

REPRINTED

3/4/96 Referred to W. & M.  
3/14/96 Do Pass  
H. 3/20/96 W. & M.  
FILED FEB 22 1996  
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SENATE FILE 2266  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 2212)

Passed Senate, <sup>(P. 859)</sup> Date 3-19-96

Passed House, <sup>(P. 1539)</sup> Date 4-11-96

Vote: Ayes 47 Nays 0

Vote: Ayes 95 Nays 0

Approved \_\_\_\_\_

A BILL FOR

1 An Act making transportation-related Code changes including  
2 providing for a temporary registration permit, increasing  
3 registration fees for certain trailers, and providing an  
4 effective date.

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

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S.F. 2266

REPRINTED

1 Section 1. Section 321.17, Code 1995, is amended to read  
2 as follows:

3 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

4 It is a simple misdemeanor ~~punishable-as-provided-in~~  
5 ~~section-321-4827~~, for any person to drive or move or for an  
6 owner knowingly to permit to be driven or moved upon any the  
7 highway any a vehicle of a type required to be registered  
8 hereunder under this chapter which is not registered, or for  
9 which the appropriate fee has not been paid ~~when-and-as~~  
10 ~~required-hereunder~~ except as provided in section 321.109,  
11 subsection 3.

12 Sec. 2. Section 321.20A, Code Supplement 1995, is amended  
13 to read as follows:

14 321.20A CERTIFICATE OF TITLE -- COMMERCIAL MOTOR VEHICLES.

15 1. Notwithstanding other provisions of this chapter, the  
16 owner of a commercial motor vehicle with a gross vehicle  
17 weight rating of twenty-six thousand one pounds or more,  
18 subject to the proportional registration provisions of chapter  
19 326, may make application to the department for a certificate  
20 of title. The application for certificate of title shall be  
21 made within fifteen days of purchase or transfer and  
22 accompanied by a ten dollar title fee and appropriate use tax.

23 2. A commercial motor vehicle issued a certificate of  
24 title under this section shall not be subject to registration  
25 fees until the commercial motor vehicle is driven upon the  
26 highways. The registration fee due shall be prorated for the  
27 remaining unexpired months of the registration year.  
28 Ownership of a the commercial motor vehicle ~~issued-a~~  
29 ~~certificate-of-title-under-this-section~~ shall not be  
30 transferred until registration fees have been paid to the  
31 department.

32 3. ~~The-certificate-of-title-provision-for-commercial-motor~~  
33 ~~vehicles-with-a-gross-vehicle-weight-rating-of-twenty-six~~  
34 ~~thousand-one-pounds-or-more~~ This section shall apply to owners  
35 with fleets of more than fifty commercial motor vehicles based

1 in Iowa under the proportional registration provisions of  
2 chapter 326. The original certificate of title shall be  
3 delivered to the owner if no security interest or encumbrance  
4 appears on the certificate, otherwise the certificate of title  
5 shall be delivered by the department to the person holding the  
6 first security interest or encumbrance as shown on the  
7 certificate of title.

8 Sec. 3. Section 321.109, Code 1995, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 3. The owner of an unregistered motor  
11 vehicle or motor vehicle for which the registration is  
12 delinquent, may make application to the county treasurer of  
13 the county of residence or if the unregistered or delinquent  
14 motor vehicle is purchased by a nonresident of the state, to  
15 the county treasurer in the county of purchase, for a  
16 temporary thirty-day permit for a fee of twenty-five dollars.  
17 The permit shall authorize the motor vehicle to be driven or  
18 towed upon the highway, but shall not authorize a motor truck  
19 or truck tractor to haul or tow a load. The permit fee shall  
20 not be considered a registration fee or exempt the owner from  
21 payment of all other fees, registration fees, and penalties  
22 due. If the registration fee for the motor vehicle is  
23 delinquent, the registration fee and penalty shall continue to  
24 accrue until paid. The permit fee shall not be prorated,  
25 refunded, or used as credit as provided under section 321.46.  
26 The permit shall be displayed in the upper left-hand corner of  
27 the rear window of all motor vehicles, except motorcycles.  
28 Permits issued for a motorcycle shall be attached to the rear  
29 of the motorcycle.

30 Sec. 4. Section 321.123, unnumbered paragraph 1, Code  
31 Supplement 1995, is amended to read as follows:

32 All trailers except farm trailers and mobile homes, unless  
33 otherwise provided in this section, are subject to a  
34 registration fee of ~~six ten~~ ten dollars ~~for-trailers-with-a-gross~~  
35 ~~weight-of-one-thousand-pounds-or-less-and-ten-dollars-for~~

1 ~~other-trailers~~. Trailers for which the empty weight is two  
2 thousand pounds or less are exempt from the certificate of  
3 title and lien provisions of this chapter. Fees collected  
4 under this section shall not be reduced or prorated under  
5 chapter 326.

6 Sec. 5. Section 321.123, subsection 1, unnumbered  
7 paragraph 1, Code Supplement 1995, is amended to read as  
8 follows:

9 Travel trailers and fifth-wheel travel trailers, except  
10 those in manufacturer's or dealer's stock, shall be subject to  
11 an annual fee of twenty cents per square foot of floor space  
12 computed on the exterior overall measurements, but excluding  
13 three feet occupied by any trailer hitch as provided by and  
14 certified to by the owner, to the nearest whole dollar, which  
15 amount shall not be prorated or refunded; except the annual  
16 fee for travel trailers of any type, when registered in Iowa  
17 for the first time or when removed from a manufacturer's or  
18 dealer's stock, shall be prorated on a monthly basis. It is  
19 further provided the annual fee thus computed shall be limited  
20 to seventy-five percent of the full fee after the vehicle is  
21 more than six model years old.

22 Sec. 6. Section 321.166, subsection 2, Code 1995, is  
23 amended to read as follows:

24 2. Every registration plate or pair of plates shall  
25 display a registration plate number which shall consist of  
26 alphabetical or numerical characters or a combination thereof  
27 and the name of this state, which may be abbreviated. Every  
28 registration plate issued by the county treasurer shall  
29 display the name of the county ~~except-plates-issued-for-truck~~  
30 ~~tractors, motorcycles, motorized bicycles, travel trailers,~~  
31 ~~semitrailers-and-trailers~~ including any plate issued pursuant  
32 to section 321.34, except Pearl Harbor, purple heart,  
33 collegiate, fire fighter, and congressional medal of honor  
34 registration plates. ~~The-year-of-expiration-or-the-date-of~~  
35 ~~expiration-shall-be-displayed-on-vehicle-registration-plates,~~

1 ~~except-plates-issued-under-section-321.19.~~ Special truck  
2 registration plates shall display the word "special".

3 Sec. 7. Section 321.166, Code 1995, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 9. If the department reissues a new  
6 registration plate design for a special registration plate  
7 under section 321.34, all persons who have purchased or  
8 obtained the special registration plates shall not be required  
9 to pay the issuance fee.

10 Sec. 8. Section 321.176A, subsection 2, Code 1995, is  
11 amended to read as follows:

12 2. A firefighter while operating a fire vehicle for a  
13 volunteer or paid fire organization or a peace officer, as  
14 defined in section 801.4, while operating a commercial motor  
15 vehicle for a law enforcement agency under conditions  
16 necessary to preserve life or property or to execute related  
17 governmental functions.

18 Sec. 9. Section 321.181, Code 1995, is amended to read as  
19 follows:

20 321.181 TEMPORARY PERMIT.

21 The department may issue a temporary permit to an applicant  
22 for a motor vehicle license permitting the applicant to  
23 operate a motor vehicle ~~other-than-a-commercial-motor-vehicle~~  
24 while the department is completing its investigation and  
25 determination of all facts relative to the applicant's  
26 privilege to receive the motor vehicle license. The permit  
27 must be in the applicant's immediate possession while  
28 operating a motor vehicle. The temporary permit shall be  
29 invalid and returned to the department when the applicant's  
30 license is issued or when the license is denied.

31 Sec. 10. Section 321.190, subsection 1, paragraph b, Code  
32 1995, is amended to read as follows:

33 b. The department shall not issue a card to a person  
34 holding a motor vehicle license. However, a card may be  
35 issued to a person holding a temporary permit under section

1 321.181. The card shall be identical in form to a driver's  
2 license issued under section 321.189 except the word  
3 "nonoperator" shall appear prominently on the face of the  
4 card. A nonoperator's identification card issued to a person  
5 under twenty-one years of age shall include the word "minor"  
6 prominently on the face of the card.

7 Sec. 11. Section 321.191, subsection 9, Code 1995, is  
8 amended to read as follows:

9 9. MOTOR VEHICLE LICENSE REINSTATEMENTS. The fee for  
10 reinstatement of a motor vehicle license shall be twenty  
11 dollars for a license which is, after notice and opportunity  
12 for hearing, canceled, suspended, ~~or~~ revoked, or barred.  
13 However, reinstatement of the privilege suspended under  
14 section 321.210, subsection 1, paragraph "c", shall be without  
15 fee. The fee for reinstatement of the privilege to operate a  
16 commercial motor vehicle after a period of disqualification  
17 shall be twenty dollars.

18 Sec. 12. Section 321.208, subsections 7 and 8, Code  
19 Supplement 1995, are amended to read as follows:

20 7. Upon receiving a record of a person's disqualifying  
21 conviction, administrative decision, suspension, or  
22 revocation, the department shall, by rule, without preliminary  
23 hearing and upon twenty thirty days' advance notice,  
24 disqualify the person from operating a commercial motor  
25 vehicle upon a highway.

26 8. A person is disqualified from operating a commercial  
27 motor vehicle if the person either refuses to submit to  
28 chemical testing required under chapter 321J or submits to  
29 chemical testing and the results show an alcohol concentration  
30 as defined in section 321J.1 of 0.04 or more. The department,  
31 upon receipt of the peace officer's certification, subject to  
32 penalty for perjury, that the peace officer had reasonable  
33 grounds to believe the person to have been operating a  
34 commercial motor vehicle with an alcohol concentration of 0.04  
35 or more and that the person refused to submit to the chemical

1 testing or submitted to chemical testing and the results show  
2 an alcohol concentration as defined in section 321J.1 of 0.04  
3 or more, shall, without preliminary hearing and upon twenty  
4 thirty days' advance notice, disqualify the person from  
5 operating a commercial motor vehicle upon a highway.

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

20 Sec. 13. Section 321.209, unnumbered paragraph 1, Code  
21 1995, is amended to read as follows:

22 The department ~~shall~~, upon twenty thirty days' notice and  
23 without preliminary hearing, shall revoke the license or  
24 operating privilege of an operator upon receiving a record of  
25 the operator's conviction for any of the following offenses,  
26 when such conviction has become final:

27 Sec. 14. Section 321.210, subsection 1, unnumbered  
28 paragraph 2, Code 1995, is amended to read as follows:

29 Prior to a suspension taking effect under paragraph "a",  
30 "b", "c", "d", "e", or "f", the licensee shall have received  
31 twenty thirty days' advance notice of the effective date of  
32 the suspension. Notwithstanding the terms of the Iowa  
33 administrative procedure Act, the filing of a petition for  
34 judicial review shall operate to stay the suspension pending  
35 the determination by the district court.

1 Sec. 15. Section 321.213B, Code 1995, is amended to read  
2 as follows:

3 321.213B ~~REVOCATION~~ SUSPENSION FOR FAILURE TO ATTEND.

4 The department shall establish procedures by rule for  
5 ~~revoking~~ suspending the license of a juvenile who is in  
6 violation of section 299.1B or issuing the juvenile a  
7 temporary restricted license under section 321.215 if the  
8 juvenile is employed at least twenty hours per week.

9 Sec. 16. Section 321.215, subsection 2, unnumbered  
10 paragraph 1, Code Supplement 1995, is amended to read as  
11 follows:

12 Upon conviction and the suspension or revocation of a  
13 person's motor vehicle license under section 321.205 for a  
14 drug or drug-related offense; 321.209, subsection 5, 6, or 8;  
15 section 321.210; 321.210A; or 321.513; or upon the denial of  
16 issuance of a motor vehicle license under section 321.560,  
17 based solely on offenses enumerated in section 321.555,  
18 subsection 1, paragraph "c", or section 321.555, subsection 2;  
19 or a juvenile, whose license has been suspended under section  
20 321.213A for a violation of chapter 124 or 453B, or section  
21 126.3, ~~and-upon-the-denial-by-the-director-of-an-application~~  
22 ~~for-a-temporary-restricted-license,~~ a person may apply to  
23 petition the district court having jurisdiction for the  
24 residence of the person for a temporary restricted permit to  
25 operate a motor vehicle for the limited purpose or purposes  
26 specified in subsection 1. The petition shall include a  
27 current certified copy of the petitioner's official driving  
28 record issued by the department. The application may be  
29 granted only if all of the following criteria are satisfied:

30 Sec. 17. Section 321.383, subsections 2 and 3, Code 1995,  
31 are amended to read as follows:

32 2. When operated on a highway in this state at a speed of  
33 ~~twenty-five~~ thirty miles per hour or less, every farm tractor,  
34 or tractor with towed equipment, self-propelled implement of  
35 husbandry, road construction or maintenance vehicle, road

1 grader, horse-drawn vehicle, or any other vehicle principally  
2 designed for use off the highway and any such tractor,  
3 implement, vehicle or grader when manufactured for sale or  
4 sold at retail after the thirty-first of December, 1971, shall  
5 be identified with a reflective device of a type approved by  
6 the director; however, this provision shall not apply to such  
7 vehicles when traveling in any escorted parade. The  
8 reflective device shall be visible from the rear and mounted  
9 in a manner approved by the director. ~~All vehicles specified~~  
10 ~~in this section shall be equipped with such reflective device~~  
11 ~~after the thirty-first of December, 1971.~~ The director, when  
12 approving such the device, shall be guided as far as  
13 practicable by the standards of the American society of  
14 agricultural engineers. No A vehicle, other than those  
15 specified in this section, shall not display a reflective  
16 device ~~approved for the use herein described~~. On vehicles  
17 ~~specified herein~~ operating at speeds above twenty-five thirty  
18 miles per hour, the reflective device shall be removed or  
19 hidden from view.

20 3. Garbage collection vehicles, when operated on the  
21 streets or highways of this state at speeds of twenty-five  
22 thirty miles per hour or less, may display a reflective device  
23 of a type and in a manner approved by the director. At speeds  
24 in excess of twenty-five thirty miles per hour the device  
25 shall not be visible.

26 Sec. 18. Section 321E.1, unnumbered paragraph 1, Code  
27 1995, is amended to read as follows:

28 The department and local authorities may in their  
29 discretion and upon application and with good cause being  
30 shown issue permits for the movement of construction machinery  
31 or asphalt repavers being temporarily moved on streets, roads  
32 or highways and for vehicles with indivisible loads which  
33 exceed the maximum dimensions and weights specified in  
34 sections 321.452 to 321.466, but not to exceed the limitations  
35 imposed in sections 321E.1 to 321E.15 except as provided in

1 ~~sections~~ section 321E.29 ~~and-321E-30~~. Vehicles permitted to  
2 transport indivisible loads may exceed the width and length  
3 limitations specified in sections 321.454 and 321.457 for the  
4 purpose of picking up an indivisible load or returning from  
5 delivery of the indivisible load. Permits issued may be  
6 single-trip permits or annual permits. Permits shall be in  
7 writing and shall be carried in the cab of the vehicle for  
8 which the permit has been issued and shall be available for  
9 inspection at all times. The vehicle and load for which the  
10 permit has been issued shall be open to inspection by a peace  
11 officer or an authorized agent of a permit granting authority.  
12 When in the judgment of the issuing authority in cities and  
13 counties the movement of a vehicle with an indivisible load or  
14 construction machinery which exceeds the maximum dimensions  
15 and weights will be unduly hazardous to public safety or will  
16 cause undue damage to streets, avenues, boulevards,  
17 thoroughfares, highways, curbs, sidewalks, trees, or other  
18 public or private property, the permit shall be denied and the  
19 reasons for denial endorsed on the application. Permits shall  
20 designate the days when and routes upon which loads and  
21 construction machinery may be moved within a county on other  
22 than primary roads.

23 Sec. 19. Section 321E.7, subsection 2, Code 1995, is  
24 amended to read as follows:

25 2. Special mobile equipment, as defined in section 321.1,  
26 subsection 75, is not subject to the requirements for distance  
27 in feet between the extremes of any group of axles or the  
28 extreme axles of the vehicle or combination of vehicles as  
29 required by this chapter when being moved upon the highways,  
30 ~~except-the-interstate-road-system, as defined in section~~  
31 ~~306.37-subsection-4~~ if the operator has a permit issued under  
32 this chapter.

33 Sec. 20. Section 321E.9, subsection 2, Code 1995, is  
34 amended to read as follows:

35 2. Vehicles with indivisible loads exceeding the width,

1 length, and total gross weight provided in subsection 1, may  
2 be moved in special or emergency situations, provided the  
3 ~~gross-weight-on-any-one-axle-shall-not-exceed-the-maximum~~  
4 prescribed-in-section-321-463 permitting authority has  
5 reviewed the route and has approved the movement of the  
6 vehicle and load. The vehicle and load shall be accompanied  
7 by an escort as required by rules adopted pursuant to chapter  
8 17A. The issuing authority may impose any special  
9 restrictions as deemed necessary on movements or exempt  
10 movements from the restrictions of section 321E.11 by permit  
11 under this subsection.

12 Sec. 21. Section 321J.4, subsection 8, Code Supplement  
13 1995, is amended to read as follows:

14 8. A person whose motor vehicle license has either been  
15 revoked under this chapter, or revoked or suspended under  
16 chapter 321 solely for violations of this chapter, or who has  
17 been determined to be a habitual offender under chapter 321  
18 based solely on violations of this chapter, and who is not  
19 eligible for a temporary restricted license under this chapter  
20 may petition the court upon the expiration of the minimum  
21 period of ineligibility for a temporary restricted license  
22 provided for under this section or section 321J.9, 321J.12, or  
23 321J.20 for an order to the department to require the  
24 department to issue a temporary restricted license to the  
25 person notwithstanding section 321.560. The petition shall  
26 include a current certified copy of the petitioner's official  
27 driving record issued by the department. Upon the filing of a  
28 petition for a temporary restricted license under this  
29 section, the clerk of the district court in the county where  
30 the violation that resulted in the revocation occurred shall  
31 send notice of the petition to the department and the  
32 prosecuting attorney. The department and the prosecuting  
33 attorney shall each be given an opportunity to respond to and  
34 request a hearing on the petition. The court shall determine  
35 if the temporary restricted license is necessary for the

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

26 Sec. 22. Section 328.26, Code 1995, is amended to read as  
27 follows:

28 328.26 APPLICATION FOR REGISTRATION.

29 Every application for registration pursuant to sections  
30 328.19 to 328.22 shall be made upon such forms, and shall  
31 contain such information, as the department may prescribe, and  
32 every application shall be accompanied by the full amount of  
33 the registration fee.

34 When an aircraft is registered to a person for the first  
35 time the ~~application-for-registration-shall-be-accompanied-by~~

1 ~~evidence-that~~ fee submitted to the department shall include  
2 the tax imposed by section 422.43 or section 423.2 ~~has-been~~  
3 ~~paid~~ or evidence of the exemption of the aircraft from the tax  
4 imposed under section 422.43 or 423.2.

5 Sec. 23. Section 328.46, Code 1995, is amended to read as  
6 follows:

7 328.46 PENALTY FOR DELAY.

8 If a transfer of ownership of an aircraft subject to  
9 registration is not completed, ~~as-herein-provided,~~ within five  
10 thirty days of the actual change of possession, a penalty of  
11 five dollars shall accrue against ~~said~~ the aircraft and ~~no a~~  
12 certificate of registration ~~therefor~~ shall ~~thereafter-issue~~  
13 not be issued until ~~said~~ the penalty is paid.

14 Sec. 24. Section 328.51, Code 1995, is amended to read as  
15 follows:

16 328.51 ACCRUAL OF PENALTY.

17 Failure to register shall be considered delinquent and a  
18 penalty shall accrue ~~from~~ the first day of the second month  
19 following thirty days from the date of the purchase of a new  
20 aircraft or ~~from-the-first-day-of-the-second-month-following~~  
21 the date an aircraft is brought into the state, ~~except-as~~  
22 ~~otherwise-provided-in-this-chapter.~~

23 Sec. 25. Sections 321.240 and 321E.30, Code 1995, are  
24 repealed.

25 Sec. 26. EFFECTIVE DATE. Sections 1, 3, 6, and 7 of this  
26 Act take effect January 1, 1997.

27 EXPLANATION

28 The bill amends sections 321.17 and 321.109 to allow the  
29 owner of an unregistered vehicle or a vehicle for which  
30 payment of the registration fee is delinquent to obtain a 30  
31 day permit to operate the vehicle for a fee of \$25. These  
32 sections are effective January 1, 1997.

33 Section 321.20A allows for the issuance of a certificate of  
34 title for a commercial motor vehicle, but delays the payment  
35 of registration fees until the commercial motor vehicle is

1 driven upon the highway. This bill substitutes the term  
2 commercial vehicle for commercial motor vehicle which broadens  
3 the category of vehicles which will be eligible to receive a  
4 certificate of title under section 321.20A, specifically it  
5 allows for the issuance of a certificate of title for  
6 trailers.

7 Section 321.123 is amended to provide that the registration  
8 fee for trailers is \$10. Current law provides that trailers  
9 with a gross weight of 1,000 pounds or less are \$6 and that  
10 all other trailers are \$10.

11 Section 321.166 is amended to provide that all registration  
12 plates except Pearl Harbor, purple heart, collegiate, fire  
13 fighter, and congressional medal of honor registration plates  
14 must have the name of the county in which the vehicle is  
15 registered displayed on the plate but exempts persons who have  
16 special registration plates from payment of the issuance fee  
17 upon reissuance by the department. These sections are  
18 effective January 1, 1997.

19 Section 321.176A exempts a peace officer from the  
20 commercial driver's license requirements if the officer is  
21 operating a commercial motor vehicle for a law enforcement  
22 agency under conditions necessary to preserve life or property  
23 or to execute related governmental functions.

24 Section 321.181 is amended by striking the prohibition  
25 against operating a commercial motor vehicle when a person has  
26 been issued a temporary permit valid for the time period  
27 during which the state department of transportation is  
28 completing its investigation and determination of facts  
29 relative to the applicant's privilege to receive a motor  
30 vehicle license.

31 Section 321.190 is amended to allow a person who has been  
32 issued a temporary permit enabling the person to operate a  
33 motor vehicle while the department is investigating whether to  
34 issue the person a motor vehicle license to also be issued a  
35 nonoperator's identification card. Current law prohibits a

1 person from having both a motor vehicle license and a  
2 nonoperator's identification card.

3 Section 321.191 provides that the fee for reinstatement of  
4 a motor vehicle license after the license has been barred is  
5 \$20.

6 Sections 321.208, 321.209, and 321.210 are amended to  
7 expand the advance notice period the state department of  
8 transportation is required to provide before disqualifying a  
9 person from operating a commercial motor vehicle upon the  
10 highway or revoking or suspending a person's motor vehicle  
11 license or operating privileges from 20 days to 30 days.

12 Section 321.213B is a technical change in terminology from  
13 revocation to suspension in reference to revocation of a  
14 juvenile's motor vehicle license for failure to attend school  
15 under section 299.1B.

16 Sections 321.215 and 321J.4 are amended to require that a  
17 petitioner to the district court for a temporary restricted  
18 permit provide a current certified copy of the petitioner's  
19 official driving record issued by the state department of  
20 transportation with the petition.

21 Section 321.383 currently requires that certain slow moving  
22 vehicles when operated on a highway at a speed of 25 miles per  
23 hour or less be identified with a reflective device. This  
24 bill changes the speed limit to 30 miles per hour.

25 Section 321E.7 exempts special mobile equipment from the  
26 requirements for distance in feet between axles when being  
27 moved upon the highway, except for movement upon the  
28 interstate road system. This bill allows exemption from the  
29 distance requirements if the operator has been issued a permit  
30 under chapter 321E.

31 Section 321E.9 is amended to allow vehicles with  
32 indivisible loads exceeding certain width, length, and weight  
33 limitations to be moved in special or emergency situations if  
34 the permitting authority has reviewed the route and has  
35 approved the movement of the vehicle and the load and allows

1 the permitting authority to exempt the vehicle movement from  
2 the restrictions contained in section 321E.11, which prohibit  
3 movement on memorial day, independence day, and labor day.

4 Sections 328.26 is amended to provide that aircraft  
5 registration include taxes imposed under section 422.43 or  
6 section 423.2, if the tax has not already been paid or that  
7 proof of payment be submitted in addition to the registration  
8 fee. Section 328.46 increases the time before the \$5 penalty  
9 accrues from five days to 30 days for failing to transfer  
10 ownership of an aircraft subject to registration. Section  
11 328.51 provides that the accrual of a penalty for failure to  
12 register begins 30 days from the first day of the month  
13 following the purchase of the new aircraft or the date the  
14 aircraft is brought into the state.

15 Finally, sections 321.240 and 321E.30 are repealed.  
16 Section 321.240 prohibits operation or use of a vehicle if the  
17 center of gravity on the vehicle has been altered. Section  
18 321E.30 requires that a verification of the issuance of a  
19 permit to move a mobile home be sent to the county treasurer  
20 of the county of final destination and that a \$1 fee be paid  
21 to cover the cost of the service.

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SENATE FILE 2266

S-5116

- 1 1. Page 2, by inserting after line 7 the
- 2 following:
- 3 "Sec. \_\_\_\_ . Section 321.69, subsection 3, Code
- 4 Supplement 1995, is amended to read as follows:
- 5 3. The damage disclosure statement shall be
- 6 provided by the transferor to the transferee at or
- 7 before the time of sale. If the transferor is not a
- 8 resident of this state the transferee shall not be
- 9 required to submit a damage disclosure statement from
- 10 the transferor with the transferee's application for
- 11 title unless the state of the transferor's residence
- 12 requires a damage disclosure statement. However, the
- 13 transferee shall submit a damage disclosure statement
- 14 with the transferee's application for title indicating
- 15 whether a salvage or rebuilt title had ever existed
- 16 for the vehicle, whether the vehicle had incurred
- 17 prior damage of three thousand dollars or more per
- 18 incident, and the year, make, and vehicle
- 19 identification number of the motor vehicle. The
- 20 transferee shall not be required to submit a damage
- 21 disclosure statement under this subsection if the
- 22 prior certificate of title is from another state and
- 23 if it indicates that the vehicle is salvaged and not
- 24 rebuilt or is another state's salvage certificate of
- 25 title."
- 26 2. By renumbering as necessary.

By EUGENE FRAISE  
DON GETTINGS

*Adopted*  
*3-19-96 (p. 855)*

S-5116 FILED FEBRUARY 26, 1996

SENATE FILE 2266

S-5115

- 1 Amend Senate File 2266 as follows:
- 2 1. Page 1, by striking lines 16 and 17 and
- 3 inserting the following: "owner of a commercial motor
- 4 vehicle with a gross vehicle weight rating of twenty-
- 5 six-thousand-one-pounds-or-more".

By DON GETTINGS

S-5115 FILED FEBRUARY 26, 1996

*Adopted*  
*3/18/96*  
*(p. 855)*  
*Motion to R/c by Connolly*  
*3-19-96 3-19-96*  
*Motion to R/c prevailed*  
*3-19-96 (p. 856)*  
*3-19-96 (p. 859)*

## SENATE FILE 2266

S-5127

1 Amend Senate File 2266 as follows:

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

4 "Sec. \_\_\_\_ Section 321.69, subsection 3, Code  
5 Supplement 1995, is amended to read as follows:

6 3. The damage disclosure statement shall be  
7 provided by the transferor to the transferee at or  
8 before the time of sale. If the transferor is not a  
9 resident of this state the transferee shall not be  
10 required to submit a damage disclosure statement from  
11 the transferor with the transferee's application for  
12 title unless the state of the transferor's residence  
13 requires a damage disclosure statement. However, the  
14 transferee shall submit a damage disclosure statement  
15 with the transferee's application for title indicating  
16 whether a salvage or rebuilt title had ever existed  
17 for the vehicle, whether the vehicle had incurred  
18 prior damage of three thousand dollars or more per  
19 incident, and the year, make, and vehicle  
20 identification number of the motor vehicle. The  
21 transferee shall not be required to submit a damage  
22 disclosure statement under this subsection if the  
23 prior certificate of title is from another state and  
24 if it indicates that the vehicle is salvaged and not  
25 rebuilt or is another state's salvage certificate of  
26 title."

27 2. By renumbering as necessary.

By EUGENE FRAISE  
DON GETTINGS

*Out of Order 3/19/96 (P. 855)*

S-5127 FILED FEBRUARY 26, 1996

## SENATE FILE 2266

S-5144

1 Amend the amendment, S-5116, to Senate File 2266 as  
2 follows:

3 1. Page 1, lines 20 and 21, by striking the words  
4 "submit a damage disclosure statement" and inserting  
5 the following: "indicate whether the vehicle had  
6 incurred prior damage of three thousand dollars or  
7 more per incident".

8 2. Page 1, line 22, by striking the word "prior"  
9 and inserting the following: "transferor's".

By EUGENE FRAISE

S-5144 FILED FEBRUARY 28, 1996

*Adopted 3-19-96  
(P. 855)*

S-5158

1 Amend the amendment, S-5127, to Senate File 2266 as  
2 follows:

3 1. Page 1, lines 21 and 22, by striking the words  
4 "submit a damage disclosure statement" and inserting  
5 the following: "indicate whether the vehicle had  
6 incurred prior damage of three thousand dollars or  
7 more per incident".

8 2. Page 1, line 23, by striking the word "prior"  
9 and inserting the following: "transferor's".

By EUGENE FRAISE

S-5158 FILED FEBRUARY 29, 1996

*Out of Order* 3-19-96  
(P. 855)

SENATE FILE 2266

S-5303

1 Amend Senate File 2266 as follows:

2 1. Page 2, by inserting after line 7 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 2, by inserting after the  
23 word "permit," the following: "requiring issuance of  
24 one hundred percent damaged junking certificates,".

25 3. By renumbering as necessary.

By EUGENE FRAISE

S-5303 FILED MARCH 12, 1996

*Lost* 3-19-96

SENATE FILE 2266

S-5395

1 Amend Senate File 2266 as follows:

2 1. By striking page 1, line 12, through page 2,  
3 line 7.

4 2. By renumbering as necessary.

By MIKE CONNOLLY

S-5395 FILED MARCH 19, 1996

WITHDRAWN

3/19/96  
(P. 859)

## SENATE FILE 2266

S-5398

1 Amend Senate File 2266 as follows:

2 1. By striking page 1, line 7, through page 2,  
3 line 7, and inserting the following: "highway any  
4 vehicle of a type required to be registered hereunder  
5 under this chapter which is not registered, or for  
6 which the appropriate fee has not been paid ~~when-and~~  
7 ~~as-required-hereunder~~ except as provided in section  
8 321.109, subsection 3."

9 2. By renumbering as necessary.

By MIKE CONNOLLY

S-5398 FILED MARCH 19, 1996  
WITHDRAWN

*3.19.96**(A 859)*



1 Section 1. Section 321.17, Code 1995, is amended to read  
2 as follows:

3 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

4 It is a simple misdemeanor ~~punishable-as-provided-in~~  
5 ~~section-321-4827~~, for any person to drive or move or for an  
6 owner knowingly to permit to be driven or moved upon any the  
7 highway any a vehicle of a type required to be registered  
8 hereunder under this chapter which is not registered, or for  
9 which the appropriate fee has not been paid ~~when-and-as~~  
10 ~~required-hereunder~~ except as provided in section 321.109,  
11 subsection 3.

12 Sec. 2. Section 321.20A, Code Supplement 1995, is amended  
13 to read as follows:

14 321.20A CERTIFICATE OF TITLE -- COMMERCIAL MOTOR VEHICLES.

15 1. Notwithstanding other provisions of this chapter, the  
16 owner of a commercial motor vehicle with-a-gross-vehicle  
17 weight-rating-of-twenty-six-thousand-one-pounds-or-more,  
18 subject to the proportional registration provisions of chapter  
19 326, may make application to the department for a certificate  
20 of title. The application for certificate of title shall be  
21 made within fifteen days of purchase or transfer and  
22 accompanied by a ten dollar title fee and appropriate use tax.

23 2. A commercial motor vehicle issued a certificate of  
24 title under this section shall not be subject to registration  
25 fees until the commercial motor vehicle is driven upon the  
26 highways. The registration fee due shall be prorated for the  
27 remaining unexpired months of the registration year.  
28 Ownership of a the commercial motor vehicle ~~issued-a~~  
29 ~~certificate-of-title-under-this-section~~ shall not be  
30 transferred until registration fees have been paid to the  
31 department.

32 3. ~~The-certificate-of-title-provision-for-commercial-motor~~  
33 ~~vehicles-with-a-gross-vehicle-weight-rating-of-twenty-six~~  
34 ~~thousand-one-pounds-or-more~~ This section shall apply to owners  
35 with fleets of more than fifty commercial motor vehicles based

1 in Iowa under the proportional registration provisions of  
2 chapter 326. The original certificate of title shall be  
3 delivered to the owner if no security interest or encumbrance  
4 appears on the certificate, otherwise the certificate of title  
5 shall be delivered by the department to the person holding the  
6 first security interest or encumbrance as shown on the  
7 certificate of title.

8 Sec. 3. Section 321.69, subsection 3, Code Supplement  
9 1995, is amended to read as follows:

10 3. The damage disclosure statement shall be provided by  
11 the transferor to the transferee at or before the time of  
12 sale. If the transferor is not a resident of this state the  
13 transferee shall not be required to submit a damage disclosure  
14 statement from the transferor with the transferee's  
15 application for title unless the state of the transferor's  
16 residence requires a damage disclosure statement. However,  
17 the transferee shall submit a damage disclosure statement with  
18 the transferee's application for title indicating whether a  
19 salvage or rebuilt title had ever existed for the vehicle,  
20 whether the vehicle had incurred prior damage of three  
21 thousand dollars or more per incident, and the year, make, and  
22 vehicle identification number of the motor vehicle. The  
23 transferee shall not be required to indicate whether the  
24 vehicle had incurred prior damage of three thousand dollars or  
25 more per incident under this subsection if the transferor's  
26 certificate of title is from another state and if it indicates  
27 that the vehicle is salvaged and not rebuilt or is another  
28 state's salvage certificate of title.

29 Sec. 4. Section 321.109, Code 1995, is amended by adding  
30 the following new subsection:

31 NEW SUBSECTION. 3. The owner of an unregistered motor  
32 vehicle or motor vehicle for which the registration is  
33 delinquent, may make application to the county treasurer of  
34 the county of residence or if the unregistered or delinquent  
35 motor vehicle is purchased by a nonresident of the state, to

1 the county treasurer in the county of purchase, for a  
2 temporary thirty-day permit for a fee of twenty-five dollars.  
3 The permit shall authorize the motor vehicle to be driven or  
4 towed upon the highway, but shall not authorize a motor truck  
5 or truck tractor to haul or tow a load. The permit fee shall  
6 not be considered a registration fee or exempt the owner from  
7 payment of all other fees, registration fees, and penalties  
8 due. If the registration fee for the motor vehicle is  
9 delinquent, the registration fee and penalty shall continue to  
10 accrue until paid. The permit fee shall not be prorated,  
11 refunded, or used as credit as provided under section 321.46.  
12 The permit shall be displayed in the upper left-hand corner of  
13 the rear window of all motor vehicles, except motorcycles.  
14 Permits issued for a motorcycle shall be attached to the rear  
15 of the motorcycle.

16 Sec. 5. Section 321.123, unnumbered paragraph 1, Code  
17 Supplement 1995, is amended to read as follows:

18 All trailers except farm trailers and mobile homes, unless  
19 otherwise provided in this section, are subject to a  
20 registration fee of ~~six ten~~ dollars ~~for-trailers-with-a-gross~~  
21 ~~weight-of-one-thousand-pounds-or-less-and-ten-dollars-for~~  
22 ~~other-trailers~~. Trailers for which the empty weight is two  
23 thousand pounds or less are exempt from the certificate of  
24 title and lien provisions of this chapter. Fees collected  
25 under this section shall not be reduced or prorated under  
26 chapter 326.

27 Sec. 6. Section 321.123, subsection 1, unnumbered  
28 paragraph 1, Code Supplement 1995, is amended to read as  
29 follows:

30 Travel trailers and fifth-wheel travel trailers, except  
31 those in manufacturer's or dealer's stock, shall be subject to  
32 an annual fee of twenty cents per square foot of floor space  
33 computed on the exterior overall measurements, but excluding  
34 three feet occupied by any trailer hitch as provided by and  
35 certified to by the owner, to the nearest whole dollar, which

1 amount shall not be prorated or refunded; except the annual  
2 fee for travel trailers of any type, when registered in Iowa  
3 for the first time or when removed from a manufacturer's or  
4 dealer's stock, shall be prorated on a monthly basis. It is  
5 further provided the annual fee thus computed shall be limited  
6 to seventy-five percent of the full fee after the vehicle is  
7 more than six model years old.

8 Sec. 7. Section 321.166, subsection 2, Code 1995, is  
9 amended to read as follows:

10 2. Every registration plate or pair of plates shall  
11 display a registration plate number which shall consist of  
12 alphabetical or numerical characters or a combination thereof  
13 and the name of this state, which may be abbreviated. Every  
14 registration plate issued by the county treasurer shall  
15 display the name of the county ~~except-plates-issued-for-truck~~  
16 ~~tractors,-motorcycles,-motorized-bicycles,-travel-trailers,-~~  
17 ~~semitrailers-and-trailers~~ including any plate issued pursuant  
18 to section 321.34, except Pearl Harbor, purple heart,  
19 collegiate, fire fighter, and congressional medal of honor  
20 registration plates. The-year-of-expiration-or-the-date-of  
21 expiration-shall-be-displayed-on-vehicle-registration-plates,  
22 ~~except-plates-issued-under-section-321.19.~~ Special truck  
23 registration plates shall display the word "special".

24 Sec. 8. Section 321.166, Code 1995, is amended by adding  
25 the following new subsection:

26 NEW SUBSECTION. 9. If the department reissues a new  
27 registration plate design for a special registration plate  
28 under section 321.34, all persons who have purchased or  
29 obtained the special registration plates shall not be required  
30 to pay the issuance fee.

31 Sec. 9. Section 321.176A, subsection 2, Code 1995, is  
32 amended to read as follows:

33 2. A firefighter while operating a fire vehicle for a  
34 volunteer or paid fire organization or a peace officer, as  
35 defined in section 801.4, while operating a commercial motor

1 vehicle for a law enforcement agency under conditions  
2 necessary to preserve life or property or to execute related  
3 governmental functions.

4 Sec. 10. Section 321.181, Code 1995, is amended to read as  
5 follows:

6 321.181 TEMPORARY PERMIT.

7 The department may issue a temporary permit to an applicant  
8 for a motor vehicle license permitting the applicant to  
9 operate a motor vehicle ~~other than a commercial motor vehicle~~  
10 while the department is completing its investigation and  
11 determination of all facts relative to the applicant's  
12 privilege to receive the motor vehicle license. The permit  
13 must be in the applicant's immediate possession while  
14 operating a motor vehicle. The temporary permit shall be  
15 invalid and returned to the department when the applicant's  
16 license is issued or when the license is denied.

17 Sec. 11. Section 321.190, subsection 1, paragraph b, Code  
18 1995, is amended to read as follows:

19 b. The department shall not issue a card to a person  
20 holding a motor vehicle license. However, a card may be  
21 issued to a person holding a temporary permit under section  
22 321.181. The card shall be identical in form to a driver's  
23 license issued under section 321.189 except the word  
24 "nonoperator" shall appear prominently on the face of the  
25 card. A nonoperator's identification card issued to a person  
26 under twenty-one years of age shall include the word "minor"  
27 prominently on the face of the card.

28 Sec. 12. Section 321.191, subsection 9, Code 1995, is  
29 amended to read as follows:

30 9. MOTOR VEHICLE LICENSE REINSTATEMENTS. The fee for  
31 reinstatement of a motor vehicle license shall be twenty  
32 dollars for a license which is, after notice and opportunity  
33 for hearing, canceled, suspended, or revoked, or barred.  
34 However, reinstatement of the privilege suspended under  
35 section 321.210, subsection 1, paragraph "c", shall be without

1 fee. The fee for reinstatement of the privilege to operate a  
2 commercial motor vehicle after a period of disqualification  
3 shall be twenty dollars.

4 Sec. 13. Section 321.208, subsections 7 and 8, Code  
5 Supplement 1995, are amended to read as follows:

6 7. Upon receiving a record of a person's disqualifying  
7 conviction, administrative decision, suspension, or  
8 revocation, the department shall, by rule, without preliminary  
9 hearing and upon twenty thirty days' advance notice,  
10 disqualify the person from operating a commercial motor  
11 vehicle upon a highway.

12 8. A person is disqualified from operating a commercial  
13 motor vehicle if the person either refuses to submit to  
14 chemical testing required under chapter 321J or submits to  
15 chemical testing and the results show an alcohol concentration  
16 as defined in section 321J.1 of 0.04 or more. The department,  
17 upon receipt of the peace officer's certification, subject to  
18 penalty for perjury, that the peace officer had reasonable  
19 grounds to believe the person to have been operating a  
20 commercial motor vehicle with an alcohol concentration of 0.04  
21 or more and that the person refused to submit to the chemical  
22 testing or submitted to chemical testing and the results show  
23 an alcohol concentration as defined in section 321J.1 of 0.04  
24 or more, shall, without preliminary hearing and upon twenty  
25 thirty days' advance notice, disqualify the person from  
26 operating a commercial motor vehicle upon a highway.

27 The effective date of disqualification shall be twenty  
28 thirty days after notification. Immediate notice of  
29 disqualification may be served on a person operating a  
30 commercial motor vehicle who refused to submit to a test or  
31 whose test results indicate an alcohol concentration of 0.04  
32 or more by the peace officer administering the chemical test  
33 or the department may notify the person by certified mail. If  
34 immediate notice is served, the peace officer shall take the  
35 commercial driver's license or permit of the driver, if issued

1 within the state, and issue a temporary commercial driver's  
2 license effective for only twenty thirty days. The peace  
3 officer shall immediately send the person's commercial  
4 driver's license to the department in addition to the  
5 officer's certification required by this subsection.

6 Sec. 14. Section 321.209, unnumbered paragraph 1, Code  
7 1995, is amended to read as follows:

8 The department ~~shall~~, upon twenty thirty days' notice and  
9 without preliminary hearing, shall revoke the license or  
10 operating privilege of an operator upon receiving a record of  
11 the operator's conviction for any of the following offenses,  
12 when such conviction has become final:

13 Sec. 15. Section 321.210, subsection 1, unnumbered  
14 paragraph 2, Code 1995, is amended to read as follows:

15 Prior to a suspension taking effect under paragraph "a",  
16 "b", "c", "d", "e", or "f", the licensee shall have received  
17 twenty thirty days' advance notice of the effective date of  
18 the suspension. Notwithstanding the terms of the Iowa  
19 administrative procedure Act, the filing of a petition for  
20 judicial review shall operate to stay the suspension pending  
21 the determination by the district court.

22 Sec. 16. Section 321.213B, Code 1995, is amended to read  
23 as follows:

24 321.213B ~~REVOCATION~~ SUSPENSION FOR FAILURE TO ATTEND.

25 The department shall establish procedures by rule for  
26 ~~revoking~~ suspending the license of a juvenile who is in  
27 violation of section 299.1B or issuing the juvenile a  
28 temporary restricted license under section 321.215 if the  
29 juvenile is employed at least twenty hours per week.

30 Sec. 17. Section 321.215, subsection 2, unnumbered  
31 paragraph 1, Code Supplement 1995, is amended to read as  
32 follows:

33 Upon conviction and the suspension or revocation of a  
34 person's motor vehicle license under section 321.205 for a  
35 drug or drug-related offense; 321.209, subsection 5, 6, or 8;

1 section 321.210; 321.210A; or 321.513; or upon the denial of  
2 issuance of a motor vehicle license under section 321.560,  
3 based solely on offenses enumerated in section 321.555,  
4 subsection 1, paragraph "c", or section 321.555, subsection 2;  
5 or a juvenile, whose license has been suspended under section  
6 321.213A for a violation of chapter 124 or 453B, or section  
7 126.3, ~~and upon the denial by the director of an application~~  
8 ~~for a temporary restricted license,~~ a person may apply to  
9 petition the district court having jurisdiction for the  
10 residence of the person for a temporary restricted permit to  
11 operate a motor vehicle for the limited purpose or purposes  
12 specified in subsection 1. The petition shall include a  
13 current certified copy of the petitioner's official driving  
14 record issued by the department. The application may be  
15 granted only if all of the following criteria are satisfied:

16 Sec. 18. Section 321.383, subsections 2 and 3, Code 1995,  
17 are amended to read as follows:

18 2. When operated on a highway in this state at a speed of  
19 ~~twenty-five~~ thirty miles per hour or less, every farm tractor,  
20 or tractor with towed equipment, self-propelled implement of  
21 husbandry, road construction or maintenance vehicle, road  
22 grader, horse-drawn vehicle, or any other vehicle principally  
23 designed for use off the highway and any such tractor,  
24 implement, vehicle or grader when manufactured for sale or  
25 sold at retail after the thirty-first of December, 1971, shall  
26 be identified with a reflective device of a type approved by  
27 the director; however, this provision shall not apply to such  
28 vehicles when traveling in any escorted parade. The  
29 reflective device shall be visible from the rear and mounted  
30 in a manner approved by the director. ~~All vehicles specified~~  
31 ~~in this section shall be equipped with such reflective device~~  
32 ~~after the thirty-first of December, 1971.~~ The director, when  
33 approving such the device, shall be guided as far as  
34 practicable by the standards of the American society of  
35 agricultural engineers. No A vehicle, other than those

1 specified in this section, shall not display a reflective  
2 device ~~approved-for-the-use-herein-described~~. On vehicles  
3 ~~specified-herein~~ operating at speeds above ~~twenty-five~~ thirty  
4 miles per hour, the reflective device shall be removed or  
5 hidden from view.

6 3. Garbage collection vehicles, when operated on the  
7 streets or highways of this state at speeds of ~~twenty-five~~  
8 thirty miles per hour or less, may display a reflective device  
9 of a type and in a manner approved by the director. At speeds  
10 in excess of ~~twenty-five~~ thirty miles per hour the device  
11 shall not be visible.

12 Sec. 19. Section 321E.1, unnumbered paragraph 1, Code  
13 1995, is amended to read as follows:

14 The department and local authorities may in their  
15 discretion and upon application and with good cause being  
16 shown issue permits for the movement of construction machinery  
17 or asphalt repavers being temporarily moved on streets, roads  
18 or highways and for vehicles with indivisible loads which  
19 exceed the maximum dimensions and weights specified in  
20 sections 321.452 to 321.466, but not to exceed the limitations  
21 imposed in sections 321E.1 to 321E.15 except as provided in  
22 ~~sections~~ section 321E.29 ~~and-321E-30~~. Vehicles permitted to  
23 transport indivisible loads may exceed the width and length  
24 limitations specified in sections 321.454 and 321.457 for the  
25 purpose of picking up an indivisible load or returning from  
26 delivery of the indivisible load. Permits issued may be  
27 single-trip permits or annual permits. Permits shall be in  
28 writing and shall be carried in the cab of the vehicle for  
29 which the permit has been issued and shall be available for  
30 inspection at all times. The vehicle and load for which the  
31 permit has been issued shall be open to inspection by a peace  
32 officer or an authorized agent of a permit granting authority.  
33 When in the judgment of the issuing authority in cities and  
34 counties the movement of a vehicle with an indivisible load or  
35 construction machinery which exceeds the maximum dimensions

1 and weights will be unduly hazardous to public safety or will  
2 cause undue damage to streets, avenues, boulevards,  
3 thoroughfares, highways, curbs, sidewalks, trees, or other  
4 public or private property, the permit shall be denied and the  
5 reasons for denial endorsed on the application. Permits shall  
6 designate the days when and routes upon which loads and  
7 construction machinery may be moved within a county on other  
8 than primary roads.

9 Sec. 20. Section 321E.7, subsection 2, Code 1995, is  
10 amended to read as follows:

11 2. Special mobile equipment, as defined in section 321.1,  
12 subsection 75, is not subject to the requirements for distance  
13 in feet between the extremes of any group of axles or the  
14 extreme axles of the vehicle or combination of vehicles as  
15 required by this chapter when being moved upon the highways,  
16 ~~except the interstate road system, as defined in section~~  
17 ~~306.37, subsection 4~~ if the operator has a permit issued under  
18 this chapter.

19 Sec. 21. Section 321E.9, subsection 2, Code 1995, is  
20 amended to read as follows:

21 2. Vehicles with indivisible loads exceeding the width,  
22 length, and total gross weight provided in subsection 1, may  
23 be moved in special or emergency situations, provided the  
24 ~~gross weight on any one axle shall not exceed the maximum~~  
25 ~~prescribed in section 321.463~~ permitting authority has  
26 reviewed the route and has approved the movement of the  
27 vehicle and load. The vehicle and load shall be accompanied  
28 by an escort as required by rules adopted pursuant to chapter  
29 17A. The issuing authority may impose any special  
30 restrictions as deemed necessary on movements or exempt  
31 movements from the restrictions of section 321E.11 by permit  
32 under this subsection.

33 Sec. 22. Section 321J.4, subsection 8, Code Supplement  
34 1995, is amended to read as follows:

35 8. A person whose motor vehicle license has either been

1 revoked under this chapter, or revoked or suspended under  
2 chapter 321 solely for violations of this chapter, or who has  
3 been determined to be a habitual offender under chapter 321  
4 based solely on violations of this chapter, and who is not  
5 eligible for a temporary restricted license under this chapter  
6 may petition the court upon the expiration of the minimum  
7 period of ineligibility for a temporary restricted license  
8 provided for under this section or section 321J.9, 321J.12, or  
9 321J.20 for an order to the department to require the  
10 department to issue a temporary restricted license to the  
11 person notwithstanding section 321.560. The petition shall  
12 include a current certified copy of the petitioner's official  
13 driving record issued by the department. Upon the filing of a  
14 petition for a temporary restricted license under this  
15 section, the clerk of the district court in the county where  
16 the violation that resulted in the revocation occurred shall  
17 send notice of the petition to the department and the  
18 prosecuting attorney. The department and the prosecuting  
19 attorney shall each be given an opportunity to respond to and  
20 request a hearing on the petition. The court shall determine  
21 if the temporary restricted license is necessary for the  
22 person to maintain the person's present employment. However,  
23 a temporary restricted license shall not be ordered or issued  
24 for violations of section 321J.2A or to persons under the age  
25 of twenty-one who commit violations under section 321J.2. If  
26 the court determines that the temporary restricted license is  
27 necessary for the person to maintain the person's present  
28 employment, and that the minimum period of ineligibility for  
29 receipt of a temporary license has expired, the court shall  
30 order the department to issue to the person a temporary  
31 restricted license conditioned upon the person's certification  
32 to the court of the installation of approved ignition  
33 interlock devices in all motor vehicles that it is necessary  
34 for the person to operate to maintain the person's present  
35 employment. Section 321.561 does not apply to a person

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

12 Sec. 23. Section 328.26, Code 1995, is amended to read as  
13 follows:

14 328.26 APPLICATION FOR REGISTRATION.

15 Every application for registration pursuant to sections  
16 328.19 to 328.22 shall be made upon such forms, and shall  
17 contain such information, as the department may prescribe, and  
18 every application shall be accompanied by the full amount of  
19 the registration fee.

20 When an aircraft is registered to a person for the first  
21 time the ~~application-for-registration-shall-be-accompanied-by~~  
22 ~~evidence-that~~ fee submitted to the department shall include  
23 the tax imposed by section 422.43 or section 423.2 ~~has-been~~  
24 ~~paid~~ or evidence of the exemption of the aircraft from the tax  
25 imposed under section 422.43 or 423.2.

26 Sec. 24. Section 328.46, Code 1995, is amended to read as  
27 follows:

28 328.46 PENALTY FOR DELAY.

29 If a transfer of ownership of an aircraft subject to  
30 registration is not completed, ~~as-herein-provided,~~ within five  
31 thirty days of the actual change of possession, a penalty of  
32 five dollars shall accrue against ~~said~~ the aircraft and ~~no a~~  
33 certificate of registration ~~therefor~~ shall ~~thereafter-issue~~  
34 not be issued until ~~said~~ the penalty is paid.

35 Sec. 25. Section 328.51, Code 1995, is amended to read as

1 follows:

2 328.51 ACCRUAL OF PENALTY.

3 Failure to register shall be considered delinquent and a  
4 penalty shall accrue from the first day of the second month  
5 following thirty days from the date of the purchase of a new  
6 aircraft or ~~from the first day of the second month following~~  
7 the date an aircraft is brought into the state ~~except as~~  
8 otherwise provided in this chapter.

9 Sec. 26. Sections 321.240 and 321E.30, Code 1995, are  
10 repealed.

11 Sec. 27. EFFECTIVE DATE. Sections 1, 4, 7, and 8 of this  
12 Act take effect January 1, 1997.

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Gettings  
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SSB-2212

Transportation  
Succeeded By  
SF/HF 2266

SENATE FILE  
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 making transportation-related Code changes including  
2 providing for a temporary registration permit, increasing  
3 registration fees for certain trailers, and providing an  
4 effective date.

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

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1 Section 1) Section 321.17, Code 1995, is amended to read  
2 as follows:

3 321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

4 It is a simple misdemeanor ~~punishable-as-provided-in~~  
5 ~~section-321-482~~, for any person to drive or move or for an  
6 owner knowingly to permit to be driven or moved upon any the  
7 highway any a vehicle of a type required to be registered  
8 hereunder under this chapter which is not registered, or for  
9 which the appropriate fee has not been paid ~~when-and-as~~  
10 ~~required-hereunder~~ except as provided in section 321.109,  
11 subsection 3.

12 Sec. 2. Section 321.20A, Code Supplement 1995, is amended  
13 to read as follows:

14 321.20A CERTIFICATE OF TITLE -- COMMERCIAL MOTOR VEHICLES.

15 1. Notwithstanding other provisions of this chapter, the  
16 owner of a commercial motor vehicle with a gross vehicle  
17 weight rating of twenty-six thousand one pounds or more,  
18 subject to the proportional registration provisions of chapter  
19 326, may make application to the department for a certificate  
20 of title. The application for certificate of title shall be  
21 made within fifteen days of purchase or transfer and  
22 accompanied by a ten dollar title fee and appropriate use tax.

23 2. A commercial motor vehicle issued a certificate of  
24 title under this section shall not be subject to registration  
25 fees until the commercial motor vehicle is driven upon the  
26 highways. The registration fee due shall be prorated for the  
27 remaining unexpired months of the registration year.  
28 Ownership of a the commercial motor vehicle ~~issued-a~~  
29 ~~certificate-of-title-under-this-section~~ shall not be  
30 transferred until registration fees have been paid to the  
31 department.

32 3. ~~The-certificate-of-title-provision-for-commercial-motor~~  
33 ~~vehicles-with-a-gross-vehicle-weight-rating-of-twenty-six~~  
34 ~~thousand-one-pounds-or-more~~ This section shall apply to owners  
35 with fleets of more than fifty commercial motor vehicles based

1 in Iowa under the proportional registration provisions of  
2 chapter 326. The original certificate of title shall be  
3 delivered to the owner if no security interest or encumbrance  
4 appears on the certificate, otherwise the certificate of title  
5 shall be delivered by the department to the person holding the  
6 first security interest or encumbrance as shown on the  
7 certificate of title.

8 Sec. 3. Section 321.109, Code 1995, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 3. The owner of an unregistered motor  
11 vehicle or motor vehicle for which the registration is  
12 delinquent, may make application to the county treasurer of  
13 the county of residence or if the unregistered or delinquent  
14 motor vehicle is purchased by a nonresident of the state, to  
15 the county treasurer in the county of purchase, for a  
16 temporary thirty-day permit for a fee of twenty-five dollars.  
17 The permit shall authorize the motor vehicle to be driven or  
18 towed upon the highway, but shall not authorize a motor truck  
19 or truck tractor to haul or tow a load. The permit fee shall  
20 not be considered a registration fee or exempt the owner from  
21 payment of all other fees, registration fees, and penalties  
22 due. If the registration fee for the motor vehicle is  
23 delinquent, the registration fee and penalty shall continue to  
24 accrue until paid. The permit fee shall not be prorated,  
25 refunded, or used as credit as provided under section 321.46.  
26 The permit shall be displayed in the upper left-hand corner of  
27 the rear window of all motor vehicles, except motorcycles.  
28 Permits issued for a motorcycle shall be attached to the rear  
29 of the motorcycle.

30 Sec. 4. Section 321.123, unnumbered paragraph 1, Code  
31 Supplement 1995, is amended to read as follows:

32 All trailers except farm trailers and mobile homes, unless  
33 otherwise provided in this section, are subject to a  
34 registration fee of ~~six~~ ten dollars ~~for-trailers-with-a-gross~~  
35 ~~weight-of-one-thousand-pounds-or-less-and-ten-dollars-for~~

1 other-trailers. Trailers for which the empty weight is two  
2 thousand pounds or less are exempt from the certificate of  
3 title and lien provisions of this chapter. Fees collected  
4 under this section shall not be reduced or prorated under  
5 chapter 326.

6 Sec. 5. Section 321.123, subsection 1, unnumbered  
7 paragraph 1, Code Supplement 1995, is amended to read as  
8 follows:

9 Travel trailers and fifth-wheel travel trailers, except  
10 those in manufacturer's or dealer's stock, shall be subject to  
11 an annual fee of twenty cents per square foot of floor space  
12 computed on the exterior overall measurements, but excluding  
13 three feet occupied by any trailer hitch as provided by and  
14 certified to by the owner, to the nearest whole dollar, which  
15 amount shall not be prorated or refunded; except the annual  
16 fee for travel trailers of any type, when registered in Iowa  
17 for the first time or when removed from a manufacturer's or  
18 dealer's stock, shall be prorated on a monthly basis. It is  
19 further provided the annual fee thus computed shall be limited  
20 to seventy-five percent of the full fee after the vehicle is  
21 more than six model years old.

22 Sec. 6. Section 321.166, subsection 2, Code 1995, is  
23 amended to read as follows:

24 2. Every registration plate or pair of plates shall  
25 display a registration plate number which shall consist of  
26 alphabetical or numerical characters or a combination thereof  
27 and the name of this state, which may be abbreviated. Every  
28 registration plate issued by the county treasurer shall  
29 display the name of the county ~~except-plates-issued-for-truck~~  
30 ~~tractors, motorcycles, motorized bicycles, travel trailers,~~  
31 ~~semitrailers-and-trailers~~ including any plate issued pursuant  
32 to section 321.34, except Pearl Harbor, purple heart,  
33 collegiate, fire fighter, and congressional medal of honor  
34 registration plates. ~~The-year-of-expiration-or-the-date-of~~  
35 ~~expiration-shall-be-displayed-on-vehicle-registration-plates,~~

1 ~~except-plates-issued-under-section-321.19-~~ Special truck  
2 registration plates shall display the word "special".

3 Sec. 7. Section 321.166, Code 1995, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 9. If the department reissues a new  
6 registration plate design for a special registration plate  
7 under section 321.34, all persons who have purchased or  
8 obtained the special registration plates shall not be required  
9 to pay the issuance fee.

10 Sec. 8. Section 321.176A, subsection 2, Code 1995, is  
11 amended to read as follows:

12 2. A firefighter while operating a fire vehicle for a  
13 volunteer or paid fire organization or a peace officer, as  
14 defined in section 801.4, while operating a commercial motor  
15 vehicle for a law enforcement agency under conditions  
16 necessary to preserve life or property or to execute related  
17 governmental functions.

18 Sec. 9. Section 321.181, Code 1995, is amended to read as  
19 follows:

20 321.181 TEMPORARY PERMIT.

21 The department may issue a temporary permit to an applicant  
22 for a motor vehicle license permitting the applicant to  
23 operate a motor vehicle ~~other-than-a-commercial-motor-vehicle~~  
24 while the department is completing its investigation and  
25 determination of all facts relative to the applicant's  
26 privilege to receive the motor vehicle license. The permit  
27 must be in the applicant's immediate possession while  
28 operating a motor vehicle. The temporary permit shall be  
29 invalid and returned to the department when the applicant's  
30 license is issued or when the license is denied.

31 Sec. 10. Section 321.190, subsection 1, paragraph b, Code  
32 1995, is amended to read as follows:

33 b. The department shall not issue a card to a person  
34 holding a motor vehicle license. However, a card may be  
35 issued to a person holding a temporary permit under section

1 321.181. The card shall be identical in form to a driver's  
2 license issued under section 321.189 except the word  
3 "nonoperator" shall appear prominently on the face of the  
4 card. A nonoperator's identification card issued to a person  
5 under twenty-one years of age shall include the word "minor"  
6 prominently on the face of the card.

7 Sec. 11. Section 321.191, subsection 9, Code 1995, is  
8 amended to read as follows:

9 9. MOTOR VEHICLE LICENSE REINSTATEMENTS. The fee for  
10 reinstatement of a motor vehicle license shall be twenty  
11 dollars for a license which is, after notice and opportunity  
12 for hearing, canceled, suspended, ~~or~~ revoked, or barred.  
13 However, reinstatement of the privilege suspended under  
14 section 321.210, subsection 1, paragraph "c", shall be without  
15 fee. The fee for reinstatement of the privilege to operate a  
16 commercial motor vehicle after a period of disqualification  
17 shall be twenty dollars.

18 Sec. 12. Section 321.208, subsections 7 and 8, Code  
19 Supplement 1995, are amended to read as follows:

20 7. Upon receiving a record of a person's disqualifying  
21 conviction, administrative decision, suspension, or  
22 revocation, the department shall, by rule, without preliminary  
23 hearing and upon twenty thirty days' advance notice,  
24 disqualify the person from operating a commercial motor  
25 vehicle upon a highway.

26 8. A person is disqualified from operating a commercial  
27 motor vehicle if the person either refuses to submit to  
28 chemical testing required under chapter 321J or submits to  
29 chemical testing and the results show an alcohol concentration  
30 as defined in section 321J.1 of 0.04 or more. The department,  
31 upon receipt of the peace officer's certification, subject to  
32 penalty for perjury, that the peace officer had reasonable  
33 grounds to believe the person to have been operating a  
34 commercial motor vehicle with an alcohol concentration of 0.04  
35 or more and that the person refused to submit to the chemical

1 testing or submitted to chemical testing and the results show  
2 an alcohol concentration as defined in section 321J.1 of 0.04  
3 or more, shall, without preliminary hearing and upon twenty  
4 thirty days' advance notice, disqualify the person from  
5 operating a commercial motor vehicle upon a highway.

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

20 Sec. 13. Section 321.209, unnumbered paragraph 1, Code  
21 1995, is amended to read as follows:

22 The department shall, upon twenty thirty days' notice and  
23 without preliminary hearing, shall revoke the license or  
24 operating privilege of an operator upon receiving a record of  
25 the operator's conviction for any of the following offenses,  
26 when such conviction has become final:

27 Sec. 14. Section 321.210, subsection 1, unnumbered  
28 paragraph 2, Code 1995, is amended to read as follows:

29 Prior to a suspension taking effect under paragraph "a",  
30 "b", "c", "d", "e", or "f", the licensee shall have received  
31 twenty thirty days' advance notice of the effective date of  
32 the suspension. Notwithstanding the terms of the Iowa  
33 administrative procedure Act, the filing of a petition for  
34 judicial review shall operate to stay the suspension pending  
35 the determination by the district court.

1 Sec. 15. Section 321.213B, Code 1995, is amended to read  
2 as follows:

3 321.213B REVOCATION SUSPENSION FOR FAILURE TO ATTEND.

4 The department shall establish procedures by rule for  
5 ~~revoking~~ suspending the license of a juvenile who is in  
6 violation of section 299.1B or issuing the juvenile a  
7 temporary restricted license under section 321.215 if the  
8 juvenile is employed at least twenty hours per week.

9 Sec. 16. Section 321.215, subsection 2, unnumbered  
10 paragraph 1, Code Supplement 1995, is amended to read as  
11 follows:

12 Upon conviction and the suspension or revocation of a  
13 person's motor vehicle license under section 321.205 for a  
14 drug or drug-related offense; 321.209, subsection 5, 6, or 8;  
15 section 321.210; 321.210A; or 321.513; or upon the denial of  
16 issuance of a motor vehicle license under section 321.560,  
17 based solely on offenses enumerated in section 321.555,  
18 subsection 1, paragraph "c", or section 321.555, subsection 2;  
19 or a juvenile, whose license has been suspended under section  
20 321.213A for a violation of chapter 124 or 453B, or section  
21 126.3, ~~and-upon-the-denial-by-the-director-of-an-application~~  
22 ~~for-a-temporary-restricted-license,~~ a person may ~~apply-to~~  
23 petition the district court having jurisdiction for the  
24 residence of the person for a temporary restricted permit to  
25 operate a motor vehicle for the limited purpose or purposes  
26 specified in subsection 1. The petition shall include a  
27 current certified copy of the petitioner's official driving  
28 record issued by the department. The application may be  
29 granted only if all of the following criteria are satisfied:

30 Sec. 17. Section 321.383, subsections 2 and 3, Code 1995,  
31 are amended to read as follows:

32 2. When operated on a highway in this state at a speed of  
33 ~~twenty-five~~ thirty miles per hour or less, every farm tractor,  
34 or tractor with towed equipment, self-propelled implement of  
35 husbandry, road construction or maintenance vehicle, road

1 grader, horse-drawn vehicle, or any other vehicle principally  
2 designed for use off the highway and any such tractor,  
3 implement, vehicle or grader when manufactured for sale or  
4 sold at retail after the thirty-first of December, 1971, shall  
5 be identified with a reflective device of a type approved by  
6 the director; however, this provision shall not apply to such  
7 vehicles when traveling in any escorted parade. The  
8 reflective device shall be visible from the rear and mounted  
9 in a manner approved by the director. ~~All vehicles specified~~  
10 ~~in this section shall be equipped with such reflective device~~  
11 ~~after the thirty-first of December, 1971.~~ The director, when  
12 approving such the device, shall be guided as far as  
13 practicable by the standards of the American society of  
14 agricultural engineers. No A vehicle, other than those  
15 specified in this section, shall not display a reflective  
16 device ~~approved for the use herein described.~~ On vehicles  
17 ~~specified herein~~ operating at speeds above ~~twenty-five~~ thirty  
18 miles per hour, the reflective device shall be removed or  
19 hidden from view.

20 3. Garbage collection vehicles, when operated on the  
21 streets or highways of this state at speeds of ~~twenty-five~~  
22 thirty miles per hour or less, may display a reflective device  
23 of a type and in a manner approved by the director. At speeds  
24 in excess of ~~twenty-five~~ thirty miles per hour the device  
25 shall not be visible.

26 Sec. 18. Section 321E.1, unnumbered paragraph 1, Code  
27 1995, is amended to read as follows:

28 The department and local authorities may in their  
29 discretion and upon application and with good cause being  
30 shown issue permits for the movement of construction machinery  
31 or asphalt repavers being temporarily moved on streets, roads  
32 or highways and for vehicles with indivisible loads which  
33 exceed the maximum dimensions and weights specified in  
34 sections 321.452 to 321.466, but not to exceed the limitations  
35 imposed in sections 321E.1 to 321E.15 except as provided in

1 ~~sections~~ section 321E.29 and-321E-30. Vehicles permitted to  
2 transport indivisible loads may exceed the width and length  
3 limitations specified in sections 321.454 and 321.457 for the  
4 purpose of picking up an indivisible load or returning from  
5 delivery of the indivisible load. Permits issued may be  
6 single-trip permits or annual permits. Permits shall be in  
7 writing and shall be carried in the cab of the vehicle for  
8 which the permit has been issued and shall be available for  
9 inspection at all times. The vehicle and load for which the  
10 permit has been issued shall be open to inspection by a peace  
11 officer or an authorized agent of a permit granting authority.  
12 When in the judgment of the issuing authority in cities and  
13 counties the movement of a vehicle with an indivisible load or  
14 construction machinery which exceeds the maximum dimensions  
15 and weights will be unduly hazardous to public safety or will  
16 cause undue damage to streets, avenues, boulevards,  
17 thoroughfares, highways, curbs, sidewalks, trees, or other  
18 public or private property, the permit shall be denied and the  
19 reasons for denial endorsed on the application. Permits shall  
20 designate the days when and routes upon which loads and  
21 construction machinery may be moved within a county on other  
22 than primary roads.

23 Sec. 19. Section 321E.7, subsection 2, Code 1995, is  
24 amended to read as follows:

25 2. Special mobile equipment, as defined in section 321.1,  
26 subsection 75, is not subject to the requirements for distance  
27 in feet between the extremes of any group of axles or the  
28 extreme axles of the vehicle or combination of vehicles as  
29 required by this chapter when being moved upon the highways,  
30 ~~except-the-interstate-road-system, as-defined-in-section~~  
31 306-37-subsection-4 if the operator has a permit issued under  
32 this chapter.

33 Sec. 20. Section 321E.9, subsection 2, Code 1995, is  
34 amended to read as follows:

35 2. Vehicles with indivisible loads exceeding the width,

1 length, and total gross weight provided in subsection 1, may  
2 be moved in special or emergency situations, provided the  
3 ~~gross-weight-on-any-one-axle-shall-not-exceed-the-maximum~~  
4 ~~prescribed-in-section-321-463~~ permitting authority has  
5 reviewed the route and has approved the movement of the  
6 vehicle and load. The vehicle and load shall be accompanied  
7 by an escort as required by rules adopted pursuant to chapter  
8 17A. The issuing authority may impose any special  
9 restrictions as deemed necessary on movements or exempt  
10 movements from the restrictions of section 321E.11 by permit  
11 under this subsection.

12 Sec. 21. Section 321J.4, subsection 8, Code Supplement  
13 1995, is amended to read as follows:

14 8. A person whose motor vehicle license has either been  
15 revoked under this chapter, or revoked or suspended under  
16 chapter 321 solely for violations of this chapter, or who has  
17 been determined to be a habitual offender under chapter 321  
18 based solely on violations of this chapter, and who is not  
19 eligible for a temporary restricted license under this chapter  
20 may petition the court upon the expiration of the minimum  
21 period of ineligibility for a temporary restricted license  
22 provided for under this section or section 321J.9, 321J.12, or  
23 321J.20 for an order to the department to require the  
24 department to issue a temporary restricted license to the  
25 person notwithstanding section 321.560. The petition shall  
26 include a current certified copy of the petitioner's official  
27 driving record issued by the department. Upon the filing of a  
28 petition for a temporary restricted license under this  
29 section, the clerk of the district court in the county where  
30 the violation that resulted in the revocation occurred shall  
31 send notice of the petition to the department and the  
32 prosecuting attorney. The department and the prosecuting  
33 attorney shall each be given an opportunity to respond to and  
34 request a hearing on the petition. The court shall determine  
35 if the temporary restricted license is necessary for the

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

26 Sec. 22. Section 328.26, Code 1995, is amended to read as  
27 follows:

28 328.26 APPLICATION FOR REGISTRATION.

29 Every application for registration pursuant to sections  
30 328.19 to 328.22 shall be made upon such forms, and shall  
31 contain such information, as the department may prescribe, and  
32 every application shall be accompanied by the full amount of  
33 the registration fee.

34 When an aircraft is registered to a person for the first  
35 time the ~~application-for-registration-shall-be-accompanied-by~~

1 ~~evidence-that~~ fee submitted to the department shall include  
2 the tax imposed by section 422.43 or section 423.2 has been  
3 paid or evidence of the exemption of the aircraft from the tax  
4 imposed under section 422.43 or 423.2.

5 Sec. 23. Section 328.46, Code 1995, is amended to read as  
6 follows:

7 328.46 PENALTY FOR DELAY.

8 If a transfer of ownership of an aircraft subject to  
9 registration is not completed~~,--as-herein-provided,~~ within five  
10 thirty days of the actual change of possession, a penalty of  
11 five dollars shall accrue against ~~said~~ the aircraft and ~~no~~ a  
12 certificate of registration ~~therefor~~ shall ~~thereafter-issue~~  
13 not be issued until ~~said~~ the penalty is paid.

14 Sec. 24. Section 328.51, Code 1995, is amended to read as  
15 follows:

16 328.51 ACCRUAL OF PENALTY.

17 Failure to register shall be considered delinquent and a  
18 penalty shall accrue ~~from~~ the first day of the second month  
19 following thirty days from the date of the purchase of a new  
20 aircraft or ~~from-the-first-day-of-the-second-month-following~~  
21 the date an aircraft is brought into the state~~,--except-as~~  
22 ~~otherwise-provided-in-this-chapter.~~

23 Sec. 25. Sections 321.240 and 321E.30, Code 1995, are  
24 repealed.

25 Sec. 26. EFFECTIVE DATE. Sections 1, 3, 6, and 7 of this  
26 Act take effect January 1, 1997.

27 EXPLANATION

28 The bill amends sections 321.17 and 321.109 to allow the  
29 owner of an unregistered vehicle or a vehicle for which  
30 payment of the registration fee is delinquent to obtain a 30  
31 day permit to operate the vehicle for a fee of \$25. These  
32 sections are effective January 1, 1997.

33 Section 321.20A allows for the issuance of a certificate of  
34 title for a commercial motor vehicle, but delays the payment  
35 of registration fees until the commercial motor vehicle is

1 driven upon the highway. This bill substitutes the term  
2 commercial vehicle for commercial motor vehicle which broadens  
3 the category of vehicles which will be eligible to receive a  
4 certificate of title under section 321.20A, specifically it  
5 allows for the issuance of a certificate of title for  
6 trailers.

7 Section 321.123 is amended to provide that the registration  
8 fee for trailers is \$10. Current law provides that trailers  
9 with a gross weight of 1,000 pounds or less are \$6 and that  
10 all other trailers are \$10.

11 Section 321.166 is amended to provide that all registration  
12 plates except Pearl Harbor, purple heart, collegiate, fire  
13 fighter, and congressional medal of honor registration plates  
14 must have the name of the county in which the vehicle is  
15 registered displayed on the plate but exempts persons who have  
16 special registration plates from payment of the issuance fee  
17 upon reissuance by the department. These sections are  
18 effective January 1, 1997.

19 Section 321.176A exempts a peace officer from the  
20 commercial driver's license requirements if the officer is  
21 operating a commercial motor vehicle for a law enforcement  
22 agency under conditions necessary to preserve life or property  
23 or to execute related governmental functions.

24 Section 321.181 is amended by striking the prohibition  
25 against operating a commercial motor vehicle when a person has  
26 been issued a temporary permit valid for the time period  
27 during which the state department of transportation is  
28 completing its investigation and determination of facts  
29 relative to the applicant's privilege to receive a motor  
30 vehicle license.

31 Section 321.190 is amended to allow a person who has been  
32 issued a temporary permit enabling the person to operate a  
33 motor vehicle while the department is investigating whether to  
34 issue the person a motor vehicle license to also be issued a  
35 nonoperator's identification card. Current law prohibits a

1 person from having both a motor vehicle license and a  
2 nonoperator's identification card.

3 Section 321.191 provides that the fee for reinstatement of  
4 a motor vehicle license after the license has been barred is  
5 \$20.

6 Sections 321.208, 321.209, and 321.210 are amended to  
7 expand the advance notice period the state department of  
8 transportation is required to provide before disqualifying a  
9 person from operating a commercial motor vehicle upon the  
10 highway or revoking or suspending a person's motor vehicle  
11 license or operating privileges from 20 days to 30 days.

12 Section 321.213B is a technical change in terminology from  
13 revocation to suspension in reference to revocation of a  
14 juvenile's motor vehicle license for failure to attend school  
15 under section 299.1B.

16 Sections 321.215 and 321J.4 are amended to require that a  
17 petitioner to the district court for a temporary restricted  
18 permit provide a current certified copy of the petitioner's  
19 official driving record issued by the state department of  
20 transportation with the petition.

21 Section 321.383 currently requires that certain slow moving  
22 vehicles when operated on a highway at a speed of 25 miles per  
23 hour or less be identified with a reflective device. This  
24 bill changes the speed limit to 30 miles per hour.

25 Section 321E.7 exempts special mobile equipment from the  
26 requirements for distance in feet between axles when being  
27 moved upon the highway, except for movement upon the  
28 interstate road system. This bill allows exemption from the  
29 distance requirements if the operator has been issued a permit  
30 under chapter 321E.

31 Section 321E.9 is amended to allow vehicles with  
32 indivisible loads exceeding certain width, length, and weight  
33 limitations to be moved in special or emergency situations if  
34 the permitting authority has reviewed the route and has  
35 approved the movement of the vehicle and the load and allows

1 the permitting authority to exempt the vehicle movement from  
2 the restrictions contained in section 321E.11, which prohibit  
3 movement on memorial day, independence day, and labor day.

4 Sections 328.26 is amended to provide that aircraft  
5 registration include taxes imposed under section 422.43 or  
6 section 423.2, if the tax has not already been paid or that  
7 proof of payment be submitted in addition to the registration  
8 fee. Section 328.46 increases the time before the \$5 penalty  
9 accrues from five days to 30 days for failing to transfer  
10 ownership of an aircraft subject to registration. Section  
11 328.51 provides that the accrual of a penalty for failure to  
12 register begins 30 days from the first day of the month  
13 following the purchase of the new aircraft or the date the  
14 aircraft is brought into the state.

15 Finally, sections 321.240 and 321E.30 are repealed.  
16 Section 321.240 prohibits operation or use of a vehicle if the  
17 center of gravity on the vehicle has been altered. Section  
18 321E.30 requires that a verification of the issuance of a  
19 permit to move a mobile home be sent to the county treasurer  
20 of the county of final destination and that a \$1 fee be paid  
21 to cover the cost of the service.

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SENATE FILE 2266

AN ACT

MAKING TRANSPORTATION-RELATED CODE CHANGES INCLUDING PROVIDING FOR A TEMPORARY REGISTRATION PERMIT, INCREASING REGISTRATION FEES FOR CERTAIN TRAILERS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 321.17, Code 1995, is amended to read as follows:

321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

It is a simple misdemeanor ~~punishable as provided in section 321.402~~ for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any the highway any a vehicle of a type required to be registered hereunder under this chapter which is not registered, or for which the appropriate fee has not been paid ~~when and as required hereunder~~ except as provided in section 321.109, subsection 3.

Sec. 2. Section 321.20A, Code Supplement 1995, is amended to read as follows:

321.20A CERTIFICATE OF TITLE -- COMMERCIAL MOTOR VEHICLES.

1. Notwithstanding other provisions of this chapter, the owner of a commercial motor vehicle ~~with a gross vehicle weight rating of twenty-six thousand one pounds or more~~, subject to the proportional registration provisions of chapter 326, may make application to the department for a certificate of title. The application for certificate of title shall be made within fifteen days of purchase or transfer and accompanied by a ten dollar title fee and appropriate use tax.

2. A commercial motor vehicle issued a certificate of title under this section shall not be subject to registration fees until the commercial motor vehicle is driven upon the highways. The registration fee due shall be prorated for the

remaining unexpired months of the registration year. Ownership of a the commercial motor vehicle ~~issued a certificate of title under this section~~ shall not be transferred until registration fees have been paid to the department.

3. ~~The certificate of title provision for commercial motor vehicles with a gross vehicle weight rating of twenty-six thousand one pounds or more~~ This section shall apply to owners with fleets of more than fifty commercial motor vehicles based in Iowa under the proportional registration provisions of chapter 326. The original certificate of title shall be delivered to the owner if no security interest or encumbrance appears on the certificate, otherwise the certificate of title shall be delivered by the department to the person holding the first security interest or encumbrance as shown on the certificate of title.

Sec. 3. Section 321.69, subsection 3, Code Supplement 1995, is amended to read as follows:

3. The damage disclosure statement shall be provided by the transferor to the transferee at or before the time of sale. If the transferor is not a resident of this state the transferee shall not be required to submit a damage disclosure statement from the transferor with the transferee's application for title unless the state of the transferor's residence requires a damage disclosure statement. However, the transferee shall submit a damage disclosure statement with the transferee's application for title indicating whether a salvage or rebuilt title had ever existed for the vehicle, whether the vehicle had incurred prior damage of three thousand dollars or more per incident, and the year, make, and vehicle identification number of the motor vehicle. The transferee shall not be required to indicate whether the vehicle had incurred prior damage of three thousand dollars or more per incident under this subsection if the transferor's certificate of title is from another state and if it indicates that the vehicle is salvaged and not rebuilt or is another state's salvage certificate of title.

Sec. 4. Section 321.109, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The owner of an unregistered motor vehicle or motor vehicle for which the registration is delinquent, may make application to the county treasurer of the county of residence or if the unregistered or delinquent motor vehicle is purchased by a nonresident of the state, to the county treasurer in the county of purchase, for a temporary thirty-day permit for a fee of twenty-five dollars. The permit shall authorize the motor vehicle to be driven or towed upon the highway, but shall not authorize a motor truck or truck tractor to haul or tow a load. The permit fee shall not be considered a registration fee or exempt the owner from payment of all other fees, registration fees, and penalties due. If the registration fee for the motor vehicle is delinquent, the registration fee and penalty shall continue to accrue until paid. The permit fee shall not be prorated, refunded, or used as credit as provided under section 321.46. The permit shall be displayed in the upper left-hand corner of the rear window of all motor vehicles, except motorcycles. Permits issued for a motorcycle shall be attached to the rear of the motorcycle.

Sec. 5. Section 321.123, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

All trailers except farm trailers and mobile homes, unless otherwise provided in this section, are subject to a registration fee of six ten dollars for trailers with a gross weight of one thousand pounds or less and ten dollars for other trailers. Trailers for which the empty weight is two thousand pounds or less are exempt from the certificate of title and lien provisions of this chapter. Fees collected under this section shall not be reduced or prorated under chapter 326.

Sec. 6. Section 321.123, subsection 1, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

Travel trailers and fifth-wheel travel trailers, except those in manufacturer's or dealer's stock, shall be subject to an annual fee of twenty cents per square foot of floor space computed on the exterior overall measurements, but excluding three feet occupied by any trailer hitch as provided by and certified to by the owner, to the nearest whole dollar, which amount shall not be prorated or refunded; except the annual fee for travel trailers of any type, when registered in Iowa for the first time or when removed from a manufacturer's or dealer's stock, shall be prorated on a monthly basis. It is further provided the annual fee thus computed shall be limited to seventy-five percent of the full fee after the vehicle is more than six model years old.

Sec. 7. Section 321.166, subsection 2, Code 1995, is amended to read as follows:

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county ~~except plates issued for truck tractors, motorcycles, motorized bicycles, travel trailers, semitrailers and trailers~~ including any plate issued pursuant to section 321.34, except Pearl Harbor, purple heart, collegiate, fire fighter, and congressional medal of honor registration plates. ~~The year of expiration or the date of expiration shall be displayed on vehicle registration plates, except plates issued under section 321.19.~~ Special truck registration plates shall display the word "special".

Sec. 8. Section 321.166, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 9. If the department reissues a new registration plate design for a special registration plate under section 321.34, all persons who have purchased or obtained the special registration plates shall not be required to pay the issuance fee.

Sec. 9. Section 321.176A, subsection 2, Code 1995, is amended to read as follows:

2. A firefighter while operating a fire vehicle for a volunteer or paid fire organization or a peace officer, as defined in section 801.4, while operating a commercial motor vehicle for a law enforcement agency under conditions necessary to preserve life or property or to execute related governmental functions.

Sec. 10. Section 321.181, Code 1995, is amended to read as follows:

321.181 TEMPORARY PERMIT.

The department may issue a temporary permit to an applicant for a motor vehicle license permitting the applicant to operate a motor vehicle ~~other than a commercial motor vehicle~~ while the department is completing its investigation and determination of all facts relative to the applicant's privilege to receive the motor vehicle license. The permit must be in the applicant's immediate possession while operating a motor vehicle. The temporary permit shall be invalid and returned to the department when the applicant's license is issued or when the license is denied.

Sec. 11. Section 321.190, subsection 1, paragraph b, Code 1995, is amended to read as follows:

b. The department shall not issue a card to a person holding a motor vehicle license. However, a card may be issued to a person holding a temporary permit under section 321.181. The card shall be identical in form to a driver's license issued under section 321.189 except the word "nonoperator" shall appear prominently on the face of the card. A nonoperator's identification card issued to a person under twenty-one years of age shall include the word "minor" prominently on the face of the card.

Sec. 12. Section 321.191, subsection 9, Code 1995, is amended to read as follows:

9. MOTOR VEHICLE LICENSE REINSTATEMENTS. The fee for reinstatement of a motor vehicle license shall be twenty

dollars for a license which is, after notice and opportunity for hearing, canceled, suspended, or revoked, or barred. However, reinstatement of the privilege suspended under section 321.210, subsection 1, paragraph "c", shall be without fee. The fee for reinstatement of the privilege to operate a commercial motor vehicle after a period of disqualification shall be twenty dollars.

Sec. 13. Section 321.208, subsections 7 and 8, Code Supplement 1995, are amended to read as follows:

7. Upon receiving a record of a person's disqualifying conviction, administrative decision, suspension, or revocation, the department shall, by rule, without preliminary hearing and upon twenty thirty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway.

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

The effective date of disqualification shall be twenty thirty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test

or the department may notify the person by certified mail. If immediate notice is served, the peace officer shall take the commercial driver's license or permit of the driver, if issued within the state, and issue a temporary commercial driver's license effective for only twenty thirty days. The peace officer shall immediately send the person's commercial driver's license to the department in addition to the officer's certification required by this subsection.

Sec. 14. Section 321.209, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The department ~~shall~~, upon twenty thirty days' notice and without preliminary hearing, shall revoke the license or operating privilege of an operator upon receiving a record of the operator's conviction for any of the following offenses, when such conviction has become final:

Sec. 15. Section 321.210, subsection 1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

Prior to a suspension taking effect under paragraph "a", "b", "c", "d", "e", or "f", the licensee shall have received twenty thirty days' advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, the filing of a petition for judicial review shall operate to stay the suspension pending the determination by the district court.

Sec. 16. Section 321.213B, Code 1995, is amended to read as follows:

321.213B REVOCATION SUSPENSION FOR FAILURE TO ATTEND.

The department shall establish procedures by rule for revoking suspending the license of a juvenile who is in violation of section 299.1B or issuing the juvenile a temporary restricted license under section 321.215 if the juvenile is employed at least twenty hours per week.

Sec. 17. Section 321.215, subsection 2, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's motor vehicle license under section 321.205 for a drug or drug-related offense; 321.209, subsection 5, 6, or 8; section 321.210; 321.210A; or 321.513; or upon the denial of issuance of a motor vehicle license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or a juvenile, whose license has been suspended under section 321.213A for a violation of chapter 124 or 453B, or section 126.3, ~~and upon the denial by the director of an application for a temporary restricted license,~~ a person may apply to petition the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. The application may be granted only if all of the following criteria are satisfied:

Sec. 18. Section 321.383, subsections 2 and 3, Code 1995, are amended to read as follows:

2. When operated on a highway in this state at a speed of twenty-five thirty miles per hour or less, every farm tractor, or tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, horse-drawn vehicle, or any other vehicle principally designed for use off the highway and any such tractor, implement, vehicle or grader when manufactured for sale or sold at retail after the thirty-first of December, 1971, shall be identified with a reflective device of a type approved by the director; however, this provision shall not apply to such vehicles when traveling in any escorted parade. The reflective device shall be visible from the rear and mounted in a manner approved by the director. ~~All vehicles specified in this section shall be equipped with such reflective device after the thirty-first of December, 1971.~~ The director, when approving such the device, shall be guided as far as

practicable by the standards of the American society of agricultural engineers. No A vehicle, other than those specified in this section, shall not display a reflective device ~~approved-for-the-use-herein-described~~. On vehicles ~~specified-herein~~ operating at speeds above twenty-five thirty miles per hour, the reflective device shall be removed or hidden from view.

3. Garbage collection vehicles, when operated on the streets or highways of this state at speeds of twenty-five thirty miles per hour or less, may display a reflective device of a type and in a manner approved by the director. At speeds in excess of twenty-five thirty miles per hour the device shall not be visible.

Sec. 19. Section 321E.1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The department and local authorities may in their discretion and upon application and with good cause being shown issue permits for the movement of construction machinery or asphalt repavers being temporarily moved on streets, roads or highways and for vehicles with indivisible loads which exceed the maximum dimensions and weights specified in sections 321.452 to 321.466, but not to exceed the limitations imposed in sections 321E.1 to 321E.15 except as provided in sections section 321E.29 and-321E-30. Vehicles permitted to transport indivisible loads may exceed the width and length limitations specified in sections 321.454 and 321.457 for the purpose of picking up an indivisible load or returning from delivery of the indivisible load. Permits issued may be single-trip permits or annual permits. Permits shall be in writing and shall be carried in the cab of the vehicle for which the permit has been issued and shall be available for inspection at all times. The vehicle and load for which the permit has been issued shall be open to inspection by a peace officer or an authorized agent of a permit granting authority. When in the judgment of the issuing authority in cities and counties the movement of a vehicle with an indivisible load or

construction machinery which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees, or other public or private property, the permit shall be denied and the reasons for denial endorsed on the application. Permits shall designate the days when and routes upon which loads and construction machinery may be moved within a county on other than primary roads.

Sec. 20. Section 321E.7, subsection 2, Code 1995, is amended to read as follows:

2. Special mobile equipment, as defined in section 321.1, subsection 75, is not subject to the requirements for distance in feet between the extremes of any group of axles or the extreme axles of the vehicle or combination of vehicles as required by this chapter when being moved upon the highways, ~~except-the-interstate-road-system-as-defined-in-section 306-3-subsection-4~~ if the operator has a permit issued under this chapter.

Sec. 21. Section 321E.9, subsection 2, Code 1995, is amended to read as follows:

2. Vehicles with indivisible loads exceeding the width, length, and total gross weight provided in subsection 1, may be moved in special or emergency situations, provided the ~~gross-weight-on-any-one-axle-shall-not-exceed-the-maximum prescribed-in-section-321-463~~ permitting authority has reviewed the route and has approved the movement of the vehicle and load. The vehicle and load shall be accompanied by an escort as required by rules adopted pursuant to chapter 17A. The issuing authority may impose any special restrictions as deemed necessary on movements or exempt movements from the restrictions of section 321E.11 by permit under this subsection.

Sec. 22. 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. The petition shall include a current certified copy of the petitioner's official driving record issued by the department. 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 of section 321J.2A or to persons under the age of twenty-one who commit violations under section 321J.2. 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. 23. Section 328.26, Code 1995, is amended to read as follows:

328.26 APPLICATION FOR REGISTRATION.

Every application for registration pursuant to sections 328.19 to 328.22 shall be made upon such forms, and shall contain such information, as the department may prescribe, and every application shall be accompanied by the full amount of the registration fee.

When an aircraft is registered to a person for the first time ~~the application for registration shall be accompanied by evidence that~~ fee submitted to the department shall include the tax imposed by section 422.43 or section 423.2 ~~has been paid~~ or evidence of the exemption of the aircraft from the tax imposed under section 422.43 or 423.2.

Sec. 24. Section 328.46, Code 1995, is amended to read as follows:

328.46 PENALTY FOR DELAY.

If a transfer of ownership of an aircraft subject to registration is not completed, ~~as herein provided,~~ within five ~~thirty~~ days of the actual change of possession, a penalty of five dollars shall accrue against ~~said the~~ aircraft and no a certificate of registration ~~therefor shall thereafter issue~~ not be issued until ~~said the~~ penalty is paid.

Sec. 25. Section 328.51, Code 1995, is amended to read as follows:

328.51 ACCRUAL OF PENALTY.

Failure to register shall be considered delinquent and a penalty shall accrue from the first day of the second month following thirty days from the date of the purchase of a new aircraft or from the first day of the second month following the date an aircraft is brought into the state except as otherwise provided in this chapter.

Sec. 26. Sections 321.240 and 321E.30, Code 1995, are repealed.

Sec. 27. EFFECTIVE DATE. Sections 1, 4, 7, and 8 of this Act take effect January 1, 1997.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2266, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved 4/23, 1996

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TERRY E. BRANSTAD  
Governor

SF 2266