

CHAPTER 103
OPERATION OF MOTOR VEHICLES
S. F. 514

AN ACT relating to the operation of a motor vehicle, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.72, Code 1981, is amended to read as follows:

321.72 REPORT OF STOLEN AND RECOVERED MOTOR VEHICLES. Every ~~sheriff,~~
~~chief--of--police,~~~~--or~~ peace officer upon receiving reliable information that
any vehicle registered ~~hereunder~~ under this chapter has been stolen shall
immediately report ~~such~~ the theft to the department unless prior thereto
information has been received of the recovery of ~~such~~ the vehicle. Any ~~said~~
officer upon receiving information that any vehicle, which ~~he~~ the officer has
previously reported as stolen, has been recovered, shall immediately report
the fact of ~~such~~ the recovery to the ~~local--sheriff's--office--or--police~~
~~department~~ law enforcement agency which originated the theft report and to
the department.

Sec. 2. Section 321.94, Code 1981, is amended to read as follows:

321.94 TEST TO DETERMINE TRUE NUMBER. Where it appears that a vehicle
identification number or component part number has been altered, defaced or
tampered with, any ~~sheriff,~~~~--state--agent--or~~ peace officer, ~~or--inspector~~
~~employed--by--the--department,~~ or any other person acting under ~~their~~ a peace
officer's direction, may apply any recognized process or test to the part
containing ~~such~~ the number for the purpose of determining the true number.

Sec. 3. Section 321.224, Code 1981, is amended to read as follows:

321.224 RECORD KEPT. Every person renting a motor vehicle to another
shall keep a record of the registration number of the motor vehicle so
rented, the name and address of the person to whom the vehicle is rented, the
number of the license of ~~said~~ the latter person and the date and place when
and where ~~said~~ the license was issued. ~~Such~~ The record shall be open to
inspection by any ~~police~~ peace officer ~~or--officer~~ as defined in section
801.4, subsection 7, paragraphs a, b, c, and h or employee of the department.

Sec. 4. Section 321.261, Code 1981, is amended to read as follows:

321.261 DEATH OR PERSONAL INJURIES. The driver of any vehicle involved
in an accident resulting in injury to or death of any person shall
immediately stop ~~such~~ the vehicle at the scene of ~~such~~ the accident or as
close ~~thereto~~ as possible ~~but~~ and if able, shall then ~~forthwith~~ return to and
~~in--every--event--shall~~ remain at the scene of the accident ~~until--he--has~~
~~fulfilled--the--requirements--of~~ in accordance with section 321.263. Every such
stop shall be made without obstructing traffic more than is necessary.

Any person failing to stop or to comply with ~~said~~ the requirements ~~under~~
~~such--circumstances--shall--upon--conviction--be--punished--by--imprisonment--for--not--less--than--thirty--days--nor--more--than--one--year--or--by--fine--of--not--less--than--one~~

~~hundred-dollars-or-more-than-five-thousand-dollars,-or-by-both-such-fine-and imprisonment in unnumbered paragraph 1 of this section, in the event of an accident resulting in an injury to any person is guilty upon conviction of a serious misdemeanor.~~

Any person failing to stop or to comply with the requirements in unnumbered paragraph 1 of this section, in the event of an accident resulting in the death of any person is guilty upon conviction of an aggravated misdemeanor.

The director shall revoke the operator's or chauffeur's license of the person so convicted.

Sec. 5. Section 321.266, subsection 2, Code 1981, is amended to read as follows:

2. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of ~~two~~ five hundred fifty dollars or more shall also, within seventy-two hours after ~~such~~ the accident, forward a written report of ~~such~~ the accident to the department.

Sec. 6. Section 321.281, Code 1981, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Whoever operates a motor vehicle upon the public highways of this state while having thirteen hundredths or more of one percent by weight of alcohol in the blood shall, upon conviction or a plea of guilty, be guilty of a serious misdemeanor for the first offense and shall be imprisoned in the county jail for not less than two days; be guilty of an aggravated misdemeanor for the second offense and shall be imprisoned in the county jail for not less than seven days; and be guilty of a class "D" felony for a third offense and each offense thereafter.

NEW UNNUMBERED PARAGRAPH. The offense of operating a motor vehicle under the influence of alcohol is an offense separate and distinct from the offense of operating a motor vehicle while having thirteen hundredths or more of one percent by weight of alcohol in the blood. A person shall not be convicted and sentenced for both offenses under this section for the same occurrence.

NEW UNNUMBERED PARAGRAPH. If the court defers judgment pursuant to section 907.3 for an offense under this section, the court shall order the revocation of the defendant's license to operate a motor vehicle for a period not less than thirty days nor more than ninety days, during which time no new license to operate a motor vehicle shall be issued to the defendant. A person whose license to operate a motor vehicle is revoked pursuant to this paragraph, may be issued a temporary driving permit by the department, restricted to driving to and from the person's home, place of employment, and in the person's employment, if the person's license to operate is not subject to revocation pursuant to section 321B.7 for refusal to submit to chemical testing.

Sec. 7. Chapter 321, Code 1981, is amended by adding the following new section:

NEW SECTION. A person shall not drive or operate a new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle upon a public highway which has had the center of gravity altered or modified

in any manner which is prohibited by rules adopted by the director. The rules shall be based upon original automobile manufacturer specifications. The rules adopted by the director shall not prohibit a person from driving or operating a new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle where the bumper is not more than five inches above or below the original automobile manufacturer's specifications.

In adopting rules, the director shall provide exceptions to the standards provided in this section where the owner of the new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle has altered or modified the center of gravity or height of the bumper because of the special use of the vehicle for hauling special loads or the owner's use of the new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle in the owner's occupation which is primarily for off-highway use. Rules adopted under this section shall exempt antique vehicles registered under section 321.115 or vehicles which qualify as antique vehicles under section 321.115, and a reconstructed vehicle titled under section 321.23.

The purpose of this section is to insure the proper use of motor vehicles on the highways of the state and to provide for the personal safety of the motor vehicle owner and the owner's motor vehicle and the traveling public and other motor vehicles used on the highways of the state.

Sec. 8. Section 321A.5, subsection 1, Code 1981, is amended to read as follows:

1. The director shall, immediately or within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death or damage to the property of any one person in excess of ~~two five~~ five hundred ~~fifty~~ dollars, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in ~~such the~~ such the accident, and if ~~such the~~ such the operator is a nonresident the privilege of operating a motor vehicle within this state, and if ~~such the~~ such the owner is a nonresident the privilege of the use within this state of any motor vehicle owned by ~~him the owner~~, unless ~~such the~~ such the operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the director to satisfy any judgment or judgments for damages resulting from ~~such the~~ such the accident as may be recovered against ~~such the~~ such the operator or owner; provided notice of ~~such the~~ such the suspension shall be sent by the director to ~~such the~~ such the operator and owner not less than ten days prior to the effective date of ~~such the~~ such the suspension and shall state the amount required as security.

Sec. 9. Section 805.8, subsection 2, paragraphs b and k, Code 1981, are amended to read as follows:

b. For registration violations under sections 321.32, 321.34, 321.37, 321.38, and 321.41, ~~and 321.189, subsection 3~~, the scheduled fine is five dollars. For violations of sections ~~321.32 and 321.189, subsection 3~~, 321.34 and 321.37 the case shall be dismissed without imposition of fine or costs if a license or registration valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

k. For violations of traffic signs and signals, and for failure to obey an officer under sections 321.229, 321.236, subsections 2 and 6, 321.256, 321.257, subsections 2 and 3, 321.258, 321.294, 321.304, subsection 3, 321.322, 321.341, 321.342, 321.343 and ~~321.345~~ 321.415, the scheduled fine is twenty dollars.

Approved June 14, 1981

CHAPTER 104

MOTOR VEHICLE REGISTRATION RECIPROCITY

S. F. 148

AN ACT to allow monthly refunding of motor vehicle registration reciprocity fees.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.127, Code 1981, is amended to read as follows:

321.127 AMOUNT OF REFUND. For December and each succeeding month the refund for motor vehicles shall be computed on the basis of one-fourth of the annual registration fee multiplied by the number of remaining quarters of the year from date of filing of the claim for refund with the county treasurer, computed to the nearest quarter dollar. The department, unless reasonable grounds exist for delay, shall make refund on or before the fifteenth day of the quarter following the quarter in which the claim is filed with the department. For trailers or semitrailers issued a multiyear registration plate a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete calendar years. Refunds for motor vehicles registered for prorate under chapter 326 shall be paid on the basis of unexpired complete calendar months remaining from the date the claim is filed with the department.

Approved April 7, 1981