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SENATE FILE 2208
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2083)

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

A BILL FOR

1 An Act relating to motor vehicle and highway regulation by the
2 state department of transportation concerning interest rates
3 for condemnation damages, right-of-way notice filings, testing
4 on private property, retention of records and documents,
5 dissolution decree transfers of motor vehicle titles, junking
6 certificates for abandoned vehicles, flashing blue lights,
7 leased motor vehicles, and single registration for motor
8 carriers, certificates of title, damage disclosure statements,
9 leased motor vehicles, motor vehicle dealer's licensing bond,
10 and other technical changes, and providing effective dates.

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

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S.F. 2208

1 Section 1. Section 6B.24, Code 1993, is amended to read as
2 follows:

3 6B.24 REDUCTION OF DAMAGES -- INTEREST ON INCREASED AWARD.

4 If the amount of damages awarded by the commissioners is
5 decreased on ~~the trial of the~~ appeal, the reduced amount only
6 shall be paid to the landowner. If the amount of damages
7 awarded by the commissioners is increased on appeal, interest
8 shall be paid from the date of the condemnation. Interest
9 shall not be paid on any amount which was previously paid.
10 Interest shall be calculated at an annual rate equal to the
11 coupon issue yield equivalent, as determined by the United
12 States secretary of the treasury, of the average accepted
13 auction price for the last auction of fifty-two-week United
14 States treasury bills settled immediately before the date of
15 the award.

16 Sec. 2. Section 306.19, subsection 5, paragraph a, Code
17 1993, is amended to read as follows:

18 a. The department may notify a city or county that a road
19 under the jurisdiction or control of the department will be
20 established, improved, relocated, or maintained and that the
21 department may need to acquire additional right-of-way or
22 property rights within an area described by the department.
23 The notice shall include a depiction of the area on a map
24 provided by the city, county, or the department. This notice
25 shall be valid for a period of three years from the date of
26 notification to the city or county and may be refiled by the
27 department ~~for an additional three-year period~~ every three
28 years. Within seven days of filing the notice, the department
29 shall publish in a newspaper of public record a description
30 and map of the area and a description of the potential
31 restrictions applied to the city or county with respect to the
32 granting of building permits, approving of subdivision plats,
33 or zoning changes within the area.

34 Sec. 3. Section 314.9, Code 1993, is amended to read as
35 follows:

1 314.9 ENTERING PRIVATE LAND PROPERTY.

2 The agency or engineer in control of any highway or highway
3 system ~~or-the-engineer~~, or any other authorized person
4 employed by ~~said~~ the agency, may after thirty days' written
5 notice by restricted certified mail addressed to the owner and
6 also to the occupant, enter upon private ~~land~~ property for the
7 purpose of making surveys, soundings, drillings, appraisals,
8 and examinations as ~~it~~ the agency deems appropriate or
9 necessary to determine the advisability or practicability of
10 locating and constructing a highway ~~thereon~~ on the property or
11 for the purpose of determining whether gravel or other
12 material exists on ~~said-land~~ the property of suitable quality
13 and in sufficient quantity to warrant the purchase or
14 condemnation of ~~said-land-or-part-thereof~~ the property. Such
15 The entry, after notice, shall not be deemed a trespass, and
16 the agency may be aided by injunction to insure peaceful
17 entry. The agency shall pay actual damages caused by ~~such~~ the
18 entry, surveys, soundings, drillings, appraisals, or
19 examinations.

20 Any damage caused by ~~such~~ the entry, surveys, soundings,
21 drillings, appraisals, or examinations shall be determined by
22 agreement or in the manner provided for the award of damages
23 in condemnation of ~~land~~ property for highway purposes. No
24 ~~such-soundings~~ Soundings or drillings shall not be done within
25 ~~twenty-rods~~ one hundred sixty-five feet of the a dwelling
26 house or buildings on ~~said-land~~ the property without written
27 consent of owner.

28 Sec. 4. Section 321.13, Code 1993, is amended to read as
29 follows:

30 321.13 AUTHORITY TO GRANT OR REFUSE APPLICATIONS.

31 The department shall examine and determine the genuineness,
32 regularity, and legality of every application lawfully made to
33 the department, and may ~~in-all-cases-make-investigation-as-may~~
34 ~~be-deemed-necessary~~ investigate or require additional
35 information, ~~and-shall~~. The department may reject any such

1 application if not satisfied of the genuineness, regularity,
2 or legality thereof of the application or the truth of any
3 statement contained therein made within the application, or
4 for any other reason, when authorized by law. The department
5 may retain possession of any record or document until the
6 investigation of the application is completed if it appears
7 that the record or document is fictitious or unlawfully or
8 erroneously issued and shall not return the record or document
9 if it is determined to be fictitious or unlawfully or
10 erroneously issued.

11 Sec. 5. Section 321.24, unnumbered paragraphs 4 and 5,
12 Code 1993, are amended to read as follows:

13 If the prior certificate of title is from another state and
14 indicates that the vehicle was rebuilt the new certificate of
15 title and the registration receipt shall contain the
16 designation of "REBUILT" stamped or and printed on its face
17 together with the name of the state issuing the prior title.
18 The designation of "REBUILT" and the name of the other state
19 shall be retained on all subsequent Iowa certificates of title
20 and registration receipts for the vehicle.

21 If the prior certificate of title is from another state and
22 indicates that the vehicle was junked, an Iowa junking
23 certificate shall be issued according to section 321.52,
24 subsections 2 and 3. If the prior certificate of title from
25 another state indicates that the vehicle is salvaged and not
26 rebuilt or is a salvage certificate of title, an Iowa salvage
27 certificate of title shall be issued and a "SALVAGE"
28 designation shall be retained on all subsequent Iowa
29 certificates of title and registration receipts for the
30 vehicle, except as provided under section 321.52, subsection
31 4, paragraph "b". The department may require that subsequent
32 Iowa certificates of title retain other state's designations
33 which indicate that a vehicle had incurred prior damage. The
34 department shall ~~adopt rules to~~ determine the manner in which
35 other states' rebuilt, salvage, or other designations are to

1 be indicated on Iowa titles.

2 Sec. 6. Section 321.47, unnumbered paragraph 1, Code
3 Supplement 1993, is amended to read as follows:

4 ~~In-the-event-of-the-transfer-of~~ If ownership of a vehicle
5 is transferred by operation of law ~~as~~ upon inheritance, devise
6 or bequest, dissolution decree, order in bankruptcy,
7 insolvency, replevin, foreclosure or execution sale, abandoned
8 vehicle sale, or when the engine of a motor vehicle is
9 replaced by another engine, or a vehicle is sold or
10 transferred to satisfy an artisan's lien as provided in
11 chapter 577, a landlord's lien as provided in chapter 570, a
12 storage lien as provided in chapter 579, a judgment in an
13 action for abandonment of a mobile home as provided in chapter
14 555B, or repossession is had upon default in performance of
15 the terms of a security agreement, the county treasurer in the
16 transferee's county of residence, upon the surrender of the
17 prior certificate of title or the manufacturer's or importer's
18 certificate, or when that is not possible, upon presentation
19 of satisfactory proof to the county treasurer of ownership and
20 right of possession to the vehicle and upon payment of a fee
21 of ten dollars and the presentation of an application for
22 registration and certificate of title, may issue to the
23 applicant a registration card for the vehicle and a
24 certificate of title to ~~it~~ the vehicle. A person entitled to
25 ownership of a vehicle under a decree of dissolution shall
26 surrender a certified copy of the dissolution and upon
27 fulfilling the other requirements of this chapter is entitled
28 to a certificate of title and registration receipt issued in
29 the person's name.

30 PARAGRAPH DIVIDED. The persons entitled under the laws of
31 descent and distribution of an intestate's property to the
32 possession and ownership of a vehicle owned in whole or in
33 part by a decedent, upon filing an affidavit stating the name
34 and date of death of the decedent, the right to possession and
35 ownership of the persons filing the affidavit, and that there

1 has been no administration of the decedent's estate, which
2 instrument shall also contain an agreement to indemnify
3 creditors of the decedent who would be entitled to levy
4 execution upon the motor vehicle to the extent of the value of
5 the motor vehicle, are entitled upon fulfilling the other
6 requirements of this chapter, to the issuance of a
7 registration card for the interest of the decedent in the
8 vehicle and a certificate of title to it. If a decedent dies
9 testate, and either the will is not probated or is admitted to
10 probate without administration, the persons entitled to the
11 possession and ownership of a vehicle owned in whole or in
12 part by the decedent may file an affidavit, and upon
13 fulfilling the other requirements of this chapter, are
14 entitled to the issuance of a registration card for the
15 interest of the decedent in the vehicle and a certificate of
16 title to the vehicle. The affidavit shall contain the same
17 information and indemnity agreement as is required in cases of
18 intestacy pursuant to this section. No requirement of chapter
19 450 or 451 shall be considered satisfied by the filing of the
20 affidavit provided for in this section. If, from the records
21 in the office of the county treasurer, there appear to be any
22 liens on the vehicle, the certificate of title shall contain a
23 statement of the liens unless the application is accompanied
24 by proper evidence of their satisfaction or extinction.
25 Evidence of extinction may consist of, but is not limited to,
26 an affidavit of the applicant stating that a security interest
27 was foreclosed as provided in ~~Uniform-Commercial-Code~~, chapter
28 554, article 9, part 5.

29 Sec. 7. Section 321.52, subsection 4, paragraphs a and b,
30 Code Supplement 1993, are amended to read as follows:

31 a. A vehicle rebuilder or a person engaged in the business
32 of buying, selling, or exchanging vehicles of a type required
33 to be registered in this state, upon acquisition of a wrecked
34 or salvage vehicle, shall surrender the certificate of title
35 or manufacturer's or importer's statement of origin properly

1 assigned, together with an application for a salvage
2 certificate of title to the county treasurer of the county of
3 residence of the purchaser or transferee within fifteen days
4 after the date of assignment of the certificate of title for
5 the wrecked or salvage motor vehicle. This subsection applies
6 only to vehicles with a fair market value of five hundred
7 dollars or more, based on the value before the vehicle became
8 wrecked or salvage. Upon payment of a fee of two dollars, the
9 county treasurer shall issue a salvage certificate of title
10 which shall bear the word "SALVAGE" stamped or and printed on
11 the face of the title in a manner prescribed by the
12 department. A salvage certificate of title may be assigned to
13 an educational institution, a new motor vehicle dealer
14 licensed under chapter 322, a person engaged in the business
15 of purchasing bodies, parts of bodies, frames or component
16 parts of vehicles for sale as scrap metal, a salvage pool, or
17 an authorized vehicle recycler licensed under chapter 321H.
18 An authorized vehicle recycler licensed under chapter 321H or
19 a new motor vehicle dealer licensed under chapter 322 may
20 assign a salvage certificate of title to any person. A
21 vehicle on which ownership has transferred to an insurer of
22 the vehicle, as a result of a settlement with the owner of the
23 vehicle arising out of damage to, or unrecovered theft of the
24 vehicle, shall be deemed to be a wrecked or salvage vehicle
25 and the insurer shall comply with this subsection to obtain a
26 salvage certificate of title within fifteen days after the
27 date of assignment of the certificate of title of the vehicle.

28 b. When a wrecked or salvage vehicle has been repaired,
29 the owner may apply for a regular certificate of title by
30 paying the appropriate fees and surrendering the salvage
31 certificate of title and a properly executed salvage theft
32 examination certificate. The county treasurer shall issue a
33 regular certificate of title which shall bear a designation
34 stamped or and printed on the face of the title and
35 registration receipt indicating that the vehicle was

1 previously titled on a salvage certificate of title in a form
2 approved by the department. This designation shall be
3 included on every Iowa certificate of title and registration
4 receipt issued thereafter for the vehicle. However, if
5 ownership of a stolen vehicle has been transferred to an
6 insurer organized under the laws of this state or admitted to
7 do business in this state, or if the transfer was the result
8 of a settlement with the owner of the vehicle arising from
9 damage to or the unrecovered theft of the vehicle, and if the
10 insurer certifies to the county treasurer on a form approved
11 by the department that the insurance company has received one
12 or more written estimates which states that the retail cost of
13 repairs including labor, parts, and other materials of all
14 damage to the vehicle is less than three thousand dollars, the
15 county treasurer shall issue to the insurance company the
16 regular certificate of title and registration receipt without
17 this designation.

18 Sec. 8. Section 321.69, Code 1993, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 3A. A lessee who has executed a lease as
21 defined in section 321F.1, subsection 5, shall provide a
22 damage disclosure statement to the lessor at the termination
23 of the lease. The damage disclosure statement shall be made
24 on a separate disclosure document and shall state the total
25 dollar amount of all damage to the vehicle which occurred
26 during the term of the lease. The lessee's damage disclosure
27 statement shall not be submitted with the application for
28 title, but the lessor shall retain the lessee's damage
29 disclosure statement for five years following the date of the
30 statement.

31 Sec. 9. Section 321.69, subsections 7 and 8, Code 1993,
32 are amended to read as follows:

33 7. A person, authorized vehicle recycler licensed under
34 chapter 321H, or motor vehicle dealer licensed under chapter
35 322 shall not be liable to a subsequent owner of a vehicle

1 because a prior owner or lessee gave a false or inaccurate
2 damage disclosure statement or failed to disclose that the
3 vehicle had previously been damaged and repaired or had been
4 titled on a salvage or rebuilt certificate of title unless the
5 person, recycler, or dealer knew or reasonably should have
6 known that the prior owner or lessee gave a false or
7 inaccurate damage disclosure statement or failed to disclose
8 that the vehicle had been damaged and repaired or had been
9 titled on a salvage or rebuilt certificate of title.

10 8. This section does not apply to motor trucks and truck
11 tractors with a gross vehicle weight rating of sixteen
12 thousand pounds or more, vehicles more than nine model years
13 old, ~~vehicles with titles stating the vehicle is salvage or~~
14 ~~rebuilt~~, motorcycles, motorized bicycles, and special mobile
15 equipment. The section does apply to motor homes.

16 Sec. 10. Section 321.89, subsection 4, unnumbered
17 paragraph 1, Code 1993, is amended to read as follows:

18 If an abandoned vehicle has not been reclaimed as provided
19 for in subsection 3, the police authority shall make a
20 determination as to whether or not the vehicle shall be sold
21 for use upon the highways. If the vehicle is not sold for use
22 upon the highways, it shall be sold for junk, or demolished
23 and sold as scrap. The police authority shall sell the
24 vehicle at public auction. Notwithstanding any other
25 provision of this section, any police authority, which has
26 taken into possession any abandoned vehicle which lacks an
27 engine or two or more wheels or another part which renders the
28 vehicle totally inoperable may dispose of the vehicle to a
29 demolisher for junk after complying with the notification
30 procedures enumerated in subsection 3 and without public
31 auction. The purchaser of the vehicle takes title free and
32 clear of all liens and claims of ownership, shall receive a
33 sales receipt from the police authority, and is entitled to
34 register the vehicle and receive a certificate of title if
35 sold for use upon the highways. ~~However, if~~ if the vehicle is

1 sold or disposed of to a demolisher for junk, the sales
2 ~~receipt-by-itself-is-sufficient-title-only-for-purposes-of~~
3 ~~transferring-the-vehicle-to-the-demolisher-for-demolition,~~
4 ~~wrecking,-or-dismantling-and,-when-so-transferred,-no-further~~
5 ~~titling-of-the-vehicle-is-permitted~~ demolisher shall make
6 application for a junking certificate to the county treasurer
7 within fifteen days of purchase and shall surrender the sales
8 receipt in lieu of the certificate of title.

9 PARAGRAPH DIVIDED. From the proceeds of the sale of an
10 abandoned vehicle the police authority shall reimburse itself
11 for the expenses of the auction, the costs of towing,
12 preserving, and storing which resulted from placing the
13 abandoned vehicle in custody, all notice and publication costs
14 incurred pursuant to subsection 3, the cost of inspection, and
15 any other costs incurred except costs of bookkeeping and other
16 administrative costs. Any remainder from the proceeds of a
17 sale shall be held for the owner of the vehicle or entitled
18 lienholder for ninety days, and shall then be deposited in the
19 road use tax fund. The costs to police authorities of
20 auction, towing, preserving, storage, and all notice and
21 publication costs, and all other costs which result from
22 placing abandoned vehicles in custody, whenever the proceeds
23 from a sale of the abandoned vehicles are insufficient to meet
24 these expenses and costs, shall be paid from the road use tax
25 fund.

26 Sec. 11. Section 321.90, subsection 2, paragraphs d, e,
27 and f, Code 1993, are amended to read as follows:

28 d. If the abandoned motor vehicle is not reclaimed in
29 accordance with section 321.89, subsection 3, or no lienholder
30 objects to the disposal in the case of an owner-applicant, the
31 police authority shall give the applicant a certificate of
32 authority ~~to-dispose-of~~ allowing the applicant to obtain a
33 junking certificate for the motor vehicle to-any-demolisher
34 ~~for-demolition,-wrecking,-or-dismantling.~~ The demolisher
35 applicant shall make application for a junking certificate to

1 the county treasurer within fifteen days of purchase and
2 surrender the certificate of authority in lieu of the
3 certificate of title. The demolisher shall accept such the
4 junking certificate in lieu of the certificate of title to the
5 motor vehicle.

6 e. Notwithstanding any other provisions of this section
7 and sections 321.89 and 321.91, any person, firm, corporation,
8 or unit of government upon whose property or in whose
9 possession is found any abandoned motor vehicle, or any person
10 being the owner of a motor vehicle whose title certificate is
11 faulty, lost, or destroyed, may dispose of such motor vehicle
12 to a demolisher for junk without a title and without the
13 notification procedures of section 321.89, subsection 3, if
14 the motor vehicle lacks an engine or two or more wheels or
15 other structural part which renders the vehicle totally
16 inoperable. The police authority shall give the applicant a
17 certificate of authority. The owner shall apply to the county
18 treasurer for a junking certificate within fifteen days of
19 purchase and shall surrender the certificate of authority in
20 lieu of the certificate of title.

21 f. The owner of an abandoned motor vehicle and all
22 lienholders shall no longer have any right, title, claim, or
23 interest in or to such the motor vehicle; and no court in any
24 case in law or equity shall recognize any right, title, claim,
25 or interest of any such owner and or lienholders after the
26 disposal of such the motor vehicle to a demolisher.

27 Sec. 12. Section 321.90, subsection 3, Code 1993, is
28 amended to read as follows:

29 3. DUTIES OF DEMOLISHERS.

30 a. Any demolisher who purchases or otherwise acquires an
31 abandoned motor vehicle for junk under the provisions of this
32 section shall junk, scrap, wreck, dismantle, or demolish such
33 motor vehicle. ~~However, if the vehicle is acquired under the~~
34 ~~provisions of subsection 2, paragraph "e", the demolisher~~
35 ~~shall apply to the police authority of the jurisdiction from~~

1 which the vehicle was acquired for a certificate of authority
2 to demolish the vehicle. In making the application the
3 demolisher shall describe the motor vehicle as required by
4 subsection 2, paragraph "b". The police authority shall issue
5 the certificate of authority upon complying with subsection 2,
6 paragraph "c", but shall be excused from following the
7 notification procedures as required therein. No further
8 titling of the motor vehicle shall be permitted. After the
9 motor vehicle has been demolished, processed, or changed so
10 that it physically is no longer a motor vehicle, the
11 demolisher shall surrender the auction sales receipt or
12 certificate of authority to dispose of or demolish a motor
13 vehicle to the department for cancellation. The department
14 shall issue such forms and rules governing the surrender of
15 auction sales receipts, certificates of title, and
16 certificates of authority to dispose of or demolish motor
17 vehicles, and the cancellation and surrender of the
18 registrations and certificates of title for such motor
19 vehicles as are appropriate. A demolisher shall not junk,
20 scrap, wreck, dismantle, or demolish a vehicle until the
21 demolisher has obtained the junking certificate issued for the
22 vehicle.

23 b. A demolisher shall keep an accurate and complete record
24 of all motor vehicles purchased or received by the demolisher
25 in the course of the demolisher's business. These records
26 shall contain the name and address of the person from whom
27 each such motor vehicle was purchased or received and the date
28 when such the purchases or receipts occurred. Such The
29 records shall be open for inspection by any police authority
30 at any time during normal business hours. Any record required
31 by this section shall be kept by the demolisher for at least
32 one year after the transaction to which it applies.

33 Sec. 13. Section 321.423, subsections 3 and 4, Code 1993,
34 are amended to read as follows:

35 3. BLUE LIGHT. A blue light shall not be used on any

1 vehicle except for the following:

2 a. A vehicle owned or exclusively operated by a fire
3 department; ~~or.~~

4 b. A vehicle authorized by the ~~director when:~~ chief of the
5 fire department if

6 ~~{1}--The~~ the vehicle is owned by a member of a the fire
7 department;

8 ~~{2}--The,~~ the request for authorization is made by the
9 member on forms provided by the department;

10 ~~{3}--Necessity,~~ and necessity for authorization is
11 demonstrated in the request.

12 ~~{4}--The chief of the fire department certifies that the~~
13 ~~member is in good standing with the fire department and~~
14 ~~recommends that the authorization be granted.~~

15 4. EXPIRATION OF AUTHORITY. The authorization shall
16 expire at midnight on the thirty-first day of December five
17 years from the year in which it was issued, or when the
18 vehicle is no longer owned by the member, or when the member
19 has ceased to be an active member of the fire department or of
20 an ambulance, rescue, or first responder service or when the
21 member has used the blue or white light beyond the scope of
22 its authorized use. A person issued an authorization under
23 subsection 3, paragraph "b", shall return the authorization to
24 the fire chief upon expiration.

25 Sec. 14. Section 321.484, unnumbered paragraph 2, Code
26 1993, is amended to read as follows:

27 The owner of a vehicle shall not be held responsible for a
28 violation of a provision regulating the stopping, standing, or
29 parking of a vehicle, whether the provision is contained in
30 this chapter, or chapter 321L, or an ordinance or other
31 regulation or rule, if the owner establishes that at the time
32 of the violation the vehicle was in the custody of an
33 identified person other than the owner pursuant to a lease as
34 defined in chapter 321F. The furnishing to the clerk of the
35 district court where the charge is pending of a copy of the

1 ~~certificate-of-responsibility~~ lease prescribed by section
2 321F.6 that was in effect for the vehicle at the time of the
3 alleged violation shall be prima facie evidence that the
4 vehicle was in the custody of an identified person other than
5 the owner within the meaning of this paragraph, and the charge
6 against the owner shall be dismissed. The clerk of the
7 district court then shall cause a uniform citation and
8 complaint to be issued against the lessee of the vehicle, and
9 the citation shall be served upon the defendant by ordinary
10 mail directed to the defendant at the address shown in the
11 certificate of responsibility.

12 Sec. 15. Section 322.4, subsection 7, Code 1993, is
13 amended to read as follows:

14 7. Before the issuance of a motor vehicle dealer's license
15 to a dealer engaged in the sale of vehicles for which a
16 certificate of title is required under chapter 321, the
17 applicant shall furnish a surety bond executed by the
18 applicant as principal and executed by a corporate surety
19 company, licensed and qualified to do business within this
20 state, which bond shall run to the state of Iowa, be in the
21 amount of ~~thirty-five~~ fifty thousand dollars and be
22 conditioned upon the faithful compliance by the applicant as a
23 dealer with all of the statutes of this state regulating or
24 applicable to the business of a dealer in motor vehicles, and
25 indemnifying any person who buys a motor vehicle from the
26 dealer from any loss or damage occasioned by the failure of
27 the dealer to comply with any of the provisions of chapter 321
28 and this chapter, including, but not limited to, the
29 furnishing of a proper and valid certificate of title to the
30 motor vehicle involved in a transaction. The bond shall also
31 indemnify any motor vehicle purchaser from any loss or damage
32 caused by the failure of the dealer to comply with the
33 odometer requirements in section 321.71, regardless of whether
34 the motor vehicle was purchased directly from the dealer. The
35 bond shall be filed with the department prior to the issuance

1 of a license. The aggregate liability of the surety, however,
2 shall not exceed the amount of the bond.

3 Sec. 16. Section 327B.1, Code Supplement 1993, is amended
4 to read as follows:

5 327B.1 AUTHORITY SECURED AND REGISTERED.

6 It is unlawful for a carrier to perform an interstate
7 transportation service for compensation upon the highways of
8 this state without first registering the authority obtained
9 from the interstate commerce commission or evidence that such
10 authority is not required with the state department of
11 transportation.

12 The department shall participate in the single state
13 insurance registration program for regulated motor carriers as
14 provided in 49 U.S.C. § 11506 and interstate commerce
15 commission rules.

16 Registration for carriers transporting commodities exempt
17 from interstate commerce commission regulation shall be
18 granted without hearing upon application and payment of a
19 twenty-five-dollar filing fee and an annual one-dollar fee per
20 vehicle. Each amendment of supplemental authority shall
21 require a ten-dollar filing fee.

22 ~~The department shall participate in the single state~~
23 ~~insurance registration system for motor carriers as provided~~
24 ~~in 49 U.S.C. § 11506.~~

25 The state department of transportation may execute
26 reciprocity agreements with authorized representatives of any
27 state exempting nonresidents from payment of fees as set forth
28 in this chapter. The state department of transportation shall
29 adopt rules pursuant to chapter 17A for the identification of
30 vehicles operated under reciprocity agreements.

31 Fees may be subject to reduction or proration pursuant to
32 sections 326.5 and 326.32.

33 Sec. 17. Section 327B.6, unnumbered paragraph 1, Code
34 1993, is amended to read as follows:

35 Registration under section 327B.1 shall not be granted

1 until the exempt carrier has filed with the state department
2 of transportation evidence of insurance or surety bond issued
3 by an insurance carrier or bonding company authorized to do
4 business in this state and in the a form prescribed in-49
5 ~~C.F.R. -- § 387.15 for motor carriers of property and in-49~~
6 ~~C.F.R. -- § 387.39 for motor carriers of passengers by the~~
7 department. The minimum limits of liability for each
8 interstate motor carrier for hire subject to federal minimum
9 limits of liability are those adopted under United States
10 Code, Title 49, and prescribed in 49 C.F.R. § 387.3 and §
11 387.9 for motor carriers of property and in 49 C.F.R. § 387.27
12 and § 387.33 for motor carriers of passengers.

13 Sec. 18. Section 321F.6, Code 1993, is amended by striking
14 the section and inserting in lieu thereof the following:

15 321F.6 FINANCIAL RESPONSIBILITY -- LEASE.

16 The lessee shall carry in the vehicle being leased,
17 evidence of financial responsibility as required by this
18 chapter and a copy of the lease, setting forth the name and
19 address of the lessee, period of the lease, and other
20 information as the director may require. The lease shall be
21 shown to any peace officer upon request.

22 Sec. 19. Section 321F.7, Code 1993, is repealed.

23 Sec. 20. IMMEDIATE EFFECTIVE DATE. The section of this
24 Act which amends section 321.423, being deemed of immediate
25 importance, takes effect upon enactment.

26 Sec. 21. EFFECTIVE DATE. The amendment to section 321.69,
27 subsection 8, in this Act, takes effect January 1, 1995.

28 EXPLANATION

29 Section 6B.24 is amended to provide for a market-based
30 interest rate for condemnation damages rather than the current
31 rate of 10 percent. In addition, it provides that interest on
32 an award which has been determined on appeal to be greater
33 than the amount set by the compensation commission should be
34 accrued from the date of condemnation rather than from the
35 date of the commencement of the action as provided in section

1 535.3.

2 Current law provides that the state department of
3 transportation may notify a county or city that a road under
4 the department's jurisdiction will be established, improved,
5 relocated, or maintained and that the department may need to
6 acquire additional right-of-way. The notice is valid for
7 three years from the date of notification and can be refiled
8 by the department for an additional three-year period. The
9 amendment to section 306.19 provides that the department can
10 refile this notice every three years.

11 Section 314.9 allows the department to enter onto private
12 property for the purpose of conducting surveys, soundings,
13 drillings, appraisals, and examinations to determine the
14 advisability or practicability of locating or constructing a
15 highway on the property. Currently, the section provides that
16 soundings and drillings cannot be done within 20 rods
17 (approximately 330 feet) of a dwelling house or buildings
18 without the written consent of the owner. This bill limits
19 soundings and drillings within 165 feet of a house or building
20 without obtaining the written consent of the owner.

21 Section 321.13 is amended to allow the department to retain
22 a record or document if it appears, or is later determined,
23 that the record or document is fictitious or unlawfully or
24 erroneously issued.

25 Section 321.24 provides that the department may require
26 that subsequent Iowa certificates of title retain other
27 states' designations, such as rebuilt and salvage
28 designations, indicating that a motor vehicle had incurred
29 prior damage.

30 Section 321.47 allows the county treasurer to transfer
31 title to a motor vehicle if it has been ordered in a
32 dissolution decree. A person who has been granted title to a
33 motor vehicle must otherwise comply with other requirements
34 for transferring title.

35 Amendments to sections 321.52 and 321.69 allow for the

1 salvage designation to be printed and stamped on the face of
2 the title and requires lessees and persons with vehicles that
3 have been titled salvage or rebuilt to file a damage
4 disclosure statement. The requirement that a person with a
5 vehicle titled salvage or rebuilt file a damage disclosure
6 statement is effective on January 1, 1995.

7 Sections 321.89 and 321.90 require the acquisition of a
8 junking certificate for demolishing vehicles which have been
9 abandoned. Current law allows a demolisher to demolish,
10 wreck, or dismantle an abandoned vehicle purchased at an
11 auction without further titling of the vehicle. This bill
12 provides that the demolisher must apply for a junking
13 certificate within 15 days of purchase and can use the sales
14 receipt in lieu of a certificate of title. In addition, a
15 person who wishes to dispose of an abandoned motor vehicle, or
16 any person or governmental body upon whose property a motor
17 vehicle has been abandoned or a person who is the owner but
18 whose title is faulty, lost, or destroyed, may dispose of the
19 vehicle by obtaining a certificate of authority from the
20 police authority and then using the certificate in lieu of a
21 certificate of title in order to obtain a junking certificate.
22 Current law allows the person or governmental unit to transfer
23 the abandoned motor vehicle to a demolisher without obtaining
24 a junking certificate.

25 Section 321.423 allows the chief of a fire department to
26 issue an authorization for a member of the fire department to
27 use a flashing blue light on the person's own vehicle rather
28 than requiring the director of transportation to do so. The
29 person must relinquish the authorization to the fire chief
30 when it expires or when circumstances change so that the
31 member no longer needs the authorization. The changes to this
32 section are effective upon enactment.

33 Amendments to sections 321.484 and 321F.6 and the repeal of
34 section 321F.7 eliminate the requirements for a lessor of a
35 motor vehicle to file a copy of a certificate evidencing

1 financial responsibility and a copy of the lease with the
2 department. Evidence of financial responsibility and the
3 lease must still be carried in the leased vehicle at all
4 times.

5 Section 322.4 increases the motor vehicle dealer's bond
6 amount from \$35,000 to \$50,000.

7 Amendments to section 327B.1 eliminate the filing fee for
8 motor carriers with interstate commerce commission authority
9 while retaining the filing fee for motor carriers exempt from
10 interstate commerce commission authority and authorize
11 collection of an annual \$1 fee per vehicle to issue the
12 registration.

13 Amendments to section 327B.6 allow the department to accept
14 insurance filings for regulated motor carriers from insurance
15 carriers authorized to do business in any state and accepted
16 by the interstate commerce commission, eliminate citing
17 obsolete references for filing forms, and provide for
18 revocation of registration when insurance lapses to apply to
19 only exempt carriers. If interstate commerce commission-
20 regulated motor carriers' insurance lapses, the registration
21 receipt is no longer valid.

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SENATE FILE 2208

S-5170

- 1 Amend Senate File 2208 as follows:
2 1. Page 2, line 15, by striking the words "
3 after notice," and inserting the following: "7-after
4 notice".
5 2. Page 2, line 25, by striking the words "one
6 hundred sixty-five" and inserting the following:
7 "thirty".
8 3. Page 12, by inserting after line 24 the
9 following:
10 "Sec. ____ . Section 321.463, Code 1993, is amended
11 by adding the following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. The owner or operator of
13 a vehicle designed to tow wrecked or disabled vehicles
14 shall be exempt from the weight limitations in this
15 section when the owner or operator is responding to an
16 emergency request."
17 4. Page 15, by striking lines 23 through 25.
18 5. Page 15, line 26, by striking the word
19 "amendment" and inserting the following:
20 "amendments".
21 6. Page 15, line 27, by striking the words "Act,
22 takes effect" and inserting the following: "Act take
23 effect on".
24 7. Title page by striking lines 1 through 10 and
25 inserting the following: "An Act relating to motor
26 vehicle and highway regulation by the state department
27 of transportation concerning interest rates for
28 condemnation damages, right-of-way notice filings,
29 testing on private property, retention of records and
30 documents, certificates of title, dissolution decree
31 transfers of motor vehicle titles, junking
32 certificates for abandoned vehicles, damage disclosure
33 statements, flashing blue lights, weight limitation on
34 tow vehicles, leased motor vehicles, motor vehicle
35 dealer's licensing bond, and single registration for
36 motor carriers and other technical changes, and
37 providing an effective date."
38 8. By renumbering as necessary.

By MIKE CONNOLLY

S-5170 FILED MARCH 14, 1994
ADOPTED

SENATE FILE 2208

S-5060

- 1 Amend Senate File 2208 as follows:
2 1. Page 12, by inserting after line 24, the
3 following:
4 "Sec. ____ . Section 321.463, Code 1993, is amended
5 by adding the following new unnumbered paragraph:
6 NEW UNNUMBERED PARAGRAPH. A vehicle designed to
7 tow wrecked or disabled vehicles shall be exempt from
8 the weight limitations in this section while the
9 vehicle is towing a wrecked or disabled vehicle."
10 2. Title page, line 6, by inserting after the
11 word "lights," the following: "weight limitations on
12 tow vehicles,".
13 3. By renumbering as necessary.

By RICHARD F. DRAKE
MIKE CONNOLLY

S-5060 FILED MARCH 1, 1994

SENATE FILE 2208

S-5140

- 1 Amend Senate File 2208 as follows:
2 1. Page 6, line 13, by striking the word "new"
3 and inserting the following: "new".
4 2. Page 6, line 19, by striking the word "new"
5 and inserting the following: "new".

By JOHN JENSEN

S-5140 FILED MARCH 10, 1994

Connolly
Gettings
Drake

SSB-2083
Transportation

SENATE/HOUSE FILE 2208
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

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

A BILL FOR

1 An Act relating to motor vehicle and highway regulation by the
2 state department of transportation concerning interest rates
3 for condemnation damages, right-of-way notice filings, testing
4 on private property, retention of records and documents,
5 dissolution decree transfers of motor vehicle titles, junking
6 certificates for abandoned vehicles, flashing blue lights,
7 leased motor vehicles, and single registration for motor
8 carriers and other technical changes.

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

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1 Section 1. Section 6B.24, Code 1993, is amended to read as
2 follows:

3 6B.24 REDUCTION OF DAMAGES -- INTEREST ON INCREASED AWARD.

4 If the amount of damages awarded by the commissioners is
5 decreased on the ~~trial of the~~ appeal, the reduced amount only
6 shall be paid to the landowner. If the amount of damages
7 awarded by the commissioners is increased on appeal, interest
8 shall be paid from the date of the condemnation. Interest
9 shall not be paid on any amount which was previously paid.
10 Interest shall be calculated at an annual rate equal to the
11 coupon issue yield equivalent, as determined by the United
12 States secretary of the treasury, of the average accepted
13 auction price for the last auction of fifty-two-week United
14 States treasury bills settled immediately before the date of
15 the award.

16 Sec. 2. Section 306.19, subsection 5, paragraph a, Code
17 1993, is amended to read as follows:

18 a. The department may notify a city or county that a road
19 under the jurisdiction or control of the department will be
20 established, improved, relocated, or maintained and that the
21 department may need to acquire additional right-of-way or
22 property rights within an area described by the department.
23 The notice shall include a depiction of the area on a map
24 provided by the city, county, or the department. This notice
25 shall be valid for a period of three years from the date of
26 notification to the city or county and may be refiled by the
27 department ~~for an additional three-year period~~ every three
28 years. Within seven days of filing the notice, the department
29 shall publish in a newspaper of public record a description
30 and map of the area and a description of the potential
31 restrictions applied to the city or county with respect to the
32 granting of building permits, approving of subdivision plats,
33 or zoning changes within the area.

34 Sec. 3. Section 314.9, Code 1993, is amended to read as
35 follows:

1 314.9 ENTERING PRIVATE ~~LAND~~ PROPERTY.

2 The agency or engineer in control of any highway or highway
3 ~~system or the engineer~~, or any other authorized person
4 employed by ~~said~~ the agency, may after thirty days' written
5 notice by restricted certified mail addressed to the owner and
6 also to the occupant, enter upon private ~~land~~ property for the
7 purpose of making surveys, soundings, drillings, appraisals,
8 and examinations as ~~it~~ the agency deems appropriate or
9 necessary to determine the advisability or practicability of
10 locating and constructing a highway ~~thereon~~ on the property or
11 for the purpose of determining whether gravel or other
12 material exists on ~~said-land~~ the property of suitable quality
13 and in sufficient quantity to warrant the purchase or
14 condemnation of ~~said-land-or-part-thereof~~ the property. Such
15 ~~The entry, after notice,~~ shall not be deemed a trespass, and
16 the agency may be aided by injunction to insure peaceful
17 entry. The agency shall pay actual damages caused by ~~such~~ the
18 entry, surveys, soundings, drillings, appraisals, or
19 examinations.

20 Any damage caused by ~~such~~ the entry, surveys, soundings,
21 drillings, appraisals, or examinations shall be determined by
22 agreement or in the manner provided for the award of damages
23 in condemnation of ~~land~~ property for highway purposes. No
24 ~~such-soundings~~ Soundings or drillings shall not be done within
25 ~~twenty-rods~~ thirty feet of the a dwelling house or buildings
26 on ~~said-land~~ the property without written consent of owner.

27 Sec. 4. Section 321.13, Code 1993, is amended to read as
28 follows:

29 321.13 AUTHORITY TO GRANT OR REFUSE APPLICATIONS.

30 The department shall examine and determine the genuineness,
31 regularity, and legality of every application ~~lawfully~~ made to
32 the department, and may ~~in-all-cases-make-investigation-as-may~~
33 ~~be-deemed-necessary~~ investigate or require additional
34 information ~~and-shall~~. The department may reject any such
35 application if not satisfied of the genuineness, regularity,

1 or legality thereof of the application or the truth of any
2 statement ~~contained therein~~ made within the application, or
3 for any other reason, when authorized by law. The department
4 may retain possession of any record or document until the
5 investigation of the application is completed if it appears
6 that the record or document is fictitious or unlawfully or
7 erroneously issued and shall not return the record or document
8 if it is determined to be fictitious or unlawfully or
9 erroneously issued.

10 Sec. 5. Section 321.47, unnumbered paragraph 1, Code
11 Supplement 1993, is amended to read as follows:

12 ~~In-the-event-of-the-transfer-of~~ If ownership of a vehicle
13 is transferred by operation of law as upon inheritance, devise
14 or bequest, dissolution decree, order in bankruptcy,
15 insolvency, replevin, foreclosure or execution sale, abandoned
16 vehicle sale, or when the engine of a motor vehicle is
17 replaced by another engine, or a vehicle is sold or
18 transferred to satisfy an artisan's lien as provided in
19 chapter 577, a landlord's lien as provided in chapter 570, a
20 storage lien as provided in chapter 579, a judgment in an
21 action for abandonment of a mobile home as provided in chapter
22 555B, or repossession is had upon default in performance of
23 the terms of a security agreement, the county treasurer in the
24 transferee's county of residence, upon the surrender of the
25 prior certificate of title or the manufacturer's or importer's
26 certificate, or when that is not possible, upon presentation
27 of satisfactory proof to the county treasurer of ownership and
28 right of possession to the vehicle and upon payment of a fee
29 of ten dollars and the presentation of an application for
30 registration and certificate of title, may issue to the
31 applicant a registration card for the vehicle and a
32 certificate of title to it the vehicle. A person entitled to
33 ownership of a vehicle under a decree of dissolution shall
34 surrender a certified copy of the dissolution and upon
35 fulfilling the other requirements of this chapter is entitled

1 to a certificate of title and registration receipt issued in
2 the person's name.

3 PARAGRAPH DIVIDED. The persons entitled under the laws of
4 descent and distribution of an intestate's property to the
5 possession and ownership of a vehicle owned in whole or in
6 part by a decedent, upon filing an affidavit stating the name
7 and date of death of the decedent, the right to possession and
8 ownership of the persons filing the affidavit, and that there
9 has been no administration of the decedent's estate, which
10 instrument shall also contain an agreement to indemnify
11 creditors of the decedent who would be entitled to levy
12 execution upon the motor vehicle to the extent of the value of
13 the motor vehicle, are entitled upon fulfilling the other
14 requirements of this chapter, to the issuance of a
15 registration card for the interest of the decedent in the
16 vehicle and a certificate of title to it. If a decedent dies
17 testate, and either the will is not probated or is admitted to
18 probate without administration, the persons entitled to the
19 possession and ownership of a vehicle owned in whole or in
20 part by the decedent may file an affidavit, and upon
21 fulfilling the other requirements of this chapter, are
22 entitled to the issuance of a registration card for the
23 interest of the decedent in the vehicle and a certificate of
24 title to the vehicle. The affidavit shall contain the same
25 information and indemnity agreement as is required in cases of
26 intestacy pursuant to this section. No requirement of chapter
27 450 or 451 shall be considered satisfied by the filing of the
28 affidavit provided for in this section. If, from the records
29 in the office of the county treasurer, there appear to be any
30 liens on the vehicle, the certificate of title shall contain a
31 statement of the liens unless the application is accompanied
32 by proper evidence of their satisfaction or extinction.
33 Evidence of extinction may consist of, but is not limited to,
34 an affidavit of the applicant stating that a security interest
35 was foreclosed as provided in Uniform-Commercial-Code, chapter

1 554, article 9, part 5.

2 Sec. 6. Section 321.89, subsection 4, unnumbered paragraph
3 1, Code 1993, is amended to read as follows:

4 If an abandoned vehicle has not been reclaimed as provided
5 for in subsection 3, the police authority shall make a
6 determination as to whether or not the vehicle shall be sold
7 for use upon the highways. If the vehicle is not sold for use
8 upon the highways, it shall be sold for junk, or demolished
9 and sold as scrap. The police authority shall sell the
10 vehicle at public auction. Notwithstanding any other
11 provision of this section, any police authority, which has
12 taken into possession any abandoned vehicle which lacks an
13 engine or two or more wheels or another part which renders the
14 vehicle totally inoperable may dispose of the vehicle to a
15 demolisher for junk after complying with the notification
16 procedures enumerated in subsection 3 and without public
17 auction. The purchaser of the vehicle takes title free and
18 clear of all liens and claims of ownership, shall receive a
19 sales receipt from the police authority, and is entitled to
20 register the vehicle and receive a certificate of title if
21 sold for use upon the highways. ~~However, if~~ If the vehicle is
22 sold or disposed of to a demolisher for junk, the sales
23 ~~receipt-by-itself-is-sufficient-title-only-for-purposes-of~~
24 ~~transferring-the-vehicle-to-the-demolisher-for-demolition,~~
25 ~~wrecking,-or-dismantling-and,-when-so-transferred,-no-further~~
26 ~~titling-of-the-vehicle-is-permitted~~ demolisher shall make
27 application for a junking certificate to the county treasurer
28 within fifteen days of purchase and shall surrender the sales
29 receipt in lieu of the certificate of title.

30 PARAGRAPH DIVIDED. From the proceeds of the sale of an
31 abandoned vehicle the police authority shall reimburse itself
32 for the expenses of the auction, the costs of towing,
33 preserving, and storing which resulted from placing the
34 abandoned vehicle in custody, all notice and publication costs
35 incurred pursuant to subsection 3, the cost of inspection, and

1 any other costs incurred except costs of bookkeeping and other
2 administrative costs. Any remainder from the proceeds of a
3 sale shall be held for the owner of the vehicle or entitled
4 lienholder for ninety days, and shall then be deposited in the
5 road use tax fund. The costs to police authorities of
6 auction, towing, preserving, storage, and all notice and
7 publication costs, and all other costs which result from
8 placing abandoned vehicles in custody, whenever the proceeds
9 from a sale of the abandoned vehicles are insufficient to meet
10 these expenses and costs, shall be paid from the road use tax
11 fund.

12 Sec. 7. Section 321.90, subsection 2, paragraphs d, e, and
13 f, Code 1993, are amended to read as follows:

14 d. If the abandoned motor vehicle is not reclaimed in
15 accordance with section 321.89, subsection 3, or no lienholder
16 objects to the disposal in the case of an owner-applicant, the
17 police authority shall give the applicant a certificate of
18 authority ~~to dispose of~~ allowing the applicant to obtain a
19 junking certificate for the motor vehicle to any demolisher
20 for demolition, wrecking, or dismantling. The demolisher
21 applicant shall make application for a junking certificate to
22 the county treasurer within fifteen days of purchase and
23 surrender the certificate of authority in lieu of the
24 certificate of title. The demolisher shall accept such the
25 junking certificate in lieu of the certificate of title to the
26 motor vehicle.

27 e. Notwithstanding any other provisions of this section
28 and sections 321.89 and 321.91, any person, firm, corporation,
29 or unit of government upon whose property or in whose
30 possession is found any abandoned motor vehicle, or any person
31 being the owner of a motor vehicle whose title certificate is
32 faulty, lost, or destroyed, may dispose of such motor vehicle
33 to a demolisher for junk without a title and without the
34 notification procedures of section 321.89, subsection 3, if
35 the motor vehicle lacks an engine or two or more wheels or

1 other structural part which renders the vehicle totally
2 inoperable. The police authority shall give the applicant a
3 certificate of authority. The owner shall apply to the county
4 treasurer for a junking certificate within fifteen days of
5 purchase and shall surrender the certificate of authority in
6 lieu of the certificate of title.

7 f. The owner of an abandoned motor vehicle and all
8 lienholders shall no longer have any right, title, claim, or
9 interest in or to such the motor vehicle; and no court in any
10 case in law or equity shall recognize any right, title, claim,
11 or interest of any such owner and or lienholders after the
12 disposal of such the motor vehicle to a demolisher.

13 Sec. 8. Section 321.90, subsection 3, Code 1993, is
14 amended to read as follows:

15 3. DUTIES OF DEMOLISHERS.

16 a. Any demolisher who purchases or otherwise acquires an
17 abandoned motor vehicle for junk under the provisions of this
18 section shall junk, scrap, wreck, dismantle, or demolish such
19 motor vehicle. ~~However, if the vehicle is acquired under the~~
20 ~~provisions of subsection 2, paragraph "e", the demolisher~~
21 ~~shall apply to the police authority of the jurisdiction from~~
22 ~~which the vehicle was acquired for a certificate of authority~~
23 ~~to demolish the vehicle. In making the application the~~
24 ~~demolisher shall describe the motor vehicle as required by~~
25 ~~subsection 2, paragraph "b". The police authority shall issue~~
26 ~~the certificate of authority upon complying with subsection 2,~~
27 ~~paragraph "c", but shall be excused from following the~~
28 ~~notification procedures as required therein. No further~~
29 ~~titling of the motor vehicle shall be permitted. After the~~
30 ~~motor vehicle has been demolished, processed, or changed so~~
31 ~~that it physically is no longer a motor vehicle, the~~
32 ~~demolisher shall surrender the auction sales receipt or~~
33 ~~certificate of authority to dispose of or demolish a motor~~
34 ~~vehicle to the department for cancellation. The department~~
35 ~~shall issue such forms and rules governing the surrender of~~

1 auction-sales-receipts, certificates-of-title, and
2 certificates-of-authority-to-dispose-of-or-demolish-motor
3 vehicles, and the cancellation and surrender of the
4 registrations and certificates-of-title-for-such-motor
5 vehicles-as-are-appropriate. A demolisher shall not junk,
6 scrap, wreck, dismantle, or demolish a vehicle until the
7 demolisher has obtained the junking certificate issued for the
8 vehicle.

9 b. A demolisher shall keep an accurate and complete record
10 of all motor vehicles purchased or received by the demolisher
11 in the course of the demolisher's business. These records
12 shall contain the name and address of the person from whom
13 each such motor vehicle was purchased or received and the date
14 when such the purchases or receipts occurred. Such The
15 records shall be open for inspection by any police authority
16 at any time during normal business hours. Any record required
17 by this section shall be kept by the demolisher for at least
18 one year after the transaction to which it applies.

19 Sec. 9. Section 321.423, subsections 3 and 4, Code 1993,
20 are amended to read as follows:

21 3. BLUE LIGHT. A blue light shall not be used on any
22 vehicle except for the following:

23 a. A vehicle owned or exclusively operated by a fire
24 department, ~~or,~~

25 b. A vehicle authorized by the ~~director when:~~ chief of the
26 fire department if

27 ~~(1)--The~~ the vehicle is owned by a member of a the fire
28 department;

29 ~~(2)--The,~~ the request for authorization is made by the
30 member on forms provided by the department;

31 ~~(3)--Necessity,~~ and necessity for authorization is
32 demonstrated in the request.

33 ~~(4)--The chief of the fire department certifies that the~~
34 ~~member is in good standing with the fire department and~~
35 ~~recommends that the authorization be granted.~~

1 4. EXPIRATION OF AUTHORITY. The authorization shall
2 expire at midnight on the thirty-first day of December five
3 years from the year in which it was issued, or when the
4 vehicle is no longer owned by the member, or when the member
5 has ceased to be an active member of the fire department or of
6 an ambulance, rescue, or first responder service or when the
7 member has used the blue or white light beyond the scope of
8 its authorized use. A person issued an authorization under
9 subsection 3, paragraph "b", shall return the authorization to
10 the fire chief upon expiration.

11 Sec. 10. Section 321.484, unnumbered paragraph 2, Code
12 1993, is amended to read as follows:

13 The owner of a vehicle shall not be held responsible for a
14 violation of a provision regulating the stopping, standing, or
15 parking of a vehicle, whether the provision is contained in
16 this chapter, or chapter 321L, or an ordinance or other
17 regulation or rule, if the owner establishes that at the time
18 of the violation the vehicle was in the custody of an
19 identified person other than the owner pursuant to a lease as
20 defined in chapter 321F. The furnishing to the clerk of the
21 district court where the charge is pending of a copy of the
22 ~~certificate-of-responsibility~~ lease prescribed by section
23 321F.6 that was in effect for the vehicle at the time of the
24 alleged violation shall be prima facie evidence that the
25 vehicle was in the custody of an identified person other than
26 the owner within the meaning of this paragraph, and the charge
27 against the owner shall be dismissed. The clerk of the
28 district court then shall cause a uniform citation and
29 complaint to be issued against the lessee of the vehicle, and
30 the citation shall be served upon the defendant by ordinary
31 mail directed to the defendant at the address shown in the
32 certificate of responsibility.

33 Sec. 11. Section 327B.1, Code Supplement 1993, is amended
34 to read as follows:

35 327B.1 AUTHORITY SECURED AND REGISTERED.

1 It is unlawful for a carrier to perform an interstate
2 transportation service for compensation upon the highways of
3 this state without first registering the authority obtained
4 from the interstate commerce commission or evidence that such
5 authority is not required with the state department of
6 transportation.

7 The department shall participate in the single state
8 insurance registration program for regulated motor carriers as
9 provided in 49 U.S.C. § 11506 and interstate commerce
10 commission rules.

11 Registration for carriers transporting commodities exempt
12 from interstate commerce commission regulation shall be
13 granted without hearing upon application and payment of a
14 twenty-five-dollar filing fee and an annual one-dollar fee per
15 vehicle. Each amendment of supplemental authority shall
16 require a ten-dollar filing fee.

17 ~~The department shall participate in the single state~~
18 ~~insurance registration system for motor carriers as provided~~
19 ~~in 49 U.S.C. § 11506.~~

20 The state department of transportation may execute
21 reciprocity agreements with authorized representatives of any
22 state exempting nonresidents from payment of fees as set forth
23 in this chapter. The state department of transportation shall
24 adopt rules pursuant to chapter 17A for the identification of
25 vehicles operated under reciprocity agreements.

26 Fees may be subject to reduction or proration pursuant to
27 sections 326.5 and 326.32.

28 Sec. 12. Section 327B.6, unnumbered paragraph 1, Code
29 1993, is amended to read as follows:

30 Registration under section 327B.1 shall not be granted
31 until the exempt carrier has filed with the state department
32 of transportation evidence of insurance or surety bond issued
33 by an insurance carrier or bonding company authorized to do
34 business in this state and in the a form prescribed ~~in 49~~
35 ~~E.P.R. § 387.15 for motor carriers of property and in 49~~

1 ~~C.F.R.--§-387:39-for-motor-carriers-of-passengers~~ by the
2 department. The minimum limits of liability for each
3 interstate motor carrier for hire subject to federal minimum
4 limits of liability are those adopted under United States
5 Code, Title 49, and prescribed in 49 C.F.R. § 387.3 and §
6 387.9 for motor carriers of property and in 49 C.F.R. § 387.27
7 and § 387.33 for motor carriers of passengers.

8 Sec. 13. Section 321F.6, Code 1993, is amended by striking
9 the section and inserting in lieu thereof the following:

10 321F.6 FINANCIAL RESPONSIBILITY -- LEASE.

11 The lessee shall carry in the vehicle being leased,
12 evidence of financial responsibility as required by this
13 chapter and a copy of the lease, setting forth the name and
14 address of the lessee, period of the lease, and other
15 information as the director may require. The lease shall be
16 shown to any peace officer upon request.

17 Sec. 14. Section 321F.7, Code 1993, is repealed.

18 EXPLANATION

19 Section 6B.24 is amended to provide for a market-based
20 interest rate for condemnation damages rather than the current
21 rate of 10 percent. In addition, it provides that interest on
22 an award which has been determined on appeal to be greater
23 than the amount set by the compensation commission should be
24 accrued from the date of condemnation rather than from the
25 date of the commencement of the action as provided in section
26 535.3.

27 Current law provides that the state department of
28 transportation may notify a county or city that a road under
29 the department's jurisdiction will be established, improved,
30 relocated, or maintained and that the department may need to
31 acquire additional right-of-way. The notice is valid for
32 three years from the date of notification and can be refiled
33 by the department for an additional three-year period. The
34 amendment to section 306.19 provides that the department can
35 refile this notice every three years.

1 Section 314.9 allows the department to enter onto private
2 property for the purpose of conducting surveys, soundings,
3 drillings, appraisals, and examinations to determine the
4 advisability or practicability of locating or constructing a
5 highway on the property. Currently, the section provides that
6 soundings and drillings cannot be done within 20 rods
7 (approximately 330 feet) of a dwelling house or buildings
8 without the written consent of the owner. This bill limits
9 soundings and drillings within 30 feet of a house or building
10 without obtaining the written consent of the owner.

11 Section 321.13 is amended to allow the department to retain
12 a record or document if it appears, or is later determined,
13 that the record or document is fictitious or unlawfully or
14 erroneously issued.

15 Section 321.47 allows the county treasurer to transfer
16 title to a motor vehicle if it has been ordered in a
17 dissolution decree. A person who has been granted title to a
18 motor vehicle must otherwise comply with other requirements
19 for transferring title.

20 Sections 321.89 and 321.90 require the acquisition of a
21 junking certificate for demolishing vehicles which have been
22 abandoned. Current law allows a demolisher to demolish,
23 wreck, or dismantle an abandoned vehicle purchased at an
24 auction without further titling of the vehicle. This bill
25 provides that the demolisher must apply for a junking
26 certificate within 15 days of purchase and can use the sales
27 receipt in lieu of a certificate of title. In addition, a
28 person who wishes to dispose of an abandoned motor vehicle, or
29 any person or governmental body upon whose property a motor
30 vehicle has been abandoned or a person who is the owner but
31 whose title is faulty, lost, or destroyed, may dispose of the
32 vehicle by obtaining a certificate of authority from the
33 police authority and then using the certificate in lieu of a
34 certificate of title in order to obtain a junking certificate.
35 Current law allows the person or governmental unit to transfer

1 the abandoned motor vehicle to a demolisher without obtaining
2 a junking certificate.

3 Section 321.423 allows the chief of a fire department to
4 issue an authorization for a member of the fire department to
5 use a flashing blue light on the person's own vehicle rather
6 than requiring the director of transportation to do so. The
7 person must relinquish the authorization to the fire chief
8 when it expires or when circumstances change so that the
9 member no longer needs the authorization.

10 Amendments to sections 321.484 and 321F.6 and the repeal of
11 section 321F.7 eliminate the requirements for a lessor of a
12 motor vehicle to file a copy of a certificate evidencing
13 financial responsibility and a copy of the lease with the
14 department. Evidence of financial responsibility and the
15 lease must still be carried in the leased vehicle at all
16 times.

17 Amendments to section 327B.1 eliminate the filing fee for
18 motor carriers with interstate commerce commission authority
19 while retaining the filing fee for motor carriers exempt from
20 interstate commerce commission authority and authorize
21 collection of an annual \$1 fee per vehicle to issue the
22 registration.

23 Amendments to section 327B.6 allow the department to accept
24 insurance filings for regulated motor carriers from insurance
25 carriers authorized to do business in any state and accepted
26 by the interstate commerce commission, eliminate citing
27 obsolete references for filing forms, and provide for
28 revocation of registration when insurance lapses to apply to
29 only exempt carriers. If interstate commerce commission-
30 regulated motor carriers' insurance lapses, the registration
31 receipt is no longer valid.

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BACKGROUND STATEMENT

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SUBMITTED BY THE DEPARTMENT

34 The federal highway administration (FHWA) surveyed the
35 interest rate paid for condemnation awards by all 50 states

1 plus the District of Columbia and Puerto Rico. FHWA
2 recommended that all states with an interest rate of 8 percent
3 or more establish a market-based interest rate for
4 condemnation awards which exceed the amount of the deposit and
5 also recommended proposed legislation be modeled after the
6 department of justice's Declaration of Taking Act. Currently,
7 Iowa has a fixed rate of 10 percent for awards which exceed
8 the amount of deposit. FHWA is concerned that in today's
9 economy, a rate of 8 percent or more can easily be seen as a
10 reason for a property owner to defer settlement by filing an
11 appeal which, in turn, increases right-of-way costs to state
12 and federal taxpayers. Section 6B.24, which establishes a
13 market-based interest rate, assures that all parties are
14 protected by the market and economic conditions.

15 Current law provides that corridor preservation expires
16 after three years and may be renewed. However, this has been
17 interpreted to mean it can be renewed only once, although no
18 such limit was intended by the legislature. The amendment to
19 section 306.19 clarifies the original intent to allow for
20 multiple renewals of a corridor preservation notice.

21 Section 314.9 is amended to prohibit soil testing within 30
22 feet of a building without the written permission of the
23 owner. Occasionally a property owner will not permit sounding
24 and drilling tests within 20 rods (330 feet) of a building,
25 which can prevent testing in urban areas. Testing prior to
26 the purchase of land is necessary to determine if there are
27 hazardous materials in the soil because cleanup is so
28 expensive. Soil testing provides the property owner and the
29 department needed information about the condition of the
30 property.

31 Section 321.13 allows the department to retain fictitious
32 documents which are not property of the department until an
33 investigation is completed. A driver's license is property of
34 the department, but other documents such as fictitious
35 immigration papers, birth certificates, or social security

1 cards are not property of the department.

2 Section 321.47 allows the department to use a copy of a
3 divorce decree to transfer title to a motor vehicle.

4 Currently, another court order is required to change the title
5 of the vehicle if the previous spouse's signature cannot be
6 obtained.

7 Sections 321.89 and 321.90 require a demolisher who
8 purchases abandoned vehicles for demolition, wrecking, or
9 dismantling to make application for a junking certificate
10 through the county treasurer within 15 days of purchase and
11 surrender the sales receipt in lieu of the certificate of
12 title. The purpose of this procedure is to remove vehicles
13 that have been junked or demolished from the motor vehicle
14 registration system.

15 Currently, the department issues authorizations for blue
16 lights after a recommendation by a local fire chief. This is
17 an extra step. This amendment to section 321.423 puts
18 authority to issue permits for blue lights with the local fire
19 chief.

20 Sections 321.484, 321F.6, and 321F.7 eliminate the
21 requirement for a lessor to file evidence of financial
22 responsibility and a copy of the lease with the department.
23 It does not eliminate the requirement to carry evidence of
24 financial responsibility and a copy of the lease in the
25 vehicle.

26 Sections 327B.1 and 327B.6 are amended to comply with
27 federal regulations on single state insurance registration.
28 Amendments to section 327B.1 eliminate the filing fee for
29 motor carriers with interstate commerce commission authority
30 while retaining the filing fee for motor carriers exempt from
31 interstate commerce commission authority and reinstate
32 authority to collect the annual \$1 fee per vehicle to issue
33 the registration. Amendments to section 327B.6 allow the
34 department to accept insurance filings for regulated motor
35 carriers from insurance carriers authorized to do business in

1 any state and accepted by the interstate commerce commission,
2 eliminate citing obsolete references for filing forms, and
3 provide for revocation of registration when insurance lapses
4 to apply to only exempt carriers. If interstate commerce
5 commission regulated motor carriers' insurance lapses, the
6 registration receipt is no longer valid.

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