

# House Amendment 1354

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1 1 Amend House File 793 as follows:

1 2 #1. By striking page 15, line 10, through page 17,

1 3 line 14, and inserting the following:

1 4 <Sec. \_\_\_\_\_. Section 321.463, subsection 4, Code

1 5 2007, is amended to read as follows:

1 6 ~~4. a. Self-propelled implements of husbandry used~~

~~1 7 exclusively for the application of organic or~~

~~1 8 inorganic plant food materials, agricultural~~

~~1 9 limestone, or agricultural chemicals shall be operated~~

~~1 10 in compliance with this section.~~

1 11 b. 4. a. (1) Notwithstanding any provision of

1 12 this section to the contrary, the weight on any one

1 13 axle of a fence-line feeder, grain cart, or tank wagon

1 14 operated on the highways of this state shall not

1 15 exceed twenty-four thousand pounds from February 1

1 16 through May 31 or twenty-eight thousand pounds from

1 17 June 1 through January 31, provided, ~~however,~~ that the

1 18 maximum gross vehicle weight of the fence-line feeder,

1 19 grain cart, or tank wagon shall not exceed ninety-six

1 20 thousand pounds.

1 21 (2) Notwithstanding any provision of this section

1 22 to the contrary, the weight on any one axle of a

1 23 self-propelled implement of husbandry shall not exceed

1 24 twenty-five thousand pounds.

1 25 (3) Notwithstanding any provision of this section

1 26 to the contrary, a tracked implement of husbandry

1 27 operated on the highways of this state shall not have

1 28 a maximum gross weight in excess of ninety-six

1 29 thousand pounds.

1 30 (4) A fence-line feeder, grain cart, tank wagon,

1 31 self-propelled implement of husbandry, or tracked

1 32 implement of husbandry shall comply with the other

1 33 provisions of this section and chapter when operated

1 34 over a bridge in this state. A local authority may

1 35 issue a special permit, based on a statewide standard

1 36 developed by the department, allowing the operation

1 37 over a bridge within its jurisdiction of a fence-line

1 38 feeder, grain cart, tank wagon, self-propelled

1 39 implement of husbandry, or tracked implement of

1 40 husbandry with a weight in excess of the weights

1 41 allowed under this chapter.

1 42 ~~(2) b.~~ For purposes of this ~~paragraph "b"~~

1 43 ~~subsection, "highway" does not include a bridge.~~

1 44 c. (1) For purposes of this ~~paragraph "b"~~

1 45 ~~subsection, "fence-line feeder, grain cart, or tank~~

1 46 ~~wagon" means all of the following:~~

1 47 (a) A fence-line feeder, grain cart, or tank wagon

1 48 manufactured on or after July 1, 2001.

1 49 (b) After July 1, 2005, any fence-line feeder,

1 50 grain cart, or tank wagon.

2 1 (2) The year of manufacture of a fence-line

2 2 feeder, grain cart, or tank wagon manufactured on or

2 3 after July 1, 2001, shall be permanently made a part

2 4 of the identification plate on the vehicle.

2 5 Fraudulently altering or defacing or attempting to

2 6 fraudulently alter or deface the year of manufacture

2 7 or other product identification number on a fence-line

2 8 feeder, grain cart, or tank wagon is a violation of

2 9 section 321.92.

2 10 d. (1) For purposes of this subsection,

2 11 "self-propelled implement of husbandry" means a

2 12 self-propelled implement of husbandry equipped with

2 13 flotation tires that is designed to be loaded and

2 14 operated in the field and used exclusively for the

2 15 application of organic or inorganic plant food

2 16 materials, agricultural limestone, or agricultural

2 17 chemicals.

2 18 (2) Only self-propelled implements of husbandry

2 19 that were originally purchased or ordered prior to

2 20 February 1, 2007, may be operated on a highway as

2 21 provided under this subsection. The owner of a

2 22 self-propelled implement of husbandry operated under

2 23 this subsection shall certify, in a notarized

2 24 affidavit, the date prior to February 1, 2007, when

2 25 the vehicle was originally purchased or ordered. The  
2 26 affidavit shall be recorded with the recorder in the  
2 27 county where the owner principally operates the  
2 28 vehicle. The affidavit shall be carried in the  
2 29 vehicle at all times when the vehicle is operated, and  
2 30 shall be produced for inspection upon demand of any  
2 31 peace officer.

2 32 (3) The owner of a self-propelled implement of  
2 33 husbandry with an axle weight in excess of the limit  
2 34 under subsection 2 that is operated without an  
2 35 affidavit certifying that it was originally purchased  
2 36 or ordered prior to February 1, 2007, is subject to a  
2 37 civil penalty of ten thousand dollars. If a peace  
2 38 officer stops a self-propelled implement of husbandry  
2 39 with an axle weight in excess of the limit under  
2 40 subsection 2 and the operator is unable to immediately  
2 41 produce the affidavit required under this  
2 42 subparagraph, it shall be presumed that no such  
2 43 affidavit exists, and the owner of the vehicle shall  
2 44 be subject to a civil penalty of ten thousand dollars.  
2 45 A civil penalty imposed under this subparagraph shall  
2 46 be in addition to any other penalties that may apply  
2 47 for violations resulting from the operation of the  
2 48 self-propelled implement of husbandry. Civil  
2 49 penalties collected pursuant to this subparagraph  
2 50 shall be forwarded by the clerk of court to the  
3 1 treasurer of state for deposit as follows: fifty  
3 2 percent to the secondary road fund of the county in  
3 3 which the violation occurred and fifty percent to the  
3 4 road use tax fund.>

3 5 #2. Page 24, by inserting after line 29 the  
3 6 following:

3 7 <Sec. . Section 602.8102, Code 2007, is amended  
3 8 by adding the following new subsection:

3 9 NEW SUBSECTION. 77. Forward civil penalties  
3 10 collected for violations relating to the operation of  
3 11 overweight self-propelled implements of husbandry as  
3 12 provided in section 321.463, subsection 4, paragraph  
3 13 "d", subparagraph (3).>

3 14 #3. Page 25, by striking lines 2 through 8.

3 15 #4. Page 25, by striking lines 24 through 27 and  
3 16 inserting the following:

3 17 <5. The sections of this Act amending sections  
3 18 321.285, 321.463, and 602.8102, being deemed of  
3 19 immediate importance, take effect upon enactment.>

3 20 #5. By renumbering as necessary.

3 21

3 22

3 23

3 24 ALONS of Sioux

3 25 HF 793.304 82

3 26 dea/cf/7523