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SENATE FILE 2186
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2129)

Passed Senate, Date ^(p.760) 3/13/96 Passed House, Date ^(p.1295) 4/2/96
Vote: Ayes 48 Nays 0 Vote: Ayes 98 Nays 0
Approved 4-15-96

A BILL FOR

1 An Act relating to transportation-related sanctions by increasing
2 penalties for certain offenses, providing for the issuance of
3 temporary restricted licenses for certain offenses, providing
4 scheduled fines for various violations, prohibiting certain
5 activities of motor vehicle dealers, and allowing the issuance
6 of a uniform citation and complaint to a corporation for
7 certain violations.

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

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S.F. 2186

REPRINTED

1 Section 1. Section 123.48, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. If a liquor control licensee or wine or beer permittee
4 or an employee of the licensee or permittee has a reasonable
5 belief based on factual evidence that a motor vehicle license
6 as defined in section 321.1, subsection 43, or nonoperator
7 identification card issued pursuant to section 321.190 offered
8 by a person who wishes to purchase an alcoholic beverage at
9 the licensed premises is altered or falsified or belongs to
10 another person, the licensee, permittee, or employee may
11 retain the motor vehicle license or nonoperator identification
12 card. Within twenty-four hours, the card shall be delivered
13 to the appropriate city or county law enforcement agency of
14 the jurisdiction in which the licensed premises is located.
15 When the card is delivered to the appropriate law enforcement
16 agency, the licensee shall file a written report of the
17 circumstances under which the card was retained. The local
18 law enforcement agency may investigate whether a violation of
19 ~~section 321.190~~ 321.216, 321.216A, or 321.216B has occurred.
20 If an investigation is not initiated or a probable cause is
21 not established by the local law enforcement agency, the motor
22 vehicle license or nonoperator identification card shall be
23 delivered to the person to whom it was issued. The local law
24 enforcement agency may forward the card with the report to the
25 department of transportation for investigation, in which case,
26 the department may investigate whether a violation of section
27 ~~321.190~~ 321.216, 321.216A, or 321.216B has occurred. The
28 department of transportation shall return the card to the
29 person to whom it was issued if an investigation is not
30 initiated or a probable cause is not established.

31 Sec. 2. Section 321.190, subsection 2, Code 1995, is
32 amended by striking the subsection.

33 Sec. 3. Section 321.216, Code 1995, is amended to read as
34 follows:

35 321.216 UNLAWFUL USE OF LICENSE AND NONOPERATOR'S

1 IDENTIFICATION CARD -- PENALTY.

2 It is a simple misdemeanor for any person:

3 1. To display or cause or permit to be displayed or have
4 in the person's possession a canceled, revoked, suspended,
5 fictitious, or fraudulently altered motor vehicle license or
6 nonoperator's identification card.

7 2. To lend that person's motor vehicle license or
8 nonoperator's identification card to another person or
9 knowingly permit the use of the license by another.

10 3. To display or represent as one's own a motor vehicle
11 license or nonoperator's identification card not issued to
12 that person.

13 4. To fail or refuse to surrender to the department upon
14 its lawful demand a motor vehicle license or nonoperator's
15 identification card which has been suspended, revoked, or
16 canceled.

17 ~~5. To use a false or fictitious name in an application for~~
18 ~~a motor vehicle license or to knowingly make a false statement~~
19 ~~or to knowingly conceal a material fact or otherwise commit a~~
20 ~~fraud in the application.~~

21 ~~6.~~ 5. To permit an unlawful use of a motor vehicle license
22 or nonoperator's identification card issued to that person.

23 ~~7. To obtain, possess or have in one's control or on one's~~
24 ~~premises blank motor vehicle license forms.~~

25 ~~8. To obtain, possess, or have in one's control or on~~
26 ~~one's premises a motor vehicle license, a nonoperator's~~
27 ~~identification card, or a blank motor vehicle license form,~~
28 ~~which has been made by a person having no authority or right~~
29 ~~to make the license, card, or form.~~

30 Sec. 4. Section 321.216A, Code 1995, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 321.216A FALSIFYING MOTOR VEHICLE LICENSES AND
34 NONOPERATOR'S IDENTIFICATION CARDS AND FORMS.

35 It is a serious misdemeanor for a person to do any of the

1 following:

2 1. Make a motor vehicle license, a nonoperator's vehicle
3 identification card, or a blank motor vehicle license form if
4 the person has no authority or right to make the license,
5 card, or form.

6 2. Obtain, possess, or have in the person's control or on
7 the person's premises motor vehicle license or nonoperator's
8 identification card forms.

9 3. Obtain, possess, or have in the person's control or on
10 the person's premises, a motor vehicle license or a
11 nonoperator's identification card, or blank motor vehicle
12 license or nonoperator's identification card form which has
13 been made by a person having no authority or right to make the
14 license, card, or form.

15 4. Use a false or fictitious name in any application for a
16 motor vehicle license or nonoperator's identification card or
17 to knowingly make a false statement or knowingly conceal a
18 material fact or otherwise commit fraud on an application.

19 Sec. 5. Section 321.216B, Code 1995, is amended to read as
20 follows:

21 321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S
22 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

23 A person who is under the age of twenty-one, who alters or
24 displays or has in the person's possession a fictitious or
25 fraudulently altered motor vehicle license or nonoperator's
26 identification card and who uses the license to violate or
27 attempt to violate section 123.47 or 123.47A, commits a simple
28 misdemeanor. The court shall forward a copy of the conviction
29 or order of adjudication under section 232.47 to the
30 department.

31 Sec. 6. Section 321.218, subsections 1, 4, and 5, Code
32 Supplement 1995, are amended to read as follows:

33 1. A person whose motor vehicle license or operating
34 privilege has been denied, canceled, suspended, or revoked as
35 provided in this chapter or as provided in section 252J.8, and

1 who operates a motor vehicle upon the highways of this state
2 while the license or privilege is denied, canceled, suspended,
3 or revoked, commits a serious misdemeanor.

4 4. The department, upon receiving the record of the
5 conviction of a person under this section upon a charge of
6 operating a motor vehicle while the license of the person is
7 suspended or revoked, shall, except for licenses suspended
8 under section 252J.8, 321.210, subsection 1, paragraph "c",
9 321.210A, 321.210B, or 321.513, extend the period of
10 suspension or revocation for an additional like period, and
11 the department shall not issue a new motor vehicle license to
12 the person during the additional period.

13 If the department receives a record of a conviction of a
14 person under this section but the person's driving record does
15 not indicate what the original grounds of suspension were, the
16 period of suspension under this subsection shall be for a
17 period not to exceed six months.

18 5. A person who operates a commercial motor vehicle upon
19 the highways of this state when disqualified from operating
20 the commercial motor vehicle under section 321.208 commits a
21 ~~simple~~ serious misdemeanor if a commercial driver's license is
22 required for the person to operate the commercial motor
23 vehicle.

24 Sec. 7. Section 321.218, subsection 2, Code Supplement
25 1995, is amended by striking the subsection.

26 Sec. 8. Section 321E.16, Code 1995, is amended to read as
27 follows:

28 321E.16 VIOLATIONS -- PENALTIES.

29 Any A person who ~~is convicted of a violation of any~~
30 violates a provision of a permit issued pursuant to this
31 chapter or of rules adopted under section 321E.15, other than
32 length, height, width, or a provision relating to weight
33 ~~allowed by any permit issued under this chapter~~ shall be
34 ~~punished by a~~ subject to a scheduled fine of ~~one hundred~~
35 ~~dollars for the first conviction, two hundred fifty dollars~~

1 ~~for a second conviction within a twelve month period, and five~~
2 ~~hundred dollars for a third conviction within a twelve month~~
3 ~~period under section 805.8, subsection 2.~~ The fine for
4 violation of the ~~length, height, width, and~~ weight allowed by
5 a permit shall be based upon the difference between the actual
6 ~~length, height, width, and~~ weight of the vehicle and load and
7 the maximum allowable by permit and in accordance with section
8 ~~321.482 for violations of length, height, or width limitations~~
9 ~~and sections 321.482 and 321.463 for violation of weight~~
10 ~~limitations.~~ If a vehicle with an indivisible load traveling
11 under permit is found to be in violation of weight
12 limitations, the vehicle operator shall be allowed a
13 reasonable amount of time to remove any ice, mud, snow, and
14 other weight attributable to climatic conditions accumulated
15 along the route prior to application of the penalties
16 prescribed in sections section 321.463 and 321.482. The
17 ~~department shall adopt rules to require peace officer escorts~~
18 ~~for permit holders convicted for the third time in a twelve-~~
19 ~~month period of violating a provision of this chapter or a~~
20 ~~provision of rules adopted pursuant to section 321E.15.~~

21 Sec. 9. Section 321J.4, subsection 1, unnumbered paragraph
22 1, Code Supplement 1995, is amended to read as follows:

23 If a defendant is convicted of a violation of section
24 321J.2 and the defendant's motor vehicle license or
25 nonresident operating privilege has not been revoked under
26 section 321J.9 or 321J.12 for the occurrence from which the
27 arrest arose, the department shall revoke the defendant's
28 motor vehicle license or nonresident operating privilege for
29 one hundred eighty days if the defendant has had no previous
30 conviction or revocation under this chapter within the
31 previous six years and the defendant shall not be eligible for
32 any temporary restricted license for at least thirty days
33 after the effective date of the revocation if a test was
34 obtained, and for at least ninety days if a test was refused.
35 If the defendant is under the age of twenty-one, the defendant

1 shall not be eligible for a temporary restricted license for
2 at least sixty days after the effective date of the
3 revocation.

4 Sec. 10. Section 321J.4, subsection 2, Code Supplement
5 1995, is amended to read as follows:

6 2. If the court defers judgment pursuant to section 907.3
7 for a violation of section 321J.2, and if the defendant's
8 motor vehicle license or nonresident operating privilege has
9 not been revoked under section 321J.9 or 321J.12, or has not
10 otherwise been revoked for the occurrence from which the
11 arrest arose, the department shall revoke the defendant's
12 motor vehicle license or nonresident operating privilege for a
13 period of not less than thirty days nor more than ninety days.
14 The defendant shall not be eligible for any temporary
15 restricted license for at least thirty days after the
16 effective date of the revocation if a test was obtained and
17 for at least ninety days if a test was refused. If the
18 defendant is under the age of twenty-one, the defendant shall
19 not be eligible for a temporary restricted license for at
20 least sixty days after the effective date of the revocation.

21 Sec. 11. Section 321J.4, subsection 8, Code Supplement
22 1995, is amended to read as follows:

23 8. A person whose motor vehicle license has either been
24 revoked under this chapter, or revoked or suspended under
25 chapter 321 solely for violations of this chapter, or who has
26 been determined to be a habitual offender under chapter 321
27 based solely on violations of this chapter, and who is not
28 eligible for a temporary restricted license under this chapter
29 may petition the court upon the expiration of the minimum
30 period of ineligibility for a temporary restricted license
31 provided for under this section or section 321J.9, 321J.12, or
32 321J.20 for an order to the department to require the
33 department to issue a temporary restricted license to the
34 person notwithstanding section 321.560. Upon the filing of a
35 petition for a temporary restricted license under this

1 section, the clerk of the district court in the county where
2 the violation that resulted in the revocation occurred shall
3 send notice of the petition to the department and the
4 prosecuting attorney. The department and the prosecuting
5 attorney shall each be given an opportunity to respond to and
6 request a hearing on the petition. The court shall determine
7 if the temporary restricted license is necessary for the
8 person to maintain the person's present employment. However,
9 a temporary restricted license shall not be ordered or issued
10 for ~~violations~~ a violation of section 321J.2A or to persons a
11 person under the age of twenty-one ~~who commit violations under~~
12 ~~section 321J.2~~ whose license is revoked under section 321J.4,
13 321J.9, or 321J.12. If the court determines that the
14 temporary restricted license is necessary for the person to
15 maintain the person's present employment, and that the minimum
16 period of ineligibility for receipt of a temporary license has
17 expired, the court shall order the department to issue to the
18 person a temporary restricted license conditioned upon the
19 person's certification to the court of the installation of
20 approved ignition interlock devices in all motor vehicles that
21 it is necessary for the person to operate to maintain the
22 person's present employment. Section 321.561 does not apply
23 to a person operating a motor vehicle in the manner permitted
24 under this subsection. If the person operates a motor vehicle
25 which does not have an approved ignition interlock device or
26 if the person tampers with or circumvents an ignition
27 interlock device, in addition to other penalties provided, the
28 person's temporary restricted license shall be revoked. A
29 person holding a temporary restricted license issued under
30 this subsection shall not operate a commercial motor vehicle,
31 as defined in section 321.1, on a highway if a commercial
32 driver's license is required for the person to operate the
33 commercial motor vehicle.

34 Sec. 12. Section 321J.12, subsection 2, Code Supplement
35 1995, is amended to read as follows:

1 2. A person whose motor vehicle license or nonresident
2 operating privileges have been revoked under subsection 1,
3 paragraph "a", shall not be eligible for any temporary
4 restricted license for at least thirty days after the
5 effective date of the revocation. If the person is under the
6 age of twenty-one, the person shall not be eligible for a
7 temporary restricted license for at least sixty days after the
8 effective date of the revocation. A person whose license or
9 privileges have been revoked under subsection 1, paragraph
10 "b", for one year shall not be eligible for any temporary
11 restricted license for one year after the effective date of
12 the revocation.

13 Sec. 13. Section 322.3, Code 1995, is amended to read as
14 follows:

15 322.3 PROHIBITED ACTS.

16 1. No A person shall not engage in this state in the
17 business of selling at retail new motor vehicles of any make
18 or represent or advertise that the person is engaged or
19 intends to engage in such business in this state unless the
20 person is authorized to do so by a contract in writing with
21 the manufacturer or distributor of such make of new motor
22 vehicles ~~to so dispose thereof in this state~~ and unless the
23 department has licensed the person as a motor vehicle dealer
24 in this state in motor vehicles of such make and has issued to
25 the person a license in writing as provided in this chapter
26 provided.

27 2. No A person, other than a licensed dealer in new motor
28 vehicles, shall not engage in this state in the business of
29 selling at retail used motor vehicles or represent or
30 advertise that the person is engaged or intends to engage in
31 such business in this state unless and until the department
32 has licensed such the person as a used motor vehicle dealer in
33 the state and has issued to the person a license in writing as
34 provided in this chapter provided.

35 3. ~~Nothing contained in subsections~~ Subsections 1 and 2

1 hereof shall not be construed ~~as requiring to require~~ the
2 separate licensing of persons employed as salespersons of
3 motor vehicles by a retail motor vehicle dealer hereunder,
4 but. However, the department ~~is hereby authorized and~~
5 ~~empowered to make, publish, and~~ may promulgate such reasonable
6 rules and regulations as ~~it may deem~~ necessary for the proper
7 identification of persons ~~so~~ employed as salespersons ~~by any~~
8 ~~such licensee~~.

9 4. No A person, who is engaged in the business of selling
10 at retail motor vehicles, shall not enter into any contract,
11 agreement, or understanding, express or implied, with any
12 manufacturer or distributor of any such motor vehicles that
13 the person will sell, assign, or transfer any retail
14 installment contracts arising from the retail installment sale
15 of such motor vehicles ~~or any one or more thereof~~ only to a
16 designated person or class of persons. ~~Any such~~ A condition,
17 agreement, or understanding between any manufacturer or
18 distributor and a motor vehicle dealer in this state of this
19 nature is hereby declared to be against the public policy of
20 this state and to be unlawful and void.

21 5. No A manufacturer or distributor of motor vehicles or
22 any agent or representative of such a manufacturer or
23 distributor, shall not terminate or threaten to terminate, or
24 fail to renew any contract, agreement, or understanding for
25 the sale of new motor vehicles to any motor vehicle dealer in
26 this state without just, reasonable and lawful cause ~~therefor~~
27 or because such the motor vehicle dealer failed to sell,
28 assign, or transfer any retail installment contract arising
29 from the retail sale of such motor vehicles or any one or more
30 of them to a person or a class of persons designated by such
31 the manufacturer or distributor. ~~Provided, however, that the~~
32 ~~provisions of this subsection relating to "failure to renew"~~
33 ~~shall not apply to any contract, agreement, or understanding,~~
34 ~~which is for a term of five or more years.~~

35 6. No A person, who is engaged in the business of selling

1 at retail motor vehicles, shall not make and enter into a
2 retail installment contract unless ~~such~~ the contract meets the
3 following requirements:

4 a. Every retail installment contract shall be in writing,
5 shall be signed by both the buyer and the seller and shall be
6 completed as to all essential provisions prior to the signing
7 of the contract by the buyer except that, if delivery of the
8 motor vehicle is not made at the time of the execution of the
9 contract, the identifying numbers or marks of the motor
10 vehicle or similar information and the due date of the first
11 installment may be inserted in the contract after its
12 execution.

13 b. The contract shall comply with the Iowa consumer credit
14 code, where applicable.

15 7. ~~Nothing-contained-herein~~ This section shall not be
16 construed to require that a place of business as defined in
17 this chapter shall be maintained by a person selling motor
18 vehicles at retail solely for the purpose of disposing of
19 motor vehicles acquired or repossessed by such person in
20 exercise of powers or rights granted by lien or title-
21 retention instruments or contracts given as security for loans
22 or purchase money obligations.

23 8. ~~No~~ A manufacturer or distributor of motor vehicles or
24 agent or representative of ~~such~~ a manufacturer or distributor
25 shall not coerce or attempt to coerce any motor vehicle dealer
26 to accept delivery of any motor vehicle or vehicles, parts, or
27 accessories ~~thereof~~, or any other commodity or commodities
28 which ~~shall-not~~ have not been ordered by ~~such~~ the dealer.

29 9. ~~No~~ A person licensed under this chapter shall not,
30 either directly or through an agent, salesperson or employee,
31 engage in this state, or represent or advertise that the
32 person is engaged or intends to engage in this state, in the
33 business of buying or selling at retail new or used motor
34 vehicles, other than mobile homes more than eight feet in
35 width or more than thirty-two feet in length as defined in

1 section 321.1, on the first day of the week, commonly known
2 and designated as Sunday.

3 10. A manufacturer, distributor, or importer of motor
4 vehicles or agent or representative of such manufacturer,
5 distributor, or importer shall not require a motor vehicle
6 dealer to submit to arbitration to resolve a controversy
7 before the controversy arises. The parties may enter into a
8 voluntary agreement to arbitrate a controversy after it
9 arises. Such an agreement shall require that the arbitrator
10 apply Iowa law in resolving the controversy. Either party may
11 appeal a decision of an arbitrator to the district court on
12 the grounds that the arbitrator failed to apply Iowa law.

13 11. A person who is engaged in the business of selling
14 motor vehicles at retail shall not sell, offer for sale,
15 represent, or advertise that the person intends to sell motor
16 vehicles from a location other than the person's place of
17 business, except as provided in section 322.5.

18 Sec. 14. Section 805.8, subsection 2, Code Supplement
19 1995, is amended by adding the following new paragraphs:

20 NEW PARAGRAPH. z. For violations of section 321.460
21 prohibiting spilling loads on the highway, the scheduled fine
22 is one hundred dollars.

23 NEW PARAGRAPH. aa. For violations of length, height,
24 width, and other provisions of a permit, except weight
25 provisions, under section 321E.16, the scheduled fine is one
26 hundred dollars.

27 NEW PARAGRAPH. bb. For violations of importing fuel in
28 the supply tank of a motor vehicle under section 452A.52, the
29 scheduled fine is one hundred dollars.

30 Sec. 15. Section 805.8, Code Supplement 1995, is amended
31 by adding the following new subsection:

32 NEW SUBSECTION. 12. VIOLATIONS OF TITLE LAWS. For
33 violations under sections 321.25, 321.45, 321.46, 321.48,
34 321.52, 321.67, and 321.104, the scheduled fine is fifty
35 dollars.

1 Sec. 16. Section 805.8, subsection 2, paragraph u, Code
2 Supplement 1995, is amended to read as follows:

3 u. For ~~obtaining, possessing, or having in one's control~~
4 ~~or one's premises~~ unlawful use of a motor vehicle license, or
5 a nonoperator's identification card, ~~or a blank motor vehicle~~
6 ~~license form~~ in violation of section 321.216, ~~subsection 7 or~~
7 ~~8~~, the scheduled fine is fifty seventy-five dollars.

8 Sec. 17. NEW SECTION. 807.1A UNIFORM CITATION AND
9 COMPLAINT.

10 A corporation may be charged upon a uniform citation and
11 complaint adopted under section 805.6 for a scheduled
12 violation under section 805.8.

13 EXPLANATION

14 This bill makes changes to various transportation-related
15 sanctions.

16 The bill amends sections 123.48, 321.190, 321.216,
17 321.216A, 321.216B, and 805.8, subsection 2, paragraph "u", to
18 consolidate provisions relating to nonoperator's
19 identification cards and motor vehicle licenses in the same
20 Code sections, make conforming changes and to increase the
21 penalty from a simple to a serious misdemeanor for a person to
22 do any of the following:

23 1. Obtain, possess, or have in the person's control or on
24 the person's premises motor vehicle license or nonoperator's
25 identification card forms.

26 2. Obtain, possess, or have in the person's control or on
27 the person's premises, a motor vehicle license or a
28 nonoperator's identification card, or blank motor vehicle
29 license form which has been made by a person having no
30 authority or right to make the license, card, or form.

31 3. Use a false or fictitious name in any application for a
32 motor vehicle license or nonoperator's identification card or
33 to knowingly make a false statement or knowingly conceal a
34 material fact or otherwise commit fraud on an application.

35 A simple misdemeanor is punishable with a fine of at least

1 \$50 but not to exceed \$100 or up to 30 days imprisonment. A
2 serious misdemeanor is punishable with a fine of at least
3 \$250, but not to exceed \$1,500 and imprisonment not to exceed
4 one year.

5 The bill amends section 321.218 to provide that it is a
6 serious misdemeanor for a person to operate a motor vehicle if
7 the person's motor vehicle license has been denied, suspended,
8 or revoked under chapter 252J for failure to pay child support
9 or if a person operates a commercial motor vehicle when
10 disqualified if a commercial driver's license is required for
11 operation. It is also amended to provide that the revocation
12 period is not extended for an additional time period if a
13 person is operating with a suspended or revoked license for
14 failure to pay child support or an indebtedness to the state.
15 Section 321.218, subsection 2, is stricken because the
16 language is redundant.

17 Sections 321E.16 and 805.8 are amended to provide a
18 scheduled fine of \$100 for each violation of length, width,
19 height, or other permit provisions for motor vehicles and
20 loads. Current law provides that the first violation is
21 punishable by a fine of \$100, the second violation within a
22 12-month period is punishable by a fine of \$250, and the third
23 violation within a 12-month period is punishable by a fine of
24 \$500. The bill also strikes a provision requiring the state
25 department of transportation to adopt rules to require peace
26 officer escorts for permit holders who incur three violations
27 within a 12-month period.

28 Sections 321J.4 and 321J.12 are amended to provide that a
29 person under the age of 21 is not eligible for a temporary
30 restricted license for at least 60 days after the effective
31 date of the revocation. The ability to obtain a temporary
32 restricted license after 60 days is only for a first offense
33 for operating while intoxicated and only for a conviction or a
34 deferred judgment under section 321J.4 or a test result
35 revocation under section 321J.12. The amendments also provide

1 that the court cannot order the department to issue a
2 temporary restricted license to persons under the age of 21.

3 Section 322.3 is amended to prohibit a retail motor vehicle
4 dealer from selling, offering to sell, representing, or
5 advertising that the dealer intends to sell motor vehicles
6 from a location other than the person's principal place of
7 business. The prohibition provides exceptions for display and
8 sale of motor vehicles and classic cars at fairs, vehicle
9 shows, and vehicle exhibitions under certain circumstances and
10 upon issuance of a temporary permit. Section 322.3 is also
11 amended to make technical corrections.

12 The bill also adds to the list of scheduled violations
13 under section 805.8 the following:

14 1. For spilling loads on the highway in violation of
15 section 321.460, the fine is \$100.

16 2. For length, width, height, and other permit violations
17 other than weight violations under section 321E.16, the fine
18 is \$100.

19 3. For illegal importation of fuels under section 452A.52,
20 the fine is \$100.

21 4. For title law violations under sections 321.25, 321.45,
22 321.46, 321.48, 321.52, 321.67, and 321.104, the fine is \$50.

23 Finally, the bill allows a uniform citation and complaint
24 to be issued to a corporation for a scheduled violation under
25 section 805.8.

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SENATE FILE 2186

S-5199

1 Amend Senate File 2186 as follows:
2 1. Page 6, by inserting after line 20 the
3 following:
4 "Sec. ____ Section 321J.4, subsection 7, Code
5 Supplement 1995, is amended to read as follows:
6 7. On a conviction for or as a condition of a
7 deferred judgment for a violation of section 321J.2,
8 the court may order the defendant to install ignition
9 interlock devices of a type approved by the
10 commissioner of public safety on all motor vehicles
11 owned or operated by the defendant which, without
12 tampering or the intervention of another person, would
13 prevent the defendant from operating the motor vehicle
14 with an alcohol concentration greater than a level set
15 by rule of the commissioner of public safety. The
16 commissioner of public safety shall adopt rules to
17 approve certain ignition interlock devices and the
18 means of installation of the devices, and shall
19 establish the level of alcohol concentration beyond
20 which an ignition interlock device will not allow
21 operation of the motor vehicle in which it is
22 installed. The order shall remain in effect for a
23 period of time as determined by the court which shall
24 not exceed the maximum term of imprisonment which the
25 court could have imposed according to the nature of
26 the violation. While the order is in effect, the
27 defendant shall not operate a motor vehicle which does
28 not have an approved ignition interlock device
29 installed. If the defendant's motor vehicle license
30 or nonresident operating privilege has been revoked,
31 the department shall not issue a temporary permit or a
32 motor vehicle license to the person without
33 certification that approved ignition interlock devices
34 have been installed in all motor vehicles owned or
35 operated by the defendant while the order is in
36 effect. A defendant who fails within a reasonable
37 time to comply with an order to install an approved
38 ignition interlock device may be declared in contempt
39 of court and punished accordingly. The department
40 shall not reinstate a person's motor vehicle license
41 without certification of removal of the ignition
42 interlock device from the motor vehicle. The
43 certification of removal shall be issued by the
44 manufacturer or installer and shall indicate that the
45 device has been returned intact to the manufacturer or
46 installer and that the device has not been tampered
47 with. A person who tampers with or circumvents an
48 ignition interlock device installed under a court
49 order while an order is in effect commits a serious
50 misdemeanor."

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1 2. By renumbering as necessary.

By RICHARD F. DRAKE
DON GETTINGS*Adopted 3/13/96 (P.760)*

S-5199 FILED MARCH 5, 1996

SENATE FILE 2186

S-5234

1 Amend Senate File 2186 as follows:

2 1. Page 1, by inserting after line 30 the
3 following:

4 "Sec. ____ . Section 321.52, Code Supplement 1995, is
5 amended by adding the following new subsection:

6 NEW SUBSECTION. 3A. A damaged motor vehicle
7 subject to registration, for which the cost of repair
8 exceeds one hundred percent of the fair market value
9 of the vehicle, as determined in accordance with rules
10 adopted by the department, shall be issued a junking
11 certificate which shall state on the face of the
12 certificate the following: "100% Damaged". The
13 provisions of subsection 3 shall not apply to a one
14 hundred percent damaged junking certificate issued
15 under this subsection. A motor vehicle which has
16 sustained damage of one hundred percent or more shall
17 be sold only for parts or scrap to an authorized
18 vehicle recycler, as defined in section 321H.2. The
19 provisions of this subsection shall apply only to
20 motor vehicles which are five model years old or
21 less."

22 2. Title page, line 3, by inserting after the
23 word "offenses," the following: "requiring issuance
24 of one hundred percent damaged junking certificates,".

25 3. By renumbering as necessary.

WITHDRAWN

By EUGENE FRAISE

3/13/96 (p.159)

S-5234 FILED MARCH 6, 1996

SENATE FILE 2186

S-5299

1 Amend Senate File 2186 as follows:

2 1. Page 12, line 12, by striking the figure
3 "805.8." and inserting the following: "805.8, except
4 for moving traffic violations."

By RICHARD DRAKE

S-5299 FILED MARCH 12, 1996

Adopted
3/13/96

(p.760)

SENATE FILE 2186

S-5332

- 1 Amend the amendment, S-5299, to Senate File 2186 as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "violations" the following: "or violations of
- 5 sections 321.449, 321.450, or chapters 325, 326, 327,
- 6 or 327A".

By RICHARD F. DRAKE

S-5332 FILED MARCH 13, 1996

ADOPTED

(P.760)

SENATE FILE 2186

S-5333

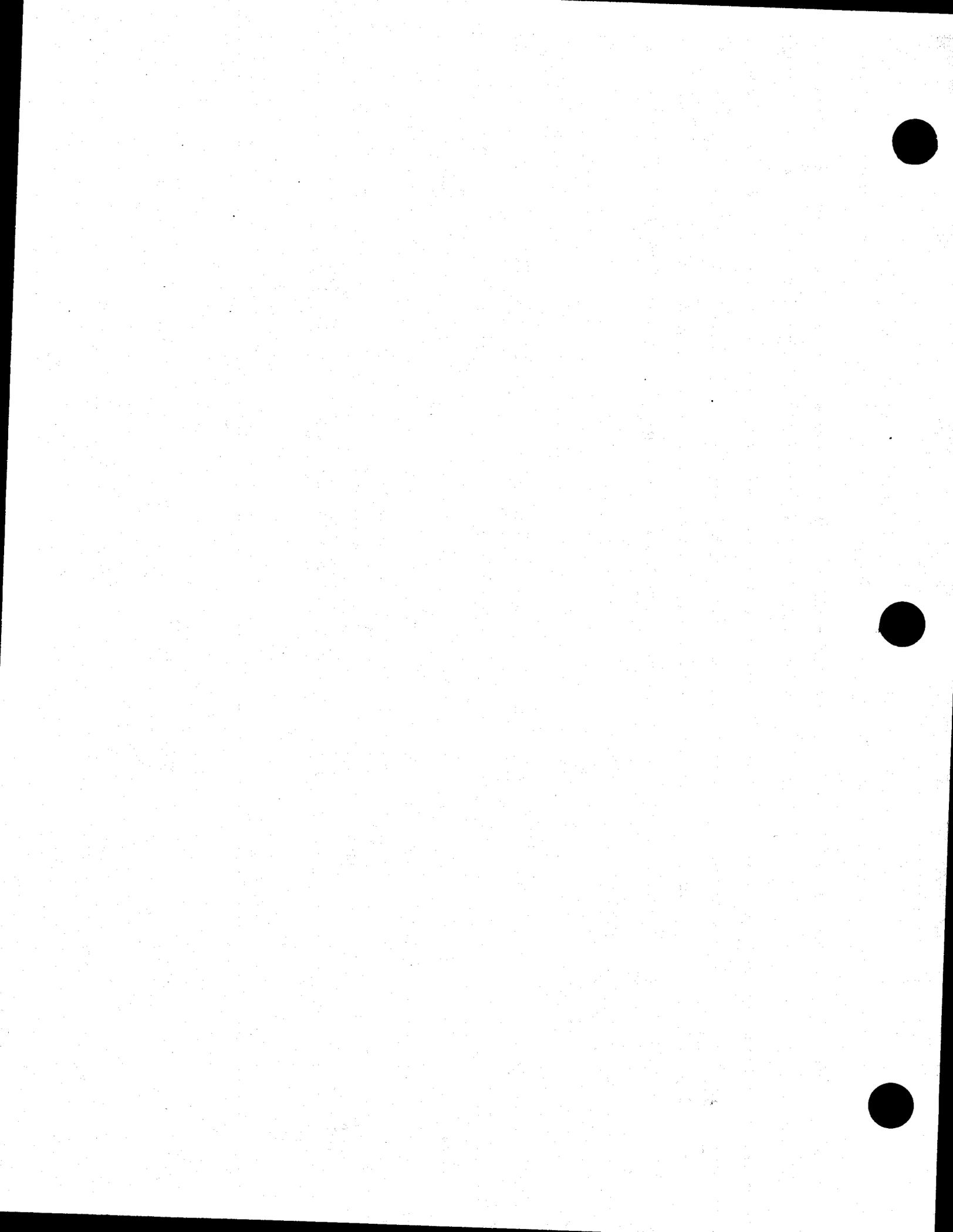
- 1 Amend Senate File 2186 as follows:
- 2 1. Page 4, by inserting after line 25 the
- 3 following:
- 4 "Sec. ____ . Section 321A.6, Code 1995, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 5. If, prior to the date that the
- 7 department would otherwise suspend the person's
- 8 license and registration or nonresident's operating
- 9 privilege under section 321A.5, evidence of either of
- 10 the following is filed with the department:
- 11 a. Evidence that the person made diligent and
- 12 reasonable efforts to locate the prospective
- 13 claimants, but was unable to do so.
- 14 b. Evidence that the person made a written request
- 15 by restricted certified mail in an effort to settle
- 16 the claim and no response was made to the request
- 17 within thirty days of the request."
- 18 2. By renumbering as necessary.

By DONALD B. REDFERN

S-5333 FILED MARCH 13, 1996

ADOPTED

(P.760)



3/14/96 Transportation
3/20/96 Amend/Do Pass
w/H. 5480

SENATE FILE 2186
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2129)

(AS AMENDED AND PASSED BY THE SENATE MARCH 13, 1996)

 - New Language by the Senate

Passed Senate, Date ^{p. 1193} 4/2/96 Passed House, Date ^(p. 1295) 4/2/96
Vote: Ayes 50 Nays 0 Vote: Ayes 98 Nays 0
Approved April 15, 1996

A BILL FOR

1 An Act relating to transportation-related sanctions by increasing
2 penalties for certain offenses, providing for the issuance of
3 temporary restricted licenses for certain offenses, providing
4 scheduled fines for various violations, prohibiting certain
5 activities of motor vehicle dealers, and allowing the issuance
6 of a uniform citation and complaint to a corporation for
7 certain violations.

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

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S.F. 2186

1 Section 1. Section 123.48, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. If a liquor control licensee or wine or beer permittee
4 or an employee of the licensee or permittee has a reasonable
5 belief based on factual evidence that a motor vehicle license
6 as defined in section 321.1, subsection 43, or nonoperator
7 identification card issued pursuant to section 321.190 offered
8 by a person who wishes to purchase an alcoholic beverage at
9 the licensed premises is altered or falsified or belongs to
10 another person, the licensee, permittee, or employee may
11 retain the motor vehicle license or nonoperator identification
12 card. Within twenty-four hours, the card shall be delivered
13 to the appropriate city or county law enforcement agency of
14 the jurisdiction in which the licensed premises is located.
15 When the card is delivered to the appropriate law enforcement
16 agency, the licensee shall file a written report of the
17 circumstances under which the card was retained. The local
18 law enforcement agency may investigate whether a violation of
19 section ~~321.190~~, 321.216, 321.216A, or 321.216B has occurred.
20 If an investigation is not initiated or a probable cause is
21 not established by the local law enforcement agency, the motor
22 vehicle license or nonoperator identification card shall be
23 delivered to the person to whom it was issued. The local law
24 enforcement agency may forward the card with the report to the
25 department of transportation for investigation, in which case,
26 the department may investigate whether a violation of section
27 ~~321.190~~, 321.216, 321.216A, or 321.216B has occurred. The
28 department of transportation shall return the card to the
29 person to whom it was issued if an investigation is not
30 initiated or a probable cause is not established.

31 Sec. 2. Section 321.190, subsection 2, Code 1995, is
32 amended by striking the subsection.

33 Sec. 3. Section 321.216, Code 1995, is amended to read as
34 follows:

35 321.216 UNLAWFUL USE OF LICENSE AND NONOPERATOR'S

1 IDENTIFICATION CARD -- PENALTY.

2 It is a simple misdemeanor for any person:

3 1. To display or cause or permit to be displayed or have
4 in the person's possession a canceled, revoked, suspended,
5 fictitious, or fraudulently altered motor vehicle license or
6 nonoperator's identification card.

7 2. To lend that person's motor vehicle license or
8 nonoperator's identification card to another person or
9 knowingly permit the use of the license by another.

10 3. To display or represent as one's own a motor vehicle
11 license or nonoperator's identification card not issued to
12 that person.

13 4. To fail or refuse to surrender to the department upon
14 its lawful demand a motor vehicle license or nonoperator's
15 identification card which has been suspended, revoked, or
16 canceled.

17 ~~5.--To-use-a-false-or-fictitious-name-in-an-application-for~~
18 ~~a-motor-vehicle-license-or-to-knowingly-make-a-false-statement~~
19 ~~or-to-knowingly-conceal-a-material-fact-or-otherwise-commit-a~~
20 ~~fraud-in-the-application.~~

21 6. 5. To permit an unlawful use of a motor vehicle license
22 or nonoperator's identification card issued to that person.

23 ~~7.--To-obtain, possess-or-have-in-one's-control-or-on-one's~~
24 ~~premises-blank-motor-vehicle-license-forms.~~

25 ~~8.--To-obtain, possess, or-have-in-one's-control-or-on~~
26 ~~one's-premises-a-motor-vehicle-license, a-nonoperator's~~
27 ~~identification-card, or-a-blank-motor-vehicle-license-form,~~
28 ~~which-has-been-made-by-a-person-having-no-authority-or-right~~
29 ~~to-make-the-license, card, or-form.~~

30 Sec. 4. Section 321.216A, Code 1995, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 321.216A FALSIFYING MOTOR VEHICLE LICENSES AND
34 NONOPERATOR'S IDENTIFICATION CARDS AND FORMS.

35 It is a serious misdemeanor for a person to do any of the

1 following:

2 1. Make a motor vehicle license, a nonoperator's vehicle
3 identification card, or a blank motor vehicle license form if
4 the person has no authority or right to make the license,
5 card, or form.

6 2. Obtain, possess, or have in the person's control or on
7 the person's premises motor vehicle license or nonoperator's
8 identification card forms.

9 3. Obtain, possess, or have in the person's control or on
10 the person's premises, a motor vehicle license or a
11 nonoperator's identification card, or blank motor vehicle
12 license or nonoperator's identification card form which has
13 been made by a person having no authority or right to make the
14 license, card, or form.

15 4. Use a false or fictitious name in any application for a
16 motor vehicle license or nonoperator's identification card or
17 to knowingly make a false statement or knowingly conceal a
18 material fact or otherwise commit fraud on an application.

19 Sec. 5. Section 321.216B, Code 1995, is amended to read as
20 follows:

21 321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S
22 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

23 A person who is under the age of twenty-one, who alters or
24 displays or has in the person's possession a fictitious or
25 fraudulently altered motor vehicle license or nonoperator's
26 identification card and who uses the license to violate or
27 attempt to violate section 123.47 or 123.47A, commits a simple
28 misdemeanor. The court shall forward a copy of the conviction
29 or order of adjudication under section 232.47 to the
30 department.

31 Sec. 6. Section 321.218, subsections 1, 4, and 5, Code
32 Supplement 1995, are amended to read as follows:

33 1. A person whose motor vehicle license or operating
34 privilege has been denied, canceled, suspended, or revoked as
35 provided in this chapter or as provided in section 252J.8, and

1 who operates a motor vehicle upon the highways of this state
2 while the license or privilege is denied, canceled, suspended,
3 or revoked, commits a serious misdemeanor.

4 4. The department, upon receiving the record of the
5 conviction of a person under this section upon a charge of
6 operating a motor vehicle while the license of the person is
7 suspended or revoked, shall, except for licenses suspended
8 under section 252J.8, 321.210, subsection 1, paragraph "c",
9 321.210A, 321.210B, or 321.513, extend the period of
10 suspension or revocation for an additional like period, and
11 the department shall not issue a new motor vehicle license to
12 the person during the additional period.

13 If the department receives a record of a conviction of a
14 person under this section but the person's driving record does
15 not indicate what the original grounds of suspension were, the
16 period of suspension under this subsection shall be for a
17 period not to exceed six months.

18 5. A person who operates a commercial motor vehicle upon
19 the highways of this state when disqualified from operating
20 the commercial motor vehicle under section 321.208 commits a
21 ~~simple~~ serious misdemeanor if a commercial driver's license is
22 required for the person to operate the commercial motor
23 vehicle.

24 Sec. 7. Section 321.218, subsection 2, Code Supplement
25 1995, is amended by striking the subsection.

26 Sec. 8. Section 321A.6, Code 1995, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 5. If, prior to the date that the
29 department would otherwise suspend the person's license and
30 registration or nonresident's operating privilege under
31 section 321A.5, evidence of either of the following is filed
32 with the department:

33 a. Evidence that the person made diligent and reasonable
34 efforts to locate the prospective claimants, but was unable to
35 do so.

1 b. Evidence that the person made a written request by
2 restricted certified mail in an effort to settle the claim and
3 no response was made to the request within thirty days of the
4 request.

5 Sec. 9. Section 321E.16, Code 1995, is amended to read as
6 follows:

7 321E.16 VIOLATIONS -- PENALTIES.

8 ~~Any A~~ Any ~~person who is convicted of a violation of any~~
9 violates a provision of a permit issued pursuant to this
10 ~~chapter or of rules adopted under section 321E.15, other than~~
11 ~~length, height, width, or a provision relating to weight~~
12 ~~allowed by any permit issued under this chapter~~ shall be
13 ~~punished by a~~ subject to a scheduled fine of one hundred
14 ~~dollars for the first conviction, two hundred fifty dollars~~
15 ~~for a second conviction within a twelve-month period, and five~~
16 ~~hundred dollars for a third conviction within a twelve-month~~
17 period under section 805.8, subsection 2. The fine for
18 violation of the ~~length, height, width, and~~ weight allowed by
19 a permit shall be based upon the difference between the actual
20 ~~length, height, width, and~~ weight of the vehicle and load and
21 the maximum allowable by permit and in accordance with section
22 ~~321.482 for violations of length, height, or width limitations~~
23 ~~and sections 321.482 and 321.463 for violation of weight~~
24 ~~limitations.~~ If a vehicle with an indivisible load traveling
25 under permit is found to be in violation of weight
26 limitations, the vehicle operator shall be allowed a
27 reasonable amount of time to remove any ice, mud, snow, and
28 other weight attributable to climatic conditions accumulated
29 along the route prior to application of the penalties
30 prescribed in section 321.463 and ~~321.482.~~ The
31 ~~department shall adopt rules to require peace officer escorts~~
32 ~~for permit holders convicted for the third time in a twelve-~~
33 ~~month period of violating a provision of this chapter or a~~
34 ~~provision of rules adopted pursuant to section 321E.15-~~

35 Sec. 10. Section 321J.4, subsection 1, unnumbered

1 paragraph 1, Code Supplement 1995, is amended to read as
2 follows:

3 If a defendant is convicted of a violation of section
4 321J.2 and the defendant's motor vehicle license or
5 nonresident operating privilege has not been revoked under
6 section 321J.9 or 321J.12 for the occurrence from which the
7 arrest arose, the department shall revoke the defendant's
8 motor vehicle license or nonresident operating privilege for
9 one hundred eighty days if the defendant has had no previous
10 conviction or revocation under this chapter within the
11 previous six years and the defendant shall not be eligible for
12 any temporary restricted license for at least thirty days
13 after the effective date of the revocation if a test was
14 obtained, and for at least ninety days if a test was refused.
15 If the defendant is under the age of twenty-one, the defendant
16 shall not be eligible for a temporary restricted license for
17 at least sixty days after the effective date of the
18 revocation.

19 Sec. 11. Section 321J.4, subsection 2, Code Supplement
20 1995, is amended to read as follows:

21 2. If the court defers judgment pursuant to section 907.3
22 for a violation of section 321J.2, and if the defendant's
23 motor vehicle license or nonresident operating privilege has
24 not been revoked under section 321J.9 or 321J.12, or has not
25 otherwise been revoked for the occurrence from which the
26 arrest arose, the department shall revoke the defendant's
27 motor vehicle license or nonresident operating privilege for a
28 period of not less than thirty days nor more than ninety days.
29 The defendant shall not be eligible for any temporary
30 restricted license for at least thirty days after the
31 effective date of the revocation if a test was obtained and
32 for at least ninety days if a test was refused. If the
33 defendant is under the age of twenty-one, the defendant shall
34 not be eligible for a temporary restricted license for at
35 least sixty days after the effective date of the revocation.

1 Sec. 12. Section 321J.4, subsection 7, Code Supplement
2 1995, is amended to read as follows:
3 7. On a conviction for or as a condition of a deferred
4 judgment for a violation of section 321J.2, the court may
5 order the defendant to install ignition interlock devices of a
6 type approved by the commissioner of public safety on all
7 motor vehicles owned or operated by the defendant which,
8 without tampering or the intervention of another person, would
9 prevent the defendant from operating the motor vehicle with an
10 alcohol concentration greater than a level set by rule of the,
11 commissioner of public safety. The commissioner of public
12 safety shall adopt rules to approve certain ignition interlock
13 devices and the means of installation of the devices, and
14 shall establish the level of alcohol concentration beyond
15 which an ignition interlock device will not allow operation of
16 the motor vehicle in which it is installed. The order shall
17 remain in effect for a period of time as determined by the
18 court which shall not exceed the maximum term of imprisonment
19 which the court could have imposed according to the nature of
20 the violation. While the order is in effect, the defendant
21 shall not operate a motor vehicle which does not have an
22 approved ignition interlock device installed. If the
23 defendant's motor vehicle license or nonresident operating
24 privilege has been revoked, the department shall not issue a
25 temporary permit or a motor vehicle license to the person
26 without certification that approved ignition interlock devices
27 have been installed in all motor vehicles owned or operated by
28 the defendant while the order is in effect. A defendant who
29 fails within a reasonable time to comply with an order to
30 install an approved ignition interlock device may be declared
31 in contempt of court and punished accordingly. The department
32 shall not reinstate a person's motor vehicle license without
33 certification of removal of the ignition interlock device from
34 the motor vehicle. The certification of removal shall be
35 issued by the manufacturer or installer and shall indicate

1 that the device has been returned intact to the manufacturer
2 or installer and that the device has not been tampered with.
3 A person who tampers with or circumvents an ignition interlock
4 device installed under a court order while an order is in
5 effect commits a serious misdemeanor.

6 Sec. 13. Section 321J.4, subsection 8, Code Supplement
7 1995, is amended to read as follows:

8 8. A person whose motor vehicle license has either been
9 revoked under this chapter, or revoked or suspended under
10 chapter 321 solely for violations of this chapter, or who has
11 been determined to be a habitual offender under chapter 321
12 based solely on violations of this chapter, and who is not
13 eligible for a temporary restricted license under this chapter
14 may petition the court upon the expiration of the minimum
15 period of ineligibility for a temporary restricted license
16 provided for under this section or section 321J.9, 321J.12, or
17 321J.20 for an order to the department to require the
18 department to issue a temporary restricted license to the
19 person notwithstanding section 321.560. Upon the filing of a
20 petition for a temporary restricted license under this
21 section, the clerk of the district court in the county where
22 the violation that resulted in the revocation occurred shall
23 send notice of the petition to the department and the
24 prosecuting attorney. The department and the prosecuting
25 attorney shall each be given an opportunity to respond to and
26 request a hearing on the petition. The court shall determine
27 if the temporary restricted license is necessary for the
28 person to maintain the person's present employment. However,
29 a temporary restricted license shall not be ordered or issued
30 for ~~violations~~ a violation of section 321J.2A or to ~~persons a~~
31 person under the age of twenty-one ~~who commit violations under~~
32 ~~section-321J-2~~ whose license is revoked under section 321J.4,
33 321J.9, or 321J.12. If the court determines that the
34 temporary restricted license is necessary for the person to
35 maintain the person's present employment, and that the minimum

1 period of ineligibility for receipt of a temporary license has
2 expired, the court shall order the department to issue to the
3 person a temporary restricted license conditioned upon the
4 person's certification to the court of the installation of
5 approved ignition interlock devices in all motor vehicles that
6 it is necessary for the person to operate to maintain the
7 person's present employment. Section 321.561 does not apply
8 to a person operating a motor vehicle in the manner permitted
9 under this subsection. If the person operates a motor vehicle
10 which does not have an approved ignition interlock device or
11 if the person tampers with or circumvents an ignition
12 interlock device, in addition to other penalties provided, the
13 person's temporary restricted license shall be revoked. A
14 person holding a temporary restricted license issued under
15 this subsection shall not operate a commercial motor vehicle,
16 as defined in section 321.1, on a highway if a commercial
17 driver's license is required for the person to operate the
18 commercial motor vehicle.

19 Sec. 14. Section 321J.12, subsection 2, Code Supplement
20 1995, is amended to read as follows:

21 2. A person whose motor vehicle license or nonresident
22 operating privileges have been revoked under subsection 1,
23 paragraph "a", shall not be eligible for any temporary
24 restricted license for at least thirty days after the
25 effective date of the revocation. If the person is under the
26 age of twenty-one, the person shall not be eligible for a
27 temporary restricted license for at least sixty days after the
28 effective date of the revocation. A person whose license or
29 privileges have been revoked under subsection 1, paragraph
30 "b", for one year shall not be eligible for any temporary
31 restricted license for one year after the effective date of
32 the revocation.

33 Sec. 15. Section 322.3, Code 1995, is amended to read as
34 follows:

35 322.3 PROHIBITED ACTS.

1 1. No A person shall not engage in this state in the
2 business of selling at retail new motor vehicles of any make
3 or represent or advertise that the person is engaged or
4 intends to engage in such business in this state unless the
5 person is authorized to do so by a contract in writing with
6 the manufacturer or distributor of such make of new motor
7 vehicles ~~to-so-dispose-thereof-in-this-state~~ and unless the
8 department has licensed the person as a motor vehicle dealer
9 in this state in motor vehicles of such make and has issued to
10 the person a license in writing as provided in this chapter
11 provided.

12 2. No A person, other than a licensed dealer in new motor
13 vehicles, shall not engage in this state in the business of
14 selling at retail used motor vehicles or represent or
15 advertise that the person is engaged or intends to engage in
16 such business in this state unless and until the department
17 has licensed such the person as a used motor vehicle dealer in
18 the state and has issued to the person a license in writing as
19 provided in this chapter provided.

20 3. ~~Nothing-contained-in-subsections~~ Subsections 1 and 2
21 hereof shall not be construed ~~as-requiring~~ to require the
22 separate licensing of persons employed as salespersons of
23 motor vehicles by a retail motor vehicle dealer ~~hereunder,~~
24 but. ~~However,~~ the department ~~is-hereby-authorized-and~~
25 ~~empowered-to-make,-publish,-and~~ may promulgate such reasonable
26 ~~rules and-regulations~~ as ~~it-may-deem~~ necessary for the proper
27 identification of persons ~~so~~ employed as salespersons ~~by-any~~
28 ~~such-licensee~~.

29 4. No A person, who is engaged in the business of selling
30 at retail motor vehicles, shall not enter into any contract,
31 agreement, or understanding, express or implied, with any
32 manufacturer or distributor of any such motor vehicles that
33 the person will sell, assign, or transfer any retail
34 installment contracts arising from the retail installment sale
35 of such motor vehicles ~~or-any-one-or-more-thereof~~ only to a

1 designated person or class of persons. ~~Any-such~~ A condition,
2 agreement, or understanding between any manufacturer or
3 distributor and a motor vehicle dealer in this state of this
4 nature is hereby declared to be against the public policy of
5 this state and to be unlawful and void.

6 5. No A manufacturer or distributor of motor vehicles or
7 any agent or representative of ~~such a~~ a manufacturer or
8 distributor, shall not terminate or threaten to terminate, or
9 fail to renew any contract, agreement, or understanding for
10 the sale of new motor vehicles to any motor vehicle dealer in
11 this state without just, reasonable and lawful cause ~~therefor~~
12 or because ~~such the~~ the motor vehicle dealer failed to sell,
13 assign, or transfer any retail installment contract arising
14 from the retail sale of such motor vehicles or any one or more
15 of them to a person or a class of persons designated by ~~such~~
16 the manufacturer or distributor. ~~Provided, however, that the~~
17 ~~provisions of this subsection relating to "failure to renew"~~
18 ~~shall not apply to any contract, agreement, or understanding,~~
19 ~~which is for a term of five or more years.~~

20 6. No A person, who is engaged in the business of selling
21 at retail motor vehicles, shall not make and enter into a
22 retail installment contract unless ~~such the~~ the contract meets the
23 following requirements:

24 a. Every retail installment contract shall be in writing,
25 shall be signed by both the buyer and the seller and shall be
26 completed as to all essential provisions prior to the signing
27 of the contract by the buyer except that, if delivery of the
28 motor vehicle is not made at the time of the execution of the
29 contract, the identifying numbers or marks of the motor
30 vehicle or similar information and the due date of the first
31 installment may be inserted in the contract after its
32 execution.

33 b. The contract shall comply with the Iowa consumer credit
34 code, where applicable.

35 7. ~~Nothing contained herein~~ This section shall not be

1 construed to require that a place of business as defined in
2 this chapter shall be maintained by a person selling motor
3 vehicles at retail solely for the purpose of disposing of
4 motor vehicles acquired or repossessed by such person in
5 exercise of powers or rights granted by lien or title-
6 retention instruments or contracts given as security for loans
7 or purchase money obligations.

8 8. No A manufacturer or distributor of motor vehicles or
9 agent or representative of such a manufacturer or distributor
10 shall not coerce or attempt to coerce any motor vehicle dealer
11 to accept delivery of any motor vehicle or vehicles, parts, or
12 accessories thereof, or any other commodity or commodities
13 which ~~shall-not~~ have not been ordered by such the dealer.

14 9. No A person licensed under this chapter shall not,
15 either directly or through an agent, salesperson or employee,
16 engage in this state, or represent or advertise that the
17 person is engaged or intends to engage in this state, in the
18 business of buying or selling at retail new or used motor
19 vehicles, other than mobile homes more than eight feet in
20 width or more than thirty-two feet in length as defined in
21 section 321.1, on the first day of the week, commonly known
22 and designated as Sunday.

23 10. A manufacturer, distributor, or importer of motor
24 vehicles or agent or representative of such manufacturer,
25 distributor, or importer shall not require a motor vehicle
26 dealer to submit to arbitration to resolve a controversy
27 before the controversy arises. The parties may enter into a
28 voluntary agreement to arbitrate a controversy after it
29 arises. Such an agreement shall require that the arbitrator
30 apply Iowa law in resolving the controversy. Either party may
31 appeal a decision of an arbitrator to the district court on
32 the grounds that the arbitrator failed to apply Iowa law.

33 11. A person who is engaged in the business of selling
34 motor vehicles at retail shall not sell, offer for sale,
35 represent, or advertise that the person intends to sell motor

1 vehicles from a location other than the person's place of
2 business, except as provided in section 322.5.

3 Sec. 16. Section 805.8, subsection 2, Code Supplement
4 1995, is amended by adding the following new paragraphs:

5 NEW PARAGRAPH. z. For violations of section 321.460
6 prohibiting spilling loads on the highway, the scheduled fine
7 is one hundred dollars.

8 NEW PARAGRAPH. aa. For violations of length, height,
9 width, and other provisions of a permit, except weight
10 provisions, under section 321E.16, the scheduled fine is one
11 hundred dollars.

12 NEW PARAGRAPH. bb. For violations of importing fuel in
13 the supply tank of a motor vehicle under section 452A.52, the
14 scheduled fine is one hundred dollars.

15 Sec. 17. Section 805.8, Code Supplement 1995, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 12. VIOLATIONS OF TITLE LAWS. For
18 violations under sections 321.25, 321.45, 321.46, 321.48,
19 321.52, 321.67, and 321.104, the scheduled fine is fifty
20 dollars.

21 Sec. 18. Section 805.8, subsection 2, paragraph u, Code
22 Supplement 1995, is amended to read as follows:

23 u. For ~~obtaining, possessing, or having in one's control~~
24 ~~or one's premises~~ unlawful use of a motor vehicle license or
25 a nonoperator's identification card, or a blank motor vehicle
26 license form in violation of section 321.216, ~~subsection 7 or~~
27 ~~8,~~ the scheduled fine is fifty seventy-five dollars.

28 Sec. 19. NEW SECTION. 807.1A UNIFORM CITATION AND
29 COMPLAINT.

30 A corporation may be charged upon a uniform citation and
31 complaint adopted under section 805.6 for a scheduled
32 violation under section 805.8, except for moving traffic
33 violations or violations of sections 321.449, 321.450, or
34 chapters 325, 326, 327, or 327A.

35

HOUSE AMENDMENT TO
SENATE FILE 2186

S-5626

- 1 Amend Senate File 2186, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. By striking page 4, line 26, through page 5,
4 line 4.
- 5 2. By striking page 7, line 1, through page 8,
6 line 5.
- 7 3. Page 13, by inserting after line 2 the
8 following:
9 "Sec. ____ . Section 805.8, subsection 2, paragraph
10 h, Code Supplement 1995, is amended to read as
11 follows:
12 h. For operating, passing, turning and standing
13 violations under sections 321.236, subsections 3, 4, 9
14 and 12, 321.275, subsections 1 through 8, 321.295,
15 321.297, 321.299, 321.303, 321.304, subsections 1 and
16 2, 321.305, 321.306, 321.311, 321.312, 321.314,
17 321.315, 321.316, 321.318, 321.323, 321.340, ~~321.344,~~
18 321.353, 321.354, 321.363, 321.365, 321.366, 321.368,
19 321.382, and 321.395, the scheduled fine is fifteen
20 dollars.
- 21 Sec. ____ . Section 805.8, subsection 2, paragraph
22 1, Code Supplement 1995, is amended to read as
23 follows:
24 1. For violations of traffic signs and signals,
25 and for failure to obey an officer under sections
26 321.229, 321.236, subsections 2 and 6, 321.256,
27 321.257, subsection 2, 321.294, 321.304, subsection 3,
28 321.322, ~~321.341, 321.342, 321.343~~ and 321.415, the
29 scheduled fine is twenty dollars."
- 30 4. Page 13, by inserting after line 14 the
31 following:
32 "NEW PARAGRAPH. cc. For violations of sections
33 321.341, 321.342, 321.343, and 321.344, the scheduled
34 fine is fifty dollars."
- 35 5. Page 13, by striking lines 28 through 34.
- 36 6. Title page, by striking lines 5 through 7 and
37 inserting the following: "activities of motor vehicle
38 dealers."
- 39 7. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5626 FILED APRIL 2, 1996
CONCURRED

(p. 1193)

SENATE FILE 2186

H-5521

- 1 Amend the amendment, H-5480, to Senate File 2186,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 6 the
 5 following:
 6 "____. Page 13, by inserting after line 2 the
 7 following:
 8 "Sec. ____ . Section 805.8, subsection 2, paragraph
 9 h, Code Supplement 1995, is amended to read as
 10 follows:
 11 h. For operating, passing, turning and standing
 12 violations under sections 321.236, subsections 3, 4, 9
 13 and 12, 321.275, subsections 1 through 8, 321.295,
 14 321.297, 321.299, 321.303, 321.304, subsections 1 and
 15 2, 321.305, 321.306, 321.311, 321.312, 321.314,
 16 321.315, 321.316, 321.318, 321.323, 321.340, ~~321.344~~
 17 321.353, 321.354, 321.363, 321.365, 321.366, 321.368,
 18 321.382, and 321.395, the scheduled fine is fifteen
 19 dollars.
 20 Sec. ____ . Section 805.8, subsection 2, paragraph
 21 1, Code Supplement 1995, is amended to read as
 22 follows:
 23 1. For violations of traffic signs and signals,
 24 and for failure to obey an officer under sections
 25 321.229, 321.236, subsections 2 and 6, 321.256,
 26 321.257, subsection 2, 321.294, 321.304, subsection 3,
 27 321.322, ~~321.341-321.342-321.343~~ and 321.415, the
 28 scheduled fine is twenty dollars."
 29 ____ . Page 13, by inserting after line 14 the
 30 following:
 31 "NEW PARAGRAPH. cc. For violations of sections
 32 321.341, 321.342, 321.343, and 321.344, the scheduled
 33 fine is fifty dollars."
 34 2. By renumbering as necessary.

By WELTER of Jones

H-5521 FILED MARCH 22, 1996

adopted 4-2-96
(P 295)

SENATE FILE 2186

H-5480

- 1 Amend Senate File 2186, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking page 4, line 26, through page 5,
 4 line 4.
 5 2. By striking page 7, line 1, through page 8,
 6 line 5.
 7 3. Page 13, by striking lines 28 through 34.
 8 4. Title page, by striking lines 5 through 7 and
 9 inserting the following: "activities of motor vehicle
 10 dealers."
 11 5. By renumbering as necessary.

By COMMITTEE ON TRANSPORTATION
WELTER of Jones, Chairperson

H-5480 FILED MARCH 20, 1996

Adopted

SENATE FILE 2186

H-5674

- 1 Amend the amendment, H-5480, to Senate File 2186,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4.
- 5 2. By renumbering as necessary.

By HARPER of Black Hawk

H-5674 FILED MARCH 27, 1996

*Lost 4/2/96
(p. 1294)*

Drake
Gettings
Black

SSB-2129

Transportation

Succeeded By

SENATE FILE FILE 2186
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL
BY CHAIRPERSON GETTINGS)

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

A BILL FOR

1 An Act relating to transportation-related sanctions by increasing
2 penalties for certain offenses, providing for the issuance of
3 temporary restricted licenses for certain offenses, providing
4 scheduled fines for various violations, prohibiting certain
5 activities of motor vehicle dealers, and allowing the issuance
6 of a uniform citation and complaint to a corporation for
7 certain violations.

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

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1 ~~Section 1.5~~ Section 123.48, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. If a liquor control licensee or wine or beer permittee
4 or an employee of the licensee or permittee has a reasonable
5 belief based on factual evidence that a motor vehicle license
6 as defined in section 321.1, subsection 43, or nonoperator
7 identification card issued pursuant to section 321.190 offered
8 by a person who wishes to purchase an alcoholic beverage at
9 the licensed premises is altered or falsified or belongs to
10 another person, the licensee, permittee, or employee may
11 retain the motor vehicle license or nonoperator identification
12 card. Within twenty-four hours, the card shall be delivered
13 to the appropriate city or county law enforcement agency of
14 the jurisdiction in which the licensed premises is located.
15 When the card is delivered to the appropriate law enforcement
16 agency, the licensee shall file a written report of the
17 circumstances under which the card was retained. The local
18 law enforcement agency may investigate whether a violation of
19 section ~~321.190~~, 321.216, 321.216A, or 321.216B has occurred.
20 If an investigation is not initiated or a probable cause is
21 not established by the local law enforcement agency, the motor
22 vehicle license or nonoperator identification card shall be
23 delivered to the person to whom it was issued. The local law
24 enforcement agency may forward the card with the report to the
25 department of transportation for investigation, in which case,
26 the department may investigate whether a violation of section
27 ~~321.190~~, 321.216, 321.216A, or 321.216B has occurred. The
28 department of transportation shall return the card to the
29 person to whom it was issued if an investigation is not
30 initiated or a probable cause is not established.

31 Sec. 2. Section 321.190, subsection 2, Code 1995, is
32 amended by striking the subsection.

33 Sec. 3. Section 321.216, Code 1995, is amended to read as
34 follows:

35 321.216 UNLAWFUL USE OF LICENSE AND NONOPERATOR'S

1 IDENTIFICATION CARD -- PENALTY.

2 It is a simple misdemeanor for any person:

3 1. To display or cause or permit to be displayed or have
4 in the person's possession a canceled, revoked, suspended,
5 fictitious, or fraudulently altered motor vehicle license or
6 nonoperator's identification card.

7 2. To lend that person's motor vehicle license or
8 nonoperator's identification card to another person or
9 knowingly permit the use of the license by another.

10 3. To display or represent as one's own a motor vehicle
11 license or nonoperator's identification card not issued to
12 that person.

13 4. To fail or refuse to surrender to the department upon
14 its lawful demand a motor vehicle license or nonoperator's
15 identification card which has been suspended, revoked, or
16 canceled.

17 ~~5. To use a false or fictitious name in an application for~~
18 ~~a motor vehicle license or to knowingly make a false statement~~
19 ~~or to knowingly conceal a material fact or otherwise commit a~~
20 ~~fraud in the application.~~

21 ~~6. 5.~~ To permit an unlawful use of a motor vehicle license
22 or nonoperator's identification card issued to that person.

23 ~~7. To obtain, possess or have in one's control or on one's~~
24 ~~premises blank motor vehicle license forms.~~

25 ~~8. To obtain, possess, or have in one's control or on~~
26 ~~one's premises a motor vehicle license, a nonoperator's~~
27 ~~identification card, or a blank motor vehicle license form,~~
28 ~~which has been made by a person having no authority or right~~
29 ~~to make the license, card, or form.~~

30 Sec. 4. Section 321.216A, Code 1995, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 321.216A FALSIFYING MOTOR VEHICLE LICENSES AND
34 NONOPERATOR'S IDENTIFICATION CARDS AND FORMS.

35 It is a serious misdemeanor for a person to do any of the

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1 following:

2 1. Make a motor vehicle license, a nonoperator's vehicle
3 identification card, or a blank motor vehicle license form if
4 the person has no authority or right to make the license,
5 card, or form.

6 2. Obtain, possess, or have in the person's control or on
7 the person's premises motor vehicle license or nonoperator's
8 identification card forms.

9 3. Obtain, possess, or have in the person's control or on
10 the person's premises, a motor vehicle license or a
11 nonoperator's identification card, or blank motor vehicle
12 license or nonoperator's identification card form which has
13 been made by a person having no authority or right to make the
14 license, card, or form.

15 4. Use a false or fictitious name in any application for a
16 motor vehicle license or nonoperator's identification card or
17 to knowingly make a false statement or knowingly conceal a
18 material fact or otherwise commit fraud on an application.

19 Sec. 5. Section 321.216B, Code 1995, is amended to read as
20 follows:

21 321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S
22 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

23 A person who is under the age of twenty-one, who alters or
24 displays or has in the person's possession a fictitious or
25 fraudulently altered motor vehicle license or nonoperator's
26 identification card and who uses the license to violate or
27 attempt to violate section 123.47 or 123.47A, commits a simple
28 misdemeanor. The court shall forward a copy of the conviction
29 or order of adjudication under section 232.47 to the
30 department.

31 Sec. 6. Section 321.218, subsections 1, 4, and 5, Code
32 Supplement 1995, are amended to read as follows:

33 1. A person whose motor vehicle license or operating
34 privilege has been denied, canceled, suspended, or revoked as
35 provided in this chapter or as provided in section 252J.8, and

1 who operates a motor vehicle upon the highways of this state
2 while the license or privilege is denied, canceled, suspended,
3 or revoked, commits a serious misdemeanor.

4 4. The department, upon receiving the record of the
5 conviction of a person under this section upon a charge of
6 operating a motor vehicle while the license of the person is
7 suspended or revoked, shall, except for licenses suspended
8 under section 252J.8, 321.210, subsection 1, paragraph "c",
9 321.210A, 321.210B, or 321.513, extend the period of
10 suspension or revocation for an additional like period, and
11 the department shall not issue a new motor vehicle license to
12 the person during the additional period.

13 If the department receives a record of a conviction of a
14 person under this section but the person's driving record does
15 not indicate what the original grounds of suspension were, the
16 period of suspension under this subsection shall be for a
17 period not to exceed six months.

18 5. A person who operates a commercial motor vehicle upon
19 the highways of this state when disqualified from operating
20 the commercial motor vehicle under section 321.208 commits a
21 ~~simple~~ serious misdemeanor if a commercial driver's license is
22 required for the person to operate the commercial motor
23 vehicle.

24 Sec. 7. Section 321.218, subsection 2, Code Supplement
25 1995, is amended by striking the subsection.

26 Sec. 8. Section 321E.16, Code 1995, is amended to read as
27 follows:

28 321E.16 VIOLATIONS -- PENALTIES.

29 ~~Any A person who is convicted of a violation of any~~
30 violates a provision of a permit issued pursuant to this
31 ~~chapter or of rules adopted under section 321E.15, other than~~
32 length, height, width, or a provision relating to weight
33 ~~allowed by any permit issued under this chapter~~ shall be
34 ~~punished by a~~ subject to a scheduled fine ~~of one hundred~~
35 ~~dollars for the first conviction, two hundred fifty dollars~~

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1 for-a-second-conviction-within-a-twelve-month-period,-and-five
2 hundred-dollars-for-a-third-conviction-within-a-twelve-month
3 period under section 805.8, subsection 2. The fine for
4 violation of the ~~length,-height,-width,-and~~ weight allowed by
5 a permit shall be based upon the difference between the actual
6 ~~length,-height,-width,-and~~ weight of the vehicle and load and
7 the maximum allowable by permit and in accordance with section
8 ~~321.482-for-violations-of-length,-height,-or-width-limitations~~
9 ~~and-sections-321.482-and 321.463 for-violation-of-weight~~
10 ~~limitations.~~ If a vehicle with an indivisible load traveling
11 under permit is found to be in violation of weight
12 limitations, the vehicle operator shall be allowed a
13 reasonable amount of time to remove any ice, mud, snow, and
14 other weight attributable to climatic conditions accumulated
15 along the route prior to application of the penalties
16 prescribed in sections section 321.463 and-321.482. The
17 ~~department-shall-adopt-rules-to-require-peace-officer-escorts~~
18 ~~for-permit-holders-convicted-for-the-third-time-in-a-twelve-~~
19 ~~month-period-of-violating-a-provision-of-this-chapter-or-a~~
20 ~~provision-of-rules-adopted-pursuant-to-section-321E.15-~~

21 Sec. 9. Section 321J.4, subsection 1, unnumbered paragraph
22 1, Code Supplement 1995, is amended to read as follows:

23 If a defendant is convicted of a violation of section
24 321J.2 and the defendant's motor vehicle license or
25 nonresident operating privilege has not been revoked under
26 section 321J.9 or 321J.12 for the occurrence from which the
27 arrest arose, the department shall revoke the defendant's
28 motor vehicle license or nonresident operating privilege for
29 one hundred eighty days if the defendant has had no previous
30 conviction or revocation under this chapter within the
31 previous six years and the defendant shall not be eligible for
32 any temporary restricted license for at least thirty days
33 after the effective date of the revocation if a test was
34 obtained, and for at least ninety days if a test was refused.
35 If the defendant is under the age of twenty-one, the defendant

1 shall not be eligible for a temporary restricted license for
2 at least sixty days after the effective date of the
3 revocation.

4 Sec. 10. Section 321J.4, subsection 2, Code Supplement
5 1995, is amended to read as follows:

6 2. If the court defers judgment pursuant to section 907.3
7 for a violation of section 321J.2, and if the defendant's
8 motor vehicle license or nonresident operating privilege has
9 not been revoked under section 321J.9 or 321J.12, or has not
10 otherwise been revoked for the occurrence from which the
11 arrest arose, the department shall revoke the defendant's
12 motor vehicle license or nonresident operating privilege for a
13 period of not less than thirty days nor more than ninety days.
14 The defendant shall not be eligible for any temporary
15 restricted license for at least thirty days after the
16 effective date of the revocation if a test was obtained and
17 for at least ninety days if a test was refused. If the
18 defendant is under the age of twenty-one, the defendant shall
19 not be eligible for a temporary restricted license for at
20 least sixty days after the effective date of the revocation.

21 Sec. 11. Section 321J.4, subsection 8, Code Supplement
22 1995, is amended to read as follows:

23 8. A person whose motor vehicle license has either been
24 revoked under this chapter, or revoked or suspended under
25 chapter 321 solely for violations of this chapter, or who has
26 been determined to be a habitual offender under chapter 321
27 based solely on violations of this chapter, and who is not
28 eligible for a temporary restricted license under this chapter
29 may petition the court upon the expiration of the minimum
30 period of ineligibility for a temporary restricted license
31 provided for under this section or section 321J.9, 321J.12, or
32 321J.20 for an order to the department to require the
33 department to issue a temporary restricted license to the
34 person notwithstanding section 321.560. Upon the filing of a
35 petition for a temporary restricted license under this

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1 section, the clerk of the district court in the county where
2 the violation that resulted in the revocation occurred shall
3 send notice of the petition to the department and the
4 prosecuting attorney. The department and the prosecuting
5 attorney shall each be given an opportunity to respond to and
6 request a hearing on the petition. The court shall determine
7 if the temporary restricted license is necessary for the
8 person to maintain the person's present employment. However,
9 a temporary restricted license shall not be ordered or issued
10 for ~~violations~~ a violation of section 321J.2A or to ~~persons a~~
11 person under the age of twenty-one ~~who commit violations under~~
12 section-321J-2 whose license is revoked under section 321J.4,
13 321J.9, or 321J.12. If the court determines that the
14 temporary restricted license is necessary for the person to
15 maintain the person's present employment, and that the minimum
16 period of ineligibility for receipt of a temporary license has
17 expired, the court shall order the department to issue to the
18 person a temporary restricted license conditioned upon the
19 person's certification to the court of the installation of
20 approved ignition interlock devices in all motor vehicles that
21 it is necessary for the person to operate to maintain the
22 person's present employment. Section 321.561 does not apply
23 to a person operating a motor vehicle in the manner permitted
24 under this subsection. If the person operates a motor vehicle
25 which does not have an approved ignition interlock device or
26 if the person tampers with or circumvents an ignition
27 interlock device, in addition to other penalties provided, the
28 person's temporary restricted license shall be revoked. A
29 person holding a temporary restricted license issued under
30 this subsection shall not operate a commercial motor vehicle,
31 as defined in section 321.1, on a highway if a commercial
32 driver's license is required for the person to operate the
33 commercial motor vehicle.

34 Sec. 12. Section 321J.12, subsection 2, Code Supplement
35 1995, is amended to read as follows:

1 2. A person whose motor vehicle license or nonresident
2 operating privileges have been revoked under subsection 1,
3 paragraph "a", shall not be eligible for any temporary
4 restricted license for at least thirty days after the
5 effective date of the revocation. If the person is under the
6 age of twenty-one, the person shall not be eligible for a
7 temporary restricted license for at least sixty days after the
8 effective date of the revocation. A person whose license or
9 privileges have been revoked under subsection 1, paragraph
10 "b", for one year shall not be eligible for any temporary
11 restricted license for one year after the effective date of
12 the revocation.

13 Sec. 13. Section 322.3, Code 1995, is amended to read as
14 follows:

15 322.3 PROHIBITED ACTS.

16 1. No A person shall not engage in this state in the
17 business of selling at retail new motor vehicles of any make
18 or represent or advertise that the person is engaged or
19 intends to engage in such business in this state unless the
20 person is authorized to do so by a contract in writing with
21 the manufacturer or distributor of such make of new motor
22 vehicles ~~to-so-dispose-thereof-in-this-state~~ and unless the
23 department has licensed the person as a motor vehicle dealer
24 in this state in motor vehicles of such make and has issued to
25 the person a license in writing as provided in this chapter
26 provided.

27 2. No A person, other than a licensed dealer in new motor
28 vehicles, shall not engage in this state in the business of
29 selling at retail used motor vehicles or represent or
30 advertise that the person is engaged or intends to engage in
31 such business in this state unless and until the department
32 has licensed such the person as a used motor vehicle dealer in
33 the state and has issued to the person a license in writing as
34 provided in this chapter provided.

35 3. ~~Nothing-contained-in-subsections~~ Subsections 1 and 2

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1 hereof shall not be construed as requiring to require the
2 separate licensing of persons employed as salespersons of
3 motor vehicles by a retail motor vehicle dealer hereunder,
4 but. However, the department is hereby authorized and
5 empowered to make, publish, and may promulgate such reasonable
6 rules and regulations as it may deem necessary for the proper
7 identification of persons so employed as salespersons by any
8 such licensee.

9 4. No A person, who is engaged in the business of selling
10 at retail motor vehicles, shall not enter into any contract,
11 agreement, or understanding, express or implied, with any
12 manufacturer or distributor of any such motor vehicles that
13 the person will sell, assign, or transfer any retail
14 installment contracts arising from the retail installment sale
15 of such motor vehicles or any one or more thereof only to a
16 designated person or class of persons. Any such A condition,
17 agreement, or understanding between any manufacturer or
18 distributor and a motor vehicle dealer in this state of this
19 nature is hereby declared to be against the public policy of
20 this state and to be unlawful and void.

21 5. No A manufacturer or distributor of motor vehicles or
22 any agent or representative of such a manufacturer or
23 distributor, shall not terminate or threaten to terminate, or
24 fail to renew any contract, agreement, or understanding for
25 the sale of new motor vehicles to any motor vehicle dealer in
26 this state without just, reasonable and lawful cause therefor
27 or because such the motor vehicle dealer failed to sell,
28 assign, or transfer any retail installment contract arising
29 from the retail sale of such motor vehicles or any one or more
30 of them to a person or a class of persons designated by such
31 the manufacturer or distributor. Provided, however, that the
32 provisions of this subsection relating to "failure to renew"
33 shall not apply to any contract, agreement, or understanding,
34 which is for a term of five or more years.

35 6. No A person, who is engaged in the business of selling

1 at retail motor vehicles, shall not make and enter into a
2 retail installment contract unless such the contract meets the
3 following requirements:

4 a. Every retail installment contract shall be in writing,
5 shall be signed by both the buyer and the seller and shall be
6 completed as to all essential provisions prior to the signing
7 of the contract by the buyer except that, if delivery of the
8 motor vehicle is not made at the time of the execution of the
9 contract, the identifying numbers or marks of the motor
10 vehicle or similar information and the due date of the first
11 installment may be inserted in the contract after its
12 execution.

13 b. The contract shall comply with the Iowa consumer credit
14 code, where applicable.

15 7. ~~Nothing-contained-herein~~ This section shall not be
16 construed to require that a place of business as defined in
17 this chapter shall be maintained by a person selling motor
18 vehicles at retail solely for the purpose of disposing of
19 motor vehicles acquired or repossessed by such person in
20 exercise of powers or rights granted by lien or title-
21 retention instruments or contracts given as security for loans
22 or purchase money obligations.

23 8. No A manufacturer or distributor of motor vehicles or
24 agent or representative of such a manufacturer or distributor
25 shall not coerce or attempt to coerce any motor vehicle dealer
26 to accept delivery of any motor vehicle or vehicles, parts, or
27 accessories thereof, or any other commodity or commodities
28 which ~~shall-not~~ have not been ordered by such the dealer.

29 9. No A person licensed under this chapter shall not,
30 either directly or through an agent, salesperson or employee,
31 engage in this state, or represent or advertise that the
32 person is engaged or intends to engage in this state, in the
33 business of buying or selling at retail new or used motor
34 vehicles, other than mobile homes more than eight feet in
35 width or more than thirty-two feet in length as defined in

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1 section 321.1, on the first day of the week, commonly known
2 and designated as Sunday.

3 10. A manufacturer, distributor, or importer of motor
4 vehicles or agent or representative of such manufacturer,
5 distributor, or importer shall not require a motor vehicle
6 dealer to submit to arbitration to resolve a controversy
7 before the controversy arises. The parties may enter into a
8 voluntary agreement to arbitrate a controversy after it
9 arises. Such an agreement shall require that the arbitrator
10 apply Iowa law in resolving the controversy. Either party may
11 appeal a decision of an arbitrator to the district court on
12 the grounds that the arbitrator failed to apply Iowa law.

13 11. A person who is engaged in the business of selling
14 motor vehicles at retail shall not sell, offer for sale,
15 represent, or advertise that the person intends to sell motor
16 vehicles from a location other than the person's place of
17 business, except as provided in section 322.5.

18 Sec. 14. Section 805.8, subsection 2, Code Supplement
19 1995, is amended by adding the following new paragraphs:

20 NEW PARAGRAPH. z. For violations of section 321.460
21 prohibiting spilling loads on the highway, the scheduled fine
22 is one hundred dollars.

23 NEW PARAGRAPH. aa. For violations of length, height,
24 width, and other provisions of a permit, except weight
25 provisions, under section 321E.16, the scheduled fine is one
26 hundred dollars.

27 NEW PARAGRAPH. bb. For violations of importing fuel in
28 the supply tank of a motor vehicle under section 452A.52, the
29 scheduled fine is one hundred dollars.

30 Sec. 15. Section 805.8, Code Supplement 1995, is amended
31 by adding the following new subsection:

32 NEW SUBSECTION. 12. VIOLATIONS OF TITLE LAWS. For
33 violations under sections 321.25, 321.45, 321.46, 321.48,
34 321.52, 321.67, and 321.104, the scheduled fine is fifty
35 dollars.

1 Sec. 16. Section 805.8, subsection 2, paragraph u, Code
2 Supplement 1995, is amended to read as follows:

3 u. For ~~obtaining, possessing, or having in one's control~~
4 ~~or one's premises~~ unlawful use of a motor vehicle license, or
5 a nonoperator's identification card, ~~or a blank motor vehicle~~
6 ~~license form~~ in violation of section 321.216, ~~subsection 7 or~~
7 8, the scheduled fine is fifty seventy-five dollars.

8 Sec. 17. NEW SECTION. 807.1A UNIFORM CITATION AND
9 COMPLAINT.

10 A corporation may be charged upon a uniform citation and
11 complaint adopted under section 805.6 for a scheduled
12 violation under section 805.8.

13 EXPLANATION

14 This bill makes changes to various transportation-related
15 sanctions.

16 The bill amends sections 123.48, 321.190, 321.216,
17 321.216A, 321.216B, and 805.8, subsection 2, paragraph "u", to
18 consolidate provisions relating to nonoperator's
19 identification cards and motor vehicle licenses in the same
20 Code sections, make conforming changes and to increase the
21 penalty from a simple to a serious misdemeanor for a person to
22 do any of the following:

23 1. Obtain, possess, or have in the person's control or on
24 the person's premises motor vehicle license or nonoperator's
25 identification card forms.

26 2. Obtain, possess, or have in the person's control or on
27 the person's premises, a motor vehicle license or a
28 nonoperator's identification card, or blank motor vehicle
29 license form which has been made by a person having no
30 authority or right to make the license, card, or form.

31 3. Use a false or fictitious name in any application for a
32 motor vehicle license or nonoperator's identification card or
33 to knowingly make a false statement or knowingly conceal a
34 material fact or otherwise commit fraud on an application.

35 A simple misdemeanor is punishable with a fine of at least

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1 \$50 but not to exceed \$100 or up to 30 days imprisonment. A
2 serious misdemeanor is punishable with a fine of at least
3 \$250, but not to exceed \$1,500 and imprisonment not to exceed
4 one year.

5 The bill amends section 321.218 to provide that it is a
6 serious misdemeanor for a person to operate a motor vehicle if
7 the person's motor vehicle license has been denied, suspended,
8 or revoked under chapter 252J for failure to pay child support
9 or if a person operates a commercial motor vehicle when
10 disqualified if a commercial driver's license is required for
11 operation. It is also amended to provide that the revocation
12 period is not extended for an additional time period if a
13 person is operating with a suspended or revoked license for
14 failure to pay child support or an indebtedness to the state.
15 Section 321.218, subsection 2, is stricken because the
16 language is redundant.

17 Sections 321E.16 and 805.8 are amended to provide a
18 scheduled fine of \$100 for each violation of length, width,
19 height, or other permit provisions for motor vehicles and
20 loads. Current law provides that the first violation is
21 punishable by a fine of \$100, the second violation within a
22 12-month period is punishable by a fine of \$250, and the third
23 violation within a 12-month period is punishable by a fine of
24 \$500. The bill also strikes a provision requiring the state
25 department of transportation to adopt rules to require peace
26 officer escorts for permit holders who incur three violations
27 within a 12-month period.

28 Sections 321J.4 and 321J.12 are amended to provide that a
29 person under the age of 21 is not eligible for a temporary
30 restricted license for at least 60 days after the effective
31 date of the revocation. The ability to obtain a temporary
32 restricted license after 60 days is only for a first offense
33 for operating while intoxicated and only for a conviction or a
34 deferred judgment under section 321J.4 or a test result
35 revocation under section 321J.12. The amendments also provide

1 that the court cannot order the department to issue a
2 temporary restricted license to persons under the age of 21.

3 Section 322.3 is amended to prohibit a retail motor vehicle
4 dealer from selling, offering to sell, representing, or
5 advertising that the dealer intends to sell motor vehicles
6 from a location other than the person's principal place of
7 business. The prohibition provides exceptions for display and
8 sale of motor vehicles and classic cars at fairs, vehicle
9 shows, and vehicle exhibitions under certain circumstances and
10 upon issuance of a temporary permit. Section 322.3 is also
11 amended to make technical corrections.

12 The bill also adds to the list of scheduled violations
13 under section 805.8 the following:

14 1. For spilling loads on the highway in violation of
15 section 321.460, the fine is \$100.

16 2. For length, width, height, and other permit violations
17 other than weight violations under section 321E.16, the fine
18 is \$100.

19 3. For illegal importation of fuels under section 452A.52,
20 the fine is \$100.

21 4. For title law violations under sections 321.25, 321.45,
22 321.46, 321.48, 321.52, 321.67, and 321.104, the fine is \$50.

23 Finally, the bill allows a uniform citation and complaint
24 to be issued to a corporation for a scheduled violation under
25 section 805.8.

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SENATE FILE 2186

AN ACT

RELATING TO TRANSPORTATION-RELATED SANCTIONS BY INCREASING PENALTIES FOR CERTAIN OFFENSES, PROVIDING FOR THE ISSUANCE OF TEMPORARY RESTRICTED LICENSES FOR CERTAIN OFFENSES, PROVIDING SCHEDULED FINES FOR VARIOUS VIOLATIONS, PROHIBITING CERTAIN ACTIVITIES OF MOTOR VEHICLE DEALERS.

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

Section 1. Section 123.48, subsection 1, Code 1995, is amended to read as follows:

1. If a liquor control licensee or wine or beer permittee or an employee of the licensee or permittee has a reasonable belief based on factual evidence that a motor vehicle license as defined in section 321.1, subsection 43, or nonoperator identification card issued pursuant to section 321.190 offered by a person who wishes to purchase an alcoholic beverage at the licensed premises is altered or falsified or belongs to another person, the licensee, permittee, or employee may retain the motor vehicle license or nonoperator identification card. Within twenty-four hours, the card shall be delivered to the appropriate city or county law enforcement agency of the jurisdiction in which the licensed premises is located. When the card is delivered to the appropriate law enforcement agency, the licensee shall file a written report of the circumstances under which the card was retained. The local law enforcement agency may investigate whether a violation of section ~~321.190~~, 321.216, 321.216A, or 321.216B has occurred. If an investigation is not initiated or a probable cause is not established by the local law enforcement agency, the motor vehicle license or nonoperator identification card shall be delivered to the person to whom it was issued. The local law enforcement agency may forward the card with the report to the

department of transportation for investigation, in which case, the department may investigate whether a violation of section ~~321.190~~, 321.216, 321.216A, or 321.216B has occurred. The department of transportation shall return the card to the person to whom it was issued if an investigation is not initiated or a probable cause is not established.

Sec. 2. Section 321.190, subsection 2, Code 1995, is amended by striking the subsection.

Sec. 3. Section 321.216, Code 1995, is amended to read as follows:

321.216 UNLAWFUL USE OF LICENSE AND NONOPERATOR'S IDENTIFICATION CARD -- PENALTY.

It is a simple misdemeanor for any person:

1. To display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or fraudulently altered motor vehicle license or nonoperator's identification card.

2. To lend that person's motor vehicle license or nonoperator's identification card to another person or knowingly permit the use of the license by another.

3. To display or represent as one's own a motor vehicle license or nonoperator's identification card not issued to that person.

4. To fail or refuse to surrender to the department upon its lawful demand a motor vehicle license or nonoperator's identification card which has been suspended, revoked, or canceled.

~~5. To use a false or fictitious name in an application for a motor vehicle license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in the application.~~

~~5.~~ 5. To permit an unlawful use of a motor vehicle license or nonoperator's identification card issued to that person.

~~7. To obtain, possess or have in one's control or on one's premises blank motor vehicle license forms.~~

~~8. To obtain, possess, or have in one's control or on one's premises a motor vehicle license, a nonoperator's identification card, or a blank motor vehicle license form, which has been made by a person having no authority or right to make the license, card, or form.~~

Sec. 4. Section 321.216A, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

321.216A FALSIFYING MOTOR VEHICLE LICENSES AND NONOPERATOR'S IDENTIFICATION CARDS AND FORMS.

It is a serious misdemeanor for a person to do any of the following:

1. Make a motor vehicle license, a nonoperator's vehicle identification card, or a blank motor vehicle license form if the person has no authority or right to make the license, card, or form.

2. Obtain, possess, or have in the person's control or on the person's premises motor vehicle license or nonoperator's identification card forms.

3. Obtain, possess, or have in the person's control or on the person's premises, a motor vehicle license or a nonoperator's identification card, or blank motor vehicle license or nonoperator's identification card form which has been made by a person having no authority or right to make the license, card, or form.

4. Use a false or fictitious name in any application for a motor vehicle license or nonoperator's identification card or to knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud on an application.

Sec. 5. Section 321.216B, Code 1995, is amended to read as follows:

321.216B USE OF MOTOR VEHICLE LICENSE OR NONOPERATOR'S IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN ALCOHOL.

A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or

fraudulently altered motor vehicle license or nonoperator's identification card and who uses the license to violate or attempt to violate section 123.47 or 123.47A, commits a simple misdemeanor. The court shall forward a copy of the conviction or order of adjudication under section 232.47 to the department.

Sec. 6. Section 321.218, subsections 1, 4, and 5, Code Supplement 1995, are amended to read as follows:

1. A person whose motor vehicle license or operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter or as provided in section 252J.8, and who operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a serious misdemeanor.

4. The department, upon receiving the record of the conviction of a person under this section upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 252J.8, 321.210, subsection 1, paragraph "c", 321.210A, 321.210B, or 321.513, extend the period of suspension or revocation for an additional like period, and the department shall not issue a new motor vehicle license to the person during the additional period.

If the department receives a record of a conviction of a person under this section but the person's driving record does not indicate what the original grounds of suspension were, the period of suspension under this subsection shall be for a period not to exceed six months.

5. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 commits a simple serious misdemeanor if a commercial driver's license is required for the person to operate the commercial motor vehicle.

Sec. 7. Section 321.218, subsection 2, Code Supplement 1995, is amended by striking the subsection.

Sec. 8. Section 321E.16, Code 1995, is amended to read as follows:

321E.16 VIOLATIONS -- PENALTIES.

Any ~~A person who is convicted of a violation of any violates a provision of a permit issued pursuant to this chapter or of rules adopted under section 321E.15, other than length, height, width, or a provision relating to weight allowed by any permit issued under this chapter shall be punished by a subject to a scheduled fine of one hundred dollars for the first conviction, two hundred fifty dollars for a second conviction within a twelve-month period, and five hundred dollars for a third conviction within a twelve-month period under section 805.8, subsection 2.~~ The fine for violation of the ~~length, height, width, and weight~~ allowed by a permit shall be based upon the difference between the actual ~~length, height, width, and weight~~ of the vehicle and load and the maximum allowable by permit and in accordance with section ~~321.462 for violations of length, height, or width limitations and sections 321.462 and 321.463 for violation of weight limitations.~~ If a vehicle with an indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in ~~sections section 321.463 and 321.462.~~ The department ~~shall adopt rules to require peace officer escorts for permit holders convicted for the third time in a twelve-month period of violating a provision of this chapter or a provision of rules adopted pursuant to section 321E.15.~~

Sec. 9. Section 321J.4, subsection 1, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

If a defendant is convicted of a violation of section 321J.2 and the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's motor vehicle license or nonresident operating privilege for one hundred eighty days if the defendant has had no previous conviction or revocation under this chapter within the previous six years and the defendant shall not be eligible for any temporary restricted license for at least thirty days after the effective date of the revocation if a test was obtained, and for at least ninety days if a test was refused. If the defendant is under the age of twenty-one, the defendant shall not be eligible for a temporary restricted license for at least sixty days after the effective date of the revocation.

Sec. 10. Section 321J.4, subsection 2, Code Supplement 1995, is amended to read as follows:

2. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, and if the defendant's motor vehicle license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12, or has not otherwise been revoked for the occurrence from which the arrest arose, the department shall revoke the defendant's motor vehicle license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days. The defendant shall not be eligible for any temporary restricted license for at least thirty days after the effective date of the revocation if a test was obtained and for at least ninety days if a test was refused. If the defendant is under the age of twenty-one, the defendant shall not be eligible for a temporary restricted license for at least sixty days after the effective date of the revocation.

Sec. 11. Section 321J.4, subsection 8, Code Supplement 1995, is amended to read as follows:

8. A person whose motor vehicle license has either been revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter, and who is not eligible for a temporary restricted license under this chapter may petition the court upon the expiration of the minimum period of ineligibility for a temporary restricted license provided for under this section or section 321J.9, 321J.12, or 321J.20 for an order to the department to require the department to issue a temporary restricted license to the person notwithstanding section 321.560. Upon the filing of a petition for a temporary restricted license under this section, the clerk of the district court in the county where the violation that resulted in the revocation occurred shall send notice of the petition to the department and the prosecuting attorney. The department and the prosecuting attorney shall each be given an opportunity to respond to and request a hearing on the petition. The court shall determine if the temporary restricted license is necessary for the person to maintain the person's present employment. However, a temporary restricted license shall not be ordered or issued for ~~violations~~ a violation of section 321J.2A or to persons a person under the age of twenty-one ~~who commit violations under section 321J.2~~ whose license is revoked under section 321J.4, 321J.9, or 321J.12. If the court determines that the temporary restricted license is necessary for the person to maintain the person's present employment, and that the minimum period of ineligibility for receipt of a temporary license has expired, the court shall order the department to issue to the person a temporary restricted license conditioned upon the person's certification to the court of the installation of approved ignition interlock devices in all motor vehicles that it is necessary for the person to operate to maintain the person's present employment. Section 321.561 does not apply

to a person operating a motor vehicle in the manner permitted under this subsection. If the person operates a motor vehicle which does not have an approved ignition interlock device or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license shall be revoked. A person holding a temporary restricted license issued under this subsection shall not operate a commercial motor vehicle, as defined in section 321.1, on a highway if a commercial driver's license is required for the person to operate the commercial motor vehicle.

Sec. 12. Section 321J.12, subsection 2, Code Supplement 1995, is amended to read as follows:

2. A person whose motor vehicle license or nonresident operating privileges have been revoked under subsection 1, paragraph "a", shall not be eligible for any temporary restricted license for at least thirty days after the effective date of the revocation. If the person is under the age of twenty-one, the person shall not be eligible for a temporary restricted license for at least sixty days after the effective date of the revocation. A person whose license or privileges have been revoked under subsection 1, paragraph "b", for one year shall not be eligible for any temporary restricted license for one year after the effective date of the revocation.

Sec. 13. Section 322.3, Code 1995, is amended to read as follows:

322.3 PROHIBITED ACTS.

1. ~~No~~ A person shall not engage in this state in the business of selling at retail new motor vehicles of any make or represent or advertise that the person is engaged or intends to engage in such business in this state unless the person is authorized to do so by a contract in writing with the manufacturer or distributor of such make of new motor vehicles ~~to-so-dispose-thereof-in-this-state~~ and unless the

department has licensed the person as a motor vehicle dealer in this state in motor vehicles of such make and has issued to the person a license in writing as provided in this chapter provided.

2. No A person, other than a licensed dealer in new motor vehicles, shall not engage in this state in the business of selling at retail used motor vehicles or represent or advertise that the person is engaged or intends to engage in such business in this state unless and until the department has licensed such the person as a used motor vehicle dealer in the state and has issued to the person a license in writing as provided in this chapter provided.

3. ~~Nothing contained in subsections Subsections 1 and 2 hereof shall not be construed as requiring to require the separate licensing of persons employed as salespersons of motor vehicles by a retail motor vehicle dealer hereunder; but. However, the department is hereby authorized and empowered to make, publish, and may promulgate such reasonable rules and regulations as it may deem necessary for the proper identification of persons so employed as salespersons by any such licensee.~~

4. No A person, who is engaged in the business of selling at retail motor vehicles, shall not enter into any contract, agreement, or understanding, express or implied, with any manufacturer or distributor of any such motor vehicles that the person will sell, assign, or transfer any retail installment contracts arising from the retail installment sale of such motor vehicles ~~or any one or more thereof~~ only to a designated person or class of persons. ~~Any such A condition, agreement, or understanding between any manufacturer or distributor and a motor vehicle dealer in this state of this nature~~ is hereby declared to be against the public policy of this state and to be unlawful and void.

5. No A manufacturer or distributor of motor vehicles or any agent or representative of such a manufacturer or

distributor, shall not terminate or threaten to terminate, or fail to renew any contract, agreement, or understanding for the sale of new motor vehicles to any motor vehicle dealer in this state without just, reasonable and lawful cause therefor or because such the motor vehicle dealer failed to sell, assign, or transfer any retail installment contract arising from the retail sale of such motor vehicles or any one or more of them to a person or a class of persons designated by such the manufacturer or distributor. ~~Provided, however, that the provisions of this subsection relating to "failure to renew" shall not apply to any contract, agreement, or understanding, which is for a term of five or more years.~~

6. No A person, who is engaged in the business of selling at retail motor vehicles, shall not make and enter into a retail installment contract unless such the contract meets the following requirements:

a. Every retail installment contract shall be in writing, shall be signed by both the buyer and the seller and shall be completed as to all essential provisions prior to the signing of the contract by the buyer except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information and the due date of the first installment may be inserted in the contract after its execution.

b. The contract shall comply with the Iowa consumer credit code, where applicable.

7. ~~Nothing contained herein~~ This section shall not be construed to require that a place of business as defined in this chapter shall be maintained by a person selling motor vehicles at retail solely for the purpose of disposing of motor vehicles acquired or repossessed by such person in exercise of powers or rights granted by lien or title-retention instruments or contracts given as security for loans or purchase money obligations.

8. No A manufacturer or distributor of motor vehicles or agent or representative of such a manufacturer or distributor shall not coerce or attempt to coerce any motor vehicle dealer to accept delivery of any motor vehicle or vehicles, parts, or accessories thereof, or any other commodity or commodities which ~~shall not~~ have not been ordered by such the dealer.

9. No A person licensed under this chapter shall not, either directly or through an agent, salesperson or employee, engage in this state, or represent or advertise that the person is engaged or intends to engage in this state, in the business of buying or selling at retail new or used motor vehicles, other than mobile homes more than eight feet in width or more than thirty-two feet in length as defined in section 321.1, on the first day of the week, commonly known and designated as Sunday.

10. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not require a motor vehicle dealer to submit to arbitration to resolve a controversy before the controversy arises. The parties may enter into a voluntary agreement to arbitrate a controversy after it arises. Such an agreement shall require that the arbitrator apply Iowa law in resolving the controversy. Either party may appeal a decision of an arbitrator to the district court on the grounds that the arbitrator failed to apply Iowa law.

11. A person who is engaged in the business of selling motor vehicles at retail shall not sell, offer for sale, represent, or advertise that the person intends to sell motor vehicles from a location other than the person's place of business, except as provided in section 322.5.

Sec. 14. Section 805.8, subsection 2, paragraph h, Code Supplement 1995, is amended to read as follows:

h. For operating, passing, turning and standing violations under sections 321.236, subsections 3, 4, 9 and 12, 321.275, subsections 1 through 8, 321.295, 321.297, 321.299, 321.303,

321.304, subsections 1 and 2, 321.305, 321.306, 321.311, 321.312, 321.314, 321.315, 321.316, 321.318, 321.323, 321.340, ~~321.344~~, 321.353, 321.354, 321.363, 321.365, 321.366, 321.368, 321.382, and 321.395, the scheduled fine is fifteen dollars.

Sec. 15. Section 805.8, subsection 2, paragraph 1, Code Supplement 1995, is amended to read as follows:

1. For violations of traffic signs and signals, and for failure to obey an officer under sections 321.229, 321.236, subsections 2 and 6, 321.256, 321.257, subsection 2, 321.294, 321.304, subsection 3, 321.322, ~~321.341-321.342-321.343~~ and 321.415, the scheduled fine is twenty dollars.

Sec. 16. Section 805.8, subsection 2, Code Supplement 1995, is amended by adding the following new paragraphs:

NEW PARAGRAPH. z. For violations of section 321.460 prohibiting spilling loads on the highway, the scheduled fine is one hundred dollars.

NEW PARAGRAPH. aa. For violations of length, height, width, and other provisions of a permit, except weight provisions, under section 321E.16, the scheduled fine is one hundred dollars.

NEW PARAGRAPH. bb. For violations of importing fuel in the supply tank of a motor vehicle under section 452A.52, the scheduled fine is one hundred dollars.

NEW PARAGRAPH. cc. For violations of sections 321.341, 321.342, 321.343, and 321.344, the scheduled fine is fifty dollars.

Sec. 17. Section 805.8, Code Supplement 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 12. VIOLATIONS OF TITLE LAWS. For violations under sections 321.25, 321.45, 321.46, 321.48, 321.52, 321.67, and 321.104, the scheduled fine is fifty dollars.

Sec. 18. Section 805.8, subsection 2, paragraph u, Code Supplement 1995, is amended to read as follows:

u. For ~~obtaining, possessing, or having in one's control or one's premises~~ unlawful use of a motor vehicle license, or a nonoperator's identification card, or a blank motor vehicle license form in violation of section 321.216, ~~subsection 7 or 8~~, the scheduled fine is fifty seventy-five dollars.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2186, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 15, 1996

SF 2186

TERRY E. BRANSTAD
Governor