

e. (3) The franchisor completely withdraws from directly or indirectly distributing its products or services in the geographic market served by the franchisee, provided that upon expiration of the franchise, the franchisor agrees not to seek to enforce any covenant of the nonrenewed franchisee not to compete with the franchisor or franchisees of the franchisor.

2. As a condition of renewal of the franchise, a franchise agreement may require that the franchisee meet the then current requirements for franchises and that the franchisee execute a new agreement incorporating the then current terms and fees for new franchises.

Sec. 6. Section 523H.11, Code 1995, is amended to read as follows:
523H.11 REPURCHASE OF ASSETS.

A franchisor shall not prohibit a franchisee from, or enforce a prohibition against a franchisee, engaging in any lawful business at any location after a termination or refusal to renew by a franchisor, unless it is one which relies on a substantially similar marketing program as the terminated or nonrenewed franchise or unless the franchisor offers in writing no later than ten business days before expiration of the franchise to purchase the assets of the franchised business for its fair market value as a going concern. The value of the assets shall not include the goodwill of the business attributable to the trademark licensed to the franchisee in the franchise agreement. The offer may be conditioned upon the ascertainment of a fair market value by an impartial appraiser. This section does not apply to assets of the franchised business which the franchisee did not purchase from the franchisor, or the agent of the franchisor.

Approved April 29, 1995

CHAPTER 118

MOTOR VEHICLE AND HIGHWAY REGULATION

S.F. 290

AN ACT relating to motor vehicle and highway regulation by the state department of transportation concerning retention of records and documents, registration plates and stickers, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, flashing warning lamps on a school bus, motorcycle license requirements, leased motor vehicles, proof of financial responsibility, charges for handicapped identification devices, single state registration for motor carriers, commodity base state registration, other technical changes, and providing effective and applicability dates.

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

Section 1. Section 321.1, subsection 11, paragraph d, subparagraph (1), Code 1995, is amended to read as follows:

(1) The combination of vehicles has a gross combination weight rating of twenty-six thousand one or more pounds provided the towed vehicle ~~has a gross vehicle~~ or vehicles have a gross weight rating or gross combination weight rating of ten thousand one or more pounds.

Sec. 2. Section 321.1, subsection 76, Code 1995, is amended to read as follows:

76. A ~~special~~ Special truck means a motor truck or truck tractor not used for hire

with a gross weight registration of six through thirty-two tons used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use in the owner's own farming operation or occasional use for charitable purposes. "Special truck" also means a motor truck or truck tractor not used for hire with a gross weight registration of six through thirty-two tons used by a person engaged in farming who assists another person engaged in farming through an exchange of services. A "special truck" does not include a truck tractor operated more than seventy-five hundred miles annually.

Sec. 3. Section 321.13, Code 1995, is amended to read as follows:

321.13 AUTHORITY TO GRANT OR REFUSE APPLICATIONS.

The department shall examine and determine the genuineness, regularity, and legality of every application lawfully made to the department, and may ~~in all cases make investigation as may be deemed necessary~~ investigate or require additional information, ~~and shall.~~ The department may reject any such application if not satisfied of the genuineness, regularity, or legality thereof of the application or the truth of any statement contained therein made within the application, or for any other reason, when authorized by law. The department may retain possession of any record or document until the investigation of the application is completed if it appears that the record or document is fictitious or unlawfully or erroneously issued and shall not return the record or document if it is determined to be fictitious or unlawfully or erroneously issued.

Sec. 4. Section 321.18, subsection 7, Code 1995, is amended to read as follows:

7. Any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in section 285.1, subsection 1, and section 285.10, subsection 9, or used exclusively for the transportation of children enrolled in a federal head start program. Upon application the department shall, without charge, issue a registration certificate and shall also issue registration plates which shall have imprinted thereon the words "Private School Bus" and a distinguishing number assigned to the applicant. Such plates shall be attached to the front and rear of each bus exempt from registration under this subsection.

Sec. 5. Section 321.19, subsection 1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on Iowa highway safety patrol vehicles shall bear the word "official" and the department shall keep a separate record. Registration plates issued for Iowa highway safety patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number. Registration plates issued for a county sheriff's patrol vehicles shall display one seven-pointed gold star ~~on a green background~~ followed by the letter "S" and the call number of the vehicle. However, the director of general services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by peace officers in the enforcement of the law, persons enforcing chapter 124 and other laws relating to controlled substances, persons in the department of justice and the department of inspections and appeals who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates, and persons in the lottery division of the department of revenue and finance whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was

purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 6. NEW SECTION. 321.20A CERTIFICATE OF TITLE – COMMERCIAL MOTOR VEHICLES.

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

2. A commercial motor vehicle issued a certificate of title under this section shall not be subject to registration fees until the commercial motor vehicle is driven upon the high-ways. The registration fee due shall be prorated for the remaining unexpired months of the registration year. Ownership of a commercial motor vehicle issued a certificate of title under this section shall not be transferred until registration fees have been paid to the department.

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

Sec. 7. Section 321.34, subsection 2, Code 1995, is amended to read as follows:

2. VALIDATION STICKERS. In lieu of issuing new registration plates each registration year for a vehicle renewing registration, the department may reassign the registration plates previously issued to the vehicle and may adopt and prescribe an annual validation ~~stickers~~ sticker indicating payment of registration fees. The department shall issue ~~two~~ one validation ~~stickers~~ sticker for each set of registration plates. ~~One~~ The sticker shall specify the month and year of expiration of the registration period ~~plates~~. ~~The second sticker shall specify the month of expiration of the registration period and need not be reissued annually. The month of registration shall not be required on registration plates or validation stickers issued for vehicles registered under chapter 326.~~ The ~~stickers~~ sticker shall be displayed only on the rear registration plate, except that the ~~stickers~~ sticker shall be displayed on the front registration plate of a truck-tractor.

The state department of transportation shall ~~promulgate~~ adopt rules to provide for the placement of the motor vehicle registration validation ~~stickers on all registration plates issued for the motor vehicle when such validation stickers are issued in lieu of issuing new registration plates under the provisions of this section~~ sticker.

Sec. 8. Section 321.34, subsection 4, Code 1995, is amended to read as follows:

4. MULTIYEAR PLATES. In lieu of issuing annual registration plates for trailers and semitrailers, the department may issue a multiyear registration ~~plates~~ plate for a three-year period or a ~~six-year period~~ permanent registration plate for trailers and semitrailers licensed under chapter 326 upon payment of the appropriate registration fee. Payment of fees to the department for a permanent registration plate shall, at the option of the registrant, be made at five-year intervals or on an annual basis. Fees from three-year and ~~six-year~~ five-year payments shall not be reduced or prorated.

Sec. 9. Section 321.34, subsection 7, Code 1995, is amended to read as follows:

7. HANDICAPPED PLATES. The owner of a motor vehicle subject to registration

pursuant to section 321.109, subsection 1, light delivery truck, panel delivery truck, or pickup, who is a handicapped person, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a handicapped person, as defined in section 321L.1, may, upon written application to the department, order handicapped registration plates designed by the department bearing the international symbol of accessibility. The handicapped registration plates shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148, 149, 150, or 150A, or a chiropractor licensed under chapter 151, written on the physician's or chiropractor's stationery, stating the nature of the applicant's or the applicant's child's handicap and such additional information as required by rules adopted by the department, including proof of residency of a child who is a handicapped person. If the application is approved by the department the handicapped registration plates shall be issued to the applicant in exchange for the previous registration plates issued to the person. ~~The fee for the handicapped plates is five dollars which is in addition to the regular annual registration fee.~~ The department shall validate the handicapped plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. However, the handicapped plates shall not be renewed without the applicant furnishing evidence to the department that the owner of the motor vehicle or the owner's child is still a handicapped person as defined in section 321L.1, unless the applicant has previously provided satisfactory evidence to the department that the owner of the vehicle or the owner's child is permanently handicapped in which case the furnishing of additional evidence shall not be required for renewal. However, an owner who has a child who is a handicapped person shall provide satisfactory evidence to the department that the handicapped child continues to reside with the owner. The handicapped registration plates shall be surrendered in exchange for regular registration plates when the owner of the motor vehicle or the owner's child no longer qualifies as a handicapped person as defined in section 321L.1 or when the owner's child who is a handicapped person no longer resides with the owner.

Sec. 10. Section 321.35, Code 1995, is amended to read as follows:

321.35 PLATES - REFLECTIVE MATERIAL - BID PROCEDURES.

All motor vehicle registration plates shall be treated with a reflective material according to specifications ~~prescribed~~ proposed by the director and approved by the commission.

The department shall not enter into any contract requiring an expenditure of at least five hundred thousand dollars for the manufacture of motor vehicle registration plates to be reissued to owners under this chapter unless competitive bidding procedures as provided in chapter 18 are followed.

Sec. 11. Section 321.47, unnumbered paragraph 1, Code 1995, is amended to read as follows:

~~In the event of the transfer of~~ If ownership of a vehicle ~~is transferred~~ by operation of law as upon inheritance, devise or bequest, dissolution decree, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, abandoned vehicle sale, or when the engine of a motor vehicle is replaced by another engine, or a vehicle is sold or transferred to satisfy an artisan's lien as provided in chapter 577, a landlord's lien as provided in chapter 570, a storage lien as provided in chapter 579, a judgment in an action for abandonment of a mobile home as provided in chapter 555B, or repossession is had upon default in performance of the terms of a security agreement, the county treasurer in the transferee's county of residence, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof to the county treasurer of ownership and right of possession to the vehicle and upon payment of a fee of ten dollars and the presentation of an application for registration and certificate of title, may issue to the applicant a registration card for the vehicle and a certificate of title to ~~it~~ the vehicle. A person entitled to ownership of a vehicle under a decree of dissolution shall surrender a certified copy of the dissolution and upon fulfilling

the other requirements of this chapter is entitled to a certificate of title and registration receipt issued in the person's name.

PARAGRAPH DIVIDED. The persons entitled under the laws of descent and distribution of an intestate's property to the possession and ownership of a vehicle owned in whole or in part by a decedent, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent's estate, which instrument shall also contain an agreement to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, are entitled upon fulfilling the other requirements of this chapter, to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to it. If a decedent dies testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit, and upon fulfilling the other requirements of this chapter, are entitled to the issuance of a registration card for the interest of the decedent in the vehicle and a certificate of title to the vehicle. The affidavit shall contain the same information and indemnity agreement as is required in cases of intestacy pursuant to this section. No requirement of chapter 450 or 451 shall be considered satisfied by the filing of the affidavit provided for in this section. If, from the records in the office of the county treasurer, there appear to be any liens on the vehicle, the certificate of title shall contain a statement of the liens unless the application is accompanied by proper evidence of their satisfaction or extinction. Evidence of extinction may consist of, but is not limited to, an affidavit of the applicant stating that a security interest was foreclosed as provided in ~~Uniform Commercial Code~~, chapter 554, article 9, part 5.

Sec. 12. Section 321.52A, Code 1995, is amended to read as follows:

321.52A CERTIFICATE OF TITLE SURCHARGE.

In addition to the fee required for the issuance of a certificate of title under section 321.20, ~~321.20A~~, 321.23, 321.42, 321.46, 321.47, 321.48, 321.50, or 321.52, a surcharge of five dollars shall be required. Of each surcharge collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit in the general fund of the state.

Sec. 13. Section 321.89, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

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

PARAGRAPH DIVIDED. From the proceeds of the sale of an abandoned vehicle the police authority shall reimburse itself for the expenses of the auction, the costs of towing,

preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 3, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund.

Sec. 14. Section 321.90, subsection 2, paragraphs d, e, and f, Code 1995, are amended to read as follows:

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

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

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

Sec. 15. Section 321.90, subsection 3, Code 1995, is amended to read as follows:

3. DUTIES OF DEMOLISHERS.

a. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk under the provisions of this section shall junk, scrap, wreck, dismantle, or demolish such motor vehicle. ~~However, if the vehicle is acquired under the provisions of subsection 2, paragraph "e", the demolisher shall apply to the police authority of the jurisdiction from which the vehicle was acquired for a certificate of authority to demolish the vehicle. In making the application the demolisher shall describe the motor vehicle as required by subsection 2, paragraph "b". The police authority shall issue the certificate of authority upon complying with subsection 2, paragraph "e", but shall be excused from following the notification procedures as required therein. No further titling of the motor vehicle shall be permitted. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender the auction sales receipt or certificate of authority to dispose of or demolish a motor vehicle to the department for cancellation. The department shall issue such forms and rules governing the surrender of auction sales receipts, certificates of title, and certificates of authority to dispose of or demolish motor vehicles, and the cancellation and surrender of the registrations and certificates of title for such motor vehicles as are appropriate. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.~~

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

Sec. 16. Section 321.105, unnumbered paragraph 4, Code 1995, is amended to read as follows:

In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued an Iowa annual registration plate, an additional registration fee may be paid for a period of two or ~~five~~ four subsequent registration years.

Sec. 17. Section 321.122, subsection 2, Code 1995, is amended to read as follows:

2. a. For semitrailers the annual registration fee is ten dollars which shall not be reduced or prorated under chapter 326. ~~However, if the registration fee is paid for a six year period, the total fee is fifty dollars which shall not be reduced or prorated under chapter 326.~~

b. For trailers and semitrailers licensed under chapter 326, the annual registration fee for the permanent registration plate shall be ten dollars which shall not be reduced or prorated under chapter 326. The registration fees for a permanent registration plate shall, at the option of the registrant, be remitted to the department at five-year intervals or on an annual basis.

Sec. 18. Section 321.123, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

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

Sec. 19. Section 321.126, subsection 6, unnumbered paragraph 1, Code 1995, is amended to read as follows:

If a vehicle is sold or junked, the owner in whose name the vehicle was registered may make claim to the county treasurer or department for a refund of the sold or junked vehicle's registration fee. Also if the owner of a vehicle receives a vehicle registration fee credit under section 321.46, subsection 3, and the credit allowed exceeds the amount of the registration fee for the vehicle acquired, the owner may claim a refund for the balance of the credit. The refund is subject to the following limitations:

Sec. 20. Section 321.166, subsection 7, Code 1995, is amended to read as follows:

7. The year and month of expiration of registration, which may be abbreviated, shall be displayed on vehicle registration plates issued by the county treasurer. A distinctive emblem or validation sticker may be prescribed by the department to designate the year and month of expiration which shall be attached to the embossed area on the plate located at the lower corners of the registration plate. The year and month of expiration shall not be required to be displayed on plates issued under section 321.19.

Sec. 21. Section 321.182, subsection 2, Code 1995, is amended to read as follows:

2. Surrender all other motor vehicle licenses and nonoperator's identification cards.

Sec. 22. Section 321.189, subsection 7, paragraphs a and b, Code 1995, are amended to read as follows:

- a. An operator who has been issued a class M license prior to ~~July 1, 1994~~ May 1, 1997.
- b. An operator who is renewing the operator's class M license issued prior to ~~July 1, 1994~~ May 1, 1997.

Sec. 23. NEW SECTION. 321.253B METRIC SIGNS RESTRICTED.

The department shall not place a sign relating to a speed limit, distance, or measurement on a highway if the sign establishes the speed limit, distance, or measurement solely by using the metric system, unless specifically required by federal law.

Sec. 24. Section 321.372, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The driver of a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is forty-five miles per hour or greater and shall turn on flashing warning lamps at a distance of not less than one hundred fifty feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is less than forty-five miles per hour. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow or other weather conditions, a school bus shall not stop to receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway.

Sec. 25. Section 321.423, subsections 3 and 4, Code 1995, are amended to read as follows:

3. BLUE LIGHT. A blue light shall not be used on any vehicle except for the following:
 - a. A vehicle owned or exclusively operated by a fire department; ~~or~~
 - b. A vehicle authorized by the ~~director when:~~ chief of the fire department if
 - (1) ~~The~~ the vehicle is owned by a member of a the fire department;
 - (2) ~~The,~~ the request for authorization is made by the member on forms provided by the department;
 - (3) ~~Necessity, and necessity~~ necessity for authorization is demonstrated in the request.
 - (4) ~~The chief of the fire department certifies that the member is in good standing with the fire department and recommends that the authorization be granted.~~
4. EXPIRATION OF AUTHORITY. The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first responder service or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph "b", shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked.

Sec. 26. Section 321.463, Code 1995, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. Notwithstanding other provisions of this chapter

to the contrary, indivisible loads operating under the permit requirements of sections 321E.7, 321E.8, and 321E.9 shall be allowed a maximum of twenty thousand pounds per axle.

Sec. 27. Section 321.484, unnumbered paragraph 2, Code 1995, is amended to read as follows:

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

Sec. 28. Section 321E.11, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Movements by permit in accordance with this chapter shall be permitted only during the hours from sunrise to sunset unless the issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume conditions or the vehicle subject to the permit has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet, four inches, and the permit requires the vehicle to operate only on ~~the~~ those high-ways designated ~~highway system by the department~~. Additional safety lighting and escorts may be required for movement at night.

Sec. 29. Section 321F.6, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

321F.6 FINANCIAL RESPONSIBILITY – LEASE.

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

Sec. 30. Section 321L.2, subsection 3, Code 1995, is amended to read as follows:

3. Each handicapped identification device shall be acquired by ~~the department and sold at a cost not to exceed five dollars,~~ to handicapped persons upon application on forms prescribed by the department. Before delivering a handicapped identification device to a handicapped person the department shall permanently affix to the device a unique number which may be used by the department to identify the individual to whom the device is issued. A temporary handicapped identification hanging device shall have the expiration date permanently affixed to the device. Expiration dates and identification numbers affixed to handicapped identification hanging devices shall be of sufficient size to be readable from outside the vehicle.

A handicapped person who owns a motor vehicle for which the handicapped person has been issued radio operator registration plates under section 321.34, subsection 3, or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a handicapped identification sticker to be affixed to the plates. The handicapped identification stickers shall bear the international symbol of accessibility. The handicapped identification stickers shall be acquired by ~~the department and sold at a cost not to exceed five dollars,~~ to eligible handicapped persons upon application on forms prescribed by the department.

Sec. 31. Section 327B.1, Code 1995, is amended to read as follows:
327B.1 AUTHORITY SECURED AND REGISTERED.

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

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

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

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

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

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

Sec. 32. Section 327B.6, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Registration under section 327B.1 shall not be granted until the exempt carrier has filed with the state department of transportation evidence of insurance or surety bond issued by an insurance carrier or bonding company authorized to do business in this state ~~and in the a form prescribed in 49 C.F.R. § 387.15 for motor carriers of property and in 49 C.F.R. § 387.39 for motor carriers of passengers by the department.~~ The minimum limits of liability for each interstate motor carrier for hire subject to federal minimum limits of liability are those adopted under United States Code, Title 49, and prescribed in 49 C.F.R. § 387.3 and § 387.9 for motor carriers of property and in 49 C.F.R. § 387.27 and § 387.33 for motor carriers of passengers.

Sec. 33. NEW SECTION. 327B.7 RECIPROCITY FOR EXEMPT COMMODITY BASE STATE REGISTRATION SYSTEM.

The department may enter into a reciprocity agreement on behalf of this state with authorized representatives of other states to become a member of an exempt commodity base state registration system for the registration, insurance verification, and fee collection for carriers hauling commodities exempt from interstate commerce commission authority.

Sec. 34. Section 805.3, Code 1995, is amended to read as follows:
805.3 PROCEDURE.

Before the cited person is released, the person shall sign the citation, either in a paper or electronic format, as a written promise to appear in court at the time and place specified. A copy of the citation shall be given to the person.

Sec. 35. Section 805.5, Code 1995, is amended to read as follows:
805.5 FAILURE TO APPEAR.

Any person who willfully fails to appear in court as specified by the citation shall be guilty of a simple misdemeanor. Where a defendant fails to make a required court appearance, the court shall issue an arrest warrant for the offense of failure to appear, and shall forward the warrant and the original or electronically produced citation to the clerk. The clerk shall enter a transfer to the issuing agency on the docket, and shall return the warrant with the original citation attached to the law enforcement agency which issued the

original or electronically produced citation for enforcement of the warrant. Upon arrest of the defendant, the warrant and the original or electronically produced citation shall be returned to the court, and the offenses shall be heard and disposed of simultaneously.

Sec. 36. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 3, Code 1995, is amended to read as follows:

Notwithstanding other contrary requirements of this section, a uniform citation and complaint may be originated from a computerized device. The officer issuing the citation through a computerized device shall obtain electronically the signature of the person cited as provided in section 805.3 and shall give two copies of the citation to the person cited and shall provide a record of the citation to the court where the person cited is to appear and to the law enforcement agency of the officer by an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or copy of the citation.

Sec. 37. 1994 Iowa Acts, chapter 1102, section 4, as amended by 1994 Iowa Acts, chapter 1199, section 52, is amended to read as follows:

SEC. 4. EFFECTIVE DATE. The provisions of this Act which amend section 321.189, take effect May 1, ~~1995~~ 1997.

Sec. 38. Section 321F.7, Code 1995, is repealed.

Sec. 39. EFFECTIVE DATE AND APPLICABILITY. Sections 22 and 37 of this Act, being deemed of immediate importance, take effect upon enactment and apply retroactively to May 1, 1995, in order to delay the effective date of the amendments to section 321.189, subsection 7, Code 1993, to May 1, 1997.

Sec. 40. EFFECTIVE DATE. Sections 7, 19, and 20 of this Act take effect on January 1, 1997.

Approved April 29, 1995

CHAPTER 119
ESTABLISHMENT OF LEGAL SETTLEMENT
H.F. 41

AN ACT relating to the establishment of legal settlement for certain persons, providing for the Act's applicability, and providing an effective date.

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

Section 1. Section 230.12, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 4. An action filed or an alternative dispute resolution stipulated to under this section is subject to the applicable provisions of sections 230.13 and 230.14.

Sec. 2. Section 252.16, subsection 6, Code 1995, is amended to read as follows:

6. **a.** Subsections 1, 2, 3, 7, and 8 do not apply to a blind person who is receiving assistance under the laws of this state.

b. A blind person ~~receiving assistance~~ who has resided in one county of this state for a period of six months acquires legal settlement for support as provided in this chapter, except as specified in paragraph "c". ~~However, a~~