

corrections, and prison beds; the potential impact of the use of split sentencing on jail, community corrections, and prison bed space; security needs and costs associated with the implementation of hard labor requirements for persons incarcerated in corrections institutions; and the nature and costs associated with other sentencing options. The legislative council may employ a consultant to assist the task force. The task force shall have the following membership:

1. Five ex officio, nonvoting members each from the senate and the house of representatives.
2. A representative from the division of criminal and juvenile justice planning of the department of human rights.
3. A representative from an association of sheriffs and deputy sheriffs.
4. Three representatives from the department of corrections, two of whom shall be correctional officers who are members of a statewide employee organization.
5. A representative from a county board of supervisors.
6. A representative from the board of parole.
7. A district director of a judicial district department of correctional services.
8. A district judge.
9. A justice of the supreme court.

The task force shall not hold any meetings prior to November 5, 1996. However, the consultant shall be employed prior to that date and operate under guidance from the acting co-chairpersons of the task force prior to the first meeting of the task force.

The task force shall submit findings and any recommendations in a report to the general assembly by January 1, 1997.

Sec. 6. **RISK ASSESSMENT STUDY.** The department of corrections, in consultation with the board of parole and the division of criminal and juvenile justice planning of the department of human rights, shall conduct a study of the various risk assessment tools currently used in the Iowa corrections system to determine the relative risk posed by a criminal offender and the prospects for the offender's rehabilitation, and make findings and recommendations regarding the implementation and use of a risk assessment tool during or as part of the presentence investigation process. In conducting the study, the department shall also consult with faculty members with expertise in risk assessment who are from Iowa institutions of higher education which offer degree programs in criminology. The recommendations and any corresponding findings shall be submitted in a report to the general assembly by January 1, 1997.

Approved April 23, 1996

CHAPTER 1152

MOTOR VEHICLES AND AIRCRAFT - MISCELLANEOUS PROVISIONS

S.F. 2266

AN ACT making transportation-related Code changes including providing for a temporary registration permit, increasing registration fees for certain trailers, and providing an effective date.

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

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

321.17 MISDEMEANOR TO VIOLATE REGISTRATION PROVISIONS.

It is a simple misdemeanor ~~punishable as provided in section 321.482~~, for any person to drive or move or for an owner knowingly to permit to be driven or moved upon ~~any~~ the highway ~~any~~ a vehicle of a type required to be registered ~~hereunder~~ under this chapter which is not registered, or for which the appropriate fee has not been paid ~~when and as required hereunder~~ except as provided in section 321.109, subsection 3.

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

321.20A CERTIFICATE OF TITLE – COMMERCIAL MOTOR VEHICLES.

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

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

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

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

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

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

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

hand corner of the rear window of all motor vehicles, except motorcycles. Permits issued for a motorcycle shall be attached to the rear of the motorcycle.

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

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

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

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

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

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

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

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

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

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

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

321.181 TEMPORARY PERMIT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. When operated on a highway in this state at a speed of ~~twenty-five~~ thirty miles per hour or less, every farm tractor, or tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, horse-drawn vehicle, or any other vehicle principally designed for use off the highway and any such tractor, implement, vehicle or grader when manufactured for sale or sold at retail after the thirty-first of December, 1971, shall be identified with a reflective device of a type approved by the director; however, this provision shall not apply to such vehicles when traveling in any escorted parade. The reflective device shall be visible from the rear and mounted in a manner approved by the director. ~~All vehicles specified in this section shall be equipped with such reflective device after the thirty first of December, 1971.~~ The director, when approving ~~such~~ the device, shall be guided as far as practicable by the standards of the American society of agricultural engineers. ~~No~~ A vehicle, other than those specified in this section, shall ~~not~~ display a reflective device ~~approved for the use herein described.~~ On vehicles ~~specified herein~~ operating at speeds above ~~twenty-five~~ thirty miles per hour, the reflective device shall be removed or hidden from view.

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

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

The department and local authorities may in their discretion and upon application and with good cause being shown issue permits for the movement of construction machinery or asphalt repavers being temporarily moved on streets, roads or highways and for vehicles with indivisible loads which exceed the maximum dimensions and weights specified in sections 321.452 to 321.466, but not to exceed the limitations imposed in sections 321E.1 to 321E.15 except as provided in ~~sections~~ section 321E.29 ~~and 321E.30~~. Vehicles permitted to transport indivisible loads may exceed the width and length limitations specified in sections 321.454 and 321.457 for the purpose of picking up an indivisible load or returning from delivery of the indivisible load. Permits issued may be single-trip permits or annual permits. Permits shall be in writing and shall be carried in the cab of the vehicle

for which the permit has been issued and shall be available for inspection at all times. The vehicle and load for which the permit has been issued shall be open to inspection by a peace officer or an authorized agent of a permit granting authority. When in the judgment of the issuing authority in cities and counties the movement of a vehicle with an indivisible load or construction machinery which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to streets, avenues, boulevards, thoroughfares, highways, curbs, sidewalks, trees, or other public or private property, the permit shall be denied and the reasons for denial endorsed on the application. Permits shall designate the days when and routes upon which loads and construction machinery may be moved within a county on other than primary roads.

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

2. Special mobile equipment, as defined in section 321.1, subsection 75, is not subject to the requirements for distance in feet between the extremes of any group of axles or the extreme axles of the vehicle or combination of vehicles as required by this chapter when being moved upon the highways, ~~except the interstate road system, as defined in section 306.3, subsection 4 if the operator has a permit issued under this chapter.~~

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

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

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

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

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

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

328.26 APPLICATION FOR REGISTRATION.

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

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

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

328.46 PENALTY FOR DELAY.

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

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

328.51 ACCRUAL OF PENALTY.

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

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

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

Approved April 23, 1996

CHAPTER 1153

JUDICIAL ADMINISTRATION – MISCELLANEOUS PROVISIONS

S.F. 2413

AN ACT relating to judicial administration, including the definition of a judicial officer, the administrative authority of certain judges within a district, and the retirement age of an associate juvenile judge and associate probate judge.

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

Section 1. Section 4.1, subsection 12, Code Supplement 1995, is amended to read as follows:

12. "Judicial officer" means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, an associate juvenile judge, an associate probate