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SSB - 3148
Transportation

Succeeded By
SENATE/HOUSE FILE SE/HF 2313
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

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

A BILL FOR

1 An Act relating to motor vehicles, including driver licensing,
2 the use of child restraints and safety belts for children, and
3 the designation of vehicles as authorized emergency vehicles,
4 and making a penalty applicable.

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

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1 Section 1. Section 321.1, subsection 6, Code Supplement
2 1999, is amended to read as follows:

3 6. "Authorized emergency vehicle" means vehicles of the
4 fire department, police vehicles, ambulances, and emergency
5 vehicles owned by the United States, this state, or any
6 subdivision of this state, or any municipality of this state,
7 and privately owned ambulances, and fire, rescue, or disaster
8 vehicles as are designated or authorized by the director of
9 transportation under section 321.451.

10 Sec. 2. Section 321.11, Code Supplement 1999, is amended
11 to read as follows:

12 321.11 RECORDS OF DEPARTMENT.

13 1. All records of the department, other than those made
14 confidential or not permitted to be open in accordance with 18
15 U.S.C. § 2721 et seq., adopted as of a specific date by rule
16 of the department, shall be open to public inspection during
17 office hours.

18 2. ~~Personal~~ Notwithstanding subsection 1, personal
19 information shall not be disclosed to a requestor if unless
20 the ~~individual~~ person whose personal information is requested
21 ~~has not elected to prohibit disclosure of the information to~~
22 ~~the general public~~ provided express written consent allowing
23 disclosure of the person's personal information. ~~The~~
24 ~~department shall give notice in a clear and conspicuous manner~~
25 ~~on forms for issuance or renewal of driver's licenses, titles,~~
26 ~~registrations, or nonoperator's identification cards that~~
27 ~~personal information collected by the department may be~~
28 ~~disclosed to any person.~~ ~~The department shall provide in a~~
29 ~~clear and conspicuous manner on these forms an opportunity for~~
30 ~~an individual to prohibit disclosure of personal information~~
31 ~~to the general public.~~ As used in this paragraph section,
32 "personal information" means information that identifies a
33 person, including a person's photograph, social security
34 number, driver's license number, name, address, telephone
35 number, and medical or disability information, but does not

1 include information on vehicular accidents, driving
2 violations, and driver's status or a person's zip code.

3 3. Notwithstanding other provisions of this section to the
4 contrary, the department shall not release personal
5 information to a person, other than to an officer or employee
6 of a law enforcement agency, an employee of a federal or state
7 agency or political subdivision in the performance of the
8 employee's official duties, a contract employee of the
9 department of inspections and appeals in the conduct of an
10 investigation, or a licensed private investigation agency or a
11 licensed security service or a licensed employee of either, if
12 the information is requested by the presentation of a
13 registration plate number. In addition, an officer or
14 employee of a law enforcement agency may release the name,
15 address, and telephone number of a motor vehicle registrant to
16 a person requesting the information by the presentation of a
17 registration plate number if the officer or employee of the
18 law enforcement agency believes that the release of the
19 information is necessary in the performance of the officer's
20 or employee's duties.

21 4. The department shall not sell personal information
22 which is in the form of a person's photograph or digital image
23 or a digital reproduction of a person's photograph, regardless
24 of whether ~~an individual~~ a person has ~~elected-to-prohibit~~
25 provided express written consent to disclosure of the
26 information ~~to-the-general-public~~. This paragraph subsection
27 does not prohibit the department from collecting reasonable
28 fees for copies of records or other services provided pursuant
29 to section 22.3, 321.10, or 622.46.

30 Sec. 3. Section 321.208, subsection 1, Code Supplement
31 1999, is amended by adding the following new paragraph:

32 NEW PARAGRAPH. f. Operating a commercial motor vehicle
33 while any amount of a controlled substance is present in the
34 person, as measured in the person's blood or urine.

35 Sec. 4. Section 321.210D, subsection 2, Code 1999, is

1 amended to read as follows:

2 2. Upon receiving notice from the clerk of the district
3 court that an indictment or information has been filed
4 charging an operator with homicide by vehicle under section
5 707.6A, subsection 1, ~~and if the person's license has not~~
6 ~~previously been suspended under chapter 321.57, or under section~~
7 ~~707.6A, subsection 1~~ or 2, the department shall notify the
8 person that the person's driver's license will be suspended
9 effective ten days from the date of issuance of the notice.
10 The department shall adopt rules relating to the suspension of
11 the license of an operator pursuant to this section which
12 shall include, but are not limited to, procedures for the
13 surrender of the person's license to the department upon the
14 effective date of the suspension.

15 Sec. 5. Section 321.215, subsection 1, unnumbered
16 paragraph 1, Code 1999, is amended to read as follows:

17 The department, on application, may issue a temporary
18 restricted license to a person whose noncommercial driver's
19 license is suspended or revoked under this chapter, allowing
20 the person to drive to and from the person's home and
21 specified places at specified times which can be verified by
22 the department and which are required by any of the following:

23 Sec. 6. Section 321.215, subsection 2, unnumbered
24 paragraph 1, Code 1999, is amended to read as follows:

25 Upon conviction and the suspension or revocation of a
26 person's noncommercial driver's license under section 321.209,
27 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
28 upon revocation pursuant to a court order issued under section
29 901.5, subsection 10; or upon the denial of issuance of a
30 noncommercial driver's license under section 321.560, based
31 solely on offenses enumerated in section 321.555, subsection
32 1, paragraph "c", or section 321.555, subsection 2; or a
33 juvenile, whose license has been suspended or revoked pursuant
34 to a dispositional order under section 232.52, subsection 2,
35 paragraph "a", for a violation of chapter 124 or 453B, or

1 section 126.3, a person may petition the district court having
 2 jurisdiction for the residence of the person for a temporary
 3 restricted permit to operate a motor vehicle for the limited
 4 purpose or purposes specified in subsection 1. The petition
 5 shall include a current certified copy of the petitioner's
 6 official driving record issued by the department. The
 7 application may be granted only if all of the following
 8 criteria are satisfied:

9 Sec. 7. Section 321.215, subsection 4, Code 1999, is
 10 amended to read as follows:

11 4. The temporary restricted license or permit is not valid
 12 to operate a commercial motor vehicle if a commercial driver's
 13 license is required for the person's operation of the
 14 commercial motor vehicle ~~and the person is disqualified to~~
 15 ~~operate a commercial motor vehicle under section 321.208,~~
 16 ~~subsection 1, 2, 3, or 4.~~

17 Sec. 8. Section 321.446, subsections 1 and 2, Code 1999,
 18 are amended to read as follows:

19 1. A child under three years of age who is being
 20 transported in a motor vehicle subject to registration, which
 21 ~~has a gross weight of ten thousand pounds or less as specified~~
 22 ~~by the manufacturer,~~ except a school bus or motorcycle, shall
 23 be secured during transit by a child restraint system which
 24 meets federal motor vehicle safety standards and the system
 25 shall be used in accordance with the manufacturer's
 26 instructions.

27 2. A child at least three years of age but under six years
 28 of age who is being transported in a motor vehicle subject to
 29 registration, which has a gross weight of ten thousand pounds
 30 ~~or less as specified by the manufacturer,~~ except a school bus
 31 or motorcycle, shall be secured during transit by either a
 32 child restraint system that meets federal motor vehicle safety
 33 standards and is used in accordance with the manufacturer's
 34 instructions, or by a safety belt or safety harness of a type
 35 approved under section 321.445.

1 Sec. 9. Section 321.451, Code 1999, is amended by striking
2 the section and inserting in lieu thereof the following:

3 321.451 EMERGENCY VEHICLES -- CERTIFICATE OF DESIGNATION.

4 1. The director or the director's designee may designate a
5 privately owned vehicle as an authorized emergency vehicle and
6 issue a certificate of designation for the vehicle, upon
7 written request being made on forms provided by the department
8 and showing necessity for the designation. A certificate of
9 designation may be issued for the following privately owned
10 vehicles:

11 a. An ambulance or fire or rescue vehicle.

12 b. A state or county medical examiner vehicle.

13 c. A vehicle owned by a sheriff or full-time paid deputy
14 sheriff if the authorized emergency vehicle designation is
15 requested by the sheriff.

16 d. A vehicle owned by a chief of police or any officer of
17 the police department if the authorized emergency vehicle
18 designation is requested by the chief of police.

19 e. A vehicle owned by a chief of a full-time paid fire
20 department if the authorized emergency vehicle designation is
21 requested by the chief of the fire department.

22 2. The application for a certificate of designation must
23 include the name and occupation of the owner of the vehicle,
24 vehicle identification information, a description of the
25 vehicle's equipment, a description of the use of the vehicle
26 when its red light is flashing, and a photograph showing a
27 side view of the vehicle.

28 3. The certificate of designation shall at all times be
29 carried with the registration receipt for the vehicle to which
30 the certificate refers. The certificate may be revoked by the
31 director upon a showing of abuse.

32 Sec. 10. Section 321.556, subsection 1, Code 1999, is
33 amended to read as follows:

34 1. If, upon review of the record of convictions of any
35 person, the department determines that the person appears to

1 be a habitual offender, the department shall immediately
 2 notify the person in writing and afford the licensee an
 3 opportunity for a hearing. ~~The notice shall direct the person~~
 4 ~~named in the notice to appear for hearing and show cause why~~
 5 ~~the person should not be barred from operating a motor vehicle~~
 6 ~~on the highways of this state.~~ The notice shall meet the
 7 requirements of section 17A.12 and shall be served in the
 8 manner provided in that section. Service of notice on any
 9 nonresident of this state may be made in the same manner as
 10 provided in sections 321.498 through 321.506. A peace officer
 11 stopping a person for whom a notice ~~to appear for hearing~~ has
 12 been issued under ~~the provisions of~~ this section may
 13 personally serve the notice upon forms approved by the
 14 department to satisfy the notice requirements of this section.
 15 A peace officer may confiscate the driver's license of a
 16 person if the license has been revoked or has been suspended
 17 subsequent to a hearing and the person has not forwarded the
 18 driver's license to the department as required.

19 Sec. 11. Section 321J.4, subsection 9, Code Supplement
 20 1999, is amended to read as follows:

21 9. A person whose noncommercial driver's license has
 22 either been revoked under this chapter, or revoked or
 23 suspended under chapter 321 solely for violations of this
 24 chapter, or who has been determined to be a habitual offender
 25 under chapter 321 based solely on violations of this chapter,
 26 and who is not eligible for a temporary restricted license
 27 under this chapter may petition the court upon the expiration
 28 of the minimum period of ineligibility for a temporary
 29 restricted license provided for under this section or section
 30 321J.9, 321J.12, or 321J.20 for an order to the department to
 31 require the department to issue a temporary restricted license
 32 to the person notwithstanding section 321.560. The petition
 33 shall include a current certified copy of the petitioner's
 34 official driving record issued by the department. Upon the
 35 filing of a petition for a temporary restricted license under

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

33 Notwithstanding any provision of this chapter to the
34 contrary, the court may order the department to issue a
35 temporary restricted license to a person otherwise eligible

1 for a temporary restricted license under this subsection,
2 whose period of revocation under this chapter has expired, but
3 who has not met all requirements for reinstatement of the
4 person's noncommercial driver's license or nonresident
5 operating privileges.

6 Sec. 12. Section 321J.13, subsection 1, Code Supplement
7 1999, is amended to read as follows:

8 1. Notice of revocation of a person's noncommercial
9 driver's license or operating privilege served pursuant to
10 section 321J.9 or 321J.12 shall include a form accompanied by
11 a preaddressed envelope on which the person served may
12 indicate by a checkmark if the person only wishes to request a
13 temporary restricted license after the mandatory ineligibility
14 period for issuance of a temporary restricted license has
15 ended, or if the person wishes a hearing to contest the
16 revocation. The form shall clearly state on its face that the
17 form must be completed and returned within ten days of receipt
18 or the person's right to a hearing to contest the revocation
19 is foreclosed. The form shall also be accompanied by a
20 statement of the operation of and the person's rights under
21 this chapter.

22 Sec. 13. Section 321J.20, subsections 1 and 4, Code 1999,
23 are amended to read as follows:

24 1. The department may, on application, issue a temporary
25 restricted license to a person whose noncommercial driver's
26 license is revoked under this chapter allowing the person to
27 drive to and from the person's home and specified places at
28 specified times which can be verified by the department and
29 which are required by the person's full-time or part-time
30 employment, continuing health care or the continuing health
31 care of another who is dependent upon the person, continuing
32 education while enrolled in an educational institution on a
33 part-time or full-time basis and while pursuing a course of
34 study leading to a diploma, degree, or other certification of
35 successful educational completion, substance abuse treatment,

1 and court-ordered community service responsibilities if the
2 person's driver's license has not been revoked previously
3 under section 321J.4, 321J.9, or 321J.12 and if any of the
4 following apply:

5 a. The person's noncommercial driver's license is revoked
6 under section 321J.4 and the minimum period of ineligibility
7 for issuance of a temporary restricted license has expired.
8 This subsection shall not apply to a revocation ordered under
9 section 321J.4 resulting from a plea or verdict of guilty of a
10 violation of section 321J.2 that involved a death.

11 b. The person's noncommercial driver's license is revoked
12 under section 321J.9 and the person has entered a plea of
13 guilty on a charge of a violation of section 321J.2 which
14 arose from the same set of circumstances which resulted in the
15 person's driver's license revocation under section 321J.9 and
16 the guilty plea is not withdrawn at the time of or after
17 application for the temporary restricted license, and the
18 minimum period of ineligibility for issuance of a temporary
19 restricted license has expired.

20 c. The person's noncommercial driver's license is revoked
21 under section 321J.12, and the minimum period of ineligibility
22 for issuance of a temporary restricted license has expired.

23 However, a temporary restricted license may be issued if
24 the person's noncommercial driver's license is revoked under
25 section 321J.9, and the revocation is a second revocation
26 under this chapter, and the first three hundred and sixty-five
27 days of the revocation have expired.

28 4. A person holding a temporary restricted license issued
29 by the department under this section shall not operate a
30 commercial motor vehicle on a highway if a commercial driver's
31 license is required for the person's operation of the
32 commercial motor vehicle. ~~However, this subsection does not~~
33 ~~apply if the temporary restricted license was issued as a~~
34 ~~result of a violation of this chapter while the person was~~
35 ~~operating a vehicle other than a commercial motor vehicle.~~

EXPLANATION

1

2 This bill makes several Code changes in Code chapters 321
3 and 321J relating to driver licensing, the use of child
4 restraints and seat belts for children, and the designation of
5 certain vehicles as authorized emergency vehicles.

6 The bill amends Code section 321.11, relating to the
7 records of the state department of transportation, to provide
8 that personal information maintained by the department in
9 regard to an individual shall not be disclosed to a person
10 requesting the information unless the individual has given
11 express written consent to such disclosure. Currently, such
12 information is disclosed to requestors if the individual did
13 not elect to prohibit disclosure to the general public.

14 Code section 321.208, relating to the disqualification of
15 persons from operating commercial motor vehicles for the
16 commission of certain acts or offenses, is amended to provide
17 that a person can be disqualified for operating a commercial
18 motor vehicle while any amount of a controlled substance is
19 present in the person, as measured in the person's blood or
20 urine. Pursuant to Code section 321.218, a person who
21 operates a commercial motor vehicle when disqualified under
22 Code section 321.208 commits a serious misdemeanor if a
23 commercial driver's license is required for the person to
24 operate the commercial motor vehicle.

25 The bill amends Code section 321.210D, providing for
26 suspension of a person's driver's license when the person is
27 charged with the offense of homicide by vehicle, by
28 eliminating a provision that allows such suspension if the
29 person's license has not previously been suspended under Code
30 chapter 321J for operating while intoxicated.

31 The bill also amends Code section 321.215, relating to
32 temporary restricted driver's licenses and permits, to
33 eliminate the authority of the state department of
34 transportation to issue a temporary restricted license that
35 allows for commercial driver's license privileges. This

1 change is necessary to comply with federal regulations that
2 prohibit the issuance of a commercial driver's license to an
3 individual who has any form of driver's license under
4 sanction. The bill makes corresponding Code language changes
5 in Code sections 321J.4, 321J.13, and 321J.20.

6 Code section 321.446, relating to child restraint devices
7 in vehicles, is amended to require children under six years of
8 age to be in a child restraint system or safety belt when
9 transported in a motor vehicle subject to registration.

10 Currently, the use of a child restraint system or safety belt
11 is not required when a child is being transported in a motor
12 vehicle which has a gross weight of 10,000 pounds or more.

13 The bill amends Code section 321.451, relating to
14 designation of vehicles by the director of transportation as
15 authorized emergency vehicles, to provide that privately owned
16 state or county medical examiner vehicles, sheriff's or deputy
17 sheriff's vehicles, police officer vehicles, and certain fire
18 chiefs' vehicles may be so designated. The bill requires the
19 application for a certificate of designation to contain
20 certain information and requires the certificate of
21 designation to be carried in the vehicle designated. The
22 certificate may be revoked by the director upon a showing of
23 abuse. Corresponding Code changes are made in the definition
24 of "authorized emergency vehicle" in Code section 321.1.
25 Authorized emergency vehicles are permitted to use certain
26 audible and visual signaling devices and to disregard certain
27 traffic regulations.

28 Additionally, Code section 321.556, relating to notice and
29 hearing for persons determined to be habitual offenders of
30 certain motor vehicle laws, is amended to eliminate a
31 requirement that the notice direct the person named in the
32 notice to appear for hearing and show cause why the person
33 should not be barred from operating a motor vehicle. The
34 elimination of this requirement would agree with the current
35 state department of transportation practice of allowing

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1 hearings to be held by telephone conference.

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H. 3/1/00 Transportation
H. 3/15/00 Amend / Do Pass W/H-8368
H. 3/23/00 Unfinished Business Calendar
Filed 24 2000

2313

SENATE FILE
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3148)

Passed Senate, Date 3/1/00 (P. 491) Passed House, Date 4-5-00 (P. 1265)
Vote: Ayes 49 Nays 0 Vote: Ayes 95 Nays 0
Approved 4-21-00

R 1146

Re Passed 4/13/00
Vote 47-0

A BILL FOR

1 An Act relating to motor vehicles, including driver licensing,
2 the use of child restraints and safety belts for children, and
3 the designation of vehicles as authorized emergency vehicles,
4 making a penalty applicable, and providing an effective date.

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

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1 Section 1. Section 232.69, subsection 1, paragraph b, Code
2 Supplement 1999, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (16) A person employed by a school
5 district to provide street or highway driving instruction
6 pursuant to section 321.178 who is certified by the department
7 of transportation and authorized by the board of educational
8 examiners to provide such instruction.

9 Sec. 2. Section 321.1, subsection 6, Code Supplement 1999,
10 is amended to read as follows:

11 6. "Authorized emergency vehicle" means vehicles of the
12 fire department, police vehicles, ambulances, and emergency
13 vehicles owned by the United States, this state, or any
14 subdivision of this state, or any municipality of this state,
15 and privately owned ~~ambulances, and fire, rescue, or disaster~~
16 vehicles as are designated or authorized by the director of
17 transportation under section 321.451.

18 Sec. 3. Section 321.11, Code Supplement 1999, is amended
19 to read as follows:

20 321.11 RECORDS OF DEPARTMENT.

21 1. All records of the department, other than those made
22 confidential or not permitted to be open in accordance with 18
23 U.S.C. § 2721 et seq., adopted as of a specific date by rule
24 of the department, shall be open to public inspection during
25 office hours.

26 2. ~~Personal~~ Notwithstanding subsection 1, personal
27 information shall not be disclosed to a requestor if, except
28 as provided in Pub. L. No. 106-69, § 350(b), unless the
29 individual person whose personal information is requested has
30 ~~not elected to prohibit disclosure of the information to the~~
31 ~~general public~~ provided express written consent allowing
32 disclosure of the person's personal information. The
33 ~~department shall give notice in a clear and conspicuous manner~~
34 ~~on forms for issuance or renewal of driver's licenses, titles,~~
35 ~~registrations, or nonoperator's identification cards that~~

~~1 personal information collected by the department may be~~
~~2 disclosed to any person. The department shall provide in a~~
~~3 clear and conspicuous manner on these forms an opportunity for~~
~~4 an individual to prohibit disclosure of personal information~~
5 to the general public. As used in this paragraph section,
6 "personal information" means information that identifies a
7 person, including a person's photograph, social security
8 number, driver's license number, name, address, telephone
9 number, and medical or disability information, but does not
10 include information on vehicular accidents, driving
11 violations, and driver's status or a person's zip code.

12 3. Notwithstanding other provisions of this section to the
13 contrary, the department shall not release personal
14 information to a person, other than to an officer or employee
15 of a law enforcement agency, an employee of a federal or state
16 agency or political subdivision in the performance of the
17 employee's official duties, a contract employee of the
18 department of inspections and appeals in the conduct of an
19 investigation, or a licensed private investigation agency or a
20 licensed security service or a licensed employee of either, if
21 the information is requested by the presentation of a
22 registration plate number. In addition, an officer or
23 employee of a law enforcement agency may release the name,
24 address, and telephone number of a motor vehicle registrant to
25 a person requesting the information by the presentation of a
26 registration plate number if the officer or employee of the
27 law enforcement agency believes that the release of the
28 information is necessary in the performance of the officer's
29 or employee's duties.

30 4. The department shall not sell personal information
31 which is in the form of a person's photograph or digital image
32 or a digital reproduction of a person's photograph, regardless
33 of whether ~~an individual~~ a person has ~~elected to prohibit~~
34 provided express written consent to disclosure of the
35 information ~~to the general public~~. This paragraph subsection

1 does not prohibit the department from collecting reasonable
2 fees for copies of records or other services provided pursuant
3 to section 22.3, 321.10, or 622.46.

4 Sec. 4. Section 321.178, subsection 1, unnumbered
5 paragraph 3, Code Supplement 1999, is amended to read as
6 follows:

7 Every public school district in Iowa shall offer or make
8 available to all students residing in the school district or
9 Iowa students attending a nonpublic school in the district an
10 approved course in driver education. The courses may be
11 offered at sites other than at the public school, including
12 nonpublic school facilities within the public school
13 districts. An approved course offered during the summer
14 months, on Saturdays, after regular school hours during the
15 regular terms or partly in one term or summer vacation period
16 and partly in the succeeding term or summer vacation period,
17 as the case may be, shall satisfy the requirements of this
18 section to the same extent as an approved course offered
19 during the regular school hours of the school term. A
20 student who successfully completes and obtains certification
21 in an approved course in driver education or an approved
22 course in motorcycle education may, upon proof of such fact,
23 be excused from any field test which the student would
24 otherwise be required to take in demonstrating the student's
25 ability to operate a motor vehicle. A student shall not be
26 excused from any field test if a parent, guardian, or
27 instructor requests that a test be administered. Street or
28 highway driving instruction may be provided by a person
29 qualified as a classroom driver education instructor or a
30 person certified by the department of transportation and
31 authorized by the board of educational examiners. A person
32 shall not be required to hold a current Iowa teacher or
33 administrator license at the elementary or secondary level or
34 to have satisfied the educational requirements for an Iowa
35 teacher license at the elementary or secondary level in order

1 to be certified by the department of transportation or
2 authorized by the board of educational examiners to provide
3 street or highway driving instruction. A final field test
4 prior to a student's completion of an approved course shall be
5 administered by a person qualified as a classroom driver
6 education instructor. The department of transportation shall
7 adopt rules pursuant to chapter 17A to provide for
8 certification of persons qualified to provide street or
9 highway driving instruction. The board of educational
10 examiners shall adopt rules pursuant to chapter 17A to provide
11 for authorization of persons certified by the department of
12 transportation to provide street or highway driving
13 instruction.

14 Sec. 5. Section 321.208, subsection 1, Code Supplement
15 1999, is amended by adding the following new paragraph:

16 NEW PARAGRAPH. f. Operating a commercial motor vehicle
17 while any amount of a controlled substance is present in the
18 person, as measured in the person's blood or urine.

19 Sec. 6. Section 321.210D, subsection 2, Code 1999, is
20 amended to read as follows:

21 2. Upon receiving notice from the clerk of the district
22 court that an indictment or information has been filed
23 charging an operator with homicide by vehicle under section
24 ~~707.6A, subsection 1-and-if-the-person's-license-has-not~~
25 ~~previously-been-suspended-under-chapter-321.27-or-under-section~~
26 ~~707.6A, subsection~~ or 2, the department shall notify the
27 person that the person's driver's license will be suspended
28 effective ten days from the date of issuance of the notice.
29 The department shall adopt rules relating to the suspension of
30 the license of an operator pursuant to this section which
31 shall include, but are not limited to, procedures for the
32 surrender of the person's license to the department upon the
33 effective date of the suspension.

34 Sec. 7. Section 321.215, subsection 1, unnumbered
35 paragraph 1, Code 1999, is amended to read as follows:

1 The department, on application, may issue a temporary
2 restricted license to a person whose noncommercial driver's
3 license is suspended or revoked under this chapter, allowing
4 the person to drive to and from the person's home and
5 specified places at specified times which can be verified by
6 the department and which are required by any of the following:

7 Sec. 8. Section 321.215, subsection 2, unnumbered
8 paragraph 1, Code 1999, is amended to read as follows:

9 Upon conviction and the suspension or revocation of a
10 person's noncommercial driver's license under section 321.209,
11 subsection 5 or 6; section 321.210; 321.210A; or 321.513; or
12 upon revocation pursuant to a court order issued under section
13 901.5, subsection 10; or upon the denial of issuance of a
14 noncommercial driver's license under section 321.560, based
15 solely on offenses enumerated in section 321.555, subsection
16 1, paragraph "c", or section 321.555, subsection 2; or a
17 juvenile, whose license has been suspended or revoked pursuant
18 to a dispositional order under section 232.52, subsection 2,
19 paragraph "a", for a violation of chapter 124 or 453B, or
20 section 126.3, a person may petition the district court having
21 jurisdiction for the residence of the person for a temporary
22 restricted permit to operate a motor vehicle for the limited
23 purpose or purposes specified in subsection 1. The petition
24 shall include a current certified copy of the petitioner's
25 official driving record issued by the department. The
26 application may be granted only if all of the following
27 criteria are satisfied:

28 Sec. 9. Section 321.215, subsection 4, Code 1999, is
29 amended to read as follows:

30 4. The temporary restricted license or permit is not valid
31 to operate a commercial motor vehicle if a commercial driver's
32 license is required for the person's operation of the
33 commercial motor vehicle ~~and-the-person-is-disqualified-to~~
34 ~~operate-a-commercial-motor-vehicle-under-section-321-2087~~
35 ~~subsection-17-27-37-or-4.~~

1 Sec. 10. Section 321.446, subsections 1 and 2, Code 1999,
2 are amended to read as follows:

3 1. A child under three years of age who is being
4 transported in a motor vehicle subject to registration, ~~which~~
5 ~~has-a-gross-weight-of-ten-thousand-pounds-or-less-as-specified~~
6 ~~by-the-manufacturer~~, except a school bus or motorcycle, shall
7 be secured during transit by a child restraint system which
8 meets federal motor vehicle safety standards and the system
9 shall be used in accordance with the manufacturer's
10 instructions.

11 2. A child at least three years of age but under six years
12 of age who is being transported in a motor vehicle subject to
13 registration, ~~which-has-a-gross-weight-of-ten-thousand-pounds~~
14 ~~or-less-as-specified-by-the-manufacturer~~, except a school bus
15 or motorcycle, shall be secured during transit by either a
16 child restraint system that meets federal motor vehicle safety
17 standards and is used in accordance with the manufacturer's
18 instructions, or by a safety belt or safety harness of a type
19 approved under section 321.445.

20 Sec. 11. Section 321.451, Code 1999, is amended by
21 striking the section and inserting in lieu thereof the
22 following:

23 321.451 EMERGENCY VEHICLES -- CERTIFICATE OF DESIGNATION.

24 1. The director or the director's designee may designate a
25 privately owned vehicle as an authorized emergency vehicle and
26 issue a certificate of designation for the vehicle, upon
27 written request being made on forms provided by the department
28 and showing necessity for the designation. A certificate of
29 designation may be issued for the following privately owned
30 vehicles:

31 a. An ambulance or fire or rescue vehicle.

32 b. A state or county medical examiner vehicle.

33 c. A vehicle owned by a sheriff or full-time paid deputy
34 sheriff if the authorized emergency vehicle designation is
35 requested by the sheriff.

1 d. A vehicle owned by a chief of police or any officer of
2 the police department if the authorized emergency vehicle
3 designation is requested by the chief of police.

4 e. A vehicle owned by a chief of a full-time paid fire
5 department if the authorized emergency vehicle designation is
6 requested by the chief of the fire department.

7 2. The application for a certificate of designation must
8 include the name and occupation of the owner of the vehicle,
9 vehicle identification information, a description of the
10 vehicle's equipment, a description of the use of the vehicle
11 when its red light is flashing, and a photograph showing a
12 side view of the vehicle.

13 3. The certificate of designation shall at all times be
14 carried with the registration receipt for the vehicle to which
15 the certificate refers. The certificate may be revoked by the
16 director upon a showing of abuse.

17 Sec. 12. Section 321.556, subsection 1, Code 1999, is
18 amended to read as follows:

19 1. If, upon review of the record of convictions of any
20 person, the department determines that the person appears to
21 be a habitual offender, the department shall immediately
22 notify the person in writing and afford the licensee an
23 opportunity for a hearing. ~~The notice shall direct the person~~
24 ~~named in the notice to appear for hearing and show cause why~~
25 ~~the person should not be barred from operating a motor vehicle~~
26 ~~on the highways of this state.~~ The notice shall meet the
27 requirements of section 17A.12 and shall be served in the
28 manner provided in that section. Service of notice on any
29 nonresident of this state may be made in the same manner as
30 provided in sections 321.498 through 321.506. A peace officer
31 stopping a person for whom a notice ~~to appear for hearing~~ has
32 been issued under ~~the provisions of~~ this section may
33 personally serve the notice upon forms approved by the
34 department to satisfy the notice requirements of this section.
35 A peace officer may confiscate the driver's license of a

1 person if the license has been revoked or has been suspended
2 subsequent to a hearing and the person has not forwarded the
3 driver's license to the department as required.

4 Sec. 13. Section 321J.4, subsection 9, Code Supplement
5 1999, is amended to read as follows:

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

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

18 Notwithstanding any provision of this chapter to the
19 contrary, the court may order the department to issue a
20 temporary restricted license to a person otherwise eligible
21 for a temporary restricted license under this subsection,
22 whose period of revocation under this chapter has expired, but
23 who has not met all requirements for reinstatement of the
24 person's noncommercial driver's license or nonresident
25 operating privileges.

26 Sec. 14. Section 321J.13, subsection 1, Code Supplement
27 1999, is amended to read as follows:

28 1. Notice of revocation of a person's noncommercial
29 driver's license or operating privilege served pursuant to
30 section 321J.9 or 321J.12 shall include a form accompanied by
31 a preaddressed envelope on which the person served may
32 indicate by a checkmark if the person only wishes to request a
33 temporary restricted license after the mandatory ineligibility
34 period for issuance of a temporary restricted license has
35 ended, or if the person wishes a hearing to contest the

1 revocation. The form shall clearly state on its face that the
2 form must be completed and returned within ten days of receipt
3 or the person's right to a hearing to contest the revocation
4 is foreclosed. The form shall also be accompanied by a
5 statement of the operation of and the person's rights under
6 this chapter.

7 Sec. 15. Section 321J.20, subsections 1 and 4, Code 1999,
8 are amended to read as follows:

9 1. The department may, on application, issue a temporary
10 restricted license to a person whose noncommercial driver's
11 license is revoked under this chapter allowing the person to
12 drive to and from the person's home and specified places at
13 specified times which can be verified by the department and
14 which are required by the person's full-time or part-time
15 employment, continuing health care or the continuing health
16 care of another who is dependent upon the person, continuing
17 education while enrolled in an educational institution on a
18 part-time or full-time basis and while pursuing a course of
19 study leading to a diploma, degree, or other certification of
20 successful educational completion, substance abuse treatment,
21 and court-ordered community service responsibilities if the
22 person's driver's license has not been revoked previously
23 under section 321J.4, 321J.9, or 321J.12 and if any of the
24 following apply:

25 a. The person's noncommercial driver's license is revoked
26 under section 321J.4 and the minimum period of ineligibility
27 for issuance of a temporary restricted license has expired.
28 This subsection shall not apply to a revocation ordered under
29 section 321J.4 resulting from a plea or verdict of guilty of a
30 violation of section 321J.2 that involved a death.

31 b. The person's noncommercial driver's license is revoked
32 under section 321J.9 and the person has entered a plea of
33 guilty on a charge of a violation of section 321J.2 which
34 arose from the same set of circumstances which resulted in the
35 person's driver's license revocation under section 321J.9 and

1 the guilty plea is not withdrawn at the time of or after
2 application for the temporary restricted license, and the
3 minimum period of ineligibility for issuance of a temporary
4 restricted license has expired.

5 c. The person's noncommercial driver's license is revoked
6 under section 321J.12, and the minimum period of ineligibility
7 for issuance of a temporary restricted license has expired.

8 However, a temporary restricted license may be issued if
9 the person's noncommercial driver's license is revoked under
10 section 321J.9, and the revocation is a second revocation
11 under this chapter, and the first three hundred and sixty-five
12 days of the revocation have expired.

13 4. A person holding a temporary restricted license issued
14 by the department under this section shall not operate a
15 commercial motor vehicle on a highway if a commercial driver's
16 license is required for the person's operation of the
17 commercial motor vehicle. ~~However, this subsection does not
18 apply if the temporary restricted license was issued as a
19 result of a violation of this chapter while the person was
20 operating a vehicle other than a commercial motor vehicle.~~

21 Sec. 16. EFFECTIVE DATE. The section of this Act amending
22 section 321.11, being deemed of immediate importance, takes
23 effect upon enactment.

24 EXPLANATION

25 This bill makes several Code changes in Code chapters 321
26 and 321J relating to driver licensing, the use of child
27 restraints and seat belts for children, and the designation of
28 certain vehicles as authorized emergency vehicles.

29 The bill amends Code section 321.11, relating to the
30 records of the state department of transportation, to provide
31 that personal information maintained by the department in
32 regard to an individual shall not be disclosed to a person
33 requesting the information, other than certain government
34 officials allowed by federal law, unless the individual has
35 given express written consent to such disclosure. This

1 provision is effective upon enactment of the bill. Currently,
2 such information is disclosed to requestors if the individual
3 did not elect to prohibit disclosure to the general public.

4 The bill amends Code section 321.178, relating to driver
5 education, to specifically provide that a person shall not be
6 required to hold a current Iowa teacher or administrator
7 license at the elementary or secondary level or to have
8 satisfied the educational requirements for an Iowa teacher
9 license at the elementary or secondary level in order to be
10 certified by the state department of transportation or
11 authorized by the board of educational examiners to provide
12 street or highway driving instruction. The bill also amends
13 Code section 232.69 to require persons certified by the
14 department and authorized by the board, who are employed by a
15 school district to provide street or highway driving
16 instruction, to report cases of child abuse, as provided in
17 Code section 232.69.

18 Code section 321.208, relating to the disqualification of
19 persons from operating commercial motor vehicles for the
20 commission of certain acts or offenses, is amended to provide
21 that a person can be disqualified for operating a commercial
22 motor vehicle while any amount of a controlled substance is
23 present in the person, as measured in the person's blood or
24 urine. Pursuant to Code section 321.218, a person who
25 operates a commercial motor vehicle when disqualified under
26 Code section 321.208 commits a serious misdemeanor if a
27 commercial driver's license is required for the person to
28 operate the commercial motor vehicle.

29 The bill amends Code section 321.210D, providing for
30 suspension of a person's driver's license when the person is
31 charged with the offense of homicide by vehicle, by
32 eliminating a provision that allows such suspension if the
33 person's license has not previously been suspended under Code
34 chapter 321J for operating while intoxicated.

35 The bill also amends Code section 321.215, relating to

1 temporary restricted driver's licenses and permits, to
2 eliminate the authority of the state department of
3 transportation to issue a temporary restricted license that
4 allows for commercial driver's license privileges. This
5 change is necessary to comply with federal regulations that
6 prohibit the issuance of a commercial driver's license to an
7 individual who has any form of driver's license under
8 sanction. The bill makes corresponding Code language changes
9 in Code sections 321J.4, 321J.13, and 321J.20.

10 Code section 321.446, relating to child restraint devices
11 in vehicles, is amended to require children under six years of
12 age to be in a child restraint system or safety belt when
13 transported in a motor vehicle subject to registration.

14 Currently, the use of a child restraint system or safety belt
15 is not required when a child is being transported in a motor
16 vehicle which has a gross weight of 10,000 pounds or more.

17 The bill amends Code section 321.451, relating to
18 designation of vehicles by the director of transportation as
19 authorized emergency vehicles, to provide that privately owned
20 state or county medical examiner vehicles, sheriff's or deputy
21 sheriff's vehicles, police officer vehicles, and certain fire
22 chiefs' vehicles may be so designated. The bill requires the
23 application for a certificate of designation to contain
24 certain information and requires the certificate of
25 designation to be carried in the vehicle designated. The
26 certificate may be revoked by the director upon a showing of
27 abuse. Corresponding Code changes are made in the definition
28 of "authorized emergency vehicle" in Code section 321.1.
29 Authorized emergency vehicles are permitted to use certain
30 audible and visual signaling devices and to disregard certain
31 traffic regulations.

32 Additionally, Code section 321.556, relating to notice and
33 hearing for persons determined to be habitual offenders of
34 certain motor vehicle laws, is amended to eliminate a
35 requirement that the notice direct the person named in the

1 notice to appear for hearing and show cause why the person
2 should not be barred from operating a motor vehicle. The
3 elimination of this requirement would agree with the current
4 state department of transportation practice of allowing
5 hearings to be held by telephone conference.

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SENATE FILE 2313

H-8547

1 Amend Senate File 2313, as passed by the Senate, as
 2 follows:
 3 1. Page 8, by inserting after line 3 the
 4 following:
 5 "Sec. ____ . Section 321G.18, Code 1999, is amended
 6 to read as follows:
 7 321G.18 NEGLIGENCE.
 8 The owner and operator of an all-terrain vehicle or
 9 snowmobile are liable for any injury or damage
 10 occasioned by the negligent operation of the all-
 11 terrain vehicle or snowmobile. The owner of an all-
 12 terrain or snowmobile shall be liable for any such
 13 injury or damage only if the owner was the operator of
 14 the all-terrain vehicle or snowmobile at the time the
 15 injury or damage occurred or if the owner gave the
 16 operator consent to operate the all-terrain vehicle or
 17 snowmobile."
 18 2. Title page, line 2, by inserting after the
 19 word "children," the following: "owner liability for
 20 damages,".
 21 3. By renumbering as necessary.

By HEATON of Henry

H-8547 FILED MARCH 27, 2000

W/D
4-5-00 (P. 1264)

SENATE FILE 2313

H-8560

1 Amend Senate File 2313, as passed by the Senate, as
 2 follows:
 3 1. Page 6, line 1, by striking the word and
 4 figure "and 2," and inserting the following: "through
 5 3,".
 6 2. Page 6, by inserting after line 19 the
 7 following:
 8 "3. This section does not apply to peace officers
 9 acting on official duty. This section also does not
 10 apply to the transportation of children in 1965 model
 11 year or older vehicles, or authorized emergency
 12 vehicles, or motor homes, except when a child is
 13 transported in a motor home's passenger seat situated
 14 directly to the driver's right. This section does not
 15 apply to the transportation of a child who has been
 16 certified by a physician licensed under chapter 148,
 17 150, or 150A as having a medical, physical, or mental
 18 condition which prevents or makes inadvisable securing
 19 the child in a child restraint system, safety belt or
 20 safety harness."

By HEATON of Henry

H-8560 FILED MARCH 27, 2000

adopted
4-5-00
(P. 1264)

SENATE FILE 2313

H-8565

1 Amend Senate File 2313, as passed by the Senate, as
2 follows:

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

5 "Sec. ____ Section 321G.18, Code 1999, is amended
6 to read as follows:

7 321G.18 NEGLIGENCE.

8 The owner and operator of an all-terrain vehicle or
9 snowmobile are liable for any injury or damage
10 occasioned by the negligent operation of the all-
11 terrain vehicle or snowmobile. The owner of an all-
12 terrain vehicle or snowmobile shall be liable for any
13 such injury or damage only if the owner was the
14 operator of the all-terrain vehicle or snowmobile at
15 the time the injury or damage occurred or if the
16 operator had the owner's consent to operate the all-
17 terrain vehicle or snowmobile at the time the injury
18 or damage occurred."

19 2. Title page, line 2, by inserting after the
20 word "children," the following: "owner liability for
21 damages,".

22 3. By renumbering as necessary.

*Not Genuine
Motion to Suspend Rules*

By EDDIE of Buena Vista
HEATON of Henry

H-8565 FILED MARCH 27, 2000

Adopted 4-5-00 (p. 1265)

SENATE FILE 2313

H-8368

1 Amend Senate File 2313, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 8.

4 2. By renumbering as necessary.

*Adopted 4-5-00
(p. 1261)*

By COMMITTEE ON TRANSPORTATION
WELTER of Jones, Chairperson

H-8368 FILED MARCH 15, 2000

SENATE FILE 2313

H-8486

1 Amend Senate File 2313, as passed by the Senate, as
2 follows:

3 1. Page 1, line 28, by striking the figure "\$
4 350(b)," and inserting the following: "\$ 350(b) or 18
5 U.S.C. § 2721,".

By HEATON of Henry

H-8486 FILED MARCH 22, 2000

*Adopted
4-6-00
(p. 1262)*

SENATE FILE 2313

H-8669

1 Amend Senate File 2313, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 13 the
4 following;

5 "Sec. _____. Section 321.188, subsection 1,
6 paragraph c, Code Supplement 1999, is amended to read
7 as follows:

8 c. Successfully pass knowledge tests and driving
9 skills tests which the department shall require by
10 rule. The rules adopted shall substantially comply
11 with the federal minimum testing and licensing
12 requirements in 49 C.F.R. part 383, subparts E, G, and
13 H as adopted by rule by the department. Except as
14 required under 49 C.F.R. part 383, subpart E, G, or H,
15 a commercial driver's license is renewable without a
16 driving skills test within one year after its
17 expiration date.

18 Sec. _____. Section 321.196, unnumbered paragraph 1,
19 Code 1999, is amended to read as follows:

20 Except as otherwise provided, a driver's license,
21 other than an instruction permit, chauffeur's
22 instruction permit, or commercial driver's instruction
23 permit issued under section 321.180, expires, at the
24 option of the applicant, two or four years from the
25 licensee's birthday anniversary occurring in the year
26 of issuance if the licensee is between the ages of
27 seventeen years eleven months and seventy years on the
28 date of issuance of the license. If the licensee is
29 under the age of seventeen years eleven months or age
30 seventy or over, the license is effective for a period
31 of two years from the licensee's birthday anniversary
32 occurring in the year of issuance. Except as required
33 in section 321.188, and except for a motorcycle
34 instruction permit issued in accordance with section
35 321.180 or 321.180B, a driver's license is renewable
36 without written examination or penalty within a period
37 of sixty days after its expiration date and without a
38 driving test within a period of one year after its
39 expiration date. A person shall not be considered to

40 be driving with an invalid license during a period of
41 sixty days following the license expiration date.

42 However, for a license renewed within the sixty-day
43 period, the date of issuance shall be considered to be
44 the previous birthday anniversary on which it expired.
45 Applicants whose licenses are restricted due to vision
46 or other physical deficiencies may be required to
47 renew their licenses every two years. For the
48 purposes of this section the birthday anniversary of a
49 person born on February 29 shall be deemed to occur on
50 March 1. The department in its discretion may

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1 authorize the renewal of a valid driver's license
2 other than a commercial driver's license upon
3 application without an examination provided that the
4 applicant satisfactorily passes a vision test as
5 prescribed by the department, files a vision report in
6 accordance with section 321.186A which shows that the
7 applicant's visual acuity level meets or exceeds those
8 required by the department, or is eligible for renewal
9 by mail pursuant to rules adopted by the department.
10 The department may assess an applicant a fee of no
11 more than two dollars for administration and mailing
12 expenses for providing for renewal of the applicant's
13 driver's license by mail."
14 2. By renumbering as necessary.

By HEATON of Henry

H-8669 FILED MARCH 30, 2000

Adopted
4-5-00
(p. 1263)

HOUSE AMENDMENT TO
SENATE FILE 2313

S-5352

1 Amend Senate File 2313, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 8.

4 2. Page 1, line 28, by striking the figure "§
5 350(b)," and inserting the following: "§ 350(b) or 18
6 U.S.C. § 2721,".

7 3. Page 4, by inserting after line 13 the
8 following;

9 "Sec. ____ . Section 321.188, subsection 1,
10 paragraph c, Code Supplement 1999, is amended to read
11 as follows:

12 c. Successfully pass knowledge tests and driving
13 skills tests which the department shall require by
14 rule. The rules adopted shall substantially comply
15 with the federal minimum testing and licensing
16 requirements in 49 C.F.R. part 383, subparts E, G, and
17 H as adopted by rule by the department. Except as
18 required under 49 C.F.R. part 383, subpart E, G, or H,
19 a commercial driver's license is renewable without a
20 driving skills test within one year after its
21 expiration date.

22 Sec. ____ . Section 321.196, unnumbered paragraph 1,
23 Code 1999, is amended to read as follows:

24 Except as otherwise provided, a driver's license,
25 other than an instruction permit, chauffeur's
26 instruction permit, or commercial driver's instruction
27 permit issued under section 321.180, expires, at the
28 option of the applicant, two or four years from the
29 licensee's birthday anniversary occurring in the year
30 of issuance if the licensee is between the ages of
31 seventeen years eleven months and seventy years on the
32 date of issuance of the license. If the licensee is
33 under the age of seventeen years eleven months or age
34 seventy or over, the license is effective for a period
35 of two years from the licensee's birthday anniversary
36 occurring in the year of issuance. Except as required
37 in section 321.188, and except for a motorcycle
38 instruction permit issued in accordance with section
39 321.180 or 321.180B, a driver's license is renewable
40 without written examination or penalty within a period
41 of sixty days after its expiration date and without a
42 driving test within a period of one year after its
43 expiration date. A person shall not be considered to
44 be driving with an invalid license during a period of
45 sixty days following the license expiration date.

46 However, for a license renewed within the sixty-day
47 period, the date of issuance shall be considered to be
48 the previous birthday anniversary on which it expired.
49 Applicants whose licenses are restricted due to vision
50 or other physical deficiencies may be required to

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1 renew their licenses every two years. For the
2 purposes of this section the birthday anniversary of a
3 person born on February 29 shall be deemed to occur on
4 March 1. The department in its discretion may
5 authorize the renewal of a valid driver's license
6 other than a commercial driver's license upon
7 application without an examination provided that the
8 applicant satisfactorily passes a vision test as
9 prescribed by the department, files a vision report in
10 accordance with section 321.186A which shows that the
11 applicant's visual acuity level meets or exceeds those
12 required by the department, or is eligible for renewal
13 by mail pursuant to rules adopted by the department.
14 The department may assess an applicant a fee of no
15 more than two dollars for administration and mailing
16 expenses for providing for renewal of the applicant's
17 driver's license by mail."

18 4. Page 6, line 1, by striking the word and
19 figure "and 2," and inserting the following: "through
20 3,".

21 5. Page 6, by inserting after line 19 the
22 following:

23 "3. This section does not apply to peace officers
24 acting on official duty. This section also does not
25 apply to the transportation of children in 1965 model
26 year or older vehicles, or authorized emergency
27 vehicles, or motor homes, except when a child is
28 transported in a motor home's passenger seat situated
29 directly to the driver's right. This section does not
30 apply to the transportation of a child who has been
31 certified by a physician licensed under chapter 148,
32 150, or 150A as having a medical, physical, or mental
33 condition which prevents or makes inadvisable securing
34 the child in a child restraint system, safety belt or
35 safety harness."

36 6. Page 8, by inserting after line 3 the
37 following:

38 "Sec. ____ . Section 321G.18, Code 1999, is amended
39 to read as follows:

40 321G.18 NEGLIGENCE.

41 The owner and operator of an all-terrain vehicle or
42 snowmobile are liable for any injury or damage
43 occasioned by the negligent operation of the all-
44 terrain vehicle or snowmobile. The owner of an all-
45 terrain vehicle or snowmobile shall be liable for any
46 such injury or damage only if the owner was the
47 operator of the all-terrain vehicle or snowmobile at
48 the time the injury or damage occurred or if the
49 operator had the owner's consent to operate the all-
50 terrain vehicle or snowmobile at the time the injury

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1 or damage occurred."

2 7. Title page, line 2, by inserting after the
3 word "children," the following: "owner liability for
4 damages,".

5 8. By renumbering, relettering, or redesignating
6 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5352 FILED APRIL 5, 2000

Senate Concurred
4/13/00
(p.114b)

SENATE FILE 2313

AN ACT

RELATING TO MOTOR VEHICLES, INCLUDING DRIVER LICENSING, THE USE OF CHILD RESTRAINTS AND SAFETY BELTS FOR CHILDREN, OWNER LIABILITY FOR DAMAGES, AND THE DESIGNATION OF VEHICLES AS AUTHORIZED EMERGENCY VEHICLES, MAKING A PENALTY APPLICABLE, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 321.1, subsection 6, Code Supplement 1999, is amended to read as follows:

6. "Authorized emergency vehicle" means vehicles of the fire department, police vehicles, ambulances, and emergency vehicles owned by the United States, this state, or any subdivision of this state, or any municipality of this state, and privately owned ambulances, and fire, rescue, or disaster vehicles as are designated or authorized by the director of transportation under section 321.451.

Sec. 2. Section 321.11, Code Supplement 1999, is amended to read as follows:

321.11 RECORDS OF DEPARTMENT.

1. All records of the department, other than those made confidential or not permitted to be open in accordance with 18 U.S.C. § 2721 et seq., adopted as of a specific date by rule of the department, shall be open to public inspection during office hours.

2. Personal Notwithstanding subsection 1, personal information shall not be disclosed to a requester if, except as provided in Pub. L. No. 106-69, § 350(b) or 18 U.S.C. § 2721, unless the individual person whose personal information is requested has not elected to prohibit disclosure of the information to the general public provided express written consent allowing disclosure of the person's personal information. The department shall give notice in a clear and conspicuous manner on forms for issuance or renewal of

~~driver's licenses, titles, registrations, or nonoperator's identification cards that personal information collected by the department may be disclosed to any person. The department shall provide in a clear and conspicuous manner on these forms an opportunity for an individual to prohibit disclosure of personal information to the general public. As used in this paragraph section, "personal information" means information that identifies a person, including a person's photograph, social security number, driver's license number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status or a person's zip code.~~

3. Notwithstanding other provisions of this section to the contrary, the department shall not release personal information to a person, other than to an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections and appeals in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, if the information is requested by the presentation of a registration plate number. In addition, an officer or employee of a law enforcement agency may release the name, address, and telephone number of a motor vehicle registrant to a person requesting the information by the presentation of a registration plate number if the officer or employee of the law enforcement agency believes that the release of the information is necessary in the performance of the officer's or employee's duties.

4. The department shall not sell personal information which is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph, regardless of whether ~~an individual~~ a person has elected to prohibit provided express written consent to disclosure of the information to the general public. This paragraph subsection

does not prohibit the department from collecting reasonable fees for copies of records or other services provided pursuant to section 22.3, 321.10, or 622.46.

Sec. 3. Section 321.178, subsection 1, unnumbered paragraph 3, Code Supplement 1999, is amended to read as follows:

Every public school district in Iowa shall offer or make available to all students residing in the school district or Iowa students attending a nonpublic school in the district an approved course in driver education. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. Street or highway driving instruction may be provided by a person qualified as a classroom driver education instructor or a person certified by the department of transportation and authorized by the board of educational examiners. A person shall not be required to hold a current Iowa teacher or administrator license at the elementary or secondary level or to have satisfied the educational requirements for an Iowa teacher license at the elementary or secondary level in order to be certified by the department of transportation or authorized by the board of educational examiners to provide

street or highway driving instruction. A final field test prior to a student's completion of an approved course shall be administered by a person qualified as a classroom driver education instructor. The department of transportation shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction. The board of educational examiners shall adopt rules pursuant to chapter 17A to provide for authorization of persons certified by the department of transportation to provide street or highway driving instruction.

Sec. 4. Section 321.188, subsection 1, paragraph c, Code Supplement 1999, is amended to read as follows:

c. Successfully pass knowledge tests and driving skills tests which the department shall require by rule. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. part 383, subparts E, G, and H as adopted by rule by the department. Except as required under 49 C.F.R. part 383, subpart E, G, or H, a commercial driver's license is renewable without a driving skills test within one year after its expiration date.

Sec. 5. Section 321.196, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Except as otherwise provided, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial driver's instruction permit issued under section 321.180, expires, at the option of the applicant, two or four years from the licensee's birthday anniversary occurring in the year of issuance if the licensee is between the ages of seventeen years eleven months and seventy years on the date of issuance of the license. If the licensee is under the age of seventeen years eleven months or age seventy or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. Except as required in section 321.188, and except for a motorcycle instruction permit issued in accordance with section 321.180 or 321.180B, a driver's license is renewable

without written examination or penalty within a period of sixty days after its expiration date and without a driving test within a period of one year after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. Applicants whose licenses are restricted due to vision or other physical deficiencies may be required to renew their licenses every two years. For the purposes of this section the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant satisfactorily passes a vision test as prescribed by the department, files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department, or is eligible for renewal by mail pursuant to rules adopted by the department. The department may assess an applicant a fee of no more than two dollars for administration and mailing expenses for providing for renewal of the applicant's driver's license by mail.

Sec. 6. Section 321.208, subsection 1, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Operating a commercial motor vehicle while any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

Sec. 7. Section 321.210D, subsection 2, Code 1999, is amended to read as follows:

2. Upon receiving notice from the clerk of the district court that an indictment or information has been filed charging an operator with homicide by vehicle under section 707.6A, subsection 1, ~~and if the person's license has not previously been suspended under chapter 321.07 or under section~~

~~707.6A, subsection 2,~~ the department shall notify the person that the person's driver's license will be suspended effective ten days from the date of issuance of the notice. The department shall adopt rules relating to the suspension of the license of an operator pursuant to this section which shall include, but are not limited to, procedures for the surrender of the person's license to the department upon the effective date of the suspension.

Sec. 8. Section 321.215, subsection 1, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The department, on application, may issue a temporary restricted license to a person whose noncommercial driver's license is suspended or revoked under this chapter, allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by any of the following:

Sec. 9. Section 321.215, subsection 2, unnumbered paragraph 1, Code 1999, is amended to read as follows:

Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5 or 6; section 321.210; 321.210A; or 321.513; or upon revocation pursuant to a court order issued under section 901.5, subsection 10; or upon the denial of issuance of a noncommercial driver's 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 or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3, a person may 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. 10. Section 321.215, subsection 4, Code 1999, is amended to read as follows:

4. The temporary restricted license or permit is not valid to operate a commercial motor vehicle if a commercial driver's license is required for the person's operation of the commercial motor vehicle ~~and the person is disqualified to operate a commercial motor vehicle under section 321.207, subsection 17-27-37, or 4.~~

Sec. 11. Section 321.446, subsections 1 through 3, Code 1999, are amended to read as follows:

1. A child under three years of age who is being transported in a motor vehicle subject to registration, ~~which has a gross weight of ten thousand pounds or less as specified by the manufacturer,~~ except a school bus or motorcycle, shall be secured during transit by a child restraint system which meets federal motor vehicle safety standards and the system shall be used in accordance with the manufacturer's instructions.

2. A child at least three years of age but under six years of age who is being transported in a motor vehicle subject to registration, ~~which has a gross weight of ten thousand pounds or less as specified by the manufacturer,~~ except a school bus or motorcycle, shall be secured during transit by either a child restraint system that meets federal motor vehicle safety standards and is used in accordance with the manufacturer's instructions, or by a safety belt or safety harness of a type approved under section 321.445.

3. This section does not apply to peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles, or authorized emergency vehicles, or motor homes, except when a child is transported in a motor home's passenger seat situated directly to the driver's right. This section does not apply to the transportation of a child who has been certified by a physician licensed under chapter 148, 150, or 150A as having a medical, physical, or mental condition which prevents or makes inadvisable securing the child in a child restraint system, safety belt or safety harness.

Sec. 12. Section 321.451, Code 1999, is amended by striking the section and inserting in lieu thereof the following:

321.451 EMERGENCY VEHICLES -- CERTIFICATE OF DESIGNATION.

1. The director or the director's designee may designate a privately owned vehicle as an authorized emergency vehicle and issue a certificate of designation for the vehicle, upon written request being made on forms provided by the department and showing necessity for the designation. A certificate of designation may be issued for the following privately owned vehicles:

a. An ambulance or fire or rescue vehicle.

b. A state or county medical examiner vehicle.

c. A vehicle owned by a sheriff or full-time paid deputy sheriff if the authorized emergency vehicle designation is requested by the sheriff.

d. A vehicle owned by a chief of police or any officer of the police department if the authorized emergency vehicle designation is requested by the chief of police.

e. A vehicle owned by a chief of a full-time paid fire department if the authorized emergency vehicle designation is requested by the chief of the fire department.

2. The application for a certificate of designation must include the name and occupation of the owner of the vehicle, vehicle identification information, a description of the vehicle's equipment, a description of the use of the vehicle when its red light is flashing, and a photograph showing a side view of the vehicle.

3. The certificate of designation shall at all times be carried with the registration receipt for the vehicle to which the certificate refers. The certificate may be revoked by the director upon a showing of abuse.

Sec. 13. Section 321.555, subsection 1, Code 1999, is amended to read as follows:

1. If, upon review of the record of convictions of any person, the department determines that the person appears to be a habitual offender, the department shall immediately

notify the person in writing and afford the licensee an opportunity for a hearing. ~~The notice shall direct the person named in the notice to appear for hearing and show cause why the person should not be barred from operating a motor vehicle on the highways of this state.~~ The notice shall meet the requirements of section 17A.12 and shall be served in the manner provided in that section. Service of notice on any nonresident of this state may be made in the same manner as provided in sections 321.498 through 321.506. A peace officer stopping a person for whom a notice ~~to appear for hearing~~ has been issued under ~~the provisions of~~ this section may personally serve the notice upon forms approved by the department to satisfy the notice requirements of this section. A peace officer may confiscate the driver's license of a person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the driver's license to the department as required.

Sec. 14. Section 321G.18, Code 1999, is amended to read as follows:

321G.18 NEGLIGENCE.

The owner and operator of an all-terrain vehicle or snowmobile are liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle or snowmobile. The owner of an all-terrain vehicle or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the all-terrain vehicle or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the all-terrain vehicle or snowmobile at the time the injury or damage occurred.

Sec. 15. Section 321J.4, subsection 9, Code Supplement 1999, is amended to read as follows:

9. A person whose noncommercial driver's 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 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 a violation of section 321J.2A or to a person under the age of twenty-one whose license is revoked under this section or section 321J.9 or 321J.12. If the court determines that the temporary restricted license is necessary for the person to maintain the person's present employment, and that the minimum period of ineligibility for receipt of a temporary license has expired, the court shall order the department to issue to the person a temporary restricted license conditioned upon the person's certification to the court of the installation of approved ignition interlock devices in all motor vehicles that it is necessary for the person to operate to maintain the person's present employment. Section 321.561 does not apply to a person operating a motor vehicle in the manner permitted under this subsection. If the person operates a motor vehicle which does not have an approved ignition interlock device or if the person tampers with or circumvents an ignition interlock device, in addition to other penalties provided, the person's temporary restricted license

shall be revoked. A person holding a temporary restricted license issued under this subsection shall not operate a commercial motor vehicle, as defined in section 321J.1, on a highway if a commercial driver's license is required for the person to operate the commercial motor vehicle.

Notwithstanding any provision of this chapter to the contrary, the court may order the department to issue a temporary restricted license to a person otherwise eligible for a temporary restricted license under this subsection, whose period of revocation under this chapter has expired, but who has not met all requirements for reinstatement of the person's noncommercial driver's license or nonresident operating privileges.

Sec. 16. Section 321J.13, subsection 1, Code Supplement 1999, is amended to read as follows:

1. Notice of revocation of a person's noncommercial driver's license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person only wishes to request a temporary restricted license after the mandatory ineligibility period for issuance of a temporary restricted license has ended, or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within ten days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter.

Sec. 17. Section 321J.20, subsections 1 and 4, Code 1999, are amended to read as follows:

1. The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under this chapter allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by the person's full-time or part-time

employment, continuing health care or the continuing health care of another who is dependent upon the person, continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion, substance abuse treatment, and court-ordered community service responsibilities if the person's driver's license has not been revoked previously under section 321J.4, 321J.9, or 321J.12 and if any of the following apply:

a. The person's noncommercial driver's license is revoked under section 321J.4 and the minimum period of ineligibility for issuance of a temporary restricted license has expired. This subsection shall not apply to a revocation ordered under section 321J.4 resulting from a plea or verdict of guilty of a violation of section 321J.2 that involved a death.

b. The person's noncommercial driver's license is revoked under section 321J.9 and the person has entered a plea of guilty on a charge of a violation of section 321J.2 which arose from the same set of circumstances which resulted in the person's driver's license revocation under section 321J.9 and the guilty plea is not withdrawn at the time of or after application for the temporary restricted license, and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

c. The person's noncommercial driver's license is revoked under section 321J.12, and the minimum period of ineligibility for issuance of a temporary restricted license has expired.

However, a temporary restricted license may be issued if the person's noncommercial driver's license is revoked under section 321J.9, and the revocation is a second revocation under this chapter, and the first three hundred and sixty-five days of the revocation have expired.

4. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver's license is required for the person's operation of the

~~commercial motor vehicle. However, this subsection does not apply if the temporary restricted license was issued as a result of a violation of this chapter while the person was operating a vehicle other than a commercial motor vehicle.~~

Sec. 18. EFFECTIVE DATE. The section of this Act amending section 321.11, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2313, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/21, 2000

THOMAS J. VILSACK
Governor