

CHAPTER 108

IMPLEMENTS OF HUSBANDRY AND OTHER VEHICLES — MOVEMENT RESTRICTIONS — PRODUCT IDENTIFICATION NUMBERS

H.F. 651

AN ACT relating to implements of husbandry and restrictions on the movement of such implements, and other vehicles, upon the highways of this state and making penalties applicable.

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

Section 1. Section 321.1, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 24A. "Fence-line feeder" means a vehicle used exclusively for the mixing and dispensing of nutrients to bovine animals at a feedlot.

NEW SUBSECTION. 28A. "Grain cart" means a vehicle with a nonsteerable single or tandem axle designed to move grain.

Sec. 2. Section 321.1, subsection 32, Code 1999, is amended to read as follows:

32. "Implement of husbandry" means ~~every~~ a vehicle ~~which is or special mobile equipment manufactured, designed, or reconstructed~~ for agricultural purposes and, ~~except for incidental uses, exclusively used, except as herein otherwise provided, by the owner thereof~~ in the conduct of the owner's agricultural operations. ~~Implements "Implements of husbandry shall also include: husbandry" includes all-terrain vehicles operated in compliance with section 321.234A, fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less. "Reconstructed" as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used.~~

~~a. Portable livestock loading chutes without regard to whether such chutes are used by the owner in the conduct of the owner's agricultural operations, provided that such chutes are not used as a vehicle on the highway for the purpose of transporting property.~~

~~b. Any vehicle which is principally designed for agricultural purposes and which is moved during daylight hours for a distance not to exceed one hundred miles by a person in any of the following ways:~~

~~(1) From a place at which the vehicles are manufactured, fabricated, repaired, or sold to a farm site or a retail seller or from a retail seller to a farm site.~~

~~(2) To a place at which the vehicles are manufactured, fabricated, repaired, or sold from a farm site or a retail seller or to a retail seller from a farm site.~~

~~(3) From a place where the vehicles are housed, maintained, or stored to a farm site, retail seller, place of repair, or marketplace.~~

~~(4) From a farm site, retail seller, place of repair, or marketplace to a place where the vehicles are housed, maintained, or stored.~~

~~(5) From one farm site to another farm site.~~

~~(6) From a farm site to market or from a market to a farm site.~~

~~For the purpose of this subsection and sections 321.383 and 321.453, "farm site" means a place or location at which vehicles principally designed for agricultural purposes are used or intended to be used in agricultural operations or for the purpose of exhibiting, demonstrating, testing, or experimenting with the vehicles.~~

~~e. Any semitrailer converted to a full trailer by the use of a dolly used by the owner in the conduct of the owner's agricultural operations to transport agricultural products being towed by a farm tractor provided the vehicle is operated in compliance with the following requirements:~~

(1) The towing unit is equipped with a braking device which can control the movement of and stop the vehicles. When the semitrailer is being towed at a speed of twenty miles per hour, the braking device shall be adequate to stop the vehicles within fifty feet from the point the brakes are applied. The semitrailer shall be equipped with brakes upon all wheels.

(2) The towing vehicle shall be equipped with a rear view mirror to permit the operator a view of the highway for a distance of at least two hundred feet to the rear.

(3) The semitrailer shall be equipped with a turn signal device which operates in conjunction with or separately from the rear taillight and shall be plainly visible from a distance of one hundred feet.

(4) The semitrailer shall be equipped with two flashing amber lights one on each side of the rear of the vehicle and be plainly visible for a distance of five hundred feet in normal sunlight or at night.

(5) The semitrailer shall be operated in compliance with sections 321.123 and 321.463.

d. All terrain vehicles.

e. (1) Portable tanks, nurse tanks, trailers, and bulk spreaders which are not self-propelled and which have gross weights of not more than twelve tons and are used for the transportation of fertilizer and chemicals used for farm crop production.

(2) Other types of equipment than those listed in subparagraph (1) which are used primarily for the application of fertilizers and chemicals in farm fields or for farm storage.

f. Self-propelled machinery operated at speeds of less than thirty miles per hour or machinery towed by a motor vehicle or farm tractor. The machinery must be specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary off-road usage. In addition, the machinery must be used exclusively for the mixing and dispensing of nutrients to bovine animals fed at a feedlot, or the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals. However, the machinery shall not be specifically designed or intended for the transportation of such nutrients, plant food materials, agricultural limestone, or agricultural chemicals.

Notwithstanding the other provisions of this subsection any Δ vehicle covered thereby under this subsection, if it otherwise qualifies, may be registered as special mobile equipment, or operated or moved under the provisions of sections 321.57 to through 321.63, if the person in whose name such vehicle is to be registered or to whom a special plate or plates are to be issued elects to do so and under such circumstances the provisions of this subsection shall not be applicable to such vehicle, ~~nor shall~~ and such vehicle shall not be required to comply with the provisions of sections 321.384 to 321.429 through 321.423, when such vehicle is moved during daylight hours, ~~provided~~; however, the provisions of section 321.383 shall remain applicable to such vehicle.

Sec. 3. Section 321.1, Code 1999, is amended by adding the following new subsections:
NEW SUBSECTION. 54A. "Product identification number" or the acronym PIN means a group of unique numerical or alphabetical designations assigned to a complete fence-line feeder, grain cart, or tank wagon by the manufacturer or by the department and affixed to the vehicle, pursuant to rules adopted by the department, as a means of identifying the vehicle or the year of manufacture.

NEW SUBSECTION. 80A. "Tank wagon" means a vehicle designed to carry liquid animal or human excrement.

Sec. 4. Section 321.234A, Code 1999, is amended to read as follows:

321.234A ALL-TERRAIN VEHICLES — BICYCLE SAFETY FLAG REQUIRED.

All-terrain vehicles shall be operated on a highway only between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes. A person operating an all-terrain vehicle on a highway shall have a valid driver's license and the vehicle shall be operated at speeds of ~~less than thirty~~ thirty-five miles per hour or less. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty

square inches, be Day-Glo in color, and shall be in lieu of the reflective equipment required by section 321.383.

Sec. 5. Section 321.383, Code 1999, is amended to read as follows:

321.383 EXCEPTIONS — SLOW VEHICLES IDENTIFIED.

1. This chapter with respect to equipment on vehicles does not apply to implements of husbandry, road machinery, ~~or bulk spreaders and other fertilizer and chemical equipment defined as special mobile equipment, road rollers, or farm tractors~~ except as made applicable in this section. However, the movement of implements of husbandry ~~between the retail seller and a farm purchaser or from farm site to farm site or the movement of indivisible implements of husbandry between the place of manufacture and a retail seller or farm purchaser under section 321.453~~ on a roadway is subject to safety rules adopted by the department. The safety rules shall prohibit the movement of any power unit towing more than one implement of husbandry from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

2. When operated on a highway in this state at a speed of ~~thirty~~ thirty-five 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 December 31, 1971, shall be identified with a reflective device in accordance with the standards of the American society of agricultural engineers; however, this provision shall not apply to such vehicles when traveling in any escorted parade. The reflective device shall be visible from the rear. A vehicle other than those specified in this section shall not display a reflective device. On vehicles operating at speeds above ~~thirty~~ thirty-five 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 ~~thirty~~ thirty-five miles per hour or less, may display a reflective device that complies with the standards of the American society of agricultural engineers. At speeds in excess of ~~thirty~~ thirty-five miles per hour the device shall not be visible.

Any person who violates any provision of this section shall be fined as provided in section 805.8, subsection 2, paragraph "d".

Sec. 6. Section 321.453, Code 1999, is amended to read as follows:

321.453 EXCEPTIONS.

The provisions of this chapter governing size, weight, and load, and the permit requirements of chapter 321E do not apply to fire apparatus; road maintenance equipment owned by or under lease to any state or local authority; ~~or to implements of husbandry temporarily moved or moving upon a highway, implements of husbandry moved from farm site to farm site or between the retail seller and a farm purchaser, implements of husbandry moved between any site and the site of an agricultural exposition or a fair administered pursuant to chapter 173 or 174, indivisible implements of husbandry temporarily moved between the place of manufacture and a retail seller or a farm purchaser, implements of husbandry received and moved by a retail seller of implements of husbandry in exchange for a purchased implement, or implements of husbandry moved for repairs, except on any part of the interstate highway system except for those implements of husbandry moved or moving on any portion of the interstate and except as provided in sections 321.463, 321.471, and 321.474.~~ A vehicle, carrying an implement of husbandry, which is exempted from the permit requirements under this section shall be equipped with an amber flashing light ~~under section 321.423, visible from the rear. If the amber flashing light is obstructed by the loaded implement, the loaded implement shall also be equipped with and display an amber flashing light. The vehicle shall also be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset. The one hundred mile distance restriction contained in the definition of implement of husbandry in section 321.1 does not apply to this section.~~

Sec. 7. Section 321.463, subsection 4, Code 1999, is amended by striking the subsection and inserting in lieu thereof the following:

4. a. Self-propelled implements of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall be operated in compliance with this section.

b. Fence-line feeders, grain carts, and tank wagons manufactured on or after July 1, 2001, shall be operated in compliance with this section. The year of manufacture of the fence-line feeder, grain cart, or tank wagon shall be permanently made a part of the identification plate on the vehicle. An attempt to fraudulently alter or deface the year of manufacture or other product identification number on a fence-line feeder, grain cart, or tank wagon is a violation of section 321.92. Commencing July 1, 2005, all fence-line feeders, grain carts, and tank wagons shall be operated in compliance with this section. However, the weight on any single axle or any particular group of axles or the overall gross weight of the vehicle may exceed the maximum weight otherwise allowed by this chapter by twenty percent. If the vehicle exceeds the twenty percent tolerance allowed by this paragraph, the fine to be assessed for the violation shall be computed on the difference between the actual weight and the tolerance weight allowed under this chapter.

Sec. 8. Section 321.471, Code 1999, is amended to read as follows:

321.471 LOCAL AUTHORITIES MAY RESTRICT.

1. Local authorities with respect to a highway under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon the highway or impose restrictions as to the weight of vehicles to be operated upon the highway, ~~except implements of husbandry as defined in section 321.1, subsection 32 and implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair,~~ for a total period of not to exceed ninety days in any one calendar year, whenever the highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights reduced. The ordinance or resolution shall not apply to implements of husbandry as defined in section 321.1, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, or fire apparatus and road maintenance equipment owned by or under lease to a state or local authority.*

A person who violates the provisions of the ordinance or resolution shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars. Local authorities may issue special permits, during periods the restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this subsection, but not in excess of load restrictions imposed by any other provision of this chapter, and the authorities shall issue the permits upon a showing that there is a need to move to market farm produce of the type subject to rapid spoilage or loss of value or to move to any farm feeds or fuel for home heating purposes.

2. a. Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, local authorities may by ordinance or resolution impose limitations for an indefinite period of time on the weight of vehicles upon bridges or culverts located on highways under their sole jurisdiction. The limitations shall be effective when signs giving notice of the limitations are erected. ~~The ordinance or resolution shall not apply to implements of husbandry as defined in section 321.1, subsection 32 or to implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair or to fire apparatus or road maintenance equipment owned by or under lease to any state or local authority.**~~

b. A person who violates the ordinance or resolution shall, upon conviction or a guilty plea, be subject to a fine determined by dividing the difference between the actual weight of

* See chapter 208, §52 herein

** See chapter 208, §53 herein

the vehicle and the maximum weight allowed by the ordinance or resolution by one hundred and multiplying the quotient by two dollars. Local authorities may issue or approve special permits allowing the operation over a bridge or culvert of vehicles with weights in excess of restrictions imposed under the ordinance or resolution, but not in excess of load restrictions imposed by any other provision of this chapter. The local authority shall issue such a permit for not to exceed eight weeks upon a showing of agricultural hardship. The operator of a vehicle which is the subject of a permit issued under this paragraph shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request.

Sec. 9. Section 321.474, unnumbered paragraph 1, Code 1999, is amended to read as follows:

The department shall have authority, as granted to local authorities, to determine by resolution and to impose restrictions as to the weight of vehicles, except ~~farm tractors implements of husbandry~~ as defined in section 321.1, ~~subsection 24 implements of husbandry loaded on hauling units for transporting the implements to locations for repair, and fire apparatus and road maintenance equipment owned by or under lease to any state or local authority,*~~ operated upon any highway under the jurisdiction of the department ~~and the for a definite period of time not to exceed twelve months.~~ The restrictions shall be effective when signs giving notice of the restrictions ~~and the expiration date of the restrictions~~ are erected upon the ~~affected~~ highway or portion of ~~any~~ highway ~~affected by the resolution.~~ ~~Resolutions imposing restrictions under section 321.473 shall be for a definite period of time not to exceed twelve months. The expiration date of the resolution shall appear on all signs posted as required by this section.~~

Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, the department may impose, by resolution, restrictions for an indefinite period of time on the weight of vehicles operated upon bridges or culverts located on highways under its jurisdiction. The restrictions shall be effective when signs giving notice of the restrictions are erected. The restrictions shall not apply to implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair or to fire apparatus or road maintenance equipment owned by or under lease to any state or local authority.**

Sec. 10. Section 321.474, unnumbered paragraph 3, Code 1999, is amended to read as follows:

Any person who violates a ~~provision of the restriction imposed by~~ resolution pursuant to ~~this section,~~ upon conviction or a plea of guilty, is subject to a fine determined by dividing the difference between the actual weight ~~of the vehicle~~ and the maximum weight ~~established by the resolution~~ allowed by the restriction by one hundred, and multiplying the quotient by two dollars. The department may issue special permits, during periods the restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by this chapter. The department shall issue a special permit for not to exceed eight weeks upon a showing of agricultural hardship. The department shall issue special permits ~~in accordance with the foregoing~~ to trucks moving farm produce, which decays or loses its value if not speedily put to its intended use, to market upon a showing to the department that there is a requirement for trucking the produce, or to trucks moving any farm feeds or fuel necessary for home heating purposes. The operator of a vehicle which is the subject of a permit issued under this paragraph shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request.

Sec. 11. Section 714.8, subsection 11, Code 1999, is amended to read as follows:

11. Removes, defaces, covers, alters, or destroys any component part number as defined in section 321.1, ~~subsection 14,~~ or vehicle identification number as defined in section 321.1,

* See chapter 208, §54 herein

** See chapter 208, §55 herein

~~subsection 91, or product identification number as defined in section 321.1,~~ for the purpose of concealing or misrepresenting the identity or year of manufacture of the component part or vehicle.

Sec. 12. IMPLEMENTS OF HUSBANDRY STUDY. The state department of transportation shall, in consultation with manufacturers and distributors of implements of husbandry, agricultural associations, and the Iowa state association of counties, study tracked vehicles, the use of flotation tires, and the fine and legal axle weight schedules applicable to grain carts, tank wagons, and fence-line feeders operated on public roadways. The department shall report its findings and recommendations to the general assembly by January 1, 2000.

Approved May 10, 1999

CHAPTER 109

IOWA EGG COUNCIL — MEMBERSHIP AND ADMINISTRATION

H.F. 721

AN ACT relating to the Iowa egg council by providing for its administration and membership, and providing an effective date.

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

Section 1. Section 184.7, subsections 1 and 2, Code 1999, are amended to read as follows:

1. A person shall serve as a member on the council for a term of three years. A person may serve as a member on the council for more than one term. ~~However, if a person serves for two complete consecutive terms, the person must wait at least twelve months prior to serving another term.~~

2. The council shall elect a chairperson, and other officers as needed, from among its voting members ~~who shall serve for a one year term, and may be reelected to serve subsequent terms according to procedures adopted by the council.~~

Sec. 2. Section 184.10, unnumbered paragraph 1, Code 1999, is amended to read as follows:

~~The Iowa egg council may do all perform any function related to the production and marketing of eggs or egg products, including but not limited to doing any~~ of the following:

Sec. 3. Section 184.10, Code 1999, is amended by adding the following new subsections:
NEW SUBSECTION. 6. Become a dues-paying member of an organization carrying out a purpose related to the increased consumption and utilization of eggs or egg products.

NEW SUBSECTION. 7. Fund research and education programs directed toward better and more efficient production, marketing, and utilization of eggs and egg products.

Sec. 4. Section 184.11, subsections 1 and 2, Code 1999, are amended by striking the subsections.

Sec. 5. Section 184.11, subsections 3 and 4, Code 1999, are amended by striking the subsections and inserting in lieu thereof the following:

3. Execute a contract or act as an agent of a person who executes a contract for any of the following: