the-filing-of-each-certificate~~  
11 ~~provided-for-in-this-section.~~

12 Sec. 7. Section 321F.7, Code 1991, is amended by striking  
13 the section and inserting in lieu thereof the following:

14 321F.7 CERTIFICATE CARRIED IN VEHICLE.

15 A certificate on a form prescribed by the director shall be  
16 carried in the leased vehicle to identify the name and address  
17 of the lessee and the make, year, and vehicle identification  
18 number of the leased vehicle in addition to the vehicle's  
19 registration card. The certificate shall at all times be  
20 carried in the vehicle to which it refers and shall be shown  
21 to any peace officer upon the officer's request.

22 Sec. 8. Section 321H.4, subsections 1 and 2, Code 1991,  
23 are amended to read as follows:

24 1. Upon application and payment of a ~~thirty-five-dollar~~  
25 ~~fee~~, a person may apply for a license to operate as an  
26 authorized vehicle recycler to engage in the business as one  
27 or more of the following:

- 28 a. A vehicle rebuilder~~,-or,~~  
29 b. A used vehicle parts dealer~~,-or,~~  
30 c. A vehicle salvager.

31 2. Application for a license as an authorized vehicle  
32 recycler shall be made to the department on forms provided by  
33 the department. The application shall be accompanied by the a  
34 fee of seventy dollars for a two-year license, one hundred  
35 thirty dollars for a four-year license, or one hundred ninety

2226

1 dollars for a six-year license. The license shall be approved  
 2 or disapproved within thirty days after application for the  
 3 license. ~~Each license shall expire, unless revoked or~~  
 4 ~~suspended by the department, on December 31 of the calendar~~  
 5 ~~year for which the license was granted~~ A license is valid for  
 6 two years, four years, or six years and expires on the last  
 7 day of the last month of the two-year, four-year, or six-year  
 8 period, as applicable. A separate license shall be obtained  
 9 for each county in which an applicant conducts operations.

10 Sec. 9. NEW SECTION. 321H.4A IMPLEMENTATION OF MULTIYEAR  
 11 LICENSING.

12 To implement the change from calendar year to multiyear  
 13 licensing provided in section 321H.4, a license shall have an  
 14 expiration month as established by the department with fees  
 15 prorated based upon the number of months for which the license  
 16 was issued.

17 Sec. 10. Section 322.1, Code 1991, is amended by adding  
 18 the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. The director may enter into  
 20 reciprocity agreements with the authorized representatives of  
 21 any jurisdiction to exchange information on dealer activity in  
 22 order to pursue legal action for violations.

23 Sec. 11. Section 322.5, subsection 1, Code 1991, is  
 24 amended to read as follows:

25 1. The license fee for a motor vehicle dealer ~~for each~~  
 26 ~~calendar year or part thereof shall be~~ is the sum of ~~thirty-~~  
 27 ~~five~~ seventy dollars for a two-year license, one hundred  
 28 thirty dollars for a four-year license, or one hundred ninety  
 29 dollars for a six-year license for the licensee's principal  
 30 place of business in each city or township and an additional  
 31 ten twenty dollars for two years, thirty-five dollars for four  
 32 years, or fifty dollars for six years for each car lot which  
 33 is in the city or township in which the principal place of  
 34 business is located and which is not adjacent to such that  
 35 place, to be paid to the department at the time a license is

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 applied for. In case the application is denied, the  
2 department shall refund the amount of such the fee to the  
3 applicant. For the purposes of this section "adjacent" means  
4 that the principal place of business and each additional lot  
5 are adjoining parcels of property.

6 Sec. 12. Section 322.7, subsections 3 and 4, Code 1991,  
7 are amended to read as follows:

8 3. The license of a motor vehicle dealer ~~shall expire and~~  
9 ~~terminate;~~ is valid for a two-year, four-year, or six-year  
10 time period and expires unless sooner revoked or suspended,--at  
11 the end of the calendar year in which it is granted on the  
12 last day of the last month of the two-year, four-year, or six-  
13 year period, as applicable.

14 4. The motor vehicle dealer license provided for in this  
15 chapter shall be renewed annually upon application in such the  
16 form and content as prescribed by the department and upon  
17 payment of the required fee. ~~Such renewal shall take effect~~  
18 ~~on the first day of January of each year.~~

19 Sec. 13. NEW SECTION. 322.7A IMPLEMENTATION OF MULTIYEAR  
20 LICENSING.

21 To implement the change from calendar year to multiyear  
22 licensing provided in section 322.7, a license shall have an  
23 expiration month as established by the department with fees  
24 prorated based upon the number of months for which the license  
25 was issued.

26 Sec. 14. Section 322B.3, subsection 2, Code 1991, is  
27 amended to read as follows:

28 2. LICENSE FEES. The license fee for a mobile home dealer  
29 ~~for each calendar year is thirty-five~~ seventy-five dollars for  
30 a two-year license, one hundred thirty dollars for a four-year  
31 license, or one hundred ninety dollars for a six-year license.

32 If the application is denied, the department shall refund the  
33 fee. Fees and funds accruing from the administration of this  
34 chapter shall be accounted for and paid by the department to  
35 the treasurer of state monthly for deposit in the road use tax

1 fund of the state.

2 To implement the change from calendar year to multiyear  
3 licensing provided in this section, a license shall have an  
4 expiration month as established by the department with fees  
5 prorated based upon the number of months for which the license  
6 was issued.

7 Sec. 15. Section 322C.4, subsection 1, unnumbered  
8 paragraph 1, Code 1991, is amended to read as follows:

9 Upon application and payment of a thirty-five-dollar fee, a  
10 person may be licensed as a travel trailer dealer. The fee is  
11 seventy dollars for a two-year license, one hundred thirty  
12 dollars for a four-year license, or one hundred ninety dollars  
13 for a six-year license. The person shall pay an additional  
14 ten-dollar fee of twenty dollars for two years, thirty-five  
15 dollars for four years, or fifty dollars for six years for  
16 each travel trailer lot in addition to the principal place of  
17 business unless the lot is adjacent to the principal place of  
18 business. For purposes of this subsection, "adjacent" means  
19 that the principal place of business and each additional lot  
20 are adjoining parcels of property. The applicant shall file  
21 in the office of the department a verified application for  
22 license as a travel trailer dealer in the form the department  
23 prescribes, which shall include the following:

24 Sec. 16. Section 322C.4, subsection 2, Code 1991, is  
25 amended to read as follows:

26 2. The license shall be granted or refused within thirty  
27 days after application. ~~Each license~~ A license is valid for a  
28 two-year, four-year, or six-year period and expires, unless  
29 sooner revoked or suspended by the department, on-December-31  
30 of-the-calendar-year-for-which-the-license-is-granted on the  
31 last day of the last month of the two-year, four-year, or six-  
32 year period, as applicable. A separate license shall be  
33 obtained for each county in which an applicant does business  
34 as a travel trailer dealer.

35 To implement the change from calendar year to multiyear

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 licensing provided in this section, a license shall have an  
2 expiration month as established by the department with fees  
3 prorated based upon the number of months for which the license  
4 was issued.

5 DIVISION II

6 Sec. 17. Section 321.1, subsection 25, paragraph b, Code  
7 Supplement 1991, is amended to read as follows:

8 b. "Gross combination weight rating" means the combined  
9 ~~weights-specified-by-the-manufacturer-as-the-loaded-weight-of~~  
10 gross vehicle weight ratings for each vehicle in a combination  
11 of vehicles. In the absence of a weight specified by the  
12 manufacturer for a towed vehicle, the gross vehicle weight  
13 rating of the towed vehicle ~~shall-be~~ is its gross weight.

14 Sec. 18. Section 321.176A, subsection 1, Code 1991, is  
15 amended to read as follows:

16 1. A farmer or a person working for a farmer while  
17 operating a ~~special-truck~~ commercial motor vehicle owned by  
18 the farmer within one hundred fifty air miles of the farmer's  
19 farm to transport the farmer's own agricultural products, farm  
20 machinery, or farm supplies to or from the farm.

21 Sec. 19. Section 321.188, subsection 3, Code 1991, is  
22 amended to read as follows:

23 3. An applicant for a hazardous material endorsement must  
24 pass a knowledge test as required under 49 C.F.R. § 383.121  
25 adopted as of a specific date by rule by the department to  
26 obtain or retain the endorsement. However, an applicant for  
27 license upgrade transfer may retain the endorsement if the  
28 applicant successfully passed the endorsement test within the  
29 preceding twenty-four months.

30 Sec. 20. Section 321.189, subsection 1, paragraphs a and  
31 b, Code 1991, are amended to read as follows:

32 a. Class A -- Valid for the operation of vehicles with a  
33 gross combination weight rating of twenty-six thousand one or  
34 more pounds if ~~one-of~~ the towed vehicle or vehicles has have a  
35 gross combined vehicle weight rating of ten thousand one or

2226

1 more pounds, and also valid for the operation of vehicles with  
2 lower gross combination weight ratings and other vehicles  
3 except motorcycles.

4 b. Class B -- Valid for the operation of a vehicle with a  
5 gross vehicle weight rating of twenty-six thousand one or more  
6 pounds or a combination of vehicles with a gross combination  
7 weight rating of twenty-six thousand one or more pounds  
8 provided if the towing vehicle has a gross vehicle weight  
9 rating of twenty-six thousand one or more pounds and each the  
10 towed vehicle has or vehicles have a gross combined vehicle  
11 weight rating of less than ten thousand one pounds, and also  
12 valid for the operation of vehicles with lower gross vehicle  
13 weight ratings or gross combination weight ratings except  
14 motorcycles.

15 Sec. 21. Section 321.189, subsection 2, paragraph b, Code  
16 1991, is amended to read as follows:

17 b. A commercial driver's license shall include the  
18 licensee's address as required under federal regulations, and  
19 the licensee's social security number, and the word words  
20 "commercial driver's license" or "CDL" shall appear  
21 prominently on the face of the license. If the applicant is a  
22 nonresident, the license must conspicuously display the word  
23 "nonresident".

24 Sec. 22. Section 321.208, subsection 1, paragraph b, Code  
25 1991, is amended to read as follows:

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

29 Sec. 23. Section 321.208, subsection 7, Code 1991, is  
30 amended to read as follows:

31 7. A person is disqualified from operating a commercial  
32 motor vehicle if the person either refuses to submit to  
33 chemical testing required under chapter 321J or submits to  
34 chemical testing and the results show ~~a blood~~ an alcohol  
35 concentration as defined in section 321J.1 of 0.04 or more.

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 The department, upon receipt of the peace officer's  
2 certification, subject to penalty for perjury, that the peace  
3 officer had reasonable grounds to believe the person to have  
4 been operating a commercial motor vehicle with a blood an  
5 alcohol concentration of 0.04 or more and that the person  
6 refused to submit to the chemical testing or submitted to  
7 chemical testing and the results show a blood an alcohol  
8 concentration as defined in section 321J.1 of 0.04 or more,  
9 shall, without preliminary hearing and upon twenty days'  
10 advance notice, disqualify the person from operating a  
11 commercial motor vehicle upon a highway.

12 Sec. 24. Section 321.208, subsection 7, Code 1991, is  
13 amended by adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The effective date of  
15 disqualification shall be twenty days after notification.  
16 Immediate notice of disqualification may be served on a person  
17 operating a commercial motor vehicle who refused to submit to  
18 a test or whose test results indicate an alcohol concentration  
19 of 0.04 or more by the peace officer administering the  
20 chemical test or the department may notify the person by  
21 certified mail. If immediate notice is served, the peace  
22 officer shall take the commercial driver's license or permit  
23 of the driver, if issued within the state, and issue a  
24 temporary commercial driver's license effective for only  
25 twenty days. The peace officer shall immediately send the  
26 person's commercial driver's license to the department in  
27 addition to the officer's certification required by this  
28 subsection.

29 DIVISION III

30 Sec. 25. Section 204B.3, subsection 2, paragraph a, Code  
31 1991, is amended to read as follows:

32 a. A motor vehicle operator's license containing the pur-  
33 chaser's photograph and residential or mailing address, other  
34 than a post office box number, or any other official state-  
35 issued identification containing this information.

2226

1 Sec. 26. Section 321.1, subsection 77, Code Supplement  
2 1991, is amended by adding the following new unnumbered  
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. For purposes of license  
5 suspension, revocation, bar, disqualification, cancellation,  
6 or denial under chapters 321, 321A, 321C, and 321J, "motor  
7 vehicle license" includes any privilege to operate a motor  
8 vehicle.

9 Sec. 27. Section 321.50, subsection 4, Code 1991, is  
10 amended by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. If a title is presented for  
12 transfer, and the lien has been released by the lienholder but  
13 has not been sent to the county of record for clearance of the  
14 lien, the county of transfer shall notify the county of record  
15 that the lien has been released as of the specified date, and  
16 shall make entry upon the computer system, and shall proceed  
17 to transfer the title. Notification to the county of record  
18 shall be made by an automated statewide system, or by sending  
19 a photocopy of the released title to the county of record.

20 Sec. 28. Section 321.193, Code 1991, is amended by adding  
21 the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. It is a misdemeanor for a person  
23 to operate a motor vehicle in any manner in violation of the  
24 restrictions imposed on a restricted license issued to that  
25 person under this section.

26 Sec. 29. Section 321A.1, subsection 1, Code Supplement  
27 1991, is amended by striking the subsection and inserting in  
28 lieu thereof the following:

29 1. "Department" means the state department of  
30 transportation.

31 Sec. 30. The Code editor shall amend chapter 321A by  
32 striking the word "director" and inserting in lieu thereof the  
33 word "department" throughout the chapter.

34 EXPLANATION

35 Division I of this bill implements a system where a vehicle

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 dealer, recycler, or leasing company can opt to apply for a  
2 two-year, four-year, or six-year license. Current law  
3 requires annual renewals on a calendar year basis for a fee of  
4 \$35. This bill sets the fee for dealer and transporter  
5 licenses issued under chapter 321, vehicle recycler licenses  
6 issued under chapter 321H, motor vehicle dealer licenses  
7 issued under chapter 322, mobile home dealer licenses issued  
8 under chapter 322B, and travel trailer dealer licenses issued  
9 under chapter 322C at \$70 for two years, \$130 for four years,  
10 and \$190 for a six-year license. In addition, the bill  
11 changes the renewal period from an annual to a multiyear  
12 system for issuance of special plates to manufacturers,  
13 transporters, or dealers for transporting a vehicle without  
14 registering it. The current fee for issuance of a special  
15 plate is \$20 annually. This bill changes that minimum  
16 renewal fee of \$40 for two years, \$70 for four years, and \$100  
17 for six years.

18 Currently the fee for a license to engage in the business  
19 of leasing vehicles is \$15 annually. This bill changes it to  
20 \$30 for two years, \$55 for four years, and \$80 for a six-year  
21 license. This bill requires that a certificate be carried in  
22 a leased vehicle which identifies the name and address of the  
23 lessee and the make, year, and vehicle identification number  
24 of the leased vehicle.

25 Motor vehicle dealers and travel trailer dealers currently  
26 pay an annual fee of \$10 for each lot in addition to the  
27 principal place of business unless the lot is adjacent to the  
28 principal place of business. This bill changes the fee to \$20  
29 for two years, \$35 for four years, and \$50 for six years and  
30 defines "adjacent" to mean that the principal place of  
31 business and each additional lot are adjoining parcels of  
32 property.

33 The bill authorizes the state director of transportation to  
34 enter into reciprocity agreements with other jurisdictions to  
35 exchange information on dealer activity in order to pursue

2226

1 legal action against violators.

2 Division II of this bill makes technical changes to the  
3 commercial driver's license legislation. The definition of  
4 "gross combination weight rating" is amended to refer to the  
5 gross vehicle weight rating rather than that weight specified  
6 by the manufacturer as the loaded weight.

7 Section 321.176A expands the commercial driver's licensing  
8 exemption for farmers by allowing the farmer to operate any  
9 commercial vehicle if owned by the farmer and used within 150  
10 air miles of the farmer's farm to transport the farmer's own  
11 agricultural products, farm machinery, or farm supplies.  
12 Currently a farmer operating a special truck to transport any  
13 agricultural product, farm machinery, or farm supplies is  
14 exempted.

15 Section 321.188 allows an applicant for transfer of a  
16 license to retain a hazardous materials endorsement if the  
17 applicant successfully passed the test within the preceding 24  
18 months. Section 321.189 amends the definitions of class A and  
19 class B driver's license classifications and directs that the  
20 face of a commercial driver's license contain the words  
21 "commercial driver's license" or "CDL" rather than the word  
22 "commercial".

23 Section 321.208 is amended to make the term "alcohol  
24 concentration" consistent with chapter 321J and clarifies  
25 notification requirements for driver disqualification.

26 Division III of this bill changes several different  
27 sections of chapters 321 and 321A. Section 204B.3, a section  
28 in the chapter regulating the sale or transfer of precursor  
29 substances, is also amended by referring to a "motor vehicle  
30 license" rather than a "motor vehicle operator's license" and  
31 its use in identification. The definition of motor vehicle  
32 license is expanded to include any privilege to operate a  
33 motor vehicle for purposes of determining a license  
34 suspension, revocation, bar, disqualification, cancellation,  
35 or denial of license under chapters 321, 321A, 321C, and 321J.

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 321.50 is amended to allow for transfer of a title if  
2 the lien has been released by the lienholder, but the county  
3 of record has not received the clearance. Language making it  
4 a misdemeanor for any person to operate a motor vehicle in any  
5 manner which violates the restrictions imposed in a restricted  
6 license issued to that person is added to section 321.193.  
7 The Code editor is directed to amend chapter 321A to strike  
8 references to the state transportation director and replace  
9 them with references to the state department of  
10 transportation.

11 BACKGROUND STATEMENT

12 SUBMITTED BY THE AGENCY

13 This bill implements staggered licensing for vehicle  
14 dealers, recyclers, and leasing companies; establishes a  
15 monthly dealer plate validation to correspond to staggered  
16 licensing; and provides authority to enter into dealer  
17 reciprocity agreements. Licenses are currently issued  
18 annually on a calendar basis. This bill would allow a choice  
19 of licensing for two-year, four-year, or six-year time periods  
20 and provides a reduced fee as an incentive to use a four-year  
21 or six-year renewal period. This will spread the renewal  
22 workload for approximately 4,000 licenses out over 24 months  
23 rather than a two-month renewal period. Establishing a dealer  
24 plate validation to correspond to staggered licensing will  
25 eliminate the need to print new plates each year.

26 Division II of this bill makes technical corrections to the  
27 commercial driver's license laws. The definition of "gross  
28 combination weight rating" is amended to match federal  
29 regulations.

30 The commercial driver's license exemption for farmers is  
31 expanded to include all trucks owned by a farmer instead of  
32 just special farm-plated vehicles. Section 321.188 is amended  
33 by eliminating the retesting requirement for upgrades of a  
34 hazardous materials endorsement to comply with federal  
35 regulations. The bill clarifies that total trailing vehicle

2226

1 weight will be considered in combination for a Class A CDL,  
2 rewords Class B CDL to be consistent with other classes, and  
3 clarifies that "commercial driver's license" or "CDL" will  
4 appear on the face of the license.

5 The bill changes "blood alcohol concentration" to "alcohol  
6 concentration" to make it consistent with the rest of the  
7 Code. This does not change procedures, but makes it clear  
8 that urine tests or breath tests may also be used. A peace  
9 officer is authorized to serve the notice of disqualification  
10 to a driver of a commercial vehicle who has an alcohol  
11 concentration of 0.04 or more. This is the same process as  
12 provided in chapter 321J.

13 Division III of this bill clarifies current Code language  
14 to provide consistent applications of driving sanctions  
15 (suspensions, revocations, cancellations, denials, or  
16 disqualifications) to all affected drivers, including those  
17 who have not been issued a driver's license or permit. It  
18 will also simplify prosecution and provide consistent  
19 penalties for all persons who drive in violation of a  
20 sanction. Section 321.50 is amended to allow a title to be  
21 transferred when the lien has been released by the lienholder,  
22 but the county of record has not been notified. This will  
23 help expedite the issuance of titles without having to wait  
24 for the release to be received in the mail. Section 321.193  
25 is amended to replace original language stating that it is a  
26 misdemeanor to violate a restriction imposed under a  
27 restricted license.

28 Chapter 321A is amended to make it consistent with chapters  
29 321 and 321J regarding the department's direction to take  
30 action on driver's license operating privileges. This will  
31 allow approximately 60,000 to 70,000 suspension, revocation,  
32 cancellation, denial, bar, and disqualification notices each  
33 year to be issued without the state transportation director's  
34 or the designee's signature.

35

SENATE FILE 2343

AN ACT

RELATING TO MOTOR VEHICLE LAWS BY CHANGING TO MULTIVEAR LICENSING FOR CERTAIN MOTOR VEHICLE-RELATED DEALERS AND CHANGING FEES, MAKING CERTAIN CHANGES RELATED TO COMMERCIAL DRIVERS' LICENSING, EXPANDING THE DEFINITION OF MOTOR VEHICLE LICENSE, CREATING A PENALTY FOR VIOLATING A LICENSE RESTRICTION, RELATING TO THE OPERATION OF NEW MOTOR VEHICLE MODELS BY A DEALER LICENSED AS A WHOLESALER, REQUIRING CONSIDERATION OF SAFETY CONCERNS FOR LOCATION OF ROADWAYS, ALLOWING SPECIAL REGISTRATION PLATES FOR LEASED MOTOR VEHICLES, RELATING TO THE SALE OF CERTAIN ANTIQUE VEHICLES, RELATING TO LIGHTING DEVICES AND CITATIONS ISSUED FOR FAILING TO HAVE CERTAIN LIGHTING DEVICES, INCREASING THE PENALTY FOR FAILURE TO HAVE A VALID LICENSE OR PERMIT, PROVIDING FOR A PHYSICIAN'S REPORT OF INCOMPETENCY TO OPERATE A MOTOR VEHICLE, EXPANDING THE SEAT BELT EXEMPTION, EXEMPTING CERTAIN COMMERCIAL VEHICLES FROM MOTOR CARRIER SAFETY REGULATIONS, ELIMINATING A YIELD TO HONKING PASSER REQUIREMENT, AND MAKING OTHER TECHNICAL CHANGES.

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

DIVISION I

Section 1. Section 321.57, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A dealer licensed as a wholesaler for a new motor vehicle model under chapter 322 may operate a new motor vehicle of that model, owned by the wholesaler, upon the highway when there is displayed on the vehicle a special plate issued to the wholesaler as provided in sections 321.58 through 321.62 and when operated solely for the purposes of demonstration, show, or exhibition.

Sec. 2. Section 321.58, Code 1991, is amended to read as follows:

321.58 APPLICATION.

All dealers, transporters, and mobile home dealers licensed under chapter 322B may, upon payment of a fee of thirty-five seventy dollars for two years, one hundred forty dollars for four years, or two hundred ten dollars for six years, may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, mobile home dealer licensed under chapter 322B, or dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership. A dealer licensed as a wholesaler for a new motor vehicle model pursuant to chapter 322, shall furnish satisfactory evidence of valid written authorization from the manufacturer of the new motor vehicle of the dealer's status as a wholesaler of the new motor vehicle model.

Sec. 3. Section 321.60, Code 1991, is amended to read as follows:

321.60 ISSUANCE OF SPECIAL PLATES.

The department shall also issue special plates as applied for, which shall display the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the plate and distinguishing it from every other plate bearing the same general distinguishing number. The fee for each special plate shall be twenty is forty dollars for two years, eighty dollars for four years, or one hundred twenty dollars for six years.

Special plates may be validated in the same manner as regular registration plates under this chapter at an annual fee of twenty dollars.

Sec. 4. Section 321.61, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

321.61 EXPIRATION OF SPECIAL PLATES.

A special plate shall expire at midnight on the last day of the last month of the dealer's license expiration period, and upon application and payment of the fee the department shall validate the special plate in the same manner as regular registration plates.

Sec. 5. NEW SECTION. 321.64 IMPLEMENTATION OF MULTIYEAR LICENSING AND ISSUANCE OF SPECIAL PLATES.

To implement the change from a calendar year to multiyear certificate as provided in section 321.58 and to implement the change from calendar year to multiyear special plates as provided in section 321.60, each certificate or special plate shall have an expiration month as established by the department with fees prorated based upon the number of months for which the certificate or special plate was issued.

Sec. 6. Section 321F.4, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

321F.4 FEES AND EXPIRATION.

1. The license fee for a license to engage in the business of leasing vehicles in this state is thirty dollars for a two-year license, sixty dollars for a four-year license, and ninety dollars for a six-year license, to be paid at the time the application for a license is filed. If the application is denied, the amount of the fee shall be refunded to the applicant.

2. A license is valid for two years, four years, or six years and expires on the last day of the last month of the two-year, four-year, or six-year period, as applicable.

Sec. 7. NEW SECTION. 321F.4A IMPLEMENTATION OF MULTIYEAR LICENSING.

To implement the change from calendar year to multiyear licensing provided in section 321F.4, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

Sec. 8. Section 321F.6, Code 1991, is amended to read as follows:

321F.6 CERTIFICATE OF RESPONSIBILITY.

Within ten days after delivery of a motor vehicle under a lease entered into by a lessor, such the lessor shall file with the director evidence of financial responsibility and a copy of the lease, ~~together with a certificate on forms to be provided by the director,~~ setting forth the name and address of the lessee, the period of the lease, and such other information as the director may require, except if the lessor has on file with the director evidence of financial responsibility covering all motor vehicles which may be leased by the lessor, the lessor shall not be required to furnish further evidence of financial responsibility after delivery of the motor vehicle under a lease. ~~in addition if~~ if a lessor has filed with the director a lease form under which motor vehicles are to be leased, the lessor shall not be required to file a copy of each lease.

~~The lessor shall pay a filing fee of fifty cents for each motor vehicle to be leased upon the filing of each certificate provided for in this section.~~

Sec. 9. Section 321F.7, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

321F.7 CERTIFICATE CARRIED IN VEHICLE.

A certificate on a form prescribed by the director shall be carried in the leased vehicle to identify the name and address of the lessee and the make, year, and vehicle identification number of the leased vehicle in addition to the vehicle's registration card. The certificate shall at all times be carried in the vehicle to which it refers and shall be shown to any peace officer upon the officer's request.

Sec. 10. Section 321H.4, subsections 1 and 2, Code 1991, are amended to read as follows:

1. Upon application and payment of a thirty-five-dollar fee, a person may apply for a license to operate as an authorized vehicle recycler to engage in the business as one or more of the following:

- a. A vehicle rebuilder; or
- b. A used vehicle parts dealer; or
- c. A vehicle salvager.

2. Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by the a fee of seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. The license shall be approved or disapproved within thirty days after application for the license. ~~Each license shall expire, unless revoked or suspended by the department, on December 31 of the calendar year for which the license was granted.~~ A license is valid for two years, four years, or six years and expires on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A separate license shall be obtained for each county in which an applicant conducts operations.

Sec. 11. NEW SECTION. 321H.4A IMPLEMENTATION OF MULTIYEAR LICENSING.

To implement the change from calendar year to multiyear licensing provided in section 321H.4, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

Sec. 12. Section 322.1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The director may enter into reciprocity agreements with the authorized representatives of any jurisdiction to exchange information on dealer activity in order to pursue legal action for violations.

Sec. 13. Section 322.5, subsection 1, Code 1991, is amended to read as follows:

1. The license fee for a motor vehicle dealer ~~for each calendar year or part thereof shall be~~ is the sum of thirty-five seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license for the licensee's principal place of business in each city or township and an additional ~~ten twenty~~ dollars for two years, forty dollars for four years, or sixty dollars for six years for each car lot which is in the city or

township in which the principal place of business is located and which is not adjacent to such that place, to be paid to the department at the time a license is applied for. In case the application is denied, the department shall refund the amount of such the fee to the applicant. For the purposes of this section "adjacent" means that the principal place of business and each additional lot are adjoining parcels of property.

Sec. 14. Section 322.7, subsections 3 and 4, Code 1991, are amended to read as follows:

3. The license of a motor vehicle dealer ~~shall expire and terminate, is valid for a two-year, four-year, or six-year time period and expires~~ unless sooner revoked or suspended, ~~at the end of the calendar year in which it is granted on the last day of the last month of the two-year, four-year, or six-year period, as applicable.~~

4. The motor vehicle dealer license provided for in this chapter shall be renewed annually upon application in such the form and content as prescribed by the department and upon payment of the required fee. ~~Such renewal shall take effect on the first day of January of each year.~~

Sec. 15. NEW SECTION. 322.7A IMPLEMENTATION OF MULTIYEAR LICENSING.

To implement the change from calendar year to multiyear licensing provided in section 322.7, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

Sec. 16. Section 322B.3, subsection 2, Code 1991, is amended to read as follows:

2. LICENSE FEES. The license fee for a mobile home dealer ~~for each calendar year is~~ thirty-five seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. If the application is denied, the department shall refund the fee. Fees and funds accruing from the administration of this chapter shall be accounted for and paid by the department to

the treasurer of state monthly for deposit in the road use tax fund of the state.

To implement the change from calendar year to multiyear licensing provided in this section, a license shall have an expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

Sec. 17. Section 322C.4, subsection 1, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Upon application and payment of a thirty-five-dollar fee, a person may be licensed as a travel trailer dealer. The fee is seventy dollars for a two-year license, one hundred forty dollars for a four-year license, or two hundred ten dollars for a six-year license. The person shall pay an additional ten-dollar fee of twenty dollars for two years, forty dollars for four years, or sixty dollars for six years for each travel trailer lot in addition to the principal place of business unless the lot is adjacent to the principal place of business. For purposes of this subsection, "adjacent" means that the principal place of business and each additional lot are adjoining parcels of property. The applicant shall file in the office of the department a verified application for license as a travel trailer dealer in the form the department prescribes, which shall include the following:

Sec. 18. Section 322C.4, subsection 2, Code 1991, is amended to read as follows:

2. The license shall be granted or refused within thirty days after application. Each license A license is valid for a two-year, four-year, or six-year period and expires, unless sooner revoked or suspended by the department, on December 31 of the calendar year for which the license is granted on the last day of the last month of the two-year, four-year, or six-year period, as applicable. A separate license shall be obtained for each county in which an applicant does business as a travel trailer dealer.

To implement the change from calendar year to multiyear licensing provided in this section, a license shall have an

expiration month as established by the department with fees prorated based upon the number of months for which the license was issued.

#### DIVISION II

Sec. 19. Section 321.1, subsection 25, paragraph b, Code Supplement 1991, is amended to read as follows:

b. "Gross combination weight rating" means the combined weights-specified-by-the-manufacturer-as-the-loaded-weight-of gross vehicle weight ratings for each vehicle in a combination of vehicles. In the absence of a weight specified by the manufacturer for a towed vehicle, the gross vehicle weight rating of the towed vehicle shall be its gross weight.

Sec. 20. Section 321.176A, subsection 1, Code 1991, is amended to read as follows:

1. A farmer or a person working for a farmer while operating a special-truck commercial motor vehicle owned by the farmer within one hundred fifty air miles of the farmer's farm to transport the farmer's own agricultural products, farm machinery, or farm supplies to or from the farm. The exemption provided in this subsection shall apply to farmers who assist each other through an exchange of services and shall include operation of a commercial motor vehicle between the farms of the farmers who are exchanging services.

Sec. 21. Section 321.188, subsection 3, Code 1991, is amended to read as follows:

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. § 383.121 adopted as of a specific date by rule by the department to obtain or retain the endorsement. However, an applicant for license upgrade issuance who was previously issued a commercial driver's license from another state may retain the hazardous material endorsement from the previously issued license if the applicant successfully passed the endorsement test within the preceding twenty-four months.

Sec. 22. Section 321.189, subsection 1, paragraphs a and b, Code 1991, are amended to read as follows:

a. Class A -- Valid for the operation of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds if one of the towed vehicle or vehicles has have a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds, and also valid for the operation of vehicles with lower gross combination weight ratings and other vehicles except motorcycles.

b. Class B -- Valid for the operation of a vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds provided if the towing vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds and each the towed vehicle has or vehicles have a gross vehicle weight rating or gross combination weight rating of less than ten thousand one pounds, and also valid for the operation of vehicles with lower gross vehicle weight ratings or gross combination weight ratings except motorcycles.

Sec. 23. Section 321.189, subsection 2, paragraph b, Code 1991, is amended to read as follows:

b. A commercial driver's license shall include the licensee's address as required under federal regulations, and the licensee's social security number, and the word words "commercial driver's license" or "CDL" shall appear prominently on the face of the license. If the applicant is a nonresident, the license must conspicuously display the word "nonresident".

Sec. 24. Section 321.208, subsection 1, paragraph b, Code 1991, is amended to read as follows:

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

Sec. 25. Section 321.208, subsection 7, Code 1991, is amended to read as follows:

7. A person is disqualified from operating a commercial motor vehicle if the person either refuses to submit to chemical testing required under chapter 321B or submits to

chemical testing and the results show a-blood an alcohol concentration as defined in section 321J.1 of 0.04 or more. The department, upon receipt of the peace officer's certification, subject to penalty for perjury, that the peace officer had reasonable grounds to believe the person to have been operating a commercial motor vehicle with a-blood an alcohol concentration of 0.04 or more and that the person refused to submit to the chemical testing or submitted to chemical testing and the results show a-blood an alcohol concentration as defined in section 321J.1 of 0.04 or more, shall, without preliminary hearing and upon twenty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway.

Sec. 26. Section 321.208, subsection 7, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The effective date of disqualification shall be twenty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test or the department may notify the person by certified mail. If immediate notice is served, the peace officer shall take the commercial driver's license or permit of the driver, if issued within the state, and issue a temporary commercial driver's license effective for only twenty days. The peace officer shall immediately send the person's commercial driver's license to the department in addition to the officer's certification required by this subsection.

#### DIVISION III

Sec. 27. Section 204B.3, subsection 2, paragraph a, Code 1991, is amended to read as follows:

a. A motor vehicle operator's license containing the purchaser's photograph and residential or mailing address, other than a post office box number, or any other official state-issued identification containing this information.

Sec. 28. Section 321.1, subsection 77, Code Supplement 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under chapters 321, 321A, 321C, and 321J, "motor vehicle license" includes any privilege to operate a motor vehicle.

Sec. 29. Section 321.34, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 15. LEASED VEHICLES. Registration plates under this section may be issued to the lessee of a motor vehicle if the lessee provides evidence of a lease for a period of more than sixty days and if the lessee complies with the requirements, under this section, for issuance of the specific registration plates.

Sec. 30. Section 321.50, subsection 4, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a title is presented for transfer, and the lien has been released by the lienholder but has not been sent to the county of record for clearance of the lien, the county of transfer shall notify the county of record that the lien has been released as of the specified date, and shall make entry upon the computer system, and shall proceed to transfer the title. Notification to the county of record shall be made by an automated statewide system, or by sending a photocopy of the released title to the county of record.

Sec. 31. Section 321.115, subsection 2, Code 1991, is amended to read as follows:

2. The sale of a motor vehicle ~~twenty-five~~ twenty 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.

Sec. 32. Section 321.166, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A physician licensed under chapter 148, 150, or 150A, may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. The physician shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician under this section shall be kept confidential. Information regulated by chapter 141 shall be subject to the provisions of sections 141.23 and 141.24.

Sec. 33. Section 321.193, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to that person under this section.

Sec. 34. NEW SECTION. 321.385A CITATION FOR UNLIGHTED HEADLAMP. A citation issued for failure to have head lamps as required under section 321.385 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the headlamp. If the person complies with the directive to replace or repair the headlamp within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations. A citation issued under this section shall include a written notice of replacement or repair which shall indicate the date of replacement or repair

and the manner in which the replacement or repair occurred and which shall be returned to the issuing authority within the seventy-two hour time period.

A citation issued for failure to have rear lamps as required under section 321.387 or a rear registration plate light as required under section 321.388 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamps or light. If the person complies with the directive to replace or repair the lamps or light within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.

Sec. 35. Section 321.387, Code 1991, is amended to read as follows:

321.387 REAR LAMPS.

Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp or lamps, exhibiting a red light plainly visible from a distance of five hundred feet to the rear. All lamps and lighting equipment originally manufactured on a motor vehicle shall be kept in working condition or shall be replaced with equivalent equipment.

Sec. 36. Section 321.415, subsections 1 and 2, Code 1991, are amended to read as follows:

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

2. Whenever the driver of a vehicle follows another vehicle within two four hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter

other than the uppermost distribution of light specified in section 321.409, subsection 1.

Sec. 37. Section 321.445, subsection 2, paragraph e, Code 1991, is amended to read as follows:

e. A person possessing a written certification from a physician on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying physician is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

Sec. 38. Section 321.449, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Rules adopted under this section concerning periodic inspections shall not apply to special trucks as defined in section 321.1, subsection 71, and registered under section 321.123.

NEW UNNUMBERED PARAGRAPH. Rules adopted under this section shall not apply to vehicles used in combination provided the gross vehicle weight rating of the towing unit is ten thousand pounds or less and the gross combination weight rating is twenty-six thousand pounds or less.

Sec. 39. Section 321A.1, subsection 1, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Department" means the state department of transportation.

Sec. 40. Section 805.8, subsection 2, paragraph i, Code 1991, is amended to read as follows:

i. For violations involving failures to yield or to observe pedestrians and other vehicles under sections 321.257, subsection 2, 321.288, 321.298, ~~321.300~~, 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.329, 321.333, and 321.367, the scheduled fine is twenty dollars.

Sec. 41. Section 805.8, subsection 2, paragraph r, Code 1991, is amended to read as follows:

r. 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~~ twenty dollars.

Sec. 42. Sections 321.300 and 321.301, Code 1991, are repealed.

Sec. 43. The Code editor shall amend chapter 321A by striking the word "director" and inserting in lieu thereof the word "department" throughout the chapter.

---

MICHAEL E. GRONSTAL  
President of the Senate

---

ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2343, Seventy-fourth General Assembly.

---

JOHN F. DWYER  
Secretary of the Senate

Approved April 29, 1992

---

TERRY E. BRANSTAD  
Governor