

(P 500) 3/4/93

House Sub Comm - Transportation  
Spanner, Koenigs, Royer

(P.364) 2-18-93 Transportation  
(P.434) 2-25-93 Referred to Wmp + Mem

FILED FEB 17 1993

(P.435) 2/25/93 Do PASS

SENATE FILE 142  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 25)

(P.436) Passed Senate, Date 2/25/93 Passed House, Date 4/26/93 (P.1677)  
Vote: Ayes 30 Nays 19 Vote: Ayes 52 Nays 47  
Approved Voted 5/28/93

A BILL FOR

1 An Act relating to motorcycle rider education and the use of  
2 protective headgear when operating or riding motorcycles and  
3 motorized bicycles and the sale of such headgear and providing  
4 penalties and a repeal provision.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

SF 142

1 Section 1. Section 321.189, subsections 7 and 9, Code  
2 1993, are amended to read as follows:

3 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A person under  
4 the age of eighteen applying for a driver's license valid for  
5 the operation of a motorcycle shall be required to  
6 successfully complete a motorcycle education course either  
7 approved and or established by the department of education or  
8 from a private or commercial driver education school licensed  
9 by the department. A public school district shall charge a  
10 student a fee which shall not exceed the actual cost of  
11 instruction minus moneys received by the school district under  
12 subsection 9.

13 9. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider  
14 education fund is established in the office of the treasurer  
15 of state. The moneys credited to the fund are appropriated to  
16 the department of education to be used to establish new  
17 motorcycle rider education courses and reimburse sponsors of  
18 motorcycle rider education courses for the costs of providing  
19 motorcycle rider education courses approved and or established  
20 by the department of education. The department of education  
21 shall adopt rules under chapter 17A providing for the  
22 distribution of moneys to sponsors of motorcycle rider  
23 education courses based upon the costs of providing the  
24 education courses. The rules shall allow sponsors to offer  
25 courses on an annual basis and shall require that the  
26 distribution of moneys to sponsors be based upon the number of  
27 persons who complete the sponsor's course and successfully  
28 obtain a class M license.

29 Sec. 2. NEW SECTION. 321.444A HELMETS.

30 1. A motorcycle or motorized bicycle shall not be operated  
31 upon a highway unless the person who is operating or riding  
32 the vehicle is wearing protective headgear which complies with  
33 standards and specifications established under 49 C.F.R. §  
34 571.218. For purposes of this section, "wearing protective  
35 headgear" means having a safety helmet on the person's head

1 that is fastened with the helmet straps and that is of a size  
2 that fits the person's head securely without excessive lateral  
3 or vertical movement.

4 2. A person shall not possess for the purpose of sale,  
5 offer for sale, or sell protective headgear for use by a  
6 person operating or riding upon a motorcycle or motorized  
7 bicycle, unless the equipment meets the standards and  
8 specifications required under this section.

9 Sec. 3. Section 805.8, subsection 2, paragraph e, Code  
10 1993, is amended to read as follows:

11 e. For improperly used or nonused or defective or improper  
12 equipment under sections 321.383, 321.384, 321.385, 321.386,  
13 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420,  
14 321.423, 321.430, and 321.433, the scheduled fine is twenty  
15 dollars. For failing to wear protective headgear as required  
16 under section 321.444A, the scheduled fine is fifty dollars  
17 for an operator and twenty-five dollars for a passenger.

18 Sec. 4. If the federal government repeals that portion of  
19 the federal Intermodal Surface Transportation Efficiency Act  
20 of 1991 which provides sanctions for states which do not have  
21 a state law requiring motorcycle helmets, this Act shall be  
22 repealed on the July 1 following the federal government's  
23 repeal.

24 EXPLANATION

25 The bill changes motorcycle rider education requirements by  
26 allowing for more courses to be offered and requires that the  
27 department of education rules regarding the education  
28 requirement allow sponsors to offer courses on an annual basis  
29 and require that moneys distributed from the motorcycle rider  
30 education fund to sponsors be based upon the numbers of  
31 persons who complete the course and obtain a motorcycle  
32 license.

33 This bill requires persons who are operating or riding a  
34 motorcycle or motorized bicycle on the highway to wear  
35 protective headgear. The scheduled fine for failure to wear

1 protective headgear is \$50 for the operator and \$25 for the  
2 passenger. It also prohibits a person from possessing for  
3 sale, offering for sale, or selling protective headgear which  
4 does not meet federal standards and specifications. A person  
5 who does so may be charged with a simple misdemeanor which is  
6 punishable by a fine of no more than \$100 or 30 days'  
7 imprisonment.

8 In addition, the bill provides that if the federal  
9 sanctions mandating that states require motorcycle helmets are  
10 repealed, this Act is repealed on the following July 1st.

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

SENATE FILE 142  
FISCAL NOTE

---

A fiscal note for Senate File 142 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

---

Senate File 142 charges a fee of \$15 in addition to the annual registration on all motorcycles and motorized bicycles for the 12 month period beginning October 1, 1993 and ending September 30, 1994. For each succeeding year the Department of Transportation shall determine the annual registration fee in an amount sufficient to raise funds equal to but not more than the reduction in federal highway construction funds for not enacting a mandatory motorcycle helmet law. The revenues for the additional registration fee shall be deposited as follows: 80% to the Primary Road Fund, 15% to the Secondary Road Fund, and 5% to the City Street Construction Fund.

Assumptions

There will be a total of 149,000 registered motorcycles and motorized bicycles during the 12 month period beginning October 1, 1993 and ending September 30, 1994. This is similar to the actual number registered during 1993.

Fiscal Effect

Senate File 142 will generate \$2.2 million during the first year and an amount not to exceed \$3.8 million for each succeeding year.

With the passage of the Intermodal Surface Transportation Efficiency Act of 1991 by Congress, the State of Iowa has been given an alternative to either pass a mandatory motorcycle helmet law or transfer 1.5% (\$1.9 million) of the State's highway construction funds to traffic safety education programs for federal fiscal year 1995 and 3.0% (\$3.8 million for each year thereafter.

Source: Department of Transportation

(LSB 1544sv.2, DLR)

FILED MARCH 9, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 142  
FISCAL NOTE**

A fiscal note for Senate File 142 as amended by H-3274 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 142 as amended by H-3274 charges a fee of \$30 for special plates, in addition to the annual motorcycle registration, for persons who decide not to wear helmets for the 12 month period beginning October 1, 1993 and ending September 30, 1994. For each succeeding year the Department of Transportation shall determine the annual registration fee in an amount sufficient to raise funds equal to but not more than the reduction in federal highway construction funds for not enacting a mandatory motorcycle helmet law. The revenues for the additional registration fee shall be deposited as follows: 80% to the Primary Road Fund, 15% to the Secondary Road Fund, and 5% to the City Street Construction Fund. This bill also requires persons who purchase special plates to pay an annual fee of \$100 to be deposited into the motorcycle rider medical assistance fund.

**Assumptions**

There will be a total of 149,000 registered motorcycles and motorized bicycles during the 12 month period beginning October 1, 1993 and ending September 30, 1994. Half of these persons (74,500) will purchase the special plates which will generate \$2,235,000.

Special motorcycle plates will cost \$1.50 each to produce for a total cost of \$111,750.

**Fiscal Effect**

Senate File 142 as amended by 3274 will generate \$2,235,000 during the first year and an amount not to exceed \$3,800,000 for each succeeding year. This revenue will be used to replace the federal highway construction funds transferred for traffic safety education programs and the cost to produce the special license plates.

With the passage of the Intermodal Surface Transportation Efficiency Act of 1991 by Congress, the State of Iowa has been given an alternative to either pass a mandatory motorcycle helmet law or transfer 1.5% (\$1.9 million) of the State's highway construction funds to traffic safety education programs for federal fiscal year 1995 and 3.0% (\$3.8 million) for each year thereafter.

The 74,500 persons purchasing special plates will be required to pay a \$100 fee to the motorcycle rider medical assistance fund. This will generate \$7,450,000 to be used to defray costs of medical assistance to motorcyclists who have suffered head injuries.

Source: Department of Transportation

(LSB 1544<sub>sv</sub>.3, DLR)

**SENATE FILE 142  
FISCAL NOTE**

---

A fiscal note for Senate File 142 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

---

Senate File 142 requires persons operating or riding a motorcycle or motorized bicycle to wear protective headgear. A violation of this act results in a \$50 fine for the operator and a \$25 fine for the rider. This bill also changes the motorcycle rider education requirements by allowing more courses to be offered and requires that the Department of Education rules allow sponsors to offer courses on an annual basis and requires that moneys be distributed from the Motorcycle Rider Education Fund to sponsors based upon the number of persons who complete the course and receive a motorcycle license. This bill is intended to comply with the standards and specifications established under 49 C.F.R. Sec. 571.218.

**Fiscal Effect**

With the passage of the Intermodal Surface Transportation Efficiency Act of 1991 by Congress, the State of Iowa has been given an alternative to either pass legislation requiring protective headgear for persons riding motorcycles or transfer 1.5% (\$1.9 million) of the State's highway construction funds to traffic safety education programs for federal fiscal year 1995 and 3.0% (\$3.8 million) for each year thereafter.

The cost to the State for medical care of persons suffering head injuries resulting from motorcycle accidents cannot be calculated due to insufficient data. However, the following is information provided by the Iowa Head Injury Association relating to medical costs for persons with head injuries.

The American Reinsurance Company, a company that insures insurance companies for catastrophic claims, has estimated the average cost for acute care for a severe head injury to be approximately \$436,000. This cost is usually paid by an insurance company.

The annual cost for care can range from \$32,250 to \$63,050 for the life of the patient. Most insurance companies will only cover the acute care costs, while the annual care costs are either paid by the individual or the State through the Title 19 program.

In 1991 there were 76 head injuries reported that resulted from motorcycle accidents where a helmet was not used. However, this is only based on about 45% of the medical centers reporting.

Sources: Department of Transportation  
Iowa Head Injury Association

(LSB 1544sv, DLR)

FILED FEBRUARY 25, 1993

BY DENNIS PROUTY, FISCAL DIRECTOR

## SENATE FILE 142

S-3055

1 Amend Senate File 142 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 321.117, Code 1993, is amended  
5 to read as follows:

6 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.

7 1. For all motorcycles the annual fee shall be  
8 twenty dollars. For all motorized bicycles the annual  
9 fee shall be seven dollars. When the motorcycle is  
10 more than five model years old, the annual  
11 registration fee shall be ten dollars. The annual  
12 registration fee for ambulances and hearses shall be  
13 fifty dollars. Passenger car plates shall be issued  
14 for ambulances and hearses.

15 2. In addition to the fee provided in subsection  
16 1, all motorcycles and motorized bicycles subject to  
17 an annual registration fee shall pay an additional  
18 annual registration fee of fifteen dollars if the  
19 month of registration occurs from October 1993 through  
20 September 1994. For each succeeding twelve-month  
21 period commencing on October 1, 1994, the department  
22 shall determine an additional annual registration fee  
23 based on the month of registration sufficient to raise  
24 funds equal to but not more than the reduction in  
25 federal highway construction funds for not enacting a  
26 mandatory helmet law pursuant to the federal  
27 Intermodal Surface Transportation Efficiency Act of  
28 1991. The department shall determine the additional  
29 annual registration fee by July 1 of each year prior  
30 to imposition of the additional fee commencing on  
31 October 1 of each year."

32 Sec. 2. Section 321.189, subsections 7 and 9, Code  
33 1993, are amended to read as follows:

34 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A  
35 person under the age of eighteen applying for a  
36 driver's license valid for the operation of a  
37 motorcycle shall be required to successfully complete  
38 a motorcycle education course either approved and or  
39 established by the department of education or from a  
40 private or commercial driver education school licensed  
41 by the department. A public school district shall  
42 charge a student a fee which shall not exceed the  
43 actual cost of instruction minus moneys received by  
44 the school district under subsection 9.

45 9. MOTORCYCLE RIDER EDUCATION FUND. The  
46 motorcycle rider education fund is established in the  
47 office of the treasurer of state. The moneys credited  
48 to the fund are appropriated to the department of  
49 education to be used to establish new motorcycle rider  
50 education courses and reimburse sponsors of motorcycle

S-3055

-1-

S-3055

Page 2

1 rider education courses for the costs of providing  
 2 motorcycle rider education courses approved and or  
 3 established by the department of education. The  
 4 department of education shall adopt rules under  
 5 chapter 17A providing for the distribution of moneys  
 6 to sponsors of motorcycle rider education courses  
 7 based upon the costs of providing the education  
 8 courses. The rules shall allow sponsors to offer  
 9 courses on an annual basis and shall require that the  
 10 distribution of moneys to sponsors be based upon the  
 11 number of persons who complete the sponsor's course  
 12 and successfully obtain a class M license.

13 Sec. 3. If the federal government repeals that  
 14 portion of the federal Intermodal Surface  
 15 Transportation Efficiency Act of 1991 which provides  
 16 sanctions for states which do not have a state law  
 17 requiring motorcycle helmets, section 1 of this Act  
 18 shall be repealed on the July 1 following the federal  
 19 government's repeal."

20 2. Title page, by striking lines 1 through 4 and  
 21 inserting the following: "An Act relating to  
 22 motorcycle rider education, providing additional  
 23 registration fees for motorcycles and motorized  
 24 bicycles, and providing a repeal provision."

By WILLIAM W. DIELEMAN

ALLEN BORLAUG

JIM KERSTEN

LARRY MURPHY

RAY TAYLOR

MERLIN E. BARTZ

**WITHDRAWN**

(P. 433) 2-25-93

S-3055 FILED FEBRUARY 23, 1993

## SENATE FILE 142

S-3053

1 Amend Senate File 142 as follows:

2 1. Page 2, by inserting after line 8 the  
3 following:

4 "3. The provisions of subsection 1 shall not apply  
 5 if the operator or passenger of a motorcycle or  
 6 motorized bicycle has paid an additional annual  
 7 registration fee as determined by the department. The  
 8 department shall set the fee every year on July 1,  
 9 commencing in 1993, for imposition during the upcoming  
 10 twelve-month period beginning in October in an amount  
 11 sufficient to raise funds equal to but not more than  
 12 the reduction in federal highway construction funds  
 13 for not enacting a mandatory helmet law pursuant to  
 14 the federal Intermodal Surface Transportation  
 15 Efficiency Act of 1991. However, the department shall  
 16 not impose an additional registration fee in excess of  
 17 fifteen dollars."

By MERLIN E. BARTZ

S-3053 FILED FEBRUARY 23, 1993

## SENATE FILE 142

S-3064

1 Amend Senate File 142 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 321.117, Code 1993, is amended  
5 to read as follows:

6 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.

7 1. For all motorcycles the annual fee shall be  
8 twenty dollars. For all motorized bicycles the annual  
9 fee shall be seven dollars. When the motorcycle is  
10 more than five model years old, the annual  
11 registration fee shall be ten dollars. The annual  
12 registration fee for ambulances and hearses shall be  
13 fifty dollars. Passenger car plates shall be issued  
14 for ambulances and hearses.

15 2. In addition to the fee provided in subsection  
16 1, all motorcycles and motorized bicycles subject to  
17 an annual registration fee shall pay an additional  
18 annual registration fee of fifteen dollars if the  
19 month of registration occurs from October 1993 through  
20 September 1994. For each succeeding twelve-month  
21 period commencing on October 1, 1994, the department  
22 shall determine an additional annual registration fee  
23 based on the month of registration sufficient to raise  
24 funds equal to but not more than the reduction in  
25 federal highway construction funds for not enacting a  
26 mandatory helmet law pursuant to the federal  
27 Intermodal Surface Transportation Efficiency Act of  
28 1991. The department shall determine the additional  
29 annual registration fee by July 1 of each year prior  
30 to imposition of the additional fee commencing on  
31 October 1 of each year. The treasurer of state,  
32 before making the allotments provided in section  
33 312.2, shall credit the revenues collected under this  
34 subsection as follows:

35 a. To the primary road fund, eighty percent.

36 b. To the secondary road fund of the counties,  
37 fifteen percent.

38 c. To the street construction fund of the cities,  
39 five percent."

40 Sec. 2. Section 321.189, subsections 7 and 9, Code  
41 1993, are amended to read as follows:

42 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A  
43 person under the age of eighteen applying for a  
44 driver's license valid for the operation of a  
45 motorcycle shall be required to successfully complete  
46 a motorcycle education course either approved and or  
47 established by the department of education or from a  
48 private or commercial driver education school licensed  
49 by the department. A public school district shall  
50 charge a student a fee which shall not exceed the

S-3064

S-3064

Page 2

1 actual cost of instruction minus moneys received by  
2 the school district under subsection 9.  
3 9. MOTORCYCLE RIDER EDUCATION FUND. The  
4 motorcycle rider education fund is established in the  
5 office of the treasurer of state. The moneys credited  
6 to the fund are appropriated to the department of  
7 education to be used to establish new motorcycle rider  
8 education courses and reimburse sponsors of motorcycle  
9 rider education courses for the costs of providing  
10 motorcycle rider education courses approved and or  
11 established by the department of education. The  
12 department of education shall adopt rules under  
13 chapter 17A providing for the distribution of moneys  
14 to sponsors of motorcycle rider education courses  
15 based upon the costs of providing the education  
16 courses. The rules shall allow sponsors to offer  
17 courses on an annual basis and shall require that the  
18 distribution of moneys to sponsors be based upon the  
19 number of persons who complete the sponsor's course  
20 and successfully obtain a class M license.

21 Sec. 3. If the federal government repeals that  
22 portion of the federal Intermodal Surface  
23 Transportation Efficiency Act of 1991 which provides  
24 sanctions for states which do not have a state law  
25 requiring motorcycle helmets, section 1 of this Act  
26 shall be repealed on the July 1 following the federal  
27 government's repeal."

By WILLIAM W. DIELEMAN  
JIM KERSTEN  
RAY TAYLOR

ALLEN BORLAUG  
LARRY MURPHY  
MERLIN E. BARTZ

S-3064 FILED FEBRUARY 25, 1993

ADOPTED

## SENATE FILE 142

S-3066

1 Amend the amendment, S-3064, to Senate File 142 as  
2 follows:

3 1. Page 1, by striking line 43 and inserting the  
4 following: "~~person under-the-age-of-eighteen~~ applying  
5 for a".

6 2. Page 1, line 49, by inserting after the word  
7 "department." the following: "Successful completion  
8 of a motorcycle education course shall be required  
9 only for the initial issuance of a class M license."

By EUGENE FRAISE

S-3066 FILED FEBRUARY 25, 1993

ADOPTED

## SENATE FILE 142

S-3069

1 Amend the amendment, S-3064, to Senate File 142, as  
2 follows:  
3 1. Page 1, by inserting after line 3 the  
4 following:  
5 "Section 1. NEW SECTION. 80.26A MOTORCYCLE  
6 SAFETY FUNDING.  
7 Moneys diverted to state highway safety education  
8 projects by the federal government pursuant to the  
9 federal Intermodal Surface Transportation Efficiency  
10 Act of 1991 if a mandatory helmet law required by that  
11 Act is not enacted by this state shall be used for  
12 motorcycle safety education and programming."  
13 2. By renumbering and correcting internal  
14 references as necessary.

By EUGENE FRAISE

S-3069 FILED FEBRUARY 25, 1993  
LOST

## SENATE FILE 142

S-3071

1 Amend the amendment, S-3064, to Senate File 142 as  
2 follows:  
3 1. Page 2, line 20, by inserting after the word  
4 "license." the following: "No moneys shall be  
5 appropriated to the fund established under this  
6 subsection from the use tax collected pursuant to  
7 chapter 423. A portion of the moneys diverted to  
8 state highway safety education programs from the  
9 federal government if a mandatory helmet law is not  
10 enacted pursuant to the federal Intermodal Surface  
11 Transportation Efficiency Act of 1991 shall be  
12 credited to the motorcycle rider education fund."

By JOE J. WELSH  
RICHARD F. DRAKE

S-3071 FILED FEBRUARY 25, 1993  
WITHDRAWN

## SENATE FILE 142

S-3062

1 Amend the amendment, S-3055, to Senate File 142 as  
2 follows:  
3 1. Page 1, by striking line 35 and inserting the  
4 following: "person under-the-age-of-eighteen applying  
5 for a".  
6 2. Page 1, line 41, by inserting after the word  
7 "department." the following: "Successful completion  
8 of a motorcycle education course shall be required  
9 only for the initial issuance of a class M license."

By EUGENE FRAISE

S-3062 FILED FEBRUARY 25, 1993  
RULED OUT OF ORDER

## SENATE FILE 142

S-3067

1 Amend the amendment, S-3064, to Senate File 142, as  
2 follows:

3 1. Page 2, by inserting after line 20 the  
4 following:

5 "Sec. \_\_\_\_ . Section 321.191, subsection 5, Code  
6 1993, is amended to read as follows:

7 5. LICENSES VALID FOR MOTORCYCLES. An additional  
8 fee of one ~~dollar~~ hundred dollars per year of license  
9 validity is required to issue a license valid to  
10 operate a motorcycle. Ninety-nine dollars of this fee  
11 shall be deposited in the motorcycle rider medical  
12 assistance fund which is established in the office of  
13 the treasurer of state. The moneys credited to the  
14 motorcycle rider medical assistance fund are  
15 appropriated to the department of human services to  
16 defray the cost of medical assistance to motorcycle  
17 riders eligible for medical assistance under chapter  
18 249A who have suffered head injuries while riding  
19 motorcycles."

20 2. By renumbering as necessary.

By RICHARD F. DRAKE

S-3067 FILED FEBRUARY 25, 1993  
WITHDRAWN

## SENATE FILE 142

S-3068

1 Amend the amendment, S-3053, to Senate File 142 as  
2 follows:

3 i. Page 1, line 17, by inserting after the word  
4 "dollars." the following: "The treasurer of state,  
5 before making the allotments provided in section  
6 312.2, shall credit the revenues collected under this  
7 subsection as follows:

8 a. To the primary road fund, eighty percent.

9 b. To the secondary road fund of the counties,  
10 fifteen percent.

11 c. To the street construction fund of the cities,  
12 five percent."

By MERLIN E. BARTZ

S-3068 FILED FEBRUARY 25, 1993  
RULED OUT OF ORDER

(P. 452) 3/2/93 House Transportation Comm  
(P. 557) 3-9-93 Amend/Do Pass w/H 3/93  
3-22-93 Referred w/memo  
(P. 77) 3-23-93 House Do Pass

SENATE FILE 142  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 25)

(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 25, 1993)

ALL New Language by the Senate

Passed Senate, Date <sup>(P. 1429)</sup> 4/28/93 Passed House, Date <sup>(P. 1677)</sup> 4/26/93  
Vote: Ayes 28 Nays 22 Vote: Ayes 52 Nays 47  
Approved 5/28/93  
*Voted* 5/28/93 *Referred* 5/4/93  
4/29/93 (P. 1826)

A BILL FOR

1 An Act relating to motorcycle rider education and the use of  
2 protective headgear when operating or riding motorcycles and  
3 motorized bicycles and the sale of such headgear and providing  
4 penalties and a repeal provision.

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

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

S.F. 142

1 Section 1. Section 321.117, Code 1993, is amended to read  
2 as follows:

3 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.

4 1. For all motorcycles the annual fee shall be twenty  
5 dollars. For all motorized bicycles the annual fee shall be  
6 seven dollars. When the motorcycle is more than five model  
7 years old, the annual registration fee shall be ten dollars.  
8 The annual registration fee for ambulances and hearses shall  
9 be fifty dollars. Passenger car plates shall be issued for  
10 ambulances and hearses.

11 2. In addition to the fee provided in subsection 1, all  
12 motorcycles and motorized bicycles subject to an annual  
13 registration fee shall pay an additional annual registration  
14 fee of fifteen dollars if the month of registration occurs  
15 from October 1993 through September 1994. For each succeeding  
16 twelve-month period commencing on October 1, 1994, the  
17 department shall determine an additional annual registration  
18 fee based on the month of registration sufficient to raise  
19 funds equal to but not more than the reduction in federal  
20 highway construction funds for not enacting a mandatory helmet  
21 law pursuant to the federal Intermodal Surface Transportation  
22 Efficiency Act of 1991. The department shall determine the  
23 additional annual registration fee by July 1 of each year  
24 prior to imposition of the additional fee commencing on  
25 October 1 of each year. The treasurer of state, before making  
26 the allotments provided in section 312.2, shall credit the  
27 revenues collected under this subsection as follows:

28 a. To the primary road fund, eighty percent.

29 b. To the secondary road fund of the counties, fifteen  
30 percent.

31 c. To the street construction fund of the cities, five  
32 percent."

33 Sec. 2. Section 321.189, subsections 7 and 9, Code 1993,  
34 are amended to read as follows:

35 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A person under

SENATE FILE 142  
FISCAL NOTE

A fiscal note for Senate File 142 as amended by H-3395 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 142 as amended by H-3395 charges a fee of \$28 for special plates, in addition to the annual motorcycle registration, for persons who decide not to wear helmets for the 12-month period beginning October 1, 1993 and ending September 30, 1994. For each succeeding year the Department of Transportation shall determine the annual registration fee in an amount sufficient to raise funds equal to, but not more than, the reduction in federal highway construction funds for not enacting a mandatory motorcycle helmet law. The revenues for the additional registration fee shall be deposited as follows: 80% to the Primary Road Fund, 15% to the Secondary Road Fund, and 5% to the City Street Construction Fund. This Bill also mandates motorcycle helmet use for persons under the age of 19.

Assumptions

There will be a total of 149,000 registered motorcycles and motorized bicycles during the 12-month period beginning October 1, 1993 and ending September 30, 1994. The number of motorcycles registered to persons under the age of 19 is not known.

2. The fee for special plates will be \$28.00 in addition to the annual registration fee.
3. Approximately 74,500 (1/2) motorcycles will be registered with special plates which will generate \$2,086,000.
4. Special motorcycle plates will cost \$1.50 each to produce for a total cost of \$111,750.

Fiscal Effect

Senate File 142 as amended by H-3395 will generate \$2,086,000 during the first year and an amount not to exceed \$3,800,000 for each succeeding year. This revenue will be used to replace the federal highway construction funds transferred for traffic safety education programs and the cost to produce the special license plates.

With the passage of the Intermodal Surface Transportation Efficiency Act of 1991 by Congress, the State of Iowa has been given an alternative to either pass a mandatory motorcycle helmet law or transfer 1.5% (\$1.9 million) of the state's highway construction funds to traffic safety education programs for federal fiscal year 1995 and 3.0% (\$3.8 million) for each year thereafter.

1 ~~the-age-of-eighteen~~ applying for a driver's license valid for  
2 the operation of a motorcycle shall be required to  
3 successfully complete a motorcycle education course either  
4 approved ~~and~~ or established by the department of education or  
5 from a private or commercial driver education school licensed  
6 by the department. Successful completion of a motorcycle  
7 education course shall be required only for the initial  
8 issuance of a class M license. A public school district shall  
9 charge a student a fee which shall not exceed the actual cost  
10 of instruction minus moneys received by the school district  
11 under subsection 9.

12 9. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider  
13 education fund is established in the office of the treasurer  
14 of state. The moneys credited to the fund are appropriated to  
15 the department of education to be used to establish new  
16 motorcycle rider education courses and reimburse sponsors of  
17 motorcycle rider education courses for the costs of providing  
18 motorcycle rider education courses approved ~~and~~ or established  
19 by the department of education. The department of education  
20 shall adopt rules under chapter 17A providing for the  
21 distribution of moneys to sponsors of motorcycle rider  
22 education courses based upon the costs of providing the  
23 education courses. The rules shall allow sponsors to offer  
24 courses on an annual basis and shall require that the  
25 distribution of moneys to sponsors be based upon the number of  
26 persons who complete the sponsor's course and successfully  
27 obtain a class M license.

28 Sec. 3. If the federal government repeals that portion of  
29 the federal Intermodal Surface Transportation Efficiency Act  
30 of 1991 which provides sanctions for states which do not have  
31 a state law requiring motorcycle helmets, section 1 of this  
32 Act shall be repealed on the July 1 following the federal  
33 government's repeal.

34  
35

## SENATE FILE 142

H-3271

1 Amend the amendment, H-3193, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

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

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

8 "Section 100. NEW SECTION. 80.26A MOTORCYCLE  
9 SAFETY FUNDING.

10 A portion of the moneys diverted to state highway  
11 safety education projects by the federal government  
12 pursuant to the federal Intermodal Surface  
13 Transportation Efficiency Act of 1991, if a mandatory  
14 helmet law required by that Act is not enacted by this  
15 state, shall be used for motorcycle safety education  
16 and programming to include a motorcycle awareness  
17 educational program for motorists.

18 Sec. 150. Section 321.34, Code 1993, as amended by  
19 1993 Iowa Acts, Senate File 18, section 1, is amended  
20 by adding the following new subsection:

21 NEW SUBSECTION. 17. MOTORCYCLE HELMET PLATES.  
22 The owner of a motorcycle or motorized bicycle subject  
23 to registration under this chapter who does not agree  
24 to comply with the requirements of section 321.444A,  
25 subsection 1, may, upon written application to the  
26 department, order a special plate under this  
27 subsection. The plate shall be designed by the  
28 department so as to be readily distinguishable from a  
29 motorcycle plate not issued pursuant to this  
30 subsection. The application is subject to approval by  
31 the department and the special registration plate  
32 shall be issued in exchange for the registration plate  
33 previously issued to the person. The fee for the  
34 special plate shall be the same as the fee for a  
35 motorcycle plate not issued pursuant to this  
36 subsection. The department shall validate the special  
37 plate in the same manner as a regular registration  
38 plate is validated under this section."

39 \_\_\_\_\_ Page 1, line 12, by inserting after the word  
40 "bicycles" the following: "with a motorcycle helmet  
41 plate issued pursuant to section 321.34, subsection  
42 17, and".

43 \_\_\_\_\_ Page 1, line 14, by striking the word  
44 "fifteen" and inserting the following: "twenty-  
45 eight".

46 \_\_\_\_\_ Page 1, line 18, by inserting after the word  
47 "fee" the following: "on all motorcycles and  
48 motorized bicycles with a motorcycle helmet plate".

49 2. Page 1, by inserting after line 22 the  
50 following:

H-3271

H-3271

Page 2

1 "3. This section shall not apply to an operator or  
2 rider on a motorcycle or motorized bicycle with a  
3 motorcycle helmet plate issued pursuant to section  
4 321.34, subsection 17."

5 3. Page 1, by striking lines 34 through 36 and  
6 inserting the following:

7 "\_\_\_\_. Page 2, line 31, by striking the words and  
8 figure "section 1 of" and inserting the following:  
9 "section 150 of this Act, the amendment to section  
10 321.117 adopted in section 1 of this Act, section  
11 321.444A as enacted in this Act, and the amendment to  
12 section 805.8, subsection 2, paragraph "e", adopted  
13 in".

14 \_\_\_\_\_. Title page, line 3, by inserting after the  
15 word "headgear" the following: ", providing for  
16 motorcycle helmet plates, and additional registration  
17 fees, motorcycle awareness programming, "."

By BLODGETT of Cerro Gordo

LARSON of Linn

BLACK of Jasper

WITT of Black Hawk

H-3271 FILED MARCH 12, 1993

WITHDRAWN

3/22/93

## SENATE FILE 142

H-3272

1 Amend Senate File 142, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 100. NEW SECTION. 80.26A MOTORCYCLE  
6 SAFETY FUNDING.

7 A portion of the moneys diverted to state highway  
8 safety education projects by the federal government  
9 pursuant to the federal Intermodal Surface  
10 Transportation Efficiency Act of 1991, if a mandatory  
11 helmet law required by that Act is not enacted by this  
12 state, shall be used for motorcycle safety education  
13 and programming to include a motorcycle awareness  
14 educational program for motorists.

15 Sec. 150. Section 321.34, Code 1993, as amended by  
16 1993 Iowa Acts, Senate File 18, section 1, is amended  
17 by adding the following new subsection:

18 NEW SUBSECTION. 17. MOTORCYCLE HELMET PLATES.  
19 The owner of a motorcycle or motorized bicycle subject  
20 to registration under this chapter who does not agree  
21 to comply with the requirements of section 321.444A,  
22 subsection 1, may, upon written application to the  
23 department, order a special plate under this  
24 subsection. The plate shall be designed by the  
25 department so as to be readily distinguishable from a  
26 motorcycle plate not issued pursuant to this  
27 subsection. The application is subject to approval by  
28 the department and the special registration plate  
29 shall be issued in exchange for the registration plate  
30 previously issued to the person. The fee for the  
31 special plate shall be the same as the fee for a  
32 motorcycle plate not issued pursuant to this  
33 subsection. The department shall validate the special  
34 plate in the same manner as a regular registration  
35 plate is validated under this section."

36 2. Page 1, line 12, by inserting after the word  
37 "bicycles" the following: "with a motorcycle helmet  
38 plate issued pursuant to section 321.34, subsection  
39 17, and".

40 3. Page 1, line 14, by striking the word  
41 "fifteen" and inserting the following: "twenty-  
42 eight".

43 4. Page 1, line 18, by inserting after the word  
44 "fee" the following: "on all motorcycles and  
45 motorized bicycles with a motorcycle helmet plate".

46 5. Page 2, by inserting after line 27 the  
47 following:

48 "Sec. 200. NEW SECTION. 321.444A HELMETS.

49 1. A motorcycle or motorized bicycle shall not be  
50 operated upon a highway unless the person who is

H-3272

H-3272

Page 2

1 operating or riding the vehicle is wearing protective  
2 headgear which complies with standards and  
3 specifications established under 49 C.F.R. § 571.218.  
4 For purposes of this section, "wearing protective  
5 headgear" means having a safety helmet on the person's  
6 head that is fastened with the helmet straps and that  
7 is of a size that fits the person's head securely  
8 without excessive lateral or vertical movement.

9 2. A person shall not possess for the purpose of  
10 sale, offer for sale, or sell protective headgear for  
11 use by a person operating or riding upon a motorcycle  
12 or motorized bicycle, unless the equipment meets the  
13 standards and specifications required under this  
14 section.

15 3. This section shall not apply to an operator or  
16 rider on a motorcycle or motorized bicycle with a  
17 motorcycle helmet plate issued pursuant to section  
18 321.34, subsection 17.

19 Sec. 300. Section 805.8, subsection 2, paragraph  
20 e, Code 1993, is amended to read as follows:

21 e. For improperly used or nonused or defective or  
22 improper equipment under sections 321.383, 321.384,  
23 321.385, 321.386, 321.398, 321.402, 321.403, 321.404,  
24 321.409, 321.419, 321.420, 321.423, 321.420, and  
25 321.433, the scheduled fine is twenty dollars. For  
26 failing to wear protective headgear as required under  
27 section 321.444A, the scheduled fine is fifty dollars  
28 for an operator and twenty-five dollars for a  
29 passenger."

30 6. Page 2, line 31, by striking the words and  
31 figure "section 1" and inserting the following:  
32 "section 150 of this Act, the amendment to section  
33 321.117 adopted in section 1 of this Act, section 200  
34 of this Act, and the amendment to section 805.8,  
35 subsection 2, paragraph "e", adopted in section 300".

36 7. Title page, line 3, by inserting after the  
37 word "headgear" the following: ", providing for  
38 motorcycle helmet plates and additional registration  
39 fees, motorcycle awareness programming,".

40 8. By renumbering as necessary.

By BLODGETT of Cerro Gordo  
BLACK of Jasper

LARSON of Linn  
WITT of Black Hawk

H-3272 FILED MARCH 12, 1993

*3/22/93 out of order*

## SENATE FILE 142

H-3274

1 Amend Senate File 142, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 100. NEW SECTION. 80.26 MOTORCYCLE AND  
6 MOTORIZED BICYCLE HEAD INJURY STATISTICS.

7 The department of public safety, in conjunction  
8 with the department of human services and the  
9 department of public health shall publish statistics  
10 annually which identify the following:

11 1. The cumulative numbers of persons who suffer  
12 head injuries in the state and of that number the  
13 percentage of persons who suffer head injuries as a  
14 result of an accident on a motorcycle or motorized  
15 bicycle in which the person was not wearing a safety  
16 helmet.

17 2. The costs incurred by the state and the  
18 counties to care for persons who have suffered head  
19 injuries as a result of an accident on a motorcycle or  
20 motorized bicycle in which the person was not wearing  
21 a safety helmet.

22 Sec. 200. Section 321.34, Code 1993, as amended by  
23 1993 Iowa Acts, Senate File 18, section 1, is amended  
24 by adding the following new subsection:

25 NEW SUBSECTION. 17. MOTORCYCLE HELMET PLATES.  
26 The owner of a motorcycle or motorized bicycle subject  
27 to registration under this chapter who does not agree  
28 to comply with the requirements of section 321.444A,  
29 subsection 1, may, upon written application to the  
30 department, order a special plate under this  
31 subsection. The plate shall be designed by the  
32 department so as to be readily distinguishable from a  
33 motorcycle plate not issued pursuant to this  
34 subsection. The application is subject to approval by  
35 the department and the special registration plate  
36 shall be issued in exchange for the registration plate  
37 previously issued to the person. The fee for the  
38 special plate shall be the same as the fee for a  
39 motorcycle plate not issued pursuant to this  
40 subsection. The department shall validate the special  
41 plate in the same manner as a regular registration  
42 plate is validated under this section."

43 2. Page 1, line 12, by inserting after the word  
44 "bicycles" the following: "with a motorcycle helmet  
45 plate issued pursuant to section 321.34, subsection  
46 17, and".

47 3. Page 1, line 14, by striking the word  
48 "fifteen" and inserting the following: "thirty".

49 4. Page 1, line 18, by inserting after the word  
50 "fee" the following: "on all motorcycles and

H-3274

-1-

H-3274

Page 2

1 motorized bicycles with a motorcycle helmet plate".

2 5. Page 1, by inserting after line 32 the  
3 following:

4 "3. In addition to the fees required under  
5 subsections 1 and 2, all motorcycles and motorized  
6 bicycles, with a motorcycle helmet plate issued  
7 pursuant to section 321.34, subsection 17, shall pay  
8 an additional annual registration fee of one hundred  
9 dollars. The moneys collected under this subsection  
10 shall be deposited in the motorcycle rider medical  
11 assistance fund which is established in the office of  
12 the treasurer of state. The moneys credited to the  
13 motorcycle rider medical assistance fund shall be  
14 appropriated to the department of human services to  
15 defray the cost of medical assistance to motorcycle  
16 and motorized bicycle riders who have suffered head  
17 injuries while riding a motorcycle or motorized  
18 bicycle and who are eligible for medical assistance  
19 under chapter 249A."

20 6. Page 2, by inserting after line 27 the  
21 following:

22 "Sec. 300. NEW SECTION. 321.444A HELMETS.

23 1. A motorcycle or motorized bicycle shall not be  
24 operated upon a highway unless the person who is  
25 operating or riding the vehicle is wearing protective  
26 headgear which complies with standards and  
27 specifications established under 49 C.F.R. § 571.218.  
28 For purposes of this section, "wearing protective  
29 headgear" means having a safety helmet on the person's  
30 head that is fastened with the helmet straps and that  
31 is of a size that fits the person's head securely  
32 without excessive lateral or vertical movement.

33 2. A person shall not possess for the purpose of  
34 sale, offer for sale, or sell protective headgear for  
35 use by a person operating or riding upon a motorcycle  
36 or motorized bicycle, unless the equipment meets the  
37 standards and specifications required under this  
38 section.

39 3. This section shall not apply to an operator or  
40 rider of a motorcycle or motorized bicycle if the  
41 operator or rider is eighteen years old or older and  
42 the motorcycle or motorized bicycle has a motorcycle  
43 helmet plate issued pursuant to section 321.34,  
44 subsection 17.

45 Sec. 400. Section 805.8, subsection 2, paragraph  
46 e, Code 1993, is amended to read as follows:

47 e. For improperly used or nonused or defective or  
48 improper equipment under sections 321.383, 321.384,  
49 321.385, 321.386, 321.398, 321.402, 321.403, 321.404,  
50 321.409, 321.419, 321.420, 321.423, 321.430, and

H-3274

-2-

H-3274

Page 3

1 321.433, the scheduled fine is twenty dollars. For  
 2 failing to wear protective headgear as required under  
 3 section 321.444A, the scheduled fine is fifty dollars  
 4 for an operator and twenty-five dollars for a  
 5 passenger.

6 Sec. 500. Notwithstanding any other provision of  
 7 this Act, section 200 of this Act, the amendment to  
 8 section 321.117 adopted in section 1 of this Act, and  
 9 subsection 3 of section 300 of this Act are repealed  
 10 July 1, 1995."

11 7. Page 2, by striking lines 28 through 33.

12 8. Title page, line 3, by inserting after the  
 13 word "headgear" the following: ", creating the  
 14 motorcycle rider medical assistance fund, requiring  
 15 the publication of statistics, providing for  
 16 motorcycle helmet plates and additional registration  
 17 fees,".

18 9. By renumbering as necessary.

By SPENNER of Henry

KOENIGS of Mitchell

KOENIGS of Mitchell

JOCHUM of Dubuque

JOCHUM of Dubuque

H-3274 FILED MARCH 15, 1993

*3/22/93 out of order*

SENATE FILE 142

H-3275

1 Amend the amendment, H-3193, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, line 11, by inserting after the figure  
 5 "571.218" the following: "or standard Z90.4 adopted  
 6 by the American national standards institute".

By WITT of Black Hawk

BLACK of Jasper

BLODGETT of Cerro Gordo

*3/22/93 Root  
(P. 727)*

H-3275 FILED MARCH 15, 1993

SENATE FILE 142

H-3284

1 Amend the amendment, H-3193, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, line 7, by striking the words  
 5 "motorcycle or motorized bicycle" and inserting the  
 6 following: "motorcycle, motorized bicycle, or  
 7 bicycle".

8 2. Page 1, lines 19 and 20, by striking the words  
 9 "motorcycle or motorized bicycle" and inserting the  
 10 following: "motorcycle, motorized bicycle, or  
 11 bicycle".

12 3. Page 1, by inserting after line 34 the  
 13 following:

14 "\_\_\_\_. Title page, lines 2 and 3, by striking the  
 15 words "motorcycles and motorized bicycles" and  
 16 inserting the following: "motorcycles, motorized  
 17 bicycles, and bicycles"."

*3-22-93 With drawn*

By BERNAU of Story

H-3284 FILED MARCH 15, 1993

SENATE FILE 142

H-3193

1 Amend Senate File 142 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 32.

4 2. Page 2, by inserting after line 27 the  
5 following:

6 "Sec. \_\_\_\_ . NEW SECTION. 321.444A HELMETS.

7 1. A motorcycle or motorized bicycle shall not be  
8 operated upon a highway unless the person who is  
9 operating or riding the vehicle is wearing protective  
10 headgear which complies with standards and

11 specifications established under 49 C.F.R. § 571.218.

12 For purposes of this section, "wearing protective  
13 headgear" means having a safety helmet on the person's  
14 head that is fastened with the helmet straps and that  
15 is of a size that fits the person's head securely  
16 without excessive lateral or vertical movement.

17 2. A person shall not possess for the purpose of  
18 sale, offer for sale, or sell protective headgear for  
19 use by a person operating or riding upon a motorcycle  
20 or motorized bicycle, unless the equipment meets the  
21 standards and specifications required under this  
22 section.

23 Sec. \_\_\_\_ . Section 805.8, subsection 2, paragraph  
24 e, Code 1993, is amended to read as follows:

25 e. For improperly used or nonused or defective or  
26 improper equipment under sections 321.383, 321.384,  
27 321.385, 321.386, 321.398, 321.402, 321.403, 321.404,  
28 321.409, 321.419, 321.420, 321.423, 321.430, and  
29 321.433, the scheduled fine is twenty dollars. For  
30 failing to wear protective headgear as required under  
31 section 321.444A, the scheduled fine is fifty dollars  
32 for an operator and twenty-five dollars for a  
33 passenger."

34 3. Page 2, by striking lines 28 through 33.

35 4. Title page, line 4, by striking the words "and  
36 a repeal provision".

37 5. By renumbering as necessary.

By COMMITTEE ON TRANSPORTATION  
SPENNER of Henry, Chair

H-3193 FILED MARCH 9, 1993

*3/22/93 adopted*

## SENATE FILE 142

H-3296

1 Amend the amendment, H-3193, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 1 through 3 and  
5 inserting the following:

6 "Amend Senate File 142, as amended, passed, and  
7 reprinted by the Senate, as follows:

8 \_\_\_\_\_. Page 1, by inserting before line 1 the  
9 following:

10 "Section 100. NEW SECTION. 80.26A MOTORCYCLE  
11 SAFETY FUNDING.

12 A portion of the moneys diverted to state highway  
13 safety education projects by the federal government  
14 pursuant to the federal Intermodal Surface  
15 Transportation Efficiency Act of 1991, if a mandatory  
16 helmet law required by that Act is not enacted by this  
17 state, shall be used for motorcycle safety education  
18 and programming to include a motorcycle awareness  
19 educational program for motorists.

20 Sec. 150. Section 321.34, Code 1993, as amended by  
21 1993 Iowa Acts, Senate File 18, section 1, is amended  
22 by adding the following new subsection:

23 NEW SUBSECTION. 17. MOTORCYCLE HELMET PLATES.  
24 The owner of a motorcycle or motorized bicycle subject  
25 to registration under this chapter who does not agree  
26 to comply with the requirements of section 321.444A,  
27 subsection 1, may, upon written application to the  
28 department, order a special plate under this  
29 subsection. The plate shall be designed by the  
30 department so as to be readily distinguishable from a  
31 motorcycle plate not issued pursuant to this  
32 subsection. The application is subject to approval by  
33 the department and the special registration plate  
34 shall be issued in exchange for the registration plate  
35 previously issued to the person. The fee for the  
36 special plate shall be the same as the fee for a  
37 motorcycle plate not issued pursuant to this  
38 subsection. The department shall validate the special  
39 plate in the same manner as a regular registration  
40 plate is validated under this section."

41 \_\_\_\_\_. Page 1, line 12, by inserting after the word  
42 "bicycles" the following: "with a motorcycle helmet  
43 plate issued pursuant to section 321.34, subsection  
44 17, and".

45 \_\_\_\_\_. Page 1, line 14, by striking the word  
46 "fifteen" and inserting the following: "twenty-  
47 eight".

48 \_\_\_\_\_. Page 1, line 18, by inserting after the word  
49 "fee" the following: "on all motorcycles and  
50 motorized bicycles with a motorcycle helmet plate"."

H-3296

-1-

H-3296

Page 2

1 2. Page 1, by inserting after line 22 the  
2 following:

3 "3. This section shall not apply to an operator or  
4 rider on a motorcycle or motorized bicycle with a  
5 motorcycle helmet plate issued pursuant to section  
6 321.34, subsection 17."

7 3. Page 1, by striking lines 34 through 36 and  
8 inserting the following:

9 "\_\_\_\_\_. Page 2, line 31, by striking the words and  
10 figure "section 1 of" and inserting the following:  
11 "section 150 of this Act, the amendment to section  
12 321.117 adopted in section 1 of this Act, section  
13 321.444A as enacted in this Act, and the amendment to  
14 section 805.8, subsection 2, paragraph "e", adopted  
15 in".

16 \_\_\_\_\_. Title page, line 3, by inserting after the  
17 word "headgear" the following: ", providing for  
18 motorcycle helmet plates, and additional registration  
19 fees, motorcycle awareness programming, "."

By BLODGETT of Cerro Gordo  
LARSON of Linn  
WITT of Black Hawk

*3/22/93 adopted  
(p. 727)*

H-3296 FILED MARCH 16, 1993

## SENATE FILE 142

H-3297

1 Amend the amendment, H-3193, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 22, the  
5 following:

6 "\_\_\_\_\_. This section shall not apply to an operator  
7 or rider of a motorcycle or a motorized bicycle if the  
8 operator or rider is nineteen years old or older and  
9 the motorcycle or motorized bicycle has a motorcycle  
10 helmet plate issued in accordance with section  
11 321.117."

By OSTERBERG of Linn  
BELL of Jasper

*(p. 124) 3/22/93 adopted*

H-3297 FILED MARCH 16, 1993

## SENATE FILE 142

H-3299

1 Amend the amendment, H-3274, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 44, by inserting after the word  
5 and figure "subsection 17" the following: ", or to a  
6 person operating a motorcycle or motorized bicycle in  
7 a parade".

By BRUNKHORST of Bremer

H-3299 FILED MARCH 16, 1993

*3/22/93 out of order*

SENATE FILE 142

H-3303

1 Amend the amendment, H-3274, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by inserting after line 44 the  
5 following:

6 "4. A person who violates this section shall be  
7 required to order motorcycle helmet plates issued  
8 under section 321.34, subsection 17, for each  
9 motorcycle or motorized bicycle the person owns, and  
10 to register each motorcycle or motorized bicycle in  
11 accordance with section 321.117."

By HALVORSON of Webster

H-3303 FILED MARCH 16, 1993

*3-22-93 out of order*

SENATE FILE 142

H-3304

1 Amend the amendment, H-3272, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 3, by inserting after the figure  
5 "571.218" the following: "or standard Z90.4 adopted  
6 by the American national standards institute".

By WITT of Black Hawk

BLACK of Jasper

BLODGETT of Cerro Gordo

*3-22-93 out of order*

H-3304 FILED MARCH 16, 1993

SENATE FILE 142

H-3305

1 Amend the amendment, H-3274, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, line 44, by inserting after the word  
5 and figure "subsection 17" the following: ", or to an  
6 operator or rider of a motorcycle or a motorized  
7 bicycle if the operator or rider is nineteen years old  
8 or older and the motorcycle or motorized bicycle has a  
9 motorcycle helmet plate issued in accordance with  
10 section 321.117".

By OSTERBERG of Linn

BELL of Jasper

*3-22-93 out of order*

H-3305 FILED MARCH 16, 1993

SENATE FILE 142

H-3307

WITHDRAWN

1 Amend the amendment, H-3193, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 11, by inserting after the figure  
5 "571.218" the following: ", or meets or exceeds a  
6 rating of Snell 90 established by the Snell foundation  
7 rating system, whichever is more stringent".

By SCHRADER of Marion

H-3307 FILED MARCH 16, 1993

## SENATE FILE 142

H-3300

1 Amend the amendment, H-3272, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 2, line 18, by inserting after the word  
 5 and figure "subsection 17" the following: ", or to a  
 6 person operating a motorcycle or motorized bicycle in  
 7 a parade".

By BRUNKHORST of Bremer

H-3300 FILED MARCH 16, 1993

*3-22-93 out of order*

## SENATE FILE 142

H-3301

1 Amend the amendment, H-3274, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 2, line 27, by inserting after the figure  
 5 "571.218" the following: "or standard Z90.4 adopted  
 6 by the American national standards institute".

By WITT of Black Hawk

BLACK of Jasper

BLODGETT of Cerro Gordo

*3/22/93 out of order*

H-3301 FILED MARCH 16, 1993

## SENATE FILE 142

H-3302

1 Amend the amendment, H-3272, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:

4 1. Page 2, by inserting after line 18, the  
 5 following:

6 "4. A person who violates this section shall be  
 7 required to order motorcycle helmet plates issued  
 8 under section 321.34, subsection 17, for each  
 9 motorcycle or motorized bicycle the person owns and to  
 10 register each motorcycle or motorized bicycle in  
 11 accordance with section 321.117."

*3-22-93 out of order*

By HALVORSON of Webster

H-3302 FILED MARCH 16, 1993

## SENATE FILE 142

H-3306

1 Amend the amendment, H-3272, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 2, line 18, by inserting after the word  
 5 and figure "subsection 17" the following: ", or to an  
 6 operator or rider of a motorcycle or a motorized  
 7 bicycle if the operator or rider is nineteen years old  
 8 or older and the motorcycle or motorized bicycle has a  
 9 motorcycle helmet plate issued in accordance with  
 10 section 321.117".

*out of order 3/22/93*

By OSTERBERG of Linn

BELL of Jasper

H-3306 FILED MARCH 16, 1993

## SENATE FILE 142

H-3291

1 Amend the amendment, H-3193, to Senate File 142, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 1 and 2 and  
5 inserting the following:

6 "Amend Senate File 142, as amended, passed, and  
7 reprinted by the Senate, as follows:".

8 2. Page 1, by striking line 3 and inserting the  
9 following:

10 " . Page 1, by inserting before line 1 the  
11 following:

12 "Section 100. NEW SECTION. 80.26 MOTORCYCLE AND  
13 MOTORIZED BICYCLE HEAD INJURY STATISTICS.

14 The department of public safety, in conjunction  
15 with the department of human services and the  
16 department of public health shall publish statistics  
17 annually which identify the following:

18 1. The cumulative numbers of persons who suffer  
19 head injuries in the state and of that number the  
20 percentage of persons who suffer head injuries as a  
21 result of an accident on a motorcycle or motorized  
22 bicycle in which the person was not wearing a safety  
23 helmet.

24 2. The costs incurred by the state and the  
25 counties to care for persons who have suffered head  
26 injuries as a result of an accident on a motorcycle or  
27 motorized bicycle in which the person was not wearing  
28 a safety helmet.

29 Sec. 200. Section 321.34, Code 1993, as amended by  
30 1993 Iowa Acts, Senate File 18, section 1, is amended  
31 by adding the following new subsection:

32 NEW SUBSECTION. 17. MOTORCYCLE HELMET PLATES.  
33 The owner of a motorcycle or motorized bicycle subject  
34 to registration under this chapter who does not agree  
35 to comply with the requirements of section 321.444A,  
36 subsection 1, may, upon written application to the  
37 department, order a special plate under this  
38 subsection. The plate shall be designed by the  
39 department so as to be readily distinguishable from a  
40 motorcycle plate not issued pursuant to this  
41 subsection. The application is subject to approval by  
42 the department and the special registration plate  
43 shall be issued in exchange for the registration plate  
44 previously issued to the person. The fee for the  
45 special plate shall be the same as the fee for a  
46 motorcycle plate not issued pursuant to this  
47 subsection. The department shall validate the special  
48 plate in the same manner as a regular registration  
49 plate is validated under this section."

50 \_\_\_\_\_. Page 1, line 12, by inserting after the word

H-3291

H-3291

Page 2

1 "bicycles" the following: "with a motorcycle helmet  
2 plate issued pursuant to section 321.34, subsection  
3 17, and".

4 \_\_\_\_\_. Page 1, line 14, by striking the word  
5 "fifteen" and inserting the following: "thirty".

6 \_\_\_\_\_. Page 1, line 18, by inserting after the word  
7 "fee" the following: "on all motorcycles and  
8 motorized bicycles with a motorcycle helmet plate".

9 \_\_\_\_\_. Page 1, by inserting after line 32 the  
10 following:

11 "3. In addition to the fees required under  
12 subsections 1 and 2, all motorcycles and motorized  
13 bicycles, with a motorcycle helmet plate issued  
14 pursuant to section 321.34, subsection 17, shall pay  
15 an annual surcharge of one hundred dollars. The  
16 moneys collected under this subsection shall be  
17 deposited in the motorcycle rider medical assistance  
18 fund which is established in the office of the  
19 treasurer of state. The moneys credited to the  
20 motorcycle rider medical assistance fund shall be  
21 appropriated to the department of human services to  
22 defray the cost of medical assistance to motorcycle  
23 and motorized bicycle riders who have suffered head  
24 injuries while riding a motorcycle or motorized  
25 bicycle and who are eligible for medical assistance  
26 under chapter 249A."

27 3. Page 1, by inserting after line 22 the  
28 following:

29 "3. This section shall not apply to an operator or  
30 rider of a motorcycle or motorized bicycle if the  
31 operator or rider is eighteen years old or older and  
32 the motorcycle or motorized bicycle has a motorcycle  
33 helmet plate issued pursuant to section 321.34,  
34 subsection 17.

35 4. A person who violates this section shall be  
36 required to order motor cycle helmet plates issued  
37 under section 321.34, subsection 17, for each  
38 motorcycle or motorized bicycle the person owns and  
39 register each motorcycle or motorized bicycle in  
40 accordance with section 321.117."

41 4. Page 1, line 34, by inserting after the figure  
42 "33" the following: "and inserting the following:

43 "Sec. \_\_\_\_\_. Notwithstanding any other provision of  
44 this Act, section 200 of this Act, the amendment to  
45 section 321.117 adopted in section 1 of this Act, and  
46 section 321.444A, subsections 3 and 4, as enacted in  
47 this Act, are repealed July 1, 1995."

48 5. Page 1, by inserting after line 34 the  
49 following:

50 "\_\_\_\_\_. Title page, line 3, by inserting after the

H-3291

-2-

H-3291

Page 3

- 1 word "headgear" the following: ", creating the  
 2 motorcycle rider medical assistance fund, requiring  
 3 the publication of statistics, providing for  
 4 motorcycle helmet plates and additional registration  
 5 fees, and a surcharge, "."  
 6 6. By renumbering as necessary.

By SPENNER of Henry  
 KOENIGS of Mitchell  
 JOCHUM of Dubuque

H-3291 FILED MARCH 16, 1993

RULED NOTGERMANE, MOTION TO SUSPEND RULES PREVAILED

Div. A - Lost  
 Div. B. out of order 3.22.93

## SENATE FILE 142

H-3293

- 1 Amend the amendment, H-3193, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 22, the  
 5 following:  
 6 "\_\_\_\_. This section shall not apply to a person  
 7 operating a motorcycle or motorized bicycle in a  
 8 parade."

(P.128) 3.22.93 adopted

By BRUNKHORST of Bremer

H-3293 FILED MARCH 16, 1993

## SENATE FILE 142

H-3377

- 1 Amend the amendment, H-3193, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by inserting after line 22, the  
 5 following:  
 6 "\_\_\_\_. A person who violates this section shall be  
 7 required to order motorcycle helmet plates issued  
 8 under section 321.34, subsection 17, for each  
 9 motorcycle or motorized bicycle the person owns and to  
 10 register each motorcycle or motorized bicycle in  
 11 accordance with section 321.117."  
 12 2. By renumbering as necessary.

By HALVORSON of Webster

H-3377 FILED MARCH 22, 1993

ADOPTED

## SENATE FILE 142

H-3371

- 1 Amend the amendment, H-3193, to Senate File 142, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 31, by striking the word "fifty"  
 5 and inserting the following: "ten".  
 6 2. Page 1, line 32, by striking the word "twenty-  
 7 five" and inserting the following: "ten".

By SPENNER of Henry

H-3371 FILED MARCH 22, 1993

WITHDRAWN

## SENATE FILE 142

S-3395

1 Amend Senate File 142 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 321.189, subsections 7 and 9,  
6 Code 1993, are amended to read as follows:

7 7. CLASS M LICENSE EDUCATION REQUIREMENTS. A  
8 person under the age of eighteen applying for a  
9 driver's license valid for the operation of a  
10 motorcycle shall be required to successfully complete  
11 a motorcycle education course either approved and or  
12 established by the department of education or from a  
13 private or commercial driver education school licensed  
14 by the department. A public school district shall  
15 charge a student a fee which shall not exceed the  
16 actual cost of instruction minus moneys received by  
17 the school district under subsection 9.

18 9. MOTORCYCLE RIDER EDUCATION FUND. The  
19 motorcycle rider education fund is established in the  
20 office of the treasurer of state. The moneys credited  
21 to the fund are appropriated to the department of  
22 education to be used to establish new motorcycle rider  
23 education courses and reimburse sponsors of motorcycle  
24 rider education courses for the costs of providing  
25 motorcycle rider education courses approved and or  
26 established by the department of education. The  
27 department of education shall adopt rules under  
28 chapter 17A providing for the distribution of moneys  
29 to sponsors of motorcycle rider education courses  
30 based upon the costs of providing the education  
31 courses. The rules shall allow sponsors to offer  
32 courses on an annual basis and shall require that the  
33 distribution of moneys to sponsors be based upon the  
34 number of persons who complete the sponsor's course  
35 and successfully obtain a class M license.

36 Sec. 2. NEW SECTION. 321.444A HELMETS.

37 1. A motorcycle or motorized bicycle shall not be  
38 operated upon a highway unless the person who is  
39 operating or riding the vehicle is wearing protective  
40 headgear which complies with standards and  
41 specifications established under 49 C.F.R. § 571.218.  
42 For purposes of this section, "wearing protective  
43 headgear" means having a safety helmet on the person's  
44 head that is fastened with the helmet straps and that  
45 is of a size that fits the person's head securely  
46 without excessive lateral or vertical movement.

47 2. A person shall not possess for the purpose of  
48 sale, offer for sale, or sell protective headgear for  
49 use by a person operating or riding upon a motorcycle  
50 or motorized bicycle, unless the equipment meets the

S-3395

-1-

H-3395

Page 2

1 standards and specifications required under this  
 2 section.  
 3 Sec. 3. Section 805.8, subsection 2, paragraph e,  
 4 Code 1993, is amended to read as follows:  
 5 e. For improperly used or nonused or defective or  
 6 improper equipment under sections 321.383, 321.384,  
 7 321.385, 321.386, 321.398, 321.402, 321.403, 321.404,  
 8 321.409, 321.419, 321.420, 321.423, 321.430, and  
 9 321.433, the scheduled fine is twenty dollars. For  
 10 failing to wear protective headgear as required under  
 11 section 321.444A, the scheduled fine is fifty dollars  
 12 for an operator and twenty-five dollars for a  
 13 passenger.

14 Sec. 4. If the federal government repeals that  
 15 portion of the federal Intermodal Surface  
 16 Transportation Efficiency Act of 1991 which provides  
 17 sanctions for states which do not have a state law  
 18 requiring motorcycle helmets, this Act shall be  
 19 repealed on the July 1 following the federal  
 20 government's repeal."

By SPENNER of Henry	BERNAU of Story
KOENIGS of Mitchell	PLASIER of Sioux
NEUHAUSER of Johnson	CARLIER of Polk
DODERER of Johnson	JOCHUM of Dubuque

H-3395 FILED MARCH 23, 1993

*Lost 4/26/93 (P.1677)*

SENATE FILE 142

H-4183

1 Amend Senate File 142, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 33 the  
 4 following:  
 5 "Sec. \_\_\_\_ . This Act takes effect October 1, 1993."  
 6 2. Title page, line 4, by inserting after the  
 7 word "provision" the following: "and providing an  
 8 effective date".

By SPENNER of Henry

H-4183 FILED APRIL 23, 1993

*adopted 4/26/93 (P.1677)*

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 142  
H-4306

1 Amend the House amendment, S-3640, to Senate File  
2 142, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 42 the  
5 following:

6 "\_\_\_\_\_. Page 1, line 15, by striking the words and  
7 figures "1993 through September 1994" and inserting  
8 the following: "1994 through September 1995".

9 \_\_\_\_\_. Page 1, line 16, by striking the figure  
10 "1994" and inserting the following: "1995."

11 2. Page 2, by inserting after line 33 the  
12 following:

13 "Sec. 200. NEW SECTION. 321.447 HELMETS

14 1. A motorcycle or motorized bicycle shall not be  
15 operated upon a highway by a person who is eighteen  
16 years of age or younger unless the person who is  
17 operating or riding the vehicle is wearing protective  
18 headgear which complies with standards and  
19 specifications established under 49 C.F.R. § 571.218.  
20 For purposes of this section, "wearing protective  
21 headgear" means having a safety helmet on the person's  
22 head that is fastened with the helmet straps and that  
23 is of a size that fits the person's head securely  
24 without excessive lateral or vertical movement.

25 2. This section shall not apply to a person  
26 operating a motorcycle or motorized bicycle in a  
27 parade.

28 3. A violation of this section shall be a  
29 scheduled violation under section 805.8, subsection 2,  
30 paragraph "e". The scheduled fine for a violation of  
31 this section is fifty dollars for an operator and  
32 twenty-five dollars for a passenger."

33 3. Page 3, by striking line 4 and inserting the  
34 following:

35 "Sec. 201. EFFECTIVE DATE. Section 200, this  
36 section, and section 202 of this Act take effect on  
37 October 1, 1993.

38 Sec. 202. REPEAL. Section 200 of this Act is  
39 repealed on October 1, 1994.

40 Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, other than  
41 sections 200, 201, and 202, takes effect on October 1,  
42 1994."

43 4. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-4306 FILED APRIL 29, 1993

*House Concurred*  
*4.29.93*  
*(p. 1826)*

HOUSE AMENDMENT TO  
SENATE FILE 142

S-3640

1 Amend Senate File 142, as amended, passed, and  
2 reprinted by the Senate, as follows:

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

5 "Section 100. NEW SECTION. 80.26A MOTORCYCLE  
6 SAFETY FUNDING.

7 A portion of the moneys diverted to state highway  
8 safety education projects by the federal government  
9 pursuant to the federal Intermodal Surface  
10 Transportation Efficiency Act of 1991, if a mandatory  
11 helmet law required by that Act is not enacted by this  
12 state, shall be used for motorcycle safety education  
13 and programming to include a motorcycle awareness  
14 educational program for motorists.

15 Sec. 150. Section 321.34, Code 1993, as amended by  
16 1993 Iowa Acts, Senate File 18, section 1, is amended  
17 by adding the following new subsection:

18 NEW SUBSECTION. 17. MOTORCYCLE HELMET PLATES.

19 The owner of a motorcycle or motorized bicycle subject  
20 to registration under this chapter who does not agree  
21 to comply with the requirements of section 321.444A,  
22 subsection 1, may, upon written application to the  
23 department, order a special plate under this  
24 subsection. The plate shall be designed by the  
25 department so as to be readily distinguishable from a  
26 motorcycle plate not issued pursuant to this  
27 subsection. The application is subject to approval by  
28 the department and the special registration plate  
29 shall be issued in exchange for the registration plate  
30 previously issued to the person. The fee for the  
31 special plate shall be the same as the fee for a  
32 motorcycle plate not issued pursuant to this  
33 subsection. The department shall validate the special  
34 plate in the same manner as a regular registration  
35 plate is validated under this section."

36 2. Page 1, line 12, by inserting after the word  
37 "bicycles" the following: "with a motorcycle helmet  
38 plate issued pursuant to section 321.34, subsection  
39 17, and".

40 3. Page 1, line 14, by striking the word  
41 "fifteen" and inserting the following: "twenty-  
42 eight".

43 4. Page 1, line 18, by inserting after the word  
44 "fee" the following: "on all motorcycles and  
45 motorized bicycles with a motorcycle helmet plate".

46 5. Page 2, by inserting after line 27 the  
47 following:

48 "Sec. \_\_\_\_ . NEW SECTION. 321.444A HELMETS.

49 1. A motorcycle or motorized bicycle shall not be  
50 operated upon a highway unless the person who is

S-3640

-i-

S-3640

Page 2

1 operating or riding the vehicle is wearing protective  
2 headgear which complies with standards and  
3 specifications established under 49 C.F.R. § 571.218.  
4 For purposes of this section, "wearing protective  
5 headgear" means having a safety helmet on the person's  
6 head that is fastened with the helmet straps and that  
7 is of a size that fits the person's head securely  
8 without excessive lateral or vertical movement.

9 2. A person shall not possess for the purpose of  
10 sale, offer for sale, or sell protective headgear for  
11 use by a person operating or riding upon a motorcycle  
12 or motorized bicycle, unless the equipment meets the  
13 standards and specifications required under this  
14 section.

15 3. A person who violates this section shall be  
16 required to order motorcycle helmet plates issued  
17 under section 321.34, subsection 17, for each  
18 motorcycle or motorized bicycle the person owns and to  
19 register each motorcycle or motorized bicycle in  
20 accordance with section 321.117.

21 4. This section shall not apply to an operator or  
22 rider of a motorcycle or a motorized bicycle if the  
23 operator or rider is nineteen years old or older and  
24 the motorcycle or motorized bicycle has a motorcycle  
25 helmet plate issued in accordance with section  
26 321.117.

27 5. This section shall not apply to a person  
28 operating a motorcycle or motorized bicycle in a  
29 parade.

30 6. This section shall not apply to an operator or  
31 rider on a motorcycle or motorized bicycle with a  
32 motorcycle helmet plate issued pursuant to section  
33 321.34, subsection 17.

34 Sec. \_\_\_\_ . Section 805.8, subsection 2, paragraph  
35 e, Code 1993, is amended to read as follows:

36 e. For improperly used or nonused or defective or  
37 improper equipment under sections 321.383, 321.384,  
38 321.385, 321.386, 321.398, 321.402, 321.403, 321.404,  
39 321.409, 321.419, 321.420, 321.423, 321.430, and  
40 321.433, the scheduled fine is twenty dollars. For  
41 failing to wear protective headgear as required under  
42 section 321.444A, the scheduled fine is fifty dollars  
43 for an operator and twenty-five dollars for a  
44 passenger."

45 6. Page 2, line 31, by striking the words and  
46 figure "section 1 of" and inserting the following:  
47 "section 150 of this Act, the amendment to section  
48 321.117 adopted in section 1 of this Act, section  
49 321.444A as enacted in this Act, and the amendment to  
50 section 805.8, subsection 2, paragraph "e", adopted

S-3640

-2-

S-3640

Page 3

1 in".

2 7. Page 2, by inserting after line 33 the  
3 following:

4 "Sec. \_\_\_\_\_. This Act takes effect October 1, 1993."

5 8. Title page, line 3, by inserting after the  
6 word "headgear" the following: ", providing for  
7 motorcycle helmet plates, and additional registration  
8 fees, motorcycle awareness programming,".

9 9. Title page, line 4, by inserting after the  
10 word "provision" the following: "and providing an  
11 effective date".

12 10. By renumbering, relettering, or redesignating  
13 and correcting internal references as necessary.

(p.1422)

*Refused to  
Senate Concurred 4/28/93*  
S-3640 FILED APRIL 27, 1993

RECEIVED FROM THE HOUSE 4/28/93  
*motion to R/C (p.1427) 4/28/93 (p.1427)*  
*motion to R/C Prepaid 4/28/93*  
*Senate Now Concurred 4/28/93 (1428)*

SENATE FILE 142

S-3659

1 Amend the House amendment, S-3640, to Senate File  
2 142, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by striking lines 15 through 45.

5 2. Page 1, line 50, by inserting after the word  
6 "highway" the following: "by a person who is eighteen  
7 years of age or younger".

8 3. Page 2, by striking lines 15 through 26.

9 4. Page 2, by striking lines 30 through 33.

10 5. Page 2, line 47, by striking the words  
11 "section 150 of this Act,".

12 6. Page 3, line 7, by striking the words  
13 "motorcycle helmet plates, and".

14 7. By renumbering as necessary.

By WILLIAM W. DIELEMAN

S-3659 FILED APRIL 27, 1993

*Lost  
4/28/93  
(p.1405)*

## SENATE FILE 142

S-3679

1 Amend the House amendment, S-3640, to Senate File  
2 142, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 42 the  
5 following:

6 "\_\_\_\_. Page 1, line 15, by striking the words and  
7 figures "1993 through September 1994" and inserting  
8 the following: "1994 through September 1995".

9 \_\_\_\_\_. Page 1, line 16, by striking the figure  
10 "1994" and inserting the following: "1995"."

11 2. Page 2, by inserting after line 33 the  
12 following:

13 "Sec. 200. NEW SECTION. 321.447 HELMETS

14 1. A motorcycle or motorized bicycle shall not be  
15 operated upon a highway by a person who is eighteen  
16 years of age or younger unless the person who is  
17 operating or riding the vehicle is wearing protective  
18 headgear which complies with standards and  
19 specifications established under 49 C.F.R. § 571.218.  
20 For purposes of this section, "wearing protective  
21 headgear" means having a safety helmet on the person's  
22 head that is fastened with the helmet straps and that  
23 is of a size that fits the person's head securely  
24 without excessive lateral or vertical movement.

25 2. This section shall not apply to a person  
26 operating a motorcycle or motorized bicycle in a  
27 parade.

28 3. A violation of this section shall be a  
29 scheduled violation under section 805.8, subsection 2,  
30 paragraph "e". The scheduled fine for a violation of  
31 this section is fifty dollars for an operator and  
32 twenty-five dollars for a passenger."

33 3. Page 3, by striking line 4 and inserting the  
34 following:

35 "Sec. 201. EFFECTIVE DATE. Section 200, this  
36 section, and section 202 of this Act take effect on  
37 October 1, 1993.

38 Sec. 202. REPEAL. Section 200 of this Act is  
39 repealed on October 1, 1994.

40 Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, other than  
41 sections 200, 201, and 202, takes effect on October 1,  
42 1994."

43 4. By renumbering as necessary.

By JEAN LLOYD-JONES  
RICHARD F. DRAKE

S-3679 FILED APRIL 28, 1993

ADOPTED

## SENATE FILE 142

S-3674

- 1 Amend the House amendment, S-3640, to Senate File  
2 142, as amended, passed, and reprinted by the Senate,  
3 as follows:  
4 1. Page 1, by inserting after line 42 the  
5 following:  
6 "\_\_\_\_. Page 1, line 15, by striking the words and  
7 figures "1993 through September 1994" and inserting  
8 the following: "1994 through September 1995".  
9 \_\_\_\_\_. Page 1, line 16, by striking the figure  
10 "1994" and inserting the following: "1995"."  
11 2. Page 3, line 4, by striking the figure "1993"  
12 and inserting the following: "1994".  
13 3. By renumbering as necessary.

By WILLIAM W. DIELEMAN

S-3674 FILED APRIL 28, 1993

LOST



TERRY E. BRANSTAD  
GOVERNOR

OFFICE OF THE GOVERNOR

STATE CAPITOL  
DES MOINES, IOWA 50319  
515 281-5211

May 28, 1993

RECEIVED

JUN 01 93  
Legislative Service  
Bureau

The Honorable Elaine Baxter  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 142, an act relating to motorcycle rider education and the use of protective headgear when operating or riding motorcycles and motorized bicycles and the sale of such headgear, providing for motorcycle helmet plates, and additional registration fees, motorcycle awareness programming, and providing penalties and a repeal provision and providing an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

The Intermodal Surface Transportation Efficiency Act of 1991 requires all states to adopt a mandatory helmet law for motorcycle riders by October 1, 1994. States which do not adopt a mandatory helmet law are required to shift 1.5 percent of federal funds appropriated for road construction to Highway Safety Education programs in FY 1994 and 3 percent in succeeding years.

Senate File 142 is not a mandatory helmet law and, therefore, does not satisfy the federal requirement. Additionally, the bill would create an administrative burden for the Department of Transportation and would be very difficult for law enforcement agencies to enforce.

Further, Senate File 142 provides no guarantee that money shifted from the construction portion of the Road Use Tax Fund would be restored with the increased fees.

For the above reasons, I hereby respectfully disapprove Senate File 142.

Sincerely,

Terry E. Branstad  
Governor

TEB/ps

cc: Secretary of the Senate  
Chief Clerk of the House

SENATE FILE 142

AN ACT

RELATING TO MOTORCYCLE RIDER EDUCATION AND THE USE OF PROTECTIVE HEADGEAR WHEN OPERATING OR RIDING MOTORCYCLES AND MOTORIZED BICYCLES AND THE SALE OF SUCH HEADGEAR, PROVIDING FOR MOTORCYCLE HELMET PLATES, AND ADDITIONAL REGISTRATION FEES, MOTORCYCLE AWARENESS PROGRAMMING, AND PROVIDING PENALTIES AND A REPEAL PROVISION AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. NEW SECTION. 80.26A MOTORCYCLE SAFETY FUNDING.

A portion of the moneys diverted to state highway safety education projects by the federal government pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991, if a mandatory helmet law required by that Act is not enacted by this state, shall be used for motorcycle safety education and programming to include a motorcycle awareness educational program for motorists.

Sec. 2. Section 321.34, Code 1993, as amended by 1993 Iowa Acts, Senate File 18, section 1, is amended by adding the following new subsection:

NEW SUBSECTION. 17. MOTORCYCLE HELMET PLATES. The owner of a motorcycle or motorized bicycle subject to registration under this chapter who does not agree to comply with the requirements of section 321.444A, subsection 1, may, upon written application to the department, order a special plate under this subsection. The plate shall be designed by the department so as to be readily distinguishable from a motorcycle plate not issued pursuant to this subsection. The application is subject to approval by the department and the special registration plate shall be issued in exchange for the

registration plate previously issued to the person. The fee for the special plate shall be the same as the fee for a motorcycle plate not issued pursuant to this subsection. The department shall validate the special plate in the same manner as a regular registration plate is validated under this section.

Sec. 3. Section 321.117, Code 1993, is amended to read as follows:

321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.

1. For all motorcycles the annual fee shall be twenty dollars. For all motorized bicycles the annual fee shall be seven dollars. When the motorcycle is more than five model years old, the annual registration fee shall be ten dollars. The annual registration fee for ambulances and hearses shall be fifty dollars. Passenger car plates shall be issued for ambulances and hearses.

2. In addition to the fee provided in subsection 1, all motorcycles and motorized bicycles with a motorcycle helmet plate issued pursuant to section 321.34, subsection 17, and subject to an annual registration fee shall pay an additional annual registration fee of twenty-eight dollars if the month of registration occurs from October 1994 through September 1995. For each succeeding twelve-month period commencing on October 1, 1995, the department shall determine an additional annual registration fee on all motorcycles and motorized bicycles with a motorcycle helmet plate based on the month of registration sufficient to raise funds equal to but not more than the reduction in federal highway construction funds for not enacting a mandatory helmet law pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991. The department shall determine the additional annual registration fee by July 1 of each year prior to imposition of the additional fee commencing on October 1 of each year. The treasurer of state, before making the allotments provided in section 312.2, shall credit the revenues collected under this subsection as follows:

a. To the primary road fund, eighty percent.

b. To the secondary road fund of the counties, fifteen percent.

c. To the street construction fund of the cities, five percent.

Sec. 4. Section 321.189, subsections 7 and 9, Code 1993, are amended to read as follows:

7. CLASS M LICENSE EDUCATION REQUIREMENTS. A person under the-age-of-eighteen applying for a driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and or established by the department of education or from a private or commercial driver education school licensed by the department. Successful completion of a motorcycle education course shall be required only for the initial issuance of a class M license. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under subsection 9.

9. MOTORCYCLE RIDER EDUCATION FUND. The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the department of education to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and or established by the department of education. The department of education shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the costs of providing the education courses. The rules shall allow sponsors to offer courses on an annual basis and shall require that the distribution of moneys to sponsors be based upon the number of persons who complete the sponsor's course and successfully obtain a class M license.

Sec. 5. NEW SECTION. 321.444A HELMETS.

1. A motorcycle or motorized bicycle shall not be operated upon a highway unless the person who is operating or riding the vehicle is wearing protective headgear which complies with standards and specifications established under 49 C.F.R. § 571.218. For purposes of this section, "wearing protective headgear" means having a safety helmet on the person's head that is fastened with the helmet straps and that is of a size that fits the person's head securely without excessive lateral or vertical movement.

2. A person shall not possess for the purpose of sale, offer for sale, or sell protective headgear for use by a person operating or riding upon a motorcycle or motorized bicycle, unless the equipment meets the standards and specifications required under this section.

3. A person who violates this section shall be required to order motorcycle helmet plates issued under section 321.34, subsection 17, for each motorcycle or motorized bicycle the person owns and to register each motorcycle or motorized bicycle in accordance with section 321.117.

4. This section shall not apply to an operator or rider of a motorcycle or a motorized bicycle if the operator or rider is nineteen years old or older and the motorcycle or motorized bicycle has a motorcycle helmet plate issued in accordance with section 321.117.

5. This section shall not apply to a person operating a motorcycle or motorized bicycle in a parade.

6. This section shall not apply to an operator or rider on a motorcycle or motorized bicycle with a motorcycle helmet plate issued pursuant to section 321.34, subsection 17.

Sec. 6. NEW SECTION. 321.447 HELMETS.

1. A motorcycle or motorized bicycle shall not be operated upon a highway by a person who is eighteen years of age or younger unless the person who is operating or riding the vehicle is wearing protective headgear which complies with standards and specifications established under 49 C.F.R. §

571.218. For purposes of this section, "wearing protective headgear" means having a safety helmet on the person's head that is fastened with the helmet straps and that is of a size that fits the person's head securely without excessive lateral or vertical movement.

2. This section shall not apply to a person operating a motorcycle or motorized bicycle in a parade.

3. A violation of this section shall be a scheduled violation under section 805.8, subsection 2, paragraph "e". The scheduled fine for a violation of this section is fifty dollars for an operator and twenty-five dollars for a passenger.

Sec. 7. Section 805.8, subsection 2, paragraph e, Code 1993, is amended to read as follows:

e. For improperly used or nonused or defective or improper equipment under sections 321.383, 321.384, 321.385, 321.386, 321.398, 321.402, 321.403, 321.404, 321.409, 321.419, 321.420, 321.423, 321.430, and 321.433, the scheduled fine is twenty dollars. For failing to wear protective headgear as required under section 321.444A, the scheduled fine is fifty dollars for an operator and twenty-five dollars for a passenger.

Sec. 8. If the federal government repeals that portion of the federal Intermodal Surface Transportation Efficiency Act of 1991 which provides sanctions for states which do not have a state law requiring motorcycle helmets, section 2 of this Act, the amendment to section 321.117 adopted in section 3 of this Act, section 321.444A as enacted in this Act, and the amendment to section 805.8, subsection 2, paragraph "e", adopted in this Act shall be repealed on the July 1 following the federal government's repeal.

Sec. 9. EFFECTIVE DATE. Section 6, this section, and section 10 of this Act take effect on October 1, 1993.

Sec. 10. REPEAL. Section 6 of this Act is repealed on October 1, 1994.

Sec. 11. EFFECTIVE DATE. This Act, other than sections 6, 9, and 10, takes effect on October 1, 1994.

\_\_\_\_\_  
LEONARD L. BOSWELL  
President of the Senate

\_\_\_\_\_  
HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 142, Seventy-fifth General Assembly.

\_\_\_\_\_  
JOHN F. DWYER  
Secretary of the Senate

*Vetoed*  
~~Approved~~ 5/28, 1993

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor