

Senate File 513

S-3075

1 Amend Senate File 513 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 80.5, subsection 2, Code 2023, is
5 amended to read as follows:

6 2. The state patrol is established in the department. The
7 patrol shall be under the direction of the commissioner. The
8 number of supervisory officers shall be in proportion to the
9 membership of the state patrol. The department shall maintain
10 a vehicle theft unit in the state patrol to investigate
11 and assist in the examination and identification of stolen,
12 altered, or forfeited vehicles. In addition to other duties,
13 powers, and responsibilities prescribed by law, the state
14 patrol shall conduct enforcement activities that ensure the
15 safe and lawful movement and operation of commercial motor
16 vehicles and vehicles transporting loads, including but not
17 limited to the enforcement of motor vehicle laws relating to
18 the operating authority, registration, size, weight, and load
19 of motor vehicles and trailers.

20 Sec. 2. Section 80.5, Code 2023, is amended by adding the
21 following new subsections:

22 NEW SUBSECTION. 10. The department of public safety shall
23 adopt, after consultation with the department of natural
24 resources and the department of transportation, rules relating
25 to enforcement of the rules regarding transportation of
26 hazardous wastes adopted by the department of natural resources
27 and the department of transportation. The state patrol shall
28 carry out the enforcement of the rules, in accordance with
29 state law.

30 NEW SUBSECTION. 11. The department shall submit a report to
31 the general assembly on or before December 1 of each year that
32 details the nature and scope of enforcement activities that
33 ensure the safe and lawful movement and operation of commercial
34 motor vehicles and vehicles transporting loads conducted by
35 members of the state patrol assigned to such enforcement

1 activities in the previous year. The report shall include
2 a comparison of commercial and noncommercial motor vehicle
3 enforcement activities conducted by such members of the state
4 patrol.

5 Sec. 3. Section 80B.6, subsection 1, paragraph k, Code 2023,
6 is amended to read as follows:

7 *k.* A member of ~~the office of motor vehicle enforcement of~~
8 the department of transportation involved with the enforcement
9 activities set forth in section 321.477.

10 Sec. 4. Section 97B.42B, Code 2023, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 4A. *a.* Commencing July 1, 2023, a
13 person who is a designated peace officer in the department of
14 transportation under section 321.477, Code 2023, as of June 30,
15 2023, who has fewer than ten years of membership service, and
16 who is transferred to the department of public safety pursuant
17 to this Act, shall be a member of the Iowa department of public
18 safety peace officers' retirement, accident, and disability
19 system established in chapter 97A.

20 *b.* Commencing July 1, 2023, a person who is a designated
21 peace officer in the department of transportation under section
22 321.477, Code 2023, as of June 30, 2023, who has ten or more
23 years of membership service, and who is transferred to the
24 department of public safety pursuant to this Act, shall remain
25 a member of the Iowa public employees' retirement system.

26 Sec. 5. Section 97B.49B, subsection 1, paragraph e,
27 subparagraph (5), Code 2023, is amended to read as follows:

28 (5) (a) An employee of the state department of
29 transportation who is designated as a "*peace officer*" by
30 resolution under [section 321.477](#), but only if the employee
31 retires on or after July 1, 1990. For purposes of this
32 subparagraph, service as a traffic weight officer employed
33 by the highway commission prior to the creation of the state
34 department of transportation or as a peace officer employed by
35 the Iowa state commerce commission prior to the creation of

1 the state department of transportation shall be included in
2 computing the employee's years of membership service.

3 (b) An employee of the department of public safety described
4 in section 97B.42B, subsection 4A, paragraph "b".

5 Sec. 6. Section 152C.5B, subsection 1, paragraph b,
6 subparagraph (5), Code 2023, is amended by striking the
7 subparagraph.

8 Sec. 7. Section 157.4A, subsection 1, paragraph b,
9 subparagraph (5), Code 2023, is amended by striking the
10 subparagraph.

11 Sec. 8. Section 307.12, subsection 1, paragraph n, Code
12 2023, is amended by striking the paragraph.

13 Sec. 9. Section 307.48, Code 2023, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 3. An employee of the office of motor
16 vehicle enforcement of the department of transportation on June
17 30, 2023, who is transferred to the department of public safety
18 pursuant to this Act, retains all rights to longevity pay.

19 Sec. 10. Section 321.2, subsection 2, Code 2023, is amended
20 to read as follows:

21 2. The division of state patrol of the department of public
22 safety shall enforce the provisions of [this chapter](#) relating to
23 traffic on the public highways of the state, including those
24 relating to the safe and legal operation of passenger cars,
25 motorcycles, motor trucks, and buses, and other commercial
26 motor vehicles, and to see that proper safety rules are
27 observed.

28 Sec. 11. Section 321.266, subsection 4, Code 2023, is
29 amended to read as follows:

30 4. Notwithstanding [section 455B.386](#), a carrier transporting
31 hazardous material upon a public highway in this state, in
32 the case of an accident involving the transportation of the
33 hazardous material, shall immediately notify the police radio
34 broadcasting system established pursuant to [section 693.1](#) or
35 shall notify a peace officer of the county or city in which

1 the accident occurs. When a local law enforcement agency is
2 informed of the accident, the agency shall notify the state
3 patrol ~~and the state department of transportation office of~~
4 ~~motor vehicle enforcement~~. A person who violates a provision
5 of [this subsection](#) is guilty of a serious misdemeanor.

6 Sec. 12. Section 321.449, subsection 1, paragraphs a and b,
7 Code 2023, are amended to read as follows:

8 a. A person shall not operate a commercial vehicle on the
9 highways of this state except in compliance with rules adopted
10 by the department of public safety, in consultation with the
11 department of transportation, under [chapter 17A](#). The rules
12 shall be consistent with the federal motor carrier safety
13 regulations promulgated under United States Code, Tit. 49,
14 and found in [49 C.F.R. pts. 385, 390 – 399](#) and adopted under
15 chapter 17A.

16 b. The department of public safety, in consultation with the
17 department of transportation, shall also adopt rules concerning
18 hours of service for drivers of vehicles operated for hire
19 and designed to transport seven or more persons, including
20 the driver. The rules shall not apply to vehicles offered to
21 the public for hire that are used principally in intracity
22 operation and that are regulated by local authorities pursuant
23 to [section 321.236](#).

24 Sec. 13. Section 321.449, subsection 4, paragraph c, Code
25 2023, is amended to read as follows:

26 c. A driver or a driver-salesperson for a private carrier,
27 who is not for hire and who is engaged exclusively in
28 intrastate commerce, may drive twelve hours, be on duty sixteen
29 hours in a twenty-four-hour period, and be on duty seventy
30 hours in seven consecutive days or eighty hours in eight
31 consecutive days. A “*driver-salesperson*” means as defined in 49
32 C.F.R. §395.2, as adopted by the department of public safety
33 by rule.

34 Sec. 14. Section 321.449, subsection 8, Code 2023, is
35 amended to read as follows:

1 8. In the course of enforcing the motor carrier safety
2 rules adopted by the department of public safety under chapter
3 17A, the ~~department's~~ department of public safety's peace
4 officers are authorized, at reasonable times and places and
5 with reasonable notice, to enter a motor carrier's place of
6 business for the purpose of performing a motor carrier safety
7 audit or compliance review. Nothing in **this subsection** by
8 itself permits the seizure of the property of a motor carrier.
9 Any audit or review shall be conducted in compliance with the
10 federal motor carrier safety regulations in 49 C.F.R. pts. 105
11 - 185, 382, 383, 385, and 390 - 399. A peace officer of the
12 department of public safety is authorized to inspect and copy
13 motor carrier records required by 49 C.F.R. pts. 105 - 185,
14 382, 383, 385, and 390 - 399.

15 Sec. 15. Section 321.449B, subsection 1, Code 2023, is
16 amended to read as follows:

17 1. *a.* A person subject to rules adopted by the department
18 of public safety pursuant to **section 321.449** shall not
19 operate a commercial motor vehicle while engaged in texting as
20 prohibited by **49 C.F.R. §392.80**, except in an emergency or as
21 otherwise permitted under **49 C.F.R. §392.80**.

22 *b.* A person subject to rules adopted by the department of
23 public safety pursuant to **section 321.449** shall not operate
24 a commercial motor vehicle while using a hand-held mobile
25 telephone as prohibited by **49 C.F.R. §392.82**, except in an
26 emergency or as otherwise permitted under **49 C.F.R. §392.82**.

27 Sec. 16. Section 321.450, subsection 1, Code 2023, is
28 amended to read as follows:

29 1. A person shall not transport or have transported or
30 shipped within this state any hazardous material except in
31 compliance with rules adopted by the department of public
32 safety under **chapter 17A**. The rules shall be consistent with
33 the federal hazardous materials regulations adopted under
34 United States Code, Tit. 49, and found in 49 C.F.R. pts. 107,
35 171 to 173, 177, 178, and 180.

1 Sec. 17. Section 321.463, subsection 5, paragraph b, Code
2 2023, is amended to read as follows:

3 *b.* Notwithstanding any provision of law to the contrary,
4 a motor vehicle described in paragraph “a” equipped with an
5 auxiliary power or idle reduction technology unit that reduces
6 fuel use and emissions during engine idling may exceed any
7 applicable maximum gross weight limit under **this chapter** by
8 five hundred fifty pounds or the weight of the auxiliary power
9 or idle reduction technology unit, whichever is less. This
10 paragraph “b” ~~shall~~ does not apply unless the operator of
11 the vehicle provides to the department of public safety a
12 written certification of the weight of the auxiliary power
13 or idle reduction technology unit, demonstrates or certifies
14 to the department of public safety that the idle reduction
15 technology unit is fully functional at all times, and carries
16 with the operator the written certification of the weight of
17 the auxiliary power or idle reduction technology unit in the
18 vehicle at all times to present to law enforcement in the event
19 the vehicle is suspected of violating any applicable weight
20 restrictions.

21 Sec. 18. Section 321.476, subsection 1, Code 2023, is
22 amended to read as follows:

23 1. ~~*a.* Authority is hereby given to the~~ A member of the
24 state patrol of the department ~~to stop~~ of public safety is
25 authorized to do any of the following:

26 *a.* Stop any motor vehicle or trailer on the highways for the
27 purposes of weighing and inspection, to weigh and inspect the
28 same and to enforce the provisions of the motor vehicle laws
29 relating to the registration, size, weight, and load of motor
30 vehicles and trailers.

31 ~~*b.* Authority is also hereby granted to subject to weighing~~
32 ~~and inspection,~~ Weigh and inspect vehicles which have moved
33 from a highway onto private property under circumstances which
34 indicate that the load of the vehicle, if any, is substantially
35 the same as the load which the vehicle carried before moving

1 onto the private property.

2 Sec. 19. Section 321.477, Code 2023, is amended to read as
3 follows:

4 **321.477 Employees as peace officers — maximum age.**

5 1. The department may designate by resolution certain of its
6 employees upon each of whom there is conferred the authority
7 of a peace officer to ~~enforce all laws of the state including~~
8 ~~but not limited to the rules and regulations of the department~~
9 investigate and enforce all of the following:

10 a. Laws relating to motor vehicle records, documents,
11 credentials, procedures, and revenues, including but not
12 limited to crimes and abuse of authority associated with
13 fraud, identity theft, vehicle titles and registration, dealer
14 licenses, and authorized vehicle recycler licenses.

15 b. Laws relating to motor vehicle fraud including but not
16 limited to the state and federal odometer laws, including as
17 provided in sections 307.37 and 321.71.

18 2. Employees designated as peace officers pursuant to this
19 section shall have the same powers conferred by law on peace
20 officers for the enforcement of all laws of this state use
21 of force in emergent circumstances and the apprehension of
22 violators.

23 ~~2. Employees designated as peace officers pursuant to this~~
24 ~~section who are assigned to the supervision of the highways~~
25 ~~of this state shall spend the preponderance of their time~~
26 ~~conducting enforcement activities that assure the safe and~~
27 ~~lawful movement and operation of commercial motor vehicles and~~
28 ~~vehicles transporting loads, including but not limited to the~~
29 ~~enforcement of motor vehicle laws relating to the operating~~
30 ~~authority, registration, size, weight, and load of motor~~
31 ~~vehicles and trailers, and registration of a motor carrier's~~
32 ~~interstate transportation service with the department.~~

33 3. Employees designated as peace officers pursuant to
34 this section shall not exercise the ~~general~~ powers of a peace
35 officer set forth in this section within the limits of any

1 city, except as follows:

2 a. When so ordered by the direction of the governor.

3 b. When request is made by the mayor of any city, with the
4 approval of the director.

5 c. When request is made by the sheriff or county attorney of
6 any county, with the approval of the director.

7 d. While in the pursuit of law violators or in investigating
8 law violations.

9 e. While making any inspection provided by [this chapter](#), or
10 any additional inspection ordered by the director.

11 ~~f. When engaged in the investigation and enforcement of laws
12 relating to narcotic, counterfeit, stimulant, and depressant
13 drugs.~~

14 4. The limitations specified in subsection 3 shall in no way
15 be construed as a limitation on the ~~power~~ ability of employees
16 designated as peace officers pursuant to this section ~~when a
17 public offense is being committed in their presence to use
18 force in defense of life or property.~~

19 ~~5. The department shall submit a report to the general
20 assembly on or before December 1 of each year that details the
21 nature and scope of enforcement activities conducted in the
22 previous fiscal year by employees designated as peace officers
23 pursuant to [this section](#) who are assigned to the supervision
24 of the highways of this state. The report shall include a
25 comparison of commercial and noncommercial motor vehicle
26 enforcement activities conducted by such employees.~~

27 ~~6.~~ 5. The maximum age for a person employed as a peace
28 officer pursuant to [this section](#) is sixty-five years of age.

29 Sec. 20. Section 321.481, Code 2023, is amended to read as
30 follows:

31 **321.481 No impairment of other authority.**

32 Nothing in [sections 321.476 through ~~321.480~~ 321.479](#) shall be
33 so construed as to limit or impair the authority or duties of
34 other peace officers in the enforcement of the motor vehicle
35 laws or any portion thereof.

1 Sec. 21. Section 325A.10, Code 2023, is amended to read as
2 follows:

3 **325A.10 Rules for operation.**

4 The department of public safety, in consultation with the
5 department of transportation, shall adopt rules pursuant to
6 chapter 17A as necessary to govern and control the operation,
7 maintenance, and inspection of vehicles covered by this chapter
8 upon the highways.

9 Sec. 22. Section 602.8108, subsection 8, Code 2023, is
10 amended to read as follows:

11 8. The state court administrator shall allocate all of the
12 fines and fees attributable to commercial vehicle violation
13 citations issued by ~~motor vehicle division~~ personnel of
14 the ~~state department of transportation~~ public safety to the
15 treasurer of state for deposit in the road use tax fund.

16 Sec. 23. REPEAL. 2017 Iowa Acts, chapter 149, section 4, as
17 amended by 2018 Iowa Acts, chapter 1170, section 3, 2019 Iowa
18 Acts, chapter 7, section 1, and 2022 Iowa Acts, chapter 1082,
19 section 1, is repealed.

20 Sec. 24. REPEAL. Sections 321.480 and 327B.2, Code 2023,
21 are repealed.

22 Sec. 25. TRANSFERS.

23 1. There is transferred from the department of
24 transportation's asset forfeiture fund to the department
25 of public safety's asset forfeiture fund the amount of
26 unencumbered or unobligated moneys remaining in the department
27 of transportation's asset forfeiture fund.

28 2. a. The Iowa public employees' retirement system
29 shall perform a trustee-to-trustee lump sum transfer to the
30 Iowa department of public safety peace officers' retirement,
31 accident, and disability system. The transfer shall include an
32 amount consisting of the accumulated contributions by members
33 transferred to the peace officers' retirement, accident, and
34 disability system pursuant to this Act and every transferred
35 member's share of the accumulated employer contributions as

1 defined in section 97B.53. The transfer shall not be deemed
2 to be a termination of a member's plan and an affected member
3 shall not be entitled to a distribution of the moneys as a
4 result of the member's transfer.

5 b. Upon completion of the transfer, the Iowa department
6 of public safety peace officers' retirement, accident, and
7 disability system shall engage an actuary to determine the
8 actuarial cost of the remaining transfer. For purposes of this
9 paragraph, "the actuarial cost of the remaining transfer" is an
10 amount determined by the peace officers' retirement, accident,
11 and disability system in accordance with actuarial tables which
12 reflects the actuarial cost necessary to fund the increased
13 retirement allowances less the amount transferred by the Iowa
14 public employees' retirement system.

15 c. Once the transfer is completed, the transferred members
16 shall forfeit all rights, including service credit and
17 benefits, under chapter 97B; shall be treated as members under
18 chapter 97A; and shall be vested in a benefit under chapter 97A
19 that shall not be less than the benefit to which the member was
20 entitled under chapter 97B at the time of the transfer.

21 Sec. 26. TRANSITION — RULES.

22 1. a. Effective July 1, 2023, peace officers of the
23 department of public safety shall assume the duties, powers,
24 and responsibilities of peace officers designated by the
25 department of transportation under section 321.477, Code
26 2023, who are assigned to the supervision of the highways
27 of this state. On or before July 1, 2023, the department
28 of transportation and the department of public safety, in
29 consultation with the department of administrative services,
30 shall identify and transfer affected positions and incumbent
31 peace officer and civilian employees from the department of
32 transportation to the department of public safety. Former
33 peace officer employees of the department of transportation
34 who are covered by a collective bargaining agreement and who
35 are reassigned shall be placed in an existing department of

1 public safety peace officer classification within the state
2 police officers council bargaining unit, without loss of
3 seniority or loss of pay accrued while serving as a peace
4 officer. Any peace officer so reassigned shall be entitled to
5 all rights, privileges, and benefits of the peace officer's new
6 classification, including longevity pay pursuant to section
7 80.6 as calculated based upon years of service in a peace
8 officer position, within the state police officers council
9 bargaining unit as of the effective date of the employee's
10 reassignment.

11 b. The department of public safety shall honor a final
12 offer of employment made by the department of transportation
13 to a person who has not accepted the offer by July 1, 2023,
14 if the employment offer is to fill a position that will be
15 transitioned to the department of public safety under this
16 Act. Such persons shall be assigned to the state patrol upon
17 completion of the department of public safety academy training,
18 and are entitled to all rights, privileges, and benefits of
19 similarly reassigned positions and transitioned incumbent peace
20 officer employees from the department of transportation.

21 2. On or before July 1, 2023, the department of
22 transportation shall provide all appropriate documentation
23 and data required for motor carrier safety assistance program
24 activities, including but not limited to those relating to
25 the reimbursement of expenses, for reporting purposes to the
26 department of public safety, and any other documentation and
27 data required by the department of public safety to comply with
28 federal law or for purposes of the transition provided for in
29 this Act.

30 3. On or before July 1, 2023, the department of
31 transportation shall cooperate with the department of public
32 safety to ensure the department of public safety is aware of
33 the rules the department of transportation adopted relating
34 to administering and enforcing commercial motor vehicle
35 violations. The department of public safety shall inform the

1 administrative code editor of the applicable rules that need
2 to be transferred. Any such rule adopted by the department of
3 transportation shall continue in full force and effect until
4 the rule is transferred to the department of public safety.

5 Sec. 27. REPORT TO GENERAL ASSEMBLY. The department
6 of public safety, in consultation with the department of
7 transportation, shall submit a report to the general assembly
8 on or before December 1, 2023, regarding the transfer of
9 peace officers from the department of transportation to the
10 department of public safety in accordance with this Act.
11 The report shall include but is not limited to the actual
12 expenditures already made and the anticipated remaining
13 expenditures to be made by both departments to complete the
14 transition, the moneys transferred from the department of
15 transportation's asset forfeiture fund to the department of
16 public safety's asset forfeiture fund, the moneys transferred
17 from the Iowa public employees' retirement system to the
18 Iowa department of public safety peace officers' retirement,
19 accident, and disability system, and any equipment costs
20 incurred by either department prior to the reporting date.

21 Sec. 28. EFFECTIVE DATE. The following, being deemed of
22 immediate importance, take effect upon enactment:

23 1. The section of this Act repealing 2017 Iowa Acts, chapter
24 149, section 4.

25 2. The section of this Act setting forth transition
26 provisions.>

MIKE KLIMESH