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EXPLANATORY NOTE AND DISCLAIMER

This unofficial, early-release version of the 2027 Iowa Code provides early access to legislative and editorial additions and changes to Code section text, history, and footnotes with an effective date of January 1, 2027, or earlier. Final data checks, updates, and related corrections have not all been made, but will be included in the official text PDF version of the Iowa Code, which is published annually on this website and biennially in printed hardbound volumes.

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CODE EDITOR'S NOTES

Reference

Simple Harmonization Note

The multiple amendments do not conflict, so they were harmonized to give effect to each as required by Code sections 2B.13 and 4.11. In some cases where this note is referenced, the amendments are identical. Under Code section 2B.13, a strike or repeal prevails over an amendment to the same material and does not create a conflict.

811.1

2026 Acts, ch 1159, §4, amends subsection 2, unnumbered paragraph 1, by establishing an exception to that provision in a new subsection 3, as enacted in 2026 Acts, ch 1159, §5. 2026 Acts, ch 1156, §33, separately amends subsection 2, unnumbered paragraph 1, by also establishing an exception to that provision in a new subsection 3, as enacted in 2026 Acts, ch 1156, §34. Each Act establishes an independent alternate exception. Therefore, the new subsection 3, enacted in 2026 Acts, ch 1156, §34, was codified as subsection 4, and subsection 2, unnumbered paragraph 1, was editorially modified to give effect to both amendments by adding "or 4" to the resulting exception clause being added by both 2026 Acts, ch 1159, §4, and 2026 Acts, ch 1156, §33.

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TITLE VII

EDUCATION, HISTORY, AND CULTURE

SUBTITLE 5

EDUCATIONAL DEVELOPMENT AND PROFESSIONAL REGULATION

CHAPTER 272

EDUCATIONAL EXAMINERS BOARD

Former §272.25 and 272.27 repealed by 2018 Acts, ch 1057, §13
Former §272.33 repealed by 2001 Acts, ch 161, §21; 2002 Acts, ch 1152, §21
Former §272.1 – 272.16, 272.20, 272.28, 272.29, and 272.31 transferred to chapter 256, subchapter VII, part 3, pursuant to directive; 2023 Acts, ch 19, §2603
Continuity of licenses, certificates, or authorization issued by board of educational examiners under former chapter 272 prior to July 1, 2023; use of federal funds to employ personnel necessary for program administration; 2023 Acts, ch 19, §2604

CHAPTER 272A

INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

272A.1 Interstate agreement.
272A.2 Designated state official.
272A.3 Contracts on file.

272A.1 Interstate agreement.

The interstate agreement on qualification of educational personnel is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

1. *Article I — Purpose, findings, and policy.*

a. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interest of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

b. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this agreement can increase the availability of educational personnel.

2. *Article II — Definitions.* As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

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a. *"Accept"*, or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

b. *"Designated state official"* means the education official of a state selected by that state to negotiate and enter into, on behalf of that state, contracts pursuant to this agreement.

c. *"Educational personnel"* means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

d. *"Originating state"* means a state, and the subdivision thereof, if any, whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to article III of this agreement.

e. *"Receiving state"* means a state, and the subdivisions thereof, which accepts educational personnel in accordance with the terms of a contract made pursuant to article III of this agreement.

f. *"State"* means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

3. *Article III — Interstate educational personnel contracts.*

a. The designated state official of a party state may make one or more contracts on behalf of that state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which the official finds that there are programs of education, licensure standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in the official's state.

b. Any such contract shall provide for:

(1) Its duration.

(2) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(3) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(4) Any other necessary matters.

c. No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

d. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

e. The license or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any license or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a license or other qualifying document initially granted or approved in the receiving state.

f. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

4. *Article IV — Approved and accepted programs.*

a. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

b. To the extent that contracts made pursuant to this agreement deal with the educational

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requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in applicable contract.

5. *Article V — Interstate cooperation.* The party states agree that:

a. They will, so far as practicable, prefer the making of multilateral contracts pursuant to article III of this agreement.

b. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

6. *Article VI — Agreement evaluation.* The designated state officials of any party states may meet from time to time as a group to evaluate programs under the agreement, and to formulate recommendations for changes.

7. *Article VII — Other arrangements.* Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

8. *Article VIII — Effect and withdrawal.*

a. This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

b. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

c. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

9. *Article IX — Construction and severability.* This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

[C75, 77, 79, 81, §284.1]
90 Acts, ch 1249, §14
C93, §272A.1
2008 Acts, ch 1032, §201; 2021 Acts, ch 76, §56
Referred to in §272A.2

272A.2 Designated state official.

The designated state official for this state, within the meaning of section 272A.1, article II, paragraph "*b*", of the interstate agreement on qualification of educational personnel, shall be the executive director of the board of educational examiners. The executive director shall enter into contracts pursuant to section 272A.1, article III, of the agreement only with the approval of the specific text thereof by the board of educational examiners.

[C75, 77, 79, 81, §284.2]
85 Acts, ch 212, §21; 90 Acts, ch 1249, §15
C93, §272A.2
2008 Acts, ch 1032, §201

272A.3 Contracts on file.

True copies of all contracts made on behalf of this state pursuant to the interstate agreement on qualification of educational personnel shall be kept on file by the board of educational examiners and in the office of the secretary of state. The board of educational examiners

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shall publish all such contracts in convenient form. The board of educational examiners may adopt rules pursuant to this chapter.

[C75, 77, 79, 81, §284.3]
90 Acts, ch 1249, §16
C93, §272A.3

CHAPTER 272B
EDUCATION COMPACT

272B.1 Compact for education.
272B.2 Education commission of the states.
272B.3 Filing bylaws.

272B.1 Compact for education.

The compact for education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

1. *Article I — Purpose and policy.*

a. It is the purpose of this compact to:

(1) Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

(2) Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

(3) Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

(4) Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

b. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

c. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

2. *Article II — State defined.* As used in this compact, *"state"* means a state, territory or possession of the United States, the District of Columbia, or the commonwealth of Puerto Rico.

3. *Article III — The commission.*

a. The education commission of the states, hereinafter called *"the commission"*, is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve at the pleasure of the

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governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations or professional educators or persons concerned with educational administration.

b. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article IV and adoption of the annual report pursuant to paragraph *"j"* of this article.

c. The commission shall have a seal.

d. The commission shall elect annually, from among its members, a chairperson, who shall be a governor, a vice chairperson and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

e. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

f. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

g. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph *"f"* of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

h. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

i. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

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j. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

4. *Article IV — Powers.* In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

a. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

b. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

c. Develop proposals for adequate financing of education as a whole and at each of its many levels.

d. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

e. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

f. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

5. *Article V — Cooperation with federal government.*

a. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

b. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

6. *Article VI — Committees.*

a. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows:

(1) Sixteen for one year and sixteen for two years.

(2) The chairperson, vice chairperson, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph *"a"* to the contrary notwithstanding, shall serve during their continuance in these offices.

(3) Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regular ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term.

(4) No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.

b. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of

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its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

c. The commission may establish such additional committees as its bylaws may provide.

7. *Article VII — Finance.*

a. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

b. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

c. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to article III, paragraph *"g"*, of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III, paragraph *"g"*, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

d. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

e. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

f. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

8. *Article VIII — Eligible parties — entry into and withdrawal.*

a. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term *"governor"*, as used in this compact, shall mean the closest equivalent official of such jurisdiction.

b. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: Provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

c. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

9. *Article IX — Construction and severability.* This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

[C75, 77, 79, 81, §272B.1]
2008 Acts, ch 1032, §201
Referred to in §272B.2, 272B.3

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272B.2 Education commission of the states.

Article III, paragraph *"a"*, of the compact for education established in section 272B.1 notwithstanding, the members of the education commission of the states representing this state consist of the governor, two nonlegislative members appointed by the governor, two members of the senate with one member appointed by the majority leader of the senate and one member appointed by the minority leader of the senate, and two members of the house of representatives with one member appointed by the speaker of the house of representatives and one member appointed by the minority leader of the house of representatives. Nonlegislative members shall serve four-year terms and legislative members shall serve terms as provided in section 4A.13. Nonlegislative members shall serve on the education commission of the states without compensation, but shall receive their actual and necessary expenses and travel. Legislative members shall receive per diem and actual and necessary expenses and travel pursuant to sections 2.10 and 2.12. Vacancies on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointments. If a member ceases to be a member of the general assembly, the member shall no longer serve as a member of the education commission of the states.

[C75, 77, 79, 81, §272B.2]

86 Acts, ch 1245, §2033; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1156, §41, 58

272B.3 Filing bylaws.

Pursuant to article III, paragraph *"i"*, of the compact for education established in section 272B.1, the commission shall file a copy of its bylaws and any amendment thereto with the governor.

[C75, 77, 79, 81, §272B.3]

2008 Acts, ch 1032, §201

CHAPTER 272C

REGULATION OF LICENSED PROFESSIONS AND OCCUPATIONS

Referred to in §10A.902, 105.22, 105.23, 147.55, 147A.7, 148.6, 148.14, 148C.13, 148F.3, 148G.5, 148G.8, 148I.2, 151.9, 152.4, 152.11, 153.33, 153.34, 154C.4, 154D.3, 154E.3, 155.9, 155A.7, 203.16, 203C.24, 235B.16, 542.3, 542.17, 543D.5, 543D.12, 543D.17, 714.8

Identifying and reporting of dependent adult abuse to be included in continuing education; see §235B.16

272C.1 Definitions.
272C.2 Continuing education — rules.
272C.2A Continuing education minimum requirements — cosmetology arts and sciences.
272C.2B Continuing education minimum requirements — mortuary science.
272C.2C Continuing education minimum requirements — medicine and surgery and osteopathic medicine and surgery, nursing, dentistry, podiatry, and physician associates.
272C.3 Authority of licensing boards.
272C.4 Duties of board.
272C.5 Licensee disciplinary procedure — rulemaking delegation.
272C.6 Hearings — power of subpoena — decisions.
272C.7 Executive secretary and personnel.
272C.8 Immunities.
272C.9 Duties of licensees.
272C.10 Rules for revocation or suspension of license.
272C.11 Insurers of professional and occupational licensees — reports.
272C.12 Licensure of persons licensed in other jurisdictions.
272C.12A Licensure of military spouses and veterans.
272C.13 Educational requirements — work experience.
272C.14 Waiver of fees.
272C.15 Disqualifications for criminal convictions limited.
272C.15A Disqualifications for unlawful presence.
272C.16 Apprenticeships — licensure.

272C.1 Definitions.

1. *"Continuing education"* means that education which is obtained by a professional

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or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational societies, and by other similar means as authorized by the board.

2. *"Disciplinary proceeding"* means any proceeding under the authority of a licensing board pursuant to which licensee discipline may be imposed.

3. *"Inactive licensee re-entry"* means that process a former or inactive professional or occupational licensee pursues to again be capable of actively and competently practicing as a professional or occupational licensee.

4. *"Licensee discipline"* means any sanction a licensing board may impose upon its licensees for conduct which threatens or denies citizens of this state a high standard of professional or occupational care.

5. The term *"licensing"* and its derivations include the terms *"registration"* and *"certification"* and their derivations.

6. *"Licensing board"* or *"board"* includes the following boards:

a. The state board of engineering and land surveying examiners, created pursuant to chapter 542B.

b. The board of examiners of shorthand reporters created pursuant to article 3 of chapter 602.

c. The Iowa accountancy examining board, created pursuant to chapter 542.

d. The Iowa real estate commission, created pursuant to chapter 543B.

e. The board of architectural examiners, created pursuant to chapter 544A.

f. The Iowa board of landscape architectural examiners, created pursuant to chapter 544B.

g. The board of barbering and cosmetology arts and sciences, created pursuant to chapter 147.

h. The board of chiropractic, created pursuant to chapter 147.

i. The dental board, created pursuant to chapter 147.

j. The board of mortuary science, created pursuant to chapter 147.

k. The board of medicine, created pursuant to chapter 147.

l. The board of physician associates, created pursuant to chapter 148C.

m. The board of nursing, created pursuant to chapter 147.

n. The board of nursing home administrators, created pursuant to chapter 155.

o. The board of optometry, created pursuant to chapter 147.

p. The board of pharmacy, created pursuant to chapter 147.

q. The board of physical and occupational therapy, created pursuant to chapter 147.

r. The board of podiatry, created pursuant to chapter 147.

s. The board of behavioral health professionals, created pursuant to chapter 147.

t. The board of speech pathology and audiology, created pursuant to chapter 147.

u. The board of veterinary medicine, created pursuant to chapter 169.

v. The director of the department of natural resources in certifying water treatment operators as provided in sections 455B.211 through 455B.224.

w. Any professional or occupational licensing board created after January 1, 1978.

x. The board of respiratory care and polysomnography in licensing respiratory care practitioners pursuant to chapter 152B, respiratory care and polysomnography practitioners pursuant to chapter 152B, and polysomnographic technologists pursuant to chapter 148G.

y. The board of athletic training in licensing athletic trainers pursuant to chapter 152D.

z. The board of massage therapy in licensing massage therapists pursuant to chapter 152C.

aa. The board of sign language interpreters and transliterators, created pursuant to chapter 154E.

ab. The director of health and human services in certifying emergency medical care providers and emergency medical care services pursuant to chapter 147A.

ac. The plumbing and mechanical systems board, created pursuant to chapter 105.

ad. The department of inspections, appeals, and licensing, in licensing fire protection system installers and maintenance workers pursuant to chapter 100D.

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ae. The director of the department of inspections, appeals, and licensing in registering and supervising appraisal management companies pursuant to chapter 543E.

af. The real estate appraiser examining board, created pursuant to chapter 543D.

7. *"Malpractice"* means any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a licensee in the course of practice of the licensee's occupation or profession, pursuant to this chapter.

8. *"Offense directly relates"* refers to either of the following:

a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.

b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

9. *"Peer review"* means evaluation of professional services rendered by a professional practitioner.

10. *"Peer review committee"* means one or more persons acting in a peer review capacity pursuant to this chapter.

11. *"SAVE program clearinghouse"* means the SAVE program clearinghouse created within the department of inspections, appeals, and licensing pursuant to section 10A.113.

[C79, 81, §258A.1]

83 Acts, ch 186, §10063, 10201; 84 Acts, ch 1067, §26; 87 Acts, ch 165, §3; 88 Acts, ch 1134, §61; 88 Acts, ch 1225, §25; 89 Acts, ch 83, §36; 90 Acts, ch 1193, §8; 92 Acts, ch 1205, §23

C93, §272C.1

94 Acts, ch 1132, §32; 96 Acts, ch 1036, §40; 98 Acts, ch 1053, §41, 42; 2001 Acts, ch 16, §1, 37; 2001 Acts, ch 55, §25, 38; 2004 Acts, ch 1110, §1; 2004 Acts, ch 1175, §430, 433; 2005 Acts, ch 3, §57; 2006 Acts, ch 1184, §119; 2007 Acts, ch 10, §171; 2007 Acts, ch 198, §31; 2007 Acts, ch 218, §205; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §14, 18; 2009 Acts, ch 151, §31; 2010 Acts, ch 1037, §15; 2015 Acts, ch 57, §17; 2015 Acts, ch 70, §16; 2016 Acts, ch 1124, §21, 32; 2020 Acts, ch 1103, §23, 31; 2023 Acts, ch 19, §1028, 1652; 2023 Acts, ch 99, §46, 47; 2024 Acts, ch 1169, §28; 2024 Acts, ch 1170, §297, 509; 2024 Acts, ch 1182, §12; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1156, §18, 35

Referred to in §232.69, 235B.16, 622.31
Code editor directive applied
NEW subsection 11

272C.2 Continuing education — rules.

1. Each licensing board may require and issue rules for continuing education requirements as a condition to license renewal.

2. The rules may create continuing education requirements at a minimum level prescribed by each licensing board. These boards may also establish continuing education programs to assist a licensee in meeting such continuing education requirements. If adopted, such rules shall also:

a. Give due attention to the effect of continuing education requirements on interstate and international practice.

b. Place the responsibility for arrangement of financing of continuing education on the licensee, while allowing the board to receive any other available funds or resources that aid in supporting a continuing education program.

c. Attempt to express continuing education requirements in terms of uniform and widely recognized measurement units.

d. Establish guidelines, including guidelines in regard to the monitoring of licensee participation, for the approval of continuing education programs that qualify under the continuing education requirements prescribed.

e. Not be implemented for the purpose of limiting the size of the profession or occupation.

f. Define the status of active and inactive licensure and establish appropriate guidelines for inactive licensee reentry.

g. Be promulgated solely for the purpose of assuring a continued maintenance of skills and knowledge by a professional or occupational licensee directly related and commensurate with the current level of competency of the licensee's profession or occupation.

h. Allow a licensee to apply continuing education credit obtained in excess of the

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requirements for a renewal period to the continuing education requirements for the following renewal period in an amount not to exceed fifty percent of the continuing education credits required for a renewal period. A licensing board may adopt rules specifying types of continuing education credits earned in a renewal period that cannot be applied to the continuing education requirements for the following renewal period.

3. The state board of engineering and land surveyors, the board of architectural examiners, the board of landscape architectural examiners, and the economic development authority shall cooperate with each other and with persons who typically offer continuing education courses for design professionals to make available energy efficiency related continuing education courses, and to encourage interdisciplinary cooperation and education concerning available energy efficiency strategies for employment in the state's construction industry.

4. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate licensing board.

5. A person licensed to sell real estate in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, if the state or district accords the same privilege to Iowa residents, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate licensing board.

[C79, 81, §258A.2]
89 Acts, ch 292, §5; 90 Acts, ch 1252, §16
C93, §272C.2
2007 Acts, ch 10, §172; 2009 Acts, ch 108, §13, 41; 2011 Acts, ch 118, §50, 89; 2024 Acts, ch 1169, §29, 30; 2024 Acts, ch 1182, §13
Referred to in §153.36, 155A.7, 543D.16

272C.2A Continuing education minimum requirements — cosmetology arts and sciences.

The board of cosmetology arts and sciences created pursuant to chapter 147 shall require as a condition of license renewal a minimum of six hours of continuing education in the two years immediately prior to a licensee's license renewal. The board of cosmetology arts and sciences may notify cosmetology arts and sciences licensees on a quarterly basis regarding continuing education opportunities.

88 Acts, ch 1274, §40
C89, §258A.2A
92 Acts, ch 1205, §24
C93, §272C.2A
2007 Acts, ch 10, §173; 2015 Acts, ch 63, §2

272C.2B Continuing education minimum requirements — mortuary science.

1. The board of mortuary science, created pursuant to chapter 147, shall require, as a condition of license renewal, a minimum number of hours of continuing education in the two years immediately prior to a licensee's license renewal as prescribed by rule.

2. A person licensed to practice mortuary science in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person

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is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the board of mortuary science.

2010 Acts, ch 1067, §1

272C.2C Continuing education minimum requirements — medicine and surgery and osteopathic medicine and surgery, nursing, dentistry, podiatry, and physician associates.

1. The board of medicine, board of dentistry, board of physician associates, board of podiatry, and board of nursing shall establish rules requiring a person licensed pursuant to section 148.3, 148C.3, 149.3, or 152.6 or chapter 153 who has prescribed opioids to a patient during the previous licensure cycle to receive continuing education credits regarding the United States centers for disease control and prevention guideline for prescribing opioids for chronic pain, including recommendations on limitations on dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacologic therapy options, as a condition of license renewal. Each licensing board shall have the authority to determine how often a licensee must receive continuing education credits.

2. The rules established pursuant to this section shall include the option for a licensee to attest as part of the license renewal process that the licensee is not subject to the requirement to receive continuing education credits pursuant to this section, due to the fact that the licensee did not prescribe opioids to a patient during the previous licensure cycle.

2018 Acts, ch 1138, §22; 2026 Acts, ch 1008, §3

Code editor directive applied

272C.3 Authority of licensing boards.

1. Notwithstanding any other provision of this chapter, each licensing board shall have the powers to:

a. Administer and enforce the laws and administrative rules provided for in this chapter and any other statute to which the licensing board is subject.

b. Adopt and enforce administrative rules which provide for the partial reexamination of the professional licensing examinations given by each licensing board.

c. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline.

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted. Notwithstanding the provisions of chapter 17A, a determination by a licensing board that an investigation is not warranted or that an investigation should be closed without initiating a disciplinary proceeding is not subject to judicial review pursuant to section 17A.19.

e. Initiate and prosecute disciplinary proceedings.

f. Impose licensee discipline.

g. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering.

h. Register or establish and register peer review committees.

i. Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction.

j. Determine and administer the renewal of licenses for periods not exceeding three years.

k. Establish a licensee review committee for the purpose of evaluating and monitoring licensees who are impaired as a result of substance use disorder, dependency, or addiction, or by any mental or physical disorder or disability, and who self-report the impairment to the committee, or who are referred by the board to the committee. Members of the committee shall receive actual expenses for the performance of their duties and shall be eligible to receive per diem compensation pursuant to section 7E.6. The board shall adopt

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rules for the establishment and administration of the committee, including but not limited to establishment of the criteria for eligibility for referral to the committee and the grounds for disciplinary action for noncompliance with committee decisions. Information in the possession of the board or the licensee review committee, under this paragraph, shall be subject to the confidentiality requirements of section 272C.6. Referral of a licensee by the board to a licensee review committee shall not relieve the board of any duties of the board and shall not divest the board of any authority or jurisdiction otherwise provided. A licensee who violates section 272C.10 or the rules of the board while under review by the licensee review committee shall be referred to the board for appropriate action.

2. Each licensing board may impose one or more of the following as licensee discipline:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 100D.5, 105.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 151 or 155, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline.

b. Revoke, or suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds that because of a lack of education or experience, or because of negligence, or careless acts or omissions, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the residents of this state a high standard of professional and occupational care.

c. Impose a period of probation under specified conditions, whether or not in conjunction with other sanctions.

d. Require additional professional education or training, or reexamination, or any combination, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension.

e. Impose civil penalties by rule, if the rule specifies which offenses or acts are subject to civil penalties. The amount of civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars. Failure to comply with the imposition of a civil penalty may be grounds for further license discipline.

f. Issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by this section upon a licensing board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified elsewhere in the Code shall not limit the powers of a licensing board conferred by this section, nor shall the powers of such other person be deemed limited by the provisions of this section.

4. *a.* Nothing contained in this section shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However, licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed.

b. All health care boards shall file written decisions which specify the sanction entered by the board with the department of inspections, appeals, and licensing which shall be available to the public upon request. All non-health care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

[C79, 81, §258A.3]

83 Acts, ch 186, §10064, 10201; 84 Acts, ch 1056, §1; 84 Acts, ch 1067, §27; 86 Acts, ch 1245, §1880; 90 Acts, ch 1086, §16

C93, §272C.3

95 Acts, ch 72, §1; 2000 Acts, ch 1008, §10; 2001 Acts, ch 16, §2, 37; 2001 Acts, ch 55, §26, 38; 2002 Acts, ch 1108, §26; 2002 Acts, ch 1119, §149; 2003 Acts, ch 78, §6; 2004 Acts, ch 1110,

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§2; 2004 Acts, ch 1176, §13; 2007 Acts, ch 198, §32; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §15, 18; 2009 Acts, ch 41, §263; 2023 Acts, ch 19, §1029, 1653
Referred to in §147.106, 148.6, 153.34, 155A.18, 155A.39, 169.34, 272C.4, 272C.6, 543B.48, 543D.17
Civil penalty for real estate brokers and salespersons, see §543B.48

272C.4 Duties of board.

Each licensing board shall have the following duties in addition to other duties specified by this chapter or elsewhere in the Code:

1. Establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board.

2. Establish procedures by which disputes between licensees and clients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board.

3. Establish procedures by which any recommendation taken by a peer review committee shall be reported to and reviewed by the board if a peer review committee is established.

4. Establish procedures for registration with the board of peer review committees if a peer review committee is established.

5. Define by rule those recommendations of peer review committees which shall constitute disciplinary recommendations which must be reported to the board if a peer review committee is established.

6. Define by rule acts or omissions that are grounds for revocation or suspension of a license under section 100D.5, 105.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or chapter 148I, 151, or 155, as applicable, and to define by rule acts or omissions that constitute negligence, careless acts, or omissions within the meaning of section 272C.3, subsection 2, paragraph *"b"*, which licensees are required to report to the board pursuant to section 272C.9, subsection 2.

7. Establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to subsection 6.

8. Give written notice to another licensing board or to a hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency.

9. Require each health care licensing board to file with the department of inspections, appeals, and licensing a copy of each decision of the board imposing licensee discipline. Each non-health care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

10. Adopt rules under chapter 17A to prohibit the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

11. Use the SAVE program clearinghouse to confirm the United States citizenship and immigration status of an individual who has applied for a professional license from the board.

[C79, 81, §258A.4]

83 Acts, ch 186, §10065, 10201; 84 Acts, ch 1067, §28; 90 Acts, ch 1086, §17

C93, §272C.4

97 Acts, ch 203, §16; 98 Acts, ch 1119, §8; 2000 Acts, ch 1008, §11; 2001 Acts, ch 16, §3, 37; 2001 Acts, ch 55, §27, 38; 2002 Acts, ch 1057, §1; 2002 Acts, ch 1111, §1; 2002 Acts, ch 1119, §150; 2004 Acts, ch 1110, §3; 2005 Acts, ch 89, §35; 2007 Acts, ch 198, §33; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §16, 18; 2010 Acts, ch 1069, §37; 2014 Acts, ch 1116, §34; 2019 Acts, ch 9, §4; 2019 Acts, ch 13, §2; 2020 Acts, ch 1103, §24, 31; 2022 Acts, ch 1134, §17; 2023 Acts, ch 19, §1654; 2023 Acts, ch 127, §11; 2026 Acts, ch 1156, §19, 35
Referred to in §169.34, 272C.9
NEW subsection 11

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272C.5 Licensee disciplinary procedure — rulemaking delegation.

1. Each licensing board may establish by rule licensee disciplinary procedures. Each licensing board may impose licensee discipline under these procedures.

2. Rules promulgated under subsection 1 of this section:

a. Shall comply with the provisions of chapter 17A.

b. Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the licensing board of findings of fact if a majority of the licensing board does not hear the disciplinary proceeding.

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections 100D.5, 105.23, 105.24, 148.6 through 148.9, 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

d. Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

[C79, 81, §258A.5]

87 Acts, ch 215, §45

C93, §272C.5

2000 Acts, ch 1008, §12; 2001 Acts, ch 55, §28, 38; 2002 Acts, ch 1108, §27; 2007 Acts, ch 198, §34; 2008 Acts, ch 1088, §116; 2008 Acts, ch 1089, §10, 12; 2008 Acts, ch 1094, §17, 18

272C.6 Hearings — power of subpoena — decisions.

1. Disciplinary hearings held pursuant to this chapter shall be heard by the board sitting as the hearing panel, or by an administrative law judge, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection 2. Notwithstanding chapters 17A and 21 a disciplinary hearing shall be open to the public at the discretion of the licensee.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession when holding disciplinary hearings, a licensing board may appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. *a.* The presiding officer of a hearing panel may issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on the licensee's behalf.

(1) A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

(2) Nothing in this subsection shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by section 622.10.

(3) In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court the person may be found guilty of contempt of court.

b. The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. *a.* In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section 622.10, all complaint files, investigation files, other investigation reports, and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release

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to a person other than the licensee and the boards, their employees and agents involved in licensee discipline, and are not admissible in evidence in a judicial or administrative proceeding other than the proceeding involving licensee discipline. However, investigative information in the possession of a licensing board or its employees or agents which relates to licensee discipline may be disclosed to appropriate licensing authorities within this state, the appropriate licensing authority in another state, the coordinated licensure information system provided for in the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3, the District of Columbia, or a territory or country in which the licensee is licensed or has applied for a license. If the investigative information in the possession of a licensing board or its employees or agents indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in section 272C.3, subsection 4, is a public record.

b. Pursuant to the provisions of section 17A.19, subsection 6, a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

c. Notwithstanding the provisions of section 17A.19, subsection 6, if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

5. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the licensing board.

6. *a.* A board created pursuant to chapter 147, 154A, 155, 169, 542, 542B, 543B, 543D, 544A, or 544B may charge a fee not to exceed seventy-five dollars for conducting a disciplinary hearing pursuant to this chapter which results in disciplinary action taken against the licensee by the board, and in addition to the fee, may recover from a licensee the costs for the following procedures and associated personnel:

(1) Transcript.

(2) Witness fees and expenses.

(3) Depositions.

(4) Medical examination fees incurred relating to a person licensed under chapter 147, 154A, 155, or 169.

b. The department of agriculture and land stewardship, the department of insurance and financial services, the department of inspections, appeals, and licensing, and the department of health and human services shall each adopt rules pursuant to chapter 17A which provide for the allocation of fees and costs collected pursuant to this section to the board under its jurisdiction collecting the fees and costs. The fees and costs shall be considered appropriated receipts as defined in section 8.2.

[C79, 81, §258A.6; 82 Acts, ch 1005, §8]

86 Acts, ch 1211, §15; 92 Acts, ch 1125, §1

C93, §272C.6

2000 Acts, ch 1008, §13; 2001 Acts, ch 55, §29, 38; 2005 Acts, ch 53, §10; 2010 Acts, ch 1061, §94; 2023 Acts, ch 19, §1030; 2024 Acts, ch 1170, §65; 2024 Acts, ch 1185, §164

Referred to in §10A.506, 105.23, 139A.22, 147.135, 147A.23, 148.2A, 148.7, 153.36, 155A.39, 155A.40, 155A.45, 156.16, 203.16, 203C.24, 272C.3, 272C.7, 542.11, 543D.21, 543E.18, 543E.20, 602.3205

Board of medicine procedure for licensee discipline, see §148.7

272C.7 Executive secretary and personnel.

1. As an alternative to authority contained elsewhere in this chapter, a licensing board may employ within the limits of available funds an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties of the board. Employees of the board shall be employed subject to chapter 8A, subchapter IV. The qualifications of the executive secretary shall be determined by the board.

2. All employees of a licensing board shall be reimbursed subject to the rules of the director of the department of administrative services for their expenses incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board.

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3. Licensees appointed to serve on a hearing panel pursuant to section 272C.6, subsection 2, shall be compensated at the rate specified in section 7E.6 for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties.

4. Salaries, per diem, and expenses incurred in the performance of official duties of the board or its employees shall be paid from funds appropriated by the general assembly.

[C79, 81, §258A.7]
90 Acts, ch 1256, §43
C93, §272C.7
2003 Acts, ch 145, §233, 286

272C.8 Immunities.

1. *a.* A person shall not be civilly liable as a result of the person's acts, omissions, or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

b. A person shall not be civilly liable as a result of filing a report or complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony, or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

c. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent, or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

2. Any employer who violates the terms of this section shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

[C79, 81, §258A.8]
C93, §272C.8
2010 Acts, ch 1069, §74

272C.9 Duties of licensees.

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical, mental, or clinical competency examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The licensing board, upon probable cause, shall have the authority to order a physical, mental, or clinical competency examination, and upon refusal of the licensee to submit to the examination the licensing board may order that the allegations pursuant to which the order of physical, mental, or clinical competency examination was made shall be taken to be established.

2. A licensee has a continuing duty to report to the licensing board by whom the person is licensed those acts or omissions specified by rule of the board pursuant to section 272C.4, subsection 6, when committed by another person licensed by the same licensing board. This subsection does not apply to licensees under chapter 542 when the observations are a result of participation in programs of practice review, peer review and quality review conducted by professional organizations of certified public accountants, for educational purposes and approved by the accountancy examining board.

3. A licensee shall have a continuing duty and obligation, as a condition of licensure, to report to the licensing board by which the licensee is licensed every adverse judgment in a professional or occupational malpractice action to which the licensee is a party, and every settlement of a claim against the licensee alleging malpractice.

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4. A licensee who willfully fails to comply with subsection 2 or 3 of this section commits a violation of this chapter for which licensee discipline may be imposed.

[C79, 81, §258A.9; 81 Acts, ch 84, §1]
C93, §272C.9
2001 Acts, ch 55, §30, 38; 2005 Acts, ch 89, §36
Referred to in §135P4, 272C.4, 543E.12

272C.10 Rules for revocation or suspension of license.

A licensing board established after January 1, 1978, and pursuant to the provisions of this chapter shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony offense, if the offense directly relates to the profession or occupation of the licensee, in the courts of this state or another state, territory, or country. Conviction as used in this subsection includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this chapter.
9. For a license deemed a professional license by the licensing board, unlawful presence in the United States, as determined by using the SAVE program clearinghouse.

[C79, 81, §258A.10]
C93, §272C.10
2020 Acts, ch 1103, §25, 31; 2026 Acts, ch 1156, §20, 35
Referred to in §152D.6, 156.9, 272C.3, 542.10, 543E.17
NEW subsection 9

272C.11 Insurers of professional and occupational licensees — reports.

Insurance carriers which insure professional and occupational licensees for acts or omissions that constitute negligence, careless acts, or omissions in the practice of a profession or occupation shall file reports with the appropriate licensing board. The reports shall include information pertaining to any lawsuit filed against a licensee which may affect the licensee as defined by rule, involving an insured of the insurer.

2010 Acts, ch 1069, §38

272C.12 Licensure of persons licensed in other jurisdictions.

1. Notwithstanding any other provision of law, an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, shall be issued without an examination to a person if all of the following conditions are met:

a. The person is currently licensed, certified, or registered by at least one other issuing jurisdiction in the occupation or profession applied for with a substantially similar scope of practice and the license, certificate, or registration is in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration.

b. For a license issued pursuant to chapter 103 or 105, the person has established residency in this state or is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in this state.

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c. When the person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience and clinical supervision requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.

d. The person previously passed an examination required by the other issuing jurisdiction for licensure, certification, or registration, if applicable.

e. The person has not had a license, certificate, or registration revoked and has not voluntarily surrendered a license, certificate, or registration in any other issuing jurisdiction or country while under investigation for unprofessional conduct.

f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the appropriate licensing board shall determine if the cause for the action was corrected and the matter resolved. If the licensing board determines that the matter has not been resolved by the jurisdiction imposing discipline, the licensing board shall not issue or deny a license, certificate, or registration to the person until the matter is resolved.

g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the appropriate licensing board shall not issue or deny a license, certificate, or registration to the person until the complaint, allegation, or investigation is resolved.

h. The person pays all applicable fees.

i. The person does not have a criminal history that would prevent the person from holding the license, certificate, or registration applied for in this state.

2. A person licensed pursuant to this section is subject to the laws regulating the person's practice in this state and is subject to the jurisdiction of the appropriate licensing board.

3. This section does not apply to any of the following:

a. The ability of a licensing board, agency, or department to require the submission of fingerprints or completion of a criminal history check.

b. Criteria for a license, certificate, or registration that is established by an interstate compact.

c. The ability of a licensing board, agency, or department to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. A licensing board, agency, or department that requires an applicant to take and pass an examination specific to the laws of this state shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.

d. A license issued by the department of transportation.

e. A person who is licensed by another issuing jurisdiction and may be granted a privilege to practice in this state by another provision of law without receiving a license in this state.

f. A person applying for a license through a national licensing organization.

4. A license, certificate, or registration issued pursuant to this section does not grant the person receiving the license, certificate, or registration eligibility to practice pursuant to an interstate compact. A licensing board shall determine eligibility for a person to hold a license, certificate, or registration pursuant to this section regardless of the person's eligibility to practice pursuant to an interstate compact.

5. For the purposes of this section, "*issuing jurisdiction*" means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

2020 Acts, ch 1103, §26, 31; 2022 Acts, ch 1134, §18 – 20
Referred to in §272C.12A, 542B.14

272C.12A Licensure of military spouses and veterans.

1. A licensing board, agency, or department shall expedite the application for an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, by a person who is licensed in a profession or occupation with a similar scope of practice in another state and

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who is married to an active duty member of the military forces of the United States or is a veteran, as defined in section 35.1.

2. *a.* If the licensing board, agency, or department determines that the applicant does not qualify for licensure pursuant to section 272C.12 because the person is not licensed, certified, or registered in an occupation or profession with a substantially similar scope of practice, the licensing board, agency, or department shall issue a temporary license to the applicant for a period of time deemed necessary by the board, agency, or department for the applicant to complete education or training substantially similar to the education or training required for the issuance of the occupational or professional license, certificate, or registration required of this state.

b. The licensing board, agency, or department shall advise the applicant of the required education or training necessary to obtain a professional license, certificate, or registration in this state.

3. After an applicant submits records of completing the requirements identified in subsection 2, the licensing board, agency, or department shall issue an occupational or professional license, certificate, or registration to the applicant.

4. A licensing board, agency, or department shall adopt rules to provide credit toward qualifications for licensure to practice an occupation or profession in this state for education, training, and service obtained or completed by a person while serving honorably on federal active duty, state active duty, or national guard duty, as defined in section 29A.1, to the extent consistent with the qualifications required by the appropriate licensing board, agency, or department. The rules shall also provide credit toward qualifications for initial licensure for education, training, or service obtained or completed by a person while serving honorably in the military forces of another state or the organized reserves of the armed forces of the United States, to the extent consistent with the qualifications required by the appropriate licensing board, agency, or department.

5. A licensing board, agency, or department shall annually file a report with the governor and the general assembly providing information and statistics on licenses and temporary licenses issued under this section and information and statistics on credit received by individuals for education, training, and service pursuant to subsection 4.

2022 Acts, ch 1134, §21

272C.13 Educational requirements — work experience.

1. Except as provided in subsection 2, a person applying for a professional or occupational license, certificate, or registration in this state who relocates to this state from another state that did not require a professional or occupational license, certificate, or registration to practice the person's profession or occupation may be considered to have met any education, training, or work experience requirements imposed by a licensing board in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the board.

2. This section does not apply to a license, certificate, or registration issued by the board of medicine, the board of nursing, the dental board, the board of pharmacy, or the board of educational examiners.

3. If this Code or administrative rules require a person applying for a professional or occupational license, certificate, or registration in this state to pass an examination to obtain the license, certificate, or registration, a person applying for licensure, certification, or registration under this section shall be required to pass the same examination.

2020 Acts, ch 1103, §27, 31

272C.14 Waiver of fees.

1. A licensing board, agency, or department shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed two hundred percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

2. A licensing board, agency, or department shall waive an initial application fee and one

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renewal fee for an applicant that has been honorably or generally discharged from federal active duty or national guard duty, as those terms are defined in section 29A.1, that would otherwise be charged within five years of the discharge.

2020 Acts, ch 1103, §28, 31; 2022 Acts, ch 1134, §22; 2022 Acts, ch 1149, §24

272C.15 Disqualifications for criminal convictions limited.

1. Notwithstanding any other provision of law to the contrary, except for chapter 256, subchapter VII, part 3, a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the appropriate licensing board, agency, or department does not grant an exception pursuant to subsection 4.

2. A licensing board, agency, or department that may deny a license on the basis of an applicant's conviction record shall provide a list of the specific convictions that may disqualify an applicant from receiving a license. Any such offense shall be an offense that directly relates to the duties and responsibilities of the profession.

3. A licensing board, agency, or department shall not deny an application for a license on the basis of an arrest that was not followed by a conviction or based on a finding that an applicant lacks good character, suffers from moral turpitude, or on other similar basis.

4. A licensing board, agency, or department shall grant an exception to an applicant who would otherwise be denied a license due to a criminal conviction if the following factors establish by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure:

a. The nature and seriousness of the crime for which the applicant was convicted.

b. The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, dependent adult abuse in violation of section 726.26, a forcible felony as defined in section 702.11, or domestic abuse assault in violation of section 708.2A, and the applicant has not been convicted of another crime after release from incarceration.

c. The circumstances relative to the offense, including any aggravating and mitigating circumstances or social conditions surrounding the commission of the offense.

d. The age of the applicant at the time the offense was committed.

e. Any treatment undertaken by the applicant.

f. Whether a certification of employability has been issued to the applicant pursuant to section 906.19.

g. Any letters of reference submitted on behalf of the applicant.

h. All other relevant evidence of rehabilitation and present fitness of the applicant.

5. An applicant may petition the relevant licensing board, agency, or department, in a form prescribed by the board, agency, or department, for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The board, agency, or department shall issue such a determination at the next regularly scheduled meeting of the board, agency, or department or within thirty days of receiving the petition, whichever is later. The board, agency, or department shall hold a closed session while determining whether an applicant's criminal record will prevent the applicant from receiving a license and while determining whether to deny an applicant's application on the basis of an applicant's criminal conviction. A board, agency, or department may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed twenty-five dollars.

6. *a.* A licensing board, agency, or department that denies an applicant a license solely or partly because of the applicant's prior conviction of a crime shall notify the applicant in writing of all of the following:

(1) The grounds for the denial or disqualification.

(2) That the applicant has the right to a hearing to challenge the licensing authority's decision.

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(3) The earliest date the applicant may submit a new application.

(4) That evidence of rehabilitation of the applicant may be considered upon reapplication.

b. A determination by a licensing board, agency, or department that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the applicant's profession must be documented in written findings for each factor specified in subsection 4 sufficient for a review by a court.

c. In any administrative or civil hearing authorized by this section or chapter 17A, a licensing board, agency, or department shall carry the burden of proof on the question of whether the applicant's criminal offense directly relates to the duties and responsibilities of the profession for which the license is sought.

7. A board, agency, or department may require an applicant with a criminal record to submit the applicant's complete criminal record detailing an applicant's offenses with an application. A board, agency, or department may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant's occupation. For the purposes of this subsection, *"complete criminal record"* includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

2020 Acts, ch 1103, §29, 31; 2022 Acts, ch 1132, §11; 2023 Acts, ch 19, §2580

272C.15A Disqualifications for unlawful presence.

A licensing board established after January 1, 1978, and pursuant to the provisions of this chapter, shall not issue or renew a professional license to an individual who the licensing board is unable to verify is lawfully present in the United States, as determined by using the SAVE program clearinghouse.

2026 Acts, ch 1156, §21, 35
NEW section

272C.16 Apprenticeships — licensure.

1. Notwithstanding any provision of law to the contrary, except as provided in chapters 100C, 100D, 103, and 105, beginning on January 1, 2022, a board shall grant a license to a person who completes an apprenticeship program in the relevant occupation or profession and submits an application pursuant to this section.

2. A board may require an applicant to pass an examination prior to licensure if the board requires an applicant who has completed an educational program to pass an examination prior to licensure. A board shall not require an applicant to receive a higher score on the examination than the score required of an applicant who completes an educational program.

3. A board may require an applicant to pay a licensing fee if the board requires an applicant who has completed an educational program to pay a licensing fee. A board shall not impose a licensing fee greater than the licensing fee imposed on an applicant who completes an educational program.

4. A board shall not require an applicant to complete an apprenticeship program of a greater duration than is required by federal law for that program.

5. For the purposes of this section, *"apprenticeship program"* means the same as defined in section 84E.2.

6. *a.* A board shall adopt rules to implement this section upon receipt of a petition for rulemaking submitted pursuant to section 17A.7.

b. A board shall not grant a license pursuant to this section prior to the effective date of rules adopted by the board to implement this section.

2021 Acts, ch 115, §1, 2

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CHAPTER 272D

DEBTS OWED STATE OR LOCAL GOVERNMENT — LICENSING SANCTIONS

Referred to in §421.60, 522C.16, 522F.23

272D.1 Definitions.
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272D.6 Decision of the unit.
272D.7 Certificate of noncompliance — certification to licensing authority.
272D.8 Requirements and procedures of licensing authority.
272D.9 District court hearing.

272D.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Certificate of noncompliance"* means a document provided by the unit certifying that the named person has outstanding liability placed with the unit and has not entered into an approved payment plan to pay the liability.

2. *"Liability"* means a debt or obligation placed with the unit for collection that is greater than one thousand dollars. For purposes of this chapter *"liability"* does not include support payments collected pursuant to chapter 252J.

3. *"License"* means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to a person by a licensing authority which evidences the admission to, or granting of authority to engage in, a profession, occupation, business, industry, or recreation. *"License"* includes licenses for hunting and fishing, or other recreational activity.

4. *"Licensee"* means a person to whom a license has been issued, or who is seeking the issuance of a license.

5. *"Licensing authority"* means the supreme court, or an instrumentality, agency, board, commission, department, officer, organization, or any other entity of the state, which has authority within this state to suspend or revoke a license or to deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, profession, recreation, or industry.

6. *"Obligor"* means a person with a liability placed with the unit.

7. *"Person"* means a licensee.

8. *"Unit"* means the centralized collection unit of the department of revenue.

9. *"Withdrawal of a certificate of noncompliance"* means a document provided by the unit certifying that the certificate of noncompliance is withdrawn and that the licensing authority may proceed with issuance, reinstatement, or renewal of the person's license.

2008 Acts, ch 1172, §7; 2009 Acts, ch 41, §107

272D.2 Purpose and use.

1. Notwithstanding other statutory provisions to the contrary, the unit may utilize the process established in this chapter to collect liabilities placed with the unit.

2. Actions initiated by the unit under this chapter shall not be subject to contested case proceedings or further review pursuant to chapter 17A and any resulting court hearing shall be an original hearing before the district court.

3. Notwithstanding chapter 22, all of the following apply:

a. Information obtained by the unit under this chapter shall be used solely for the purposes of this chapter.

b. Information obtained by a licensing authority under this chapter shall be used solely for the purposes of this chapter.

4. Notwithstanding any other law to the contrary, information shall be exchanged by a licensing authority and the unit to effectuate this chapter.

2008 Acts, ch 1172, §8

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272D.3 Notice to person of potential sanction of license.

The unit shall proceed in accordance with this chapter only if the unit sends a notice to the person by regular mail to the last known address of the person. The notice shall include all of the following:

1. The address and telephone number of the unit and the person's unit account number.
2. A statement that the person may request a conference with the unit to contest the action.
3. A statement that if, within twenty days of mailing of the notice to the person, the person fails to contact the unit to schedule a conference, the unit shall issue a certificate of noncompliance, bearing the person's name, social security number, and unit account number, to any appropriate licensing authority, certifying that the obligor has an outstanding liability placed with the unit.
4. A statement that in order to stay the issuance of a certificate of noncompliance the request for a conference shall be in writing and shall be received by the unit within twenty days of mailing of the notice to the person.
5. The names of the licensing authorities to which the unit intends to issue a certificate of noncompliance.
6. A statement that if the unit issues a certificate of noncompliance to an appropriate licensing authority, the licensing authority shall initiate proceedings to refuse to issue or renew, or to suspend or revoke the person's license, unless the unit provides the licensing authority with a withdrawal of a certificate of noncompliance.

2008 Acts, ch 1172, §9
Referred to in §272D.4, 272D.6, 272D.7

272D.4 Conference.

1. The person may schedule a conference with the unit following mailing of the notice pursuant to section 272D.3, or at any time after service of notice of suspension, revocation, denial of issuance, or nonrenewal of a license from a licensing authority, to challenge the unit's actions under this chapter.
2. The request for a conference shall be made to the unit in writing and, if requested after mailing of the notice pursuant to section 272D.3, shall be received by the unit within twenty days following mailing of the notice.
3. The unit shall notify the person of the date, time, and location of the conference by regular mail, with the date of the conference to be no earlier than ten days following issuance of notice of the conference by the unit. If the person fails to appear at the conference, the unit shall issue a certificate of noncompliance.
4. Following the conference, the unit shall issue a certificate of noncompliance unless any of the following applies:

a. The unit finds a mistake in the identity of the person.
b. The unit finds a mistake in determining the amount of the liability.
c. The unit determines the amount of the liability is not greater than one thousand dollars.
d. The obligor enters into an acceptable payment plan.
e. Issuance of a certificate of noncompliance is not appropriate under other criteria established in accordance with rules adopted by the department of revenue pursuant to chapter 17A.

5. The unit shall grant the person a stay of the issuance of a certificate of noncompliance upon receiving a timely written request for a conference, and if a certificate of noncompliance has previously been issued, shall issue a withdrawal of a certificate of noncompliance if the obligor enters into a written agreement with the unit to pay the liability.
6. If the person does not timely request a conference or does not pay the total amount of liability owed within twenty days of mailing of the notice pursuant to section 272D.3, the unit shall issue a certificate of noncompliance.

2008 Acts, ch 1172, §10
Referred to in §272D.6

272D.5 Written agreement.

1. The obligor and the unit may enter into a written agreement for payment of the liability

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owed which takes into consideration the obligor's ability to pay and other criteria established by rule of the department of revenue. The written agreement shall include all of the following:

a. The method, amount, and dates of payments by the obligor.

b. A statement that upon breach of the written agreement by the obligor, the unit shall issue a certificate of noncompliance to any appropriate licensing authority.

2. A written agreement entered into pursuant to this section does not preclude any other remedy provided by law.

3. Following issuance of a certificate of noncompliance, if the obligor enters into a written agreement with the unit, the unit shall issue a withdrawal of the certificate of noncompliance to any appropriate licensing authority and shall forward a copy of the withdrawal by regular mail to the obligor.

2008 Acts, ch 1172, §11
Referred to in §272D.6

272D.6 Decision of the unit.

1. If the unit mails a notice to a person pursuant to section 272D.3, and the person requests a conference pursuant to section 272D.4, the unit shall issue a written decision if any of the following conditions exist:

a. The person fails to appear at a scheduled conference under section 272D.4.

b. A conference is held under section 272D.4.

c. The obligor fails to comply with a written agreement entered into by the obligor and the unit under section 272D.5.

2. The unit shall send a copy of the written decision to the person by regular mail at the person's most recent address of record. If the decision is made to issue a certificate of noncompliance or to withdraw the certificate of noncompliance, a copy of the certificate of noncompliance or of the withdrawal of the certificate of noncompliance shall be attached to the written decision. The written decision shall state all of the following:

a. That the certificate of noncompliance or withdrawal of the certificate of noncompliance has been provided to the licensing authorities named in the notice provided pursuant to section 272D.3.

b. That upon receipt of a certificate of noncompliance, the licensing authority shall initiate proceedings to suspend, revoke, deny issuance, or deny renewal of a license, unless the licensing authority is provided with a withdrawal of a certificate of noncompliance from the unit.

c. That in order to obtain a withdrawal of a certificate of noncompliance from the unit, the obligor shall enter into a written agreement with the unit, comply with an existing written agreement with the unit, or pay the total amount of liability owed.

d. That if the unit issues a written decision which includes a certificate of noncompliance, the person may request a hearing as provided in section 272D.9, before the district court. The person may retain an attorney at the person's own expense to represent the person at the hearing. The review of the district court shall be limited to demonstration of a mistake of fact related to the amount of the liability owed or the identity of the person.

3. If the unit issues a certificate of noncompliance, the unit shall only issue a withdrawal of the certificate of noncompliance if any of the following applies:

a. The unit or the court finds a mistake in the identity of the person.

b. The unit or the court finds a mistake in the amount owed.

c. The obligor enters into a written agreement with the unit to pay the liability owed, the obligor complies with an existing written agreement, or the obligor pays the total amount of liability owed.

d. Issuance of a withdrawal of the certificate of noncompliance is appropriate under other criteria in accordance with rules adopted by the department of revenue pursuant to chapter 17A.

2008 Acts, ch 1172, §12
Referred to in §272D.7, 272D.9

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272D.7 Certificate of noncompliance — certification to licensing authority.

1. If a person fails to respond to a notice of potential license sanction provided pursuant to section 272D.3 or the unit issues a written decision under section 272D.6 which states that the person is not in compliance, the unit shall issue a certificate of noncompliance to any appropriate licensing authority.

2. The certificate of noncompliance shall contain the person's name and social security number.

3. The certificate of noncompliance shall require all of the following:

a. That the licensing authority initiate procedures for the revocation or suspension of the person's license, or for the denial of the issuance or renewal of a license using the licensing authority's procedures.

b. That the licensing authority provide notice to the person, as provided in section 272D.8, of the intent to suspend, revoke, deny issuance, or deny renewal of a license including the effective date of the action. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the person.

2008 Acts, ch 1172, §13

272D.8 Requirements and procedures of licensing authority.

1. A licensing authority shall maintain records of licensees by name, current known address, and social security number. The records shall be made available to the unit in an electronic format in order for the unit to match the names of the persons with any liability placed with the unit for collection.

2. In addition to other grounds for suspension, revocation, or denial of issuance or renewal of a license, a licensing authority shall include in rules adopted by the licensing authority as grounds for suspension, revocation, or denial of issuance or renewal of a license, the receipt of a certificate of noncompliance from the unit.

3. The supreme court shall prescribe rules for admission of persons to practice as attorneys and counselors pursuant to chapter 602, article 10, which include provisions, as specified in this chapter, for the denial, suspension, or revocation of the admission for failure to pay a liability placed with the unit.

4. *a.* A licensing authority that is issued a certificate of noncompliance shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to a person. The licensing authority shall utilize existing rules and procedures for suspension, revocation, or denial of the issuance or renewal of a license.

b. In addition, the licensing authority shall provide notice to the person of the licensing authority's intent to suspend, revoke, or deny issuance or renewal of a license under this chapter. The suspension, revocation, or denial shall be effective no sooner than thirty days following provision of notice to the person. The notice shall state all of the following:

(1) The licensing authority intends to suspend, revoke, or deny issuance or renewal of a person's license due to the receipt of a certificate of noncompliance from the unit.

(2) The person must contact the unit to schedule a conference or to otherwise obtain a withdrawal of a certificate of noncompliance.

(3) Unless the unit furnishes a withdrawal of a certificate of noncompliance to the licensing authority within thirty days of the issuance of the notice under this section, the person's license will be revoked, suspended, or denied.

(4) If the licensing authority's rules and procedures conflict with the additional requirements of this section, the requirements of this section shall apply. Notwithstanding section 17A.18, the person does not have a right to a hearing before the licensing authority to contest the authority's actions under this chapter but may request a court hearing pursuant to section 272D.9 within thirty days of the provision of notice under this section.

5. If the licensing authority receives a withdrawal of a certificate of noncompliance from the unit, the licensing authority shall immediately reinstate, renew, or issue a license if the person is otherwise in compliance with licensing requirements established by the licensing authority.

2008 Acts, ch 1172, §14

Referred to in §272D.7, 272D.9

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272D.9 District court hearing.

1. Following the issuance of a written decision by the unit under section 272D.6 which includes the issuance of a certificate of noncompliance, or following provision of notice to the person by a licensing authority pursuant to section 272D.8, a person may seek review of the decision and request a hearing before the district court by filing an application with the district court in the county where the majority of the liability was incurred, and sending a copy of the application to the unit by regular mail.

2. An application shall be filed to seek review of the decision by the unit or following issuance of notice by the licensing authority no later than within thirty days after the issuance of the notice pursuant to section 272D.8. The clerk of the district court shall schedule a hearing and mail a copy of the order scheduling the hearing to the person and the unit and shall also mail a copy of the order to the licensing authority, if applicable. The unit shall certify a copy of its written decision and certificate of noncompliance, indicating the date of issuance, and the licensing authority shall certify a copy of a notice issued pursuant to section 272D.8, to the court prior to the hearing.

3. The filing of an application pursuant to this section shall automatically stay the actions of a licensing authority pursuant to section 272D.8. The hearing on the application shall be scheduled and held within thirty days of the filing of the application. However, if the person fails to appear at the scheduled hearing, the stay shall be lifted and the licensing authority shall continue procedures pursuant to section 272D.8.

4. The scope of review by the district court shall be limited to demonstration of the amount of the liability owed or the identity of the person.

5. If the court finds that the unit was in error in issuing a certificate of noncompliance, or in failing to issue a withdrawal of a certificate of noncompliance, the unit shall issue a withdrawal of a certificate of noncompliance to the appropriate licensing authority.

2008 Acts, ch 1172, §15

Referred to in §272D.6, 272D.8, 522C.16, 522F.23

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SUBTITLE 6

SCHOOL DISTRICTS

CHAPTER 273

AREA EDUCATION AGENCIES

Referred to in §74.1, 256.82, 257.36, 279.23, 280.8, 280A.1, 282.3, 514C.35

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SUBCHAPTER I

GENERAL PROVISIONS

273.1 Intent.

It is the intent of the general assembly to provide an effective, efficient, and economical means of identifying and serving children from under five years of age through grade twelve who require special education and any other children requiring special education as defined in section 256B.2; to provide for media services and other programs and services for pupils in grades kindergarten through twelve and children requiring special education as defined in section 256B.2; to provide a method of financing the programs and services; to provide services to school districts under a contract with those school districts; to improve student achievement; and to close student achievement gaps.

[C75, 77, 79, 81, §273.1]

87 Acts, ch 224, §44; 2024 Acts, ch 1002, §4

Referred to in §256B.9, 273.2, 273.3, 273.23

273.2 Area education agencies established — powers — services and programs.

1. There are established throughout the state nine area education agencies, each of which is under the general supervision of the director of the department of education, except as otherwise provided in this chapter. Each area education agency shall have an area education agency board of directors that shall serve in an advisory capacity. The boundaries of an area education agency shall not divide a school district. The director of the department of education shall change boundaries of area education agencies to take into account mergers of local school districts and changes in boundaries of local school districts, when necessary

to maintain the policy of this chapter that a local school district shall not be a part of more than one area education agency.

2. An area education agency established under this chapter is a body politic as a school corporation for the purpose of exercising powers granted under this chapter, and may sue and be sued. An area education agency may hold property and execute purchase agreements within two years of a disaster as defined in section 29C.2, subsection 4, and lease-purchase agreements pursuant to section 273.3, subsection 7, and if the lease-purchase agreement exceeds ten years or the purchase price of the property to be acquired pursuant to a purchase or lease-purchase agreement exceeds the amount stated in section 26.3, subsection 1, the area education agency shall conduct a public hearing on the proposed purchase or lease-purchase agreement and receive approval from the area education agency board of directors and the state board of education or its designee before entering into the agreement.

3. *a.* The area education agency shall furnish educational services and programs as provided in section 273.1, this section, sections 273.3 through 273.8, and chapter 256B to pupils enrolled in public or nonpublic schools which are on the list of accredited schools pursuant to section 256.11, and to pupils enrolled in charter schools established pursuant to chapter 256E, subchapter I, which request to receive such services. The programs and services provided shall be at least commensurate with programs and services existing on July 1, 1974. The programs and services provided to pupils enrolled in nonpublic schools shall be comparable to programs and services provided to pupils enrolled in public schools within constitutional guidelines.

b. The area education agency may furnish evidence-based professional development services to public or nonpublic schools which are on the list of accredited schools pursuant to section 256.11 if any of the following requirements are satisfied:

(1) The professional development service is included on the list developed by the director of the department of education pursuant to section 256.9, subsection 36.

(2) The director of the department of education grants approval to the area education agency to furnish the evidence-based professional development services.

4. The area education agency shall provide for special education services and media services for school districts and shall encourage and assist school districts to establish programs for gifted and talented children. The area education agency shall provide for media services for charter schools established pursuant to chapter 256E, subchapter I. The area education agency shall assist in facilitating interlibrary loans of materials between school districts and other libraries.

5. *a.* The area education agency may furnish services under subsection 3 or 4 to public or nonpublic schools located within its boundaries, or within the boundaries of a contiguous area education agency, which are on the list of accredited schools pursuant to section 256.11.

b. Notwithstanding paragraph *"a"*, the area education agency may furnish services under subsection 3 or 4 to a public school located within the boundaries of an area education agency that is not contiguous if the school district shares a superintendent with another school district, pursuant to section 257.11, subsection 5, that receives services from the area education agency pursuant to paragraph *"a"*.

6. The area education agency board may provide for the following programs and services to local school districts, and at the request of local school districts to providers of child development services who have received grants under chapter 256A from the child development coordinating council, within the limits of funds available:

a. In-service training programs for employees of school districts and area education agencies, provided at the time programs and services are established they do not duplicate programs and services available in that area from the universities under the state board of regents and from other universities and four-year institutions of higher education in Iowa. The in-service training programs shall include but are not limited to regular training concerning mental or emotional disorders that may afflict children and the impact children with such disorders have upon their families.

b. Educational data processing pursuant to section 256.9, subsection 11.

c. Research, demonstration projects and models, and educational planning for children

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under five years of age through grade twelve and children requiring special education as defined in section 256B.2 as approved by the state board of education.

d. Auxiliary services for nonpublic school pupils as provided in section 256.12. However, if auxiliary services are provided their funding shall be based on the type of service provided.

e. Other educational programs and services for children under five years through grade twelve and children requiring special education as defined in section 256B.2 and for employees of school districts and area education agencies as approved by the state board of education.

7. The board of directors of an area education agency shall not establish programs and services which duplicate programs and services that are or may be provided by the community colleges under the provisions of chapter 260C. An area education agency shall contract, whenever practicable, with other school corporations for the use of personnel, buildings, facilities, supplies, equipment, programs, and services.

8. The board of an area education agency or a consortium of two or more area education agencies shall contract with one or more licensed dietitians for the support of nutritional provisions in individual education plans developed in accordance with chapter 256B and to provide information to support school nutrition coordinators.

9. The area education agency board shall collaborate with the department of education to provide a statewide infrastructure for educational data to create cost efficiencies, provide storage and disaster mitigation, and improve interconnectivity between schools and school districts. In addition, the area education agency boards shall work with the department to provide systemwide coordination in the implementation of the statewide longitudinal data system consistent with the federal American Recovery and Reinvestment Act of 2009. The area education agencies shall provide support to school districts' information technology infrastructure that is consistent with the statewide infrastructure for the educational data collaborative.

10. The area education agency boards shall jointly develop a three-year statewide strategic plan that supports goals adopted by the state board of education pursuant to section 256.7, subsection 4, and the accreditation standards established pursuant to section 256.11; establish performance goals; and clearly identify the statewide efforts to improve student learning and create efficiencies in management operations for area education agencies and school districts. The statewide strategic plan shall be approved by the state board of education. The area education agency boards shall jointly provide the state board with annual updates on the performance measures.

11. The area education agency board is encouraged to employ a child welfare liaison to provide services and guidance to local school districts to facilitate the efficient and effective transfer and enrollment of a child adjudicated under chapter 232 or receiving foster care services to another school district, including but not limited to guidance relating to the transfer of credit earned for coursework taken by the student, enrollment transition planning, facilitating information sharing between education and child welfare agencies, and developing systems designed to ameliorate the transition issues faced by a child adjudicated under chapter 232 or receiving foster care services who is transferring to and enrolling in a school district.

12. Subject to an appropriation by the general assembly for such purpose, the area education agency board shall, by July 1, 2024, dedicate at least one full-time equivalent position to maintain a dyslexia specialist. The area education agency board may hire such a specialist or may provide appropriate training to qualify an existing employee as a specialist on dyslexia. The specialist shall provide technical guidance and assistance, including but not limited to professional development, strategies, and materials to school districts and accredited nonpublic schools relating to identification of and instruction for students with characteristics of dyslexia. The specialist shall be highly trained in dyslexia and have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders. In the absence of an appropriation, each area education agency board is encouraged to employ a highly qualified dyslexia specialist.

13. The area education agency shall charge reasonable costs that are consistent with

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current market rates for the educational services, special education services, professional development services, and media services established by the area education agency.

14. The area education agency shall provide an annual report by January 1 of each year to the department of education, and to public schools and nonpublic schools located within the area education agency's boundaries that are on the list of accredited schools pursuant to section 256.11, a detailed description of the educational services, special education programs and services, professional development services, and media services that the area education agency provides, and the cost associated with purchasing such programs and services from the area education agency.

[C66, 71, 73, §280A.25(3); C75, 77, 79, 81, §273.2, 280A.25(3); 82 Acts, ch 1006, §1, 2, ch 1136, §1]

84 Acts, ch 1103, §1; 85 Acts, ch 195, §30; 86 Acts, ch 1245, §1457; 87 Acts, ch 115, §39; 89 Acts, ch 135, §57; 95 Acts, ch 182, §20; 2001 Acts, ch 158, §23; 2008 Acts, ch 1187, §143; 2009 Acts, ch 65, §5; 2010 Acts, ch 1031, §270; 2011 Acts, ch 132, §63, 106; 2012 Acts, ch 1023, §38; 2012 Acts, ch 1138, §61; 2014 Acts, ch 1091, §1; 2020 Acts, ch 1048, §5; 2020 Acts, ch 1063, §124; 2021 Acts, ch 25, §1; 2024 Acts, ch 1002, §5, 6, 22; 2026 Acts, ch 1040, §68 – 70; 2026 Acts, ch 1086, §64, 65, 101

Referred to in §256.9, 256.32A, 256B.9, 256I.8, 273.3, 273.6, 273.11, 273.23, 280.29
2024 amendment to subsections 3 and 4 applies to school years beginning on or after July 1, 2025; 2024 Acts, ch 1002, §22
Subsection 5 applies to school years beginning on or after July 1, 2025; 2024 Acts, ch 1002, §22
Subsection 3, paragraph a amended
Subsection 4 amended
Subsection 6, paragraph a amended
Subsection 7 amended
Subsection 14 amended

273.3 Duties and powers of area education agency board — additional powers of area education agencies.

The board in carrying out the provisions of section 273.2 shall:

1. Advise and consult with the area education agency on policies and procedures for providing programs and services.

2. Be authorized to receive and expend money for providing programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 through 273.8, and chapters 256B and 257. All costs incurred in providing the programs and services, including administrative costs, shall be paid from funds received pursuant to sections 273.1, 273.2, this section, sections 273.4 through 273.8, and chapters 256B and 257.

3. Provide data and prepare reports as directed by the director of the department of education.

4. Provide for advisory committees as deemed necessary.

5. Area education agencies are authorized, subject to rules of the state board of education, to provide directly or by contractual arrangement with public or private agencies for special education programs and services, media services, and educational programs and services requested by the local boards of education as provided in this chapter, including but not limited to contracts for the area education agency to provide programs or services to the local school districts and contracts for local school districts, other educational agencies, and public and private agencies to provide programs and services to the local school districts in the area education agency in lieu of the area education agency providing the services. Contracts may be made with public or private agencies located outside the state if the programs and services comply with the rules of the state board. Rules adopted by the state board of education shall be consistent with rules, adopted by the board of educational examiners, relating to licensing of practitioners.

6. Area education agencies may cooperate and contract between themselves and with other public agencies to provide special education programs and services, media services, and educational services to schools and children residing within their respective areas. Area education agencies may provide print and nonprint materials to public and private colleges and universities that have teacher education programs approved by the state board of education.

7. Area education agencies are authorized to lease, purchase, or lease-purchase, subject

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to the approval of the state board of education or its designee and to receive by gift and operate and maintain facilities and buildings necessary to provide authorized programs and services. However, a lease for less than ten years and with an annual cost of less than the amount stated in section 26.3, subsection 1, does not require the approval of the state board. The state board shall not approve a lease, purchase, or lease-purchase until the state board is satisfied by investigation that public school corporations within the area do not have suitable facilities available. A purchase of property that is not a lease-purchase may be made only within two years of a disaster as defined in section 29C.2, subsection 4, and subject to the requirements of this subsection.

8. Area education agencies are authorized, subject to the approval of the director of the department of education, to enter into agreements for the joint use of personnel, buildings, facilities, supplies, and equipment with school corporations as deemed necessary to provide authorized programs and services.

9. Area education agencies are authorized to make application for, accept, and expend state and federal funds that are available for programs of educational benefit approved by the director of the department of education, and cooperate with the department in the manner provided in federal-state plans or department rules in the effectuation and administration of programs approved by the director, or approved by other educational agencies, which agencies have been approved as state educational authorities.

10. Be authorized to perform all other acts necessary to carry out the provisions and intent of this chapter.

11. Employ personnel to carry out the functions of the area education agency, which shall include the employment of an administrator who shall possess a license issued under chapter 256, subchapter VII, part 3. The administrator shall be employed pursuant to section 279.20 and sections 279.23, 279.24, and 279.25. The salary for an area education agency administrator shall be established by the board based upon the previous experience and education of the administrator; provided, however, that the salary for an area education agency administrator shall not exceed one hundred twenty-five percent of the average salary of all superintendents of the school districts that are located within the boundaries of the area education agency at the time the employment agreement is entered into or renewed between an area education agency and an area education agency administrator. Section 279.13 applies to the area education agency board and to all teachers employed by the area education agency. Sections 279.23, 279.24, and 279.25 apply to the area education board and to all administrators employed by the area education agency. Section 279.69 applies to the area education agency board and employees of the board, including part-time, substitute, or contract employees, who provide services to a school or school district.

12. Area education agencies shall prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 through 273.8, and chapter 256B within the limits of funds provided under section 256B.9 and chapter 257. The board shall submit the proposed budget to the director of the department of education for approval not later than March 1 of each year, and the director shall either approve or reject the proposed budget for changes within ten days after submission. The proposed budget as approved by the director of the department of education shall then be submitted to the state board of education, on forms provided by the department, no later than March 15 preceding the next fiscal year for approval. The state board shall review the proposed budget of each area education agency and shall before May 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than May 15. The state board shall give final approval only to budgets submitted by area education agencies accredited by the state board or that have been given conditional accreditation by the state board.

13. Be authorized to pay, out of funds available to the board reasonable annual dues to an Iowa association of school boards. Membership shall be limited to those duly elected members of the area education agency board.

14. *a.* The board may establish a plan, in accordance with section 403(b) of the Internal Revenue Code, as defined in section 422.3, for employees, which plan shall consist of one or

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more investment contracts, on a group or individual basis, acquired from a company, or a salesperson for that company, that is authorized to do business in this state.

b. The selection of investment contracts to be included within the plan established by the board shall be made either pursuant to a competitive bidding process conducted by the board, in coordination with employee organizations representing employees eligible to participate in the plan, or pursuant to an agreement with the department of administrative services to make available investment contracts included in a deferred compensation or similar plan established by the department pursuant to section 8A.438, which plan meets the requirements of this subsection. The determination of whether to select investment contracts for the plan pursuant to a competitive bidding process or by agreement with the department of administrative services shall be made by agreement between the board and the employee organizations representing employees eligible to participate in the plan.

c. The board may make elective deferrals in accordance with the plan as authorized by an eligible employee for the purpose of making contributions to the investment contract on behalf of the employee. The deferrals shall be made in the manner that will qualify contributions to the investment contract for the benefits under section 403(b) of the Internal Revenue Code, as defined in section 422.3. In addition, the board may make nonelective employer contributions to the plan.

d. As used in this subsection, unless the context otherwise requires, *"investment contract"* shall mean a custodial account utilizing mutual funds or an annuity contract that meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3.

15. Be authorized to establish and pay all or any part of the cost of group health insurance plans, nonprofit group medical service plans and group life insurance plans adopted by the board for the benefit of employees of the area education agency, from funds available to the board.

16. Meet at least annually with the members of the boards of directors of the merged areas in which the area education agency is located to discuss coordination of programs and services and other matters of mutual interest to the boards.

17. Be authorized to issue warrants and anticipatory warrants pursuant to chapter 74. The applicable rate of interest shall be determined pursuant to sections 74A.2, 74A.3, and 74A.7. This subsection shall not be construed to authorize a board to levy a tax.

18. Be authorized to issue school credit cards allowing area education agency employees to pay for the actual and necessary expenses incurred in the performance of work-related duties.

19. Pursuant to rules adopted by the state board of education, be authorized to charge user fees for certain materials and services that are not required by law or by rules of the state board of education and are specifically requested by a school district or accredited nonpublic school.

20. Be authorized to purchase equipment as provided in section 279.48.

21. Be authorized to sell, lease, or dispose of, in whole or in part, property belonging to the area education agency. Before the area education agency may sell property belonging to the agency, the board of directors shall comply with the requirements set forth in section 297.22. Before the board of directors of an area education agency may lease property belonging to the agency, the board shall obtain the approval of the director of the department of education.

22. Meet annually with the members of the boards of directors of the school districts located within its boundaries if requested by the school district boards.

23. By October 1 of each year, submit to the department of education the following information:

a. The contracted salary including bonus wages and benefits, annuity payments, or any other benefit for the administrators of the area education agency.

b. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for lobbyists and lobbying activities for the area education agency.

24. Be authorized to sell software and support services, professional development programs and materials, online professional development, and online training to entities other than school districts within the state and to school districts and other public agencies

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located outside of the state. The board may also sell to school districts within this state software and support services, professional development programs and materials, online professional development, and online training that the area education agency is not otherwise required to provide to a school district under this chapter or chapter 256B or 257.

25. Require, by July 1, 2024, any person employed by the area education agency who holds a license, certificate, statement of recognition, or authorization other than a coaching authorization, issued by the board of educational examiners under chapter 256, subchapter VII, part 3, to complete the Iowa reading research center dyslexia overview module. Such persons employed after July 1, 2024, shall complete the module within one year of the employee's initial date of hire.

26. On a quarterly basis, the area education agency shall prepare and submit to each school district that receives services from the area education agency a report that includes all of the following:

a. A monetary accounting of payments the area education agency received from the school district, including payments under section 257.35.

b. A description of all of the following:

(1) The special education services provided by the area education agency to the school district.

(2) The services provided by the area education agency under part C of the federal Individuals with Disabilities Education Act.

(3) The services provided by the area education agency that are related to the child find process for special education.

(4) The services provided by the area education agency to accredited nonpublic schools and charter schools.

[C51, §417; R60, §648, 2074; C73, §771, 1776; C97, §2742, 2831, 2832; S13, §2742, 2831, 2832; SS15, §2734-b; C24, 27, 31, 35, 39, §**4122, 4456 – 4458, 5232 – 5234;** C46, §273.4, 301.12 – 301.14, 340.13 – 340.15; C50, 54, 58, 62, §273.12, 273.13; C66, §273.12, 273.13, 273.22; C71, 73, §273.12, 273.13, 273.22, 273.24; C75, 77, 79, 81, §273.3; 81 Acts, ch 87, §1; 82 Acts, ch 1080, §1, ch 1136, §2, 3]

83 Acts, ch 2, §1; 84 Acts, ch 1010, §2; 84 Acts, ch 1315, §34; 85 Acts, ch 138, §2, 3; 85 Acts, ch 212, §21; 86 Acts, ch 1213, §5; 86 Acts, ch 1245, §1458; 86 Acts, ch 1246, §133; 87 Acts, ch 115, §40; 87 Acts, ch 233, §474, 475; 89 Acts, ch 135, §58; 89 Acts, ch 265, §34; 92 Acts, ch 1050, §1; 92 Acts, ch 1227, §17; 94 Acts, ch 1089, §1; 94 Acts, ch 1175, §5; 94 Acts, ch 1183, §63; 96 Acts, ch 1215, §47, 48; 97 Acts, ch 184, §2; 2008 Acts, ch 1171, §64, 68; 2009 Acts, ch 65, §6; 2009 Acts, ch 179, §161; 2012 Acts, ch 1023, §39; 2013 Acts, ch 30, §66; 2013 Acts, ch 88, §11; 2013 Acts, ch 141, §19; 2014 Acts, ch 1135, §23; 2020 Acts, ch 1048, §6; 2020 Acts, ch 1063, §125; 2021 Acts, ch 25, §2; 2023 Acts, ch 19, §2581; 2024 Acts, ch 1002, §7, 8, 20; 2026 Acts, ch 1040, §71, 72

Referred to in §256B.2, 256B.9, 257.9, 257.10, 273.2, 273.9, 273.23, 280.7A

2024 amendment to subsection 11 applies to employment agreements entered into or renewed between an area education agency and an area education agency administrator on or after July 1, 2024; 2024 Acts, ch 1002, §20

Subsection 14, paragraphs c and d amended

Subsection 24 amended

273.4 Duties of administrator.

Under direction of the board of directors of the area education agency, the administrator of the area education agency shall, in addition to other duties:

1. Cooperate with boards of directors of local school districts of the area education agency in considering and developing plans for the improvement of the educational programs and services in the area education agency.

2. When requested, provide such other assistance as possible to school districts of the area education agency for the general improvement of their educational programs and operations.

3. Submit program plans each year to the department of education, for approval by the

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director of the department, to reflect the needs of the area education agency for media services as provided in section 273.6.

[C51, §1148; R60, §2066 – 2068, 2071, 2073; C73, §1766 – 1768, 1770, 1772, 1774, 1775; C97, §2734 – 2740; S13, §2734-f, -l, -m, -p, 2738, 2739; SS15, §2734-b, -c; C24, 27, 31, 35, 39, §**4106;** C46, §271.11; C50, 54, 58, 62, 66, 71, 73, §273.18; C75, 77, 79, 81, §273.4]

86 Acts, ch 1245, §1459

Referred to in §256B.9, 273.2, 273.3, 273.9, 273.23

273.5 Special education.

There shall be established a division of special education of the area education agency that shall provide for special education programs and services to the local school districts. The division of special education shall be headed by a director of special education who meets certification standards of the department of education. The director of special education shall be an employee of the division of special education of the department of education. The director of special education shall not be an employee of the area education agency, shall not receive compensation from the area education agency, shall not supervise or manage employees of the area education agency, and shall not directly provide special education services for the agency. The director of special education's primary job duties and responsibilities to the area education agency are to provide oversight of the area education agency's special education services. The director of special education shall also have the responsibility for implementation of state regulations and guidelines relating to special education programs and services. The director of special education shall have the following powers and duties:

1. Properly identify children requiring special education.

2. Insure that each child requiring special education in the area receives an appropriate special education program or service.

3. Assign appropriate weights for each child requiring special education programs or services as provided in section 256B.9.

4. Supervise special education support personnel.

5. Provide each school district within the area served and the department of education with a special education weighted enrollment count, including the additional enrollment because of special education for December 1 of each year.

6. Submit to the department of education special education instructional and support program plans and applications, subject to criteria listed in chapter 256B and this chapter, for approval by February 15 of each year for the school year commencing the following July 1.

7. Coordinate the special education program within the area served.

[C75, 77, 79, 81, §273.5]

89 Acts, ch 135, §59; 2024 Acts, ch 1002, §9; 2026 Acts, ch 1040, §73

Referred to in §256B.9, 256B.11, 273.2, 273.3, 273.9, 273.23, 280.15

Unnumbered paragraph 1 amended

273.6 Media centers.

1. The media centers required under section 273.2 shall contain:

a. A materials lending library, consisting of print and nonprint materials.

b. A professional library.

c. A curriculum laboratory, including textbooks and correlated print and audiovisual materials.

d. Capability for production of media-oriented instructional materials.

e. Qualified media personnel.

f. Appropriate physical facilities.

g. Other materials and equipment deemed necessary by the department.

2. Program plans submitted by the area education agency to the department of education for approval by the state board of media centers under this subsection shall include all of the following:

a. Evidence that the services proposed are based upon an analysis of the needs of the local school districts in the area.

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b. Description of the manner in which the services of the area education agency media center will be coordinated with other agencies and programs providing educational media.

c. Description of the means for delivery of circulation materials.

d. Evidence that the media center fulfills the requirements of subsection 1.

[C75, 77, 79, 81, §273.6]

Referred to in §256B.9, 257.37, 273.2, 273.3, 273.4, 273.9, 273.23

273.7 Additional services.

If sixty percent of the number of local school boards located in an area education agency, or if local school boards representing sixty percent of the enrollment in the school districts located in the agency, request in writing to the area education agency board that an additional service be provided them, for pupils in grades kindergarten through twelve or children requiring special education as defined in section 256B.2 or for employees or board members of school districts or area education agencies, the area education agency board shall arrange for the service to be provided to all school districts in the area within the financial capabilities of the area education agency.

[C75, 77, 79, 81, §273.7]

Referred to in §256B.9, 273.2, 273.3, 273.23

273.7A Services to school districts.

1. The board of an area education agency may provide services to school districts located in the area education agency under contract with the school districts. These services may include, but are not limited to, superintendency services, personnel services, business management services, specialized maintenance services, and transportation services. In addition, the board of the area education agency may provide for furnishing expensive and specialized equipment for school districts. School districts shall pay to area education agencies the cost of providing the services.

2. The board of an area education agency may also provide services authorized to be performed by area education agencies to other area education agencies in this state and to provide a method of payment for these services.

87 Acts, ch 224, §45

Referred to in §256B.9, 273.2, 273.3, 273.23

273.8 Area education agency board of directors.

1. *Board of directors.*

a. The board of directors of an area education agency shall consist of nine members. Each director shall serve a four-year term, which commences at the organization meeting.

b. Five members of the board of directors of an area education agency must be residents of and elected in the manner provided in this section from a director district that is approximately equal in population to the other director districts in the area education agency.

c. Four members of the board of directors of an area education agency must be appointed by the majority vote of the superintendents of school districts located within the boundaries of the area education agency. A member appointed pursuant to this paragraph must be a superintendent of a school district located within the boundaries of the area education agency; provided, however, that a superintendent appointed pursuant to this paragraph may designate any individual to serve for all, or the remainder of, the superintendent's term.

2. *Election of directors.* Except as otherwise provided in subsection 3, the board of directors of an area education agency shall be elected by a vote of the members of the boards of directors of the local school districts located within the director district. The procedure for conducting the elections shall be as follows:

a. Notice of the election shall be published by the area education agency administrator not later than September 15 of the odd-numbered year in at least one newspaper of general circulation in the director district. The cost of publication shall be paid by the area education agency.

b. A candidate for election to the area education agency board shall file a statement of candidacy with the area education agency secretary not later than October 15 of the odd-numbered year, on forms prescribed by the department of education. The statement

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of candidacy shall include the candidate's name, address, and school district. The list of candidates shall be sent by the secretary of the area education agency in ballot form by certified mail to the presidents of the boards of directors of all school districts within the director district not later than November 1. In order for the ballot to be counted, the ballot must be received in the secretary's office by the end of the normal business day on November 30 or be clearly postmarked by an officially authorized postal service not later than November 29 and received by the secretary not later than noon on the first Monday following November 30.

c. The board of each separate school district that is located entirely or partially inside an area education agency director district shall cast a vote for director of the area education agency board described in subsection 1, paragraph *"b"*, based upon the ratio that the population of the school district, or portion of the school district, in the director district bears to the total population in the director district. The population of each school district or portion shall be determined by the department of education. The member of the area education agency board described in subsection 1, paragraph *"b"*, to be elected may be a member of a local school district board of directors and shall be an elector and a resident of the director district, but shall not be a school district employee.

d. (1) A vacancy, as defined in section 277.29, in a membership position of the area education agency board described in subsection 1, paragraph *"b"*, shall be filled for the unexpired portion of the term at a director district convention called and conducted in the manner provided in subsection 3.

(2) A vacancy, as defined in section 277.29, in a membership position of the area education agency board described in subsection 1, paragraph *"c"*, shall be filled for the unexpired portion of the term by an individual who is appointed by the majority vote of the superintendents of school districts located within the boundaries of the area education agency.

3. *Director district convention.* If no candidate files with the area education agency secretary by the deadline specified in subsection 2, or a vacancy occurs, or if otherwise required as provided in section 273.23, subsection 3, a director district convention, attended by members of the boards of directors of the local school districts located within the director district, shall be called to elect a board member described in subsection 1, paragraph *"b"*, for that director district. The convention location shall be determined by the area education agency administrator. Notice of the time, date, and place of a director district convention shall be published by the area education agency administrator in at least one newspaper of general circulation in the director district at least thirty days prior to the day of the convention. The cost of publication shall be paid by the area education agency. A candidate for election to the area education agency board shall file a statement of candidacy with the area education agency secretary at least ten days prior to the date of the director district convention on forms prescribed by the department of education, or nominations may be made at the convention by a delegate from a board of directors of a school district located within the director district. A statement of candidacy shall include the candidate's name, address, and school district. Delegates to director district conventions shall not be bound by a school board or any school board member to pledge their votes to any candidate prior to the date of the convention.

4. *Organization.*

a. The board of directors of each area education agency shall meet and organize at the first regular meeting in December following the regular school election at a suitable place designated by the president. Directors whose terms commence at the organizational meeting shall qualify by taking the oath of office required by section 277.28 at or before the organizational meeting.

b. The provisions of section 260C.12 relating to organization, officers, appointment of secretary and treasurer, and meetings of the merged area board apply to the area education agency board.

5. *Quorum.* A majority of the members of the board of directors of the area education agency shall constitute a quorum.

6. *Change in directors.* The board of an area education agency may change the number

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of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be completed not later than September 1 of the odd-numbered year for the director district conventions to be held the following November.

7. *Boundary line changes.* To the extent possible the board shall provide that changes in the boundary lines of director districts of area education agencies shall not lengthen or diminish the term of office of a director of an area education agency board. Initial terms of office shall be set by the board so that as nearly as possible the terms of one-half of the members expire biennially.

8. *Census changes.*

a. The board of the area education agency shall redraw boundary lines of director districts in the area education agency after each census to compensate for changes in population if changes in population have taken place.

b. Where feasible, boundary lines of director districts shall coincide with the boundary lines of school districts and the boundary lines of election precincts established pursuant to sections 49.3 through 49.6.

[C97, §2833; C24, 27, 31, 35, 39, §**4119, 4121;** C46, §273.1, 273.3; C50, 54, 58, 62, §273.4, 273.5, 273.9, 273.10; C66, 71, 73, §273.4, 273.5, 273.9, 273.10, 280A.23(2); C75, 77, §273.8, 280A.23(2); C79, 81, §273.8, 280A.28, 280A.29; 82 Acts, ch 1088, §1, ch 1136, §4 – 6]

84 Acts, ch 1219, §13, 14; 85 Acts, ch 138, §4; 2003 Acts, ch 180, §19, 20; 2008 Acts, ch 1115, §7 – 9, 21; 2009 Acts, ch 41, §108; 2010 Acts, ch 1061, §180; 2017 Acts, ch 155, §5 – 7, 9, 10; 2019 Acts, ch 59, §78; 2024 Acts, ch 1002, §10 – 12, 21

Referred to in §256B.9, 273.2, 273.3, 273.21, 273.23, 273.27

2024 amendments to section apply to the election of directors and vacancies occurring under this section on or after July 1, 2024; 2024 Acts, ch 1002, §21

273.9 Funding.

1. School districts shall pay for the programs and services provided through the area education agency and shall include expenditures for the programs and services in their budgets, in accordance with this section.

2. School districts shall pay the costs of special education instructional programs with the moneys available to the districts for each child requiring special education, by application of the special education weighting plan in section 256B.9. Special education instructional programs shall be provided at the local level if practicable, or otherwise by contractual arrangements with the area education agency board as provided in section 273.3, subsection 5, but in each case the total money available through section 256B.9 and chapter 257 because of weighted enrollment for each child requiring special education instruction shall be made available to the district or agency which provides the special education instructional program to the child, subject to adjustments for transportation or other costs which may be paid by the school district in which the child is enrolled. Each district shall cooperate with its area education agency to provide an appropriate special education instructional program for each child who requires special education instruction, as identified and counted within the certification by the area director of special education or as identified by the area director of special education subsequent to the certification, and shall not provide a special education instructional program to a child who has not been so identified and counted within the certification or identified subsequent to the certification.

3. The costs of special education support services provided through the area education agency shall be funded as provided in chapter 257. Special education support services shall not be funded until the program plans submitted by the special education directors of each area education agency as required by section 273.5 are modified as necessary and approved by the director of the department of education according to the criteria and limitations of chapters 256B and 257.

4. The costs of media services provided through the area education agency shall not be funded until the program plans submitted by the administrators of each area education agency as required by section 273.4 are modified as necessary and approved by the director of the department of education according to the criteria of section 273.6.

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5. The state board of education shall adopt rules under chapter 17A relating to the approval of program plans under this section.

[C51, §417; R60, §648, 2074; C73, §771, 1776; C97, §2742, 2831, 2832; S13, §2742, 2831, 2832; SS15, §2734-b; C24, 27, 31, 35, 39, §**4456 – 4458, 5232 – 5234;** C46, §301.12 – 301.14, 340.13 – 340.15; C50, 54, 58, 62, 66, 71, 73, §273.13; C75, 77, 79, 81, §273.9]

86 Acts, ch 1245, §1460; 89 Acts, ch 135, §60; 91 Acts, ch 97, §38; 2010 Acts, ch 1061, §95; 2012 Acts, ch 1023, §157

Referred to in §256B.2, 256B.8, 256B.9, 273.23

273.10 Accreditation of area education programs.

1. The department of education shall develop, in consultation with the area education agencies, and establish an accreditation process for area education agencies by July 1, 1997. At a minimum, the accreditation process shall consist of the following:

a. The timely submission by an area education agency of information required by the department on forms provided by the department.

b. The use of an accreditation team appointed by the director of the department of education to conduct an evaluation, including an on-site visit of each area education agency. The team shall include, but is not limited to, department staff members, representatives from the school districts served by the area education agency being evaluated, area education agency staff members from area education agencies other than the area education agency that conducts the programs being evaluated for accreditation, and other team members with expertise as deemed appropriate by the director.

2. Prior to a visit to an area education agency, the accreditation team shall have access to that area education agency's program audit report filed with the department. After a visit to an area education agency, the accreditation team shall determine whether the accreditation standards for a program, including but not limited to standards established pursuant to section 256.9, subsection 54, have been met and shall make a report to the director and the state board, together with a recommendation as to whether the programs of the area education agency should receive initial accreditation or remain accredited. The accreditation team shall report strengths and weaknesses, if any, for each accreditation standard and shall advise the area education agency of available resources and technical assistance to further enhance the strengths and improve areas of weakness. An area education agency may respond to the accreditation team's report.

3. The state board of education shall determine whether a program of an area education agency shall receive initial accreditation or shall remain accredited.

a. Approval of area education agency programs by the state board shall be based upon the recommendation of the director of the department of education after a study of the factual and evaluative evidence on record about each area education agency program in terms of the accreditation standards adopted by the state board.

b. Approval, if granted, shall be for a term of five years. However, the state board may grant conditional approval for a term of less than five years if conditions warrant.

4. If the state board of education determines that an area education agency's program does not meet accreditation standards, the director of the department of education, in cooperation with the board of directors of the area education agency, shall establish a remediation plan prescribing the procedures that must be taken to correct deficiencies in meeting the program standards, and shall establish a deadline date for correction of the deficiencies. The remediation plan is subject to the approval of the state board.

5. The area education agency program shall remain accredited during the implementation of the remediation plan. The accreditation team shall visit the area education agency and shall determine whether the deficiencies in the standards for the program have been corrected and shall make a report and recommendation to the director and the state board of education. The state board shall review the report and recommendation and shall determine whether the deficiencies in the program have been corrected.

6. *a.* If the deficiencies in an area education program have not been corrected, the director of the department of education shall take one of the following actions within sixty days from removal of accreditation:

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(1) Merge the deficient program with a program from another accredited area education agency.

(2) Contract with another area education agency or other public educational institution for purposes of program delivery.

b. The rules developed by the state board of education for the accreditation process shall include provisions for removal of accreditation, including provisions for proper notice to the administrator of the area education agency, each member of the board of directors of the area education agency, the department of education, and the superintendents and administrators of the schools of the districts served by the area education agency.

96 Acts, ch 1215, §49; 2001 Acts, ch 114, §1; 2009 Acts, ch 41, §263; 2010 Acts, ch 1031, §271; 2024 Acts, ch 1002, §13, 19

Referred to in §273.23

273.11 Standards for accrediting area education programs.

1. The state board of education, in consultation with the division of special education of the department of education, shall develop standards and rules for the accreditation of area education agencies. Standards shall be general in nature, but at a minimum shall identify requirements addressing the services provided by each division, as well as identifying indicators of quality that will permit area education agencies, school districts, the division of special education of the department of education, and the general public to judge accurately the effectiveness of area education agency services.

2. Standards developed shall include but are not limited to the following:

a. Support for school-community planning, including a means of assessing needs, developing collaborative relationships among community agencies, establishing shared direction, and implementing program plans and reporting progress toward goals for all students, including students with disabilities.

b. Evidence-based professional development programs that respond to current needs.

c. Support for curriculum development, instruction, and assessment services that address the areas of reading, language arts, math, and science, using research-based methodologies, for all students, including students with disabilities.

d. Special education support.

e. Management services, including financial reporting and purchasing as requested and funded by local districts.

f. Support for instructional media services that supplement and support local district media centers and services.

g. Support for school technology planning and staff development for implementing instructional technologies.

h. A program and services evaluation and reporting system that includes information related to special education.

i. Support for school district libraries in accordance with section 273.2, subsection 4.

j. Support for early childhood service coordination for families and children, age birth through three years, to meet health, safety, and learning needs, including service coordination.

k. Timely submission of required reports and documents to the state board of education, the department of education, and the division of special education of the department of education.

l. Support for schools and school districts in analyzing student achievement data related to the learning environment, comparing data to the external knowledge base, and using that information to guide schools and school districts in setting goals and implementing actions to improve student learning for all students, including students with disabilities.

m. Support for addressing the diverse learning needs of all children and youths, including children and youths who are eligible for special education through services that include direct services to students with disabilities.

n. Support for schools and school districts to ensure compliance with rules adopted by the state board of education related to special education.

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o. Support necessary to implement effective instruction for all students, including students with disabilities, through school technology services.

p. Support for students using educational programs and services in a manner that is consistent with the educational standards established pursuant to section 256.11.

q. Support for staff development and adult learners utilizing evidence-based professional development in a manner that meets the professional needs of staff and adult learners consistent with standards adopted by the state board of education.

r. Compliance with all relevant federal and state laws in the provision of services and supports to students with disabilities.

96 Acts, ch 1215, §50; 2001 Acts, ch 158, §24; 2010 Acts, ch 1031, §272; 2011 Acts, ch 34, §72; 2024 Acts, ch 1002, §14, 19

Referred to in §273.23

273.12 Funds — use restricted.

Funds generated for educational services shall not be expended by an area education agency for the purpose of assisting either a public employer or employee organization in collective bargaining negotiations under chapter 20 if the public employer is a school district, or the employee organization consists of employees of a school district, located within the boundaries of the area education agency.

[C79, 81, §273.12]

89 Acts, ch 135, §61; 91 Acts, ch 97, §39

273.13 Administrative expenditures.

The administrative expenditures as a percent of an area education agency's general fund for a base year shall not exceed five percent. Annually, the board of directors shall certify to the department of education the amounts of the area education agency's expenditures and its general fund. For the purposes of this section, *"base year"* means the same as defined in section 257.2, and *"administrative expenditures"* means expenditures for executive administration.

86 Acts, ch 1226, §19; 88 Acts, ch 1158, §55; 89 Acts, ch 135, §62; 2013 Acts, ch 88, §12

273.14 Emergency repairs.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or the adjusted competitive bid threshold established in section 314.1B, subsection 2, are necessary in order to ensure the use of an area education agency facility, the provisions of law with reference to advertising for bids shall not apply within two years of a disaster as defined in section 29C.2, subsection 2, and the area education agency board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to an area education agency facility, the state board of education or its designee must certify that such emergency repairs are necessary to ensure the use of the area education agency facility.

2009 Acts, ch 65, §7

273.15 Advisory group. Repealed by 2024 Acts, ch 1170, §368.

273.16 Online learning program.

1. Subject to an appropriation of funds by the general assembly for this purpose, the area education agencies may offer, separately or in collaboration with other area education agencies, or in partnership with school districts and accredited nonpublic schools, to provide an online learning program to deliver distance education to Iowa's secondary students, including students receiving competent private instruction under chapter 299A.

2. Coursework offered under this section must meet the requirements established by rule pursuant to section 256.7, subsection 32, paragraph "*c*".

3. To participate in an online learning program offered by an area education agency, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving private instruction under chapter 299A as described in subsection 1. The

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school district or accredited nonpublic school in which the student is enrolled is responsible for recording a student's program coursework grades in the student's permanent record, awarding high school credit for program coursework, and issuing a high school diploma to a student enrolled in the district or school who participates and completes coursework under the program. Each school that participates in the program shall identify a site coordinator to serve as a student advocate and as a liaison between the program staff and teachers and the school district or accredited nonpublic school. The individual providing instruction to a student under chapter 299A as described in subsection 1 shall receive the student's score for completed program coursework.

4. School districts and accredited nonpublic schools shall pay to area education agencies the cost of providing coursework under an online learning program offered in accordance with this section.

2020 Acts, ch 1107, §8; 2021 Acts, ch 88, §2
Referred to in §256.11

273.17 through 273.19 Reserved.

SUBCHAPTER II

REORGANIZATION OR DISSOLUTION

273.20 Definitions.

When used in this subchapter, unless the context otherwise requires:

1. *"Affected area education agency"* or *"affected agency"* means an area education agency whose board of directors is contemplating or engaged in reorganization efforts in accordance with this subchapter.

2. *"Affected board"* means the board of directors of an area education agency that is contemplating or engaged in reorganization efforts in accordance with this subchapter.

3. *"Department"* means the department of education.

4. *"State board"* means the state board of education.

2001 Acts, ch 114, §2

273.21 Voluntary reorganization.

1. Two or more area education agencies may voluntarily reorganize under this subchapter if the area education agencies are contiguous, a majority of the members of each of the affected boards approve the reorganization, and the reorganization plan submitted to the state board pursuant to subsection 3 is approved by the state board.

2. If twenty percent or more of the school districts within an affected area education agency file a petition by December 1 with the affected area education agency board to consider reorganization, the affected board shall consider the request and vote on the petition. If a majority of the affected board members vote to study the reorganization of the affected area education agency, the affected board shall immediately begin the study to consider reorganization effective by July 1 of the next year.

3. The affected boards contemplating a voluntary reorganization shall do the following:

a. Develop detailed studies of the facilities, property, services, staffing necessities, equipment, programs, and other capabilities available in each of the affected area education agencies for the purpose of providing for the reorganization of the area education agencies in order to effect more economical operation and the attainment of higher standards of educational services for the schools.

b. Survey the school districts within the affected area education agencies to determine the districts' current and future programs and services, professional development, and technology needs.

c. Consult with the officials of school districts within the affected area and other citizens and periodically hold public hearings during the development of a plan for reorganization, as well as a public hearing on the final plan to be submitted to the department.

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d. Consult with the director of the department of education in the development of surveys and plans. The director of the department of education shall provide assistance and advice to the affected area education agency boards as requested.

e. Develop a reorganization plan that demonstrates improved efficiency and effectiveness of programs to meet accreditation standards, includes a preliminary budget for reorganized areas, documents public comment from the public hearings held pursuant to paragraph "*c*", and provides for a board of directors, and the number of members that the board shall consist of, in accordance with section 273.8.

f. Set forth the assets and liabilities of the affected area education agencies, which shall become the responsibility of the board of directors of the newly formed area education agency on the effective date of the reorganization.

g. Transmit the completed plan to the state board by July 15. Plans received by the state board after July 15 shall be considered for area education agency reorganization taking effect no sooner than July 1 after the next succeeding fiscal year.

4. The state board shall review the reorganization plan and shall, prior to September 30, either approve the plan as submitted, approve the plan contingent upon compliance with the state board's recommendations, or disapprove the plan. A contingently approved plan shall be resubmitted with modifications to the department not later than October 30. An approved plan shall take effect on July 1 of the fiscal year following the date of approval by the state board.

2001 Acts, ch 114, §3; 2002 Acts, ch 1029, §1, 2, 8; 2003 Acts, ch 180, §21 – 23
Referred to in §273.22, 273.23

273.22 Contracts of new area education agency.

1. The terms of employment of the administrator and staff of affected area education agencies for the school year beginning with the effective date of the formation of the new area education agency shall not be affected by the formation of the new area education agency, except in accordance with the provisions of sections 279.15 through 279.18, and 279.24, and the authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to sections 279.12, 279.13, 279.15 through 279.21, 279.23, and 279.24 for the school year beginning with the effective date of the reorganization shall be transferred from the boards of the existing area education agencies to the board of the new area education agency following approval of the reorganization plan by the state board as provided in section 273.21, subsection 4.

2. *a.* The collective bargaining agreement of the area education agency with the largest basic enrollment, as defined in section 257.6, for the year prior to the year the reorganization is effective, shall serve as the base agreement in the new area education agency and the employees of the other area education agencies involved in the formation of the new area education agency shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the employment appeal board. If only one collective bargaining agreement is in effect among the area education agencies that are party to the reorganization, that agreement shall serve as the base agreement, and the employees of the other agencies involved in the formation of the new area education agency shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the employment appeal board.

b. The board of the newly formed area education agency, using the base agreement as its existing contract, shall bargain with the combined employees of the affected agencies for the school year that begins on the effective date of the reorganization. The bargaining shall be completed by the dates specified in section 20.17 prior to the school year in which the reorganization becomes effective or within one hundred eighty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and employees of the affected agency with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school

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years subsequent to the effective year of the reorganization, the base agreement shall remain in effect as specified in the agreement.

c. The provisions of the base agreement shall apply to the offering of new contracts or continuation, modification, or termination of existing contracts as provided in subsection 1.

3. The terms of a contract between the board of directors of a school district and the board of directors of an affected area education agency shall be carried out by the school board and the board of directors of the newly formed area education agency except as provided in this section.

4. The board of directors of a school district that is under a contract with an affected area education agency may petition the boards of directors of the affected area education agencies for release from the contract. If the petition receives a majority of the votes cast by the members of the boards of the affected area education agencies, the petition is approved and the contract shall be terminated on the effective date of the area education agency reorganization.

5. Not later than fifteen days after the state board notifies an area education agency of its approval of the area education agency's reorganization plan or dissolution proposal, the area education agency shall notify, by certified mail, the school districts located within the area education agency boundaries, the school districts and area education agencies that are contiguous to its boundaries, and any other school district under contract with the area education agency, of the state board's approval of the plan or proposal, and shall provide the department of education with a copy of any notice sent in accordance with this subsection. A petition to join an area education agency or for release from a contract with an area education agency, in accordance with subsections 4, 6, and 7, shall be filed not later than forty-five days after the state board approves a reorganization plan or dissolution proposal in accordance with this chapter.

6. Within forty-five days of the state board's approval, the board of directors of a school district that is contiguous to a newly reorganized area education agency may petition the board of directors of their current area education agency and the newly reorganized area education agency to join the newly reorganized area education agency. If the initial, or new board if established in time under section 273.23, subsection 3, and the board of the contiguous area education agency approve the petition, the reorganization, including any school district whose petition to join the newly reorganized area education agency has been approved, shall take effect in accordance with the dates established under section 273.21, subsection 4. Both the initial, or new, and the contiguous area education agency boards must act within forty-five days of the deadline, as set forth in this subsection, for the filing of the school district's petition. Within ten days of an area education agency board's action, a school district may appeal to the state board the decision of an area education agency board to deny the school district's petition.

7. Within forty-five days of the state board's approval, the board of directors of a school district that is within a newly reorganized area education agency and whose school district is contiguous to another area education agency not included in the newly reorganized area education agency may petition the board of directors of the newly reorganized area education agency and the contiguous area education agency to join that area education agency. If the initial, or new board if established in time under section 273.23, subsection 3, and the board of the contiguous area education agency approve the petition, the reorganization, excluding any school district whose petition to join an area education agency contiguous to the newly reorganized area education agency has been approved, shall take effect in accordance with the dates established under section 273.21, subsection 4. Both the initial, or new, and the contiguous area education agency boards must act within forty-five days of the deadline, as set forth in this subsection, for the filing of the school district's petition. Within ten days of an area education agency board's action, a school district may appeal to the state board the decision of an area education agency board to deny the school district's petition.

2001 Acts, ch 114, §4; 2001 Acts, ch 176, §36, 37; 2002 Acts, ch 1029, §3, 4, 8; 2003 Acts, ch 180, §24 – 26; 2004 Acts, ch 1101, §96, 102; 2006 Acts, ch 1152, §33; 2010 Acts, ch 1061, §96; 2024 Acts, ch 1170, §298

Referred to in §273.23

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273.23 Initial board.

1. A petition filed under section 273.21 shall state the number of directors on the initial board, which shall be either seven or nine directors. The petition shall specify the number of directors to be retained from each area, and those numbers shall be proportionate to the populations of the agencies. If the proportionate balance of directors among the affected agencies specified in the plan is affected by school districts petitioning to be excluded from the reorganization, or if the proposal specified in the plan does not comply with the requirement for proportionate representation, the state board shall modify the proposal. However, all area education agencies affected shall retain at least one member.

2. Prior to the organization meeting of the board of directors of the newly formed area education agency, the boards of the former area education agencies shall designate directors to be retained as members to serve on the initial board of the newly formed area education agency. A vacancy occurs if an insufficient number of former board members reside within the newly formed area education agency's boundaries or if an insufficient number of former board members are willing to serve on the board of the newly formed area education agency. Vacancies, as defined in section 277.29, in the membership of the newly formed area education agency board shall be filled for the unexpired portion of the term at a director district convention called and conducted in the manner provided in section 273.8 for director district conventions.

3. Not later than January 15 of the calendar year in which the reorganization takes effect, the initial board shall call a director district convention under the provisions of section 273.8, subsection 3, for the purpose of electing a board for the reorganized area education agency. The new board shall have control of the employment of all personnel for the newly formed area education agency for the ensuing school year. Following the organization of the new board, the board shall have authority to establish policy, enter into contracts, and complete such planning and take such action as is essential for the efficient management of the newly formed area education agency.

4. The initial board of the newly formed district shall appoint an acting administrator and an acting board secretary. The appointment of the acting administrator shall not be subject to the continuing contract provisions of sections 279.20, 279.23, and 279.24.

5. The initial board, or new board if established in time under subsection 3, of the newly formed agency shall prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 through 273.9 and chapter 256B within the limits of funds provided under section 256B.9 and chapter 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall not be later than March 1, the time, and the location of the public hearing. The proposed budget as approved by the board shall be submitted to the state board, on forms provided by the department, no later than March 15 for approval. The state board shall review the proposed budget of the newly formed area education agency and shall, before May 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than May 15. The state board shall give final approval only to budgets submitted by area education agencies accredited by the state board or that have been given conditional accreditation by the state board.

6. For the school year beginning on the effective date of an area education agency reorganization as provided in this subchapter, the media services cost per pupil as determined under section 257.37 for all districts in a newly formed area education agency for the budget year shall be the highest amount of media services cost per pupil for any of the affected area education agencies.

7. For the school year beginning on the effective date of an area education agency reorganization as provided in this subchapter, the educational services cost per pupil as determined under section 257.37 for all districts in a newly formed area education agency for the budget year shall be the highest amount of educational services cost per pupil for any of the affected area education agencies.

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8. For the school year beginning on the effective date of an area education agency reorganization as provided in this subchapter, the special education support services cost per pupil shall be based upon the combined base year budgets for special education support services of the area education agencies that reorganized to form the newly formed area education agency, divided by the total of the weighted enrollment for special education support services in the reorganized area education agency for the base year plus the supplemental state aid amount per pupil for special education support services for the budget year as calculated in section 257.8.

9. Within one year of the effective date of the reorganization, a newly formed area education agency shall meet the accreditation requirements set forth in section 273.10, and the standards set forth in section 273.11. The newly formed area education agency shall be considered accredited for purposes of budget approval by the state board pursuant to section 273.3. The state board shall inform the newly formed area education agency of the accreditation on-site visit schedule.

10. The special education support cost per pupil, the media cost per pupil, and the educational services cost per pupil for a school district petitioning into an area education agency shall be the special education support cost per pupil, media cost per pupil, and educational services cost per pupil of the area education agency into which it petitions if the petition is approved.

11. Unless the reorganization of an area education agency takes effect less than two years before the taking of the next federal decennial census, a newly formed area education agency shall, within one year of the effective date of the reorganization, redraw the boundary lines of director districts in the area education agency if a petition filed by a school district to join the newly formed area education agency, or for release from the newly formed area education agency, in accordance with section 273.22, subsections 4, 6, and 7, was approved. Until the boundaries are redrawn, the boundaries for the newly formed area education agency shall be as provided in the reorganization plan approved by the state board in accordance with section 273.21.

2001 Acts, ch 114, §5; 2002 Acts, ch 1029, §5 – 8; 2003 Acts, ch 180, §27, 28; 2004 Acts, ch 1101, §97, 102; 2013 Acts, ch 88, §13; 2013 Acts, ch 121, §40, 42

Referred to in §273.8, 273.22

273.24 Commission to dissolve area education agency.

1. As an alternative to area education agency reorganization prescribed in this subchapter, the board of directors of an area education agency may establish an area education agency dissolution commission to prepare a proposal of dissolution of the area education agency and attachment of all of the area education agency to one or more contiguous area education agencies and to include in the proposal a division of the assets and liabilities of the dissolving area education agency. If twenty percent or more of the school districts within an area education agency file a petition by March 1 with the area education agency board to consider dissolving, the area education agency board shall consider the request and vote on the petition. If a majority of the board members vote to study dissolving the area education agency, the agency board shall immediately begin a study to consider such action effective by July 1 of the next calendar year, or the area education agency board may establish a dissolution commission.

2. An area education agency dissolution commission established by the board of directors of an area education agency shall consist of a minimum of seven members appointed by the board of directors of the area education agency for a term of office ending either with a report to the board that no proposal can be approved or on the date of the vote on the proposal. Members of the dissolution commission must be board members of school districts within the area served, not more than three of whom may be members of the board of directors of the area education agency. Members shall be appointed from throughout the area served and should represent the various school districts present in the area served.

3. Members of the dissolution commission shall serve without compensation and may be appointed to a subsequent commission. A vacancy on the commission shall be filled in the same manner as the original appointment was made.

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4. The board of the area education agency shall certify to the department of education that a commission has been formed, the names and addresses of commission members, and that the commission members represent the various geographic areas and socioeconomic elements present in the school districts that the area serves.

2001 Acts, ch 114, §6

273.25 Dissolution commission meetings.

1. The commission shall hold an organizational meeting not more than fifteen days after its appointment and shall elect a chairperson and vice chairperson from its membership. Thereafter the commission may meet as often as deemed necessary upon the call of the chairperson or a majority of the commission members.

2. The commission shall request statements from contiguous area education agencies outlining each agency's willingness to accept attachments of the affected area education agency to the contiguous agencies and what conditions, if any, the contiguous agency recommends. The commission shall meet with boards of contiguous area education agencies and with boards of directors of the affected school districts to the extent possible in drawing up the dissolution proposal.

3. The commission may seek assistance from the department of education.

2001 Acts, ch 114, §7; 2018 Acts, ch 1041, §72

273.26 Dissolution proposal.

1. Not later than one year following the date of the organizational meeting of the commission, the commission shall send a copy of its dissolution proposal to the affected area education agency board or shall inform the affected area education agency board that it cannot agree upon a dissolution proposal. The commission shall also send a copy of the dissolution proposal by certified mail to the boards of directors of all school districts and other area education agencies affected. If the board of a school district or the board of an area education agency affected by the dissolution proposal objects to the proposal, either board shall send its objections in writing to the commission within ten days following receipt of the dissolution proposal. The commission may consider the objections and may modify the dissolution proposal. If the dissolution proposal is modified, the commission shall notify by certified mail the boards of directors of all area education agencies to which an area of the affected area education agency will be attached and shall notify by certified mail the board of directors of all school districts in the affected area education agencies.

2. If the commission cannot agree upon a dissolution proposal prior to the expiration of its term, the affected area education agency board may appoint a new commission.

2001 Acts, ch 114, §8

273.27 Hearing — vote — state board approval.

1. *a.* Within ten days following the filing of the dissolution proposal with the affected area education agency board, the affected board shall fix a date for a hearing on the proposal, which shall not be more than sixty days after the dissolution petition was filed with the affected board. The affected board shall publish notice of the date, time, and location of the hearing at least ten days prior to the date of the hearing by one publication in a newspaper in general circulation in the area. The notice shall include the contents of the dissolution proposal.

b. Representatives of school districts in the area served may present evidence and arguments at the hearing. The president of the affected board shall preside at the hearing. The affected board shall review testimony from the hearing and shall adopt or amend and adopt the dissolution proposal.

c. The affected board shall notify by certified mail the boards of directors of all school districts in the affected area education agency and the contiguous area education agencies to which the districts of the affected area education agency will be attached and the director of the department of education of the contents of the dissolution proposal adopted by the affected board.

2. Within thirty days of the hearing, the affected board shall call a director district

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convention in accordance with section 273.8, subsection 3, which shall include the boards of directors in the area served by the area education agencies to which an area of the affected area education agency will be attached under the dissolution proposal, for the purpose of voting on the dissolution proposal.

3. If the dissolution proposal is approved by a majority of all directors voting on the proposal, the proposal shall be forwarded to the state board by November 1. The state board shall review the dissolution plan proposal and shall, prior to January 1, either grant approval for the proposal or return the proposal with recommendations. An unapproved proposal may be resubmitted with modifications to the state board not later than February 1. A proposal shall take effect on July 1 of the fiscal year following the date of approval by the state board.

2001 Acts, ch 114, §9; 2003 Acts, ch 180, §29; 2010 Acts, ch 1061, §180

CHAPTER 274

SCHOOL DISTRICTS IN GENERAL

Referred to in §27.1, 28E.42, 29E.1, 99B.1, 232E.1, 256.20, 257.2, 279.71, 280A.1, 514C.35, 714.19

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SUBCHAPTER I

GENERAL PROVISIONS

274.1 Powers and jurisdiction.

Each school district shall continue a body politic as a school corporation, unless changed as provided by law, and as such may sue and be sued, hold property, and exercise all the powers granted by law, and shall have exclusive jurisdiction in all school matters over the territory therein contained.

[C51, §1108; R60, §2022, 2026; C73, §1713, 1716; C97, §2743; C24, 27, 31, 35, 39, §**4123;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.1]

Right to bid under execution sale, §569.2

274.2 General applicability.

The provisions of law relative to public or accredited nonpublic schools shall apply alike to all districts, except when otherwise clearly stated, and the powers given to one form of corporation, or to a board in one kind of corporation, shall be exercised by the other in the same manner, as nearly as practicable. But school boards shall not incur

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original indebtedness by the issuance of bonds until authorized by the voters of the school corporation.

[C97, §2823; C24, 27, 31, 35, §4190; C39, §**4123.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.2]

2018 Acts, ch 1026, §88

Vote required to authorize bonds, §75.1

274.3 Exercise of powers — construction.

1. The board of directors of a school district shall operate, control, and supervise all public schools located within its district boundaries and may exercise any broad and implied power, not inconsistent with the laws of the general assembly and administrative rules adopted by state agencies pursuant thereto, related to the operation, control, and supervision of those public schools.

2. Notwithstanding subsection 1, the board of directors of a school district shall not have power to do any of the following:

a. Levy any tax unless expressly authorized by the general assembly.

b. Charge elementary and secondary school students or the students' families a mandatory fee except as expressly authorized by the general assembly.

c. Adopt or enforce a policy that would unreasonably interfere with the duties and responsibilities of a local, state, or federal law enforcement agency.

d. Adopt or enforce a policy that imposes restrictions, qualifications, or requirements on developers, contractors, or subcontractors related to a developer's or contractor's employee compensation or training beyond what is expressly authorized by state law.

3. This chapter, chapter 257, chapter 257B, and chapters 275 through 301, and other statutes relating to the boards of directors of school districts and to school districts shall be liberally construed to effectuate the purposes of subsection 1.

4. If the power or authority of a school district conflicts with the power and authority of a municipal corporation, county, or joint county-municipal corporation government, the power and authority exercised by a municipal corporation, county, or joint county-municipal corporation government shall prevail within its jurisdiction.

2017 Acts, ch 125, §1; 2025 Acts, ch 6, §20, 23

274.4 Record of reorganization filed.

When an election on the proposition of organizing, reorganizing, enlarging, or changing the boundaries of any school corporation, or on the proposition of dissolving a school district, carries by the required statutory margin, or the boundary lines of contiguous school corporations are changed by the concurrent action of the respective boards of directors, the secretary of the school corporation shall file a written description of the new boundaries of the school corporation in the office of the county auditor of each county in which any portion of the school corporation lies.

[C24, 27, 31, 35, §4193; C39, §**4123.4;** C46, 50, 54, §274.5; C58, 62, 66, 71, 73, 75, 77, 79, 81, §274.4]

Referred to in §275.22

274.5 Action to test reorganization.

No action shall be brought questioning the legality of the organization, reorganization, enlargement, or change in the boundaries of any school corporation in this state unless brought within six months after the date of the filing of said written description in the office of said county auditor or county auditors. When the said period of limitations shall have passed, it shall be conclusively presumed that all acts and proceedings taken with reference to the said organization, reorganization, enlargement or change in boundaries were legally taken for every purpose whatsoever and that a de jure school corporation exists.

[C24, 27, 31, 35, §4192; C39, §**4123.3;** C46, 50, 54, §274.4; C58, 62, 66, 71, 73, 75, 77, 79, 81, §274.5]

274.6 Names.

School corporations shall be designated as follows:

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1. The independent school district of (naming city, township, or village, and if there are two or more districts therein, including some appropriate name or number), in the county of (naming county), state of Iowa.

2. The consolidated school district of (some appropriate name or number), in the county of (naming county), state of Iowa.

3. The community school district of (some appropriate name), in the county (or counties) of (naming county or counties), state of Iowa.

4. The (some appropriate name) community school district, in the county (or counties) of (naming county or counties), state of Iowa.

[C51, §1108; R60, §2026; C73, §1716; C97, §2744; S13, §2744; C24, 27, 31, 35, 39, §**4124;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.6]

2017 Acts, ch 54, §39

Referred to in §278.1

274.7 Directors.

The affairs of each school corporation shall be conducted by a board of directors, the members of which in all community or independent school districts shall be chosen for a term of four years.

[C97, §2745; C24, 27, 31, 35, 39, §**4125;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.7]

2008 Acts, ch 1115, §10, 21

School officers, §39.24

274.8 through 274.12 Reserved.

274.13 Attaching territory to adjoining corporation.

In any case where, by reason of natural obstacles, any portion of the inhabitants of any school corporation in the opinion of the area education agency administrator cannot with reasonable facility attend school in their own corporation, the area education agency administrator shall, by a written order, in duplicate, attach the part thus affected to an adjoining school corporation, the board of the same consenting thereto, one copy of which order shall be at once transmitted to the secretary of each corporation affected thereby, who shall record the same and make the proper designation on the plat of the corporation. Township or county lines shall not be a bar to the operation of this section.

[C73, §1797; C97, §2791; C24, 27, 31, 35, 39, §**4131;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.13]

Referred to in §274.14

274.14 Restoration.

When the natural obstacles by reason of which territory has been set off by the area education agency administrator from one school district and attached to another in the same or an adjoining county, as provided in section 274.13, have been removed, such territory may, upon the concurrence of the respective boards, be restored to the school district from which set off and shall be so restored by said boards upon the written application of two-thirds of the electors residing upon the territory so set off together with the concurrence of the area education agency administrator and the board of the school district from which such territory was originally set off by the said administrator.

[C24, 27, 31, 35, 39, §**4132;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.14]

274.15 through 274.36 Reserved.

274.37 Boundaries changed by action of boards — buildings constructed.

1. The boundary lines of contiguous school corporations may be changed by the concurrent action of the respective boards of directors at their regular meetings in July, or at special meetings called for that purpose. Such concurrent action shall be subject to the approval of the area education agency board but such concurrent action shall stand approved if the board does not disapprove such concurrent action within thirty days following receipt

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of notice thereof. The corporation from which territory is detached shall, after the change, contain not less than four government sections of land.

2. The boards in the respective districts, the boundaries of which have been changed under this section, complete in all respects except for the passage of time prior to the effective date of the change, and when the right of appeal of the change has expired, may enter into joint contracts for the construction of buildings for the benefit of the corporations whose boundaries have been changed, using funds accumulated under the physical plant and equipment levy in section 298.2. The district in which the building is to be located may use any funds authorized in accordance with chapter 75.

3. This section does not permit the changed districts to expend any funds jointly which they are not entitled to expend acting individually.

[C62, 66, 71, 73, 75, 77, 79, 81, §274.37]
89 Acts, ch 135, §63; 2018 Acts, ch 1041, §73
Referred to in §275.22

274.38 Study of boundary changes requested.

Any school board may request a study and recommendations of the department of education relative to the adjustment of boundary lines and the recommendations of the department of education shall be submitted to those districts involved within sixty days after the request for such study and recommendations is made but such recommendations shall be advisory only and shall not be binding on the local districts.

[C62, 66, 71, 73, 75, 77, 79, 81, §274.38]

SUBCHAPTER II

NATIONAL DEFENSE PROJECTS

274.39 Sale of land to government.

Whenever the federal government, or any agency or department of the federal government, locates in any county an ordnance plant or other project which may be deemed desirable for the development of the national defense or for the purpose of flood control, and for the purpose of so locating such plant or project determines that real property and improvements on the property owned by school districts are required, the board of directors of such school districts by resolution is hereby authorized to sell and convey the property at a price and upon terms as may be agreed upon. The instruments of conveyance shall be executed on behalf of the school districts by the president of each district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.39]
2018 Acts, ch 1026, §89
Referred to in §274.40, 274.41

274.40 Vesting of powers to convey.

Whenever a majority of the directors of any school district affected as in section 274.39 have moved from such district and have ceased to be residents thereof thereby creating vacancies on the school board and reducing it to less than a quorum, the powers vested by said section in the board of directors shall vest in the area education agency board and the instrument of conveyance shall be executed on behalf of such school district by the president of the area education agency board until an election is called pursuant to chapter 277.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.40]
Referred to in §274.41, 274.42

274.41 Application of proceeds of sale.

The proceeds of the sale of the property of a school district under the authority granted in sections 274.39 and 274.40 shall be deposited with the treasurer of the county and applied so far as necessary to the payment of the outstanding indebtedness of such school district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.41]

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274.42 Adjusting of district boundaries.

If the federal government, or any agency or department of the federal government locates a project which is desirable for the development of the national defense or for the purpose of flood control, and for the purpose of locating the project determines that certain real property making up a portion of a school district is required, the director of the department of education may by resolution adjust the boundaries of school districts in which the federally owned property is located and the boundaries of adjoining school districts so as to effectively provide for the schooling of children residing within all of the districts. A copy of the resolution shall be promptly filed with the board of directors of the adjoining school district or districts and with the board of directors of the school district in which the federally owned property is located unless the board has been reduced below a quorum in the manner contemplated in section 274.40, in which event the resolution shall be posted in two public places within the altered district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.42]

85 Acts, ch 212, §21; 86 Acts, ch 1245, §1461

Referred to in §274.44, 274.45

274.43 Relinquishing funds.

The officers of the altered district shall relinquish to the proper officers of such adjoining district or districts all funds, claims for taxes, credits, and such other personal property in such a manner as the director of the department of education shall direct, which said funds, credits, and personal property shall become the property of such adjoining district or districts as enlarged, to be used as the boards of directors of such districts may direct.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.43]

85 Acts, ch 212, §21

Referred to in §274.44, 274.45

274.44 Determination final.

The determination of the director of the department of education in sections 274.42 and 274.43 shall be final.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.44]

85 Acts, ch 212, §21; 2019 Acts, ch 59, §79

Referred to in §274.45

274.45 Expense audited and paid.

The expense of the director of the department of education in respect to the carrying out of the provisions of sections 274.42 through 274.44, shall be paid from funds appropriated to the department of education.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §274.45]

85 Acts, ch 212, §21; 2019 Acts, ch 59, §80

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CHAPTER 275

REORGANIZATION OF SCHOOL DISTRICTS

Referred to in §257.18, 257.29, 257.31, 257.33, 274.3, 279.15, 298.2, 300.2

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SUBCHAPTER I

GENERAL PROVISIONS

275.1 Definitions — declaration of policy — surveys.

1. As used in this chapter, unless the context otherwise requires:

a. "Eligible elector" means eligible elector as defined in section 39.3, subsection 6.

b. "Initial board" means the board of a newly reorganized district that is selected pursuant to section 275.25 or 275.41 and functions until the organizational meeting following the second regular school election held after the effective date of the reorganization.

c. "Joint districts" means districts that lie in two or more adjacent area education agencies.

d. "Marginally adjacent district" or *"marginally adjacent territory"* means a district or territory which is separated from a second district or territory by property which is part of a third school district which completely surrounds one of the two districts.

e. "Registered voter" means registered voter as defined in section 39.3, subsection 11.

f. "Regular board" means the board of a reorganized district that begins to function at the organizational meeting following the second regular school election held after the effective date of the school reorganization, and is comprised of members who were elected to the current terms or were appointed to replace members who were elected.

g. "School districts affected" means the school districts named in the reorganization petition whether a school district is affected in whole or in part.

2. It is the policy of the state to encourage economical and efficient school districts which will ensure an equal educational opportunity to all children of the state. All areas of the state shall be in school districts maintaining kindergarten and twelve grades. If a school district ceases to maintain kindergarten and twelve grades except as otherwise provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1 or 3, or section 282.8, it shall reorganize within six months or the state board shall attach the school district not maintaining kindergarten and twelve grades to one or more adjacent districts. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous or marginally adjacent to one another. A reorganized district shall meet the requirements of section 275.3.

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3. If a district is attached, division of assets and liabilities shall be made as provided in sections 275.29 through 275.31. The area education agency boards shall develop detailed studies and surveys of the school districts within the area education agency and all adjacent territory for the purpose of providing for reorganization of school districts in order to effect more economical operation and the attainment of higher standards of education in the schools. The plans shall be revised periodically to reflect reorganizations which may have taken place in the area education agency and adjacent territory.

[C97, §2798; SS15, §2794-a; C24, 27, 31, 35, 39, §**4152, 4154;** C46, 50, §274.37, 275.1, 276.1; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.1; 82 Acts, ch 1113, §1]

83 Acts, ch 31, §2; 84 Acts, ch 1078, §1; 85 Acts, ch 212, §7; 88 Acts, ch 1263, §2; 92 Acts, ch 1246, §41, 42; 93 Acts, ch 160, §3; 94 Acts, ch 1023, §100; 94 Acts, ch 1169, §65; 2008 Acts, ch 1115, §11, 21; 2010 Acts, ch 1069, §75; 2013 Acts, ch 90, §67; 2016 Acts, ch 1073, §91; 2016 Acts, ch 1121, §7

Referred to in §257.3, 257.4, 275.9, 280.15, 282.7, 594A.6, 594A.8

275.2 Scope of surveys.

1. The scope of the studies and surveys shall include all of the following matters in the various districts in the area education agency and all districts adjacent to the area education agency:

a. The adequacy of the educational program.

b. Pupil enrollment.

c. Property valuations.

d. Existing buildings and equipment.

e. Natural community areas.

f. Road conditions.

g. Transportation.

h. Economic factors.

i. Individual attention given to the needs of students.

j. The opportunity of students to participate in a wide variety of activities related to the total development of the student.

k. Other matters that may bear on educational programs meeting minimum standards required by law.

2. The plans shall also include suggested alternate plans that incorporate the school districts in the area education agency into reorganized districts that meet the enrollment standards specified in section 275.3 and may include alternate plans proposed by school districts for sharing programs under section 28E.9, 256.13, 280.15, 282.7, or 282.10 as an alternative to school reorganization.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.2]

84 Acts, ch 1078, §2; 93 Acts, ch 160, §4; 2018 Acts, ch 1041, §74

Referred to in §275.9

275.3 Minimum size.

No new school district shall be planned by an area education agency board nor shall any proposal for creation or enlargement of any school district be approved by an area education agency board or submitted to electors unless there reside within the proposed limits of such district at least three hundred persons of school age who were enrolled in public schools in the preceding school year. Provided, however, that the director of the department of education shall have authority to grant permission to an area education agency board to approve the formation or enlargement of a school district containing a lower school enrollment than required in this section on the written request of such area education agency board if such request is accompanied by evidence tending to show that

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sparsity of population, natural barriers or other good reason makes it impracticable to meet the school enrollment requirement.

[R60, §2105; C73, §1800, 1801; C97, §2794; SS15, §2794, 2794-a; C24, 27, 31, 35, 39, §**4143, 4161, 4173;** C46, 50, §274.25, 275.3, 276.8, 276.20; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.3]

85 Acts, ch 212, §21

Referred to in §275.1, 275.2, 275.9

275.4 Studies, surveys, and plans.

1. *a.* In developing studies and surveys, the area education agency board shall consult with the officials of school districts in the area and other citizens, shall from time to time hold public hearings, and may employ such research and other assistance as it may determine reasonably necessary in order to properly carry on its survey and prepare definite plans of reorganization.

b. In addition, the area education agency board shall consult with the director of the department of education in the development of surveys and plans. The director of the department of education shall provide assistance to the area education agency boards as requested and shall advise the area education agency boards concerning plans of contiguous area education agencies and the reorganization policies adopted by the state board of education.

2. Completed plans shall be transmitted by the area education agency board to the director of the department of education.

[C24, 27, 31, 35, 39, §**4158;** C46, 50, §275.1 – 275.3, 276.5; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.4]

84 Acts, ch 1078, §3; 85 Acts, ch 212, §21; 92 Acts, ch 1246, §43; 2017 Acts, ch 54, §40; 2018 Acts, ch 1026, §90

Referred to in §275.5, 275.9, 275.15

275.5 Proposals for merger or consolidation.

A proposal for merger, consolidation, or boundary change of local school districts shall first be submitted to the area education agency board following the procedure prescribed in this chapter. Following receipt of a petition pursuant to section 275.12, the area education agency board shall review its plans and determine whether the petition complies with the plans which had been adopted by the board. If the petition does not comply with the plans which had been adopted by the board, the board shall conduct further surveys pursuant to section 275.4 prior to the date set for the hearing upon the petition. If further surveys have been conducted by the board, the board shall present the results of the further surveys at the hearing upon the petition.

[C97, §2793; S13, §2793; SS15, §2794-a; C24, 27, 31, 35, 39, §**4133, 4173;** C46, 50, §274.16, 274.20, 275.1, 275.3, 275.4; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.5]

84 Acts, ch 1078, §4

Referred to in §275.9

275.6 Progressive program.

It is the intent of this chapter that the area education agency board shall carry on the program of reorganization progressively and shall, insofar as is possible, authorize submission of proposals to the electors as they are developed and approved.

[R60, §2097, 2105; C73, §1800, 1801; S13, §2820-e, -f; SS15, §2794-a; C24, 27, 31, 35, 39, §**4141, 4188;** C46, 50, §274.23, 275.8, 276.35; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.6]

Referred to in §275.9

275.7 Budget.

The area education agency board shall include in the budget submitted each year such sums as it deems necessary to carry on its reorganization work under this chapter.

[SS15, §2794-a; C24, 27, 31, 35, 39, §**4139, 4177;** C46, 50, §274.21, 275.9, 276.24; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.7]

Referred to in §275.9

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275.8 Cooperation of department of education — planning joint districts.

1. For purposes of this chapter the planning of joint districts is defined to include all of the following acts:

a. Preparation of a written joint plan in which contiguous territory in two or more area education agencies is considered as a part of a potential school district in the area education agency on behalf of which such plan is filed with the department of education by the area education agency board.

b. Adoption of the written joint plan at a joint session of the several area education agency boards in whose areas the territory is situated. A quorum of each of the boards is necessary to transact business. Votes shall be taken in the manner prescribed in section 275.16.

c. Filing said plan with the department of education.

2. For purposes of subsection 1, paragraph *"a"*, joint planning shall be evidenced by filing the following items with the department of education:

a. A plat of the entire area of such potential district.

b. A statement of the number of pupils residing within the area of said potential district enrolled in public schools in the preceding school year.

c. A statement of the assessed valuation of taxable property located within such potential district.

d. An affidavit signed on behalf of each of said boards of directors of area education agencies by a member of such board stating the boundaries as shown on such plat have been agreed upon by the respective boards as a part of the overall plan of school district reorganization of each such school.

3. Planning of joint districts shall be conducted in the same manner as planning for single districts, except as provided in this section. Studies and surveys relating to the planning of joint districts shall be filed with the area education agency in which one of the districts is located which has the greatest taxable property base. In the case of controversy over the planning of joint districts, the matter shall be submitted to the director of the department of education. Judicial review of the director's decision may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of that Act, petitions for judicial review must be filed within thirty days after the decision of the director.

[C46, 50, §275.10, 276.4; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.8]

84 Acts, ch 1078, §5; 86 Acts, ch 1245, §1462; 2001 Acts, ch 24, §43, 44; 2010 Acts, ch 1069, §76

Referred to in §275.9, 275.16

275.9 Methods of effectuating reorganization plans.

1. When any school district is enlarged, reorganized, or changes its boundaries pursuant to the plans provided for under sections 275.2 through 275.8, such enlargement, reorganization, or boundary change shall be accomplished by the method provided in this subchapter.

2. The provisions of sections 275.1 through 275.5, relating to studies, surveys, hearings and adoption of plans shall constitute a mandatory prerequisite to the effectuation of any proposal for district boundary change. It shall be the mandatory duty of the area education agency board to dismiss the petition if the above provisions are not complied with fully.

[C46, 50, §275.11; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.9]

2018 Acts, ch 1026, §91; 2019 Acts, ch 59, §81

Referred to in §275.23A

275.10 Reserved.

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275.11 Proposals involving two or more districts.

Subject to the approval of the area education agency board, contiguous or marginally adjacent territory located in two or more school districts may be united into a single district in the manner provided in sections 275.12 through 275.18, 275.20, and 275.22.

[SS15, §2794-a; C24, 27, 31, 35, 39, §**4166;** C46, 50, §276.13; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.11]

92 Acts, ch 1246, §44; 2021 Acts, ch 80, §145

275.12 Petition — method of election.

1. A petition describing the boundaries, or accurately describing the area included therein by legal descriptions, of the proposed district, which boundaries or area described shall conform to plans developed or the petition shall request change of the plan, shall be filed with the area education agency administrator of the area education agency in which the greatest number of registered voters reside. However, the area education agency administrator shall not accept a petition if any of the school districts affected have approved the issuance of general obligation bonds at an election pursuant to section 296.6 during the preceding six-month period. The petition shall be signed by eligible electors residing in each existing school district or portion affected equal in number to at least twenty percent of the number of registered voters in the school district or portion affected, or four hundred eligible electors, whichever is the smaller number.

2. The petition filed under subsection 1 shall also state the name of the proposed school district and the number of directors which may be either five or seven and the method of election of the school directors of the proposed district. The method of election of the directors shall be one of the following optional plans:

a. Election at large from the entire district by the electors of the entire district.

b. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which shall be represented on the school board by one or more directors who shall be residents of the director district but who shall be elected by the vote of the electors of the entire school district. The boundaries of the director districts and the area and population included within each district shall be such as justice, equity, and the interests of the people may require. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the regular school election. As far as practicable, the boundaries of the districts shall follow established political or natural geographical divisions.

c. Election of not more than one-half of the total number of school directors at large from the entire district and the remaining directors from and as residents of designated single-member or multimember director districts into which the entire school district shall be divided on the basis of population for each director. In such case, all directors shall be elected by the electors of the entire school district. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the regular school election.

d. Division of the entire school district into designated geographical single director or multi-director subdistricts on the basis of population for each director, to be known as director districts, each of which shall be represented on the school board by one or more directors who shall be residents of the director district and who shall be elected by the voters of the director district. Place of voting in the director districts shall be designated by the commissioner of elections. Changes in the boundaries of director districts shall not be made during a period commencing sixty days prior to the date of the regular school election.

e. In districts having seven directors, election of three directors at large by the electors of the entire district, no more than two at each regular school election, and election of the remaining directors as residents of and by the electors of individual geographic subdistricts established on the basis of population and identified as director districts, no more than two at each regular school election. Boundaries of the subdistricts shall follow precinct boundaries, as far as practicable, and shall not be changed less than sixty days prior to the regular school election.

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3. If the petition proposes the division of the school district into director districts, the boundaries of the proposed director districts shall not be drawn until the question is approved by the voters. If the question is approved by the voters, the directors of the new school district shall draw the boundaries of the director districts according to the standards described in section 275.23A, subsection 1. Following adoption by the school board, the plan shall be submitted to the state commissioner of elections for approval.

4. The area education agency board in reviewing the petition as provided in sections 275.15 and 275.16 shall review the proposed method of election of school directors and may change or amend the plan in any manner, including to specify a different method of electing school directors as may be required by law, justice, equity, and the interest of the people. In the action, the area education agency board shall follow the same procedure as is required by sections 275.15 and 275.16 for other action on the petition by the area education agency board.

5. *a.* The area education agency board in reviewing a petition as provided in sections 275.15 and 275.16 that is not subject to the division of assets and liabilities provisions in sections 275.29 through 275.31 shall review the proposal for dividing liability for payment of outstanding bonds issued under section 423E.5* or 423F.4, required to be included under section 275.28, and may change or amend the proposal in any manner, including to specify a different division for the reorganized districts or a different method of payment or retirement of the bonds as may be required by law, justice, equity, and the interest of the people. The review conducted by the area education agency, including any resulting change to the proposal, shall ensure that the reorganized district's estimated revenue under section 423F.2 is sufficient for the payment of principal and interest on the outstanding bonds required to be paid in the budget year following the reorganization.

b. For bonds issued under section 423E.5* or 423F.4, the approval of the reorganization at election creates a lien on the revenues from the secure an advanced vision for education fund received by the reorganized district designated in the proposal approved by the area education agency, subject to the same priority as provided by the affected school district that issued the bonds.

6. The petition may include a provision that the voter-approved physical plant and equipment levy provided in section 298.2 will be voted upon at the election conducted under section 275.18. The petition may also include a provision that the revenue purpose statement provided in section 423F.3 will be voted upon at the election conducted under section 275.18.

[R60, §2097, 2105; C73, §1800, 1801, 1811; C97, §2794, 2799; S13, §2793, 2820-e, -f; SS15, §2793, 2794, 2794-a; C24, 27, 31, 35, 39, §**4133, 4134, 4141, 4153, 4155, 4174;** C46, 50, §274.16, 274.17, 274.23, 274.38, 276.2, 276.21; C54, 58, 62, §275.10, 275.12; C66, 71, 73, 75, 77, 79, 81, §275.12]

83 Acts, ch 53, §1; 83 Acts, ch 91, §1; 84 Acts, ch 1078, §6 – 8; 86 Acts, ch 1226, §1; 89 Acts, ch 135, §64; 93 Acts, ch 160, §5; 94 Acts, ch 1179, §16; 95 Acts, ch 49, §5; 2001 Acts, ch 56, §12; 2002 Acts, ch 1134, §81, 115; 2008 Acts, ch 1115, §12, 21; 2014 Acts, ch 1013, §18; 2015 Acts, ch 93, §1, 8

Referred to in §275.5, 275.11, 275.20, 275.23, 275.23A, 275.24, 275.25, 275.35, 275.36, 275.38, 275.41, 275.57, 278.1

*Chapter 423E repealed effective June 30, 2023, pursuant to terms of former §423E.7; corrective legislation is pending

275.13 Affidavit — presumption.

Such petition shall be accompanied by an affidavit showing the number of registered voters living in each affected district or portion thereof described in the petition and signed by a registered voter residing in the territory, and if parts of the territory described in the petition are situated in different area education agencies, the affidavit shall show separately as to each agency, the number of registered voters in the part of the agency included in the territory described. The affidavit shall be taken as true unless objections to it are filed on or before the time fixed for filing objections as provided in section 275.14.

[C24, 27, 31, 35, 39, §**4156;** C46, 50, §276.3; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.13]

94 Acts, ch 1169, §64; 2018 Acts, ch 1026, §92

Referred to in §275.11, 275.23, 275.24, 275.36

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275.14 Objection — time of filing — notice.

1. Within ten days after the petition is filed, the area education agency administrator shall fix a final date for filing objections to the petition which shall be not more than sixty days after the petition is filed and shall fix the date for a hearing on the objections to the petition. Objections shall be filed in the office of the administrator who shall give notice at least ten days prior to the final day for filing objections, by one publication in a newspaper published within the territory described in the petition, or if none is published in the territory, in a newspaper published in the county where the petition is filed, and of general circulation in the territory described. The notice shall also list the date, time, and location for the hearing on the petition as provided in section 275.15. The cost of publication shall be assessed to each district whose territory is involved in the ratio that the number of pupils in basic enrollment for the budget year, as defined in section 257.6 in each district bears to the total number of pupils in basic enrollment for the budget year in the total area involved. Objections shall be in writing in the form of an affidavit and may be made by any person residing or owning land within the territory described in the petition, or who would be injuriously affected by the change petitioned for and shall be on file not later than 12:00 noon of the final day fixed for filing objections.

2. Objection forms shall be prescribed by the department of education and may be obtained from the area education agency administrator. Objection forms that request that property be removed from a proposed district shall include the correct legal description of the property to be removed.

[SS15, §2794-a; C24, 27, 31, 35, 39, §**4157, 4166, 4170;** C46, 50, §276.4, 276.6, 276.17; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.14]

85 Acts, ch 221, §1; 89 Acts, ch 135, §65

Referred to in §275.11, 275.13, 275.15, 275.23, 275.23A, 275.24

275.15 Hearing — decision — publication — appeal.

1. At the hearing, which shall be held within ten days of the final date set for filing objections, interested parties, both petitioners and objectors, may present evidence and arguments, and the area education agency board shall review the matter on its merits and within ten days after the conclusion of any hearing, shall rule on the objections and shall enter an order fixing the boundaries for the proposed school corporation as will in its judgment be for the best interests of all parties concerned, having due regard for the welfare of adjoining districts, or dismiss the petition.

2. The area education agency board, when entering the order fixing the boundaries, shall consider all available evidence including, but not limited to, information presented by the petitioners, all objections requesting territory exclusion, reorganization studies and plans, geographical patterns evidenced by students using open enrollment to attend school in another district pursuant to section 282.18, potential travel distances required of students, and geographic configuration of the proposed district. The exclusion of territory shall represent a balance between the rights of the objectors and the welfare of the reorganized district.

3. If the petition is not dismissed and the board determines that additional information is required in order to fix boundary lines of the proposed school corporation, the board may continue the hearing for no more than thirty days. The date of the continued hearing shall be announced at the original meeting. Additional objections in the form required in section 275.14 may be considered if filed with the administrator within five days, not including Saturdays, Sundays, or holidays, after the date of the original board hearing. If the hearing is continued, the area education agency administrator may conduct one or more meetings with the boards of directors of the affected districts. Notice of any such meeting must be given at least forty-eight hours in advance by the area education agency administrator in the manner provided in section 21.4. The area education agency board may request that the administrator make alternative recommendations regarding the boundary lines of the proposed school corporation. The area education agency board shall make a decision on the boundary lines within ten days following the conclusion of the continued hearing.

4. The administrator shall at once publish the decision in the same newspaper in which

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the original notice was published. Within twenty days after the publication, the decision rendered by the area education agency board may be appealed to the district court in the county involved by any school district affected. For purposes of appeal, only those school districts who filed reorganization petitions are school districts affected. An appeal from a decision of an area education agency board or joint area education agency boards under section 275.4, 275.16, or this section is subject to appeal procedures under this chapter and is not subject to appeal under chapter 290.

[C24, 27, 31, 35, 39, §**4158 – 4160;** C46, 50, §276.5 – 276.7; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.15]

84 Acts, ch 1078, §9; 85 Acts, ch 221, §2; 86 Acts, ch 1226, §2; 86 Acts, ch 1239, §1; 93 Acts, ch 160, §6; 2006 Acts, ch 1185, §79; 2007 Acts, ch 214, §34

Referred to in §275.11, 275.12, 275.14, 275.16, 275.18, 275.23, 275.23A, 275.24

275.16 Hearing when territory in different area education agencies.

1. If the territory described in the petition for the proposed corporation lies in more than one area education agency, the agency administrator with whom the petition is filed shall fix the time and place for a hearing and call a joint meeting of the members of all the agency boards in which territory of the proposed school corporation lies, to act as a single board for the hearing of the objections, and a majority of members of each of the agency boards of the different agencies in which any part of the proposed corporation lies, constitutes a quorum. The president of the board of directors of the area education agency in which the petition has been filed, or a member of the board designated by the president, shall preside at the joint meeting. The joint boards acting as a single board shall determine whether the petition conforms to plans or, if the petition requests a change in plans, whether a change should be made, and may change the plans of any or all the area education agency boards affected by the petition. The joint board shall determine and fix boundaries for the proposed corporation as provided in section 275.15 or dismiss the petition. The joint board may continue the hearing as provided in section 275.15.

2. Votes of each member of an area education agency board in attendance shall be weighted so that the total number of votes eligible to be cast by members of each board in attendance shall be equal. However, if the joint boards cast a tie vote and are unable to agree to a decision fixing the boundaries for the proposed school corporation or to a decision to dismiss the petition, the time during which actions must be taken under section 275.15 shall be extended from ten days to fifteen days after the conclusion of the hearing under section 275.15, and the joint board shall reconvene not less than ten and not more than fifteen days after the conclusion of the hearing. At the hearing the joint board shall reconsider its action and if a tie vote is again cast it is a decision granting the petition and changing the plans of any and all of the agency boards affected by the petition and fixing the boundaries for the proposed school corporation. The agency administrator shall at once publish the decision in the same newspaper in which the original notice was published.

3. In case a controversy arises from such meeting, the area education agency board or boards or any school district aggrieved may bring the controversy to the department of education, as provided in section 275.8, within twenty days from the publication of this order, and if said controversy is taken to the department of education, a ten-day notice in writing shall be given to all agency boards and school districts affected or portions thereof. The department shall have the authority to affirm the action of the joint boards, to vacate, to dismiss all proceedings or to make such modification of the action of the joint boards as in their judgment would serve the best interest of all the agencies.

4. Judicial review of the actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act, petitions for judicial review must be filed within thirty days after the decision of the department of education.

[C24, 27, 31, 35, 39, §**4162;** C46, 50, §276.9; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.16]

84 Acts, ch 1078, §10; 85 Acts, ch 212, §24; 85 Acts, ch 221, §3; 86 Acts, ch 1237, §17; 2003 Acts, ch 44, §114; 2010 Acts, ch 1061, §180

Referred to in §275.8, 275.11, 275.12, 275.15, 275.18, 275.23, 275.23A, 275.24

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275.17 Filing a petition.

If an area education agency board does not approve the change in boundaries of school districts in accordance with a petition, a petition describing the identical or similar boundaries shall not be filed for a period of six months following the date of the hearing or the vote of the board, whichever is later.

[C79, 81, §275.17]

83 Acts, ch 91, §2

Referred to in §275.11, 275.23, 275.23A, 275.24

275.18 Special election called — time.

1. When the boundaries of the territory to be included in a proposed school corporation and the number and method of the election of the school directors of the proposed school corporation have been determined as provided in this chapter, the area education agency administrator with whom the petition is filed shall give written notice of the election to the county commissioner of elections of the county in the proposed school corporation which has the greatest taxable base. The question shall be submitted to the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "*c*" in the calendar year prior to the calendar year in which the reorganization will take effect.

2. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which previous notices have been published regarding the proposed school reorganization, and in addition, if more than one county is involved, by one publication in a legal newspaper in each county other than that of the first publication. The publication shall be not less than four nor more than twenty days prior to the election. If the decision published pursuant to section 275.15 or 275.16 includes a description of the proposed school corporation and a description of the director districts, if any, the notice for election and the ballot do not need to include these descriptions. Notice for an election shall not be published until the expiration of time for appeal, which shall be the same as that provided in section 275.15 or 275.16, whichever is applicable; and if there is an appeal, not until the appeal has been disposed of.

3. The area education agency administrator shall furnish to the commissioner a map of the proposed reorganized area which must be approved by the commissioner as suitable for posting. The map shall be displayed prominently in at least one place within the voting precinct, and inside each voting booth.

[R60, §2097, 2105; C73, §1800, 1801; C97, §2794; SS15, §2794, 2794-a; C24, 27, 31, 35, 39, §**4142, 4164;** C46, 50, §274.24, 275.4, 276.11; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.18]

83 Acts, ch 53, §2; 85 Acts, ch 221, §4; 98 Acts, ch 1123, §12; 2008 Acts, ch 1115, §38, 71; 2009 Acts, ch 57, §77

Referred to in §257.11A, 275.11, 275.12, 275.23, 275.23A, 275.24, 275.27

275.19 Reserved.

275.20 Separate vote in existing districts.

The voters shall vote separately in each existing school district affected and voters residing in the entire existing district are eligible to vote upon the proposition to create a new school corporation and on any additional provision authorized pursuant to section 275.12, subsection 6. If a proposition receives a majority of the votes cast in each of at least seventy-five percent of the districts, and also a majority of the total number of votes cast in all of the districts, the proposition is carried.

[R60, §2097, 2105; C73, §1800, 1801; C97, §2794; SS15, §2794, 2794-a; C24, 27, 31, 35, §4142, 4166, 4167, 4191; C39, §**4142, 4144.1, 4166, 4167;** C46, 50, §274.24, 274.27, 276.13; C54, §275.20, 275.21; C58, 62, 66, 71, 73, 75, 77, 79, 81, §275.20]

89 Acts, ch 135, §66; 2014 Acts, ch 1013, §19

Referred to in §257.11A, 275.11, 275.22, 275.23, 275.23A, 275.24

275.21 Reserved.

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275.22 Canvass and return.

The canvass shall be conducted pursuant to section 50.24. The county commissioner of elections or controlling commissioner shall certify the results of the election to the area education agency administrator. If the majority of the votes cast by the registered voters is in favor of the proposition, as provided in section 275.20, a new school corporation shall be organized. If the majority of votes cast is opposed to the proposition, a new petition describing the identical or similar boundaries shall not be filed for at least six months from the date of the election. If territory is excluded from the reorganized district, action pursuant to section 274.37 shall be taken prior to the effective date of reorganization. The secretary of the new school corporation shall file a written description of the boundaries as provided in section 274.4.

[S13, §2820-f; SS15, §2794-a; C24, 27, 31, 35, 39, §**4144, 4169;** C46, 50, §274.26, 275.5, 275.7, 276.16; C54, 58, 62, 66, 71, 73, 75, §275.23; C77, 79, 81, §275.22]

83 Acts, ch 91, §3; 93 Acts, ch 160, §7; 95 Acts, ch 67, §53; 2017 Acts, ch 155, §37, 44

Referred to in §275.11, 275.23, 275.23A, 275.24

275.23 Frequency of change.

A school district which is enlarged, reorganized, or changes its boundaries under sections 275.12 through 275.18, 275.20, and 275.22, shall not file a petition under section 275.12 for the purpose of reducing the area served or changing the boundaries to exclude areas encompassed by the enlargement, reorganization, or boundary changes for a period of five years following the effective date of the enlargement, reorganization, or boundary change unless the action is approved by the director of the department of education.

[C77, 79, 81, §275.23]

86 Acts, ch 1245, §1463; 2021 Acts, ch 80, §146

Referred to in §275.23A

275.23A Redistricting following federal decennial census.

1. School districts which have directors who represent director districts as provided in section 275.12, subsection 2, paragraphs *"b"*, *"c"*, *"d"*, and *"e"*, shall be divided into director districts according to the following standards:

a. All director district boundaries shall follow the boundaries of areas for which official population figures are available from the most recent federal decennial census and, wherever possible, shall follow precinct boundaries.

b. To the extent possible in order to comply with paragraph *"a"*, all director districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the school district.

c. All districts shall be composed of contiguous territory as compact as practicable unless the school district is composed of marginally adjacent territory. A school district which is composed of marginally adjacent territory shall have director districts composed of contiguous territory to the extent practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

e. A city shall not be divided into two or more director districts unless the population of that portion of the city that is within the school district is greater than the ideal size of a director district. Cities shall be divided into the smallest number of director districts possible.

2. Following each federal decennial census the school board shall determine whether the existing director district boundaries meet the standards in subsection 1 according to the most recent federal decennial census. In addition to the authority granted to voters to change the number of directors or method of election as provided in sections 275.35, 275.36, and 278.1, the board of directors of a school district may, following a federal decennial census, by resolution and in accordance with this section, authorize a change in the method of election as set forth in section 275.12, subsection 2, or a change to either five or seven directors after the board conducts a hearing on the resolution. If the board proposes to

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change the number of directors from seven to five directors, the resolution shall include a plan for reducing the number of directors. If the board proposes to increase the number of directors to seven directors, two directors shall be added according to the procedure described in section 277.23, subsection 2. If necessary, the board of directors shall redraw the director district boundaries. The director district boundaries shall be described in the resolution adopted by the school board. The resolution shall be adopted no earlier than November 15 of the second year immediately following the year in which the federal decennial census is taken and no later than May 15 of the third year immediately following the year in which the federal decennial census is taken. A copy of the plan shall be filed with the area education agency administrator of the area education agency in which the school's electors reside. If the board does not provide for an election as provided in sections 275.35, 275.36, and 278.1 and adopts a resolution to change the number of directors or method of election in accordance with this subsection, the district shall change the number of directors or method of election as provided unless, within twenty-eight days following the action of the board, the secretary of the board receives a petition containing the required number of signatures, asking that an election be called to approve or disapprove the action of the board in adopting the resolution. The petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater. The board shall either rescind its action or direct the county commissioner of elections to submit the question to the registered voters of the school district at an election held on a date specified in section 39.2, subsection 4, paragraph "c". If a majority of those voting on the question at the election favors disapproval of the action of the board, the district shall not change the number of directors or method of election. If a majority of those voting on the question does not favor disapproval of the action, the board shall certify the results of the election to the department of management and the district shall change the number of directors or method of election as provided in this subsection. At the expiration of the twenty-eight-day period, if no petition is filed, the board shall certify its action to the department of management and the district shall change the number of directors or method of election as provided in this subsection.

3. The school board shall notify the state commissioner of elections and the county commissioner of elections of each county in which a portion of the school district is located when the boundaries of director districts are changed. The notices of changes submitted to the state commissioner shall be postmarked no later than the deadline for adoption of the resolution under subsection 2. The board shall provide the commissioners with maps showing the new boundaries and shall also certify to the state commissioner the populations of the new director districts as determined under the latest federal decennial census. If, following a federal decennial census a school district elects not to redraw director districts under this section, the school board shall so certify to the state commissioner of elections, and the school board shall also certify to the state commissioner the populations of the retained director districts as determined under the latest federal decennial census. If the state commissioner determines that a district board has failed to make the required changes by the dates specified by this section, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible. The state commissioner shall assess any expenses incurred to the school district. The state commissioner of elections may request the services of personnel of and materials available to the legislative services agency to assist the state commissioner in making any required boundary changes.

4. If more than one incumbent director resides in a redrawn director district, the terms of office of the affected directors expire at the organizational meeting of the board of directors following the next regular school election following the adoption of the redrawn districts.

5. The boundary changes under this section take effect July 1 following their adoption for the next regular school election.

6. Section 275.9 and sections 275.14 through 275.23 do not apply to changes in director district boundaries made under this section.

83 Acts, ch 77, §3, 4; 89 Acts, ch 296, §24; 90 Acts, ch 1233, §9; 92 Acts, ch 1246, §45; 94 Acts, ch 1179, §17, 18; 95 Acts, ch 189, §18; 2002 Acts, ch 1024, §1, 3; 2002 Acts, ch 1140, §16,

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46; 2003 Acts, ch 35, §44, 49; 2008 Acts, ch 1115, §39, 71; 2010 Acts, ch 1033, §36; 2013 Acts, ch 88, §14; 2014 Acts, ch 1026, §74
Referred to in §39.24, 49.8, 275.12, 275.35, 275.36, 275.57, 277.23

275.24 Effective date of change.

1. If a proposition to enlarge, reorganize, or change the boundary of a school district pursuant to sections 275.12 through 275.18, 275.20, and 275.22, is approved by voters pursuant to section 275.18 prior to January 1, 2025, the change shall take effect on July 1 following the date of the reorganization election held pursuant to section 275.18.

2. If a proposition to enlarge, reorganize, or change the boundary of a school district pursuant to sections 275.12 through 275.18, 275.20, and 275.22, is approved by voters pursuant to section 275.18 on or after January 1, 2025, the change shall take effect on July 1 in the calendar year immediately subsequent to the calendar year in which the reorganization election was held pursuant to section 275.18.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.24]

83 Acts, ch 53, §3; 2008 Acts, ch 1115, §40, 71; 2021 Acts, ch 80, §147; 2025 Acts, ch 2, §1, 3
2025 amendment applies retroactively to January 1, 2025; 2025 Acts, ch 2, §3

275.25 Election of directors.

1. *a.* If the proposition to establish a new school district carries under the method provided in this chapter, the area education agency administrator with whom the petition was filed shall give written notice of a proposed date for a special election for directors of the newly formed school district to the commissioner of elections of the county in the district involved in the reorganization which has the greatest taxable base. The proposed date shall be as soon as possible pursuant to section 39.2, subsections 1 and 2, and section 47.6, subsections 1 and 2, but not later than the third Tuesday in January of the calendar year in which the reorganization takes effect.

b. The election shall be conducted as provided in section 277.3, and nomination petitions shall be filed pursuant to section 277.4, except as otherwise provided in this subsection. Nomination petitions shall be filed with the county commissioner of elections described in paragraph *"a"* not less than twenty-eight days before the date set for the special school election. The county commissioner of elections, or the commissioner's designee, shall be present in the commissioner's office until 5:00 p.m. on the final day to file the nomination papers.

c. If the special election is held in conjunction with the regular school election, the filing deadlines for the regular school election apply.

2. *a.* The number of directors of a school district is either five or seven as provided in section 275.12. In school districts that include a city of fifteen thousand or more population as shown by the most recent federal decennial census, the board shall consist of seven members elected in the manner provided in subsection 3. If it becomes necessary to increase the membership of a board, two directors shall be added according to the procedure described in section 277.23.

b. The county board of supervisors shall canvass the votes and the county commissioner of elections shall report the results to the area education agency administrator who shall notify the persons who are elected directors.

3. The directors who are elected and qualify to serve shall serve until their successors are elected and qualify. At the special election, the three newly elected directors receiving the most votes shall be elected to serve until their successors qualify after the third regular school election date occurring after the effective date of the reorganization and the two newly elected directors receiving the next largest number of votes shall be elected to serve until the directors' successors qualify after the second regular school election date occurring after the effective date of the reorganization. However, in districts that include all or a part of a city of fifteen thousand or more population and in districts in which the proposition to establish a new corporation provides for the election of seven directors, the timelines specified in this subsection for the terms of office apply to the four newly elected directors receiving the most votes and then to the three newly elected directors receiving the next largest number of votes.

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4. The board of the newly formed district shall organize within fifteen days after the special election upon the call of the area education agency administrator. The new board shall have control of the employment of personnel for the newly formed district for the next following school year under section 275.33. Following the first organizational meeting of the board of the newly formed district, the board may establish policy, organize curriculum, enter into contracts, complete planning, and take action as necessary for the efficient management of the newly formed community school district.

5. Section 49.8, subsection 5, does not permit a director to remain on the board of a school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies caused by this occurrence on a board shall be filled in the manner provided in sections 279.6 and 279.7.

6. The board of the newly formed district shall appoint an acting superintendent and an acting board secretary. The appointment of the acting superintendent shall not be subject to the continuing contract provisions of sections 279.20, 279.23, and 279.24.

[R60, §2099, 2100, 2106; C73, §1801; C97, §2795; S13, §2820-f; SS15, §2794-a; C24, §4144, 4145, 4148; C27, 31, 35, §4144-a1, 4145, 4148; C39, §**4144.2, 4144.3, 4145, 4148;** C46, 50, §274.28 – 274.30, 275.5, 276.18; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.25]

83 Acts, ch 53, §4; 85 Acts, ch 221, §5; 86 Acts, ch 1239, §2; 88 Acts, ch 1038, §1; 93 Acts, ch 143, §43; 2002 Acts, ch 1134, §82, 115; 2008 Acts, ch 1115, §13, 21; 2009 Acts, ch 41, §263; 2026 Acts, ch 1040, §74; 2026 Acts, ch 1073, §12

Referred to in §275.1, 275.41, 331.383
Subsection 1, paragraph b amended
Subsection 2, paragraph a amended

275.26 Payment of expenses.

1. If a district is established or changes its boundaries it shall pay all expenses incurred by the area education agency administrator and the area education agency board in connection with the proceedings. The county commissioner of elections shall assess the costs of the election against the district as provided in section 47.3. If the proposition is dismissed or defeated at the election, all expenses shall be apportioned among the several districts in proportion to the assessed valuation of property therein.

2. If the proposed district or boundary change embraces territory in more than one area education agency, such expenses shall be certified to and, if necessary, apportioned among the several districts by the joint agency board. If in only one agency, the certification shall be made by the agency administrator.

3. The respective boards to which such expenses are certified shall audit and order the same paid from the general fund. In the event of failure of any board to so audit and pay the expenses certified to it, the area education agency administrator shall certify the expenses to the county auditor in the same manner as is provided for tuition claims in section 282.21 and the funds shall be transferred by the county treasurer from the debtor district to the agency board for payment of said expenses.

[S13, §2820-h; C24, 27, 31, 35, 39, §**4147, 4172;** C46, 50, §274.32, 275.6, 276.19; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.26]

2017 Acts, ch 54, §76

Referred to in §331.552

275.27 Community school districts — part of area education agency.

School districts created or enlarged under this chapter are community school districts and are part of the area education agency in which the greatest number of registered voters of the district reside at the time of the special election called for in section 275.18, and sections of the Code applicable to public or accredited nonpublic schools generally are applicable to these districts in addition to the powers and privileges conferred by this chapter. If a school district, created or enlarged under this chapter and assigned to an area education agency under this section, can demonstrate that students in the district were utilizing a service or program prior to the formation of the new or enlarged district that is unavailable from the area education agency to which the new or enlarged district is assigned, the district may be reassigned to the area education agency which formerly provided the service or program,

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upon an affirmative majority vote of the boards of the affected area education agencies to permit the change.

[C73, §1715; C97, §2802; S13, §2802; SS15, §2794-a; C24, 27, 31, 35, 39, §**4136;** C46, 50, §274.18; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.27]

84 Acts, ch 1078, §11; 91 Acts, ch 44, §1; 95 Acts, ch 49, §6; 2018 Acts, ch 1026, §93

275.28 Plan of division of assets and liabilities.

In addition to setting up the territory to comprise the reorganized districts, a reorganization petition shall provide for a division of assets and liabilities of the districts affected among the reorganized districts. However, if territory is excluded from the reorganized district by the petition or by the area education agency board of directors, the division of all assets and liabilities shall be made under the provisions of sections 275.29 through 275.31.

[C46, 50, §275.7; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.28]

93 Acts, ch 160, §8; 2015 Acts, ch 93, §2, 8; 2016 Acts, ch 1073, §92

Referred to in §275.12

275.29 Division of assets and liabilities after reorganization.

1. Between July 1 and July 20, or on a date determined by agreement of the initial board and the boards of districts receiving territory of the school districts affected, but not later than August 30, the initial board shall meet with the boards of districts receiving territory of the school districts affected, for the purpose of reaching joint agreement on an equitable division of the assets and an equitable distribution of the liabilities of the school districts affected. In addition, if outstanding general obligation indebtedness is in existence in any district, the initial board of directors of the newly formed school district shall meet with the boards of all school districts affected prior to April 30 prior to the school year the reorganization is effective to determine the distribution of liability for payment of the general obligation bonded indebtedness between the districts so that the newly formed district may certify its budget under the procedures specified in chapter 24. The boards shall consider the mandatory levy required in section 76.2 and shall assure the satisfaction of outstanding obligations. If a school district affected by the reorganization has outstanding bonds issued under section 423E.5* or 423F.4, the joint agreement shall assure that the estimated revenue under section 423F.2 for each district to which liability for payment of such bonds is assigned is sufficient for the payment of principal and interest on the outstanding bonds required to be paid in the budget year following reorganization.

2. For bonds issued under section 423E.5* or 423F.4, the approval of the joint agreement creates a lien on the revenues from the secure an advanced vision for education fund received by the school district to which liability is assigned, subject to the same priority as provided by the affected school district that issued the bonds.

[C73, §1715; C97, §2802; S13, §2802, 2820-g; C24, 27, 31, 35, 39, §**4137;** C46, 50, §274.19; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.29]

84 Acts, ch 1078, §12; 85 Acts, ch 221, §6; 93 Acts, ch 1, §6; 93 Acts, ch 160, §9; 2015 Acts, ch 93, §3, 8; 2023 Acts, ch 71, §71, 98

Referred to in §256.11, 275.1, 275.12, 275.28

2023 amendment to subsection 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

*Chapter 423E repealed effective June 30, 2023, pursuant to terms of former §423E.7; corrective legislation is pending

275.30 Arbitration.

1. If the boards cannot agree on such division and distribution, the matters on which they differ shall be decided by disinterested arbitrators, one selected by the initial board of directors of the newly formed district, one selected jointly by the boards of directors of contiguous districts receiving territory of the school districts affected, and one selected by the area education agency administrator.

2. The decision of the arbitrators shall be made in writing and filed with the secretary of the new corporation, and a party to the proceedings may appeal the decision to the district court by serving notice on the secretary of the new corporation within twenty days after the decision is filed. The appeal shall be tried in equity and a decree entered determining the entire matter, including the levy, collection, and distribution of any necessary taxes.

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3. *a.* If a school district affected by the reorganization has outstanding bonds issued under section 423E.5* or 423F.4, the arbitrators' decision and any decision of the court on appeal shall assure that the estimated revenue under section 423F.2 for each district to which liability for payment of such bonds is assigned is sufficient for the payment of principal and interest on the outstanding bonds required to be paid in the budget year following reorganization.

b. The issuance of the arbitrators' decision or court decision on appeal creates a lien on the revenues from the secure an advanced vision for education fund received by the district to which the liability for payment of the bonds were assigned, subject to the same priority as provided by the affected school district that issued the bonds.

[C73, §1715; C97, §2802; S13, §2802, 2820-g; C24, 27, 31, 35, 39, §**4138;** C46, 50, §274.20; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.30]

93 Acts, ch 160, §10; 2015 Acts, ch 93, §4, 8

Referred to in §256.11, 275.1, 275.12, 275.28

*Chapter 423E repealed effective June 30, 2023, pursuant to terms of former §423E.7; corrective legislation is pending

275.31 Taxes and appropriation to effect equalization.

1. If necessary to equalize the division and distribution, the board or boards may provide for the levy of additional taxes, which shall be sufficient to satisfy the mandatory levy required in section 76.2 or other liabilities of the districts, upon the property of a corporation or part of a corporation and for the distribution of the tax revenues so as to effect equalization. When the board or boards are considering the equalization levy, the division and distribution shall not impair the security for outstanding obligations of each affected corporation. Any owner of bonds of an affected corporation may bring suit in equity for adjustment of the division and distribution in compliance with this section. If the property tax levy for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness for a newly formed community school district is greater than the property tax levy for the amount estimated and certified to apply on principal and interest in the year preceding the reorganization or dissolution for a school district that is a party to the reorganization or dissolution, that had a certified enrollment of less than six hundred for the year prior to the reorganization or dissolution, and that approved the reorganization or dissolution prior to July 1, 1989, the board of the newly formed district shall inform the department of management. The department of management shall pay debt service aid to the newly formed district in an amount that reduces the rate of the property tax levy for lawful bonded indebtedness in the portion of the newly formed district where the new rate is higher, to the rate that was levied in that portion of the district during the year preceding the reorganization or dissolution.

2. For the school year beginning July 1, 1987, and succeeding school years, there is appropriated from the general fund of the state to the department of management an amount sufficient to pay the debt service aid under this section. Debt service aid shall be paid in the manner provided in section 257.16.

3. Not later than May 1 of each year, the department of management shall inform the board of the newly formed school district the amount of debt service aid that the district will receive and the rate of the property tax levy for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness in the portion of the newly formed district where the new rate would have been higher, and for the remainder of the newly formed district. The department of management shall notify the county auditor of each applicable county of the amount, in dollars and cents per thousand dollars of assessed valuation, of the property tax levy in each portion of each applicable newly formed school district in the county for the amount estimated and certified to apply on principal and interest on lawful bonded indebtedness, and the boundaries of the portions within the newly formed district for which the levies shall be made. The county auditor shall spread the applicable

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property tax levy for each portion of a school district over all taxable property in that portion of the district.

[S13, §2820-g; SS15, §2794-a; C24, 27, 31, 35, 39, §**4139, 4175;** C46, 50, §274.21, 276.22; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.31]

85 Acts, ch 221, §7; 86 Acts, ch 1226, §3; 89 Acts, ch 135, §67; 92 Acts, ch 1163, §62; 2017 Acts, ch 54, §76

Referred to in §256.11, 275.1, 275.12, 275.28

275.32 Reserved.

275.33 Contracts of new district.

1. The terms of employment of superintendents, principals, and teachers, for the school year following the effective date of the formation of the new district shall not be affected by the formation of the new district, except in accordance with the provisions of sections 279.15 through 279.18 and 279.24 and the authority and responsibility to offer new contracts or to continue, modify, or terminate existing contracts pursuant to sections 279.12, 279.13, 279.15 through 279.21, 279.23, and 279.24 for the school year beginning with the effective date of the reorganization shall be transferred from the boards of the existing districts to the board of the new district on the third Tuesday of January prior to the school year the reorganization is effective.

2. *a.* The collective bargaining agreement of the district with the largest basic enrollment for the year prior to the reorganization, as defined in section 257.6, in the new district shall serve as the base agreement and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the employment appeal board. If only one collective bargaining agreement is in effect among the districts which are party to the reorganization, then that agreement shall serve as the base agreement, and the employees of the other districts involved in the formation of the new district shall automatically be accreted to the bargaining unit of that collective bargaining agreement for purposes of negotiating the contracts for the following years without further action by the employment appeal board.

b. The board of the newly formed district, using the base agreement as its existing contract, shall bargain with the combined employees of the existing districts for the school year beginning with the effective date of the reorganization. The bargaining shall be completed by the dates specified in section 20.17 prior to the school year in which the reorganization becomes effective or within one hundred eighty days after the organization of the new board, whichever is later. If a bargaining agreement was already concluded by the board and employees of the existing district with the contract serving as the base agreement for the school year beginning with the effective date of the reorganization, that agreement shall be void. However, if the base agreement contains multiyear provisions affecting school years subsequent to the effective date of the reorganization, the base agreement shall remain in effect as specified in the agreement.

c. The provisions of the base agreement shall apply to the offering of new contracts, or continuation, modification, or termination of existing contracts as provided in subsection 1.

[S13, §2820-f; C24, 27, 31, 35, 39, §**4146;** C46, 50, §274.31; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §275.33]

85 Acts, ch 221, §8; 86 Acts, ch 1239, §3; 89 Acts, ch 135, §68; 93 Acts, ch 1, §7, 14; 93 Acts, ch 160, §11; 2010 Acts, ch 1061, §97; 2018 Acts, ch 1026, §94; 2024 Acts, ch 1170, §299

Referred to in §275.25

275.34 Reserved.

275.35 Change in number of directors — change in method of elections.

1. A school district may change the number of directors to either five or seven and may also change its method of election of school directors to any method authorized by section 275.12 by submission of a proposal, stating the proposed new method of election, by the school board of such district to the electors at an election held on a date specified in section

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39.2, subsection 4, paragraph "*c*". The school board shall notify the county commissioner of elections who shall publish notice of the election in the manner provided in section 49.53. The election shall be conducted pursuant to chapters 39 through 53 by the county commissioner of elections. Such proposal shall be adopted if it is approved by a majority of the votes cast on the proposition.

2. If the proposal adopted by the voters requires the establishment of or change in director district boundaries, the school board shall draw the necessary boundaries within forty days after the date of the election. The boundaries shall be drawn according to the requirements of section 275.23A. Following adoption by the school board, the plan shall be submitted to the state commissioner of elections for approval.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §275.35]
2002 Acts, ch 1134, §83, 115; 2008 Acts, ch 1115, §41, 71
Referred to in §275.23A, 278.1

275.36 Submission of change to electors.

1. If a petition for a change in the number of directors or in the method of election of school directors is filed with the school board of a school district pursuant to the requirements of section 278.2, the school board shall submit such proposition to the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "*c*". The petition shall be accompanied by an affidavit as required by section 275.13. If a proposition for a change in the number of directors or in the method of election of school directors submitted to the voters under this section is rejected, it shall not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this section within the next six years.

2. If the proposal adopted by the voters requires the establishment of or a change in director district boundaries pursuant to section 275.12, subsection 2, paragraph "*b*", "*c*", "*d*", or "*e*", the school board shall draw the necessary boundaries within forty days after the date of the election. The boundaries shall be drawn according to the requirements of section 275.23A. Following adoption by the school board, the plan shall be submitted to the state commissioner of elections for approval. The new boundaries shall become effective on July 1 following approval.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §275.36]
93 Acts, ch 143, §44; 2002 Acts, ch 1134, §84, 115; 2008 Acts, ch 1115, §42, 71
Referred to in §275.23A, 278.1

275.37 Increase in number of directors.

At the next succeeding regular school election in a district where the number of directors has been increased from five to seven, and directors are elected at large, there shall be elected a director to succeed each incumbent director whose term is expiring in that year, and two additional directors. Upon organizing as required by section 279.1, either one or two of the newly elected directors who received the fewest votes in the election shall be assigned a term of two years as necessary in order that as nearly as possible one-half of the members of the board shall be elected biennially. If some or all directors are elected from director districts, the board shall assign terms appropriate for the method of election used by the district.

[C58, 62, 66, 71, 73, §275.37, 275.38; C75, 77, 79, 81, §275.37]
2002 Acts, ch 1134, §85, 115; 2008 Acts, ch 1115, §14, 21
Referred to in §39.24, 275.38, 277.23, 278.1

275.37A Decrease in number of directors.

1. A change from seven to five directors shall be effected in a district at the first regular school election after authorization by the voters in the following manner:

a. If at the first election in the district there are four terms expiring, two directors shall be elected. At the second election in that district, if three terms are expiring, three directors shall be elected.

b. If at the first election there are three terms expiring, one director shall be elected. At the second election in that district, if four terms are expiring, three directors shall be elected for a four-year term and one director shall be elected for a two-year term.

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2. If some or all of the directors are elected from director districts, the board shall devise a plan to reduce the number of members so that as nearly as possible one-half of the members of the board shall be elected biennially and so that each district will be continuously represented.

2002 Acts, ch 1134, §86, 115; 2008 Acts, ch 1115, §15, 21; 2010 Acts, ch 1033, §37
Referred to in §39.24

275.38 Implementing changed method of election.

If change in the method of election of school directors is approved at an election, the directors who were serving unexpired terms or were elected concurrently with approval of the change of method shall serve out the terms for which they were elected. If the plan adopted is that described in section 275.12, subsection 2, paragraph *"b"*, *"c"*, *"d"*, or *"e"*, the board shall at the earliest practicable time designate the districts from which residents are to be elected as school directors at each of the next two succeeding regular school elections, arranging so far as possible for elections of directors as residents of the respective districts to coincide with the expiration of terms of incumbent members residing in those districts. If an increase in the size of the board from five to seven members is approved concurrently with the change in method of election of directors, the board shall make the necessary adjustment in the manner prescribed in section 275.37, as well as providing for implementation of the districting plan under this section.

[C75, 77, 79, 81, §275.38]
2008 Acts, ch 1115, §16, 21, 43, 71

275.39 Excluded territory included in new petition.

Territory described in the petition of a proposed reorganization which has been set out of the proposed reorganization by the area education agency board or the joint boards and in the event of an appeal, after the decision of the director of the department of education or the courts, may be included in any new petition for reorganization.

[C62, 66, 71, 73, 75, 77, 79, 81, §275.39]
86 Acts, ch 1245, §1464

275.40 Reserved.

275.41 Alternative method for director elections — temporary appointments.

1. As an alternative to the method specified in section 275.25 for electing directors in a newly formed community school district, the procedure specified in this section may be used and if used, the petition filed under section 275.12 shall state the number of directors on the initial board. If two districts are named in the petition, either five or seven directors shall serve on the initial board. If three or more districts are named in the petition, either seven or nine directors shall serve on the initial board. The petition shall specify the number of directors to be retained from each district, and those numbers shall be proportionate to the populations of the districts. If the exclusion of territory from a reorganization affects the proportionate balance of directors among the affected districts specified in the petition, or if the proposal specified in the petition does not comply with the requirement for proportionate representation, the area education board shall modify the proposal. However, all districts affected shall retain at least one member.

2. Prior to the organizational meeting of the newly formed district, the boards of the former districts shall designate directors to be retained as members to serve on the initial board, and if the total number of directors determined under subsection 1 is an even number, that number of directors shall function and may within five days of the organizational meeting appoint one additional director by unanimous vote with all directors voting. Otherwise, the board shall function until a special election can be held to elect an additional director. The procedure for calling the special election shall be the procedure specified in section 275.25. If there is an insufficient number of board members eligible to be retained from a former school district, the board of the former school district may appoint members to fill the vacancies. A vacancy occurs if there is an insufficient number of former board

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members who reside in the newly formed district or if there is an insufficient number who are willing to serve on the board of the newly formed district.

3. Prior to the effective date of the reorganization, the initial board shall approve a plan that commences at the first regular school election held after the effective date of the merger and is completed at the second regular school election held after the effective date of the merger, to replace the initial board with the regular board. If the petition specifies a number of directors on the regular board to be different from the number of directors on the initial board, the plan shall provide that the number specified in the petition for the regular board is in place by the time the regular board is formed. The plan shall provide that as nearly as possible one-half of the members of the board shall be elected biennially, and if a special election was held to elect a member to create an odd number of members on the board, the term of that member shall end at the organizational meeting following the second regular school election held after the effective date.

4. The board of the newly formed district shall organize within forty-five days after the approval of the merger upon the call of the area education agency administrator. The new board shall have control of the employment of all personnel for the newly formed district for the ensuing school year. Following the organization of the new board the board shall have authority to establish policy, organize curriculum, enter into contracts and complete such planning and take such action as is essential for the efficient management of the newly formed community school district.

5. The board of the newly formed district shall appoint an acting superintendent and an acting board secretary. The appointment of the acting superintendent shall not be subject to the continuing contract provision of sections 279.20, 279.23, and 279.24.

6. Section 49.8, subsection 5, shall not permit a director to remain on the board of a school district after the effective date of a boundary change which places the director's residence outside the boundaries of the district. Vacancies so caused on any board shall be filled in the manner provided in sections 279.6 and 279.7.

[C62, 66, 71, 73, 75, 77, §275.25; C79, 81, §275.41]

83 Acts, ch 53, §5; 85 Acts, ch 221, §9; 93 Acts, ch 160, §12, 13; 2005 Acts, ch 3, §58; 2008 Acts, ch 1115, §17, 21; 2009 Acts, ch 41, §248; 2016 Acts, ch 1121, §8

Referred to in §275.1

275.42 through 275.50 Reserved.

SUBCHAPTER II

DISSOLUTION OF DISTRICTS

275.51 Dissolution commission.

1. As an alternative to school district reorganization prescribed in this chapter, the board of directors of a school district may establish a school district dissolution commission to prepare a proposal of dissolution of the school district and attachment of all of the school district to one or more contiguous school districts and to include in the proposal a division of the assets and liabilities of the dissolving school district. A school district dissolution commission shall be established by the board of directors of a school district if a dissolution proposal has been prepared by eligible electors who reside within the district. The proposal must contain the names of the proposed members of the commission and be accompanied by a petition which has been signed by eligible electors residing in the school district equal in number to at least twenty percent of the registered voters in the school district.

2. The dissolution commission shall consist of seven members appointed by the board for a term of office ending either with a report to the board that no proposal can be approved or on the date of the election on the proposal. Members of the dissolution commission must be eligible electors who reside in the school district, not more than three of whom may be members of the board of directors of the school district. Members shall be appointed from

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throughout the school district and should represent the various socioeconomic factors present in the school district.

3. Members of the dissolution commission shall serve without compensation and may be appointed to a subsequent commission. A vacancy on the commission shall be filled in the same manner as the original appointment was made.

4. The board of the school district shall certify to the area education agency board that a commission has been formed, the names and addresses of commission members, and that the commission members represent the various geographic areas and socioeconomic factors present in the district.

[C81, §275.51]

88 Acts, ch 1263, §3; 93 Acts, ch 160, §14; 94 Acts, ch 1175, §6; 95 Acts, ch 49, §7; 2001 Acts, ch 56, §13; 2017 Acts, ch 54, §76

275.52 Meetings.

1. The commission shall hold an organizational meeting not more than fifteen days after its appointment and shall elect a chairperson and vice chairperson from its membership. Thereafter the commission may meet as often as deemed necessary upon the call of the chairperson or a majority of the commission members.

2. The commission shall request statements from contiguous school districts outlining each district's willingness to accept attachments of the affected school district to the contiguous districts and what conditions, if any, the contiguous school district recommends. The commission shall meet with boards of contiguous school districts and with residents of the affected school district to the extent possible in drawing up the dissolution proposal.

3. The commission may seek assistance from the area education agency and the department of education.

[C81, §275.52]

2018 Acts, ch 1041, §75

275.53 Dissolution proposal.

1. The commission shall send a copy of its dissolution proposal or shall inform the board that it cannot agree upon a dissolution proposal not later than one year following the date of the organizational meeting of the commission. If the dissolving school district has outstanding bonds issued under section 423E.5* or 423F.4, the proposal shall require each school district receiving territory from the dissolving district to assume liability for the payment of a portion of such bonds that is equal to the percentage of the total number of resident pupils from the dissolving district who lived in the territory received during the last year of the dissolving district's existence. The commission shall also send a copy of the dissolution proposal to the boards of directors of all school districts to which area of the dissolving school district will be attached. If the board of a district to which area of the dissolving school district will be attached objects to the attachment, within ten days following receipt of the dissolution proposal the board shall send its objections in writing to the commission. The commission may consider the objections and may modify the dissolution proposal. If the dissolution proposal is modified, the commission shall notify the boards of directors of all school districts to which area of the dissolving school district will be attached.

2. Notifications required under subsection 1 shall be delivered using one of the following methods:

a. Mail bearing a United States postal service postmark.

b. Hand delivery.

c. Facsimile transmission.

d. Electronic delivery.

3. If the commission cannot agree upon a dissolution proposal prior to the expiration of its term, the board may appoint a new commission.

[C81, §275.53]

2009 Acts, ch 50, §3; 2015 Acts, ch 93, §5, 8

*Chapter 423E repealed effective June 30, 2023, pursuant to terms of former §423E.7; corrective legislation is pending

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275.54 Hearing.

1. Within ten days following the filing of the dissolution proposal with the board, the board shall fix a date for a hearing on the proposal which shall not be more than sixty days after the dissolution petition was filed with the board. The board shall publish notice of the date, time, and location of the hearing at least ten days prior to the date of the hearing by one publication in a newspaper in general circulation in the district. The notice shall include the content of the dissolution proposal. A person residing or owning land in the school district may present evidence and arguments at the hearing. The president of the board shall preside at the hearing. The board shall review testimony from the hearing and shall adopt or amend and adopt the dissolution proposal.

2. The board shall notify the boards of directors of all school districts to which area of the affected school district will be attached and the director of the department of education of the contents of the dissolution proposal adopted by the board. The notification shall be delivered using one of the following methods:

a. Mail bearing a United States postal service postmark.

b. Hand delivery.

c. Facsimile transmission.

d. Electronic delivery.

3. If the board of a district to which area of the affected school district will be attached objects to the attachment, that portion of the dissolution proposal will not be included in the proposal voted upon under section 275.55 and the director of the department of education shall attach the area to a contiguous school district.

4. *a.* If the board of a district to which area of the dissolving school district will be attached objects to the division of assets and liabilities contained in the dissolution proposal, the matter shall be decided by a panel of disinterested arbitrators. The panel shall consist of one arbitrator selected jointly by affected districts objecting to the provisions of the dissolution proposal, one selected jointly by the affected districts in favor of the provisions of the dissolution proposal, and one selected by the dissolving district. If the number of arbitrators selected is even, a disinterested arbitrator shall be selected by the administrator of the area education agency to which the dissolving district belongs. The decision of the arbitrators shall be made in writing and filed with the secretary of each affected school district. A party to the proceedings may appeal the decision to the district court by serving notice on the secretary of each affected school district within twenty days after the decision is filed. The appeal shall be tried in equity and a decree entered determining the entire matter, including the levy, collection, and distribution of any necessary taxes.

b. If the dissolving district has outstanding bonds issued under section 423E.5* or 423F.4, the arbitrators' decision and any decision of the court on appeal shall require each school district receiving territory from the dissolving district to assume liability for the payment of a portion of such bonds that is equal to the percentage of the total number of resident pupils from the dissolving district who lived in the territory received during the last year of the dissolving district's existence.

5. If a dissolution proposal adopted by a board contains provisions that ninety-five percent or more of the taxable valuation of the dissolving district would be assumed and attached to a single school district, the dissolving school district shall cease further proceedings to dissolve and shall comply with reorganization procedures specified in this chapter.

[C81, §275.54]

86 Acts, ch 1245, §1465; 2009 Acts, ch 50, §4; 2015 Acts, ch 93, §6, 8

*Chapter 423E repealed effective June 30, 2023, pursuant to terms of former §423E.7; corrective legislation is pending

275.55 Election.

1. After the final hearing on the dissolution proposal, the board of the school district shall submit the proposition to the voters at the next election held on a date specified in section 39.2, subsection 4, paragraph "*c*". However, the date of the final hearing on the dissolution proposal must be not less than thirty nor more than sixty days before the election. The proposition submitted to the voters residing in the school district shall describe each separate area to be attached to a contiguous school district and shall name the school district to which it will

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be attached. In addition to the description, a map may be included in the summary of the question on the ballot.

2. The board shall give written notice of the election to the county commissioner of elections. The county commissioner of elections shall give notice of the election by one publication in the same newspaper in which the previous notice was published about the hearing, which publication shall not be less than four nor more than twenty days prior to the election.

3. The proposition shall be adopted if a majority of the electors voting on the proposition approve its adoption.

4. *a.* (1) If the proposition was approved by voters pursuant to this section prior to January 1, 2025, the attachment is effective July 1 following its approval.

(2) If the proposition was approved by voters pursuant to this section on or after January 1, 2025, the attachment is effective July 1 in the calendar year immediately subsequent to the calendar year in which the attachment was approved.

b. If the dissolution proposal is for the dissolution of a school district with a certified enrollment of fewer than six hundred, the territory located in the school district that dissolved is eligible, if approved by the director of the department of education, for a reduction in the foundation property tax levy under section 257.3, subsection 1. If the director approves a reduction in the foundation property tax levy as provided in this section, the director shall notify the director of the department of management of the reduction.

5. For bonds issued under section 423E.5* or 423F.4, the approval of the dissolution at election creates a lien on the revenues from the secure an advanced vision for education fund received by the district to which liability for payment of a portion of such bonds, subject to the same priority as provided by the dissolving school district. However, such a lien is limited to the extent required to satisfy payments for the portion of the liability assigned to the district.

[C81, §275.55]

88 Acts, ch 1263, §4; 89 Acts, ch 135, §69; 2002 Acts, ch 1134, §87, 115; 2008 Acts, ch 1115, §44, 71; 2009 Acts, ch 50, §5; 2015 Acts, ch 93, §7, 8; 2025 Acts, ch 2, §2, 3

Referred to in §257.3, 275.54

2025 amendment to subsection 4 applies retroactively to January 1, 2025; 2025 Acts, ch 2, §3

*Chapter 423E repealed effective June 30, 2023, pursuant to terms of former §423E.7; corrective legislation is pending

275.55A Attendance in other district.

A student enrolled in ninth, tenth, or eleventh grade during the school year preceding the effective date of a dissolution proposal, who was a resident of the school district that dissolved, may enroll in a school district to which territory of the school district that dissolved was attached until the student's graduation from high school, unless the student was expelled or suspended from school and the conditions of expulsion or suspension have not been met. The student under expulsion or suspension shall not be enrolled until the board of directors of the school district to which territory of the dissolved school district was attached approves, by majority vote, the enrollment of the student. Notwithstanding section 282.24, the district of residence of the student, determined in the dissolution proposal, shall pay tuition to the school district selected by the student in an amount not to exceed the district cost per pupil of the district of residence and the school district selected by the student shall accept that tuition payment and enroll the student.

88 Acts, ch 1263, §5; 95 Acts, ch 218, §26

Referred to in §282.9, 291.6

275.56 Increasing enrollment.

If the enrollment of a school district increases or is expected to increase because an adjacent district has dissolved or is expected to dissolve, the board of directors of the school district shall determine whether there is a need to hire additional licensed or unlicensed employees. If the board of directors determines that there is a need to hire additional employees, the board shall determine the nature and number of the necessary new positions. Individuals who were employees of the dissolved district may apply for the new positions. The board shall hire those applicants who were employees of the dissolved district whenever the applicant is licensed for the new position or, in the case of unlicensed personnel, is otherwise qualified. If

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two employees of the dissolved district apply for a single licensed position, the applicant who is best qualified in the opinion of the board shall be hired. The board is not required to hire applicants who were employees of the dissolved district if the district has been dissolved for one or more school years. Applicants who are reemployed under this section shall maintain in the reemploying district vacation, salary or alternatively placement on a salary schedule based on the employee's years of experience, sick leave, and completion of probationary status as defined by section 279.19.

[C81, §275.56]

89 Acts, ch 265, §40; 2012 Acts, ch 1023, §157

275.57 Changing director district boundaries following dissolution.

1. If a school district accepting attachments of a dissolved district is currently divided into director districts as provided in section 275.12, subsection 2, paragraph *"b"*, *"c"*, *"d"*, or *"e"*, the board of directors of the district shall draft a proposal to incorporate the newly received territory into existing contiguous director districts. If the attached territory is contiguous to more than one director district, the board may divide the territory and attach it to more than one director district. If necessary to comply with the population equality standards prescribed in section 275.23A, the board shall redraw the boundaries of all director districts according to the standards provided in section 275.23A, subsection 1, paragraphs *"a"*, *"c"*, and *"d"*.

2. A public hearing on the proposed changes to director districts shall be held no later than May 15 following the dissolution. Not less than ten nor more than twenty days before the public hearing, the board shall publish notice of the time and place of the hearing.

3. The final plan for the assignment of attached lands and any other boundary changes made shall be adopted by resolution of the board. The resolution shall contain a legal description of the new director district boundaries and a map of the director district boundaries changed by the resolution. A copy of the resolution shall be filed with the county commissioners of elections of each county in which a portion of the school district is located. The resolution shall also be filed with the state commissioner of elections not later than June 15. The boundary changes shall take effect upon approval by the state commissioner of elections for the next regular school election, but not later than July 1.

2002 Acts, ch 1134, §88, 115

Referred to in §256.11

CHAPTER 276

COMMUNITY EDUCATION

Referred to in §274.3, 300.4

276.1 Title.
276.2 Purpose.
276.3 Definitions.
276.4 State consultant.
276.5 Local director.
276.6 and 276.7 Reserved.
276.8 Duties of district-wide advisory council.
276.9 Duties of local advisory council.
276.10 Establishment of program.
276.11 Funding of community education concept.
276.12 Use of special tax levy.

276.1 Title.

This section, sections 276.2 through 276.5, and sections 276.8 through 276.11 of this chapter shall be known and may be cited as the *"Iowa Community Education Act"*.

[C79, 81, §276.1]

2021 Acts, ch 80, §148

Referred to in §276.3

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276.2 Purpose.

It is the purpose of this chapter to provide educational, recreational, cultural, and other community services and programs through the establishment of the concept of community education with the community school serving as the center for such activity. In cooperation with other community agencies and groups, it is the purpose of the community education Act to mobilize community resources to solve identified community concerns and to promote a more efficient and expanded use of existing school buildings and equipment, to provide leadership in working with other entities, to mobilize the human and financial resources of a community, and to provide a wide range of opportunities for all socioeconomic, ethnic, and age groups. A related purpose of this chapter is to develop a sense of community in which the citizenry cooperates with the school and community agencies and groups to resolve their school and community concerns and to recognize that the schools belong to the people, and that as the entity located in every neighborhood, the schools are available for use by the community day and night, year-round or any time when the programming will not interfere with the elementary and secondary program.

[C79, 81, §276.2]

Referred to in §276.1, 276.3

276.3 Definitions.

As used in sections 276.1, 276.2, this section, sections 276.4, 276.5, and sections 276.8 through 276.11, unless the context otherwise requires:

1. *"Board"* means the local board of directors of school districts.
2. *"Community"* means the area located within the boundaries of the local school district.
3. *"Community education"* means a lifelong education process concerning itself with every facet that affects the well-being of all citizens within a given community and serves all of the following purposes:

a. To extend the role of the school from one of teaching children through an elementary and secondary program to one of providing for citizen participation in identifying the wants, needs, and concerns of the neighborhood community and coordinating all educational, recreational, and cultural opportunities within the community with community education being the catalyst for providing for citizen participation in the development and implementation of programs toward the goal of improving the entire community.

b. To energize people to strive for the achievement of determined goals and stimulate capable persons to assume leadership responsibilities.

c. To welcome and work with all groups without drawing any lines.

d. To serve as the one institution in the entire community that has the opportunity to reach all people and groups and to gain their cooperation.

4. *"Community school"* means any elementary or secondary school.
5. *"Department"* means the department of education.
6. *"Director"* means the local community school director who assumes responsibility for making the process function effectively.
7. *"District-wide advisory council"* means a broadly representative group of persons selected from the entire school district with at least one representative from each of the local advisory councils after they are formed. At least one member of the council shall be a representative from the local public recreation department or agency, if one exists.
8. *"Local advisory council"* means a broadly representative group of persons living within the attendance boundaries of an individual neighborhood school.
9. *"State consultant"* means the state community education consultant.

[C79, 81, §276.3]

86 Acts, ch 1245, §1466; 2010 Acts, ch 1069, §77; 2021 Acts, ch 80, §149

Referred to in §276.1

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276.4 State consultant.

The state consultant of community education shall serve district and local advisory councils in accordance with rules promulgated by the director of the department of education and in compliance with Pub. L. No. 93-380.

[C79, 81, §276.4]
85 Acts, ch 212, §21
Referred to in §276.1, 276.3

276.5 Local director.

The local community education director shall:

1. Serve as staff person to district-wide and local advisory councils.
2. Promote, publicize, and interpret the community education programs to the schools and community.
3. Facilitate community needs and resources after adequate assessment.
4. Seek ideas, promote people involvement in the process, and open lines of communication and coordination.
5. Stimulate planning to meet needs.
6. Schedule community-use hours available in school-plant facilities and related equipment and coordinate such use with building principals or designated representatives.
7. Prepare the community education budget in concert and with approval of the district-wide advisory council, and administer the budget after final approval by the board of directors.

[C79, 81, §276.5]
Referred to in §276.1, 276.3

276.6 and 276.7 Reserved.

276.8 Duties of district-wide advisory council.

The district-wide advisory council shall:

1. Provide guidance to local advisory councils, training and orientation for community persons, evaluation and assessment of needs and delivery systems for school districts.
2. Develop a "sense of total community" and promote democratic thinking and action.
3. Promote meaningful involvement of total community in the identifying, prioritizing, and resolving of school-community concerns.
4. Serve as an advocate of community education and foster community cooperation.
5. Provide an annual budget recommendation and annual report to the local board of education.
6. Mobilize available human and financial resources of the community to meet needs, interests, and concerns of people in the total community.
7. Make school facilities and resources available to all age groups from the total community, day and night, year round.
8. Facilitate the assessment of community-wide needs with the understanding that local advisory councils will manage their own assessments of needs.
9. Provide support and act as a resource group for local advisory councils and the community education director.
10. Help plan and recommend a community education budget for approval by the local board of education.
11. Recommend to the board, regulations, guidelines, and fees, if any, for facility usage.
12. Define short and long-range community education goals and objectives.
13. Communicate through inquiring, informing, suggesting, recommending and evaluating community education for the community.
14. Cooperate with other agencies and organizations including the community colleges and institutions under the control of the state board of regents toward common goals.
15. Perform the functions of the local advisory council in the event that the board

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determines that the size of the district does not warrant the establishment of a local advisory council.

[C79, 81, §276.8]
Referred to in §276.1, 276.3

276.9 Duties of local advisory council.

The local advisory council shall:

1. Determine needs and priorities and provide programs to serve the needs of the community located within the attendance boundaries of an individual school.
2. Provide programming which is available to any community resident.
3. Promote meaningful involvement of the total neighborhood community in its identification and resolution of school and community concerns.
4. Mobilize available human and financial resources of the community to meet the wants and needs in that neighborhood community.
5. Use existing programs and community resources for delivery of services whenever feasible.
6. Use funds as allocated by district-wide advisory council after budget approval by board.
7. Evaluate the success of programs in meeting needs, interests, and concerns and in resolving responsible needs and concerns.

[C79, 81, §276.9]
Referred to in §276.1, 276.3

276.10 Establishment of program.

1. The board of directors of a local school district may establish a community education program for schools in the district and provide for the general supervision of the program. Financial support for the program shall be provided from funds raised pursuant to chapter 300 and from any private funds and any federal funds made available for the purpose of implementing this chapter. The program which recognizes that the schools belong to the people and which shall be centered in the schools may include but shall not be limited to the use of the school facilities day and night, year round including weekends and regular school vacation periods for educational, recreational, cultural, and other community services and programs for all age, ethnic, and socioeconomic groups residing in the community.
2. If a community education program is established, the board shall appoint a community education director who shall have professional training in the field of community education, recreation, or comparable experience.
3. Upon establishment of a community education program, the board shall provide for the selection of a district-wide advisory council which shall be responsible to the board and shall cooperate with and assist the board and the local community education director. The board shall also provide for the selection of local advisory councils.
4. The board shall receive an annual report and budget recommendation from the district-wide advisory council and may request supplementary reports as needed.
5. The school districts may cooperate with community colleges, institutions under the control of the state board of regents, and area education agencies in providing community education programs.
6. The board may use opportunities available under Pub. L. No. 93-380.
7. The board may approve cooperation and pooling of funds with other school districts.

[C79, 81, §276.10]
90 Acts, ch 1253, §121; 2006 Acts, ch 1010, §81
Referred to in §276.1, 276.3

276.11 Funding of community education concept.

Residents of the affected school district shall determine if community education will function in their community by providing for funding pursuant to chapter 300.

[C79, 81, §276.11]
Referred to in §276.1, 276.3

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276.12 Use of special tax levy.

If the voters of a school district have approved the levying of a tax pursuant to section 300.2 prior to July 7, 1978, moneys collected pursuant to the voted tax levy after said date may be used for community education programs.

[C79, 81, §276.12]

CHAPTER 277

SCHOOL ELECTIONS

Referred to in §274.3, 274.40

277.1 Regular election.
277.2 Elections on public measures.
277.3 Election laws applicable.
277.4 Nominations required.
277.5 Objections to nominations.
277.6 Territory outside county. Repealed by 2017 Acts, ch 155, §43, 44.
277.7 Petitions for public measures.
277.8 through 277.19 Reserved.
277.20 Canvassing returns.
277.21 Reserved.
277.22 Contested elections.
277.23 Directors — number — change.
277.24 Reserved.
277.25 Directors in new districts.
277.26 Reserved.
277.27 Qualification.
277.28 Oath required.
277.29 Vacancies.
277.30 Vacancies filled by election.
277.31 Surrendering office.
277.32 Penalties.

277.1 Regular election.

The regular election shall be held biennially on the first Tuesday after the first Monday in November of each odd-numbered year in each school district for the election of officers of the district and merged area and for the purpose of submitting to the voters any matter authorized by law.

[C51, §1111, 1114; R60, §2027, 2030, 2031; C73, §1717 – 1719; C97, §2746, 2751; C24, §4194, 4211; C27, §4194, 4211, 4216-b1; C31, 35, §4216-c1; C39, §**4216.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.1]

83 Acts, ch 101, §63; 2008 Acts, ch 1115, §18, 21; 2017 Acts, ch 155, §8 – 10

Referred to in §39.3, 260C.15, 279.8B, 423F.3, 423F.4

277.2 Elections on public measures.

Unless otherwise stated, the date of an election on a public measure authorized to be held by a school district is limited to the dates specified in section 39.2, subsection 4, paragraph "c".

[C97, §2750; S13, §2750; C24, 27, §4197; C31, 35, §4216-c2; C39, §**4216.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.2]

89 Acts, ch 135, §70; 2008 Acts, ch 1115, §45, 71

277.3 Election laws applicable.

The provisions of chapters 39 through 53 shall apply to the conduct of all school elections and the school elections shall be conducted by the county commissioner of elections, except as otherwise specifically provided in this chapter.

[C97, §2754; S13, §2754; C24, 27, §4204; C31, 35, §4216-c33; C39, §**4216.33;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §277.33; C77, 79, 81, §277.3]

2020 Acts, ch 1063, §126

Referred to in §275.25

277.4 Nominations required.

1. Nomination papers for all candidates for election to office in each school district shall be filed with the county commissioner of elections not more than seventy-one days nor less than forty-seven days before the election. Nomination petitions shall be filed not later than

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5:00 p.m. on the last day for filing. On the final date for filing nomination papers, the office of the county commissioner of elections shall remain open until 5:00 p.m.

2. *a.* Each candidate shall be nominated by petition. If the candidate is running for a seat in the district which is voted for at-large, the petition must be signed by the greater of at least ten eligible electors or a number of eligible electors equal in number to not less than one percent of the registered voters of the school district, which number need not be more than fifty. If the candidate is running for a seat which is voted for only by the voters of a director district, the petition must be signed by the greater of at least ten eligible electors of the director district or a number of eligible electors equal in number to not less than one percent of the registered voters in the director district, which number need not be more than fifty.

b. Signers of nomination petitions shall include their addresses and the date of signing, and must reside in the same director district as the candidate if directors are elected by the voters of a director district, rather than at-large. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office. The petition shall be filed with the affidavit of the candidate being nominated, stating the candidate's name, place of residence, that such person is a candidate and is eligible for the office the candidate seeks, and that if elected the candidate will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

3. The county commissioner of elections shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The county commissioner of elections shall note upon each petition and affidavit accepted for filing the date and time that the petition was filed. The secretary of the school board shall deliver the complete text of any public measure being submitted by the board to the electorate to the county commissioner of elections on the day following the last day on which nomination petitions can be filed, and not later than 12:00 noon on that day.

4. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect with the county commissioner of elections consistent with section 44.9.

[S13, §2754; C24, §4201; C27, §4201, 4216-b4, -b5; C31, 35, §4216-c4; C39, §**4216.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.4]

87 Acts, ch 221, §32; 88 Acts, ch 1119, §32; 89 Acts, ch 136, §63; 90 Acts, ch 1238, §35; 93 Acts, ch 143, §45; 94 Acts, ch 1180, §42; 95 Acts, ch 189, §19; 97 Acts, ch 170, §84; 98 Acts, ch 1052, §6; 2004 Acts, ch 1088, §1; 2010 Acts, ch 1033, §38; 2010 Acts, ch 1061, §180; 2017 Acts, ch 155, §38, 44; 2019 Acts, ch 148, §55; 2021 Acts, ch 147, §48, 54; 2024 Acts, ch 1146, §15; 2026 Acts, ch 1073, §13

Referred to in §49.31, 275.25, 277.20, 279.6, 279.7
Subsections 1, 3, and 4 amended

277.5 Objections to nominations.

1. Objections to the legal sufficiency of a nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objection must be filed with the county commissioner of elections at least forty-two days before the day of the school election. When objections are filed, notice shall forthwith be given to the candidate affected, addressed to the candidate's place of residence as given on the candidate's affidavit, stating that objections have been made to the legal sufficiency of the petition or to the eligibility of the candidate, and also stating the time and place the objections will be considered.

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2. Objections shall be considered not later than two working days following the receipt of the objections as provided in section 44.7.

88 Acts, ch 1119, §33; 94 Acts, ch 1180, §43; 2017 Acts, ch 155, §39, 44; 2019 Acts, ch 24, §104; 2026 Acts, ch 1073, §14

Referred to in §44.8, 277.7
Section amended

277.6 Territory outside county. Repealed by 2017 Acts, ch 155, §43, 44.

277.7 Petitions for public measures.

1. A petition filed with the school board to request an election on a public measure shall be examined before it is accepted for filing. If the petition appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioners.

2. Petitions which have been accepted for filing are valid unless written objections are filed. Objections must be filed with the secretary of the school board within five working days after the petition was filed. The objection process in section 277.5 shall be followed for objections filed pursuant to this section.

94 Acts, ch 1180, §44; 2019 Acts, ch 24, §104

277.8 through 277.19 Reserved.

277.20 Canvassing returns.

1. The canvass of returns shall be conducted pursuant to section 50.24. Special elections held in school districts shall be canvassed at the time and in the manner required by section 50.24. The appropriate board of supervisors shall declare the results of the voting for members of boards of directors of school corporations nominated pursuant to section 277.4, and the commissioner of elections or controlling commissioner for the district shall at once issue a certificate of election to each person declared elected. The appropriate board shall also declare the results of the voting on any public question submitted to the voters of a single school district, and the commissioner or controlling commissioner shall certify the result as required by section 50.27.

2. The abstracts of the votes cast for members of the board of directors of any merged area, and of the votes cast on any public question submitted to the voters of any merged area, shall be promptly certified by the county commissioner of elections to the merged area's controlling county commissioner under section 47.2.

[C97, §2756; S13, §2756; C24, §4210; C27, §4210, 4211-b6; C31, 35, §4216-c20; C39, §**4216.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.20]

2017 Acts, ch 155, §40, 44; 2019 Acts, ch 24, §104

Referred to in §260C.15, 331.383

277.21 Reserved.

277.22 Contested elections.

School elections may be contested as provided by law for the contesting of other elections.

[C24, 27, §4209; C31, 35, §4216-c22; C39, §**4216.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.22]

Contesting elections, chapter 57 et seq.

277.23 Directors — number — change.

1. In any district including all of a city of fifteen thousand or more population and in any district in which the voters, or the board as provided in section 275.23A, subsection 2, have authorized seven directors, the board shall consist of seven members; in all other districts the board shall consist of five members.

2. A change from five to seven directors shall be effected in a district at the first regular

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election after authorization by the voters or the board, or after a district first includes all of a city of fifteen thousand or more population, in the manner described in section 275.37.

[C51, §1112; R60, §2031, 2035, 2075; C73, §1720, 1721, 1808; C97, §2752, 2754; S13, §2752, 2754; C24, §4198, 4212; C27, §4198, 4211-b3, -b5; C31, 35, §4216-c23; C39, §**4216.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.23]

2002 Acts, ch 1024, §2, 3; 2002 Acts, ch 1134, §89, 115; 2003 Acts, ch 44, §57

Referred to in §275.23A, 275.25

277.24 Reserved.

277.25 Directors in new districts.

At the first election in newly organized districts the directors shall be elected as follows:

1. In districts having three directors, two directors shall be elected for two years, and one for four years.
2. In districts having five directors, three shall be elected for two years, and two for four years.
3. In districts having seven directors, four shall be elected for two years, and three for four years.

[C73, §1802; C97, §2754; S13, §2754; C24, 27, §4199; C31, 35, §4216-c25; C39, §**4216.25;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.25]

2008 Acts, ch 1115, §19, 21

277.26 Reserved.

277.27 Qualification.

A member of the board shall, at the time of election or appointment, be an eligible elector of the corporation or subdistrict. Notwithstanding any contrary provision of the Code, a member of the board of directors of a school district shall not receive compensation directly from the school board unless the compensation is for part-time or temporary employment and does not exceed the limitation set forth in section 279.7A.

[C97, §2748; C24, 27, §4213; C31, 35, §4216-c27; C39, §**4216.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.27]

87 Acts, ch 224, §46; 88 Acts, ch 1038, §2; 2001 Acts, ch 53, §1

277.28 Oath required.

1. Each director elected at a regular district or director district election shall qualify by taking the oath of office on or before the time set for the organization meeting of the board and the election and qualification entered of record by the secretary. The oath may be administered by any qualified member of the board or the secretary of the board and may be taken in substantially the following form:

> Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Iowa and that you will faithfully and impartially to the best of your ability discharge the duties of the office of ..... (naming the office) in ..... (naming the district) as now or hereafter required by law?

2. If the oath of office is taken elsewhere than in the presence of the board in session it may be administered by any officer listed in sections 63A.1 and 63A.2 and shall be subscribed to by the person taking it in substantially the following form:

> I, ..., do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially to the best of my ability discharge the duties of the office of ..... (naming the office) in ..... (naming the district) as now or hereafter required by law.

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3. Such oath shall be properly verified by the administering officer and filed with the secretary of the board.

[C51, §1113, 1120; R60, §2032, 2079; C73, §1752, 1790; C97, §2758; S13, §2758; C24, 27, §4214; C31, 35, §4216-c28; C39, §**4216.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.28]

88 Acts, ch 1038, §3; 2010 Acts, ch 1061, §98

Referred to in §260C.15, 273.8, 279.3, 279.6, 279.7

277.29 Vacancies.

Failure to elect at the proper election or to appoint within the time fixed by law or the failure of the officer elected or appointed to qualify within the time prescribed by law; the incumbent ceasing for any reason to be a resident of the district or removing residence from the subdistrict; the resignation or death of incumbent or of the officer-elect; the removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant; the conviction of incumbent of a felony, as defined in section 701.7, or of any public offense involving the violation of the incumbent's oath of office, shall constitute a vacancy.

[C31, 35, §4216-c29; C39, §**4216.29;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.29]

86 Acts, ch 1112, §10; 86 Acts, ch 1238, §12

Referred to in §260C.11, 273.8, 273.23

277.30 Vacancies filled by election.

When vacancies are to be filled by election, the provisions of sections 279.6 and 279.7 shall control.

[C73, §1802; C97, §2754; S13, §2754; C24, 27, §4199; C31, 35, §4216-c30; C39, §**4216.30;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.30]

2015 Acts, ch 140, §55, 58, 59

277.31 Surrendering office.

Each school officer or member of the board upon the termination of the officer's or member's term of office shall immediately surrender to the successor all books, papers, and moneys pertaining or belonging to the office, taking a receipt therefor.

[R60, §2080; C73, §1791; C97, §2770; C24, 27, §4215; C31, 35, §4216-c31; C39, §**4216.31;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.31]

2025 Acts, ch 30, §55

277.32 Penalties.

Any school officer willfully violating any law relative to public or accredited nonpublic schools, or willfully failing or refusing to perform any duty imposed by law, shall forfeit and pay into the treasury of the particular school corporation in which the violation occurs the sum of twenty-five dollars, action to recover which shall be brought in the name of the proper school corporation, and be applied to the use of the schools therein.

[C51, §1137; R60, §2047, 2081; C73, §1746, 1786; C97, §2822; C24, 27, §4216; C31, 35, §4216-c32; C39, §**4216.32;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §277.32]

2018 Acts, ch 1026, §95

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CHAPTER 278
POWERS OF ELECTORS

Referred to in §274.3

278.1 Enumeration — extended time contracts.
278.2 Submission of proposition.
278.3 Power given electors not to limit directors' power.

278.1 Enumeration — extended time contracts.

1. The voters at the regular election shall have power to:

a. Direct a change of textbooks regularly adopted.

b. Except when restricted by section 297.24 or 297.25, direct the sale, lease, or other disposition of any schoolhouse or school site or other property belonging to the corporation, and the application to be made of the proceeds thereof. However, this section shall not be construed to prevent the sale, lease, exchange, gift, or grant and acceptance of any interest in real or other property of the corporation to the extent authorized in section 297.22 or 297.24.

c. Determine upon additional branches that shall be taught.

d. Instruct the board that school buildings may or may not be used for meetings of public interest.

e. Direct the transfer of any surplus in the debt service fund, physical plant and equipment levy fund or other capital project funds, or public education and recreation levy fund to the general fund.

f. Authorize the board to obtain, at the expense of the corporation, roads for proper access to its schoolhouses.

g. Authorize a change to either five or seven directors. The proposition for the change shall specify the number of directors to be elected, and which of the methods of election authorized by section 275.12, subsection 2, is to be used if the change is approved by the voters.

h. Authorize a change in the method of conducting elections or in the number of directors as provided in sections 275.35 and 275.36. If a proposition submitted to the voters under this paragraph or paragraph "*g*" is rejected, it may not be resubmitted to the voters of the district in substantially the same form within the next three years; if it is approved, no other proposal may be submitted to the voters of the district under this paragraph or paragraph "*g*" within the next six years. The establishment or abandonment of director districts or a change in the boundaries of director districts shall be implemented as prescribed in section 275.37.

i. Change the name of the school district, without affecting its corporate existence, rights, or obligations, and subject to the requirements of section 274.6.

2. *a.* The board may, with approval of sixty percent of the voters voting in an election in the school district, make extended time contracts not to exceed twenty years in duration for rental of buildings to supplement existing schoolhouse facilities; and where it is deemed advisable for buildings to be constructed or placed on real estate owned by the school district, these contracts may include lease-purchase option agreements, the amounts to be paid out of the physical plant and equipment levy fund. The election shall be held on a date specified in section 39.2, subsection 4, paragraph "*c*".

b. Subject to paragraph "*c*", before entering into a rental or lease-purchase option contract, authorized by the electors, the board shall first adopt plans and specifications for a building or buildings which it considers suitable for the intended use and also adopt a form of rental or lease-purchase option contract. The board shall then invite bids thereon, by advertisement published once each week for two consecutive weeks, in a newspaper published in the county in which the building or buildings are to be located, and the rental or lease-purchase option contract shall be awarded to the lowest responsible bidder, but the board may reject any and all bids and advertise for new bids.

c. A contract for construction by a private party of property to be lease-purchased by a public school corporation is a contract for a public improvement as defined in section 26.2. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or

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involves new construction exceeds the competitive bid threshold in section 26.3, the board shall comply with the competitive bidding requirements of section 26.3.

[C51, §1115; R60, §2028, 2033; C73, §1717, 1807; C97, §2749; C24, 27, 31, 35, 39, §**4217;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §278.1]

89 Acts, ch 135, §71, 72; 94 Acts, ch 1029, §16, 17; 97 Acts, ch 170, §85; 2002 Acts, ch 1134, §90, 115; 2008 Acts, ch 1115, §46, 71; 2008 Acts, ch 1148, §1; 2009 Acts, ch 10, §1, 4; 2013 Acts, ch 88, §15; 2018 Acts, ch 1075, §7, 8, 12, 13; 2018 Acts, ch 1172, §71, 72; 2024 Acts, ch 1168, §3

Referred to in §275.23A, 278.2, 278.3, 297.25, 298A.9, 298A.10

278.2 Submission of proposition.

1. The board may, and upon the written request of one hundred eligible electors or a number of electors which equals thirty percent of the number of electors who voted in the last regular school board election, whichever number is greater, shall, direct the county commissioner of elections to provide in the notice of the regular election for the submission of any proposition authorized by law to the voters. When the board has directed the commissioner to submit to the voters a proposition authorized by section 278.1, subsection 1, paragraph "*g*" or "*h*", it shall not thereafter direct the commissioner to submit at the same election any other proposition under either of those paragraphs.

2. Petitions filed under this section shall be filed with the secretary of the school board at least seventy-five days before the date of the regular school election, if the question is to be included on the ballot at that election. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

[R60, §2028; C97, §2749; C24, 27, 31, 35, 39, §**4218;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §278.2]

89 Acts, ch 30, §1; 89 Acts, ch 136, §64; 90 Acts, ch 1238, §36; 2008 Acts, ch 1115, §20, 21

Referred to in §275.36

278.3 Power given electors not to limit directors' power.

The power vested in the electors by section 278.1 shall not affect or limit the power granted to the board of directors of a school district in section 297.7, subsection 2, and the authority granted in section 297.7, subsection 2, shall be construed as independent of the power vested in the electors by section 278.1.

[C75, 77, 79, 81, §278.3]

2014 Acts, ch 1092, §60

CHAPTER 279

DIRECTORS — POWERS AND DUTIES

Referred to in §55.1, 256.103, 256.157, 256.161, 256E.23, 260C.14, 260C.39, 261E.9, 274.3, 284.3

For student search restrictions, see chapter 808A

279.1 Organization — student improvement oversight.
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279.7A Interest in public contracts prohibited — exceptions.
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279.8A Traffic and parking.
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279.93 Advanced mathematics pathway.
279.94 Teacher authority to request a meeting of a student's individualized education program team.
279.95 Individualized education programs and section 504 plan requirements.

279.1 Organization — student improvement oversight.

1. The board of directors of each school corporation shall meet and organize at the first regular meeting or at a special meeting called by the secretary of the board to organize the board in advance of the first regular meeting after the canvass for the regular school election at some suitable place to be designated by the secretary. Notice of the place and hour of the meeting shall be given by the secretary to each member and member-elect of the board.

2. Organization of the board shall be effected by the election of a president from the members of the board. The president shall serve for one year and shall be entitled to vote as a member. During nonelection years, the president shall be elected to serve for one year at a regular meeting held not less than one year, nor more than thirteen months, after the prior organizational meeting.

3. A school corporation is entrusted with public funds for the purpose of improving student outcomes, including but not limited to student academic achievement and skill proficiency, and the board of directors of the school corporation is responsible for overseeing such improvement.

[C51, §1119; R60, §2036; C73, §1721, 1722; C97, §2757; SS15, §2757; C24, 27, 31, 35, 39, §**4220;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.1]

87 Acts, ch 224, §47; 90 Acts, ch 1238, §37; 2010 Acts, ch 1033, §39; 2019 Acts, ch 148, §56; 2021 Acts, ch 25, §3; 2021 Acts, ch 139, §23; 2022 Acts, ch 1021, §54

Referred to in §275.37

279.2 Special meetings.

Such special meetings may be held as may be determined by the board, or called by the president, or by the secretary upon the written request of a majority of the members of the board, upon notice specifying the time and place, delivered to each member in person, or by registered letter, but attendance shall be a waiver of notice.

[C51, §1121; R60, §2036; C73, §1722; C97, §2757; SS15, §2757; C24, 27, 31, 35, 39, §**4221;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.2]

279.3 Appointment of secretary and treasurer.

1. The board shall appoint a secretary who shall not be a teacher employed by the board but may be another employee of the board. The board shall also appoint a treasurer who may

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be another employee of the board. However, the board may appoint one person to serve as the secretary and the treasurer.

2. These officers shall be appointed from outside the membership of the board and the appointment and qualification shall be entered of record in the minutes of the secretary. They shall qualify within ten days following appointment by taking the oath of office in the manner required by section 277.28 and filing a bond or obtaining an insurance policy as required by section 291.2 and shall hold office until their successors are appointed and qualified.

[C51, §1119; R60, §2035; C73, §1721; C97, §2757; SS15, §2757; C24, 27, 31, 35, 39, §**4222;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.3; 82 Acts, ch 1012, §1]

85 Acts, ch 28, §1; 2001 Acts, ch 47, §1; 2003 Acts, ch 180, §30; 2024 Acts, ch 1074, §5

Referred to in §291.2

279.4 Quorum.

A majority of the board of directors of any school corporation shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

[C51, §1120; R60, §2037, 2038, 2079; C73, §1730, 1738; C97, §2758, 2771, 2772; S13, §2758, 2771, 2772; C24, 27, 31, 35, 39, §**4223;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.4]

279.5 Temporary officers.

The board shall appoint a temporary president or secretary, in the absence of the regular officers.

[C51, §1120; R60, §2037, 2038, 2079; C73, §1730, 1738; C97, §2758, 2771, 2772; S13, §2758, 2771, 2772; C24, §4223; C27, 31, 35, §4223-a1; C39, §**4223.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.5]

279.6 Vacancies — qualification — tenure.

1. *a.* Except as provided in paragraph *"b"* and subsection 2, vacancies occurring among the officers or members of a school board shall be filled by the board by appointment. A person so appointed to fill a vacancy in an elective office shall hold office until a successor is elected and qualified at the next regular school election, unless there is an intervening special election for the school district, in which event a successor shall be elected at the intervening special election, in accordance with section 69.12. To fill a vacancy occurring among the members of a school board, the board shall publish notice in the manner prescribed by section 279.36, stating that the board intends to fill the vacancy by appointment but that the electors of the school district have the right to file a petition requiring that the vacancy be filled by a special election conducted pursuant to section 279.7. The board may publish notice in advance if a member of the board submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later.

b. (1) If within fourteen days after publication of a notice required pursuant to paragraph *"a"* for a vacancy that occurs more than one hundred eighty days before the next regular school election, or after the filing period closes pursuant to section 277.4, subsection 1, for the next regular school election, there is filed with the county commissioner of elections a petition requesting a special election to fill the vacancy, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the board shall call a special election pursuant to section 279.7, to fill the vacancy for the remaining balance of the unexpired term.

(2) If within fourteen days after publication of a notice required pursuant to paragraph *"a"* for a vacancy that occurs one hundred eighty days or less but more than forty days before the next regular school election there is filed with the secretary of the school board a petition requesting to fill the vacancy by election, an appointment to fill the vacancy is temporary until a successor is elected and qualified, and the school board shall require that the remaining balance of the unexpired term be filled at the next regular school election.

(3) For a petition to be valid under this paragraph *"b"*, the petition must be signed by eligible electors equal in number to not less than one hundred or thirty percent of the number of voters at the last preceding regular school election, whichever is greater.

(4) Notwithstanding any requirement of this paragraph to the contrary, when the board

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is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancies.

c. A person appointed to fill a vacancy in an appointive office shall hold such office for the residue of the unexpired term and until a successor is appointed and qualified. Any person so appointed shall qualify within ten days thereafter in the manner required by section 277.28.

2. A vacancy shall be filled at the next regular school election if a member of a school board resigns from the board not later than forty-five days before the election and the notice of resignation specifies an effective date at the beginning of the next term of office for elective school officials. The president of the board shall declare the office vacant as of the date of the next organizational meeting. Nomination papers shall be filed with the county commissioner of elections for the unexpired term of the resigning member. The person elected at the next regular school election to fill the vacancy shall take office at the same time and place as the other elected school board members.

[C51, §1120; R60, §2037, 2038, 2079; C73, §1730, 1738; C97, §2758, 2771, 2772; S13, §2758, 2771, 2772; C24, §4223; C27, 31, 35, §4223-a2; C39, §**4223.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.6]

2002 Acts, ch 1134, §91, 115; 2015 Acts, ch 140, §56, 58, 59; 2016 Acts, ch 1121, §9; 2017 Acts, ch 120, §10; 2026 Acts, ch 1073, §15, 16

Referred to in §275.25, 275.41, 277.30, 279.7
Subsection 1, paragraph b, subparagraph (1) amended
Subsection 2 amended

279.7 Vacancies filled by special election — qualification — tenure.

1. If a vacancy or vacancies occur among the elective officers or members of a school board and the remaining members of the board have not filled the vacancy within thirty days after the vacancy occurs or if a valid petition is submitted to the secretary of the board pursuant to section 279.6, subsection 1, or when the board is reduced below a quorum, the secretary of the board, or if there is no secretary, the area education agency administrator, shall call a special election in the district, subdistrict, or subdistricts, as the case may be, to fill the vacancy or vacancies. The county commissioner of elections shall publish the notices required by law for special elections, and the election shall be held not sooner than thirty days nor later than forty days after the thirtieth day following the day the vacancy occurs. If the secretary fails for more than three days to call an election, the administrator shall call it.

2. An appointment by the board to fill any vacancy in an elective office on or after the day notice has been given for a special election to fill such vacancy as provided in this section shall be null and void.

3. In the case of a special election as provided in this section to fill a vacancy occurring among the elective officers or members of a school board before the expiration of a full term, the person so elected shall qualify within ten days from the final canvass of the election by the county board in the manner required by section 277.28 and shall hold office for the residue of the unexpired term and until a successor is elected, or appointed, and qualified.

4. Nomination petitions shall be filed in the manner provided in section 277.4, except that the petitions shall be filed not less than twenty-five days before the date set for the election.

[C51, §1120; R60, §2037, 2038, 2079; C73, §1730, 1738; C97, §2758, 2771, 2772; S13, §2758, 2771, 2772; C24, §4223; C27, 31, 35, §4223-b1; C39, §**4223.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.7]

87 Acts, ch 48, §1; 89 Acts, ch 136, §65; 93 Acts, ch 67, §1; 2010 Acts, ch 1033, §40; 2015 Acts, ch 140, §57 – 59; 2016 Acts, ch 1121, §10; 2019 Acts, ch 148, §57

Referred to in §275.25, 275.41, 277.30, 279.6

279.7A Interest in public contracts prohibited — exceptions.

1. A member of the board of directors of a school corporation shall not have an interest, direct or indirect, in a contract for the purchase of goods, including materials and profits, and the performance of services for the director's school corporation. A contract entered into in violation of this section is void.

2. This section does not apply to contracts for the purchase of goods or services which

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benefit a director, or to compensation for part-time or temporary employment which benefits a director, if the benefit to the director does not exceed twenty thousand dollars in a fiscal year, and contracts made by a school board, upon competitive bid in writing, publicly invited and opened.

3. This section does not apply to a contract that is a bond, note, or other obligation of a school corporation if the contract is not acquired directly from the school corporation, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract, or to a contract in which a director has an interest solely by reason of employment if the contract is made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract.

4. The competitive bid qualification of this section does not apply to a contract for professional services not customarily awarded by competitive bid.

90 Acts, ch 1209, §2; 91 Acts, ch 258, §40; 2000 Acts, ch 1187, §1; 2001 Acts, ch 53, §2; 2003 Acts, ch 36, §1; 2019 Acts, ch 74, §1; 2022 Acts, ch 1006, §2, 3

Referred to in §277.27, 298A.15
Sale of textbooks and supplies prohibited, see §301.28

279.8 General rules — bonds of employees.

1. The board shall make rules for its own government and that of the directors, officers, employees, teachers and pupils, and for the care of the schoolhouse, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by law and the rules. The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow or other weather conditions. The board shall have the authority to include in its rules provisions allowing school corporation employees to use school credit cards to pay for the actual and necessary expenses incurred in the performance of work-related duties.

2. Employees of a school corporation maintaining a high school who have the custody of funds belonging to the corporation or funds derived from extracurricular activities and other sources in the conduct of their duties, shall be required to furnish suitable bond indemnifying the corporation or any activity group connected with the school against loss, and employees who have the custody of property belonging to the corporation or any activity group connected with the school may be required to furnish such bond. Said bond or bonds may be in such form and penalty as the board may approve and the premiums on same shall be paid from the general fund of the corporation.

[R60, §2037; C97, §2772; S13, §2772; C24, 27, 31, 35, 39, §**4224;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.8]

84 Acts, ch 1315, §35

Referred to in §279.9, 279.9B, 279.22, 808A.1

279.8A Traffic and parking.

1. The board may make necessary rules to provide for the policing, control, and regulation of traffic and parking of vehicles and bicycles on school grounds. The rules may provide for the use of institutional roads, driveways, and grounds; registration of vehicles and bicycles; the designation of parking areas; the erection and maintenance of signs designating prohibitions or restrictions; the installation and maintenance of parking control devices; and assessment, enforcement, and collection of reasonable penalties for the violation of the rules.

2. Rules made under this section may be enforced under procedures adopted by the board. Penalties may be imposed for violation of the rules, including but not limited to a reasonable monetary penalty. The rules made under this section may also be enforced by the impoundment of vehicles and bicycles for violation of the rules. The board shall establish procedures for the determination of controversies in connection with the imposition of penalties. The procedures must require giving notice of the violation and the penalty prescribed and providing the opportunity for an administrative hearing.

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3. The board may contract with a city or county to enforce rules made under this section by ordinance of the city or county, and shall consult with local government transportation officials to ensure that rules made pursuant to this section are not in conflict with city or county parking and traffic ordinances.

96 Acts, ch 1219, §70; 2017 Acts, ch 54, §76

279.8B Petition — school board meeting agenda — public comment.

1. Upon petition signed by eligible electors of a school district equal in number to at least ten percent of the persons who voted in the last preceding election of school officials under section 277.1, or five hundred eligible electors, whichever is less, the board of directors of the school district shall place the proposal specified in the petition on the agenda of the next regular meeting of the school board or on the agenda of a school board meeting held within thirty days of receipt of the petition filed in accordance with this subsection. If the proposal relates to curriculum, the school district may halt use of the subject instructional materials until the school board holds the board meeting at which the proposal is presented and discussed. The meeting notice shall include a brief description of the proposal.

2. The board of directors of the school district shall provide sufficient time to receive public comment on the proposal. The board shall allow each interested member of the public to speak at the meeting regarding the proposal, but may impose a time limit on the amount of time a member of the public is allowed to speak if the time limit is the same for each speaker and necessary due to the amount of people wishing to speak.

2021 Acts, ch 170, §31

Referred to in §279.77

279.9 Use of tobacco, alcoholic beverages, or controlled substances.

The rules adopted under section 279.8 shall include rules prohibiting the use of tobacco and the use or possession of alcoholic liquor, wine, or beer or any controlled substance as defined in section 124.101, subsection 5, by any student of the schools. The board may suspend or expel a student for a violation of a rule described under this section.

[S13, §2772; C24, 27, 31, 35, 39, §**4225;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.9]

94 Acts, ch 1131, §2; 2021 Acts, ch 80, §150

Referred to in §260C.14, 279.9A, 808A.1

279.9A Student transfers — information sharing.

The rules referred to in section 279.9 shall provide that upon the request of school officials of a school to which the student seeks to transfer or has transferred, school officials of the sending school shall provide an accurate record of any suspension or expulsion actions taken, and the basis for those actions taken, against the student under sections 279.9, 280.19A, 280.21B, 282.3, 282.4, and 282.5. The designated representative shall disclose this information only to those school employees whose duties require them to be involved with the student. For purposes of this section, *"school employees"* means persons employed by a nonpublic school or school district, or any area education agency staff member who provides services to a school or school district.

94 Acts, ch 1131, §3; 2013 Acts, ch 90, §68

279.9B Reports to juvenile authorities.

The rules adopted under section 279.8 shall require, once school officials have been notified by a juvenile court officer that a student attending the school is under supervision or has been placed on probation, that school officials shall notify the juvenile court of each unexcused absence or suspension or expulsion of the student.

97 Acts, ch 126, §37

279.10 School year — beginning date — exemption.

1. The school year for each school district and accredited nonpublic school shall begin on July 1 and the school calendar shall begin no sooner than August 23 and no later than the first Monday in December. The school calendar shall include not less than one hundred eighty days or one thousand eighty hours of instruction during the calendar year, of which

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not more than five days or thirty hours of instruction may be delivered primarily over the internet except as otherwise provided in section 256.43 or in rules adopted by the state board of education pursuant to section 256.7, subsection 32. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall determine the school start date for the school calendar in accordance with this subsection and shall set the number of days or hours of required attendance for the school year as provided in section 299.1, subsection 2, but the board of directors of a school district shall hold a public hearing on any proposed school calendar prior to adopting the school calendar. If the board of directors of a district or the authorities in charge of an accredited nonpublic school extends the school calendar because inclement weather caused the school district or accredited nonpublic school to temporarily close during the regular school calendar, the school district or accredited nonpublic school may excuse a graduating senior who has met district or school requirements for graduation from attendance during the extended school calendar. A school corporation may begin employment of personnel for in-service training and development purposes before the date to begin elementary and secondary school.

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school may apply to the department of education for authorization to maintain a year-round school calendar at an attendance center or school for students in prekindergarten through grade twelve. However, a board shall hold a public hearing on any proposal relating to authorization for a year-round school calendar prior to submitting an application under this subsection to the department of education for approval.

a. The initial application for a year-round school calendar shall be submitted to the department of education not later than November 1 of the preceding school year. The department shall notify the board or the authorities of the approval or denial of an application not later than the next following January 15. The application may be approved for one or two years at a time. A board or the authorities in charge may reapply to renew an authorization by November 1 of the year prior to expiration of the authorization.

b. An attendance center or school authorized to maintain a year-round calendar must serve all students attending the school and shall not be limited based on student achievement or based on the trait or characteristic of the student as defined in section 280.28, Code 2024.

c. An attendance center or school authorized to maintain a year-round school calendar under this subsection shall provide at least ten days of instruction or the hourly equivalent during eleven of the twelve months of the school year. The period of time between instructional days shall not exceed six weeks.

d. A year-round school calendar authorized pursuant to this subsection is exempt from the school start date specified in subsection 1.

[R60, §2023, 2037; C73, §1724, 1727; C97, §2773; S13, §2773; C24, 27, 31, 35, 39, §**4226;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.10]

83 Acts, ch 17, §1, 3, 4; 85 Acts, ch 6, §1, 2; 86 Acts, ch 1245, §1467; 88 Acts, ch 1087, §1; 88 Acts, ch 1259, §1; 90 Acts, ch 1272, §68; 94 Acts, ch 1020, §1; 2010 Acts, ch 1061, §180; 2013 Acts, ch 121, §81, 82, 85; 2014 Acts, ch 1003, §2; 2015 Acts, ch 31, §2, 3, 5; 2015 Acts, ch 138, §40, 52, 161; 2016 Acts, ch 1011, §44; 2020 Acts, ch 1107, §9; 2023 Acts, ch 90, §12; 2025 Acts, ch 64, §1; 2025 Acts, ch 114, §1

Referred to in §256.7, 256.11, 256E.7, 256E.23, 257.17, 279.91, 299.1

279.11 Number of schools — attendance — terms — classroom assignment.

1. The board of directors shall determine the number of schools to be taught, divide the corporation into such wards or other divisions for school purposes as may be proper, determine the particular school which each child shall attend, and designate the period each school shall be held beyond the time required by law.

2. *a.* A parent or guardian of siblings may request of a school principal that the siblings be placed in the same classroom or in separate classrooms if the siblings are in the same grade level academically for kindergarten through grade five. The school principal in consultation with the siblings' classroom teachers for the prior school year, may recommend classroom placement to the parent or guardian. The school principal shall provide the placement requested by the parent or guardian, unless the school principal makes a

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classroom placement determination as provided under paragraph *"b"* or if the placement would require the school district to add an additional class at the siblings' grade level. A request made by a parent or guardian under this paragraph must be submitted to the school principal at the time of registration for classes or, if the siblings are enrolled in the school district after the school year commences, within fourteen days after the siblings' first day of attendance during the school year.

b. At the end of the initial grading period following the siblings' placement in the same classroom in accordance with paragraph *"a"*, if the school principal, in consultation with the siblings' classroom teacher and parent or guardian, determines that placement in the same classroom is disruptive to the class, the school principal may assign one or more of the siblings to a different classroom.

c. For purposes of this subsection, *"disruptive to the class"* includes classroom placement of the siblings where it is determined that a sibling's behavior or actions are detrimental to other students' academic achievement or substantially interferes with other students' abilities to participate in or benefit from the services, activities, or privileges provided by the school.

d. A parent or guardian may appeal the assignment of siblings made by a school principal under this subsection to the board of directors of the school district.

[R60, §2023, 2037; C73, §1724, 1727; C97, §2773; S13, §2773; C24, 27, 31, 35, 39, §**4227;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.11]

2019 Acts, ch 72, §1; 2020 Acts, ch 1062, §41

279.12 Contracts — teachers — insurance — educational leave.

1. The board shall carry into effect any instruction from the regular election upon matters within the control of the voters, and shall elect all teachers and make all contracts necessary or proper for exercising the powers granted and performing the duties required by law, and may establish and pay all or any part thereof from school district funds the cost of group health insurance plans, nonprofit group hospital service plans, nonprofit group medical service plans, and group life insurance plans adopted by the board for the benefit of employees of the school district, but the board may authorize any subdirector to employ teachers for the school in the subdirector's subdistrict; but no such employment by a subdirector shall authorize a contract, the entire period of which is wholly beyond the subdirector's term of office.

2. The board may enter into an agreement pursuant to chapter 28E with another school district or an area education agency for the purpose of jointly procuring a group health insurance plan, nonprofit group hospital service plan, nonprofit group medical service plan, or group life insurance plan for the benefit of the districts or agencies which are parties to the agreement. Such plan may include a cafeteria plan as defined in 26 C.F.R. §1.125-2T. An agreement entered into pursuant to this subsection shall not be construed to establish a multiple employer welfare arrangement as defined in section 3 of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. §1002, paragraph 40.

3. The board may approve a policy for educational leave for licensed school employees and for reimbursement for tuition paid by licensed school employees for courses approved by the board. The board of directors of a community college may approve a policy for educational leave for its instructors and for reimbursement for tuition paid by its instructors for courses approved by the board. For the purpose of this section, *"educational leave"* means a leave granted to an employee for the purpose of study including study in areas outside of a teacher's area of specialization, travel, or other reasons deemed by the board to be of value to the school system.

[C73, §1723, 1757; C97, §2778; SS15, §2778; C24, 27, 31, 35, 39, §**4228;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.12]

89 Acts, ch 265, §40; 95 Acts, ch 22, §1; 2002 Acts, ch 1047, §13, 20; 2017 Acts, ch 54, §76

Referred to in §256.103, 256.160, 273.22, 275.33

279.13 Contracts with teachers — automatic continuation — initial background investigations.

1. *a.* Contracts with teachers, which for the purpose of this section means all licensed

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employees of a school district and nurses employed by the board, excluding superintendents, assistant superintendents, principals, and assistant principals, shall be in writing and shall state the number of contract days, the annual compensation to be paid, and any other matters as may be mutually agreed upon. The contract may include employment for a term not exceeding the ensuing school year, except as otherwise authorized.

b. (1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 256, subchapter VII, part 3, the school district or accredited nonpublic school shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check, and review the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant for employment as a teacher.

(2) The school district or accredited nonpublic school may charge the applicant a fee not to exceed the actual cost charged the school district or accredited nonpublic school for the state and national criminal history checks and registry checks conducted pursuant to subparagraph (1).

c. The contract is invalid if the teacher is under contract with another board of directors to teach during the same time period until a release from the other contract is achieved. The contract shall be signed by the president of the board, or by the superintendent if the board has adopted a policy authorizing the superintendent to sign teaching contracts, when tendered, and after it is signed by the teacher, the contract shall be filed with the secretary of the board before the teacher enters into performance under the contract.

2. The contract shall remain in force and effect for the period stated in the contract and shall be automatically continued for equivalent periods except as modified or terminated by mutual agreement of the board of directors and the teacher or as modified or terminated in accordance with the provisions specified in this chapter. A contract shall not be offered by the employing board to a teacher under its jurisdiction prior to March 15 of any year. A teacher who has not accepted a contract for the ensuing school year tendered by the employing board may resign effective at the end of the current school year by filing a written resignation with the secretary of the board. The resignation must be filed not later than the last day of the current school year or the date specified by the employing board for return of the contract, whichever date occurs first. However, a teacher shall not be required to return a contract to the board or to resign less than twenty-one days after the contract has been offered.

3. If the provisions of a contract executed or automatically renewed under this section conflict with a collective bargaining agreement negotiated under chapter 20 and effective when the contract is executed or renewed, the provisions of the collective bargaining agreement shall prevail.

4. For purposes of this section, sections 279.14, 279.15, 279.16, 279.19, and 279.27, unless the context otherwise requires, the following individuals employed by a community college are *"teachers"*:

a. (1) An instructor or faculty member who provides instruction to students enrolled in the community college that results in community college credit hours for the students and such instruction constitutes more than one-half of the instructor's or faculty member's workload, but does not include an adjunct instructor, a continuing education instructor, or a noncredit instructor.

(2) For purposes of this paragraph:

(a) *"Continuing education instructor"* means an individual employed by the community college who provides instruction that is primarily targeted toward adult learners or learners who are pursuing a community college education for a career or trade, including workforce development, job skills, personal enrichment, high school equivalency programs, and professional certification.

(b) *"Noncredit instructor"* means an individual employed by the community college who provides instruction in courses or programs that do not result in community college credit

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hours for students, including courses or programs related to workforce training, personal development, tutoring, or continuing education.

b. A librarian, including those denoted as being a learning resource specialist or a media specialist.

c. A counselor.

5. Notwithstanding the other provisions of this section, a temporary contract may be issued to a teacher for a period of up to six months. Notwithstanding the other provisions of this section, a temporary contract may also be issued to a teacher to fill a vacancy created by a leave of absence in accordance with the provisions of section 29A.28, which contract shall automatically terminate upon return from military leave of the former incumbent of the teaching position. Temporary contracts shall not be subject to the provisions of sections 279.15 through 279.19, or section 279.27. A separate extracurricular contract issued pursuant to section 279.19A to a person issued a temporary contract under this section shall automatically terminate with the termination of the temporary contract as required under section 279.19A, subsection 8.

[R60, §2055; C73, §1757; C97, §2778; SS15, §2778; C24, 27, 31, 35, 39, §**4229;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.13]

89 Acts, ch 265, §40; 2001 Acts, ch 159, §10; 2003 Acts, ch 19, §1; 2003 Acts, ch 180, §31; 2007 Acts, ch 108, §11; 2007 Acts, ch 215, §102; 2008 Acts, ch 1181, §35, 36; 2009 Acts, ch 119, §40; 2009 Acts, ch 133, §103; 2017 Acts, ch 2, §28, 29, 48, 49; 2023 Acts, ch 19, §2582; 2023 Acts, ch 100, §5; 2025 Acts, ch 145, §8, 9

Referred to in §256.103, 256.146, 256.160, 256.220, 256E.7, 273.3, 273.22, 275.33, 279.16, 279.19A, 279.19B, 279.23, 279.43, 279.69, 280.22, 284.2, 284.3A, 284.15, 284.16

279.14 Evaluation criteria and procedures.

1. The board shall establish evaluation criteria and evaluation procedures.

2. The determination of standards of performance expected of school district personnel shall be reserved as an exclusive management right of the school board and shall not be subject to mandatory negotiations under chapter 20. Objections to the procedures, use, or content of an evaluation in a teacher termination proceeding brought before the school board in a hearing held in accordance with section 279.16 or 279.27 shall not be subject to any grievance procedures negotiated in accordance with chapter 20.

[C77, 79, 81, §279.14]

98 Acts, ch 1215, §41; 98 Acts, ch 1216, §24; 2010 Acts, ch 1061, §47; 2017 Acts, ch 2, §30, 48, 49

Referred to in §256.103, 279.13, 279.16, 279.19B, 284.3

279.14A Professional development — notification.

If a school district requires an employee to participate in a particular professional development program, including a program that is included on the list developed by the department of education pursuant to section 256.9, subsection 67, the school district shall provide notice to the employee indicating the section of the Code, or rules adopted by the state board of education or the board of educational examiners, the school district determines requires the employee to participate in the professional development program.

2023 Acts, ch 96, §5

Referred to in §256.103, 279.16, 279.19B

279.14B Retaliation prohibition.

The board of directors of a school district shall not take any disciplinary action against an employee or contractor of the school district for disclosing information to any public official or law enforcement agency, including a disclosure to the ombudsman pursuant to section 2C.9, subsection 3, if the employee or contractor reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. For purposes of this section, "*disciplinary action*" includes termination of employment or the contractual relationship, suspension from employment, demotion, financial penalties, failing to take action regarding an employee's or contractor's promotion or proposed promotion, failing to

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provide an advantage in employment or the contractual relationship, and written or verbal reprimands.

2023 Acts, ch 96, §6
Referred to in §2C.9, 256.103, 256E.7, 279.16, 279.19B

279.15 Notice of termination — request for hearing.

1. The superintendent or the superintendent's designee shall notify the teacher not later than April 30 that the superintendent will recommend in writing to the board at a regular or special meeting of the board, held not later than May 15, that the teacher's continuing contract be terminated effective at the end of the current school year. However, if the district is subject to reorganization under chapter 275, the notification shall not occur until after the first organizational meeting of the board of the newly formed district.

2. *a.* Notification of recommendation of termination of a teacher's contract shall be in writing and shall be personally delivered to the teacher, or mailed by certified mail. The notification shall be complete when received by the teacher. The notification and the recommendation to terminate shall contain a short and plain statement of the reasons, which shall be for just cause, why the recommendation is being made. The notification shall be given at or before the time the recommendation is given to the board.

b. As a part of the termination proceedings, the teacher's complete personnel file of employment by that board shall be available to the teacher, which file shall contain a record of all periodic evaluations between the teacher and appropriate supervisors.

c. Within five days of the receipt of the written notice that the superintendent is recommending termination of the contract, the teacher may request, in writing to the secretary of the board, a private hearing with the board. The private hearing shall not be subject to chapter 21 and shall be held no sooner than twenty days and no later than forty days following the receipt of the request unless the parties otherwise agree. The secretary of the board shall notify the teacher in writing of the date, time, and location of the private hearing, and at least ten days before the hearing shall also furnish to the teacher any documentation which may be presented to the board at the private hearing and a list of persons who may address the board in support of the superintendent's recommendation at the private hearing. At least seven days before the hearing, the teacher shall provide any documentation the teacher expects to present at the private hearing, along with the names of any persons who may address the board on behalf of the teacher. This exchange of information shall be at the time specified unless otherwise agreed.

[R60, §2055; C73, §1757; C97, §2778; SS15, §2778; C24, 27, 31, 35, 39, §**4229;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.13; C77, 79, 81, §279.15]

86 Acts, ch 1239, §4; 91 Acts, ch 174, §7; 92 Acts, ch 1227, §18; 2010 Acts, ch 1061, §180; 2017 Acts, ch 2, §31, 48, 49
Referred to in §256.103, 256.160, 260C.39, 273.22, 275.33, 279.13, 279.16, 279.19, 279.19B, 279.27, 284.8

279.16 Private hearing — decision — record.

1. The participants at the private hearing shall be at least a majority of the members of the board and their legal representatives, if any, and the witnesses for the parties. The superintendent, the superintendent's designated representatives, if any, the teacher's immediate supervisor, the teacher, and the teacher's representatives, if any, may participate in the hearing as well. The evidence at the private hearing shall be limited to the specific reasons stated in the superintendent's notice of recommendation of termination. A participant in the hearing shall not be liable for any damages to any person if any statement at the hearing is determined to be erroneous as long as the statement was made in good faith. The superintendent shall present evidence and argument on all issues involved and the teacher may cross-examine, respond, and present evidence and argument in the teacher's behalf relevant to all issues involved. Evidence may be by stipulation of the parties and informal settlement may be made by stipulation, consent, or default or by any other method agreed upon by the parties in writing. The board shall keep a record of the private hearing. The proceedings or any part thereof shall be transcribed at the request of either party with the expense of transcription charged to the requesting party.

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2. The presiding officer of the board may administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction.

3. The board shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but it shall hold the hearing in such manner as is best suited to ascertain and conserve the substantial rights of the parties. Process and procedure under sections 279.13 through 279.15, this section, and sections 279.18 and 279.19 shall be as summary as reasonably may be.

4. If the teacher fails to timely request a private hearing or does not appear at the private hearing, the board may proceed and make a determination upon the superintendent's recommendation. The board shall convene in open session and by roll call vote determine the termination or continuance of the teacher's contract and, if the board votes to continue the teacher's contract, whether to suspend the teacher with or without pay for a period specified by the board or issue the teacher a one-year, nonrenewable contract.

5. Within five days after the private hearing, the board shall, in executive session, meet to make a final decision upon the recommendation and the evidence as herein provided.

6. *a.* The record for a private hearing shall include:

(1) All pleadings, motions, and intermediate rulings.

(2) All evidence received or considered and all other submissions.

(3) A statement of all matters officially noticed.

(4) All questions and offers of proof, objections, and rulings thereon.

(5) All findings and exceptions.

(6) Any decision, opinion, or conclusion by the board.

b. The decision of the board shall be based solely on the evidence in the record and on matters officially noticed in the record.

7. The decision of the board shall be in writing.

8. When the board has reached a decision, opinion, or conclusion, it shall convene in open meeting and by roll call vote determine the continuance or discontinuance of the teacher's contract and, if the board votes to continue the teacher's contract, whether to suspend the teacher with or without pay for a period specified by the board or issue the teacher a one-year, nonrenewable contract. The record of the private hearing and written decision of the board shall be exempt from the provisions of chapter 22. The secretary of the board shall immediately mail notice of the board's action to the teacher.

[C77, 79, 81, §279.16]

92 Acts, ch 1008, §1; 92 Acts, ch 1227, §19; 2001 Acts, ch 62, §1; 2017 Acts, ch 2, §32, 33, 48, 49; 2018 Acts, ch 1026, §96; 2019 Acts, ch 24, §37

Referred to in §256.103, 256.160, 260C.39, 273.22, 275.33, 279.13, 279.14, 279.19, 279.19B, 279.27

279.17 Appeal by teacher to adjudicator. Repealed by 2017 Acts, ch 2, §47 – 49.

279.18 Appeal by teacher to court.

1. If a teacher rejects the board's decision, the teacher shall, within thirty days of the initial filing of such decision, appeal to the district court of the county in which the administrative office of the school district is located. The notice of appeal shall be immediately mailed by certified mail to the board. The secretary of the board shall transmit to the reviewing court the original or a certified copy of the entire record which may be the subject of the petition. By stipulation of all parties to the review proceedings, the record of such a case may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional cost. The court may require or permit subsequent corrections or additions to the shortened record.

2. In proceedings for judicial review of the board's decision, the court shall not hear any further evidence but shall hear the case upon the certified record. In such judicial review, especially when considering the credibility of witnesses, the court shall give weight to the decision of the board, but shall not be bound by it. The court may affirm the board's decision or remand to the board for further proceedings upon conditions determined by the court. The court shall reverse, modify, or grant any other appropriate equitable or legal relief from the

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board decision, including declaratory relief, if substantial rights of the petitioner have been prejudiced because the action is any of the following:

a. In violation of constitutional or statutory provisions.

b. In excess of the statutory authority of the board.

c. In violation of a board rule or policy or contract.

d. Made upon unlawful procedure.

e. Affected by other error of law.

f. Unsupported by a preponderance of the competent evidence in the record made before the board when that record is viewed as a whole.

g. Unreasonable, arbitrary, or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

3. An aggrieved or adversely affected party to the judicial review proceeding may obtain a review of any final judgment of the district court by appeal to the supreme court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

4. For purposes of this section, unless the context otherwise requires, *"teacher"* shall include but not be limited to an instructor employed by a community college.

[C77, 79, 81, §279.18]

2002 Acts, ch 1047, §15; 2017 Acts, ch 2, §34, 48, 49

Referred to in §256.103, 256.160, 260C.39, 273.22, 275.33, 279.13, 279.16, 279.19B, 279.27

279.19 Probationary period.

1. The first three consecutive years of employment of a teacher in the same school district are a probationary period. However, if the teacher has successfully completed a probationary period of employment for another school district located in Iowa, the probationary period in the current district of employment shall not exceed two years. A board of directors may waive the probationary period for any teacher who previously has served a probationary period in another school district and the board may extend the probationary period for an additional year with the consent of the teacher.

2. In the case of the termination of a probationary teacher's contract, the contract may be terminated by the board of directors effective at the end of a school year without cause. The superintendent or the superintendent's designee shall notify the teacher not later than April 30 that the board has voted to terminate the contract effective at the end of the school year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the teacher. Within ten days after receiving the notice, the teacher may request a private conference with the school board to discuss the reasons for termination. The provisions of sections 279.15 and 279.16 shall not apply to such a termination.

3. The board's decision shall be final and binding unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the teacher.

[C77, 79, 81, §279.19]

98 Acts, ch 1215, §43; 98 Acts, ch 1216, §26, 41; 2001 Acts, ch 161, §18; 2002 Acts, ch 1152, §5; 2017 Acts, ch 2, §35, 48, 49; 2017 Acts, ch 54, §41

Referred to in §256.103, 256.160, 273.22, 275.33, 275.56, 279.13, 279.16, 279.19B, 279.27, 280.15

279.19A Extracurricular contracts.

1. School districts employing individuals to coach interscholastic athletic sports shall issue a separate extracurricular contract for each of these sports. An extracurricular contract offered under this section shall be separate from the contract issued under section 279.13. An extracurricular contract shall be in writing, and shall state the number of contract days for that sport, the annual compensation to be paid, and any other matters as may be mutually agreed upon. The contract shall be for a single school year.

2. *a.* If the school district offers an extracurricular contract for a sport for the subsequent school year to an employee who is currently performing under an extracurricular contract for that sport, and the employee does not wish to accept the extracurricular contract for

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the subsequent year, the employee may resign from the extracurricular contract within twenty-one days after it has been received.

b. If the provisions of an extracurricular contract executed under this section conflict with a collective bargaining agreement negotiated under chapter 20 and effective when the extracurricular contract is executed or renewed, the provisions of the collective bargaining agreement shall prevail.

3. The board of directors of a school district may require an employee who has resigned from an extracurricular contract to accept, as a condition of employment under section 279.13, the extracurricular contract for no longer than one additional school year if all the following conditions apply:

a. The employee has accepted a teaching contract issued by the board pursuant to section 279.13 for the subsequent school year.

b. The board of directors has made a good faith effort to fill the coaching position with a licensed or authorized replacement.

c. The position has not been filled by June 1 of the year in which the employee resigned the extracurricular contract.

4. As a condition of employment under section 279.13, the board of directors of a school district may require an employee who has been issued a teaching contract pursuant to section 279.13 to accept an extracurricular contract for which the employee is licensed, or may require as a condition of employment that an applicant for a teaching contract under section 279.13 accept an extracurricular contract if all of the following conditions apply:

a. The individual who held the coaching position during the year has not been issued a teaching contract by the board pursuant to section 279.13 for the subsequent school year, or has been terminated from the extracurricular contract.

b. The board of directors has made a good faith effort to fill the coaching position with a licensed or authorized replacement.

c. The position has not been filled by June 1 of the year in which the vacancy occurred for the interscholastic athletic sport.

5. *a.* Within seven days following June 1 of that year, the board shall notify the employee in writing if the board intends to require the employee to accept an extracurricular contract for the subsequent school year under subsection 3 or 4. If the employee believes that the board did not make a good faith effort to fill the position the employee may appeal the decision by notifying the board in writing within ten days after receiving the notification.

b. The appeal shall state why the employee believes that the board did not make a good faith effort to fill the position. If the parties are unable to informally resolve the dispute, the parties shall attempt to agree upon an alternative means of resolving the dispute.

c. If the dispute is not resolved by mutual agreement, either party may appeal to the district court.

6. Subsections 3, 4, and 5 do not apply if the terms of a collective bargaining agreement provide otherwise.

7. An extracurricular contract may be terminated prior to the expiration of that contract for any lawful reason following an informal, private hearing before the board of directors. The decision of the board to terminate an extracurricular contract shall be final.

8. *a.* A termination proceeding regarding an extracurricular contract shall not affect a contract issued pursuant to section 279.13.

b. A termination of a contract entered into pursuant to section 279.13, or a resignation from that contract by the teacher, constitutes an automatic termination or resignation of the extracurricular contract in effect between the same teacher and the employing school board.

9. For the purposes of this section, *"good faith effort"* includes advertising for the position in an appropriate publication, interviewing applicants, and giving serious consideration to those licensed or authorized, and otherwise qualified, applicants who apply.

10. The licensure requirements of subsections 3, 4, and 9 shall not apply to community colleges.

84 Acts, ch 1296, §1; 85 Acts, ch 74, §1 – 3; 89 Acts, ch 265, §40; 90 Acts, ch 1182, §3, 7; 2002 Acts, ch 1047, §16, 20; 2010 Acts, ch 1069, §78; 2017 Acts, ch 2, §36, 48, 49

Referred to in §256.11, 256.103, 256.160, 257.11, 273.22, 275.33, 279.13, 279.19B, 280.22

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279.19B Coaching endorsement and authorization.

1. *a.* The board of directors of a school district may employ for head coach of any interscholastic athletic activities or for assistant coach of any interscholastic athletic activity, an individual who possesses a coaching authorization issued by the board of educational examiners or possesses a teaching license with a coaching endorsement issued pursuant to chapter 256, subchapter VII, part 3. However, a board of directors of a school district shall consider applicants with qualifications described below, in the following order of priority:

(1) A qualified individual who possesses a valid teaching license with a proper coaching endorsement.

(2) A qualified individual who meets the requirements of section 256.165, subsection 1, paragraph *"a"*, and possesses a coaching authorization issued by the board of educational examiners.

(3) A qualified individual who meets the requirements of section 256.165, subsection 1, paragraph *"b"*, and possesses a transitional coaching authorization issued by the board of educational examiners.

b. Qualifications are to be determined by the board of directors or their designee on a case-by-case basis.

2. For the first two weeks in which a qualified individual who possesses a transitional coaching authorization is employed as a transitional coach and for the first extracurricular interscholastic athletic contest or competition sponsored by an organization as defined in section 280.13, the individual shall be supervised by a certified athletic director, administrator, or other practitioner in a supervisory role. If the individual performs to the supervising practitioner's satisfaction, the supervising practitioner shall sign and date an evaluation form provided by the organization to certify that the individual meets expectations to work with student athletes as a transitional coach. The organization shall develop and offer on its internet site an evaluation form that meets the requirements of this subsection.

3. An individual who has been issued a coaching authorization or who possesses a teaching license with a coaching endorsement but is not issued a teaching contract under section 279.13 and who is employed by the board of directors of a school district serves at the pleasure of the board of directors and is not subject to sections 279.13 through 279.19, and 279.27. Section 279.19A, subsection 1, applies to coaching authorizations.

4. The licensure and coaching authorization requirements of this section shall not apply to community colleges. An individual employed as a coach of a community college interscholastic athletic activity who is not issued a teaching contract under section 279.13 serves at the pleasure of the board of directors of the community college and is not subject to sections 279.13 through 279.19, and 279.27.

84 Acts, ch 1296, §2; 85 Acts, ch 49, §1; 88 Acts, ch 1284, §46; 89 Acts, ch 265, §35, 42; 93 Acts, ch 66, §1, 2; 2003 Acts, ch 19, §2; 2016 Acts, ch 1066, §3 – 5; 2017 Acts, ch 29, §82; 2023 Acts, ch 19, §2583

Referred to in §256.103, 256.160, 273.22, 275.33

279.20 Superintendent — term — employment of support personnel.

1. The board of directors of a school district may employ a superintendent of schools for a term of not to exceed three years. However, the board's initial contract with a superintendent shall not exceed one year if the board is obligated to pay a former superintendent under an unexpired contract. The superintendent shall be the executive officer of the board and have such powers and duties as may be prescribed by rules adopted by the board or by law. Boards of directors may jointly exercise the powers conferred by this section.

2. The board of directors of a school district may delegate the authority to hire support personnel and sign the support personnel employment contracts, if applicable, if the board adopts a policy authorizing the superintendent to perform such duties and specifying the positions the superintendent is authorized to fill. For purposes of this subsection, the term

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"support personnel" includes, but is not limited to, bus drivers, custodians, educational associates, and clerical and food service employees.

[R60, §2037; C73, §1726; C97, §2776; SS15, §2778; C24, 27, 31, 35, 39, §**4230;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.14; C77, 79, 81, §279.20]

87 Acts, ch 224, §48; 2004 Acts, ch 1175, §94

Referred to in §256.160, 273.3, 273.22, 273.23, 275.25, 275.33, 275.41, 279.23

279.21 Principals.

1. The board of directors of a school district may employ principals, under the provisions of section 279.23. A principal shall hold a current valid principal's certificate. Notwithstanding the provisions of section 279.23, after serving at least nine months, a principal may be employed for a term of not to exceed two years.

2. *a.* The principal, under the supervision of the superintendent of the school district and pursuant to rules and policies of the board of directors of the school district, shall be responsible for administration and operation of the attendance center to which the principal is assigned.

b. The principal shall, pursuant to the policies adopted by the board of directors of the school district, be responsible for the planning, management, operation, and evaluation of the educational program offered at the attendance center to which the principal is assigned and shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the attendance center. The principal shall perform such other duties as may be assigned by the superintendent.

c. For purposes of this section and sections 279.23, 279.23A, 279.24, and 279.25, the term *"principal"* includes school principals, associate principals, and assistant principals.

[C77, 79, 81, §279.21]

93 Acts, ch 32, §1; 2017 Acts, ch 54, §42

Referred to in §256.160, 273.22, 275.33

279.22 Residence of employees.

The board shall not adopt rules under section 279.8 which require its employees to reside within the boundaries of the school district.

[C81, §279.22]

279.23 Continuing contract for administrators.

1. Contracts with administrators shall be in writing and shall contain all of the following:

a. The term of employment which for all administrators except for superintendents may be a term of up to two years. Superintendents may be employed under section 279.20 for a term not to exceed three years.

b. The length of time during the school year services are to be performed.

c. The rate of compensation.

d. A statement that the contract is invalid if the administrator is under contract with another board of directors in this state covering the same period of time, until such contract shall have been released or terminated by its provisions.

e. Such other matters as may be agreed upon.

2. The contract shall be signed by the president and the administrator and shall be filed with the secretary of the board before the administrator enters upon performance of the contract. A contract shall not be tendered by an employing board to an administrator under its jurisdiction prior to March 15. A contract shall not be required to be signed by the administrator and returned to the board in less than twenty-one days after being tendered.

3. Except as otherwise specifically provided, an administrator's contract shall be governed by the provisions of this section and sections 279.23A, 279.24, and 279.25, and not by section 279.13.

4. For purposes of this section and sections 279.23A, 279.24, and 279.25, the term *"administrator"* includes school superintendents, assistant superintendents, educational directors employed by school districts for grades kindergarten through twelve, educational directors employed by area education agencies under chapter 273, principals, assistant principals, other certified school supervisors employed by school districts for grades

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kindergarten through twelve as defined under section 20.4, and other certified school supervisors employed by area education agencies under chapter 273. For purposes of this section and sections 279.23A, 279.24, and 279.25, with regard to community college employees, "*administrator*" includes the administrator of an instructional division or an area of instructional responsibility, and the administrator of an instructional unit, department, or section.

5. Notwithstanding the other provisions of this section, a temporary contract may be issued to an administrator for up to nine months. Notwithstanding the other provisions of this section, a temporary contract may also be issued to an administrator to fill a vacancy created by a leave of absence in accordance with the provisions of section 29A.28, which contract shall automatically terminate upon return from military leave of the former incumbent of the administrator position. Temporary contracts shall not be subject to the provisions of sections 279.24 and 279.25.

[C77, 79, 81, §279.23]

87 Acts, ch 94, §1; 93 Acts, ch 32, §2; 2003 Acts, ch 19, §3; 2003 Acts, ch 180, §32; 2017 Acts, ch 2, §37, 38, 48, 49

Referred to in §256.160, 273.3, 273.22, 273.23, 275.25, 275.33, 275.41, 279.21, 284A.2

279.23A Evaluation criteria and procedures.

The board shall establish written evaluation criteria and shall establish and annually implement evaluation procedures. The board shall also establish written job descriptions for all supervisory positions.

87 Acts, ch 94, §2

Referred to in §279.21, 279.23, 284A.3, 284A.4, 284A.6

279.24 Contract with administrators — automatic continuation or termination.

1. An administrator's contract shall remain in force and effect for the period stated in the contract. The contract shall be automatically continued in force and effect for additional one-year periods beyond the end of its original term, except and until the contract is modified or terminated by mutual agreement of the board of directors and the administrator, or until terminated as provided by this section.

2. If the board of directors is considering termination of an administrator's contract, prior to any formal action, the board may arrange to meet in closed session, in accordance with the provisions of section 21.5, with the administrator and the administrator's representative. The board shall review the administrator's evaluation, review the reasons for nonrenewal, and give the administrator an opportunity to respond. If, following the closed session, the board of directors and the administrator are unable to mutually agree to a modification or termination of the administrator's contract, the board of directors may issue a one-year nonrenewable contract to the administrator. If the board of directors decides to terminate the administrator's contract, the board shall follow the procedures in this section.

3. An administrator may file a written resignation with the secretary of the school board on or before May 1 of each year or the date specified by the school board for return of the contract, whichever date occurs first.

4. Administrators employed in a school district for less than three consecutive years are probationary administrators. However, a school board may extend the probationary period for an additional year with the consent of the administrator. If a school board determines that it should terminate a probationary administrator's contract, the school board shall notify the administrator not later than May 15 that the contract will not be renewed beyond the current year. The notice shall be in writing by letter, personally delivered, or mailed by certified mail. The notification shall be complete when received by the administrator. Within ten days after receiving the notice, the administrator may request a private conference with the school board to discuss the reasons for termination. The school board's decision to terminate a probationary administrator's contract shall be final unless the termination was based upon an alleged violation of a constitutionally guaranteed right of the administrator.

5. The school board may, by majority vote of the membership of the school board, cause the contract of an administrator to be terminated. If the school board determines that it

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should consider the termination of a nonprobationary administrator's contract, the following procedure shall apply:

a. On or before May 15, the administrator shall be notified in writing by a letter personally delivered or mailed by certified mail that the school board has voted to consider termination of the contract. The notification shall be complete when received by the administrator.

b. The notice shall state the specific reasons to be used by the school board for considering termination which for all administrators except superintendents shall be for just cause.

c. Within five days after receipt of the written notice that the school board has voted to consider termination of the contract, the administrator may request a private hearing in writing to the secretary of the school board. The board shall then forward the notification to the board of educational examiners along with a request that the board of educational examiners submit a list of five qualified administrative law judges who are employed by the division of administrative hearings created by section 10A.801 to the parties. Within three days from receipt of the list the parties shall select an administrative law judge by alternately removing a name from the list until only one name remains. The person whose name remains shall be the administrative law judge. The parties shall determine by lot which party shall remove the first name from the list. The private hearing shall be held no sooner than twenty days and not later than forty days following the administrator's request unless the parties otherwise agree. If the administrator does not request a private hearing, the school board, not later than May 31, may determine the continuance or discontinuance of the contract and, if the board determines to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board. School board action shall be by majority roll call vote entered on the minutes of the meeting. Notice of school board action shall be personally delivered or mailed to the administrator.

d. The administrative law judge selected shall notify the secretary of the school board and the administrator in writing concerning the date, time, and location of the private hearing. The school board may be represented by a legal representative, if any, and the administrator shall appear and may be represented by counsel or by representative, if any. Any witnesses for the parties at the private hearing shall be sequestered. A transcript or recording shall be made of the proceedings at the private hearing. A school board member or administrator is not liable for any damage to an administrator or school board member if a statement made at the private hearing is determined to be erroneous as long as the statement was made in good faith.

e. The administrative law judge shall, within ten days following the date of the private hearing, make a proposed decision as to whether or not the administrator should be dismissed, and shall give a copy of the proposed decision to the administrator and the school board. Findings of fact shall be prepared by the administrative law judge. The proposed decision of the administrative law judge shall become the final decision of the school board unless within thirty days after the filing of the decision the administrator files a written notice of appeal with the school board, or the school board on its own motion determines to review the decision.

f. If the administrator appeals to the school board, or if the school board determines on its own motion to review the proposed decision of the administrative law judge, a private hearing shall be held before the school board within ten days after the petition for review, or motion for review, has been made or at such other time as the parties agree. The private hearing is not subject to chapter 21. The school board may hear the case de novo upon the record as submitted before the administrative law judge. In cases where there is an appeal from a proposed decision or where a proposed decision is reviewed on motion of the school board, an opportunity shall be afforded to each party to file exceptions, present briefs, and present oral arguments to the school board which is to render the final decision. The secretary of the school board shall give the administrator written notice of the time, place, and date of the private hearing. The school board shall meet within five days after the private hearing to determine the question of continuance or discontinuance of the contract and, if the board determines to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board or issue the administrator a one-year,

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nonrenewable contract. The school board shall make findings of fact which shall be based solely on the evidence in the record and on matters officially noticed in the record.

g. The decision of the school board shall be in writing.

h. When the school board has reached a decision, opinion, or conclusion, it shall convene in open meeting and by roll call vote determine the continuance or discontinuance of the administrator's contract and, if the board votes to continue the administrator's contract, whether to suspend the administrator with or without pay for a period specified by the board or issue the administrator a one-year, nonrenewable contract. The record of the private hearing and written decision of the board shall be exempt from the provisions of chapter 22. The secretary of the school board shall immediately personally deliver or mail notice of the school board's action to the administrator.

i. The administrator may within thirty days after notification by the school board of discontinuance of the contract appeal to the district court of the county in which the administrative office of the school district is located.

6. The court may affirm the school board's action. The court shall reverse, modify, or grant any other appropriate relief from the school board's action, equitable or legal, and including declaratory relief, if substantial rights of the administrator have been prejudiced because the school board's action is any of the following:

a. In violation of constitutional or statutory provisions.

b. In excess of the statutory authority of the school board.

c. In violation of school board policy or rule.

d. Made upon unlawful procedure.

e. Affected by other error of law.

f. Unsupported by a preponderance of the evidence in the record made before the school board when that record is reviewed as a whole.

g. Unreasonable, arbitrary, or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

[C77, 79, 81, §279.24]

87 Acts, ch 39, §1; 88 Acts, ch 1109, §21; 90 Acts, ch 1249, §13; 92 Acts, ch 1009, §1; 92 Acts, ch 1227, §20; 93 Acts, ch 32, §3, 4; 2001 Acts, ch 62, §2; 2017 Acts, ch 2, §39, 40, 48, 49; 2023 Acts, ch 19, §1719

Referred to in §256.159, 256.160, 260C.39, 273.3, 273.22, 273.23, 275.25, 275.33, 275.41, 279.21, 279.23, 279.25

279.25 Discharge of administrator.

An administrator may be discharged at any time during the contract year for just cause. The administrator shall be notified in writing that the board has voted to consider termination of the administrator's contract and the applicable procedures of section 279.24 shall apply.

[C77, 79, 81, §279.25]

Referred to in §273.3, 279.21, 279.23

279.26 Lease arrangements.

The board of directors of a local school district for which a voter-approved physical plant and equipment levy has been voted pursuant to section 298.2, may enter into a rental or lease arrangement, consistent with the purposes for which the voter-approved physical plant and equipment levy has been voted, for a period not exceeding ten years and not exceeding the period for which the voter-approved physical plant and equipment levy has been authorized by the voters.

[C75, §279.23; C77, 79, 81, §279.26]

89 Acts, ch 135, §73

Referred to in §298.2

279.27 Discharge of teacher.

1. A teacher may be discharged at any time during the contract year for just cause. The superintendent or the superintendent's designee, shall notify the teacher immediately that the superintendent will recommend in writing to the board at a regular or special meeting of the board held not more than fifteen days after notification has been given to the teacher that the teacher's continuing contract be terminated effective immediately following a decision of

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the board. The procedure for dismissal shall be as provided in section 279.15, subsection 2, and sections 279.16 through 279.19. The superintendent may suspend a teacher under this section pending hearing and determination by the board.

2. For purposes of this section, *"just cause"* includes but is not limited to a violation of the code of professional conduct and ethics of the board of educational examiners if the board has taken disciplinary action against a teacher, during the six months following issuance by the board of a final written decision and finding of fact after a disciplinary proceeding.

[C73, §1734; C97, §2782; C24, 27, 31, 35, 39, §**4237;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.24; C77, 79, 81, §279.27]

2005 Acts, ch 3, §59; 2017 Acts, ch 2, §41, 48, 49

Referred to in §256.103, 279.13, 279.14, 279.19B, 284.8

279.28 Insurance — supplies — textbooks.

The board of directors may provide and pay out of the general fund to insure school property a sum as necessary, and may purchase dictionaries, library books, including books for the purpose of teaching vocal music, maps, charts, and apparatus for the use of the schools as deemed necessary by the board of directors for each school building under its charge; and may furnish schoolbooks to indigent children when they are likely to be deprived of the proper benefits of the school unless so aided.

[C73, §1729; C97, §2783; S13, §2783; C24, 27, 31, 35, 39, §**4238;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.25; C77, 79, 81, §279.28]

89 Acts, ch 83, §38

279.29 Claims — investments.

1. The board shall audit and allow all just claims against the corporation, and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed. In any district in which the board consists of five or more members, an audit made by one or more members of the board designated by the board or by a certified public accountant employed by the board, and certified to the board by such member or members of the board or by such accountant, shall satisfy the requirements of this section with respect to the audit of a claim.

2. Pending audit and allowance of claims under this section, the board shall invest moneys of the corporation to the extent practicable, and the board may provide for the joint investment of moneys with one or more school corporations pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.

[C51, §1146, 1149; R60, §2037, 2038; C73, §1732, 1733, 1738, 1813; C97, §2780; S13, §2780; C24, 27, 31, 35, 39, §**4239;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.26; C77, 79, 81, §279.29]

86 Acts, ch 1226, §4; 92 Acts, ch 1156, §11

Referred to in §256E.7, 256E.23, 261E.9

279.30 Payments — exceptions.

Each payment must be made payable to the person entitled to receive the money or deposited directly into an account at a financial institution, as defined in section 527.2, specified by the person entitled to receive the money. The board of directors of a school district or an area education agency may by resolution authorize the secretary, upon approval of the superintendent or designee, or administrator, in the case of an area education agency, to issue payments when the board of directors is not in session in payment of reasonable and necessary expenses, but only upon verified bills filed with the secretary or administrator, and for the payment of salaries pursuant to the terms of a written contract. Each payment must be made payable only to the person performing the service or presenting the verified bill, and must state the purpose for which the payment is issued. All bills and salaries for which payments are issued prior to audit and allowance by the board must be passed upon by the board of directors at the next meeting and be entered in the regular minutes of the secretary.

[C35, §4239-g1; C39, §**4239.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.27; C77, 79, 81, §279.30]

92 Acts, ch 1187, §4; 2006 Acts, ch 1152, §34; 2013 Acts, ch 88, §16

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279.31 Settlement with treasurer.

The board shall from time to time examine the accounts of the treasurer and make settlements with the treasurer.

[C51, §1146, 1149; R60, §2037, 2038; C73, §1732, 1733, 1738, 1813; C97, §2780; S13, §2780; C24, §4239; C27, 31, 35, §4239-a1; C39, §**4239.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.28; C77, 79, 81, §279.31]

279.32 Compensation of officers.

1. The board shall fix the compensation to be paid the secretary. No member of the board shall receive compensation for official services. The board may pay a school treasurer a reasonable compensation.

2. Actual and necessary expenses, including travel, incurred by the board or individual members thereof in the performance of official duties may be paid or reimbursed.

[C51, §1146, 1149; R60, §2037, 2038; C73, §1732, 1733, 1738, 1813; C97, §2780; S13, §2780; C24, §4239; C27, 31, 35, §4239-a3; C39, §**4239.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.29; C77, 79, 81, §279.32]

279.33 Annual settlements.

At a regular or special meeting held on or after August 31 of each year, and prior to the organizational meeting held after the regular school election, the board of each school corporation shall meet, examine the books of and settle with the secretary and treasurer for the year ending on the preceding June 30, and transact other business as necessary. The treasurer at the time of settlement shall furnish the board with a statement from each depository showing the balance then on deposit in the depository. If the secretary or treasurer fails to make proper reports for the settlement, the board shall take action to obtain the balance information.

[SS15, §2757; C24, 27, 31, 35, 39, §**4240;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.30; C77, 79, 81, §279.33]

83 Acts, ch 185, §4, 62; 2001 Acts, ch 47, §2; 2006 Acts, ch 1152, §35; 2010 Acts, ch 1033, §41; 2021 Acts, ch 25, §4

279.34 Motor vehicles required to operate on ethanol blended gasoline.

A motor vehicle purchased by or used under the direction of the board of directors to provide services to a school corporation shall not operate on gasoline other than ethanol blended gasoline as defined in section 214A.1. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline. However, the sticker is not required to be affixed to an unmarked vehicle used for purposes of providing law enforcement or security.

91 Acts, ch 254, §16; 93 Acts, ch 26, §5; 2006 Acts, ch 1142, §65; 2007 Acts, ch 126, §50

279.35 Publication of proceedings.

The proceedings of each regular, adjourned, or special meeting of the board, including the schedule of bills allowed, shall be published after the adjournment of the meeting in the manner provided in this section and section 279.36, and the publication of the schedule of the bills allowed shall include a list of claims allowed, including salary claims for services performed. The schedule of bills allowed may be published on a once monthly basis in lieu of publication with the proceedings of each meeting of the board. The list of claims allowed shall include the name of the person or firm making the claim, the purpose of the claim, and the amount of the claim. If the purpose for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the board shall provide at its office upon request an unconsolidated list of all claims allowed. Salaries paid to individuals regularly employed by the district shall only be published annually and the publication shall include the total amount of the annual salary of each employee. The

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secretary shall furnish a copy of the proceedings to be published within two weeks following the adjournment of the meeting.

[C27, 31, 35, §4242-b1; C39, §**4242.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.33; C77, 79, 81, §279.35]

83 Acts, ch 185, §6, 62; 87 Acts, ch 224, §49; 2006 Acts, ch 1018, §2
Referred to in §260C.14, 279.36

279.36 Publication procedures and fee.

1. The requirements of section 279.35 are satisfied by publication in at least one newspaper published in the district or, if there is none, in at least one newspaper having general circulation within the district.

2. For the fiscal year beginning July 1, 1989, and each fiscal year thereafter, the fee for the publications shall be the legal publication fee provided by section 618.11.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.34; C77, 79, 81, §279.36]

87 Acts, ch 224, §50; 2018 Acts, ch 1026, §97; 2019 Acts, ch 59, §82
Referred to in §260C.14, 279.6, 279.35

279.37 Employment of counsel.

A school corporation may employ an attorney to represent the school corporation as necessary for the proper conduct of the legal affairs of the school corporation.

[R60, §2040; C73, §1740; C97, §2759; C24, 27, 31, 35, 39, §**4245;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §279.35; C77, 79, 81, §279.37]

279.38 Membership in association of school boards — audit.

1. Boards of directors of school corporations may pay, out of funds available to them, reasonable annual dues to the Iowa association of school boards. Each board that pays membership dues to the Iowa association of school boards shall annually report to the local community the amount the board pays in annual dues to the Iowa association of school boards, the amount of any fees paid and revenue or dividend payments received for services the board receives from the association or from any of the association's affiliated for-profit entities, and the products or services the school district received inclusive with membership in the association.

2. The financial condition and transactions of the Iowa association of school boards shall be audited as provided in section 11.6. In addition, annually the Iowa association of school boards shall publish and submit to the department of education a listing of the school districts and the annual dues paid by each, the total revenue the association receives from each school district resulting from the payment of membership fees and the sale of products and services to the school district by the association or its affiliated for-profit entities, and shall publish an accounting of all moneys expended for expenses incurred by and salaries paid to legislative representatives and lobbyists of the association. In addition, the association shall submit to the general assembly copies of all reports the association provides to the United States department of education relating to federal grants and grant amounts that the association or its affiliated for-profit entities administer or distribute to school districts. The Iowa association of school boards is subject to chapters 21 and 22 relating to open meetings and public records.

3. Membership in such an Iowa association of school boards shall be limited to those duly elected members of the boards of directors of local school corporations.

[C71, 73, 75, §279.37; C77, 79, 81, §279.38]

83 Acts, ch 185, §7, 62; 89 Acts, ch 264, §7; 2010 Acts, ch 1183, §30; 2011 Acts, ch 75, §38; 2021 Acts, ch 25, §5

279.38A Membership in other organizations — reporting requirements.

1. Duly elected members of boards of directors and designated administrators of school corporations may join, including the payment of dues, and participate in local, regional, and national organizations which directly relate to the functions of the board of directors.

2. Each board that pays membership dues to an organization in accordance with this section shall annually report to the local community and to the department of education the

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amount the board pays in annual dues to the organization, the amount of any fees paid and revenue or dividend payments received for services the board receives from the organization, and the products or services the school district received inclusive with membership in the organization. If the organization administers federal education grants on behalf of school districts or distributes federal education grant funds to school districts, the organization shall submit to the general assembly copies of all reports the organization provides to the United States department of education, on the date on which each such report is provided to the United States department of education, relating to federal grants and grant amounts that the organization administers for or distributes to school districts. The governing board of the organization is subject to chapters 21 and 22 relating to open meetings and public records.

93 Acts, ch 117, §3; 2010 Acts, ch 1183, §31

279.39 School buildings.

The board of any school corporation shall establish attendance centers and provide suitable buildings for each school in the district and may at the regular or a special meeting resolve to submit to the registered voters of the district at an election held on a date specified in section 39.2, subsection 4, the question of voting a tax or authorizing the board to issue bonds, or both.

93 Acts, ch 160, §15; 95 Acts, ch 67, §53; 2008 Acts, ch 1115, §47, 71; 2023 Acts, ch 71, §120, 136

Extended time contracts for facilities, see §278.1

2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

279.40 Sick leave.

1. *a.* Public school employees are granted leave of absence for medically related disability with full pay in the following minimum amounts:

(1) The first year of employment.....10 days.
(2) The second year of employment.....11 days.
(3) The third year of employment .....12 days.
(4) The fourth year of employment .....13 days.
(5) The fifth year of employment.....14 days.
(6) The sixth and subsequent years of employment .....15 days.

b. The above amounts shall apply only to consecutive years of employment in the same school district and unused portions shall be cumulative to at least a total of ninety days. The school board shall, in each instance, require such reasonable evidence as it may desire confirming the necessity for such leave of absence.

2. Nothing in this section shall be construed as limiting the right of a school board to grant more time than the days herein specified.

3. Cumulation of sick leave under this section shall not be affected or terminated due to the organization or dissolution of a community school district or districts which include all or the portion of the district which employed the particular public school employee for the school year previous to the organization or dissolution, if the employee is employed by one of the community school districts for the first school year following its organization or dissolution.

4. Any amounts due an employee under this section shall be reduced by benefits payable under sections 85.33 and 85.34, subsection 1.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §279.40]

2010 Acts, ch 1061, §99

279.41 Schoolhouses and sites sold — funds.

1. Moneys received from the condemnation, sale, or other disposition for public purposes of schoolhouses, school sites, or both schoolhouses and school sites, shall be deposited in the physical plant and equipment levy fund and may, without a vote of the electorate, be used for purposes authorized under section 298.3, as ordered by the board of directors of the school corporation.

2. Notwithstanding subsection 1, the board of directors of a school corporation may take action to deposit moneys received as provided in subsection 1 in any account maintained

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by the school corporation after holding a public hearing on the proposed action of the board. The board shall publish notice of the time and place of the public hearing in the same manner as required in section 24.9.

[C62, 66, 71, 73, 75, 77, 79, 81, §279.41]

94 Acts, ch 1029, §18; 2006 Acts, ch 1152, §36; 2021 Acts, ch 25, §6; 2023 Acts, ch 64, §45

279.42 Gifts to schools.

The board of directors of a school district that receives funds through a gift, devise, or bequest shall deposit the funds in a trust fund, permanent fund, or custodial fund and shall use the funds in accordance with the terms of the gift, devise, or bequest.

[C66, 71, 73, 75, 77, 79, 81, §279.42]

94 Acts, ch 1029, §19; 2013 Acts, ch 88, §17; 2020 Acts, ch 1022, §4

Gifts to governmental bodies, see also §565.6

279.43 Reporting inappropriate teaching assignments.

An employee licensed by the board of educational examiners and holding a contract as described in section 279.13 shall disclose any occurrence of a teaching assignment for which that employee is not properly licensed to the school official responsible for determining teaching assignments. Failure of the employee to disclose this occurrence or failure of the school official responsible for determining teaching assignments to make appropriate adjustments to the employee's teaching assignment once the employee discloses the occurrence shall constitute an incident of misconduct as provided in section 256.146, subsection 13, and is actionable by the board. If the school official fails to make appropriate adjustments to the teaching assignment once disclosure by the employee is made, the employee shall report this occurrence to the department or to the board for further action.

2007 Acts, ch 214, §35

279.44 Energy audits. Repealed by 2021 Acts, ch 25, §10.

279.45 Administrative expenditures.

The administrative expenditures as a percent of a school district's general fund for a base year shall not exceed five percent. Annually, the board of directors shall certify to the department of education the amounts of the school district's administrative expenditures and its general fund. For the purposes of this section, *"base year"* means the same as defined in section 257.2, and *"administrative expenditures"* means expenditures for executive administration.

86 Acts, ch 1226, §5; 88 Acts, ch 1158, §56; 89 Acts, ch 135, §74; 2013 Acts, ch 88, §18

279.46 Retirement incentives — tax.

The board of directors of a school district may adopt a program for payment of a monetary bonus, continuation of health or medical insurance coverage, or other incentives for encouraging its employees to retire before the normal retirement date as defined in chapter 97B. The program is available only to employees who notify the board of directors prior to April 1 of the fiscal year that they intend to retire not later than the start of the next following school calendar. The age at which employees shall be designated eligible for the program shall be at the discretion of the board. An employee retiring under this section may apply for a retirement allowance under chapter 97B or chapter 294. The board may include in the district management levy an amount to pay the total estimated accumulated cost to the school district of the health or medical insurance coverage, bonus, or other incentives for employees fifty-five years of age or older who retire under this section.

87 Acts, ch 224, §51; 89 Acts, ch 135, §75; 92 Acts, ch 1220, §1; 98 Acts, ch 1216, §27, 43; 2002 Acts, ch 1152, §6; 2003 Acts, ch 180, §33; 2014 Acts, ch 1052, §1 – 3

Referred to in §298.4

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279.47 Telecommunications — participation by school districts in database development.

The board of directors of each school district utilizing telecommunications as an instructional tool shall participate in procedures adopted by the state board of education under section 256.7, subsection 9.

87 Acts, ch 207, §2

279.48 Equipment purchase.

1. The board of directors of a school corporation may purchase equipment, and may negotiate and enter into a loan agreement and issue a note to pay for the equipment subject to the following terms and procedures:

a. The note must mature within five years, or the useful life of the equipment, whichever is less.

b. The note may bear interest at a rate to be determined by the board of directors in the manner provided in section 74A.3, subsection 1, paragraph *"a"*. Chapter 75 is not applicable.

c. The board of directors shall provide for the form of the agreement and note.

d. Principal and interest on the note must be payable from budgeted receipts in the debt service fund for each year of a period of up to five years.

2. The total of scheduled annual payments of principal or interest due and payable from current budgeted receipts or future budgeted receipts with respect to all loan agreements authorized under this section or section 285.10, subsection 7, paragraph *"b"*, must not exceed ten percent of the last authorized budget of the school corporation.

94 Acts, ch 1175, §7; 2008 Acts, ch 1032, §198; 2021 Acts, ch 25, §7

Referred to in §273.3, 279.53

279.49 Child care programs.

1. The board of directors of a school corporation may operate or contract for the operation of a program to provide child care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. Programs operated or contracted by a board shall be licensed by the department of health and human services under chapter 237A as a child care center unless the program is exempt from licensure under chapter 237A. Notwithstanding requirements of the department of health and human services regarding space allocated to child care centers licensed under chapter 237A, a program operated or contracted by a board which is located on school grounds may define alternative spaces, in policy and procedures, appropriate to meet the needs of children in the program if the primary space is required for another use.

2. *a.* The person employed to be responsible for a program operated or contracted by a board shall collaborate with that board in the operation of that program.

b. An employee of a program operated or contracted by a board shall be subject to a background investigation at least once every five years after the employee's initial date of hire.

3. The facilities housing a program operated under this section shall comply with standards adopted by the director of the department of inspections, appeals, and licensing for school buildings under chapter 10A, subchapter V, part 2. In addition, if a program involves children who are younger than school age, the facilities housing those children shall meet the fire safety standards which would apply to that age of child in a child care facility licensed by the department of health and human services.

4. The board may establish a fee for the cost of participation in a child care program authorized under this section. The fee shall be established pursuant to a sliding fee schedule based upon staffing costs and other expenses and a family's ability to pay. If a fee is established, the parent or guardian of a child participating in a program shall be responsible for payment of any agreed upon fee. The board may require the parent or guardian to furnish transportation of the child.

5. The board may utilize or make application for program subsidies from any existing child care funding streams.

6. The components of programs established under this section for child care shall

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include, but are not limited to, parental involvement in program design and direction, activities designed to further children's physical, mental, and emotional development, and a parental education component to educate parents about the physical, mental, and emotional development of children.

85 Acts, ch 173, §26; 89 Acts, ch 206, §10; 89 Acts, ch 265, §40; 92 Acts, ch 1212, §27; 94 Acts, ch 1175, §8; 99 Acts, ch 192, §33; 2015 Acts, ch 88, §2, 3, 5; 2023 Acts, ch 19, §1031, 1655
Referred to in §256.9, 256A.3, 280.3A, 298A.12

279.50 Human growth and development instruction — early intervention programs.

1. Subject to section 279.80, each school board shall provide instruction in kindergarten which gives attention to experiences relating to life skills and human growth and development as required in section 256.11. School districts shall use research provided in section 256.9, subsection 46, paragraph *"b"*, to evaluate and upgrade their instructional materials and teaching strategies for human growth and development.

2. *a.* Subject to section 279.80, each school board shall provide age-appropriate and research-based instruction in human growth and development including instruction regarding self-esteem, stress management, interpersonal relationships, and domestic abuse in grades one through six.

b. (1) In grades five and six, the age-appropriate and research-based instruction in human growth and development described in paragraph *"a"* shall include all of the following:

(a) Instruction related to human development inside the womb.

(b) A high-definition ultrasound video showing the presence of the brain, heart, and other vital organs in early fetal development.

(c) A high-quality, computer-generated rendering or animation, or an ultrasound or other real image, that depicts the humanity of the unborn child by showing prenatal human development, starting at fertilization, noting significant markers in cell growth and organ development throughout every stage of pregnancy.

(2) The age-appropriate and research-based instruction in human growth and development described in paragraph *"a"* shall not include any book, article, outline, handout, video, or other educational material produced or provided by an entity that does any of the following:

(a) Performs abortions.

(b) Promotes abortions.

(c) Contracts or subcontracts with an entity that performs or promotes abortions.

(d) Becomes or continues to be an affiliate of any entity that performs or promotes abortions.

(e) Regularly makes referrals to an entity that provides or promotes abortions.

c. The state board of education shall adopt rules pursuant to chapter 17A to administer and interpret this subsection.

3. *a.* Each school board shall provide age-appropriate and research-based instruction in human growth and development including instruction regarding human sexuality, self-esteem, stress management, interpersonal relationships, domestic abuse, and the prevention and control of disease, including sexually transmitted diseases as required in section 256.11, in grades seven through twelve.

b. (1) The age-appropriate and research-based instruction in human growth and development described in paragraph *"a"* shall include all of the following:

(a) Instruction related to human development inside the womb.

(b) A high-definition ultrasound video showing the presence of the brain, heart, and other vital organs in early fetal development.

(c) A high-quality, computer-generated rendering or animation, or an ultrasound or other real image, that depicts the humanity of the unborn child by showing prenatal human development, starting at fertilization, noting significant markers in cell growth and organ development throughout every stage of pregnancy.

(2) The age-appropriate and research-based instruction in human growth and development described in paragraph *"a"* shall not include any book, article, outline, handout,

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video, or other educational material produced or provided by an entity that does any of the following:

(a) Performs abortions.

(b) Promotes abortions.

(c) Contracts or subcontracts with an entity that performs or promotes abortions.

(d) Becomes or continues to be an affiliate of any entity that performs or promotes abortions.

(e) Regularly makes referrals to an entity that provides or promotes abortions.

c. The state board of education shall adopt rules pursuant to chapter 17A to administer and interpret this subsection.

4. Each school board shall annually provide to a parent or guardian of any pupil enrolled in the school district, information about the human growth and development curriculum used in the pupil's grade level and the procedure for inspecting the instructional materials prior to their use in the classroom.

5. Each school district shall, upon request by any agency or organization, provide information about the human growth and development curriculum used in each grade level and the procedure for inspecting and updating the instructional materials.

6. A pupil shall not be required to take instruction in human growth and development if the pupil's parent or guardian files with the appropriate principal a written request that the pupil be excused from the instruction. Notification that the written request may be made shall be included in the information provided by the school district.

7. Each school board or community college which offers general adult education classes or courses shall periodically offer an instructional program in parenting skills and in human growth and development for parents, guardians, prospective biological and adoptive parents, and foster parents.

8. Each area education agency shall periodically offer a staff development program for teachers who provide instruction in human growth and development.

9. The department of education shall identify and disseminate information about early intervention programs for students who are at the greatest risk of suffering from the problem of dropping out of school, substance use disorder, adolescent pregnancy, or suicide.

10. For purposes of this section and sections 256.9 and 256.11, unless the context otherwise requires:

a. "Age-appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

b. "Research-based" means complete, unbiased information that is verified or supported by the weight of research conducted in compliance with accepted scientific methods, recognized as medically accurate and objective by leading professional organizations and agencies with relevant expertise in the field, and published in peer-reviewed journals where appropriate.

11. To the extent not inconsistent with this section and section 256.11, an accredited nonpublic school may also choose curriculum in accordance with doctrinal teachings for the human sexuality component of the human growth and development requirements of this section and section 256.11.

12. Nothing in this section or section 256.11 shall be construed to prohibit a school or school district from developing and making available abstinence-based or abstinence-only materials pursuant to the requirements of section 256.9, subsection 46, and from offering an abstinence-based or abstinence-only curriculum in meeting the human sexuality component of the human growth and development requirements of this section and section 256.11.

88 Acts, ch 1018, §3, 5, 6; 90 Acts, ch 1253, §121; 91 Acts, ch 218, §19; 2007 Acts, ch 98, §4; 2023 Acts, ch 19, §1032; 2023 Acts, ch 90, §21, 22; 2023 Acts, ch 91, §9 – 11; 2025 Acts, ch 127, §5, 6

Referred to in §256.11

279.50A Educational standards — agreements with community colleges.

1. A school district may enter into an agreement with a community college under which

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the community college may offer, or provide a community college-employed instructor to teach, any unit, and if the unit of coursework under the agreement meets the requirements specified in section 257.11, subsection 3, paragraph *"b"*, subparagraphs (2) through (7), the unit offered shall be deemed to meet the education program requirement pertaining to the unit under section 256.11, subsection 5, if applicable. The provisions of this subsection are applicable only if all of the following conditions are met:

a. The unit is offered during the regular school day.

b. The unit is made accessible by the school district to all eligible pupils.

2. Pupils enrolled in a unit of coursework offered pursuant to subsection 1 are not eligible for supplementary weighting under section 257.11, subsection 3.

2019 Acts, ch 164, §4, 5; 2020 Acts, ch 1062, §94; 2020 Acts, ch 1063, §127; 2023 Acts, ch 19, §2584; 2023 Acts, ch 90, §13

279.51 Programs for at-risk children.

1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2007, and each succeeding fiscal year, the sum of twelve million six hundred six thousand one hundred ninety-six dollars. The moneys shall be allocated as follows:

a. Two hundred seventy-five thousand eight hundred sixty-four dollars of the funds appropriated shall be allocated to the area education agencies to assist school districts in developing program plans and budgets under this section and to assist school districts and child development programs under section 256A.3 in meeting other responsibilities in early childhood education.

b. For the fiscal year beginning July 1, 2007, and for each succeeding fiscal year, eight million five hundred thirty-six thousand seven hundred forty dollars of the funds appropriated shall be allocated to the child development coordinating council established in chapter 256A for the purposes set out in subsection 2 of this section and section 256A.3.

c. For the fiscal year beginning July 1, 2007, and for each fiscal year thereafter, three million five hundred ten thousand nine hundred ninety-two dollars of the funds appropriated shall be allocated as grants to school districts that have elementary schools that demonstrate the greatest need for programs for at-risk students with preference given to innovative programs for the early elementary school years. School districts receiving grants under this paragraph shall at a minimum provide activities and materials designed to encourage children's self-esteem, provide role modeling and mentoring techniques in social competence and social skills, and discourage inappropriate drug use. The grant allocations made in this paragraph may be renewed for additional periods of time. Of the amount allocated under this paragraph for each fiscal year, seventy-five thousand dollars shall be allocated to school districts which have an actual student population of ten thousand or less and have an actual non-English speaking student population which represents greater than five percent of the total actual student population for grants to elementary schools in those districts.

d. Notwithstanding section 256A.3, subsection 5, of the amount appropriated in this subsection for the fiscal year beginning July 1, 2007, and for each succeeding fiscal year, up to two hundred eighty-two thousand six hundred dollars may be used for administrative costs.

2. *a.* Funds allocated under subsection 1, paragraph *"b"*, shall be used by the child development coordinating council for the following:

(1) To continue funding for programs previously funded by grants awarded under section 256A.3 and to provide additional grants under section 256A.3. The council shall seek to provide grants on the basis of the location within the state of children meeting at-risk definitions.

(2) At the discretion of the child development coordinating council, award grants for the following:

(a) To school districts to establish programs for three-year-old, four-year-old, and five-year-old at-risk children.

(b) To provide grants to provide educational support services to parents of at-risk children age birth through three years.

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b. A grantee under this subsection may direct the use of moneys received to serve any qualifying child ranging in age from three years old to five years old, regardless of the age of population indicated on the grant request in its initial year of application. A grantee is encouraged to consider the degree to which the program complements existing programs and services for three-year-old, four-year-old, and five-year-old at-risk children available in the area, including other child care and preschool services, services provided through a school district, and services available through an area education agency.

3. The department shall seek assistance from foundations and public and private agencies in the evaluation of the programs funded under this section, and in the provision of support to school districts in developing and implementing the programs funded under this section.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated.

5. The state board of education shall adopt rules under chapter 17A for the administration of this section.

89 Acts, ch 135, §76; 90 Acts, ch 1272, §69, 70; 91 Acts, ch 267, §239, 240; 92 Acts, ch 1227, §21; 94 Acts, ch 1199, §47 – 49; 95 Acts, ch 209, §14; 96 Acts, ch 1186, §23; 96 Acts, ch 1219, §7 – 10; 97 Acts, ch 209, §17, 18; 98 Acts, ch 1133, §1; 98 Acts, ch 1215, §44; 98 Acts, ch 1223, §24, 25; 99 Acts, ch 192, §33; 99 Acts, ch 195, §11, 12; 2000 Acts, ch 1058, §32; 2000 Acts, ch 1198, §2 – 4, 6; 2007 Acts, ch 215, §62; 2010 Acts, ch 1061, §100; 2011 Acts, ch 132, §18, 106; 2021 Acts, ch 59, §1, 2; 2022 Acts, ch 1149, §15, 16

Referred to in §256A.3

See annual Iowa Acts for provisions relating to the reduction in appropriations contained in this section for certain fiscal years

279.51A Classroom environment — behavioral challenges — reports of violence or assault.

1. A classroom teacher may clear students from the classroom only if necessary to prevent or terminate an imminent threat of bodily injury to a student or another person in the classroom.

2. If a classroom teacher clears all other students from the classroom in accordance with subsection 1, the school principal shall, by the end of the school day if possible but at least within twenty-four hours after the incident giving rise to the classroom clearance, notify the parents or guardians of all students assigned to the classroom that was cleared. The notification shall not identify, directly or indirectly, any students involved in the incident giving rise to the classroom clearance. The principal of the school shall request that the parent or guardian of the student whose behavior caused the classroom clearance meet with the principal, the classroom teacher, and other staff as appropriate.

3. If the student whose behavior caused the classroom clearance has an individualized education program or a behavioral intervention plan, the classroom teacher shall call for and be included in a review and potential revision of the student's individualized education program or behavioral intervention plan by the student's individualized education program team. The area education agency, in collaboration with the school district, may, when the parent or guardian meets with the individualized education program team during the reevaluation of the student's individualized education program, inform the parent or guardian of individual or family counseling services available in the area.

4. *a.* A classroom teacher employed by a school district shall report any threat of violence or incident of violence that results in injury or property damage or assault by a student enrolled in the school to the principal or the lead administrator of the school within twenty-four hours after the threat of violence or incident of violence occurs, and the classroom teacher may notify the parent or guardian of the student who made the threat of violence or caused the incident of violence, and the parent or guardian of the student to whom the threat of violence was made or the incident of violence occurred, of the threat of violence or incident of violence.

b. The principal or lead administrator of the school shall notify the parent or guardian of the student enrolled in the school who made the threat of violence or caused the incident of violence that resulted in injury or property damage or assault, and the parent or guardian of

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the student to whom the threat of violence was made or the incident of violence occurred, of the threat of violence or incident of violence within twenty-four hours after the classroom teacher reports the threat of violence or incident of violence to the principal or lead administrator pursuant to paragraph *"a"*.

5. *a.* Each school district shall report to the department of education, in a manner prescribed by the department, an annual count of all incidents of violence that result in injury or property damage or assault by a student in a school building, on school grounds, or at a school-sponsored function, and any time a student is referred for the use of or transfer to a therapeutic classroom. The report shall include but not be limited to demographic information on students reported as victims and reported as perpetrators of incidents of violence that result in injury or property damage or assault, including but not limited to disaggregated information on race, gender, national origin, age, grade level, and disability, along with any other data required for the department to implement the federal Elementary and Secondary Education Act, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95, with appropriate safeguards to ensure student privacy. The department shall compile the reports.

b. The department shall submit an annual report to the general assembly on or before November 1 each year that contains all of the following:

(1) A summary of the annual reports compiled pursuant to paragraph *"a"*.

(2) A description of the department's antibullying programming and current and projected expenditures for the antibullying programming for the immediately preceding fiscal year.

c. A teacher or administrator who submits a report in accordance with this section and who meets the requirements of section 280.27 or section 613.21 shall be immune from civil or criminal liability relating to such action, as well as for participating in any administrative or judicial proceeding resulting from or relating to the report pursuant to the provisions of sections 280.27 and 613.21. The provisions of section 70A.29 shall apply to a teacher or administrator who submits a report in accordance with this section or who reports an incident of violence or assault to a local law enforcement agency in good faith and without fraudulent intent or the intent to deceive. Personal information regarding a student in a report submitted pursuant to this section shall be kept confidential as required under the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and in the same manner as personal information in student records maintained, created, collected, or assembled by or for a school corporation or educational institution in accordance with section 22.7, subsection 1.

6. For purposes of this section, unless the context otherwise requires, *"bodily injury"* means physical pain, illness, or any other impairment of physical condition.

2020 Acts, ch 1108, §9; 2023 Acts, ch 96, §4; 2026 Acts, ch 1196, §19
Referred to in §256B.2
Subsection 5 amended

279.52 Optional funding of asbestos projects.

1. The board of directors may pay the actual cost of an asbestos project from any funds in the general fund of the district, funds received from the physical plant and equipment levy, or moneys obtained through a federal asbestos loan program, to be repaid from any of the funds specified in this section over a three-year period.

2. For the purpose of this section, *"cost of an asbestos project"* includes the costs of inspection and reinspection, sampling, analysis, assessment, response actions, operations and maintenance, training, periodic surveillance, developing of management plans and recordkeeping requirements relating to the presence of asbestos in school buildings of the district and its removal or encapsulation.

89 Acts, ch 135, §77; 2000 Acts, ch 1072, §1; 2000 Acts, ch 1232, §64
Referred to in §279.53

279.53 Loan proceeds.

The proceeds of loans issued to school districts pursuant to section 279.48 or 279.52 shall be deposited into either the general fund of a school district or the physical plant and equipment

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levy fund. The board of directors shall expend the amount of the principal and interest due each year to maturity from the same fund into which the loan proceeds were deposited.

2008 Acts, ch 1041, §1; 2024 Acts, ch 1167, §16

279.54 School district income surtax. Repealed by 2000 Acts, ch 1072, §3.

279.55 through 279.57 Repealed by 2016 Acts, ch 1036, §15.

279.58 School dress code policies.

1. The general assembly finds and declares that the students and the administrative and instructional staffs of Iowa's public schools have the right to be safe and secure at school. Gang-related apparel worn at school draws attention away from the school's learning environment and directs it toward thoughts or expressions of violence, bigotry, hate, and abuse.

2. The board of directors of a school district may adopt, for the district or for an individual school within the district, a dress code policy that prohibits students from wearing gang-related or other specific apparel if the board determines that the policy is necessary for the health, safety, or positive educational environment of students and staff in the school environment or for the appropriate discipline and operation of the school. Adoption and enforcement of a dress code policy is not a violation of section 280.22.

95 Acts, ch 191, §20

279.59 Access by associations.

The board of directors of a school district shall provide not-for-profit, professional education associations that offer membership to teachers or administrators equal access to teacher or administrator mailboxes for distribution of professional literature.

2001 Acts, ch 159, §11

279.60 Assessments — access to data — reports.

1. Each school district shall administer the teaching strategies gold early childhood assessment to every resident prekindergarten or four-year-old child whose parent or guardian enrolls the child in the district, and shall administer a valid and reliable universal screening instrument, as prescribed by the department of education, to every kindergarten student enrolled in the district not later than the date specified in section 257.6, subsection 1. The assessment shall be aligned with state early learning standards and preschool programs shall be encouraged to administer the assessment at least at the beginning and end of the preschool program, with the assessment information entered into the statewide longitudinal data system. The department shall work to develop agreements with head start programs to incorporate similar information about four-year-old children served by head start into the statewide longitudinal data system.

2. The school district shall also collect information from each parent, guardian, or legal custodian of a kindergarten student enrolled in the district on whether the student attended preschool. Each school district shall report the preschool information collected to the department of education in the manner prescribed by the department not later than January 1 of that school year. The early childhood Iowa program in the department of health and human services shall have access to the raw data. The department of education shall review the information submitted pursuant to this section and shall submit its findings and recommendations annually in a report to the governor, the general assembly, the early childhood Iowa state board, and the early childhood Iowa area boards.

3. Each school district shall administer the Iowa assessments, created by the state university of Iowa, to all students enrolled in grade ten.

2005 Acts, ch 148, §16; 2006 Acts, ch 1152, §37; 2010 Acts, ch 1031, §306; 2012 Acts, ch 1119, §33; 2013 Acts, ch 121, §105, 107; 2021 Acts, ch 25, §8; 2022 Acts, ch 1021, §55; 2023 Acts, ch 19, §1033

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279.61 Individual career and academic plan — report.

1. For the school year beginning July 1, 2016, and each succeeding school year, the board of directors of each school district shall cooperate with each student enrolled in grade eight to develop an individualized career and academic plan to guide the student.

a. The plan shall be developed to achieve, at a minimum, the following:

(1) Prepare the student for successful completion of the core curriculum developed by the state board of education pursuant to section 256.7, subsection 26, by the time the student graduates from high school.

(2) Identify the coursework and work-based learning needed in grades nine through twelve to support the student's postsecondary education and career options.

(3) Prepare the student to successfully complete, prior to graduation and following a timeline included in the plan, the essential components of a career information and decision-making system that meets standards adopted by the state board of education in accordance with subsection 4.

(4) Prior to graduation, advise the student how to successfully complete the free application for federal student aid.

b. The student's parent or guardian shall sign the student's career and academic plan, and the signed plan shall be included in the student's cumulative records.

2. The board of directors of each school district shall report annually to each student enrolled in grades nine through twelve in the school district, and, if the student is under the age of eighteen, to each student's parent or guardian, the student's progress toward meeting the goal of successfully completing the core curriculum and high school graduation requirements adopted by the state board of education pursuant to section 256.7, subsection 26, and toward achieving the goals of the student's career and academic plan.

3. The superintendent of each school district shall designate a team of education practitioners to carry out the duties assigned to the school district under this section. The team shall include but not be limited to a school counselor; teachers, including career and technical education teachers; and an individual responsible for coordinating work-based learning activities. The team shall regularly consult with representatives of employers, state and local workforce systems and centers, higher education institutions, and postsecondary career training programs.

4. The state board of education shall adopt rules setting forth standards for career information and decision-making systems. The rules adopted under this section shall establish an approval process for the approval of a vendor-provided career information and decision-making system which school districts may use in compliance with this section.

5. For the school year beginning July 1, 2016, and each succeeding school year, the board of directors of each school district shall submit to the local community an annual report on student utilization of the district's career information and decision-making system.

6. The director of the department of education shall monitor school districts for compliance with this section through the accreditation process established for school districts under section 256.11. If the department of education finds that a school district is not in substantial compliance with this section, the school district shall submit to the department for approval an action plan which sets forth the steps to be taken to ensure substantial compliance with this section. The department of education shall include in its annual condition of education report a review of school district and student performance required under this section.

7. The state board of education shall adopt rules to administer this section.

2005 Acts, ch 149, §3; 2006 Acts, ch 1152, §13; 2007 Acts, ch 214, §36; 2008 Acts, ch 1127, §4; 2016 Acts, ch 1108, §7, 9; 2022 Acts, ch 1134, §6, 7; 2023 Acts, ch 90, §2

Referred to in §256.11, 256.136, 256.137, 261E.4, 261E.6, 261E.8, 261E.9, 261E.10, 261E.13, 279.84B

279.62 Nonprofit school organizations.

The board of directors of a school district may take action to adopt a resolution to establish, and authorize expenditures for the operational support of, an entity or organization for the sole benefit of the school district and its students that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code. The entity or organization

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shall reimburse the school district for expenditures made by the school district on behalf of the entity or organization. Prior to establishing such an entity or organization, the board of directors shall hold a public hearing on the proposal to establish such an entity or organization. Such an entity or organization shall maintain its records in accordance with chapter 22, except that the entity or organization shall provide for the anonymity of a donor at the written request of the donor. The board of directors of a school district shall annually report to the local community the administrative expenditures, revenues, and activities of the entity or organization established by the school district pursuant to this section.

2005 Acts, ch 179, §92, 97; 2021 Acts, ch 19, §1
Referred to in §11.6

279.63 Financial report.

1. The board of directors of each public school district shall develop, maintain, and distribute a financial report on an annual basis. The objective of the financial report shall be to facilitate public access to a variety of information and statistics relating to the education funding received by the school district, enrollment and employment figures, and additional information.

2. The financial report shall contain, at a minimum, information relating to the following:

a. All property tax levies, income surtaxes, and local option sales taxes in place in the school district, listed by type of levy, rate, amount, duration, and notification of the maximum rate and amount limitations permitted by statute.

b. The amount of funding received on a per pupil basis through the operation of the school finance formula, and from any other state appropriation or state funding source.

c. Federal funding received per student or teacher population targeted to receive the funds, and any other federal grants or funding received by the district.

d. Teacher and administrator minimum, maximum, and average salary paid by the district, and the percentage and dollar increase under teacher and administrator salary and benefits settlement agreements.

e. Teacher and administrator health insurance and other alternative health benefit information, including the monthly premium, the percentage of the premium paid by the district, and the percentage of the premium paid by a teacher or administrator for single and family insurance.

f. Teacher and administrator employment statistics, including the annual number of licensed full-time and part-time teachers and administrators employed by the school district during the preceding five years, and including the number of teachers and administrators no longer employed by the district, and new hires.

g. Student enrollment levels during the preceding five years, including regular enrollment, special education enrollment, and enrollment adjustments made pursuant to supplementary weighting.

h. Such additional information as the school district may determine.

3. Copies of a school district's financial report for the previous school year shall be posted on an internet site maintained by the school district by January 1 of each school year. If the school district does not maintain or develop an internet site, the school district shall either distribute or post written copies of the financial report at specified locations throughout the school district.

2006 Acts, ch 1152, §14; 2009 Acts, ch 54, §9; 2013 Acts, ch 90, §257

279.63A Unspent balance — policy.

1. The board of directors of each school district shall establish a policy that defines a targeted range and maximum amount of unspent balance of authorized expenditures, determined by a percent of authorized expenditures under section 257.7 or other methodology specified in the policy. The policy shall also state the date the policy was adopted and the date the policy was most recently reviewed or revised under subsection 2. The targeted range and maximum amount established in the policy shall be made with the intent to equalize educational opportunity, provide a good education for all the children of

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the school district, provide property tax relief, decrease the percentage of school costs paid from property taxes, and to provide reasonable control of school costs.

2. Targeted ranges and maximum amounts defined in the policy under subsection 1 shall be reviewed annually by the board of directors and such review shall be entered in the minutes of the board and approved revisions shall be made to the policy.

2026 Acts, ch 1115, §86, 87
NEW section

279.64 Tax-sharing agreements.

A school district may enter into an agreement under chapter 28E with a contiguous school district for the purpose of sharing all or a percentage of school district taxes collected from that portion of valuation described in section 403.19, subsection 2, that is released by the municipality to the school district.

2006 Acts, ch 1156, §1
Referred to in §403.19

279.65 Student handbooks.

1. Annually, on or before the beginning of the school calendar, each school district shall publish one or more student handbooks and provide to the parent or guardian of each student enrolled in the school district a printed or electronic copy of a student handbook that includes basic information related to the expectations of students in the grade level or attendance center to which the student handbook applies, including information related to academics, attendance, discipline, health and safety, and daily schedules.

2. Each school district shall require that the parent or guardian of each student enrolled in the school district acknowledge receipt of the applicable student handbook, either in writing or electronically.

2023 Acts, ch 96, §8
Referred to in §256E.7

279.65A Discipline of students who make threats of violence or cause incidents of violence.

The board of directors of each school district shall adopt, in collaboration with teachers and administrative staff employed by the school district, policies for different grade levels that describe how a school district may discipline a student for making a threat of violence or causing an incident of violence that results in injury or property damage or assault. All of the following shall apply to the policies:

1. The policies must incorporate strategies that are designed to correct the student's behavior.

2. The policies must provide for parent or guardian conferences, counseling sessions, or mental health counseling sessions, when appropriate. The policies must provide that the school district must receive the prior written consent of the student's parent or guardian before requiring the student to participate in a counseling session or a mental health counseling session.

3. The policies must be consistent with all of the following:

a. The provisions of chapter 256B and the administrative rules adopted by the state board for purposes of chapter 256B.

b. The federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

c. The federal Rehabilitation Act of 1973, as amended and codified in 29 U.S.C. §701 et seq.

d. Section 279.65B.

4. The policies must provide for escalating levels of discipline each time the student makes a threat of violence or causes an incident of violence that results in injury or property damage or assault.

5. The policies must allow for the school district to select the level of discipline that the school district determines corresponds to the severity of the threat of violence or incident of violence.

6. The policies must allow the school district to suspend the student, permanently remove

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the student from a particular class, expel the student, or place the student in an alternative learning environment, including a therapeutic classroom, when appropriate.

7. The policies must require an individualized education program meeting if the student who made the threat of violence or caused the incident of violence that resulted in injury or property damage or assault has an individualized education program.

8. The policies must be published on the school district's internet site and in applicable student handbooks.

2023 Acts, ch 96, §7; 2026 Acts, ch 1137, §6
Referred to in §256.9, 256E.7
Suspensions and expulsions, see §282.4
Subsection 3 amended

279.65B Discipline of students who cause violent or nonviolent disruptions.

1. As used in this section:

a. "*Nonviolent disruption*" includes but is not limited to a disruption to classroom instruction that is a result of any of the following:

(1) Disorderly conduct.

(2) Abusive or profane language.

(3) Bullying, as defined under section 280.28.

(4) Repeatedly disruptive behavior.

b. *"Principal"* means the same as defined in section 256.145. *"Principal"* includes all of the following:

(1) An assistant principal.

(2) A vice principal.

(3) An administrator who is responsible for the day-to-day operations of an attendance center.

c. *"Teacher"* means the same as defined in section 256.145.

d. "*Violent disruption*" includes but is not limited to a disruption to classroom instruction that is a result of a threat of violence or an incident of violence that results in any of the following:

(1) Injury.

(2) Property damage.

(3) Assault, as defined under section 708.1.

2. *a.* (1) A teacher may remove or cause to be removed a student who causes a nonviolent disruption from the teacher's classroom and place the student under the supervision of the principal of the attendance center in which the classroom is located, or the principal's designee, for at least thirty minutes, as determined by the principal or the principal's designee.

(2) (a) A student who is enrolled in kindergarten through grade five, and who was removed from the classroom pursuant to subparagraph (1), shall not be readmitted to the teacher's classroom until after the principal, or the principal's designee, and the teacher meet to discuss the readmission of the student.

(b) A student who is enrolled in grades six through twelve, and who was removed from the classroom pursuant to subparagraph (1), shall not be readmitted to the teacher's classroom until after the principal, or the principal's designee, and the teacher meet to discuss the readmission of the student. Such student shall not be readmitted to the teacher's classroom until, at the earliest, the immediately subsequent school day.

(3) The principal, or the principal's designee, shall inform the teacher of the disciplinary actions taken against the student removed from the classroom pursuant to subparagraph (1) as soon as is reasonably possible after the student's removal.

(4) A student who is removed from the classroom pursuant to subparagraph (1) shall be required to make up any work that the student missed while the student was under the supervision of the principal or the principal's designee.

(5) If a student is removed from a teacher's classroom pursuant to subparagraph (1) more than once, the teacher or teachers who removed the student from the classroom; the principal of the attendance center in which the classroom or classrooms are located; a qualified guidance counselor licensed by the board of educational examiners under chapter

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256, subchapter VII, part 3; the student's parent or legal guardian, if the student is not an emancipated minor; and the student shall participate in a meeting to discuss the student's nonviolent disruptions and to establish a behavioral plan and a course of discipline to correct the student's behavior, which may include locating the student in an alternative learning environment, including a therapeutic classroom, when appropriate.

b. (1) A teacher shall remove or cause to be removed a student who causes a violent disruption from the teacher's classroom and place the student under the supervision of the principal of the attendance center in which the classroom is located, or the principal's designee.

(2) (a) A student who is enrolled in kindergarten through grade five, and who was removed from the classroom pursuant to subparagraph (1), shall not be readmitted to the teacher's classroom until after the principal, or the principal's designee, and the teacher meet to discuss the readmission of the student.

(b) A student who is enrolled in grades six through twelve, and who was removed from the classroom pursuant to subparagraph (1), shall not be readmitted to the teacher's classroom until after the principal, or the principal's designee, and the teacher meet to discuss the readmission of the student. Such student shall not be readmitted to the teacher's classroom until, at the earliest, the immediately subsequent school day.

(c) Notwithstanding any policy adopted by the oversight review committee pursuant to subsection 4, paragraph "*a*", a student shall not be readmitted to a teacher's classroom if all of the following criteria are satisfied:

(i) The teacher removed the student from the teacher's classroom because the student caused a violent disruption that included the student assaulting the teacher.

(ii) The teacher does not consent to allowing the student to return to the teacher's classroom.

3. *a.* If the principal determines that disciplinary action should be taken against a student who was removed from a teacher's classroom pursuant to subsection 2, then the principal shall do all of the following:

(1) Take such disciplinary action.

(2) Provide written and, if possible, electronic notice of such disciplinary action to the student's parent or guardian.

b. (1) If a student was removed from a teacher's classroom pursuant to subsection 2 two or more times in a semester, or the trimester or quarter equivalent, then the principal shall discipline the student by doing any of the following:

(a) Assigning the student to either in-school or out-of-school suspension.

(b) Recommending to the superintendent that the student be located in an alternative learning environment that has been approved by the superintendent.

(2) If a student was removed from a teacher's classroom pursuant to subsection 2 because the student's conduct, statements, or other actions were severe or pervasive, and, if requested by the teacher, then the principal shall impose the maximum amount of punishment applicable to such conduct, statements, or other actions as provided in policies adopted by the board of directors of the school district, including placing the student in an alternative learning environment that has been approved by the superintendent.

4. *a.* The board of directors of a school district shall require each attendance center within the school district to create an oversight review committee that is responsible for developing a policy, consistent with this section, that establishes when a student who has been removed from the classroom pursuant to subsection 2 may be readmitted to the classroom.

b. The oversight review committee must consist of all of the following members:

(1) Two teachers who work in the attendance center and who must be selected by the teachers of the attendance center.

(2) One administrative employee, mental health professional, or behavioral interventionist who works in the attendance center and who must be selected by the principal of the attendance center.

c. The oversight review committee may issue recommendations related to when a student who was removed from a teacher's classroom pursuant to subsection 2, paragraph "*a*", subparagraph (1), should be readmitted to the teacher's classroom.

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5. If a student who has an individualized education program was removed from a teacher's classroom pursuant to subsection 2, then all of the following shall apply:

a. (1) All of the following individuals shall, if practicable, participate in the meeting of the student's individualized education program team that takes place immediately subsequent to the student's exclusion from the classroom:

(a) The teacher who removed the student from the classroom pursuant to subsection 2.

(b) Any teacher who is not described in subparagraph division (a) and who provides classroom instruction to the student.

(c) Any other employee of the school district who does not hold a license issued by the board of educational examiners, including para-educators and bus drivers, and who was directly involved in the student's conduct, statements, or other actions that led to the student's exclusion from the classroom.

(2) If a teacher or other employee is not able to participate in the meeting of the student's individualized education program team that takes place immediately subsequent to the student's exclusion from the classroom, as required under subparagraph (1), then the teacher or other employee shall review the minutes or summary of the meeting prepared by the individualized education program team pursuant to paragraph *"b"*, subparagraph (2), and shall provide written notice to the student's individualized education program team indicating that the teacher or other employee has read the minutes or summary.

b. (1) In the meeting of the student's individualized education program team that takes place immediately subsequent to the student's exclusion from the classroom, the student's individualized education program team shall discuss all of the following:

(a) The appropriateness of the student's current educational programming.

(b) Whether adjustments need to be made to the student's individualized education program to address the student's behaviors.

(c) Whether the student's current placement or an alternative learning environment would best provide the student with a free appropriate public education.

(d) The accommodations, modifications, and adaptations that are required to allow the student to be successful in a general education setting, what supports are needed to assist the teacher and other school district employees in providing those accommodations, modifications, and adaptations, and whether it is possible for the school district to provide those supports, accommodations, modifications, and adaptations.

(e) Whether and to what extent the provision of special education services and activities in the general education environment will impact the student and the other students in the classroom.

(2) If a teacher or other employee is not able to participate in the meeting of the student's individualized education program team that takes place immediately subsequent to the student's exclusion from the classroom, as required under paragraph *"a"*, subparagraph (1), then the student's individualized education program team shall prepare minutes or a summary of the meeting and provide the minutes or summary to the teacher or other employee.

c. If the student was removed from the classroom five or more times within any fifteen-consecutive-school-day period, then the student's individualized education program team shall meet to discuss the student's behavior.

6. A teacher may appeal all of the following to the board of directors of the school district:

a. A principal's refusal to allow the teacher to remove a student from the teacher's classroom pursuant to subsection 2.

b. A principal's readmission of a student to the teacher's classroom prior to the time such student should have been readmitted pursuant to subsection 2.

7. The board of directors of a school district shall immediately grant a teacher a leave of absence for physical recovery with full pay for not more than three days if the teacher is injured due to a student's violent disruption; provided, however, that the board of directors of a school district may grant a teacher such a leave of absence for four or more days if the teacher provides to the board of directors of the school district a note from a physician indicating that such a leave of absence is needed.

8. *a.* Each principal of an attendance center shall make a mental health professional,

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guidance counselor, or behavioral interventionist available to students, teachers, and other school employees to address the immediate trauma associated with a violent disruption or nonviolent disruption, upon the request of a teacher.

b. Notwithstanding paragraph *"a"*, a mental health professional, guidance counselor, or behavioral interventionist shall not provide any mental health services to a student who is less than eighteen years of age to address the immediate trauma associated with a violent disruption or nonviolent disruption unless the student's parent or guardian consents to the student receiving such mental health services, or unless the student is an emancipated minor.

9. Each principal shall carry out the principal's responsibilities under this section in an expeditious manner, and shall do all of the following in an expeditious manner:

a. Carry out all manifestation determination review meetings, as required under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794.

b. Impose the appropriate amount of punishment in accordance with policies adopted by the board of directors of the school district and federal law.

c. Perform functional behavior assessments as needed.

d. Adjust behavioral intervention plans as needed.

10. This section shall not be construed to do any of the following:

a. Infringe on any right provided to any student under federal law, including but not limited to all of the following:

(1) Section 504 of the federal Rehabilitation Act, 29 U.S.C. §794.

(2) The federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

(3) The federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.

(4) The federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

b. Supersede, abrogate, or preempt any federal law, rule, or regulation.

c. Relieve any person from any duties, obligations, or requirements imposed by federal law.

2026 Acts, ch 1137, §7
Referred to in §256E.7, 256E.23, 279.65A
Suspensions and expulsions, see §282.4
NEW section

279.66 Discipline and personal conduct standards.

1. The board of directors of a school district shall review and modify existing policies related to student discipline and student conduct that are designed to promote responsible behavior on school property and at school functions in order that the policy shall govern the conduct of students, teachers and other school personnel, and visitors; provide opportunities for students to exercise self-discipline and practice cooperative classroom behavior; and encourage students and practitioners to model fairness, equity, and respect. The policy shall specify the responsibilities of students, parents and guardians, and practitioners in creating an atmosphere where all individuals feel a sense of respect, safety, and belonging, and shall set forth the consequences for unacceptable behavior. The policy shall be published in the student handbook.

2. The board of directors of a school district shall include or reference in the student handbook guidance published pursuant to section 256.9, subsection 63, by the department of education for parents, guardians, and community members who have concerns about school districts or their governing boards.

2007 Acts, ch 214, §38; 2021 Acts, ch 170, §32

279.67 Competitive living wage.

It is the goal of this state that every employee of a public school corporation be provided with a competitive living wage.

2008 Acts, ch 1191, §57

279.68 Student progression — intensive reading instruction — reporting requirements.

1. *Reading proficiency, assessments, and parental notification.*

a. A school district shall assess all students enrolled in kindergarten through grade three at the beginning of each school year for their level of reading or reading readiness

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on locally determined or statewide assessments, as provided in section 256.7, subsection 31. If a student is not reading proficiently and is persistently at risk in reading, based upon the assessments administered in accordance with this paragraph, the school district shall provide intensive reading instruction to the student. The student's reading proficiency shall be periodically reassessed by locally determined or statewide assessments including periodic universal screening and annual standard-based assessments. The student shall continue to be provided with intensive reading instruction, at grade levels beyond grade three if necessary, until the student is reading at grade level, as determined by the student's consistently proficient performance on valid and reliable measures of reading ability. For purposes of this section, *"persistently at risk"* means the student has not met the grade-level benchmark on two consecutive screening assessments administered under this paragraph.

b. The parent or guardian of any student in kindergarten through grade three who is persistently at risk in reading shall be notified in writing and shall be provided all of the following:

(1) A description of the services currently provided to the student.

(2) A description of the proposed supplemental instructional services and supports that the school district will provide to the student that are designed to remediate the identified areas in which the student is persistently at risk in reading.

(3) Strategies for parents and guardians to use in helping the student read proficiently, including but not limited to the promotion of parent-guided home reading.

(4) Regular updates regarding the student's progress toward reaching or exceeding the targeted level of reading proficiency.

c. (1) Each school district shall provide written notice to the parent or guardian of any student in kindergarten through grade six who is not reading proficiently of the student's level of reading or reading readiness. The written notice shall contain a description of the parent's or guardian's ability to request that the student be retained in the student's current grade level for the subsequent school year.

(2) A school district shall not promote a student who is not reading proficiently to the next grade level, and shall retain the student in the student's current grade level for the subsequent school year, if the student's parent or guardian submits to the school district a request that the student be retained in the student's current grade level pursuant to subparagraph (1).

d. A school district shall provide to students in kindergarten through the end of grade six who are not reading proficiently with personalized reading plans until the student is reading at grade level, as determined by the student's consistently proficient performance on valid and reliable measures of reading ability.

2. *Successful progression for early readers.* If funds are appropriated by the general assembly for purposes of implementing this subsection, a school district shall do all of the following:

a. Provide students who are persistently at risk in reading with intensive instructional services and supports, free of charge, to remediate the identified areas in which students are not proficient in reading, including a minimum of ninety minutes daily of scientific, research-based reading instruction and other strategies prescribed by the school district which may include but are not limited to the following:

(1) Small group instruction.

(2) Reduced teacher-student ratios.

(3) More frequent progress monitoring.

(4) Tutoring or mentoring.

(5) Extended school day, week, or year.

(6) Summer reading programs.

b. At regular intervals, apprise the parent or guardian of academic and other progress being made by the student and give the parent or guardian other useful information.

c. In addition to required reading enhancement and acceleration strategies, provide parents of students who are persistently at risk in reading with a plan outlined in a parental contract, including participation in regular parent-guided home reading.

d. Establish a reading enhancement and acceleration development initiative designed to offer intensive accelerated reading instruction to each kindergarten through grade three

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student who is persistently at risk in reading. The initiative shall comply with all of the following criteria:

(1) Be provided to all kindergarten through grade three students who are persistently at risk in reading. The assessment initiative shall measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(2) Be provided during regular school hours in addition to the regular reading instruction.

(3) Provide a reading curriculum that meets guidelines adopted pursuant to section 256.7, subsection 31, and at a minimum has the following specifications:

(a) Assists students who are persistently at risk in reading to develop the skills to read at grade level. Assistance shall include but not be limited to strategies that formally address dyslexia, when appropriate. For purposes of this subparagraph division (a), *"dyslexia"* means a specific learning disability that is neurobiological in origin, is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities, and may include difficulties that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, as well as secondary consequences such as problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(b) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(c) Includes a scientifically based and reliable assessment.

(d) Provides initial and ongoing analysis of each student's reading progress.

(e) Is implemented during regular school hours.

(f) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

e. Report to the department of education the specific intensive reading interventions and supports implemented by the school district pursuant to this section. The department shall annually prescribe the components of required or requested reports.

3. *Ensuring continuous improvement in reading proficiency.*

a. To ensure all children are reading proficiently by the end of third grade, each school district shall address reading proficiency, drawing upon information about students from assessments and reassessments conducted pursuant to subsection 1 and the prevalence of areas in which students are persistently at risk in reading identified by classroom, elementary school, and other student characteristics. Each school district shall review chronic early elementary absenteeism for its impact on literacy development. If more than fifteen percent of an attendance center's students are not reading proficiently and are persistently at risk in reading by the end of third grade, the school district shall develop and implement strategies to reduce that percentage, including school and community strategies to raise the percentage of students who are reading at grade level.

b. Each school district, subject to an appropriation of funds by the general assembly, shall provide professional development services to enhance the skills of elementary teachers in responding to children's unique reading issues and needs and to increase the use of evidence-based strategies.

2012 Acts, ch 1119, §34; 2014 Acts, ch 1077, §2; 2016 Acts, ch 1123, §2; 2016 Acts, ch 1132, §12, 13; 2017 Acts, ch 172, §27 – 30; 2020 Acts, ch 1048, §7; 2023 Acts, ch 90, §3; 2024 Acts, ch 1139, §2

Referred to in §256.7, 280.29

279.68A Student progression — mathematics proficiency.

1. Each school district shall assess all students enrolled in kindergarten through grade six at least three times each school year to determine the students' level of mathematics proficiency by administering a mathematics screener that is on the list developed by the department of education pursuant to section 256.9, subsection 74.

2. If, as the result of the assessments administered pursuant to subsection 1, a school district determines that a student is persistently at risk in mathematics, the school district shall do all of the following:

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a. Assess the student's level of proficiency in mathematics at least every other week and implement mathematics interventions and supports.

b. Develop, in consultation with the student's parents or guardians, a personalized mathematics plan that identifies interventions and supports that will be used to help the student achieve proficiency in mathematics.

c. If the student is meeting expectations related to increases in the student's level of mathematics proficiency, provide the student with small group interventions.

d. If the student is not meeting expectations related to increases in the student's level of mathematics proficiency, provide the student with intensive interventions.

3. A school district shall provide the assessments, plans, and interventions described in subsection 2 to students enrolled in kindergarten through grade six who are persistently at risk in mathematics until the student performs at benchmark on the statewide summative assessment in mathematics or until the student performs at benchmark on two consecutive assessments administered pursuant to subsection 1, whichever occurs first.

4. For purposes of this section, *"persistently at risk"* means the student has not met the grade-level benchmark on two consecutive assessments administered pursuant to subsection 1.

5. The state board of education shall adopt rules pursuant to chapter 17A to administer this section.

2025 Acts, ch 121, §3

279.69 School employees — background investigations.

1. Prior to hiring an applicant for a school employee position, a school district or accredited nonpublic school shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. A school district shall follow the same procedure by June 30, 2014, for each school employee employed by the school district as of July 1, 2013. A school district or accredited nonpublic school shall implement a consistent policy to follow the same procedure for each school employee employed by the school district or accredited nonpublic school on or after July 1, 2013, at least every five years after the school employee's initial date of hire. A school district or accredited nonpublic school shall not charge an employee for the cost of the registry checks conducted pursuant to this subsection. A school district or accredited nonpublic school shall maintain documentation demonstrating compliance with this subsection.

2. Being listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5 shall constitute grounds for the immediate suspension from duties of a school employee, pending a termination hearing by the board of directors of a school district or the authorities in charge of an accredited nonpublic school. A termination hearing conducted pursuant to this subsection shall be limited to the question of whether the school employee was incorrectly listed in the registry.

3. For purposes of this section, *"school employee"* means an individual employed by a school district or an accredited nonpublic school, as applicable, including a part-time, substitute, or contract employee. *"School employee"* does not include an individual subject to a background investigation pursuant to section 256.146, subsection 16, section 279.13, subsection 1, paragraph *"b"*, or section 321.375, subsection 2.

2013 Acts, ch 140, §137; 2023 Acts, ch 100, §6

Referred to in §256E.7, 273.3, 280.37

279.70 Training on suicide prevention, adverse childhood experiences identification, and toxic stress response mitigation strategies.

1. For purposes of this section, unless the context otherwise requires:

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a. "Adverse childhood experience" means a potentially traumatic event occurring in childhood that can have negative, lasting effects on an individual's health and well-being.

b. "Postvention" means the provision of crisis intervention, support, and assistance for those affected by a suicide or suicide attempt to prevent further risk of suicide.

2. By July 1, 2019, the board of directors of a school district shall require annual, evidence-based training at least one hour in length on suicide prevention and postvention for all school personnel who hold a license, certificate, authorization, or statement of recognition issued by the board of educational examiners and who have regular contact with students in kindergarten through grade twelve. The content of the training shall be based on nationally recognized best practices.

3. By July 1, 2019, the board of directors of a school district shall require annual, evidence-based, evidence-supported training on the identification of adverse childhood experiences and strategies to mitigate toxic stress response for all school personnel who hold a license, certificate, authorization, or statement of recognition issued by the board of educational examiners and who have regular contact with students in kindergarten through grade twelve. The content of the training shall be based on nationally recognized best practices.

2018 Acts, ch 1051, §2
Referred to in §256.7

279.70A Student identification cards — suicide prevention information.

A public school that issues identification cards to students in grades seven through twelve shall include on either side of the identification card the crisis hotline telephone and text numbers and the internet address for your life Iowa or the your life Iowa successor program. A public school that issues identification cards to students in grades five and six may include on either side of the identification card the crisis hotline telephone and text numbers and the internet address for your life Iowa or the your life Iowa successor program.

2023 Acts, ch 145, §1, 2
Section applies to student identification cards issued on or after July 1, 2023; 2023 Acts, ch 145, §2

279.71 Student online personal information protection.

1. As used in this section, unless the context otherwise requires:

a. "Attendance center" means a school district building that contains classrooms used for instructional purposes for elementary, middle, or secondary school students.

b. "Covered information" means personally identifiable information or material, or information that is linked to personally identifiable information or material, in any media or format that is not publicly available and is any of the following:

(1) Created by or provided to an operator by a student, or the student's parent or legal guardian, in the course of the student's, parent's, or legal guardian's use of the operator's site, service, or application for kindergarten through grade twelve school purposes.

(2) Created by or provided to an operator by an employee or agent of a school district or attendance center for kindergarten through grade twelve school purposes.

(3) Gathered by an operator through the operation of its site, service, or application for kindergarten through grade twelve school purposes and personally identifies a student, including but not limited to information in the student's educational record or electronic mail, first and last name, home address, telephone number, electronic mail address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or geolocation information.

c. "Interactive computer service" means that term as defined in 47 U.S.C. §230.

d. "Kindergarten through grade twelve school purposes" means purposes that are directed by or that customarily take place at the direction of a kindergarten through grade twelve attendance center, school district, or a practitioner employed by a school district,

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in the administration of school activities, including but not limited to instruction in the classroom or at home, administrative activities, and collaboration between students, school district or attendance center personnel, or parents, or are otherwise for the use and benefit of the school district or attendance center.

e. "Operator" means, to the extent that it is operating in this capacity, the operator of an internet site, online service, online application, or mobile application with actual knowledge that the site, service, or application is used primarily for kindergarten through grade twelve school purposes and was designed and marketed for such purposes.

f. "School district" means a public school district described in chapter 274.

g. "Targeted advertising" means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred over time from that student's online behavior, usage of applications, or covered information. *"Targeted advertising"* does not include advertising to a student at an online location based upon that student's current visit to that location, or in response to that student's request for information or feedback, without the retention of that student's online activities or requests over time for the purpose of targeting subsequent ads.

2. *a.* An operator shall not knowingly do any of the following:

(1) Engage in targeted advertising on the operator's internet site, service, or application, or target advertising on any other internet site, service, or application if the targeting of the advertising is based on any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator's internet site, service, or application for kindergarten through grade twelve school purposes.

(2) Use information, including persistent unique identifiers, created or gathered by the operator's internet site, service, or application, to amass a profile about a student except in furtherance of kindergarten through grade twelve school purposes. *"Amass a profile"* does not include the collection and retention of account information that remains under the control of the student, the student's parent or guardian, or kindergarten through grade twelve school.

(3) Sell or rent a student's information, including covered information. This subparagraph does not apply to the purchase, merger, or other type of acquisition of an operator by another entity, if the operator or successor entity complies with this section regarding previously acquired student information, or to national assessment providers if the provider secures the express written consent of the parent or student, given in response to clear and conspicuous notice, solely to provide access to employment, educational scholarships or financial aid, or postsecondary educational opportunities.

(4) Except as otherwise provided in subsection 4, disclose covered information unless the disclosure is made for the following purposes:

(a) In furtherance of the kindergarten through grade twelve school purpose of the internet site, service, or application, if the recipient of the covered information disclosed under this subparagraph division does not further disclose the information unless done to allow or improve operability and functionality of the operator's internet site, service, or application.

(b) To ensure legal and regulatory compliance or protect against liability.

(c) To respond to or participate in the judicial process.

(d) To protect the safety or integrity of users of the internet site or others or the security of the internet site, service, or application.

(e) For a kindergarten through grade twelve school, educational, or employment purpose requested by the student or the student's parent or guardian, provided that the information is not used or further disclosed for any other purpose.

(f) To a third party, if the operator contractually prohibits the third party from using any covered information for any purpose other than providing the contracted service to or on behalf of the operator and requires the third party to protect student information to the same extent that the operator is required to do pursuant to this section, prohibits the third party from disclosing any covered information provided by the operator with subsequent third parties, and requires the third party to implement and maintain security procedures and practices consistent with current industry standards and all applicable state and federal laws, rules, and regulations.

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b. Nothing in paragraph *"a"* shall prohibit the operator's use of information for maintaining, developing, supporting, improving, or diagnosing the operator's internet site, service, or application.

3. An operator shall do all of the following:

a. Implement and maintain security procedures and practices consistent with current industry standards and all applicable state and federal laws, rules, and regulations appropriate to the nature of the covered information designed to protect that covered information from unauthorized access, destruction, use, modification, or disclosure.

b. Delete as soon as reasonably practicable, a student's covered information if the school district or attendance center requests deletion of covered information under the control of the school district or attendance center, unless a student or parent or guardian consents to the maintenance of the covered information.

4. An operator may use or disclose covered information of a student under all of the following circumstances:

a. If other provisions of federal or state law require the operator to disclose the information, and the operator complies with the requirements of federal and state law in protecting and disclosing that information.

b. If no covered information is used for advertising or to amass a profile on the student for purposes other than elementary, middle school, or high school purposes; for legitimate research purposes, as required by state or federal law and subject to the restrictions under applicable state and federal law; or as allowed by state or federal law and in furtherance of kindergarten through grade twelve school purposes or postsecondary educational purposes.

c. To a state or local educational agency, including kindergarten through grade twelve attendance centers and school districts, for kindergarten through grade twelve school purposes, as permitted by state or federal law.

5. This section does not prohibit an operator from doing any of the following:

a. Using covered information to improve educational products if that information is not associated with an identified student within the operator's internet site, service, or application or other internet sites, services, or applications owned by the operator.

b. Using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including in the operator's marketing.

c. Sharing covered information that is not associated with an identified student for the development and improvement of educational internet sites, services, or applications.

d. Using recommendation engines to recommend to a student either of the following:

(1) Additional content relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.

(2) Additional services relating to an educational, other learning, or employment opportunity purpose within an online site, service, or application if the recommendation is not determined in whole or in part by payment or other consideration from a third party.

e. Responding to a student's request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

6. This section does not do any of the following:

a. Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order.

b. Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes.

c. Apply to general audience internet sites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's internet site, service, or application may be used to access those general audience internet sites, services, or applications.

d. Limit service providers from providing internet connectivity to attendance centers or students and students' families.

e. Prohibit an operator of an internet site, online service, online application, or mobile

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application from marketing educational products directly to parents if the marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section.

f. Impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on those applications or software.

g. Impose a duty on a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers.

h. Prohibit students from downloading, exporting, transferring, saving, or maintaining the students' own student data or documents.

2018 Acts, ch 1042, §1

279.72 Training on dyslexia.

By July 1, 2024, the board of directors of a school district shall require all persons employed by the school district who hold a teaching license with an endorsement for prekindergarten, prekindergarten or elementary special education, or prekindergarten through grade three levels issued under chapter 256, subchapter VII, part 3, all practitioners and paraprofessionals assigned as Title I teachers and Title I paraprofessionals under the federal Every Student Succeeds Act, Pub. L. No. 114-95, and all practitioners endorsed to teach English as a second language to complete the Iowa reading research center dyslexia overview module. Such persons employed by the school district after July 1, 2024, shall complete the module within one year of the employee's initial date of hire.

2020 Acts, ch 1048, §8; 2023 Acts, ch 19, §2585

279.73 Intellectual freedom — protection — complaints.

1. The board of directors of each school district shall protect the intellectual freedom of the school district's students and practitioners and shall establish and publicize policies that protect students and faculty from discrimination based on speech. A person shall not retaliate against a person who files a complaint for a violation of this section. If the person who files a complaint for a violation of this section is an employee of the school district, the provisions of section 70A.29 shall apply.

2. If the board of directors of the school district or a court finds that an employee of the school district who holds a license, certificate, statement of recognition, or authorization issued by the board of educational examiners under chapter 256, subchapter VII, part 3, discriminated against a student or employee in violation of this section, the employee found to be in violation under this section shall be subject to a hearing conducted by the board of educational examiners pursuant to section 256.146, subsection 13, which may result in disciplinary action and the employee's employment may be terminated.

2021 Acts, ch 130, §5; 2023 Acts, ch 19, §2586

Referred to in §256.11, 256.146

279.74 Training and curriculum prohibited — specific defined concepts.

1. For purposes of this section, unless the context otherwise requires:

a. "Race or sex scapegoating" means the same as defined in section 261H.8.

b. "Race or sex stereotyping" means the same as defined in section 261H.8.

c. "Specific defined concepts" means the same as defined in section 261H.8.

2. Each school district may continue training that fosters a workplace and learning environment that is respectful of all employees and students. However, the superintendent of each school district shall ensure that any curriculum or mandatory staff or student training provided by an employee of the school district or by a contractor hired by the school district does not teach, advocate, encourage, promote, or act upon specific stereotyping and scapegoating toward others on the basis of demographic group membership or identity. This subsection shall not be construed as preventing an employee or contractor who teaches any curriculum or who provides mandatory training from responding to questions regarding specific defined concepts raised by participants in the training.

3. School district diversity and inclusion efforts shall discourage students of the school

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district from discriminating against another by political ideology or any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law. Each school district shall prohibit its employees from discriminating against students or employees by political ideology or any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law.

4. This section shall not be construed to do any of the following:

a. Inhibit or violate the first amendment rights of students or faculty, or undermine a school district's duty to protect to the fullest degree intellectual freedom and free expression. The intellectual vitality of students and faculty shall not be infringed under this section.

b. Prevent a school district from promoting racial, cultural, ethnic, intellectual, or academic diversity or inclusiveness, provided such efforts are consistent with the provisions of this section, chapter 216, and other applicable law.

c. Prohibit discussing specific defined concepts as part of a larger course of academic instruction.

d. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Iowa, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

e. Prohibit a state or federal court or agency of competent jurisdiction from ordering a training or remedial action containing discussions of specific defined concepts as a remedial action due to a finding of discrimination, including discrimination based on race or sex.

f. Prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination.

2021 Acts, ch 163, §3
Referred to in §256.11

279.75 Training for equity coordinators.

The board of directors of a school district shall provide training on free speech under the first amendment to the Constitution of the United States developed and distributed pursuant to section 256.9, subsection 64, annually to any equity coordinator employed by the school district.

2021 Acts, ch 170, §33
Referred to in §256.9

279.76 Health examinations, surveys, and screenings — prohibition.

1. *a.* Each school district is prohibited from administering or conducting an invasive physical examination of a student, a student health screening that is not required by state or federal law, or a formal examination or survey of a student that is designed to assess the student's mental, emotional, or physical health that is not required by state or federal law, without first acquiring the written consent of the student's parent or guardian. This section applies only to a minor child in the direct care of a parent or guardian, and does not apply to an emancipated minor or a minor who is not residing with the parent or guardian.

b. Each school district shall give written notice to a student's parent or guardian of an examination or survey of the student required by state or federal law that is designed to assess the student's mental, emotional, or physical health not less than seven days prior to the examination or survey. The notice shall include a copy of the examination or survey or a link to an internet site where the parent or guardian may access the examination or survey.

c. This subsection shall not apply to a hearing, dental, or vision screening or examination.

2. This section shall not be construed to prohibit a school district from conducting health screenings or invasive physical examinations in emergent care situations or from cooperating in a child abuse assessment commenced in accordance with section 232.71B.

3. For purposes of this section:

a. "*Emergent care situation*" means a sudden or unforeseen occurrence or onset of a medical or behavioral condition that could result in serious injury or harm to a student or others in the event immediate medical attention is not provided. "*Emergent care situation*"

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includes the need to screen a student or others for symptoms or exposures during an outbreak or public health event of concern as designated by the department of health and human services.

b. "Invasive physical examination" means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

c. "Student health screening" means an intentionally planned, periodic process to identify if students may be at risk for a health concern and to determine if a referral for an in-depth assessment is needed to consider appropriate health services. *"Student health screening"* does not include an episodic, individual screening done in accordance with professional licensed practice.

2022 Acts, ch 1036, §3; 2023 Acts, ch 19, §1034; 2023 Acts, ch 91, §12; 2024 Acts, ch 1039, §1

Referred to in §256E.7, 256E.23

279.77 Transparency — publication of school district information.

1. Each school district shall publish all of the following information related to the current school year on the school district's internet site:

a. A detailed explanation of the procedures or policies in effect for the parent or guardian of a student enrolled in the school district to request the removal of a book, article, outline, handout, video, or other educational material that is available to students in the classroom or in a library operated by the school district. Each school district shall prominently display the detailed explanation on the school district's internet site.

b. A detailed explanation of the procedures or policies in effect to request the review of decisions made by the board of directors of the school district, including the petition process established pursuant to section 279.8B.

2. The board of directors of each school district shall adopt a policy describing the procedures for the parent or guardian of a student enrolled in the school district or a resident of the school district to review the instructional materials used in classrooms in the school district. The policy shall include a process for a student's parent or guardian to request that the student not be provided with certain instructional materials. The policy shall be prominently displayed on the school district's internet site and the board of directors of the school district shall, at least annually, provide a written or electronic copy of the policy to the parent or guardian of each student enrolled in the school district. For purposes of this section, *"instructional materials"* means either printed or electronic textbooks and related core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a state educational agency or local educational agency for use by students in the student's classes by the teacher of record. *"Instructional materials"* does not include lesson plans.

3. Each school district shall make available on the school district's internet site a comprehensive list of all books available to students in libraries operated by the school district. However, for school years beginning prior to July 1, 2025, if the school district does not use an electronic catalog, the school district may request a waiver from this requirement from the department of education.

4. The identity of a parent or guardian who requests the removal of a book, article, outline, handout, video, or other educational material that is available to students in the classroom or in a library operated by the school district pursuant to subsection 1, paragraph *"a"*, shall be confidential and shall not be a public record subject to disclosure under chapter 22.

5. This section shall not be construed to require a school district to do any of the following:

a. Reproduce educational materials that were not created by a person employed by the board of directors.

b. Distribute any educational materials in a manner that would infringe on the intellectual property rights of any person.

2023 Acts, ch 91, §13

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279.78 Parental rights in education.

1. As used in this section:

a. *"Gender identity"* means an individual's subjective identification as male, female, or neither male nor female. Gender identity shall not be considered a synonym or substitute for sex or gender.

b. *"License"* means the same as defined in section 256.145.

c. *"Practitioner"* means the same as defined in section 256.145.

2. A school district shall not knowingly give false or misleading information to the parent or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the sex listed on a student's official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student's birth.

3. If a student enrolled in a school district requests an accommodation that is intended to affirm the student's gender identity from a licensed practitioner employed by the school district, including a request that the licensed practitioner address the student using a name or pronoun that is different than the name or pronoun assigned to the student in the school district's registration forms or records, the licensed practitioner shall report the student's request to an administrator employed by the school district, and the administrator shall report the student's request to the student's parent or guardian.

4. If, after investigation, the department of education determines that a school district or an employee of a school district has violated this section, the school district or employee of the school district, as applicable, shall be subject to the following:

a. For the first violation of this section, the department of education shall issue a written warning to the board of directors of the school district or the employee, as applicable.

b. (1) For a second or subsequent violation of this section, if the department of education finds that a school district knowingly violated this section, the superintendent of the school district shall be subject to a hearing conducted by the board of educational examiners pursuant to section 256.146, subsection 13, which may result in disciplinary action.

(2) For a second or subsequent violation of this section, if the department of education finds that an employee of the school district who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners knowingly violated this section, the employee shall be subject to a hearing conducted by the board of educational examiners pursuant to section 256.146, subsection 13, which may result in disciplinary action.

5. The state board of education shall adopt rules pursuant to chapter 17A to administer this section.

2023 Acts, ch 91, §14; 2025 Acts, ch 1, §27
Referred to in §237.10, 256E.7, 256E.23, 600.7A

279.79 Surveys — required parent or guardian consent.

1. The board of directors of a school district must receive the prior written consent of a student's parent or guardian before requiring a student to take part in any survey, analysis, activity, or evaluation that reveals information concerning any of the following about the student or the student's family, whether the information is personally identifiable or not:

a. The political affiliations or beliefs of the student or the student's parent or guardian.

b. Mental or psychological problems of the student or the student's family.

c. Sexual behavior, orientation, or attitudes.

d. Illegal, antisocial, self-incriminating, or demeaning behavior.

e. Critical appraisals of other individuals with whom the student has close familial relationships.

f. Legally recognized privileged or analogous relationships, such as those of attorneys, physicians, or ministers.

g. Religious practices, affiliations, or beliefs of the student or the student's parent or guardian.

h. Income, except when required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

2. An employee of a school district, or a contractor engaged by a school district, shall not answer any question pertaining to any particular student enrolled in the school district

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in any survey related to the social or emotional abilities, competencies, or characteristics of the student, unless the board of directors of the school district satisfies all of the following requirements:

a. The board of directors of the school district provides to the parent or guardian of each student enrolled in the school district detailed information related to the survey, including the person who created the survey, the person who sponsors the survey, how information generated by the survey is used, and how information generated by the survey is stored.

b. The board of directors of the school district receives the written consent from a student's parent or guardian authorizing the employee or contractor to answer questions in the survey pertaining to the student.

3. Subsection 2 shall not be construed to prohibit an employee of a school district, or a contractor engaged by a school district, from answering questions pertaining to any particular student enrolled in the school district as part of the process of developing or implementing an individualized education program for such student.

2023 Acts, ch 91, §15
Referred to in §256E.7, 256E.23
Behavioral health services and screenings in schools, see chapter 280A

279.80 Sexual orientation and gender theory — prohibited instruction.

1. As used in this section:

a. "*Gender theory*" means the concept that an individual may properly be described in terms of an internal sense of gender that is incongruent with the individual's sex as either male or female. "*Gender theory*" includes the concept that an individual who experiences distress or discomfort with the individual's sex should identify as and live consistent with the individual's internal sense of gender, and that an individual can delay natural puberty and develop sex characteristics of the opposite sex through the use of puberty blockers, cross-sex hormones, and surgical procedures.

b. "*Sexual orientation*" means the same as defined in section 216.2.

2. A school district shall not provide any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender theory or sexual orientation to students in kindergarten through grade six.

2023 Acts, ch 91, §16; 2025 Acts, ch 1, §28
Referred to in §256.11, 256E.7, 256E.23, 279.50

279.81 Library materials review committee.

The board of directors of a school district shall not allow a student to serve on any committee that determines, or provides recommendations related to, whether a material in a library operated by the school district should be removed.

2023 Acts, ch 91, §17
Referred to in §256E.7, 256E.23

279.82 Intra-district enrollment.

1. A parent or guardian of a student enrolled in a school district may enroll the student in another attendance center within the same school district that offers classes at the student's grade level in the manner provided in this section if, as a result of viewing a recording created by a video surveillance system or a report from a school district employee, and consistent with the requirements of the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and any regulations promulgated pursuant to that Act, the school district determines that any student enrolled in the school district has harassed or bullied the student. For purposes of this subsection, "*harassment*" and "*bullying*" mean the same as defined in section 280.28.

2. *a.* A parent or guardian shall send notification to the school district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the student in another attendance center within the same school district that offers classes at the student's grade level.

b. The school district shall enroll the student in another attendance center within the same school district unless the attendance center has insufficient classroom space for the student. If the request is granted, the school district shall transmit a copy of the form to the parent

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or guardian within five days after the school district's action. The parent or guardian may withdraw the request at any time prior to the school district's action on the request. A denial of a request by the school district may be appealed to the board of directors of the school district.

c. The board of directors of each school district shall adopt a policy that defines the term *"insufficient classroom space"* for that district.

3. A request under this section is for a period of not less than one year. A student who attends school in another attendance center pursuant to this section may return to the original attendance center and enroll at any time, once the parent or guardian has notified the school district in writing of the decision to enroll the student in the original attendance center.

4. If a request filed under this section is for a student requiring special education under chapter 256B, the request to transfer to another attendance center shall only be granted if all of the following conditions are met:

a. The attendance center maintains a special education instructional program that is appropriate to meet the student's educational needs and the enrollment of the student in the attendance center would not cause the size of the class or caseload in that special education instructional program in the attendance center to exceed the maximum class size or caseload established pursuant to rules adopted by the state board of education.

b. If the student would be assigned to a general education class, there is sufficient classroom space for the general education class to which the student would be assigned.

5. If a student, for whom a request to transfer has been filed with the school district, has been suspended or expelled in the school district, the student shall not be permitted to transfer until the student has been reinstated. Once the student has been reinstated, however, the student shall be permitted to transfer in the same manner as if the student had not been suspended or expelled. If a student, for whom a request to transfer has been filed with a school district, is expelled in the school district, the student shall be permitted to transfer under this section if the student applies for and is reinstated. However, if the student applies for reinstatement but is not reinstated in the school district, the school district may deny the request to transfer. The decision of the school district may be appealed to the board of directors of the school district.

6. A student who is enrolled in another attendance center within the same school district pursuant to this section is eligible to participate immediately in varsity interscholastic athletic contests and athletic competitions as a member of a team from the receiving attendance center.

7. This section shall not be construed to prohibit a school district from allowing the parent or guardian of a student enrolled in the school district to enroll the student in another attendance center within the same school district that offers classes at the student's grade level pursuant to a policy adopted by the board of directors of the school district that allows for transfers for reasons in addition to those allowed pursuant to this section.

8. The state board of education shall adopt rules pursuant to chapter 17A to administer this section.

2023 Acts, ch 91, §18, 21

279.83 Notice to parents or guardians related to physical injuries, harassment, or bullying.

After following the policy adopted by the school district pursuant to section 280.28, subsection 3, an employee of a school district may notify the parents or guardians of a student enrolled in the school district in writing or by electronic mail within twenty-four hours after the employee witnesses, either directly or indirectly by viewing a recording created by a video surveillance system, any student enrolled in the school district harassing or bullying the student. For purposes of this section, *"harassment"* and *"bullying"* mean the same as defined in section 280.28.

2023 Acts, ch 91, §19, 21

279.84 School security.

1. For purposes of this section:

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a. *"Private school security officer"* means an individual employed by a private security business who possesses a permit to carry weapons issued under section 724.6.

b. *"Private security business"* means the same as defined in section 80A.1.

c. *"School resource officer"* means any of the following:

(1) A peace officer as defined in section 801.4.

(2) A reserve peace officer as defined in section 80D.1A.

2. The board of directors of each school district with a total enrollment of at least eight thousand students shall employ, or retain the services of, at least one private school security officer or school resource officer to guard each attendance center where students enrolled in grade nine, grade ten, grade eleven, or grade twelve regularly attend classes, unless a majority of the members of the board of directors of the school district vote to not employ or retain a private school security officer or a school resource officer. A private school security officer employed or retained by the board of directors of a school district pursuant to this subsection shall be required to participate in the annual live scenario training and quarterly live firearms training approved by the department of public safety pursuant to section 724.6, subsection 1, paragraph *"a"*, subparagraph (3).

3. The board of directors of each school district with a total enrollment of less than eight thousand students is encouraged to employ, or retain the services of, at least one private school security officer or school resource officer to guard each attendance center where students enrolled in grade nine, grade ten, grade eleven, or grade twelve regularly attend classes. A private school security officer employed or retained by the board of directors of a school district pursuant to this subsection shall be required to participate in the annual live scenario training and quarterly live firearms training approved by the department of public safety pursuant to section 724.6, subsection 1, paragraph *"a"*, subparagraph (3).

2024 Acts, ch 1084, §1; 2024 Acts, ch 1179, §10, 13

279.84A Mobile panic alert systems.

A school district may purchase, install, and operate a mobile panic alert system if all of the following requirements are satisfied:

1. The system is capable of connecting different emergency services technologies to ensure real-time coordination between school employees and law enforcement agencies.

2. The system is capable of integrating with local public safety answering point infrastructure and existing land mobile radio platform technology to transmit 911 calls and mobile activations.

2024 Acts, ch 1179, §2, 13

279.84B College and career transition counselors or coordinators — information related to completion of postsecondary programs.

1. The board of directors of each school district shall provide each student enrolled in the school district in grades eleven and twelve who has expressed an interest in postsecondary education, including in the student's individual career and academic plan created pursuant to section 279.61, with all of the following:

a. A link to the most recent copy of the report published by the state board of regents pursuant to section 262.9, subsection 33.

b. A link to the Iowa student outcomes internet site maintained by the department of education.

2. If the school district employs a college and career transition counselor or coordinator, the college and career transition counselor or coordinator shall be responsible for providing the information described in subsection 1.

3. For purposes of this section, *"college and career transition counselor or coordinator"* means a licensed school counselor or an appropriately trained individual responsible for providing direct services to students, parents, families, schools, and postsecondary institutions to support college preparation and postsecondary success, such as college preparation, financial aid processing, and transition to postsecondary institution enrollment.

2024 Acts, ch 1124, §3

Section not amended; internal reference change applied

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279.85 School bonds — restrictions.

Notwithstanding sections 298.21 and 423F.4, the board of directors of a school district shall not issue negotiable, interest-bearing school bonds for borrowing money for purposes of constructing a new school building or site to be used primarily for interscholastic athletic contests or competitions, or renovating or improving a school building or site that is currently used primarily for interscholastic athletic contests or competitions, unless all of the attendance centers of the school corporation are in compliance with the provisions of the state building code, adopted on or after May 17, 2024, related to the construction of new attendance centers and the renovation of existing attendance centers that incorporate standards designed to increase the safety of schools and school infrastructure.

2024 Acts, ch 1179, §3, 13, 14

Section applies to school bonds authorized by voters at an election held after July 1, 2024, and projects approved by the board of directors of a school district after July 1, 2024; 2024 Acts, ch 1179, §14

279.86 Purchase of security equipment.

1. A school district shall install and maintain school infrastructure, as defined in section 423F.3, subsection 6, paragraph *"a"*, subparagraph (5), so that such school infrastructure performs as expected for the operational life of the school infrastructure.

2. A school district shall not purchase school infrastructure, as defined in section 423F.3, subsection 6, paragraph *"a"*, subparagraph (5), from an organization that is not included on the list established by the department of homeland security and emergency management pursuant to section 423F.3, subsection 6, paragraph *"a"*, subparagraph (5), subparagraph division (a), subparagraph subdivision (vii), subparagraph part (C).

3. If a school district purchases school infrastructure, as defined in section 423F.3, subsection 6, paragraph *"a"*, subparagraph (4), or other school safety and security equipment, including radios, cameras, panic buttons, automated locks, or shatter-resistant window film, the school district shall install and maintain in an operable condition such school infrastructure or school safety and security equipment.

2024 Acts, ch 1179, §4, 13, 15

Section applies to school infrastructure purchased by a school district on or after May 17, 2024; 2024 Acts, ch 1179, §15

279.87 Industry-recognized credentials or certifications — recognition.

1. A school district shall report to the department of education the identity of a student enrolled in the school district who attains an industry-recognized credential or certification that is aligned to the student's career and technical education program of study and that is on the list described in section 256.9, subsection 70, paragraph *"a"*, and the specific credential or certification the student attained. The report shall be confidential and shall not be a public record subject to disclosure under chapter 22.

2. A school district shall recognize high school graduates who, prior to graduation, have attained an industry-recognized credential or certification that is aligned to the student's career and technical education program of study and that is on the list described in section 256.9, subsection 70, paragraph *"a"*, by doing one of the following:

a. Affixing the seal described in section 256.9, subsection 70, paragraph *"b"*, to the student's high school transcript.

b. Providing the student with a certificate to which the seal described in section 256.9, subsection 70, paragraph *"b"*, is affixed.

2025 Acts, ch 63, §3

Referred to in §256.9

279.88 Limitation on use of personal electronic devices.

1. Commencing with the school year beginning July 1, 2025, the board of directors of each school district shall adopt policies regarding student use of personal electronic devices during school hours that restrict student use of such devices during classroom instructional time. The policies must meet all of the following requirements:

a. Identify policies and information related to various educational devices and technologies that will be made available to students for instructional purposes.

b. Identify the methods that a parent or guardian of a student may use to communicate

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with the student during school hours or while the student is participating in a school-sponsored activity.

c. Identify the methods that a parent or guardian of a student may use to communicate with the student during an emergency situation.

d. Include protocols that the school district will use to securely store a student's personal electronic device when such device is in the possession of the school district.

e. Specify the discipline associated with a student's violation of the policies, including the discipline associated with a student's use of a personal electronic device during classroom instruction or during the administration of an assessment.

f. Establish a process through which a student's parent or guardian may petition the school district to allow the student to maintain access to the student's personal electronic device during the portion of the school day in which classroom instructional time is delivered if the student's parent or guardian can establish that there is a legitimate reason related to the student's physical or mental health for the student to maintain access to the device during such time.

g. Allow a student who has an individualized education program, or a plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794, to maintain access to the student's personal electronic device during the portion of the school day in which classroom instructional time is delivered if the student's individualized education program, or plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794, requires the student to maintain such access.

2. The board of directors of a school district may adopt policies that limit student use of personal electronic devices during school hours, including the use of such devices during classroom instructional time, that are more stringent than the model policies developed and distributed by the director of the department of education pursuant to section 256.9, subsection 69.

3. For purposes of this section, *"personal electronic device"* includes but is not limited to electronic communication equipment, mobile phones, smart phones, video game devices, and portable media players.

4. The state board of education may adopt rules pursuant to chapter 17A to administer this section.

2025 Acts, ch 36, §2, 4
Referred to in §256.9

279.89 Protected speech and expression — prohibitions — enforcement.

1. A school district shall not discriminate against or penalize a student enrolled in the school district for doing any of the following:

a. Engaging in religious, political, or ideological speech in the same time, place, and manner, and to the same extent, that other similarly situated students are authorized to engage in speech at school.

b. Expressing a religious, political, or ideological viewpoint in the same time, place, and manner, and to the same extent, that other similarly situated students are authorized to express views at school.

2. A school district shall allow a student who is enrolled in the school district to engage in protected speech or expression at school, which includes but is not limited to all of the following activities:

a. Expressing a religious, political, or ideological viewpoint on the topic or subject of discussion or study during class.

b. Expressing religious, political, or ideological viewpoints in a homework assignment, artwork, presentation, or other written or oral assignments, without being discriminated against or the imposition of an academic penalty based on the religious, political, or ideological content of the student's expressions; provided, however, that a school district shall assess a student's written and oral assignments using ordinary academic standards of substance and relevance and other legitimate pedagogical concerns identified by the school district.

c. Organizing religious, political, or ideological gatherings or clubs before, during, or after

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school to the same extent, and with the same access to school facilities, as the school district grants to other student-initiated gatherings and clubs.

d. Wearing clothing, accessories, and jewelry that display religious, political, or ideological messages or symbols in the same manner, and to the same extent, as the school district permits other students to wear clothing, accessories, and jewelry that display messages and symbols.

3. A school district shall not discriminate against a club organized by a student enrolled in the school district because of any of the following:

a. The religious, political, or ideological viewpoints expressed by the club.

b. The religious, political, or ideological viewpoints expressed by students who are members of the club.

c. Any requirement that the leaders or members of the club affirm or adhere to any particular beliefs, comply with the club's standards of conduct, or further the club's mission or purpose, as defined by the club.

4. Each school district shall do all of the following:

a. Annually notify each employee of the school district of the availability of the United States department of education's guidance related to constitutionally protected prayer and religious expression in public elementary and secondary schools.

b. Offer professional development opportunities to each employee of the school district regarding constitutionally protected prayer and religious expression in public elementary and secondary schools to ensure understanding and compliance.

c. (1) Adopt a policy that ensures the school district complies with federal religious expression standards.

(2) Annually certify to the department of education that the school district is in compliance with the policy described in subparagraph (1).

5. *a.* Any individual or club organized by a student alleging a violation of subsection 1, 2, 3, or 4 by a school district may bring a civil action for declaratory relief, injunctive relief, monetary damages, reasonable attorney fees, court costs, and any other appropriate relief against the school district.

b. A court shall assess a civil penalty of not less than five thousand dollars against a school district that fails to comply with subsection 1, 2, 3, or 4, in addition to any monetary damages awarded pursuant to paragraph "*a*". The civil penalty is payable to the prevailing individual or club organized by a student.

c. Any individual or club organized by a student aggrieved by a school district's violation of subsection 1, 2, 3, or 4 may assert such violation as a defense or counterclaim in any disciplinary action, civil proceeding, or administrative proceeding that is brought against the individual or club.

d. This subsection shall not be construed to limit any other remedies available to any individual or club organized by a student alleging a violation of subsection 1, 2, 3, or 4 by a school district.

e. A civil action brought under this subsection is barred unless the action is commenced not later than two years after the day the cause of action accrues. For purposes of calculating this limitations period, each day that the violation persists, including each day that a policy in violation of subsection 4, paragraph "*c*", remains in effect, shall constitute a new day that the cause of action has accrued.

6. *a.* This section constitutes a waiver of any sovereign immunity provided to school districts under the eleventh amendment to the Constitution of the United States.

b. A school district that violates subsection 1, 2, 3, or 4 is not immune from suit or liability for such violation and consents to suit in federal court for any actions arising under this section.

7. This section shall not be construed to prevent a school district from prohibiting, limiting, or restricting any of the following:

a. Expression that is not protected under the first amendment to the Constitution of the United States, including true threats, obscenity, and expression that is directed to provoke imminent lawless actions and likely to produce such actions.

b. Expression that is unwelcome, and so severe, pervasive, and subjectively and

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objectively offensive, that the expression effectively denies a student access to educational opportunities or benefits provided by the school district.

c. Conduct that intentionally, materially, and substantially disrupts any of the following:

(1) The operations of the school district.

(2) The expressive activity of another individual if that activity is occurring on school district property in an area reserved for that activity under the exclusive use or control of a particular student, group of students, or a club organized by a student.

2026 Acts, ch 1120, §8
Referred to in §256.9, 256E.7, 256E.23
NEW section

279.90 Acceleration and automatic enrollment in advanced courses.

The board of directors of each school district shall do all of the following:

1. Establish and implement procedures for subject acceleration and whole-grade acceleration that satisfy all of the following requirements:

a. Describe how the school district will assess a student's readiness for subject acceleration and whole-grade acceleration.

b. Correspond to the level, complexity, and pace of the curriculum in order for the student to receive the appropriate acceleration to meet the student's academic needs.

c. Provide support to the student to address any possible gaps in learning that may have been created when the subject acceleration or whole-grade acceleration occurred.

2. *a.* Automatically enroll a student in the next most rigorous level of advanced courses or programs offered by the school district if all of the following requirements are satisfied:

(1) The student is enrolled in grades four through twelve.

(2) The student attained a score that is within the advanced performance level on the statewide summative assessment in mathematics or English language arts that was administered to the student in the immediately preceding school year.

(3) The school district determines that the student demonstrates academic preparedness using any of the following data sources:

(a) Standardized assessments.
(b) Student achievement.
(c) Cognitive ability.
(d) Creative ability.
(e) Qualitative and quantitative data.
(f) Teacher and parent input.
(g) Observation of gifted characteristics and behaviors.

(4) The school district determines that the student is prepared to participate in the next most rigorous level of advanced courses or programs offered by the school district pursuant to procedures adopted pursuant to section 257.42, subsection 1, paragraph "*a*", subparagraph (1).

b. Notwithstanding paragraph "*a*", a school district shall not enroll a student in the next most rigorous level of advanced courses or programs offered by the school district if the student's parent or guardian requests that the student not be enrolled.

c. A school district shall use the automatic enrollment described in paragraph "*a*" as a way to increase student access to, and enrollment in, advanced courses.

d. A school district shall notify students and the parents or guardians of students of the advanced courses and programs available to eligible students.

e. This subsection shall not be construed to limit other options available to students to participate in advanced courses or programs, including the senior year plus program established pursuant to chapter 261E.

3. Allow any student who is enrolled in an accelerated course to take the statewide summative assessment that corresponds to the content and level of the course in which the student is enrolled.

2026 Acts, ch 1157, §4, 6
Section applies to school years beginning on or after July 1, 2027; 2026 Acts, ch 1157, §6
NEW section

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279.91 Student instructional technology standards.

1. As used in this section, unless the context otherwise requires:

a. *"Digital instruction"* means lessons, assignments, assessments, or instructional activities delivered through instructional technology.

b. *"Instructional technology"* means a laptop, tablet, computer, smart device, software platform, or other similar device or platform used for student learning.

c. *"One-to-one digital device program"* means a program through which a school district provides or assigns a digital device to each student for instructional use.

2. *a.* For students enrolled in grades kindergarten through five, digital instruction shall not exceed sixty minutes per school day.

b. The following uses shall not count toward the daily limit:

(1) Use required pursuant to an individualized education program or a plan developed pursuant to section 504 of the federal Rehabilitation Act of 1973.

(2) Assistive or adaptive technology used to provide a student access to instruction or to accommodate differing student abilities.

(3) Teacher-directed demonstrations using a projector, smartboard, or similar display device when students are not individually operating a digital device.

(4) State assessments, screening, progress monitoring, and local diagnostic assessments that require the use of a one-to-one digital device.

(5) Dedicated computer science and technology curriculum.

3. *a.* The board of directors of each school district shall adopt a written technology use policy applicable to grades kindergarten through five.

b. The policy shall include all of the following:

(1) The district's daily digital instruction limits.

(2) Notice of a parent's or guardian's right to request additional reductions in the parent's or guardian's child's digital instruction.

(3) A statement that instructional technology shall support, and not supplant, foundational learning.

(4) A prohibition on the use of digital devices during recess.

c. The policy shall be published on each elementary school's internet site.

4. *a.* Prior to adopting or renewing a one-to-one digital device program for any grade level, the board of directors of a school district shall complete a technology adoption checklist that documents consideration of all of the following:

(1) The instructional purpose of the device.

(2) Age appropriateness of the device and associated software.

(3) Content-filtering limitations and the district's capacity to mitigate those limitations.

(4) Whether student data is collected, stored, or shared, and the nature of such data practices.

b. The checklist shall be retained by the board and made available to the department of education upon request for audit or compliance purposes.

5. This section shall not apply to students enrolled in an online learning program operating pursuant to section 256.43.

6. This section does not limit the authority of a school district or accredited nonpublic school under section 279.10, subsection 1, regarding provision of instruction over the internet to meet the minimum school calendar requirements.

2026 Acts, ch 1129, §18
Referred to in §256E.7, 256E.23
NEW section

279.92 Increasing access to apprenticeship training.

1. As used in this section, unless the context otherwise requires:

a. *"Apprenticeship sponsor"*, *"registered apprenticeship program"*, *"work-based learning"*, and *"youth apprenticeship"* mean the same as defined in section 84D.2.

b. *"HVAC"* means the same as defined in section 105.2.

2. The board of directors of each school district is encouraged to establish or expand quality pre-apprenticeship opportunities and youth apprenticeship programs at secondary

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schools in partnership with apprenticeship sponsors and the Iowa office of apprenticeship. Activities boards may pursue in furtherance of this goal include but are not limited to all of the following:

a. Aligning existing industrial technology, construction, electronics, metalwork, and related coursework with requirements of registered apprenticeship programs.

b. Establishing new coursework in subjects such as plumbing, HVAC, and math for skilled trades as well as an introductory course on apprenticeships to prepare students for a wide variety of opportunities in registered apprenticeship programs.

c. Construction, improvement, or expansion of skilled trade extension centers to provide additional work-based learning opportunities.

d. Partnering with apprenticeship sponsors to ensure curricula for coursework described in paragraphs *"a"*, *"b"*, and *"c"* are industry-aligned so that such coursework can be credited toward completion of an apprenticeship.

3. The board of directors of each school district is encouraged to establish a work-based learning program at each secondary school. The work-based learning program shall facilitate implementation of this section and other pre-apprenticeship, apprenticeship, and work-based learning initiatives at the school. The work-based learning program shall be a program that is recognized as a work-based learning program by the department of education and shall be operated by trained and credentialed staff who have prior experience relevant to implementation of quality pre-apprenticeships, youth apprenticeships, or other work-based learning initiatives.

4. The board of directors of each school district is encouraged to pursue funding sources and in-kind contributions through private sector partnerships and from apprenticeship sponsors and nonprofit sources to implement this section.

2026 Acts, ch 1155, §19
NEW section

279.93 Advanced mathematics pathway.

1. The board of directors of each school district shall develop an advanced mathematics pathway that is designed to do all of the following:

a. Increase the number of students who complete higher-level mathematics courses in grades nine through twelve.

b. Enable students to be prepared for, and enroll in, algebra I as early as middle school and to complete algebra I no later than by the end of grade nine.

2. The board of directors of each school district shall automatically enroll a student in the advanced mathematics pathway if any of the following apply:

a. The student attains a score that is within the advanced performance level on the statewide summative assessment in mathematics that was administered to the student when the student was enrolled in grades five, six, or seven.

b. The student demonstrated proficiency in mathematics as indicated in the student's mathematics coursework or other local measure when the student was enrolled in grades five, six, or seven.

3. For purposes of this section, *"advanced mathematics pathway"* means a sequence of courses and curricula that accelerates or combines mathematics instruction that is typically provided to students enrolled in grades six through eight.

2026 Acts, ch 1157, §3, 6
Section applies to school years beginning on or after July 1, 2027; 2026 Acts, ch 1157, §6
NEW section

279.94 Teacher authority to request a meeting of a student's individualized education program team.

1. For purposes of this section:

a. "Administrator" means the same as defined in section 256.145.

b. "Teacher" means the same as defined in section 256.145.

2. A teacher may request a meeting of a student's individualized education program team at any time by submitting an electronic or written request to an administrator.

3. An administrator may deny a teacher's request for a meeting of a student's

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individualized education program team submitted pursuant to subsection 2; provided, however, that such a denial must satisfy all of the following requirements:

a. Be provided to the teacher in writing.

b. Describe why applicable federal law does not require the meeting of the student's individualized education program team.

2026 Acts, ch 1137, §8
NEW section

279.95 Individualized education programs and section 504 plan requirements.

1. *a.* The board of directors of each school district shall ensure all of the following:

(1) That each student's individualized education program is accessible to each school district employee who is responsible for the implementation of the student's individualized education program, including regular education teachers, special education teachers, and any other service providers.

(2) That each school district employee who is responsible for the implementation of a student's individualized education program, including regular education teachers, special education teachers, and any other service providers, reads all changes to the accommodations or modifications described in the student's individualized education program.

(3) Each teacher and service provider described in subparagraph (1) is informed of all of the following:

(a) The teacher's or service provider's specific responsibilities related to implementing the student's individualized education program.

(b) The specific accommodations, modifications, and supports that must be provided for the student in accordance with the student's individualized education program.

b. After a regular education teacher has read the most recent changes to the accommodations or modifications described in a student's individualized education program, as required under paragraph "*a*", subparagraph (2), the regular education teacher shall provide written notice to the special education teacher who is on the student's individualized education program team indicating that the regular education teacher has read the most recent changes to the accommodations or modifications.

2. Each teacher employed by the school district who teaches a student who has a plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794, shall read the plan. After the teacher has read the plan, the teacher shall provide written notice to any special education teacher who provides special education services to the student, or to the principal of the attendance center, indicating that the teacher has read the plan.

3. At least one para-educator or other employee of the school district who assists a teacher in providing classroom instruction to a student who has an individualized education program, or to a student who has a plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794, shall attend all meetings related to the student's individualized education program or plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794. If practicable, meetings related to a student's individualized education program or plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794, that a para-educator or other employee is required to attend pursuant to this subsection shall take place during normal business hours.

4. The board of directors of each school district shall provide training to all members of a student's individualized education program team related to the least restrictive environment requirements under the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., that is based on the training program and training materials distributed by the director of the department of education to the school district pursuant to section 256.9, subsection 80.

2026 Acts, ch 1137, §9
NEW section

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CHAPTER 280

UNIFORM SCHOOL REQUIREMENTS

Referred to in §256.11, 274.3

Student health screenings, see §135.17, 135.39D, 135.105D, 139A.8, and 299.5
For student search restrictions, see chapter 808A

280.1 Title.
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280.3A Accredited nonpublic school child care programs.
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280.5 Display of United States flag and Iowa state flag — pledge of allegiance.
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280.13H Extracurricular interscholastic athletic contests or competitions — acceptance of legal tender required.
280.14 School requirements — administration.
280.15 Joint employment and sharing.
280.16 Self-administration of respiratory distress, asthma, or other airway constricting disease medication, epinephrine delivery systems, bronchodilator canisters, or bronchodilator canisters and spacers.
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280.17 Student abuse investigations — termination of employment.
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280.18 Student achievement goals. Repealed by 2001 Acts, ch 159, §18.
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280.29 Enrollment of children adjudicated or in foster care — transfer of educational records — services.
280.30 High-quality school building emergency operations plans.
280.31 Facial coverings.
280.32 Radon testing and mitigation.
280.33 Single and multiple occupancy restrooms or changing areas — use by persons of same sex.
280.34 Incidents related to licensed practitioners — reporting and investigation.
280.35 Requirement to view public license information.
280.36 Multidisciplinary school safety assessment teams — immunity.
280.37 Junior fire fighter program.
280.38 Verification of citizenship and immigration status.

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280.1 Title.

This chapter may be known and shall be cited as the *"Uniform School Requirements"* chapter.

[C75, 77, 79, 81, §280.1]

280.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Nonpublic school"* means any school, other than a public school, which is accredited pursuant to section 256.11.

2. *"Public school"* means any school directly supported in whole or in part by taxation.

[C24, 27, 31, 35, 39, §**4251;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §280.2]

91 Acts, ch 200, §1; 2008 Acts, ch 1191, §158; 2018 Acts, ch 1026, §98

Referred to in §29E.1, 135.144, 190A.2, 232E.1, 256.145, 717F.1, 724.4B

280.3 Educational program — attendance center requirements.

1. The board of directors of each public school district and the authorities in charge of each nonpublic school shall prescribe the minimum educational program and an attendance policy which shall require each child to attend school for at least one hundred forty-eight days, to be met by attendance for at least thirty-seven days each school quarter, for the schools under their jurisdictions.

2. The minimum educational program shall be the curriculum set forth in section 256.11, except as otherwise provided by law. The board of directors of a public school district shall not allow discrimination in any educational program on the basis of race, color, creed, sex, marital status, or place of national origin.

3. The board of directors of each public school district and the authorities in charge of each nonpublic school shall develop and implement a kindergarten through grade twelve computer science plan by July 1, 2022, which incorporates the standards established under section 256.7, subsection 26, paragraph *"a"*, subparagraph (4), and the minimum educational standards relating to computer science contained in section 256.11.

4. A nonpublic school which is unable to meet the minimum educational program may request an exemption from the state board of education. The authorities in charge of the nonpublic school shall file with the director of the department of education the names and locations of all schools desiring to be exempted and the names, ages, and post office addresses of all pupils of compulsory school age who are enrolled. The director, subject to the approval of the state board, may exempt the nonpublic school from compliance with the minimum educational program for two school years. When the exemption has once been granted, renewal of the exemption for each succeeding school year may be conditioned by the director, with the approval of the board, upon proof of achievement in the basic skills of arithmetic, the communicative arts of reading, writing, grammar, and spelling, and an understanding of United States history, history of Iowa, and the principles of American government, of the pupils of compulsory school age exempted in the preceding year. Proof of achievement shall be determined on the basis of tests or other means of evaluation prescribed by the director of the department of education with the approval of the state board of education. The testing or evaluation, if required, shall be accomplished prior to submission of the request for renewal of the exemption. Renewal requests shall be filed with the director by April 15 of the school year preceding the school year for which the applicants desire exemption. This section shall not apply to schools eligible for exemption under section 299.24.

5. The board of directors of each public school district and the authorities in charge of each nonpublic school shall establish and maintain attendance centers based upon the needs of the school age pupils enrolled in the school district or nonpublic school. Public school kindergarten programs shall and public and nonpublic school prekindergarten programs may be provided. In addition, the board of directors or governing authority may include in the

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educational program of any school such additional courses, subjects, or activities which it deems fit the needs of the pupils.

[C75, 77, 79, 81, §280.3]

85 Acts, ch 212, §21, 22; 89 Acts, ch 210, §7; 91 Acts, ch 200, §2; 2008 Acts, ch 1127, §5; 2020 Acts, ch 1117, §11; 2021 Acts, ch 80, §151

280.3A Accredited nonpublic school child care programs.

Authorities in charge of an accredited nonpublic school may operate or contract for the operation of a child care program, as described in section 279.49. The provisions of section 279.49 as they relate to child care programs of a school corporation and its board of directors apply to the child care programs of the accredited nonpublic school and the authority in charge.

94 Acts, ch 1175, §9; 99 Acts, ch 192, §33; 2015 Acts, ch 88, §4, 5

280.4 English learners — weighting.

1. *a.* The medium of instruction in all secular subjects taught in both public and nonpublic schools shall be the English language, except when the use of a world language is deemed appropriate in the teaching of any subject or when the student is an English learner. When the student is an English learner, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language.

b. As used in this section:

(1) *"English learner"* means a student whose language background is in a language other than English, and the student's proficiency in English is such that the probability of the student's academic success in an English-only classroom is below that of an academically successful peer with an English language background. Each English learner shall be identified as either an intensive student or an intermediate student.

(2) *"Fully English proficient"* means a student who has attained a level of English-language skill in reading, writing, listening, and speaking to be proficient under the state's English language proficiency standards, as measured by the state-adopted assessment of English language proficiency as required by section 1111 of the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95.

(3) *"Intensive student"* means an English learner who, even with support, is not proficient under the state's English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.

(4) *"Intermediate student"* means an English learner who, either with or without support, approaches being proficient under the state's English language proficiency standards, as measured by the state-adopted assessment of English language proficiency.

2. The department of education shall adopt rules relating to the identification of English learners who require special instruction under this section and to application procedures for funds available under this section.

3. *a.* In order to provide funds for the excess costs of instruction of English learners specified in paragraph *"b"* above the costs of instruction of pupils in a regular curriculum, each English learner identified as an intensive student shall be assigned an additional weighting of twenty-six hundredths, each English learner identified as an intermediate student shall be assigned an additional weighting of twenty-one hundredths, and the applicable weighting shall be included in the weighted enrollment of the school district of residence for a period not exceeding five years as provided in paragraph *"b"*. However, the school budget review committee may grant supplemental aid or a modified supplemental amount to a school district to continue funding a program for students after the expiration of the five-year period.

b. For students first determined to be English learners for a budget year beginning on or after July 1, 2010, the additional weighting provided under paragraph *"a"* shall be included

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in the weighted enrollment of the school district of residence for a cumulative period of time not exceeding five years beginning with the budget year for which the student was first determined to be an English learner. The five years of eligibility for the additional weighting need not be consecutive and a student's eligibility for the additional weighting is transferable to another district of residence.

[C24, 27, 31, 35, 39, §**4254;** C46, 50, 54, 58, 62, 66, 71, 73, §280.5; C75, 77, 79, 81, §280.4; 82 Acts, ch 1260, §48]

87 Acts, ch 224, §52; 89 Acts, ch 135, §80; 91 Acts, ch 193, §2; 93 Acts, ch 127, §3; 2002 Acts, ch 1114, §1; 2006 Acts, ch 1182, §44, 54; 2013 Acts, ch 121, §41, 42; 2013 Acts, ch 140, §90; 2014 Acts, ch 1135, §24; 2018 Acts, ch 1083, §3; 2021 Acts, ch 74, §1 – 4; 2022 Acts, ch 1011, §10

Referred to in §256.16, 256E.8, 257.31, 257.42, 280.9A, 282.18

280.5 Display of United States flag and Iowa state flag — pledge of allegiance.

1. The board of directors of each public school district and the authorities in charge of each nonpublic school shall provide and maintain a suitable flagstaff on each school site under its control, and the United States flag and the Iowa state flag shall be raised on all school days when weather conditions are suitable.

2. The board of directors of each public school district shall administer the pledge of allegiance in grades one through twelve each school day. Each classroom in which the pledge of allegiance is recited pursuant to this subsection shall display the United States flag during the recitation. A student shall not be compelled against the student's objections or those of the student's parent or guardian to recite the pledge.

[S13, §2804-a, -b; C24, 27, 31, 35, 39, §**4253;** C46, 50, 54, 58, 62, 66, 71, 73, §280.4; C75, 77, 79, 81, §280.5]

95 Acts, ch 1, §4; 2021 Acts, ch 139, §27

Display of flags on public buildings, §1B.3

280.6 Religious books.

Religious books such as the Bible, the Torah, and the Koran shall not be excluded from any public school or institution in the state, nor shall any child be required to read such religious books contrary to the wishes of the child's parent or guardian.

[R60, §2119; C73, §1764; C97, §2805; C24, 27, 31, 35, 39, §**4258;** C46, 50, 54, 58, 62, 66, 71, 73, §280.9; C75, 77, 79, 81, §280.6]

Referred to in §256.11

280.7 Dental clinics.

Boards of directors in all public school districts may establish and maintain dental clinics for children and offer courses of instruction on mouth hygiene. The boards may employ such legally qualified dentists and dental hygienists as may be necessary to accomplish the purpose of this section. The cost of the dental clinic shall be paid from the general fund.

[C24, 27, 31, 35, 39, §**4260;** C46, 50, 54, 58, 62, 66, 71, 73, §280.11; C75, 77, 79, 81, §280.7]

280.7A Student eye care.

1. A parent or guardian who registers a child for kindergarten or a preschool program shall be given a student vision card provided by the Iowa optometric association and as approved by the department of education with a goal of every child receiving an eye examination by age seven, as needed.

2. School districts may encourage a student to receive an eye examination by a licensed ophthalmologist or optometrist prior to the student receiving special education services pursuant to chapter 256B. The eye examination is not a requirement for a student to receive special education services. A parent or guardian shall be responsible for ensuring that a student receives an eye examination pursuant to this section.

3. Area education agencies, pursuant to section 273.3, shall make every effort to provide,

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in collaboration with local community organizations, vision screening services to children ages two through four.

2008 Acts, ch 1100, §1, 2

Elementary school vision screening, see §135.39D

280.8 Special education.

The board of directors of each public school district shall make adequate educational provisions for each resident child requiring special education appropriate to the nature and severity of the child's disability pursuant to rules promulgated by the department under the provisions of chapters 256B and 273.

[C71, 73, §280.22; C75, 77, 79, 81, §280.8]

96 Acts, ch 1129, §75

280.9 Career education.

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall incorporate into the educational program, in accordance with section 256.7, subsection 21, paragraph *"a"*, the total concept of career education to enable students to become familiar with the values of a work-oriented society. Curricular and cocurricular teaching-learning experiences from the prekindergarten level through grade twelve shall be provided for all students currently enrolled in order to develop an understanding that employment may be meaningful and satisfying. However, career education does not mean a separate career and technical education program is required. A career and technical education program includes units or partial units in subjects which have as their purpose to equip students with marketable skills.

2. Essential elements in career education shall include but not be limited to:

a. Awareness of self in relation to others and the needs of society.

b. Exploration of employment opportunities and experience in personal decision making.

c. Experiences which will help students to integrate work values and work skills into their lives.

[C75, 77, 79, 81, §280.9]

2001 Acts, ch 159, §12; 2009 Acts, ch 41, §263; 2016 Acts, ch 1108, §63

280.9A History and government required — voter registration.

1. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall require that all students in grades nine through twelve complete, as a condition of graduation, instruction in American history and the governments of Iowa and the United States, including instruction in voting statutes and procedures, voter registration requirements, the use of paper ballots and voting systems in the election process, and the method of acquiring and casting an absentee ballot.

2. *a.* Commencing with the school year beginning July 1, 2026, the board of directors of each local public school district and the authorities in charge of each accredited nonpublic school shall administer to students enrolled in grades nine through twelve the most recent version of the test distributed to the school district or accredited nonpublic school by the director of the department of education pursuant to section 256.9, subsection 78, in written or electronic format, and shall ensure that each student receives one passing score on the test as a condition of graduation. The board of directors of a local public school district and the authorities in charge of an accredited nonpublic school shall not be required to administer the test to a student who has received a passing score on the test.

b. A student must answer at least sixty percent of the questions on the test described in paragraph *"a"* correctly to attain a passing score. A student who fails to answer at least sixty percent of the questions on such test correctly may retake the test as many times as is necessary.

c. The board of directors of a local public school district or the authorities in charge of an accredited nonpublic school shall not impose or collect any fee in connection with the administration of the test described in paragraph *"a"*.

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d. The board of directors of a local public school district and the authorities in charge of an accredited nonpublic school may do all of the following:

(1) Modify the test described in paragraph *"a"* for a student who has an individualized education program or a plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794.

(2) Develop and administer an alternate test to a student who has a significant intellectual disability.

(3) Modify the test described in paragraph *"a"* for a student who is an English learner as defined in section 280.4.

e. On or before June 30 of each year, the board of directors of each local public school district and the authorities in charge of each accredited nonpublic school shall submit the results of the test described in paragraph *"a"* to the department of education.

f. The state board of education shall adopt rules pursuant to chapter 17A to administer this subsection.

3. The county auditor, upon request and at a site chosen by the county auditor, shall make available to schools within the county voting equipment or sample ballots that are generally used within the county, at times when this equipment or sample ballots are not in use for their recognized purpose.

4. At least twice during each school year, the board of directors of each local public school district operating a high school and the authorities in charge of each accredited nonpublic school operating a high school shall offer the opportunity to register to vote to each student who is at least seventeen years of age, as required by section 48A.23.

88 Acts, ch 1129, §1; 90 Acts, ch 1238, §38; 94 Acts, ch 1169, §57; 2008 Acts, ch 1031, §45; 2009 Acts, ch 57, §78; 2017 Acts, ch 110, §62, 64; 2025 Acts, ch 103, §5

Referred to in §256.9, 256.11, 256E.7, 256E.23, 259A.1, 331.502

280.9B Violence prevention curriculum.

The department of education shall develop a statewide violence prevention program based on law-related education. The department shall contract with a law-related education agency that serves the state and provides a comprehensive plan to develop violence prevention curricula for grades kindergarten through twelve, provide training to teachers and school administrators on violence prevention, and develop school-community partnerships for violence prevention.

94 Acts, ch 1172, §29

280.10 Eye-protective devices.

1. *a.* Every student and teacher in any public or nonpublic school shall wear industrial quality eye-protective devices at all times while participating, and while in a room or other enclosed area where others are participating, in any phase or activity of a course which may subject the student or teacher to the risk or hazard of eye injury from the materials or processes used in any of the following courses:

(1) Career and technical education programs or laboratories involving experience with any of the following:

(a) Hot molten metals.

(b) Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials.

(c) Heat treatment, tempering, or kiln firing of any metal or other materials.

(d) Gas or electric arc welding.

(e) Repair or servicing of any vehicle while in the shop.

(f) Caustic or explosive materials.

(2) Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids when risk is involved.

b. Visitors to such shops and laboratories shall be furnished with and required to wear the necessary safety devices while such programs are in progress.

2. It shall be the duty of the teacher or other person supervising the students in said courses to see that the above requirements are complied with. Any student failing to comply

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with such requirements may be temporarily suspended from participation in the course and the registration of a student for the course may be canceled for willful, flagrant, or repeated failure to observe the above requirements.

3. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices required herein. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district or school.

4. *"Industrial quality eye-protective devices"*, as used in this section, means devices meeting American national standard practice for occupational and educational eye and face protection promulgated by the American national standards institute, inc.

[C66, 71, 73, §280.20; C75, 77, 79, 81, §280.10]
2009 Acts, ch 41, §249; 2013 Acts, ch 30, §67; 2016 Acts, ch 1108, §64
Referred to in §280.31

280.11 Ear-protective devices.

1. Every student and teacher in any public or nonpublic school shall wear industrial quality ear-protective devices while the student or teacher is participating in any phase or activity of a course which may subject the student or teacher to the risk or hazard of hearing loss from noise in processes or procedures used in career and technical education programs or laboratories involving experiences with any of the following:

a. Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials.
b. Kiln firing of any metal or other materials.
c. Electric arc welding.
d. Repair or servicing of any vehicle while in shop.
e. Static tests, maintenance, or repair of internal combustion engines.
f. Letter press, paper folders, or monotype.

2. It shall be the duty of the teacher or other person supervising the students in said courses to see that the above requirements are complied with. Any student failing to comply with such requirements may be temporarily suspended from participation in the course and the registration of a student for the course may be canceled for willful, flagrant or repeated failure to observe the above requirements.

3. The board of directors of each local public school district and the authorities in charge of each nonpublic school shall provide the safety devices required in this section. Such devices may be paid for from the general fund, but the board may require students and teachers to pay for the safety devices and shall make them available to students and teachers at no more than the actual cost to the district or school.

4. *a. "Industrial quality ear-protective devices"*, as used in this section, means devices meeting the American national standard for measurement of the real-ear attenuation of ear protectors at threshold promulgated by the American national standards institute, inc.

b. "Noise" as used in this section, means a noise level that meets or exceeds damage-risk criteria established by the present standard for occupational noise exposure established by the federal occupational safety and health administration.

[C75, 77, 79, 81, §280.11]
99 Acts, ch 96, §28; 2013 Acts, ch 90, §69; 2016 Acts, ch 1108, §65
Referred to in §280.31

280.12 School improvement advisory committee.

The board of directors of each public school district and the authorities in charge of each nonpublic school shall do the following:

1. Appoint a school improvement advisory committee to make recommendations to the board or authorities. The advisory committee shall consist of members representing students, parents, teachers, administrators, and representatives from the local community, which may include representatives of business, industry, labor, community agencies, higher education, or other community constituents. To the extent possible, committee membership shall have balanced representation with regard to race, gender, national origin, and disability.

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2. Utilize the recommendations from the school improvement advisory committee to determine the following:

a. Major educational needs.

b. Student learning goals.

c. Long-range and annual improvement goals that include, but are not limited to, the state indicators that address reading, mathematics, and science achievement.

d. Desired levels of student performance.

e. Progress toward meeting the goals set out in paragraphs *"b"* through *"d"*.

f. Harassment or bullying prevention goals, programs, training, and other initiatives.

3. Consider recommendations from the school improvement advisory committee to infuse character education into the educational program.

[C75, 77, 79, 81, §280.12]

85 Acts, ch 212, §8; 2001 Acts, ch 159, §13; 2003 Acts, ch 27, §2; 2007 Acts, ch 9, §1

280.13 Requirements for interscholastic athletic contests and competitions.

1. A public school shall not participate in or allow students representing a public school to participate in any extracurricular interscholastic athletic contest or competition which is sponsored or administered by an organization as defined in this section, unless the organization is registered with the department of education, files financial statements with the department in the form and at the intervals prescribed by the director of the department of education, and is in compliance with rules which the state board of education adopts for the proper administration, supervision, operation, adoption of eligibility requirements, and scheduling of extracurricular interscholastic athletic contests and competitions and the organizations.

2. *a.* For the purposes of this section, *"organization"* means a corporation, association, or organization to which all of the following apply:

(1) The corporation, association, or organization has as one of its primary purposes the sponsoring or administration of extracurricular interscholastic athletic contests or competitions.

(2) The corporation, association, or organization monitors student participation in extracurricular interscholastic athletic contests or competitions pursuant to section 280.13D.

(3) The corporation, association, or organization, when calculating a public school's or nonpublic school's enrollment to determine the classification of an extracurricular interscholastic athletic contest or competition provided by the public school or nonpublic school, counts the enrollment of another public school or nonpublic school that allows students to participate in an extracurricular interscholastic athletic contest or competition that is provided by the public school or nonpublic school pursuant to section 280.13A or 280.13D, as one-fourth of the enrollment of students in grades nine through eleven in the other public school or nonpublic school as shown in the most recent basic education data survey.

(4) (a) From August 1, 2025, through June 30, 2027, the corporation, association, or organization does not modify a school district's or nonpublic school's football classification that was established by the corporation, association, or organization prior to August 1, 2025, due to the number of students who participate in an extracurricular interscholastic football contest or competition that is provided by the school district pursuant to section 280.13D.

(b) This subparagraph is repealed July 1, 2027.

b. *"Organization"* does not include an agency of this state, a public or private school or school board, or an athletic conference or other association whose interscholastic contests or competitions do not include more than twenty-four schools.

[C66, 71, 73, §257.25(10); C75, 77, 79, 81, §280.13]

85 Acts, ch 212, §24; 86 Acts, ch 1245, §1468; 93 Acts, ch 101, §204; 2025 Acts, ch 137, §1, 3

Referred to in §256.46, 261I.1, 279.19B, 280.13A, 280.13G, 280.13H, 298A.8

280.13A Sharing interscholastic activities.

1. If a school district, nonpublic school, or charter school operating under section 256E.5 does not provide an interscholastic activity for its students, the board of directors of that

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school district, the authorities in charge of the nonpublic school, or governing board of the charter school may complete an agreement with another school district, nonpublic school, or charter school operating under section 256E.5 to provide for the eligibility of its students in interscholastic activities provided by that other school district, nonpublic school, or charter school. A copy of each agreement completed under this section shall be filed with the appropriate organization as organization is defined in section 280.13 not later than April 30 of the school year preceding the school year in which the agreement takes effect, unless an exception is granted by the organization for good cause. An agreement completed under this section shall be deemed approved unless denied by the organization within ten days after its receipt. The organization shall determine whether an agreement would substantially prejudice the interscholastic activities of other schools. An agreement denied by the organization under this section may be appealed to the state board of education under chapter 290.

2. For the purpose of this section, *"substantial prejudice"* includes but is not limited to situations where shared interscholastic activities may result in an unfair domination of an interscholastic activity or substantial disruption of activity classifications and management.

3. It is not necessary that school districts that are parties to an agreement under this section must be engaged in sharing academic programming and receiving supplementary weighting under section 257.11.

87 Acts, ch 224, §53; 88 Acts, ch 1134, §62; 89 Acts, ch 135, §81; 2002 Acts, ch 1129, §3; 2017 Acts, ch 54, §76; 2023 Acts, ch 66, §54; 2024 Acts, ch 1168, §8

Referred to in §280.13, 280.13D

280.13B Recording and broadcast fees restricted.

The Iowa high school athletic association or its successor organization, and the Iowa girls high school athletic union or its successor organization, shall not assess a charge for the retransmission of an audio-visual recording of a high school athletic tournament contest or event if the retransmission does not occur earlier than twenty-four hours after the starting time of the live athletic contest or event.

96 Acts, ch 1190, §1; 2013 Acts, ch 90, §70

280.13C Concussion and brain injury policies.

1. *Legislative findings.* The general assembly finds and declares all of the following:

a. Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed.

b. Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions can occur with or without loss of consciousness, but the vast majority of concussions occur without loss of consciousness.

c. Continuing to play with a concussion or symptoms of a brain injury leaves a young athlete especially vulnerable to greater injury and even death. The general assembly recognizes that, despite having generally recognized return-to-play standards for concussions and head injuries, some affected youth athletes are prematurely returned to play or expected to learn at full capability, resulting in prolonged symptoms, actual or potential physical injury, or death to youth athletes in this state.

d. A concussion can impair not only the physical abilities of a student athlete, but can also affect how a student athlete thinks, acts, feels, and learns. A student athlete who has sustained a concussion may need informal or formal adjustments, accommodations, modifications of curriculum, and monitoring by medical or educational staff until the student is fully recovered.

2. *Definitions.* For the purposes of this section:

a. *"Contest"* means an interscholastic athletic game or competition.

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b. *"Contest official"* means a referee, umpire, judge, or other official in an athletic contest who is registered with the Iowa high school athletic association or the Iowa girls high school athletic union.

c. *"Emergency medical care provider"* means the same as defined in section 147A.1.

d. *"Extracurricular interscholastic activity"* means any dance or cheerleading activity or extracurricular interscholastic activity, contest, or practice governed by the Iowa high school athletic association or the Iowa girls high school athletic union that is a contact or limited contact activity as identified by the American academy of pediatrics.

e. *"Licensed health care provider"* means a physician, physician associate, chiropractor, advanced registered nurse practitioner, nurse, person who holds a doctorate in psychology with specialty training in neuropsychology or concussion management, physical therapist, occupational therapist, or athletic trainer licensed by a board designated under section 147.13.

3. *Training.*

a. The department of health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to develop training materials and courses regarding concussions and brain injuries, including training regarding evaluation, prevention, symptoms, risks, and long-term effects of concussions and brain injuries. Each coach or contest official shall complete such training at least every two years.

b. Individuals required to complete training pursuant to this subsection shall submit proof of such completion to the Iowa high school athletic association or the Iowa girls high school athletic union, as applicable.

4. *Guidelines and information sheet.*

a. The department of health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union shall work together to distribute the guidelines of the centers for disease control and prevention of the United States department of health and human services and other pertinent information to inform and educate coaches, students, and the parents and guardians of students of the risks, signs, symptoms, and behaviors consistent with a concussion or brain injury, including the danger of continuing to participate in extracurricular interscholastic activities after suffering a concussion or brain injury and their responsibility to report such signs, symptoms, and behaviors if they occur.

b. For school years beginning on or after July 1, 2018, each school district and nonpublic school shall provide to the parent or guardian of each student in grades seven through twelve a concussion and brain injury information sheet, as provided by the department of health and human services, the Iowa high school athletic association, and the Iowa girls high school athletic union. The student and the student's parent or guardian shall sign and return a copy of the concussion and brain injury information sheet to the student's school prior to the student's participation in any extracurricular interscholastic activity.

5. *Removal from participation.*

a. If a student's coach, contest official, or licensed health care provider or an emergency medical care provider observes signs, symptoms, or behaviors consistent with a concussion or brain injury in an extracurricular interscholastic activity, the student shall be immediately removed from participation.

b. A student who has been removed from participation shall not recommence such participation or participate in any dance or cheerleading activity or activity, contest, or practice governed by the Iowa high school athletic association or the Iowa girls high school athletic union until the student has been evaluated by a licensed health care provider trained in the evaluation and management of concussions and other brain injuries and the student has received written clearance to return to or commence participation from a licensed health care provider.

6. *Return-to-play protocol and return-to-learn plans.*

a. The department of health and human services, in cooperation with the Iowa high school athletic association and the Iowa girls high school athletic union, shall develop a return-to-play protocol based on peer-reviewed scientific evidence consistent with the guidelines of the centers for disease control and prevention of the United States department

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of health and human services, for a student's return to participation in any extracurricular interscholastic activity after showing signs, symptoms, or behaviors consistent with a concussion or brain injury. The department of health and human services shall adopt the return-to-play protocol by rule pursuant to chapter 17A. The board of directors of each school district and the authorities in charge of each accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity which is a contest in grades seven through twelve shall adopt such protocol by July 1, 2019.

b. Personnel of a school district or accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity which is a contest in grades seven through twelve shall develop a return-to-learn plan based on guidance developed by the brain injury association of America in cooperation with a student removed from participation in an extracurricular interscholastic activity and diagnosed with a concussion or brain injury, the student's parent or guardian, and the student's licensed health care provider to accommodate the student as the student returns to the classroom.

7. *Protective gear.* For school budget years beginning on or after July 1, 2018, the board of directors of each school district and the authorities in charge of each accredited nonpublic school with enrolled students who participate in an extracurricular interscholastic activity which is a contest in grades seven through twelve shall provide students participating in such contests with any protective gear, including but not limited to helmets and pads required for the activity by law, by the rules for such contests, or by Iowa high school athletic association or Iowa girls high school athletic union guidelines. However, an individual student is responsible for other protective gear that the individual student needs but that is not required for participation in the contest as provided in this subsection.

8. *Liability.*

a. A school district or accredited nonpublic school that adopts and follows the protocol required by this section and provides an emergency medical care provider or a licensed health care provider at a contest that is a contact or limited contact activity as identified by the American academy of pediatrics shall not be liable for any claim for injuries or damages based upon the actions or inactions of the emergency medical care provider or the licensed health care provider present at the contest at the request of the school district or accredited nonpublic school so long as the emergency medical care provider or the licensed health care provider acts reasonably and in good faith and in the best interest of the student athlete and without undue influence of the school district or accredited nonpublic school or coaching staff employed by the school district or accredited nonpublic school. A school district or accredited nonpublic school shall not be liable for any claim for injuries or damages if an emergency medical care provider or a licensed health care provider who was scheduled in accordance with a prearranged agreement with the school district or accredited nonpublic school to be present and available at a contest is not able to be present and available due to documentable, unforeseen circumstances and the school district or accredited nonpublic school otherwise followed the protocol.

b. An emergency medical care provider or a licensed health care provider providing care without compensation for a school district or accredited nonpublic school under this section shall not be liable for any claim for injuries or damages arising out of such care so long as the emergency medical care provider or the licensed health care provider acts reasonably and in good faith and in the best interest of the student athlete and without undue influence of the school district or accredited nonpublic school or coaching staff employed by the school district or accredited nonpublic school.

2011 Acts, ch 32, §1; 2012 Acts, ch 1023, §40; 2018 Acts, ch 1131, §1, 3; 2018 Acts, ch 1172, §25, 26; 2021 Acts, ch 54, §1; 2023 Acts, ch 19, §1035 – 1037; 2025 Acts, ch 68, §1; 2026 Acts, ch 1008, §3

Code editor directive applied

280.13D Participation in extracurricular interscholastic athletic contests or competitions and extracurricular activities provided by public schools.

1. *a.* The board of directors of a school district shall allow a student who resides within the school district, and who is enrolled in a nonpublic school or a charter school established

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pursuant to chapter 256E, subchapter I, to participate in any extracurricular interscholastic athletic contest or competition, and any extracurricular activity, including theater, show choir, and band, that is provided by the school district pursuant to the terms of an agreement between the board of directors of the school district and the authorities in charge of the nonpublic school or the governing board of the charter school, as applicable, that provides for the eligibility of the student, if all of the following criteria are satisfied:

(1) The extracurricular interscholastic athletic contest or competition or extracurricular activity has not been provided by the nonpublic school or the charter school during the two immediately preceding school years.

(2) The nonpublic school or charter school has not entered into an agreement under section 280.13A with another school district, nonpublic school, or charter school that provides for the eligibility of students enrolled in the nonpublic school or charter school to participate in the extracurricular interscholastic athletic contest or competition or any extracurricular activity that is being provided by that school district, nonpublic school, or charter school.

b. The board of directors of a school district shall allow a student who resides within a contiguous school district, and who is enrolled in a nonpublic school or a charter school established pursuant to chapter 256E, subchapter I, to participate in any extracurricular interscholastic athletic contest or competition and any extracurricular activity that is provided by the school district pursuant to the terms of an agreement between the board of directors of the school district and the authorities in charge of the nonpublic school or the governing board of the charter school, as applicable, that provides for the eligibility of the student, if all of the following criteria are satisfied:

(1) The extracurricular interscholastic athletic contest or competition or extracurricular activity has not been provided by the nonpublic school or charter school, or by the student's school district of residence, during the two immediately preceding school years.

(2) The nonpublic school or charter school has not entered into an agreement under section 280.13A with another school district, nonpublic school, or charter school that provides for the eligibility of students enrolled in the nonpublic school or charter school to participate in the extracurricular interscholastic athletic contest or competition or extracurricular activity that is being provided by that school district, nonpublic school, or charter school.

c. If the board of directors of a school district has established a fee for the cost of a student's participation in an extracurricular interscholastic athletic contest or competition or extracurricular activity, a student who is enrolled in a nonpublic school or a charter school established pursuant to chapter 256E, subchapter I, and is participating in an extracurricular interscholastic contest or competition or extracurricular activity at a public school pursuant to paragraph *"a"* or *"b"*, or the student's parent or guardian, shall be responsible for the payment of such fee. The amount of such fee shall not exceed the amount of the fee the board of directors of the school district has established for students who are enrolled in the school district.

2. A student who is enrolled in a nonpublic school or a charter school established pursuant to chapter 256E, subchapter I, and is participating in an extracurricular interscholastic contest or competition or extracurricular activity at a public school pursuant to subsection 1, paragraph *"a"* or *"b"*, shall participate under the same conditions as a student who is enrolled in the school district, including meeting the school district's student code of conduct requirements.

3. A student who participates in an extracurricular interscholastic athletic contest or competition or extracurricular activity pursuant to this section shall be deemed to satisfy the residence requirements for purposes of section 256.46.

2025 Acts, ch 137, §2, 4; 2026 Acts, ch 1086, §67, 101
Referred to in §280.13
Section amended

280.13E Realignment of high school athletics conferences — committee approval.

1. For purposes of this section:

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a. "Extracurricular interscholastic athletics" means a contest or competition for sports between different school districts or accredited nonpublic schools and outside the regular scope of a school district's or accredited nonpublic school's curriculum.

b. "Organization" means the Iowa high school athletic association or its successor organization, and the Iowa girls high school athletic union or its successor organization.

2. On or after July 1, 2025, a school district shall not expend any moneys, and an accredited nonpublic school shall not expend any moneys originating from the state, to pay dues or membership fees to an organization, and the school district or accredited nonpublic school shall not be a member of, participate in activities associated with, or receive services from an organization unless the organization develops and implements a policy that does all of the following:

a. (1) Establishes, in combination with the other organization, a committee known as the conference realignment committee. The conference realignment committee shall do all of the following:

(a) Take action to bring about a reasonable conference affiliation and relationship for high schools that are members of organizations. Reasonable conference affiliation and relationship with member high schools may include total movement of member schools, sport-specific relief, or scheduling assistance. When taking action to bring about a reasonable conference affiliation and relationship for member high schools, the committee shall consider all of the following:

(i) The current total enrollment of the member high schools and the projected total enrollment of the member high schools in the future.

(ii) Travel distances between member high schools.

(iii) The comparability of instructional programs provided by member high schools.

(iv) Traditional rivalries.

(v) The number of member high schools currently in the conference and the number of high schools that may be added to the conference.

(vi) The comparability of athletic programs and other school-sponsored programs provided by the member high schools.

(b) Review all requests that are submitted to the committee by school districts and accredited nonpublic schools that are members of an organization related to changing the extracurricular interscholastic athletics conferences the school belongs to, including moving a member school to a different conference. A request submitted under this subparagraph division must contain an analysis of how the change will affect the school district or accredited nonpublic school submitting the request along with how the change may affect other school districts and accredited nonpublic schools that are members of the organization.

(c) When determining whether to approve or reject the request, the committee shall consider the factors described in subparagraph division (a) and how to best bring about reasonable interscholastic athletics conferences that are beneficial to students enrolled in school districts and accredited nonpublic schools that are members of the organization. After making a decision, the committee shall provide a copy of the request and the committee's decision to the applicable organization and order the organization to take all actions necessary to effectuate the committee's decision. If the committee's decision rejects the school district's or accredited nonpublic school's request, the committee shall recommend an alternative conference alignment or allow the school district or accredited nonpublic school to opt for independent status.

(d) Develop an expedited review process for requests to change an extracurricular interscholastic athletics conference membership that are submitted to the committee by all school districts and accredited nonpublic schools that may be affected by the change. The expedited review process must require the committee to provide a copy of the requests received under this subparagraph division to the applicable organization and to direct the applicable organization to take all actions necessary to effectuate the committee's decision.

(e) Review extracurricular interscholastic athletics conference changes at least once every two years.

(f) Allow a school district or an accredited nonpublic school to appeal orders issued by the committee to the director of the department of education.

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(2) (a) The conference realignment committee shall consist of eighteen members, subject to the following requirements:

(i) Nine members shall be superintendents employed by school districts or accredited nonpublic schools located in different geographical regions of the state.

(ii) Nine members shall be activities directors employed by school districts or accredited nonpublic schools located in different geographical regions of the state.

(b) A quorum of the committee shall consist of ten members. The members of the committee shall elect a chairperson of the committee.

(c) Each organization shall appoint nine members to the committee pursuant to a process established by the state board of education by rule.

b. Prohibits the organization from changing membership of extracurricular interscholastic athletics conferences, including moving a member school to a different conference, unless the conference realignment committee ordered the organization to make such change pursuant to paragraph "*a*", subparagraph (1), subparagraph division (c) or (d).

c. Requires the organization to develop an expedited review and implementation process for orders received pursuant to paragraph "*a*", subparagraph (1), subparagraph division (d).

d. Requires that, in order for a school district or accredited nonpublic school to be included in any extracurricular interscholastic athletics conference, the school must offer at least one extracurricular interscholastic athletics activity for boys and at least one extracurricular interscholastic athletics activity for girls in the fall, winter, and spring. Schools that are not coeducational must offer at least one extracurricular interscholastic athletics activity for boys or girls, as applicable, in the fall, winter, and spring.

e. Prohibits a member school district or accredited nonpublic school that withdraws from an extracurricular interscholastic athletics conference, without approval, from doing any of the following:

(1) Competing in the same extracurricular interscholastic athletics activity in any conference for the two years immediately subsequent to the date the member school district or accredited nonpublic school withdrew.

(2) Competing in a tournament sponsored by an organization in the same extracurricular interscholastic athletics activity for the two years immediately subsequent to the date the member school district or accredited nonpublic school withdrew.

3. The state board of education shall adopt rules pursuant to chapter 17A to administer this section.

2025 Acts, ch 166, §1

280.13F Seizure action plan and training requirements.

1. For the purposes of this section, unless the context otherwise requires:

a. "*Individual health plan*" means the confidential, written, preplanned, and ongoing special health service developed for a student who requires such service to be incorporated with the student's educational program.

b. "*School nurse*" means a registered nurse holding current licensure recognized by the board of nursing who practices in the school setting to promote and protect the health of the school population by using knowledge from the nursing, social, and public health sciences.

c. "*School personnel*" means principals, guidance counselors, teachers, and other relevant employees who have direct contact with and supervise children, including school bus drivers and para-educators.

d. "*Seizure action plan*" means a written set of instructions designed to direct caregivers and staff to intervene in the event of a seizure occurrence and is considered a plan for emergencies as a part of an individual health plan.

2. *a.* Starting with the school year beginning July 1, 2025, the board of directors of each school district and the authorities in charge of each accredited nonpublic school shall have at least one school employee at each school who has met the training requirements necessary to administer or assist with the self-administration of all of the following:

(1) A medication approved by the United States food and drug administration to treat seizure disorder symptoms or a medication approved by the United States food and drug administration as a seizure rescue medication.

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(2) A manual dose of prescribed electrical stimulation using a vagus nerve stimulator magnet approved by the United States food and drug administration.

b. The presence of a school nurse employed full-time by a school district or accredited nonpublic school who assumes responsibility for the administration of seizure medications and the administration oversight of vagus nerve stimulation shall fulfill the requirements of paragraph *"a"*. This section shall not be construed to require school personnel, other than a school nurse, to administer a suppository to a student.

3. *a.* On or before December 31, 2026, each public school and each accredited nonpublic school shall provide training to all school personnel on how to recognize the signs and symptoms of seizures and the appropriate steps for seizure first aid.

b. Each public school and each accredited nonpublic school shall require school personnel responsible for the supervision or care of students to undergo seizure recognition and first aid training on a biennial basis.

4. Any training programs or guidelines adopted by a state agency for the training of school personnel in the health care needs of students diagnosed with a seizure disorder shall be consistent with training programs and guidelines developed by the epilepsy foundation of America or any successor organization.

5. This section shall not be construed to limit the authority of a school district, an accredited nonpublic school, or the department of education to require additional seizure disorder training.

6. *a.* Prior to school personnel administering medication prescribed to treat a student's seizure disorder symptoms, a school or accredited nonpublic school shall obtain a signed and dated authorization from the student's parent or guardian that authorizes a person who meets the requirements of subsection 2 to administer medication in accordance with the school's policy and procedures.

b. Authorizations required pursuant to paragraph *"a"* shall be effective for the school year in which the authorization is granted and must be renewed each school year.

7. Upon the request of a student's parent or guardian, a school district or accredited nonpublic school shall collaborate with the parent or guardian and relevant licensed health care professionals, including the school nurse or education team, in the development of an individual health plan, and a seizure action plan if appropriate, consistent with rules adopted by the state board of education. The individual health plan or seizure action plan shall be based on the student's needs and may include but is not limited to assessment, nursing diagnosis, outcomes, planning, interventions, student goals, and a plan for emergencies to provide direction in managing the student's health needs. The plan shall be updated consistent with timelines for individual health plans and with rules adopted by the state board of education.

8. *a.* Each school district and each accredited nonpublic school shall maintain all authorizations pursuant to subsection 6, individual health plans, and seizure action plans for enrolled students on file in the office of the school nurse or school administrator.

b. Each school district and each accredited nonpublic school shall distribute information regarding a student's seizure action plan to any school personnel responsible for the supervision or care of the student.

9. The requirements of subsections 6, 7, and 8 shall only apply to a school district or accredited nonpublic school that has either of the following:

a. An enrolled student with a known diagnosis of epilepsy or seizure disorder.

b. An enrolled student who is known to currently be taking medication prescribed by a health care provider as that term is defined in section 135.61, and approved by the United States food and drug administration to treat seizure disorder symptoms.

10. The state board of education shall adopt rules to establish a seizure education program for the purpose of providing school districts and accredited nonpublic schools an age-appropriate program on seizures and seizure disorders. The seizure education program shall be consistent with guidelines published by the epilepsy foundation of America or any successor organization, and participation in the program shall be optional.

11. A school district or accredited nonpublic school, an employee of a school district or accredited nonpublic school, or an agent of a school district or accredited nonpublic school

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acting reasonably, in good faith, and in compliance with a student's individual health plan and seizure action plan shall not be liable for any claim for injuries or damages arising from actions taken to assist a student with the student's needs related to epilepsy or a seizure disorder.

2025 Acts, ch 112, §1

280.13G High school athletic organizations — robotics.

1. An organization that receives moneys from a school district to pay dues or membership fees, or moneys from a nonpublic school originating from the state to pay dues or membership fees, may sponsor or administer interscholastic contests or competitions related to robotics. For purposes of this section, "*organization*" means the same as defined in section 280.13.

2. This section shall not be construed to prohibit an organization from sponsoring or administering other interscholastic contests or competitions.

2025 Acts, ch 102, §2

280.13H Extracurricular interscholastic athletic contests or competitions — acceptance of legal tender required.

1. For purposes of this section, "*organization*" means the same as defined in section 280.13.

2. A public school shall accept legal tender as a form of payment for entry into any extracurricular interscholastic athletic contest or competition sponsored by an organization. As a condition of registration with the department of education under section 280.13, an organization shall accept legal tender as a form of payment for entry into any extracurricular interscholastic athletic contest or competition sponsored by the organization.

3. This section shall not apply to any of the following:

a. An extracurricular interscholastic athletic contest or competition that takes place at a public school or a nonpublic school that is not a member of an organization.

b. An extracurricular interscholastic athletic contest or competition, sponsored by an organization, that takes place at a venue that is not owned or operated by a public school, a nonpublic school, or an organization.

2026 Acts, ch 1131, §1
NEW section

280.14 School requirements — administration.

1. The board or governing authority of each school or school district subject to the provisions of this chapter shall establish and maintain adequate administration, school staffing, personnel assignment policies, teacher qualifications, certification requirements, facilities, equipment, grounds, graduation requirements, instructional requirements, instructional materials, maintenance procedures, and policies on extracurricular activities. In addition, the board or governing authority of each school or school district shall provide such principals as it finds necessary to provide effective supervision and administration for each school and its faculty and student body.

2. An individual who is employed or contracted as a superintendent by a school or school district may also serve as an elementary or secondary principal in the same school or school district.

[C66, 71, 73, §257.25(11, 15); C75, 77, 79, 81, §280.14]
93 Acts, ch 4, §2; 2003 Acts, ch 180, §34
Credit towards graduation for military basic training, see §256.11(15)

280.15 Joint employment and sharing.

1. Two or more public school districts may jointly employ and share the services of any school personnel, or acquire and share the use of classrooms, laboratories, equipment and facilities. Classes made available to students in the manner provided in this section shall be considered as complying with the requirements of section 275.1 relating to the maintenance of kindergarten and twelve grades by a school district. If students attend classes in another school district under this section under an agreement that provides for whole grade sharing, the boards of directors of districts entering into these agreements shall provide for sharing

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the costs and expenses as provided in sections 282.10 through 282.12. If a district that has entered into a whole grade sharing agreement determines that a need exists to hire additional employees because of the whole grade sharing agreement, the district shall determine the nature and number of the necessary new positions. The district terminating employees as a result of a whole grade sharing agreement shall notify any other district, which is a party to the agreement, of the names and addresses of those terminated. Individuals who were employed by a district that entered into a whole grade sharing agreement and who were terminated as a result of the agreement shall be notified that the new positions exist and that they may apply for the new positions. The board shall offer the new position to an applicant from among those who were terminated as a result of the agreement if the applicant is licensed for the new position or, in the case of unlicensed personnel, is otherwise qualified. If two or more individuals from among those terminated as a result of the agreement apply for a single position, the applicant who is best qualified in the opinion of the board shall be offered the new position. However, the board is not required to offer a new position to applicants who were among those who were terminated as a result of the agreement beyond two school years. An employee who accrued benefits before a whole grade sharing agreement resulted in the employee's termination shall not, as a result of reemployment under this section, forfeit accrued vacation, accrued sick leave, longevity, completion of probationary status as defined by section 279.19, or salary or placement on a salary schedule based upon the employee's years of experience.

2. *a.* When a special education personnel pooling agreement, which has been entered into between an area education agency and a public school district pursuant to section 273.5, is terminated, the public school district shall assume the contractual obligations for any teachers assigned to the district under the agreement. Teachers, for whom the contractual obligations are assumed by a district, shall be given credit for completion of any probationary status under section 279.19, be placed on the salary schedule, and retain all leaves, benefits, and seniority rights accumulated as if the teacher had been originally employed under the agreement which exists between the public school district and the district's collective bargaining unit, consistent with the teacher's education and experience.

b. A teacher who is employed under a pooling agreement and assigned to special education facilities that are separate from and not part of local school district facilities shall, if the teacher's employment terminates upon termination of the pooling agreement, be offered any teaching position that is similar to the position previously held by the teacher under the pooling agreement, which is vacant in any of the local school districts which participated in the pooling agreement, provided that the teacher possesses the appropriate license for the position. Teachers employed by a local school district under this paragraph shall have the same rights, privileges, and protection as teachers whose contractual obligations are assumed by a district to which the teacher previously had been assigned under a special education personnel pooling agreement.

[C66, 71, 73, §257.25(16); C75, 77, 79, 81, §280.15]

85 Acts, ch 212, §9; 87 Acts, ch 224, §54; 90 Acts, ch 1219, §1; 91 Acts, ch 117, §1; 94 Acts, ch 1083, §1; 2010 Acts, ch 1061, §180

Referred to in §257.11, 257.31, 275.1, 275.2, 282.10

280.16 Self-administration of respiratory distress, asthma, or other airway constricting disease medication, epinephrine delivery systems, bronchodilator canisters, or bronchodilator canisters and spacers.

1. For purposes of this section:

a. "Bronchodilator" means a bronchodilator as recommended by the department of health and human services for treatment of a student's respiratory distress, asthma, or other airway constricting disease.

b. "Bronchodilator canister" means a portable drug delivery device packaged with multiple premeasured doses of a bronchodilator.

c. "Epinephrine delivery system" means a device for immediate self-administration or administration by another trained individual of a measured dose of epinephrine to a person at risk of anaphylaxis, including epinephrine auto-injectors and epinephrine nasal sprays.

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d. "*Licensed health care professional*" means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E and registered with the board of nursing, or a physician associate licensed under chapter 148C.

e. "*Medication*" means a drug that meets the definition provided in section 126.2, subsection 8, has an individual prescription label, is prescribed by a licensed health care professional for a student, and pertains to the student's respiratory distress, asthma, or other airway constricting disease, or risk of anaphylaxis, and includes but is not limited to a bronchodilator.

f. "*Self-administration*" means a student's discretionary use of medication prescribed by a licensed health care professional for the student.

g. "*Spacer*" means a holding chamber that is used to optimize the delivery of a bronchodilator to a person's lungs.

2. The board of directors of a school district and the authorities in charge of an accredited nonpublic school shall permit the self-administration of medication or the use of a bronchodilator canister or bronchodilator canister and spacer by a student with respiratory distress, asthma, or other airway constricting disease or the use of an epinephrine delivery system by a student with a risk of anaphylaxis if the following conditions are met:

a. The student's parent or guardian provides to the school written authorization for the self-administration of medication, for the use of a bronchodilator canister or a bronchodilator canister and spacer, or for the use of an epinephrine delivery system.

b. The student's parent or guardian provides to the school a written statement from the student's licensed health care professional containing the following information:

(1) The name and purpose of the medication, bronchodilator canister, bronchodilator canister and spacer, or epinephrine delivery system.

(2) The prescribed dosage.

(3) The times at which or the special circumstances under which the medication, bronchodilator canister, bronchodilator canister and spacer, or epinephrine delivery system is to be administered.

c. The parent or guardian and the school meet the requirements of subsection 3.

3. The school district or accredited nonpublic school shall notify the parent or guardian of the student, in writing, that the school district or accredited nonpublic school and its employees are to incur no liability, except for gross negligence, as a result of any injury arising from self-administration of medication, use of a bronchodilator canister or a bronchodilator canister and spacer, or use of an epinephrine delivery system by the student. The parent or guardian of the student shall sign a statement acknowledging that the school district or nonpublic school is to incur no liability, except for gross negligence, as a result of self-administration of medication, use of a bronchodilator canister or a bronchodilator canister and spacer, or use of an epinephrine delivery system by the student. A school district or accredited nonpublic school and its employees acting reasonably and in good faith shall incur no liability for any improper use of medication, a bronchodilator canister, a bronchodilator canister and spacer, or an epinephrine delivery system as defined in this section or for supervising, monitoring, or interfering with a student's self-administration of medication, use of a bronchodilator canister or a bronchodilator canister and spacer, or use of an epinephrine delivery system as defined in this section.

4. The permission for self-administration of medication, for the use of a bronchodilator canister or a bronchodilator canister and spacer, or for the use of an epinephrine delivery system is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this section. However, the parent or guardian shall immediately notify the school of any changes in the conditions listed under subsection 2.

5. Provided that the requirements of this section are fulfilled, a student with respiratory distress, asthma, or other airway constricting disease may possess and use the student's medication and a student with a written statement from a licensed health care professional on file pursuant to subsection 2, paragraph "*a*", may use a bronchodilator canister, a bronchodilator canister and spacer, or an epinephrine delivery system while in school,

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at school-sponsored activities, under the supervision of school personnel, and before or after normal school activities, such as while in before-school or after-school care on school-operated property. If the student misuses this privilege, the privilege may be withdrawn. A school district or nonpublic school shall notify a student's parent or guardian before withdrawing the privilege to use a bronchodilator canister, a bronchodilator canister and spacer, or an epinephrine delivery system.

6. Information provided to the school under subsection 2 shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

7. The Iowa school for the deaf and the institutions under the control of the department of health and human services as provided in section 218.1 are exempt from the provisions of this section.

2004 Acts, ch 1059, §1; 2008 Acts, ch 1088, §117; 2015 Acts, ch 29, §114; 2015 Acts, ch 68, §2; 2020 Acts, ch 1102, §20; 2022 Acts, ch 1126, §1; 2023 Acts, ch 19, §1038, 1039, 2506; 2023 Acts, ch 73, §21; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1129, §13

Referred to in §135.185, 135.190, 147A.1, 280.16A
Code editor directive applied
Section amended

280.16A Epinephrine delivery system, bronchodilator canister, or bronchodilator canister and spacer supply.

1. For purposes of this section, unless the context otherwise requires:

a. "Bronchodilator" means the same as defined in section 280.16.

b. "Bronchodilator canister" means the same as defined in section 280.16.

c. "Epinephrine delivery system" means the same as provided in section 280.16.

d. "Licensed health care professional" means the same as provided in section 280.16.

e. "Personnel authorized to administer epinephrine or a bronchodilator" means a school nurse or other employee of a school district or accredited nonpublic school trained and authorized to administer an epinephrine delivery system, a bronchodilator canister, or a bronchodilator canister and spacer.

f. "School nurse" means a registered nurse holding current licensure recognized by the board of nursing who practices in the school setting to promote and protect the health of the school population by using knowledge from the nursing, social, and public health sciences.

g. "Spacer" means the same as defined in section 280.16.

2. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe epinephrine delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers in the name of a school district or accredited nonpublic school to be maintained for use as provided in this section.

3. The board of directors in charge of each school district and the authorities in charge of each accredited nonpublic school may obtain a prescription for epinephrine delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers and maintain a supply of such epinephrine delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers in a secure location at each school for use as provided in this section. The board and the authorities shall replace epinephrine delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers in the supply upon use or expiration. Personnel authorized to administer epinephrine or a bronchodilator may possess and administer epinephrine delivery systems, bronchodilator canisters, or bronchodilator canisters and spacers, as applicable, from the supply as provided in this section.

4. Personnel authorized to administer epinephrine or a bronchodilator may provide or administer an epinephrine delivery system, a bronchodilator canister, or a bronchodilator canister and spacer, as applicable, from the school's supply to a student or other individual if such personnel reasonably and in good faith believe the student or other individual is having an anaphylactic reaction or requires treatment for respiratory distress, asthma, or other airway constricting disease.

5. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an epinephrine delivery system, a bronchodilator canister, or a bronchodilator canister and spacer as provided in this section:

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a. Any personnel authorized to administer epinephrine or a bronchodilator who, as applicable, provide, administer, or assist in the administration of an epinephrine delivery system to a student or other individual present at the school who such personnel believe to be having an anaphylactic reaction or in the administration of a bronchodilator canister or a bronchodilator canister and spacer to a student or other individual present at the school who such personnel believe to require treatment for respiratory distress, asthma, or other airway constricting disease.

b. A school district or accredited nonpublic school employing the personnel.

c. The board of directors in charge of the school district or authorities in charge of the accredited nonpublic school.

d. The prescriber of the epinephrine delivery system, the bronchodilator canister, or the bronchodilator canister and spacer.

6. The department of education, the board of medicine, the board of nursing, and the board of pharmacy shall, in consultation with an organization representing school nurses, adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, disposal, replacement, and administration of epinephrine delivery systems, bronchodilator canisters, and bronchodilator canisters and spacers, and for training and authorization to be required for personnel authorized to administer epinephrine or a bronchodilator.

2015 Acts, ch 68, §3; 2022 Acts, ch 1126, §2; 2026 Acts, ch 1129, §14
Section amended

280.17 Student abuse investigations — termination of employment.

1. The board of directors of a public school district and the authorities in charge of a nonpublic school shall comply with chapter 232E, and shall cooperate with the department of health and human services during an investigation commenced under chapter 232E.

2. The board of directors of a public school or the authorities in charge of a nonpublic school shall terminate the employment of a school employee if the board of directors or authorities in charge receive a written investigation report under section 232E.2, subsection 5, indicating the department of health and human services has determined the school employee committed student abuse.

3. The department of education, in consultation with the department of health and human services, shall adopt rules pursuant to chapter 17A, and a model policy, for the handling of investigations pursuant to chapter 232E.

85 Acts, ch 173, §27; 98 Acts, ch 1100, §36; 2011 Acts, ch 132, §95, 106; 2015 Acts, ch 29, §42; 2023 Acts, ch 19, §1040; 2025 Acts, ch 159, §29

280.17A Procedures for handling dangerous weapons.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures requiring school officials to report to local law enforcement agencies any dangerous weapon, as defined in section 702.7, possessed on school premises in violation of school policy or state law.

95 Acts, ch 191, §21

280.17B Students suspended or expelled for possession of dangerous weapons.

The board of directors of a public school and the authorities in control of a nonpublic school shall prescribe procedures for continued school involvement with a student who is suspended or expelled for possession of a dangerous weapon, as defined in section 702.7, on school premises in violation of state law and for the reintegration of the student into the school following the suspension or expulsion.

95 Acts, ch 191, §22

280.18 Student achievement goals. Repealed by 2001 Acts, ch 159, §18.

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280.19 At-risk children.

The board of directors of each public school district shall incorporate, into the kindergarten admissions program, criteria and procedures for identification and integration of at-risk children and their developmental needs.

88 Acts, ch 1114, §4; 2001 Acts, ch 159, §14; 2018 Acts, ch 1057, §9; 2023 Acts, ch 90, §4

280.19A Alternative options education programs — disclosure of records.

1. Each school district shall adopt a plan to provide alternative options education programs to students who are either at risk of dropping out or have dropped out. An alternative options education program may be provided in a district, through a sharing agreement with a school in a contiguous district, or through an areawide program available at the community college serving the merged area in which the school district is located. Each area education agency shall provide assistance in establishing a plan to provide alternative education options to students attending a public school in a district served by the agency.

2. When a plan is developed, the district shall be responsible for the operation of the program and shall reimburse the area education agency for the actual costs incurred by the area education agency under this section.

3. Notwithstanding section 22.7, subsection 1, records kept regarding a student who has participated in a program under this section shall be requested by school officials of a public or nonpublic receiving school in which the student seeks to enroll, and shall be provided by the sending school. A school official who receives information under this section shall disclose this information only to those school officials and employees whose duties require them to be involved with the student. A school official or employee who discloses information received under this section in violation of this subsection shall be subject to disciplinary action, including but not limited to reprimand, suspension, or termination. *"School officials and employees"* means those officials and persons employed by a nonpublic school or public school district, and area education agency staff members who provide services to schools or school districts.

90 Acts, ch 1271, §1102; 94 Acts, ch 1131, §4; 94 Acts, ch 1172, §30; 2017 Acts, ch 54, §43; 2021 Acts, ch 80, §152

Referred to in §279.9A

Minimum hours of instruction requirement adopted by state board of education not applicable to alternative programs; 90 Acts, ch 1271, §1104

280.20 Career and technical agriculture education.

1. It is the intent of the general assembly to encourage the public secondary schools to develop comprehensive programs for career and technical education in agriculture technology to meet the diverse needs of Iowa's students and to ensure an adequate supply of trained and skilled individuals in all phases of the agriculture industry. The board of directors of each public school district may develop, as part of the curriculum in grades nine through twelve, programs for career and technical education in agriculture technology.

2. *a.* It is also the intent of the general assembly to encourage the development of programs for career and technical education in agriculture technology which are structured on a twelve-month basis and which include the following:

(1) Provision for twelve-month extended contracts to permit entrepreneurial agricultural experience, summer program planning, and recordkeeping.

(2) Submission of an annual summer program by each career and technical agriculture instructor employed on an extended contract basis.

(3) Provision for instructional supervision for agricultural occupational experience programs.

b. Supervision and accountability of career and technical agriculture teachers employed for extended contracts are the responsibility of the local school board.

88 Acts, ch 1264, §2; 2010 Acts, ch 1031, §274; 2010 Acts, ch 1069, §79; 2016 Acts, ch 1108, §66

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280.21 Corporal punishment — burden of proof.

1. An employee of a public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. For purposes of this section, *"corporal punishment"* means the intentional physical punishment of a student. An employee's physical contact with the body of a student shall not be considered corporal punishment if it is reasonable and necessary under the circumstances and is not designed or intended to cause pain or if the employee uses reasonable force, as defined under section 704.1, for the protection of the employee, the student, or other students; to obtain the possession of a weapon or other dangerous object within a student's control; or for the protection of property. The department of education shall adopt rules to implement this section.

2. A school employee who, in the reasonable course of the employee's employment responsibilities, comes into physical contact with a student shall be granted immunity from any civil or criminal liability which might otherwise be incurred or imposed as a result of such physical contact, if the physical contact is reasonable under the circumstances and involves any of the following:

a. Encouraging, supporting, or disciplining the student.

b. Protecting the employee, the student, or other students.

c. Obtaining possession of a weapon or other dangerous object within a student's control.

d. Protecting employee, student, or school property.

e. Quelling a disturbance or preventing an act threatening physical harm to any person.

f. Removing a disruptive student from class or any area of the school premises, or from school-sponsored activities off school premises.

g. Preventing a student from the self-infliction of harm.

h. Self-defense.

i. Any other legitimate educational activity.

3. To prevail in a civil action alleging a violation of this section the party bringing the action shall prove the violation by clear and convincing evidence. Any school employee determined in a civil action to have been wrongfully accused under this section shall be awarded reasonable monetary damages, in light of the circumstances involved, against the party bringing the action.

4. A school employee's employer and the board of educational examiners shall not engage in reprisal or retaliation against a school employee who, in the reasonable course of the employee's employment responsibilities, comes into physical contact with a student in accordance with this section.

5. A public school district or area education agency shall provide to all teachers employed by the public school district or area education agency a copy of this section with the initial employment contract and with each notice of renewal of the employment contract.

89 Acts, ch 71, §1; 90 Acts, ch 1218, §1; 94 Acts, ch 1131, §5; 98 Acts, ch 1195, §1; 2018 Acts, ch 1057, §10; 2020 Acts, ch 1108, §10, 11; 2023 Acts, ch 96, §9

Referred to in §232.71B, 232E.1, 256.9

280.21A Leave — episode of violence.

1. *a.* A school employee who, in the course of employment, suffers a personal injury causing temporary total disability, or a permanent partial or total disability, resulting from an episode of violence toward that employee, for which workers' compensation under chapter 85 is payable, shall be entitled to receive workers' compensation, which the district shall supplement in order for the employee to receive full salary and benefits for the shortest of the following periods:

(1) One year from the date of the disability.

(2) The period during which the employee is disabled and incapable of employment.

b. During the period described in paragraph *"a"*, subparagraph (1) or (2), the school employee shall not be required to use accumulated sick leave or vacation.

2. The school district may require the employee, as a condition of receiving benefits under this section, to provide a signed statement that justifies the use of this leave and, if medical

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attention is required, a certificate from a licensed physician that states the nature and duration of the leave.

3. For purposes of this section, *"school employee"* means a person employed by a nonpublic school or school district, or any area education agency staff member who provides services to a school or school district.

94 Acts, ch 1131, §6; 2010 Acts, ch 1061, §101

280.21B Expulsion — weapons in school.

The board of directors of a school district and the authorities in charge of a nonpublic school which receives services supported by federal funds shall expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school or knowingly possessed a weapon at a school under the jurisdiction of the board or the authorities. However, the superintendent or chief administering officer of a school or school district may modify expulsion requirements on a case-by-case basis. This section shall not be construed to prevent the board of directors of a school district or the authorities in charge of a nonpublic school that have expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting. If both this section and section 282.4 apply, this section takes precedence over section 282.4. For purposes of this section, "*weapon*" means a firearm as defined in 18 U.S.C. §921. This section shall be construed in a manner consistent with the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

95 Acts, ch 191, §23

Referred to in §279.9A

280.22 Student exercise of free expression.

1. Except as limited by this section, students of the public schools have the right to exercise freedom of speech, including the right of expression in official school publications.

2. Students shall not express, publish, or distribute any of the following:

a. Materials which are obscene.

b. Materials which are libelous or slanderous under chapter 659.

c. Materials which encourage students to do any of the following:

(1) Commit unlawful acts.

(2) Violate lawful school regulations.

(3) Cause the material and substantial disruption of the orderly operation of the school.

3. There shall be no prior restraint of material prepared for official school publications except when the material violates this section.

4. Each board of directors of a public school shall adopt rules in the form of a written publications code, which shall include reasonable provisions for the time, place, and manner of conducting such activities within its jurisdiction. The code shall incorporate all of the provisions of this section. The board shall make the code available to the students and their parents.

5. Student editors of official school publications shall assign and edit the news, editorial, and feature content of their publications subject to the limitations of this section. Journalism advisers of students producing official school publications shall supervise the production of the student staff in order to maintain professional standards of English and journalism and to comply with this section.

6. Any expression made by students in the exercise of free speech, including student expression in official school publications, shall not be deemed to be an expression of school policy, and the public school district and school employees or officials shall not be liable in any civil or criminal action for any student expression made or published by students, unless the school employees or officials have interfered with or altered the content of the student speech or expression, and then only to the extent of the interference or alteration of the speech or expression.

7. A public school employee or official, acting within the scope of the person's professional ethics, if any, shall not be dismissed, suspended, disciplined, reassigned, transferred, subject to termination or nonrenewal of a teaching contract issued under

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section 279.13 or an extracurricular contract issued under section 279.19A, or otherwise retaliated against for acting to protect a student for engaging in conduct authorized under this section, or refusing to infringe upon student conduct that is protected by this section, the first amendment to the Constitution of the United States, or Article I, section 7, of the Constitution of the State of Iowa.

8. *"Official school publications"* means material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

9. This section does not prohibit a board of directors of a public school from adopting otherwise valid rules relating to oral communications by students upon the premises of each school.

89 Acts, ch 155, §1; 2021 Acts, ch 130, §6, 7
Referred to in §279.58

280.23 Student health services.

The board of directors of each public school district and the authorities in charge of each nonpublic school shall not require nonadministrative personnel to perform any special health services or intrusive nonemergency medical services for students unless the nonadministrative personnel are licensed or otherwise qualified and have consented to perform the services.

92 Acts, ch 1033, §1

280.24 Procedures for reporting drug or alcohol possession or use.

The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall prescribe procedures to report any use or possession of alcoholic liquor, wine, or beer or any controlled substance on school premises to local law enforcement agencies, if the use or possession is in violation of school policy or state law. The procedures may include a provision which does not require a report when the school officials have determined that a school at-risk or other student assistance program would be jeopardized if a student self reports.

97 Acts, ch 126, §38

280.25 Information sharing — interagency agreements.

1. The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall adopt a policy and the superintendent of each public school shall adopt rules which provide that the school district or school may share information contained within a student's permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system. These agencies include but are not limited to juvenile court services, the department of health and human services, and local law enforcement authorities. The disclosure of information shall be directly related to the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are being released.

2. The purpose of the agreement shall be to reduce juvenile crime by promoting cooperation and collaboration and the sharing of appropriate information among the parties in a joint effort to improve school safety, reduce alcohol and illegal drug use, reduce truancy, reduce in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions which provide structured and well-supervised educational programs supplemented by coordinated and appropriate services designed to correct behaviors that lead to truancy, suspension, and expulsions and to support students in successfully completing their education.

3. Information shared under the agreement shall be used solely for determining the programs and services appropriate to the needs of the juvenile or the juvenile's family, or coordinating the delivery of programs and services to the juvenile or the juvenile's family.

4. Information shared by the school district or school under the agreement is not admissible in any court proceedings which take place prior to a disposition hearing, unless written consent is obtained from a student's parent, guardian, or legal or actual custodian.

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5. Information shared by another party to the agreement with a school district or school pursuant to an interagency agreement shall not be used as a basis for a school disciplinary action against a student.

6. The interagency agreement shall provide, and each signatory agency to the agreement shall certify in the agreement, that confidential information shared among the parties to the agreement shall remain confidential and shall not be shared with any other person, school, school district, or agency, unless otherwise provided by law.

7. Juvenile court social records may be disclosed in accordance with section 232.147, subsection 9.

8. A school or school district entering into an interagency agreement under this section shall adopt a policy implementing the provisions of the interagency agreement. The policy shall include, but not be limited to, the provisions of the interagency agreement and the procedures to be used by the school or school district to share information from the student's permanent record with participating agencies. The policy shall be published in the student handbook.

97 Acts, ch 126, §39; 2000 Acts, ch 1123, §4; 2023 Acts, ch 19, §1041
Referred to in §232.147, 235A.15
Information sharing by multidisciplinary school safety assessment teams, see §280.36

280.26 Intervention in altercations.

1. An employee of a public school district, accredited nonpublic school, or area education agency may intervene in a fight or physical struggle occurring among students or between students and nonstudents that takes place in the presence of the school employee in a school building, on school premises, or at any school function or school-sponsored activity regardless of its location. The degree and force of the intervention may be as reasonably necessary, in the opinion of the school employee, to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation.

2. A person who is not an employee of a public school district, accredited nonpublic school, or area education agency may intervene in a fight or physical struggle occurring among students, or between students and nonstudents, that takes place in the presence of the nonemployee in a school building, on school premises, or at any school function or school-sponsored activity regardless of its location. The intervention may occur in the absence of an employee of a public school district, accredited nonpublic school, or area education agency, or at the request of such an employee, utilizing the degree and force of intervention reasonably necessary to restore order and protect the safety of the individuals involved in the altercation and others in the vicinity of the altercation. However, a person who intervenes in the absence of an employee of a public school district, accredited nonpublic school, or area education agency shall report the intervention and all relevant information regarding the situation as soon as reasonably possible to such an employee.

3. An employee of a public school district, accredited nonpublic school, or area education agency who intervenes in a fight or physical struggle pursuant to subsection 1 shall be awarded reasonable monetary damages against a party bringing a civil action alleging a violation of this section, if it is determined in the action that the employee has been wrongfully accused. A nonemployee of a public school district, accredited nonpublic school, or area education agency who intervenes in a fight or physical struggle pursuant to subsection 2 shall be limited to the recovery of reasonable attorney fees and court costs, if it is determined in a civil action alleging a violation of this section that the nonemployee has been wrongfully accused.

98 Acts, ch 1195, §2; 2018 Acts, ch 1057, §11

280.27 Reporting violence — immunity.

An employee of a school district, an accredited nonpublic school, or an area education agency who participates in good faith and acts reasonably in the making of a report to, or investigation by, an appropriate person or agency regarding violence, threats of violence, physical or sexual abuse of a student, or other inappropriate activity against a school employee or student in a school building, on school grounds, or at a school-sponsored

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function shall be immune from civil or criminal liability relating to such action, as well as for participating in any administrative or judicial proceeding resulting from or relating to the report or investigation.

2000 Acts, ch 1162, §1; 2011 Acts, ch 132, §96, 106
Referred to in §279.51A, 613.21
Similar provision, see §613.21

280.28 Harassment and bullying prohibited — policy — immunity.

1. *Purpose — findings — policy.* The state of Iowa is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. The general assembly finds that a safe and civil school environment is necessary for students to learn and achieve at high academic levels. Harassing and bullying behavior can seriously disrupt the ability of school employees to maintain a safe and civil environment, and the ability of students to learn and succeed. Therefore, it is the policy of the state of Iowa that school employees, volunteers, and students in Iowa schools shall not engage in harassing or bullying behavior.

2. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. "Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. *"Electronic"* includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.

b. "Harassment" and *"bullying"* shall be construed to mean any repeated and targeted electronic, written, verbal, or physical act or conduct toward a student that creates an objectively hostile school environment that meets one or more of the following conditions:

(1) Places the student in reasonable fear of harm to the student's person or property.

(2) Has a substantially detrimental effect on the student's physical or mental health.

(3) Has the effect of substantially interfering with a student's academic performance.

(4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

c. "Volunteer" means an individual who has regular, significant contact with students.

3. *Policy.* On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy. The board and the authorities shall make a copy of the policy available to all school employees, volunteers, students, and parents or guardians and shall take all appropriate steps to bring the policy against harassment and bullying and the responsibilities set forth in the policy to the attention of school employees, volunteers, students, and parents or guardians. Each policy shall, at a minimum, include all of the following components:

a. A statement declaring harassment and bullying to be against state and school policy. The statement shall include but not be limited to the following provisions:

(1) School employees, volunteers, and students in school, on school property, or at any school function or school-sponsored activity shall not engage in harassing and bullying behavior.

(2) School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or an individual who has reliable information about such an act of harassment or bullying.

b. A definition of harassment and bullying as set forth in this section.

c. A description of the type of behavior expected from school employees, volunteers, parents or guardians, and students relative to prevention measures, reporting, and investigation of harassment or bullying.

d. The consequences and appropriate remedial action for a person who violates the antiharassment and antibullying policy.

e. A procedure for reporting an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and

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the identification of the person or persons responsible for receiving reports of harassment or bullying.

f. A procedure for reporting an allegation of an act of harassment or bullying, including the identification by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of allegations of harassment or bullying. The procedure shall require a school official to notify the parents or guardians of a student enrolled in the school district within twenty-four hours after the school official receives a report that the student may have been the victim of conduct that constitutes harassment or bullying.

g. A procedure for the prompt investigation of complaints, either identifying the school superintendent or the superintendent's designee as the individual responsible for conducting the investigation, including a statement that investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying under this section.

h. A statement of the manner in which the policy will be publicized.

4. *Programs encouraged.* The board of directors of a school district and the authorities in charge of each accredited nonpublic school are encouraged to establish programs designed to eliminate harassment and bullying in schools. To the extent that funds are available for these purposes, school districts and accredited nonpublic schools shall do the following:

a. Provide training on antiharassment and antibullying policies to school employees and volunteers who have significant contact with students.

b. Develop a process to provide school employees, volunteers, and students with the skills and knowledge to help reduce incidents of harassment and bullying.

5. *Immunity.* A school employee, volunteer, or student, or a student's parent or guardian who promptly, reasonably, and in good faith reports an incident of harassment or bullying, in compliance with the procedures in the policy adopted pursuant to this section, to the appropriate school official designated by the school district or accredited nonpublic school, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.

6. *Collection requirement.* The board of directors of a school district and the authorities in charge of each nonpublic school shall develop and maintain a system to collect harassment and bullying incidence data.

7. *Reporting.* The board of directors of a school district and the authorities in charge of each nonpublic school shall report data collected under subsection 6, as specified by the department, to the department and to the local community.

8. *Existing remedies not affected.* This section shall not be construed to preclude a victim from seeking administrative or legal remedies under any applicable provision of law.

2007 Acts, ch 9, §2; 2023 Acts, ch 90, §5; 2023 Acts, ch 91, §20, 21; 2025 Acts, ch 114, §2, 3
Referred to in §279.65B, 279.82, 279.83, 282.18

280.29 Enrollment of children adjudicated or in foster care — transfer of educational records — services.

1. In order to facilitate the educational stability of children adjudicated under chapter 232 or receiving foster care services, a school district, upon notification by an agency of the state that a child adjudicated under chapter 232 or receiving foster care services is transferring to and enrolling in the school district, shall provide for the immediate and appropriate enrollment of the child. The school district shall do the following:

a. Work with an area education agency child welfare liaison, if the area education agency has employed such a liaison in accordance with section 273.2, subsection 11, to develop systems to ease the enrollment transition of a child adjudicated under chapter 232 or receiving foster care services to another school.

b. Develop procedures for awarding credit for coursework, including electives, completed by a child adjudicated under chapter 232 or receiving foster care services while enrolled at another school.

(1) Credits and grades earned and offered for acceptance shall be based on official

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transcripts and shall be accepted without validation unless required under the receiving school district's accreditation requirements.

(2) If the child earned less than a passing grade for a unit of coursework, the school district may require the child to retake the class in middle or high school. If the school district determines the child's proficiencies in an elementary grade are substantially deficient, the child's parent or guardian shall be notified and intensive instructional services and supports pursuant to section 279.68 shall be provided if appropriate.

c. Promote practices that facilitate access by a child adjudicated under chapter 232 or receiving foster care services to extracurricular programs, summer programs, and credit transfer services.

d. Establish procedures to lessen the adverse impact of the enrollment transfer of a child adjudicated under chapter 232 or receiving foster care services to another school.

e. Enter into a memorandum of understanding with the department of health and human services regarding the exchange of information as appropriate to facilitate the enrollment transition of children adjudicated under chapter 232 or receiving foster care services from one school to another school.

f. Provide other assistance as identified by the area education child welfare liaison.

2. A school district or an accredited nonpublic school, upon notification by an agency of the state that a child adjudicated under chapter 232 or in foster care is transferring enrollment from the school district or accredited nonpublic school to another school district or accredited nonpublic school, shall promptly provide for the transfer of all of the educational records of the child not later than five school days after receiving the notification.

2009 Acts, ch 120, §5; 2014 Acts, ch 1091, §2; 2023 Acts, ch 19, §1042

280.30 High-quality school building emergency operations plans.

1. The board of directors of a school district and the authorities in charge of each accredited nonpublic school shall develop a high-quality emergency operations plan for the district and individual school buildings in which students are educated no later than June 30, 2019. The plan shall include but not be limited to responses to active shooter scenarios and natural disasters. The plan shall provide that any alert regarding an emergency situation that is transmitted to school personnel or students by electronic means shall also be transmitted to the employer of any individual who is not a school employee but who is required as a part of the individual's employment to regularly be present in a school building during the school year. The plan shall include publication of procedures for school personnel, parents, and guardians to report possible threats to the safety of students or school personnel on school grounds or at school activities. The board and authorities shall consider any recommendations of the department of education relating to the development of a high-quality emergency operations plan and shall consult with local emergency management coordinators and local law enforcement agencies in the development of the plan. The board and authorities shall review and update the plan on an annual basis. The plan shall be confidential and shall not be a public record subject to disclosure under chapter 22.

2. The board of directors of a school district and the authorities in charge of each accredited nonpublic school shall require that at least once per school year an emergency operations drill based on the emergency operations plan be conducted in each individual school building in which students are educated. The board and authorities shall determine which school personnel participate in the drill and whether students or local law enforcement agencies participate in the drill. The drill may include but is not limited to a table top exercise, walk-through, partial drill, or full drill. This subsection shall not be construed to affect the requirements of section 10A.522, subsection 1.

2018 Acts, ch 1109, §1

280.31 Facial coverings.

The board of directors of a school district, the superintendent or chief administering officer of a school or school district, and the authorities in charge of each accredited nonpublic school shall not adopt, enforce, or implement a policy that requires its employees, students, or members of the public to wear a facial covering for any purpose while on the school district's

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or accredited nonpublic school's property unless the facial covering is necessary for a specific extracurricular or instructional purpose, or is required by section 280.10 or 280.11 or any other provision of law.

2021 Acts, ch 139, §28, 31

280.32 Radon testing and mitigation.

1. For purposes of this section, *"short-term test"* means a test using a device that remains in an area for two to seven days to determine the amount of radon in the air.

2. The board of directors of each public school district shall establish a radon plan and schedule for short-term tests for radon gas to be performed at each attendance center under its control at least once by July 1, 2027, and at least once every five years thereafter. Each school district shall publish testing results on the district's internet site in a timely manner.

3. Radon testing pursuant to this section conducted on and after July 1, 2022, shall be conducted by a person certified to conduct such testing pursuant to section 136B.1 or by district employees that have completed a school radon testing training program approved by the department of education and the department of health and human services. District employees that have completed training shall not perform testing services in locations other than the employee's employing district. The department of health and human services shall maintain and make available to school districts a list of such approved school radon testing training programs. Testing shall be based on recognized national standards that outline school radon testing practices.

4. *a.* If the results of a short-term test at an attendance center are at or above four picocuries per liter, the board of directors of the public school district shall conduct a second short-term test for radon gas and radon decay products in the spaces with elevated results within sixty days of the first test.

b. If the averaged results of the first and second tests at an attendance center pursuant to paragraph *"a"* are at or above four picocuries per liter, the board of directors of the public school district shall retain or employ a person credentialed pursuant to section 136B.1 to develop a radon mitigation plan that may include further diagnostic testing, corrective measures, and active mitigation. The board shall complete the radon mitigation plan within two years of the first test. A district is not required to mitigate radon at an attendance center if the district intends to abandon the building within five years or has a plan to renovate the attendance center within five years and the renovation will include radon mitigation.

5. All new school construction shall incorporate radon resistant construction techniques.

6. In consultation with appropriate stakeholders and the department of education, the department of health and human services shall adopt rules to administer this section.

2022 Acts, ch 1097, §1, 4; 2023 Acts, ch 19, §1043

Referred to in §423F.3

For provisions relating to certain funding for radon testing, see §423F.3(3)(a)

280.33 Single and multiple occupancy restrooms or changing areas — use by persons of same sex.

1. As used in this section:

a. "Multiple occupancy restroom or changing area" means an area in a school building designed or designated to be used by more than one person at a time, in which students may be in various stages of undress in the presence of other students or persons. *"Multiple occupancy restroom or changing area"* includes but is not limited to a restroom, locker room, changing room, or shower room.

b. "School" means a public school or nonpublic school.

c. "Sex" means the same as defined in section 4.1A. The sex listed on a person's official birth certificate or certificate issued upon adoption shall be considered presumptively correct if the certificate was issued at or near the time of the person's birth.

d. "Single occupancy restroom or changing area" means an area in a school building designed or designated to be used by one person at a time, in which the person may be in various stages of undress. *"Single occupancy restroom or changing area"* includes a restroom, locker room, changing room, or shower room.

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2. A school shall require a multiple occupancy restroom or changing area to be designated only for and used by persons of the same sex. A person shall not enter a multiple occupancy restroom or changing area, or a single occupancy restroom or changing area designated only for persons of the same sex, that does not correspond with the person's sex.

3. In any other school facility, a facility used for extracurricular activity, overnight accommodations, or any other setting where a student may be in various stages of undress in the presence of other students or persons, school personnel shall provide separate, private areas designated for use by students based on the students' sex.

4. A student who, for any reason, desires greater privacy when using a single or multiple occupancy restroom or changing area, or other facility described in subsection 3, and whose parent or legal guardian provides written consent to school officials, may submit a request to such officials for access to alternative facilities. The school official to whom a request is submitted shall evaluate such request and shall, to the extent reasonable, offer options for alternative facilities. In no event shall any accommodation be made that includes access to a student multiple occupancy restroom or changing area or a single occupancy restroom or changing area designated for use by students of the opposite sex while students of the opposite sex are present or could be present. Reasonable accommodations may include any of the following:

a. Access to a single occupancy restroom or changing area.

b. Access to a unisex single occupancy restroom or changing area by only one student at a time.

c. Controlled use of faculty multiple occupancy restroom or changing area or a single occupancy restroom or changing area.

5. This section shall not be construed to prohibit a school from doing any of the following:

a. Adopting policies necessary to accommodate disabled persons or young children in need of physical assistance when using a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility or setting described in subsection 3.

b. Permitting access to a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility described in subsection 3 for custodial or maintenance purposes when such facility is not occupied by a member of the opposite sex.

c. Rendering medical assistance.

d. Permitting access to a multiple occupancy restroom or changing area, a single occupancy restroom or changing area, or other facility or setting described in subsection 3 during a natural disaster, emergency, or when necessary to prevent a serious threat to student safety.

6. *a.* A citizen of this state may file a complaint with the office of the attorney general that a school is in violation of the provisions of this section if all of the following are true:

(1) The citizen provides written notice to the school describing the violation.

(2) The school does not cure the violation within three business days after receiving written notice of the violation.

b. A complaint filed pursuant to this section shall include all of the following:

(1) A copy of the written notice delivered to the school.

(2) A signed statement by the citizen describing the violation and stating that notice was provided.

c. Upon receipt of a complaint, the attorney general shall investigate the violation described in the complaint. If the attorney general determines that no violation occurred or that no further legal action is warranted, then the attorney general shall send written notice of such determination to the citizen who filed the complaint and to the school. If the attorney general determines that legal action is warranted to cure the violation, then the attorney general may file an action in a court of competent jurisdiction seeking such equitable relief as the attorney general deems appropriate.

d. This subsection shall not limit other remedies at law or equity available to the aggrieved person against the school.

2023 Acts, ch 8, §2, 3; 2025 Acts, ch 1, §29

Referred to in §216.9A

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280.34 Incidents related to licensed practitioners — reporting and investigation.

The board of directors of a school district and the authorities in charge of each accredited nonpublic school shall follow the process created by the board of educational examiners pursuant to section 256.146, subsection 25, related to the reporting and investigation of an incident involving the possible commission of a felony by any employee of the board of directors of the school district or the authorities in charge of the accredited nonpublic school.

2023 Acts, ch 95, §10; 2024 Acts, ch 1079, §8
Referred to in §256E.7

280.35 Requirement to view public license information.

Prior to hiring an individual who has been issued a license, endorsement, certification, authorization, or statement of recognition by the board of educational examiners, a school district or an accredited nonpublic school, as applicable, shall view the board of educational examiners' public license information to determine if the individual has a case pending with a finding of probable cause or any licensure sanction. This section shall not be construed to require the board of educational examiners to disclose unfounded, closed investigations.

2023 Acts, ch 95, §11
Referred to in §256E.7

280.36 Multidisciplinary school safety assessment teams — immunity.

1. The board of directors of each school district and the authorities in charge of each accredited nonpublic school may establish a multidisciplinary school safety assessment team. If established, the multidisciplinary school safety assessment team shall coordinate resources and assess and intervene when a student enrolled in the school district or accredited nonpublic school exhibits behavior that may pose a threat to the safety of the school district or accredited nonpublic school, employees of the school district or accredited nonpublic school, or other students enrolled in the school district or accredited nonpublic school.

2. The multidisciplinary school safety assessment team may consist of any of the following members:

a. A local law enforcement official.

b. A representative from juvenile court services.

c. A mental health professional.

d. A social services representative.

e. A school official.

3. The board of directors of a school district or the authorities in charge of an accredited nonpublic school may enter into an agreement with another school district, accredited nonpublic school, or charter school to create a multidisciplinary school safety assessment team that shall coordinate resources among the schools and assess and intervene when a student enrolled in either school exhibits behavior that may pose a threat to the safety of either school, employees of either school, or students enrolled in either school.

4. A multidisciplinary school safety assessment team may do any of the following:

a. Share or request records or information in accordance with section 29E.1.

b. Request records from the state court administrator.

5. In addition to any other immunity available, any person who, in good faith with reasonable cause and without malice, acts to report, investigate, or cause any investigation to be made into the activities of a student or other person as such report or investigation relates to conduct or information indicating that the student or person poses a credible danger of serious bodily injury or death to one or more students, school employees, or others on school property shall be immune from all criminal and civil liability that might otherwise be incurred or imposed as the result of the making of such a report, investigation, or disclosure.

6. Notwithstanding sections 22.7, 232.147, 232.149, 232.149A, and 232.151, a representative from juvenile court services who is a member of a multidisciplinary school safety assessment team may share records or information among the other members of the multidisciplinary school safety assessment team if the records or information are reasonably

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necessary to ensure the safety of students or others, and if the records or information are not sealed by a court order.

7. *a.* Notwithstanding sections 22.7, 232.147, 232.149, 232.149A, and 232.151, upon the request of a multidisciplinary school safety assessment team, the state court administrator shall disclose to the multidisciplinary school safety assessment team a record if the record is reasonably necessary to ensure the safety of students or others, and if the record is not sealed by a court order.

b. Paragraph *"a"* shall not be construed to prohibit a multidisciplinary school safety assessment team from submitting an application to the state court administrator for release of a record pursuant to any other authority established by law.

2025 Acts, ch 59, §4; 2025 Acts, ch 159, §12; 2026 Acts, ch 1086, §55, 101
Referred to in §29E.1, 256E.7, 256E.23
Information sharing under interagency agreements, see §280.25
Subsection 3 amended

280.37 Junior fire fighter program.

1. *a.* The board of directors of each school district and the authorities in charge of each accredited nonpublic school may offer to students enrolled in grades eleven and twelve an elective junior fire fighter program subject to the requirements established in this section.

b. Prior to offering an elective junior fire fighter program, the board of directors of the school district or the authorities in charge of the accredited nonpublic school must enter into an agreement with the local fire department that will be responsible for providing students participating in the program with appropriate materials and skills training that describes all of the following:

(1) How students participating in the program will be supervised.

(2) Activities in which students participating in the program may participate.

(3) Activities in which students participating in the program are prohibited from participating.

(4) The school district's or accredited nonpublic school's responsibilities related to providing medical and liability insurance coverage for all students participating in the program.

2. *a.* The elective junior fire fighter program must be taught by fire service training bureau personnel, or an instructor who has been approved by the fire service training bureau, using curriculum that has been approved by the fire service training bureau.

b. The procedure for background investigations and termination established in section 279.69 shall apply to fire service training bureau personnel, and instructors who have been approved by the fire service training bureau, who provide instruction as part of the elective junior fire fighter program.

3. If the board of directors of a school district or the authorities in charge of an accredited nonpublic school offer the elective junior fire fighter program, then the board of directors of the school district or the authorities in charge of the accredited nonpublic school shall coordinate with a local fire department to ensure students are provided with the appropriate materials and training to successfully complete all components necessary for firefighter I certification, including the written certification examination and the practical certification examination.

4. The elective junior fire fighter program must satisfy all of the following requirements:

a. Be designed to prepare students to sit for certification testing from the fire service training bureau for firefighter I certification.

b. Allow students to learn more about the work performed by fire fighters and other emergency services providers in a safe and controlled environment.

c. Provide students with valuable life skills, including teamwork, leadership, responsibility, and commitment.

d. Foster relationships between students and fire fighters and other emergency services providers.

e. Promote student participation in the fire services and other emergency services providers.

5. The elective junior fire fighter program must authorize students participating in the

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program who are younger than eighteen years of age to do all of the following between the hours of 6:00 a.m. and 12:00 midnight:

a. Take part in supervised training.

b. Fight grass fires, after receiving proper training.

c. Perform search-and-rescue operations; provided, however, that a student who is younger than eighteen years of age shall not perform a search-and-rescue operation in a structure that is on fire.

d. Enter a fire structure after the fire is out and the incident commander has declared the structure safe.

e. Perform traffic control duties, after receiving proper training.

f. Drive an emergency vehicle that has a gross vehicle weight of less than ten thousand pounds in nonemergency mode, after receiving proper training.

g. Pick up hoses and clean up fire scenes after the incident commander has declared the area safe.

h. Use pneumatic-driven or power-driven saws, shears, hydraulic rescue tools, and other power tools during training.

i. Operate certain pumps at fire scenes, as determined by the incident commander.

j. Handle charged hose lines with a diameter of not more than one and three-quarter inches.

6. The elective junior fire fighter program must prohibit students participating in the program who are younger than eighteen years of age from doing any of the following:

a. Driving any fire department vehicle in an emergency.

b. Performing interior fire suppression in structures, vehicles, or wildland fires; provided, however, that a student who is younger than eighteen years of age may perform interior fire suppression in grass fires.

c. Entering a confined space as defined in 29 C.F.R. §1910.146(b).

d. Responding to hazardous material fires, spills, or other events that may expose the student to hazardous material exceeding thresholds established in applicable federal regulations.

e. Performing fire fighting overhaul duties, including any duties designed to determine whether a fire that appears to be under control has not spread.

f. Operating a personal vehicle making use of a blue light pursuant to section 321.423.

g. Performing ice rescue missions.

h. Any activity that involves the risk of falling six feet or more.

i. Using a self-contained breathing device; provided, however, that a student who is younger than eighteen years of age may use a self-contained breathing device if all of the following requirements are satisfied:

(1) The student has received proper training to use the self-contained breathing device.

(2) The student uses the self-contained breathing device under the supervision of an instructor who has been approved by the fire service training bureau.

j. Using a cutting torch.

k. Filling air bottles; provided, however, that a student who is younger than eighteen years of age may fill air bottles if all of the following requirements are satisfied:

(1) The student has received proper training to fill air bottles.

(2) The student fills the air bottles under the supervision of an instructor who has been approved by the fire service training bureau.

l. Operating aerial ladders.

m. (1) Performing any activity that involves hose lines with a diameter of greater than two and one-half inches; provided, however, that a student who is younger than eighteen years of age may perform an activity that involves hose lines with a diameter of greater than two and one-half inches if all of the following requirements are satisfied:

(a) The student has received proper training to perform the activity.

(b) The student performs the activity under the supervision of an instructor who has been approved by the fire service training bureau.

(2) Notwithstanding subparagraph (1), a student who is younger than eighteen years of

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age may perform an activity that involves drafting suction lines with a diameter between five inches and six inches.

7. The elective junior fire fighter program must prohibit all students participating in the program from doing any of the following:

a. Responding to emergencies.

b. Being dispatched with a fire department.

c. Performing fire suppression or emergency medical services at an active scene.

8. The board of directors of each school district and the authorities in charge of each accredited nonpublic school may offer the elective junior fire fighter program as an extracurricular activity or as part of the career and technical education curriculum under section 256.11, subsection 5, paragraph *"h"*, subparagraph (1), subparagraph division (e).

9. To participate in the elective junior fire fighter program, the student must submit to the school district or accredited nonpublic school a waiver of liability on a form provided by the school district or accredited nonpublic school that has been executed by the student's parent or guardian, if the student is a minor, or by the student, if the student is not a minor or is an emancipated minor. The form must acknowledge that the student is not an employee or fire fighter and is participating in the elective junior fire fighter program as a student in an extracurricular activity or educational program, as applicable.

10. A student participating in the elective junior fire fighter program shall not be considered an employee, volunteer fire fighter, or a member of a fire department for any purpose, including for purposes of chapter 85, 85A, 85B, or 87.

11. A student's participation in the elective junior fire fighter program shall not create an employer-employee relationship between the student and a fire department or city. Any injuries sustained by a student as a result of the student's participation in the elective junior fire fighter program shall not be compensable under chapter 85, 85A, 85B, or 87.

12. The board of directors of each school district and the authorities in charge of each accredited nonpublic school offering an elective junior fire fighter program shall be responsible for providing medical and liability insurance coverage for all students enrolled in the school district or accredited nonpublic school who are participating in the program for all program-related activities.

2026 Acts, ch 1134, §4; 2026 Acts, ch 1200, §23, 24
Referred to in §100B.7, 256E.7, 256E.23
NEW section

280.38 Verification of citizenship and immigration status.

1. The board of directors of each school district and the authorities in charge of each accredited nonpublic school shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

2. The board of directors of each school district and the authorities in charge of each accredited nonpublic school shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

2026 Acts, ch 1156, §22, 35
Referred to in §256E.7, 256E.23
NEW section

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CHAPTER 280A

BEHAVIORAL HEALTH SERVICES — SCHOOL SETTINGS

Referred to in §274.3

Requirements related to student participation in certain surveys, analyses, activities, or evaluations, see §279.79

280A.1 Definitions.
280A.2 Behavioral health screenings and assessments in school settings.
280A.3 Establishment of provider-patient relationship for services provided via telehealth in a school setting.
280A.4 Behavioral health services provided via telehealth in a school setting.

280A.1 Definitions.

As used in this section, unless the context otherwise requires:

1. *"Accredited nonpublic school"* means any school, other than a public school, that is accredited pursuant to section 256.11 for any and all levels for grades one through twelve.

2. *"Area education agency"* means an area education agency established pursuant to chapter 273.

3. *"Behavioral health screening"* or *"screening"* means a screening and assessment performed using a universal behavioral health screening and assessment tool, approved for use by the department of education in consultation with the department of health and human services, to identify factors that place children at higher risk for behavioral health conditions, to determine appropriate treatment or intervention, and to identify the need for referral for appropriate services.

4. *"Behavioral health services"* means services provided by a health care professional operating within the scope of the health care professional's practice which address mental, emotional, medical, or behavioral conditions, illnesses, diseases, or problems.

5. *"Health care professional"* means a physician or other health care practitioner licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

6. *"In-person encounter"* means that the mental health professional and the student are in the physical presence of each other and are in the same physical location during the provision of behavioral health services.

7. *"Mental health professional"* means the same as defined in section 228.1.

8. *"Patient"* means a student receiving a behavioral health screening or other behavioral health services in accordance with this chapter.

9. *"Primary care provider"* means the personal provider trained to provide the first contact and continuous and comprehensive care to a patient and includes but is not limited to any of the following licensed or certified health care professionals who provide primary care:

a. A physician who is a family or general practitioner or a pediatrician.

b. An advanced registered nurse practitioner.

c. A physician associate.

10. *"Provider-patient relationship"* means the relationship between the patient and the mental health professional that meets the requirements for commencement and establishment of a valid provider-patient relationship as specified in this chapter.

11. *"Public school"* means any school directly supported in whole or in part by taxation.

12. *"School district"* means a school district described in chapter 274.

13. *"Student"* means a person enrolled in and attending an accredited nonpublic school or a public school in grades one through twelve.

14. *"Telehealth"* means the same as defined in section 514C.34.

2020 Acts, ch 1105, §1; 2023 Acts, ch 19, §1044; 2026 Acts, ch 1008, §3

Referred to in §154B.1, 154B.12

Code editor directive applied

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280A.2 Behavioral health screenings and assessments in school settings.

1. *a.* A school district, an accredited nonpublic school, or an area education agency may contract with a mental health professional or a nationally accredited behavioral health care organization to provide behavioral health screenings to students in person.

b. (1) A behavioral health screening may be conducted following provision of written consent by the student's parent or guardian for the student to participate in such screening.

(2) The consent shall also allow for the disclosure of the results of such screenings to the school district, accredited nonpublic school, or area education agency, if the mental health professional believes there is a credible threat to the health and safety of the student or others.

2. If a mental health professional conducts an initial behavioral health screening on the premises of a public school, an accredited nonpublic school, or an area education agency and determines that a student should be referred for additional behavioral health services, all of the following shall apply:

a. The mental health professional shall notify the parent or guardian of the student of the results of the screening.

b. The mental health professional may notify the student's primary care provider following provision of written consent by the student's parent or guardian. If a student does not have a primary care provider, the mental health professional may provide a listing of local primary care providers to the student's parent or guardian.

2020 Acts, ch 1105, §2

280A.3 Establishment of provider-patient relationship for services provided via telehealth in a school setting.

1. A mental health professional who provides services via telehealth in a public school, an accredited nonpublic school, or an area education agency shall establish a valid provider-patient relationship with the student who receives telehealth services.

2. The provider-patient relationship commences when all of the following conditions are met:

a. The student with the health-related matter with the consent of the student's parent or guardian seeks assistance from a mental health professional.

b. The mental health professional agrees to undertake diagnosis and treatment of the student.

c. The student's parent or guardian agrees to have the student treated by the mental health professional.

3. A valid provider-patient relationship may be established through any of the following means:

a. Through an in-person encounter which includes an in-person medical interview and physical examination conducted under the standard of care required for an in-person encounter.

b. Through consultation with a primary care provider who has an established relationship with the patient and who agrees to participate in or supervise the patient's care.

c. Through telehealth, if the standard of care does not require an in-person encounter, in accordance with evidence-based standards of practice and telehealth practice guidelines that address the clinical and technological aspects of telehealth, and the student's parent or guardian is present.

4. The parent or guardian of a student shall consent prior to the student receiving behavioral health services via telehealth under this chapter after a provider-patient relationship is established pursuant to this section. The school district shall maintain any such consent form completed by a parent or guardian.

2020 Acts, ch 1105, §3

280A.4 Behavioral health services provided via telehealth in a school setting.

1. A public school, accredited nonpublic school, or an area education agency may provide access to behavioral health services via telehealth on the premises of the public school, accredited nonpublic school, or area education agency. If a public school, an accredited

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nonpublic school, or an area education agency provides such access, the school or area education agency shall do all of the following:

a. Provide a secure, confidential, and private room for such services and the technology necessary to conduct telehealth services.

b. Maintain parent or guardian consent forms for the provision of such services. Consent forms shall be required for each academic year in which the student receives such services.

c. Maintain scheduling requests for student appointments for such services and provide the student access to the room by a school nurse or other appropriately trained school or area education agency employee.

d. Ensure that no school or area education agency employee is present in the same room as the student during the provision of such services.

e. Provide information to the student participating in telehealth services about how and to whom to report inappropriate behavior by a mental health professional.

f. Provide access to the student's parent or guardian to participate in any of the student's telehealth sessions.

2. The public school, accredited nonpublic school, or area education agency shall not have access to or handle any of the student's medical records or be responsible for billing for the telehealth services provided.

3. A mental health professional with prescribing authority who provides telehealth services in accordance with this section shall not prescribe any new medication to a student during a telehealth session. However, a mental health professional with prescribing authority may initiate new prescriptions, alter the dosage of an existing medication, or discontinue an existing medication for the treatment of the student's behavioral health condition after consultation with the student's parent or guardian.

4. The mental health professional shall notify the student's parent or guardian of the time and place for each scheduled telehealth session and specify the means available for the parent or guardian to participate in the session.

5. Protected health information, including but not limited to medical records and medical billing information, created by the mental health professional or primary care provider shall not be shared with or disclosed to a public school, accredited nonpublic school, or area education agency, unless disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the student or to a clearly identifiable person or persons and the mental health professional determines the student has the apparent intent and ability to carry out the threat.

6. A school district, an accredited nonpublic school, an area education agency, the board of directors of a school district or an area education agency, authorities in charge of the accredited nonpublic school, and employees of the school district, accredited nonpublic school or area education agency, shall not be liable for any injury arising from the provision of voluntary behavioral health screenings or behavioral health services in accordance with this chapter, provided such person has acted reasonably and in good faith and in accordance with the provisions of this chapter.

2020 Acts, ch 1105, §4

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CHAPTERS 280B to 281

RESERVED

CHAPTER 282

SCHOOL ATTENDANCE AND TUITION

Referred to in §274.3

282.1 School age — nonresidents.
282.1A Extended school programs. Repealed by 2006 Acts, ch 1152, §56.
282.2 Offsetting tax.
282.3 Admission and exclusion of pupils.
282.4 Suspension — expulsion.
282.5 Readmission of student.
282.6 Tuition.
282.7 Attending in another corporation — payment.
282.8 Attending school outside state.
282.9 Enrollment of person listed on sex offender registry.
282.10 Whole grade sharing.
282.11 Procedure for whole grade sharing agreements.
282.12 Funding of whole grade sharing agreements.
282.13 through 282.17 Reserved.
282.18 Open enrollment.
282.19 Child living in substance use disorder or foster care placement.
282.20 Tuition fees — payment.
282.21 Collection of tuition fees.
282.22 and 282.23 Reserved.
282.24 Tuition fees established — itemized statement of appraised value of school buildings.
282.25 Reserved.
282.26 High school students attending advanced courses.
282.27 Children living in psychiatric hospitals or institutions — payment.
282.28 Children at Eldora and Toledo. Repealed by 2003 Acts, ch 178, §59.
282.29 Children placed by district court.
282.30 Special programs.
282.31 Funding for special programs.
282.32 Appeal.
282.33 Funding for children residing in state mental health institutes or institutions.
282.34 Educational programs for children's residential facilities.
282.35 Children requiring special education — out-of-state placement.

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282.1 School age — nonresidents.

1. Persons between five and twenty-one years of age are of school age. Nonresident children shall be charged the maximum tuition rate as determined in section 282.24, with the exception that those residing temporarily in a school corporation may attend school in the corporation upon terms prescribed by the board. A school district discontinuing grades under section 282.7, subsection 1 or 3, shall be charged tuition as provided in section 282.24.

2. For purposes of this section, *"resident"* means a child who meets either of the following requirements:

a. Is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

(1) Is in the district for the purpose of making a home and not solely for school purposes.

(2) Meets the definitional requirements of the term *"homeless individual"* under 42 U.S.C. §11302(a) and (c).

(3) Lives in a juvenile detention center or residential facility in the district.

b. Is domiciled with the child's parent or guardian who is on active duty in the military service of the United States and is stationed at and resides or is domiciled within a federal military installation located contiguous to a county in this state.

3. The parent or guardian of a child who meets the requirements of subsection 2, paragraph *"b"*, may enroll the child in a school district in a county in this state that is located contiguous to the out-of-state federal military installation. Notwithstanding section 285.1 relating to transportation of resident pupils, the parent or guardian is responsible for transporting the child without reimbursement to and from a point on a regular school bus route of the district of enrollment.

4. Notwithstanding section 282.6, if a parent or guardian enrolls a child in a school district in accordance with subsection 3, the school district shall be free of tuition for such child.

[C73, §1795; C97, §2804; C24, 27, 31, 35, 39, §**4268;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.1]

83 Acts, ch 31, §3; 88 Acts, ch 1263, §6; 89 Acts, ch 210, §8; 92 Acts, ch 1130, §1; 2006 Acts, ch 1152, §38; 2009 Acts, ch 120, §6; 2010 Acts, ch 1061, §48; 2012 Acts, ch 1021, §61; 2018 Acts, ch 1172, §88, 89; 2019 Acts, ch 59, §237, 239

Referred to in §256E.8, 257.6, 257.11B, 282.8, 282.18, 282.35

282.1A Extended school programs. Repealed by 2006 Acts, ch 1152, §56.

282.2 Offsetting tax.

The parent or guardian whose child or protected person attends school in a district of which the parent or guardian is not a resident shall be allowed to deduct the amount of school tax paid by the parent or guardian in said district from the amount of tuition required to be paid.

[C97, §2804; C24, 27, 31, 35, 39, §**4269;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.2]

88 Acts, ch 1158, §59; 2024 Acts, ch 1009, §47

282.3 Admission and exclusion of pupils.

1. The board may exclude from school children under the age of six years when in its judgment such children are not sufficiently mature to be benefited by regular instruction, or any child who is found to be physically or mentally unable to attend school under section 299.5, or whose presence in school has been found to be injurious to the health of other pupils, or is efficiently taught for the scholastic year at a state institution. However, the board shall provide special education programs and services under chapters 256B, 257, and 273 for all children requiring special education.

2. The conditions of admission to public schools for work in the year immediately preceding the first grade and in the first grade shall be as follows:

a. A child under the age of six years on the fifteenth of September of the current school year shall not be admitted to a public school unless the board of directors of the school has adopted and put into effect courses of study for the school year immediately preceding the first grade, approved by the department of education, and has employed a practitioner or practitioners for this work with standards of training approved by the board of educational examiners.

b. No child shall be admitted to school work for the year immediately preceding the first grade unless the child is five years of age on or before the fifteenth of September of the current school year.

c. No child shall be admitted to the first grade unless the child is six years of age on or before the fifteenth of September of the current school year; except that a child under six years of age who has been admitted to school work for the year immediately preceding the first grade under conditions approved by the department of education, or who has demonstrated the possession of sufficient ability to profit by first-grade work on the basis of tests or other means of evaluation recommended or approved by the department of education, may be admitted to first grade at any time before December 31.

3. This section does not prohibit a school board from requiring the attainment of a greater age than the age requirements set forth in this section.

[C97, §2782; C24, 27, 31, 35, 39, §**4270;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.3]

89 Acts, ch 135, §85; 89 Acts, ch 210, §9; 89 Acts, ch 265, §36; 2010 Acts, ch 1061, §180; 2020 Acts, ch 1063, §128

Referred to in §279.9A

282.4 Suspension — expulsion.

1. The board may, by a majority vote, expel any student from school for a violation of the regulations or rules established by the board, or when the presence of the student is detrimental to the best interests of the school. The board may confer upon any teacher, principal, or superintendent the power temporarily to suspend a student, notice of the suspension being at once given in writing to the president of the board.

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2. A student who commits an assault, as defined under section 708.1, against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to hold a disciplinary hearing to determine whether or not to order further sanctions against the student, which may include expelling the student. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and students from the student committing the assault.

3. A student shall not be suspended or expelled pursuant to this section if the suspension or expulsion would violate the federal Individuals with Disabilities Education Act.

4. Notwithstanding section 282.6, if a student has been expelled or suspended from school and has not met the conditions of the expulsion or suspension, the student shall not be permitted to enroll in a school district until the board of directors of the school district approves, by a majority vote, the enrollment of the student.

[C73, §1735, 1756; C97, §2782; C24, 27, 31, 35, 39, §**4271;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.4]

89 Acts, ch 210, §10; 94 Acts, ch 1131, §7; 94 Acts, ch 1199, §66; 95 Acts, ch 218, §27; 96 Acts, ch 1215, §51; 2010 Acts, ch 1061, §180; 2013 Acts, ch 90, §71

Referred to in §279.9A, 280.21B, 282.5

Discipline of students for threats or disruptions, see §279.65A, 279.65B

282.5 Readmission of student.

When a student is suspended by a teacher, principal, or superintendent, pursuant to section 282.4, the student may be readmitted by the teacher, principal, or superintendent when the conditions of the suspension have been met, but when expelled by the board the student may be readmitted only by the board or in the manner prescribed by the board.

[R60, §2054; C73, §1735, 1756; C97, §2782; C24, 27, 31, 35, 39, §**4272;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.5]

94 Acts, ch 1091, §23; 95 Acts, ch 218, §28; 96 Acts, ch 1215, §52

Referred to in §279.9A

282.6 Tuition.

1. For purposes of this section, *"resident"* means a person who is physically present in a district, whose residence has not been established in another district by operation of law, and who meets any of the following conditions:

a. Is in the district for the purpose of making a home and not solely for school purposes.

b. Meets the definitional requirements of the term *"homeless individual"* under 42 U.S.C. §11302(a) and (c).

c. Lives in a residential correctional facility in the district.

2. Every school shall be free of tuition to all actual residents between the ages of five and twenty-one years and to resident veterans as defined in section 35.1, as many months after becoming twenty-one years of age as they have spent in the armed forces of the United States before they became twenty-one, provided, however, fees may be charged covering instructional costs for a summer school or driver education program. The board of education may, in a hardship case, exempt a student from payment of the above fees. Every person, however, who shall attend any school after graduation from a four-year course in an approved high school or its equivalent shall be charged a sufficient tuition fee to cover the cost of the instruction received by the person.

3. This section shall not apply to tuition authorized by chapter 260C.

[C73, §1724, 1727; C97, §2773; S13, §2773; C24, 27, 31, 35, 39, §**4273;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.6]

89 Acts, ch 210, §11; 92 Acts, ch 1135, §2; 99 Acts, ch 180, §14; 2010 Acts, ch 1069, §80; 2011 Acts, ch 25, §23

Referred to in §282.1, 282.4

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282.7 Attending in another corporation — payment.

1. The board of directors of a school district by record action may discontinue any or all of grades seven through twelve and negotiate an agreement for attendance of the pupils enrolled in those grades in the schools of one or more contiguous school districts having accredited school systems. If the board designates more than one contiguous district for attendance of its pupils, the board shall draw boundary lines within the school district for determining the school districts of attendance of the pupils. The portion of a district so designated shall be contiguous to the accredited school district designated for attendance. Only entire grades may be discontinued under this subsection and if a grade is discontinued, all higher grades in that district shall also be discontinued. A school district that has discontinued one or more grades under this subsection has complied with the requirements of section 275.1 relating to the maintenance of kindergarten and twelve grades. A pupil who graduates from another school district under this subsection shall receive a diploma from the receiving district. The boards of directors entering into an agreement under this section shall provide for sharing the costs and expenses as provided in sections 282.10 through 282.12. The agreement shall provide for transportation and authority and liability of the affected boards.

2. If the career and technical education program offered by a school district does not meet standards for program approval adopted by the state board for career and technical education, the district shall be granted one year to meet the standards for approval. If a district chooses to waive the one-year grace period, or the district fails to meet the approval standards after one year, the director of the department of education shall delegate the authority to the regional career and technical education planning partnership established pursuant to section 256.136 to direct the district to contract with another school district or a community college which has an approved program, for the provision of career and technical education for students of the district. The district that has waived the one-year grace period or has failed to meet the approval standards shall pay to the district or community college that has an approved program an amount equal to the percent of the school day in which a pupil is receiving career and technical education in the approved program times the district cost per pupil of the district of residence of the pupil. The regional career and technical education planning partnership established pursuant to section 256.136 shall contract with an approved program for delivery of career and technical education in the district which has failed to meet the approval standards or has waived the one-year grace period. Transportation to and from the approved program shall be provided by the school district that has waived the one-year grace period or has failed to meet approval standards. Reasonable effort shall be made to conduct the approved program at an attendance center in the district that has failed to meet the approval standards or has waived the one-year grace period.

3. Notwithstanding sections 28E.9 and 282.8, a school district may negotiate an agreement under subsection 1 for attendance of its pupils in a school district located in a contiguous state subject to a reciprocal agreement by the two state boards in the manner provided in this subsection. Prior to negotiating an agreement with the school district in the contiguous state, the board of directors shall file a written request with the state board of education for a determination whether the school district in the contiguous state meets requirements substantially similar to those required for accredited or approved school districts in this state and the school district receives or has available services equivalent to those that would be provided in this state by an area education agency. The school district shall also obtain approval by the department of education of the sharing proposal, before the agreement becomes effective. Six months before making the request for approval, the district shall request a feasibility study from the department of education. If the state board of this state and the corresponding state board in the contiguous state agree that the school districts of their respective states meet substantially similar requirements and have substantially similar services available to the school district, and if the Iowa department of education approves the proposed contract, the two state boards may sign a reciprocal agreement for attendance of their pupils in the school district of the other state, subject to the agreement signed between the boards of directors of the two districts. A school district that

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negotiates an agreement with a school district in a contiguous state under this subsection is not eligible for supplementary weighting under section 257.11 as a result of that agreement.

[C51, §1143; R60, §2024; C73, §1793; C97, §2803; C24, 27, 31, 35, 39, §**4274;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.7]

83 Acts, ch 31, §4, 5; 85 Acts, ch 212, §13; 86 Acts, ch 1245, §1484; 87 Acts, ch 224, §59; 88 Acts, ch 1263, §7; 89 Acts, ch 135, §86; 89 Acts, ch 278, §7; 2008 Acts, ch 1032, §108; 2016 Acts, ch 1108, §67; 2017 Acts, ch 29, §83

Referred to in §256.9, 275.1, 275.2, 282.1, 282.10, 282.24

282.8 Attending school outside state.

1. The boards of directors of school districts located near the state boundaries may designate schools of equivalent standing across the state line for attendance of both elementary and secondary school pupils when the public school in the adjoining state is nearer than any appropriate public school in a pupil's district of residence or in Iowa. Distance shall be measured by the nearest traveled public road. Arrangements shall be subject to reciprocal agreements made between the chief state school officers of the respective states. Notwithstanding section 282.1, arrangements between districts pursuant to the reciprocal agreements made under this section shall establish tuition and transportation fees in an amount acceptable to the affected boards, but the tuition fee established shall not be less than the lower of the tuition fee established pursuant to section 282.24 for the school district or the equivalent tuition rate for the non-Iowa school district for the previous school year, and the transportation fee established shall not be less than the lower average transportation cost per mile for yellow school buses as described in section 321.373 for the previous school year of the two affected school districts. The agreement shall provide that if the tuition fee for the school district in the adjoining state is a variable rate, the test of which tuition fee is lower shall be determined for each student by the affected boards.

2. A person attending school in another state pursuant to this section shall continue to be treated as a pupil of the district of residence for state school foundation aid purposes under section 257.6.

3. Notwithstanding the tuition provisions of subsection 1, the tuition fee established for a child requiring special education under chapter 256B shall be equal to the actual cost of the special education instructional program provided to that child under the child's individualized education program.

4. If the chief state school officers of the respective states have not entered into a reciprocal agreement under this section, or the agreement has expired or been terminated, or the distance to the public school in the adjoining state is not nearer than an appropriate public school in the pupil's district of residence or an appropriate public school in Iowa, the pupil attending school outside the state shall be considered a nonresident child for purposes of tuition payments to the receiving district and shall not be treated as a pupil of the district of residence for state school foundation aid purposes under section 257.6.

5. The whole grade sharing provisions of sections 282.10 through 282.12 and the open enrollment provisions of section 282.18 shall not apply to agreements made between districts under this section.

[C31, 35, §4274-c1, -c2, 4275; C39, §**4274.01, 4274.02, 4275;** C46, §282.8, 282.9, 282.17; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.8, 282.17; 81 Acts, ch 89, §1]

87 Acts, ch 4, §1; 2006 Acts, ch 1152, §39; 2016 Acts, ch 1036, §6

Referred to in §275.1, 282.7

282.9 Enrollment of person listed on sex offender registry.

1. Notwithstanding sections 256E.7, 256E.23, 275.55A, and 282.18, or any other provision to the contrary, prior to knowingly enrolling an individual who is required to register as a sex offender under chapter 692A, but who is otherwise eligible to enroll in a public school, the board of directors of a school district shall determine the educational placement of the individual. Upon receipt of notice that a student who is enrolled in the district is required to register as a sex offender under chapter 692A, the board shall determine the educational placement of the student. The tentative agenda for the meeting of the board of directors at

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which the board will consider such enrollment or educational placement shall specifically state that the board is considering the enrollment or educational placement of an individual who is required to register as a sex offender under chapter 692A. If the individual is denied enrollment in a school district under this section, the school district of residence shall provide the individual with educational services in an alternative setting.

2. Notwithstanding section 692A.121, or any other provision of law to the contrary, the county sheriff shall provide to the boards of directors of the school districts located within the county the name of any individual under the age of twenty-one who is required to register as a sex offender under chapter 692A.

2004 Acts, ch 1140, §1; 2009 Acts, ch 119, §41; 2021 Acts, ch 112, §17; 2026 Acts, ch 1086, §56, 101

Referred to in §692A.120
Subsection 1 amended

282.10 Whole grade sharing.

1. Whole grade sharing is a procedure used by school districts whereby all or a substantial portion of the pupils in any grade in two or more school districts share an educational program for all or a substantial portion of a school day under a written agreement pursuant to section 256.13, 280.15, or 282.7, subsection 1 or 3. Whole grade sharing may either be one-way or two-way sharing.

2. One-way whole grade sharing occurs when a school district sends pupils to one or more other school districts for instruction and does not receive a substantial number of pupils from those districts in return.

3. Two-way whole grade sharing occurs when a school district sends pupils to one or more other school districts for instruction and receives a substantial number of pupils from those school districts in return.

4. A whole grade sharing agreement shall be signed by the boards of the districts involved in the agreement not later than February 1 of the school year preceding the school year for which the agreement is to take effect. The boards of the districts shall negotiate as part of the new or existing agreement the disposition of funding provided under chapter 284, including the teacher leadership supplement state cost per pupil as provided in section 257.9, unless all of the districts subject to the agreement are receiving such funding.

87 Acts, ch 224, §60; 88 Acts, ch 1263, §8; 2008 Acts, ch 1181, §75; 2012 Acts, ch 1021, §62; 2013 Acts, ch 88, §19; 2016 Acts, ch 1036, §7; 2017 Acts, ch 172, §31; 2019 Acts, ch 24, §38

Referred to in §256.9, 256.13, 257.11, 275.2, 280.15, 282.7, 282.8, 285.1

282.11 Procedure for whole grade sharing agreements.

1. For the purposes of this section, *"affected pupils"* are those who under the whole grade sharing agreement are attending or scheduled to attend the school district specified in the agreement, other than the district of residence, during the term of the agreement.

2. Not less than ninety days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is negotiating, extending, or renewing a sharing agreement, shall publicly announce its intent to negotiate a sharing agreement under section 21.4, subsection 1. Within thirty days of the board's public notice, a petition may be filed with the department of education requesting that a feasibility study be completed. The petition shall be signed by twenty percent of the eligible electors in the district. The director of the department of education may determine that a feasibility study conducted by the board satisfies the request, provided that the study conforms with the criteria contained in section 256.9.

3. Not less than thirty days prior to signing a whole grade sharing agreement whereby all or a substantial portion of the pupils in a grade in the district will attend school in another district, the board of directors of each school district that is a party to a proposed sharing agreement shall hold a public hearing at which the proposed agreement is described, and at which the parent or guardian of an affected pupil and certificated employees of the school district shall have an opportunity to comment on the proposed agreement.

4. *a.* Within the thirty-day period prior to the signing of the agreement, the parent or

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guardian of an affected pupil may request the board of directors to send the pupil to another contiguous school district. The request shall be based upon one of the following:

(1) That the agreement will not meet the educational program needs of the pupil.

(2) That adequate consideration was not given to geographical factors.

b. The board shall allow or disallow the request prior to the signing of the agreement, or the request shall be deemed granted. If the board disallows the request, the board shall indicate the reasons why the request is disallowed and shall notify the parent or guardian that the decision of the board may be appealed as provided in this section.

c. If the board disallows the request of a parent or guardian of an affected pupil, the parent or guardian, not later than March 1, may appeal the sending of that pupil to the school district specified in the agreement, to the state board of education. The basis for the appeal shall be the same as the basis for the request to the board. An appeal shall specify a contiguous school district to which the parent or guardian wishes to send the affected pupil.

d. If the parent or guardian appeals, the standard of review of the appeal is a preponderance of evidence that the parent's or guardian's hardship outweighs the benefits and integrity of the sharing agreement. The state board may require the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, or may deny the appeal by the parent or guardian. If the state board requires the district of residence to pay tuition to the contiguous school district specified by the parent or guardian, the tuition shall be equal to the tuition established in the sharing agreement. The decision of the state board is binding on the boards of directors of the school districts affected, except that the decision of the state board may be appealed by either party to the district court.

87 Acts, ch 224, §61; 88 Acts, ch 1263, §10; 93 Acts, ch 160, §16; 2010 Acts, ch 1069, §81
Referred to in §256.9, 256.13, 257.11, 280.15, 282.7, 282.8, 291.6

282.12 Funding of whole grade sharing agreements.

1. An agreement for whole grade sharing shall establish a method for determination of costs, if any, associated with the sharing agreement.

2. For one-way sharing, the sending district shall pay no less than one-half of the district cost per pupil of the sending district.

3. For two-way sharing, the costs shall be determined by mutual agreement of the boards.

4. The number of pupils participating in a whole grade sharing agreement shall be determined on the date specified in section 257.6, subsection 1, and on the second Friday of January of each year.

87 Acts, ch 224, §62; 2006 Acts, ch 1152, §40; 2016 Acts, ch 1036, §8
Referred to in §256.13, 257.11, 280.15, 282.7, 282.8

282.13 through 282.17 Reserved.

282.18 Open enrollment.

1. *a.* It is the goal of the general assembly to permit a wide range of educational choices for children enrolled in schools in this state and to maximize ability to use those choices. It is therefore the intent that this section be construed broadly to maximize parental choice and access to educational opportunities which are not available to children because of where they live.

b. For the school year commencing July 1, 1989, and each succeeding school year, a parent or guardian residing in a school district may enroll the parent's or guardian's child in a public school in another school district in the manner provided in this section.

2. *a.* By March 1 of the preceding school year for students entering grades one through twelve, or by September 1 of the current school year for students entering kindergarten or for prekindergarten students enrolled in special education programs and included in the school district's basic enrollment under section 257.6, subsection 1, paragraph *"a"*, subparagraph (1), a parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent's or guardian's child in a public school in another school district. If a parent or guardian fails to file a notification that the parent or guardian intends to enroll

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the parent's or guardian's child in a public school in another district by the deadline specified in this paragraph, the procedures of subsection 4 apply.

b. (1) The board of the receiving district shall enroll the pupil in a school in the receiving district for the following school year unless the receiving district has insufficient classroom space for the pupil or unless the receiving district has prohibited the pupil from enrolling pursuant to subsection 14. The board of directors of a receiving district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action, but not later than June 1 of the preceding school year. The parent or guardian may withdraw the request at any time prior to the start of the school year.

(2) A denial of a request by the board of a receiving district is not subject to appeal. The board of a receiving district, or the superintendent of the receiving district if the board of the receiving district has adopted a policy granting the superintendent the authority to approve open enrollment applications, shall document the reason for the denial of a request and submit information related to the denial to the department of education in a manner prescribed by the department.

c. Every school district shall adopt a policy which defines the term *"insufficient classroom space"* for that district.

3. *a.* The superintendent of a district subject to court-ordered desegregation may deny a request for transfer under this section if the superintendent finds that enrollment or release of a pupil will adversely affect the district's implementation of the desegregation order, unless the transfer is requested by a pupil whose sibling is already participating in open enrollment to another district, or unless the request for transfer is submitted to the district in a timely manner as required under subsection 2 prior to implementation of the desegregation order by the district. If a transfer request would facilitate implementation of a desegregation order, the district shall give priority to granting the request over other requests.

b. A parent or guardian whose request has been denied because of the district's implementation of the desegregation order may appeal the decision of the superintendent to the board of the district in which the request was denied. The board may either uphold or overturn the superintendent's decision. A decision of the board to uphold the denial of the request is subject to appeal to the district court in the county in which the primary business office of the district is located.

c. The board of directors of a school district subject to court-ordered desegregation shall develop a policy for implementation of open enrollment in the district. The policy shall contain objective criteria for determining when a request would adversely impact the desegregation order and criteria for prioritizing requests that do not have an adverse impact on the order.

4. *a.* After March 1 of the preceding school year and until the date specified in section 257.6, subsection 1, the parent or guardian shall send notification to the district of residence and the receiving district, on forms prescribed by the department of education, that good cause exists for failure to meet the March 1 deadline. The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open enrollment applications submitted after the March 1 deadline. The board of the receiving district shall take action to approve the request if good cause exists. If the request is granted, the board shall transmit a copy of the form to the parent or guardian and the school district of residence within five days after board action. A denial of a request by the board of a receiving district is not subject to appeal.

b. If a resident district believes that a receiving district is violating this subsection, the resident district may, within fifteen days after board action by the receiving district, submit an appeal to the director of the department of education.

c. The director of the department of education, or the director's designee, shall attempt to mediate the dispute to reach approval by both boards as provided in subsection 15. If approval is not reached under mediation, the director or the director's designee shall conduct a hearing and shall hear testimony from both boards. Within ten days following the hearing, the director shall render a decision upholding or reversing the decision by the board of the receiving

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district. Within five days of the director's decision, the board may appeal the decision of the director to the state board of education under the procedures set forth in chapter 290.

5. Open enrollment applications filed after March 1 of the preceding school year that do not qualify for good cause as provided in subsection 4 shall be subject to the approval of the board of the resident district and the board of the receiving district. The parent or guardian shall send notification to the district of residence and the receiving district that the parent or guardian seeks to enroll the parent's or guardian's child in the receiving district. A decision of either board to deny an application filed under this subsection involving repeated acts of harassment of the student or serious health condition of the student that the resident district cannot adequately address is subject to appeal under section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.

6. A request under this section is for a period of not less than one year. If the request is for more than one year and the parent or guardian desires to have the pupil enroll in a different district, the parent or guardian may petition the current receiving district by March 1 of the previous school year for permission to enroll the pupil in a different district for a period of not less than one year. Upon receipt of such a request, the current receiving district board may act on the request to transfer to the other school district at the next regularly scheduled board meeting after the receipt of the request. The new receiving district shall enroll the pupil in the district unless there is insufficient classroom space in the district or the district is subject to court-ordered desegregation and enrollment of the pupil would adversely affect implementation of the desegregation order. A denial of a request to change district enrollment within the approval period is not subject to appeal. However, a pupil who has been in attendance in another district under this section may return to the district of residence and enroll at any time, once the parent or guardian has notified the district of residence and the receiving district in writing of the decision to enroll the pupil in the district of residence.

7. *a.* A pupil participating in open enrollment shall be counted, for state school foundation aid purposes, in the pupil's district of residence. A pupil's residence, for purposes of this section, means a residence under section 282.1.

b. (1) The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the budget year plus the teacher leadership supplement state cost per pupil, the professional development supplement state cost per pupil, and the early intervention supplement state cost per pupil for the budget year as provided in section 257.9, plus any moneys that would be due to the school district of residence for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the budget year multiplied by the state cost per pupil for the budget year. If the pupil participating in open enrollment is also an eligible pupil under section 261E.6, the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in section 261E.7.

(2) If a pupil participates in cocurricular or extracurricular activities in accordance with subsection 12, the district of residence may deduct up to two hundred dollars per activity, for up to two activities, from the amount calculated in subparagraph (1). For a cocurricular activity, one semester shall equal one activity. Extracurricular activities for which such a resident district may charge up to two hundred dollars per activity for up to two activities under this subparagraph include interscholastic athletics, music, drama, and any other activity with a general fund expenditure exceeding five thousand dollars annually. A pupil may participate in additional extracurricular activities at the discretion of the resident district. The school district of residence may charge the pupil a fee for participation in such cocurricular or extracurricular activities equivalent to the fee charged to and paid in the same manner by other resident pupils.

c. If a pupil participating in open enrollment attends school in the receiving district for less than a full school year, payment from the district of residence to the receiving district shall be prorated on a per diem basis.

8. *a.* If a request filed under this section is for a child requiring special education under chapter 256B, the request to transfer to the other district shall only be granted if the following conditions are met:

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(1) The receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class or caseload in that special education instructional program in the receiving district to exceed the maximum class size or caseload established pursuant to rules adopted by the state board of education.

(2) If the child would be assigned to a general education class, there is sufficient classroom space for the general education class to which the child would be assigned.

b. For children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

c. For children requiring special education, the receiving district shall complete and provide to the district of residence the documentation necessary to seek Medicaid reimbursement for eligible services.

9. *a.* If a parent or guardian of a child, who is participating in open enrollment under this section, moves to a different school district during the course of either district's academic year, the child's first district of residence as determined on the date specified in section 257.6, subsection 1, shall be responsible for payment of the cost per pupil plus weightings or special education costs to the receiving school district for the balance of the school year in which the move took place. The new district of residence shall be responsible for the payments during succeeding years.

b. If a request to transfer is due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship proceeding, placement in foster care, adoption, participation in a foreign exchange program, or participation in a substance use disorder or mental health treatment program, and the child who is the subject of the request is enrolled in any grade from kindergarten through grade twelve or who is a prekindergarten student enrolled in a special education program at the time of the request and is not currently using any provision of open enrollment, the parent or guardian of the child shall have the option to have the child remain in the child's original district of residence under open enrollment with no interruption in the child's educational program. If a parent or guardian exercises this option, the child's new district of residence is not required to pay the amount calculated in subsection 7 or 8, as applicable, until the start of the first full year of enrollment of the child.

c. The receiving district shall bill the resident district determined under paragraph *"a"* according to the timeline in section 282.20, subsection 3. Payments shall be made to the receiving district in a timely manner.

d. If the transfer of a pupil from one district to another results in a transfer from one area education agency to another, the sending district shall forward a copy of the request to the sending district's area education agency. The receiving district shall forward a copy of the request to the receiving district's area education agency. Any moneys received by the area education agency of the sending district for the pupil who is the subject of the request shall be forwarded to the receiving district's area education agency.

e. A district of residence may apply to the school budget review committee if a student was not included in the resident district's enrollment count during the fall of the year preceding the student's transfer under open enrollment.

10. *a.* Notwithstanding section 285.1 relating to transportation of nonresident pupils, the parent or guardian is responsible for transporting the pupil without reimbursement to and from a point on a regular school bus route of the receiving district. For purposes of this subsection, *"a point on a regular school bus route of the receiving district"* includes any school bus stop on the regular school bus route of the receiving district that existed prior to road construction that necessitates a change in the regular school bus route, whether or not the change in the regular school bus route resulting from the road construction necessitates sending school vehicles from the receiving district into the district of residence in order to safely, economically, or efficiently transport students to or from the preexisting point.

b. (1) A receiving district with a total enrollment of less than two thousand students may send school vehicles not more than two miles into the district of residence of the pupil using

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the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the pupil's primary residence is closer to the attendance center the pupil attends in the receiving district than the residence is to the attendance center the pupil would be assigned in the sending district.

(2) Notwithstanding subparagraph (1), a receiving district with a total enrollment of greater than or equal to two thousand students may send school vehicles two miles or more into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, regardless of the distance between the pupil's primary residence and the attendance center the pupil attends in the receiving district or the attendance center the pupil would be assigned in the sending district, if all of the following apply:

(a) The total enrollment of the pupil's district of residence is less than two thousand students.

(b) The pupil's district of residence is contiguous to the receiving district.

(c) The pupil's district of residence has sent school vehicles into the receiving district pursuant to subparagraph (1).

(3) Notwithstanding subparagraph (1) or (2), a receiving district may send school vehicles into the district of residence of the pupil using the open enrollment option under this section, for the purpose of transporting the pupil to and from school in the receiving district, if the boards of both the sending and receiving districts agree to this arrangement.

c. (1) If the pupil meets the economic eligibility requirements established by the department and state board of education, the sending district is responsible for providing transportation or paying the pro rata cost of the transportation to a parent or guardian for transporting the pupil to and from a point on a regular school bus route of a contiguous receiving district unless the cost of providing transportation or the pro rata cost of the transportation to a parent or guardian exceeds the average transportation cost per pupil transported for the previous school year in the district. The economic eligibility requirements established by the department of education and state board of education shall minimally include those pupils with household incomes of two hundred percent or less of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. If the cost exceeds the average transportation cost per pupil transported for the previous school year, the sending district shall only be responsible for that average per pupil amount. A sending district which provides transportation for a pupil to a contiguous receiving district under this subsection may withhold, from the district cost per pupil amount that is to be paid to the receiving district, an amount which represents the average or pro rata cost per pupil for transportation, whichever is less.

(2) A sending district shall not be responsible for paying a parent or guardian pursuant to subparagraph (1) if the pupil is transported by the receiving district to and from school in the receiving district pursuant to paragraph *"b"*.

11. *a.* A pupil who participates in open enrollment for purposes of attending a grade in grades nine through twelve in a school district other than the district of residence is ineligible to participate in varsity interscholastic athletic contests and athletic competitions during the pupil's first one hundred forty calendar days of enrollment in the district. However, a pupil may participate immediately in a varsity interscholastic sport under any of the following circumstances:

(1) If the pupil is entering grade nine for the first time and did not participate in an interscholastic athletic competition for another school or school district during the summer immediately following eighth grade.

(2) If the district of residence and the other school district jointly participate in the sport.

(3) If the sport in which the pupil wishes to participate is not offered in the district of residence.

(4) If the pupil chooses to use open enrollment to attend school in another school district because the district in which the student previously attended school was dissolved and merged with one or more contiguous school districts under section 256.11, subsection 12.

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(5) If the pupil participates in open enrollment because the pupil's district of residence has entered into a whole grade sharing agreement with another district for the pupil's grade.

(6) If the parent or guardian of the pupil participating in open enrollment is an active member of the armed forces and resides in permanent housing on government property provided by a branch of the armed services.

(7) If the district of residence determines that the pupil was previously subject to a founded incident of harassment or bullying as defined in section 280.28 while attending school in the district of residence.

(8) If the pupil participates in open enrollment because of circumstances that meet the definition of good cause. For purposes of this section, *"good cause"* means a change in a child's residence due to a change in family residence, a change in a child's residence from the residence of one parent or guardian to the residence of a different parent or guardian, a change in the state in which the family residence is located, a change in a child's parents' marital status, a guardianship or custody proceeding, placement in foster care, adoption, participation in a foreign exchange program, initial placement of a prekindergarten student in a special education program requiring specially designed instruction, or participation in a substance use disorder or mental health treatment program, a change in the status of a child's resident district such as removal of accreditation by the state board, surrender of accreditation, or permanent closure of a nonpublic school, revocation of a charter school contract as provided in section 256E.10 or 256E.27, the failure of negotiations for a whole grade sharing, reorganization, dissolution agreement, or the rejection of a current whole grade sharing agreement, or reorganization plan.

(9) If the board of directors or superintendent of the district of residence issues or implements a decision that results in the discontinuance or suspension of varsity interscholastic sports activities in the district of residence.

(10) If the board of directors of the district of residence and the board of directors of the receiving district both agree to waive the ineligibility period.

(11) For open enrollment applications approved for the school year beginning July 1, 2021, if the pupil's district of residence had a voluntary diversity plan in effect on January 1, 2021, and applicable to the school year beginning July 1, 2021.

b. A pupil who has paid tuition and attended school, or has attended school pursuant to a mutual agreement between the two districts, in a district other than the pupil's district of residence for at least one school year is also eligible to participate immediately in interscholastic athletic contests and athletic competitions under this section, but only as a member of a team from the district that pupil had attended.

c. If a pupil is declared ineligible for interscholastic athletic contests and athletic competitions in the pupil's district of residence due to the pupil's academic performance, upon participating in open enrollment, in addition to any other period of ineligibility under this subsection, the pupil shall be ineligible in the receiving district for the remaining period of ineligibility declared by the district of residence.

d. For purposes of this subsection, *"school days of enrollment"* does not include enrollment in summer school. For purposes of this subsection, *"varsity"* means the same as defined in section 256.46, subsection 3.

12. *a.* A pupil participating in open enrollment for purposes of receiving educational instruction and course content primarily over the internet in accordance with section 256.7, subsection 32, may participate in any cocurricular or extracurricular activities offered to children in the pupil's grade or group, and sponsored by the district of residence, under the same conditions and requirements as the pupils enrolled in the district of residence, if the school district attendance center providing the educational instruction and course content primarily over the internet does not sponsor such cocurricular or extracurricular activities.

b. The pupil may participate in not more than two cocurricular or extracurricular activities per academic term unless the resident district approves the pupil's participation in additional activities.

c. The pupil shall comply with the eligibility, conduct, and other requirements relating to the activity that are established by the district of residence for any pupil who applies to participate or who is participating in the activity.

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13. If a pupil, for whom a request to transfer has been filed with a district, has been suspended or expelled in the district, the pupil shall not be permitted to transfer until the pupil has been reinstated in the sending district. Once the pupil has been reinstated, however, the pupil shall be permitted to transfer in the same manner as if the pupil had not been suspended or expelled by the sending district. If a pupil, for whom a request to transfer has been filed with a district, is expelled in the district, the pupil shall be permitted to transfer to a receiving district under this section if the pupil applies for and is reinstated in the sending district. However, if the pupil applies for reinstatement but is not reinstated in the sending district, the receiving district may deny the request to transfer. The decision of the receiving district is not subject to appeal.

14. *a.* If a pupil participating in open enrollment is truant as defined in section 299.8, the board of directors of the receiving district may prohibit the pupil from remaining enrolled in the receiving district, and from enrolling in the receiving district in the future, after providing notice and an opportunity to be heard to the pupil's parent or guardian. A receiving district shall send notification of the receiving district's decision to prohibit the pupil from remaining enrolled in the receiving district pursuant to this paragraph to the pupil's parent or guardian and to the pupil's sending district.

b. The sending district shall enroll the pupil who is prohibited from remaining enrolled in the receiving district pursuant to paragraph "*a*".

c. This subsection shall not be construed to prohibit the pupil's parent or guardian from filing a request to transfer pursuant to subsection 2, paragraph "*a*", subsequent to the receiving district's decision to prohibit the pupil from remaining enrolled in the receiving district.

15. An application for open enrollment may be granted at any time with approval of the resident and receiving districts.

16. The deadlines specified in subsection 2, paragraph "*a*", shall not apply to a child whose parent or guardian is filing a notification that the parent or guardian intends to open enroll the child in a public school in another school district for purposes of receiving full-time instruction under section 256.43.

17. The director of the department of education shall recommend rules to the state board of education for the orderly implementation of this section. The state board shall adopt rules as needed for the implementation of this section.

88 Acts, ch 1113, §1; 89 Acts, ch 12, §1; 89 Acts, ch 319, §81; 90 Acts, ch 1182, §1, 5; 90 Acts, ch 1233, §10; 91 Acts, ch 97, §62; 91 Acts, ch 202, §1; 92 Acts, ch 1135, §3 – 5; 92 Acts, ch 1163, §64; 93 Acts, ch 149, §1; 94 Acts, ch 1091, §24; 94 Acts, ch 1131, §8; 94 Acts, ch 1175, §10; 96 Acts, ch 1157, §1 – 3; 97 Acts, ch 23, §31, 32; 2002 Acts, ch 1124, §13, 16; 2002 Acts, ch 1129, §4; 2002 Acts, ch 1140, §17 – 23; 2003 Acts, ch 79, §5, 7, 8; 2003 Acts, ch 180, §35, 36, 72; 2005 Acts, ch 79, §2; 2005 Acts, ch 179, §93 – 95; 2006 Acts, ch 1152, §41 – 43; 2008 Acts, ch 1071, §1; 2008 Acts, ch 1181, §64; 2009 Acts, ch 18, §1; 2009 Acts, ch 133, §104; 2009 Acts, ch 177, §54, 57; 2010 Acts, ch 1069, §39, 40; 2012 Acts, ch 1021, §63; 2013 Acts, ch 121, §57, 75; 2016 Acts, ch 1036, §9, 10; 2016 Acts, ch 1079, §1, 2; 2017 Acts, ch 54, §44; 2018 Acts, ch 1026, §99; 2018 Acts, ch 1119, §15, 16; 2019 Acts, ch 24, §103; 2020 Acts, ch 1022, §5; 2020 Acts, ch 1045, §21; 2021 Acts, ch 50, §1; 2021 Acts, ch 90, §2, 4; 2021 Acts, ch 112, §18; 2021 Acts, ch 139, §13 – 19, 21, 22; 2022 Acts, ch 1153, §33 – 38, 41; 2023 Acts, ch 19, §1045, 1046; 2023 Acts, ch 64, §109; 2024 Acts, ch 1107, §1; 2024 Acts, ch 1152, §23 – 28, 30; 2024 Acts, ch 1168, §2; 2026 Acts, ch 1062, §6; 2026 Acts, ch 1065, §1; 2026 Acts, ch 1086, §57, 95, 101; 2026 Acts, ch 1178, §3, 5

Referred to in §85.20, 85.61, 256.43, 256.46, 256E.23, 256E.28, 257.6, 257.31, 261E.7, 275.15, 282.8, 282.9, 284.13, 290.1, 321.178

Extracurricular eligibility; see also chapter 261I, §256.46, 280.13D

2024 amendments to section by 2024 Acts, ch 1152, apply to applications and notifications related to open enrollment submitted on or after July 1, 2024; 2024 Acts, ch 1152, §30

2026 amendment to subsection 11, paragraph a, unnumbered paragraph 1 effective August 1, 2026; 2026 Acts, ch 1178, §5

Subsection 2, paragraph b amended

Subsection 11, paragraph a, unnumbered paragraph 1 amended

Subsection 11, paragraph a, subparagraph (8) amended

Subsection 12 amended

Subsection 15 stricken and former subsections 16 – 18 renumbered as 15 – 17

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282.19 Child living in substance use disorder or foster care placement.

1. A child who is living in a facility that provides residential treatment as *"facility"* is defined in section 125.2, which is located in a school district other than the school district in which the child resided before entering the facility may enroll in and attend an accredited school in the school district in which the child is living.

2. A child who is living in a facility, or with an approved kinship caregiver, as those terms are defined in section 237.1, or in an unlicensed relative foster care placement, shall remain enrolled in and attend an accredited school in the school district in which the child resided and is enrolled at the time of placement, unless it is determined by the juvenile court or the public or private agency of this state that has responsibility for the child's placement that remaining in such school is not in the best interests of the child. If such a determination is made, the child may attend an accredited school located in the school district in which the child is living and not in the school district in which the child resided prior to receiving foster care.

3. The instructional costs for students who do not require special education shall be paid as provided in section 282.31, subsection 1, paragraph *"b"*, or for students who require special education shall be paid as provided in section 282.31, subsection 2 or 3.

[C24, 27, 31, 35, §4283; C39, §**4275.1, 4283, 4283.01;** C46, 50, 54, 58, 62, §282.18, 282.22, 282.23; C66, 71, 73, 75, 77, 79, 81, §282.18, 282.22, 282.23, 282.25; 81 Acts, ch 90, §1]

85 Acts, ch 212, §21; 86 Acts, ch 1244, §34; 86 Acts, ch 1245, §1485; 87 Acts, ch 233, §480; 89 Acts, ch 319, §74; 2009 Acts, ch 120, §7; 2023 Acts, ch 19, §1047; 2025 Acts, ch 135, §32

Referred to in §282.31

282.20 Tuition fees — payment.

1. The school corporation in which the student resides shall pay from the general fund to the secretary of the corporation in which the student is permitted to enroll, a tuition fee as prescribed in section 282.24.

2. It shall be unlawful for any school district to rebate to any pupils or their parents, directly or indirectly, any portion of the tuition collected or to be collected or to authorize or permit such pupils to receive at the expense of the district, directly or indirectly, any special compensation, benefit, privilege, or other thing of value that is not and cannot legally be made available to all other pupils enrolled in its schools. Any superintendent or board members responsible for this unlawful act shall each be personally liable for payment of a fine in an amount not to exceed one hundred dollars. Action to recover the penalty or action to enjoin the unlawful act may be instituted by the board of any school district or by a taxpayer in any school district.

3. On or before February 15 and July 15 of each year the secretary of the creditor district shall deliver to the secretary of the debtor district an itemized statement of such tuition fees.

[SS15, §2733-1a; C24, 27, 31, 35, 39, §**4277;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.20]

83 Acts, ch 31, §6; 2013 Acts, ch 88, §20; 2023 Acts, ch 66, §55

Referred to in §256E.8, 282.18

282.21 Collection of tuition fees.

If payment is not made, the board of the creditor corporation shall file with the auditor of the county of the pupil's residence a statement certified by its president specifying the amount due for tuition, and the time for which the same is claimed. The auditor shall transmit to the county treasurer an order directing the county treasurer to transfer the amount of such account from the funds of the debtor corporation to the creditor corporation, and the county treasurer shall pay the same accordingly.

[SS15, §2733-1a; C24, 27, 31, 35, 39, §**4278;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §282.21]

Referred to in §275.26, 331.502, 331.552

282.22 and 282.23 Reserved.

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282.24 Tuition fees established — itemized statement of appraised value of school buildings.

1. The maximum tuition fee that may be charged for elementary and secondary school students residing within another school district or corporation except students attending school in another district under section 282.7, subsection 1 or 3, is the district cost per pupil of the receiving district as computed in section 257.10.

2. A school corporation which owns facilities used as attendance centers for students shall maintain an itemized statement of the appraised value of all buildings owned by the school corporation. The appraisal shall be updated at least once every five years.

3. This section does not prevent the corporation or district in which the student resides from paying a tuition in excess of the maximum computed tuition rates, if the actual per pupil cost of the preceding year so warrants, but the receiving district or corporation shall not demand more than the maximum rate.

[C35, §4233-e3; C39, §**4233.3;** C46, §279.18; C50, 54, 58, 62, 66, 71, 73, 75, §279.18, 282.24; C77, 79, 81, §282.24]

83 Acts, ch 31, §7; 85 Acts, ch 212, §21; 87 Acts, ch 224, §63; 88 Acts, ch 1263, §9; 89 Acts, ch 135, §87; 2009 Acts, ch 54, §10; 2010 Acts, ch 1069, §82; 2013 Acts, ch 90, §72; 2016 Acts, ch 1036, §11, 12

Referred to in §257.11, 257.41, 275.55A, 282.1, 282.8, 282.20, 282.27, 291.6

282.25 Reserved.

282.26 High school students attending advanced courses.

1. The board of any community college may, by mutual agreement with any college or university, permit any specially qualified high school student to attend advanced courses of academic instruction at the college or university.

2. The state board of regents and the state board of education may by rule permit such students to attend any institution of higher learning under their jurisdiction. Credit earned in any such course at a college or university may be applied toward credit for high school graduation. Public school funds shall not be expended for payment of tuition or other costs for such attendance at a college or university, unless the payment is expressly permitted or required by law.

3. Subsections 1 and 2 shall also apply to colleges and universities in adjacent states when the institutions are located nearer to the homes or schools of the school district than the closest college or university within the state.

[C66, 71, 73, 75, 77, 79, 81, §282.26]

90 Acts, ch 1233, §11; 90 Acts, ch 1253, §89; 2009 Acts, ch 133, §105

282.27 Children living in psychiatric hospitals or institutions — payment.

1. The public school district in which a psychiatric unit of a hospital licensed under chapter 135B or a psychiatric medical institution for children licensed under chapter 135H, which is not operated by the state, is located shall be responsible for the provision of educational services to children residing in the unit or institution. Children residing in the unit or institution shall be included in the basic enrollment of their districts of residence, as defined in section 282.31, subsection 4.

2. The board of directors of each district of residence shall pay to the school district in which such psychiatric unit or institution is located, for the provision of educational services to the child, a portion of the tuition rate prescribed by section 282.24 for students residing within another school district for each of such children who does not require special education, based upon the proportion that the time each child is provided educational services while in such unit or institution is to the total time for which the child is provided educational services during a normal school year. The actual special education instructional costs incurred for a child who resides in the unit or institution shall be paid by the district of residence of the child to the district in which the unit or institution is located.

3. Notwithstanding section 282.24, if a child for whom all of the following applies is placed in the psychiatric unit or institution, the district of residence may use amounts received as

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supplementary weighting pursuant to section 257.11, subsection 4, to pay the instructional costs necessary to address the child's behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum and the costs exceed the maximum tuition rate prescribed by section 282.24:

a. The child does not require special education.

b. The child is not placed by the department of health and human services or a court in a day program treatment program in such psychiatric unit or institution.

c. The board of directors of the district of residence has determined that the child is likely to inflict self-harm or likely to harm another student.

4. Notwithstanding section 282.24, if a child for whom all of the following applies is placed in the psychiatric unit or institution, the district of residence may use the funding for programs for returning dropouts and dropout prevention calculated pursuant to section 257.41, to pay the instructional costs necessary to address the child's behavior during instructional time when those services are not otherwise provided to students who do not require special education and the costs exceed the costs of instruction of pupils in a regular curriculum, the costs exceed the maximum tuition rate prescribed by section 282.24, and the child meets the definition of a returning dropout or potential dropout in section 257.39:

a. The child does not require special education.

b. The child is not placed by the department of health and human services or a court in a day program treatment program in such psychiatric unit or institution.

c. The board of directors of the district of residence has determined that the child is likely to inflict self-harm or likely to harm another student.

5. Notwithstanding section 282.31, subsection 1, paragraph *"b"*, subparagraph (1), if a child placed in the psychiatric unit or institution was not enrolled in the educational program of the district of residence of the child on October 1 of the current school year, the district of residence may include that student in a claim submitted to the department of education pursuant to section 282.31, subsection 1, paragraph *"b"*, subparagraph (2).

92 Acts, ch 1230, §10; 2015 Acts, ch 22, §1; 2023 Acts, ch 19, §1048, 1049

282.28 Children at Eldora and Toledo. Repealed by 2003 Acts, ch 178, §59.

282.29 Children placed by district court.

Notwithstanding section 282.31, subsection 1, a child who has been identified as requiring special education, who has been placed in a facility, home, or other placement by the district court, and for whom parental rights have been terminated by the district court, shall be provided special education programs and services on the same basis as the programs and services are provided for children requiring special education who are residents of the school district in which the child has been placed. The special education instructional costs shall be paid as provided in section 282.31, subsection 2 or 3.

87 Acts, ch 233, §482; 2009 Acts, ch 120, §8

Referred to in §256.7, 282.31

282.30 Special programs.

1. *a.* An area education agency shall provide or make provision for an appropriate educational program for each child living in the following types of facilities located within its boundaries:

(1) An approved or licensed juvenile shelter care home, as defined in section 232.2, subsection 41.

(2) An approved juvenile detention home, as defined in section 232.2, subsection 38.

b. The area education agency shall provide the educational program by any one of, but not limited to, the following:

(1) Providing for the enrollment of the child in the district of residence of the child, subject to the approval of the district in which the child is living.

(2) Cooperating with the district of residence of the child and obtaining the course of study and textbooks of the child for use in the special facility into which the child has been placed.

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(3) Providing for the enrollment of the child in the district in which the child is living, subject to the approval of the district in which the child is living.

c. An area education agency shall not provide educational services to a facility specified in paragraph *"a"* unless the facility makes a request for educational services to the area education agency by either of the following dates:

(1) December 1 of the school year prior to the beginning of the school year for which the services are being requested.

(2) Ninety days prior to the beginning of the time for which the services are being requested if the facility is a newly established facility.

2. The area education agency where the child is living, the school district of residence, the other appropriate area education agency or agencies, and other appropriate agencies involved with the care or placement of the child shall cooperate with the school district where the child is living in sharing educational information, textbooks, curriculum, assignments, and materials in order to plan and to provide for the appropriate education of the child living in such facility specified in subsection 1.

87 Acts, ch 233, §483; 2000 Acts, ch 1121, §1, 2; 2026 Acts, ch 1040, §75
Referred to in §256.7, 282.31
Subsection 1, paragraph a, subparagraph (1) amended

282.31 Funding for special programs.

1. *a.* A child who lives in a facility pursuant to section 282.30, subsection 1, paragraph *"a"*, and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The area education agency shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the department of administrative services and the area education agency of its action by February 1. The department of administrative services shall pay the approved budget amount for an area education agency in quarterly installments beginning July 15 and ending April 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of management, taking into consideration the relative budget of the state, cash position of the state's resources, and the timing of enactment of legislation affecting area education agency budgets. The department of administrative services shall transfer the approved budget amount for an area education agency from the moneys appropriated under section 257.16 and make the payment to the area education agency. The area education agency shall submit an accounting for the actual cost of the program to the department of education by August 1 of the following school year. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines pursuant to section 256.7, subsection 10, and shall notify the department of administrative services of the approved accounting amount. The approved accounting amount shall be compared with any amounts paid by the department of administrative services to the area education agency and any differences added to or subtracted from the October payment made under this paragraph for the next school year. Any amount paid by the department of administrative services shall be deducted quarterly from the state foundation aid paid under section 257.16 to all school districts in the state during the subsequent fiscal year. The portion of the total amount of the approved budget that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year in which the deduction is made.

b. (1) A child who lives in a facility or other placement pursuant to section 282.19, and who does not require special education and who is enrolled in the educational program of the district of residence at the time the child is placed, shall be included in the basic enrollment of the school district in which the child is enrolled. A child who lives in a facility or other placement pursuant to section 282.19, and who does not require special education and who is not enrolled in the educational program of the district of residence of the child, shall be included in the basic enrollment of the school district in which the facility or other placement is located.

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(2) However, on June 30 of a school year, if the board of directors of a school district determines that the number of days for which a school district generated funding for children under this paragraph *"b"* who were counted in the basic enrollment of the school district in that school year in accordance with section 257.6, subsection 1, is less than the sum of the number of days enrolled for all children enrolled in the school district under this paragraph *"b"* during the school year, the secretary of the school district may submit a claim to the department of education by August 1 following the school year for an amount equal to the district cost per pupil of the district for the previous school year multiplied by the quotient of the excess number of enrolled days for children under this paragraph *"b"* divided by the number of days in the district's board-approved calendar for the previous year. The amount of the claim shall be paid by the department of administrative services to the school district by October 1. The department of administrative services shall transfer the total amount of the approved claim of a school district from the moneys appropriated under section 257.16 and the amount paid shall be deducted quarterly from the state foundation aid paid to all school districts in the state during the remainder of the subsequent fiscal year in the manner provided in paragraph *"a"*.

2. *a.* The actual special education instructional costs incurred for a child who lives in a facility or other placement pursuant to section 282.19 or for a child who is placed in a facility or home pursuant to section 282.29, who requires special education and who is not enrolled in the educational program of the district of residence of the child but who receives an educational program from the district in which the facility, home, or other placement is located, shall be paid by the district of residence of the child to the district in which the facility, home, or other placement is located, and the costs shall include the cost of transportation.

b. A child shall not be denied special education programs and services because of a dispute over the determination of district of residence of the child. The director of the department of education shall determine the district of residence when a dispute arises regarding the determination of the district of residence for a child who requires special education pursuant to this subsection.

3. The actual special education instructional costs, including transportation, for a child who requires special education shall be paid by the department of administrative services to the school district in which the facility or home is located, only when a district of residence cannot be determined, and the child was not included in the weighted enrollment of any district pursuant to section 256B.9, and the payment pursuant to subsection 2, paragraph *"a"*, was not made by any district. The district shall submit a proposed program and budget to the department of education by January 1 for the next succeeding school year. The department of education shall review and approve or modify the program and proposed budget and shall notify the district by February 1. The district shall submit a claim by August 1 following the school year for the actual cost of the program. The department shall review and approve or modify the claim and shall notify the department of administrative services of the approved claim amount by September 1. The total amount of the approved claim shall be paid by the department of administrative services to the school district by October 1. The total amount paid by the department of administrative services shall be deducted quarterly from the state foundation aid paid under section 257.16 to all school districts in the state during the subsequent fiscal year. The portion of the total amount of the approved claims that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for the budget year in which the deduction is made. The department of administrative services shall transfer the total amount of the approved claims from moneys appropriated under section 257.16 for payment to the school district.

4. For purposes of this section, *"district of residence"* means the school district in which the parent or legal guardian of the child resides or the district in which the district court is located if the district court is the guardian of the child.

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5. Programs may be provided during the summer and funded under this section if the school district or area education agency determines a valid educational reason to do so.

87 Acts, ch 233, §484; 88 Acts, ch 1284, §48; 90 Acts, ch 1272, §72; 92 Acts, ch 1163, §66; 95 Acts, ch 214, §6, 7; 2003 Acts, ch 145, §286; 2006 Acts, ch 1152, §44; 2007 Acts, ch 22, §66; 2009 Acts, ch 120, §9, 10; 2021 Acts, ch 60, §1, 2; 2026 Acts, ch 1001, §21 – 23

Referred to in §256.7, 282.19, 282.27, 282.29, 282.32
Subsection 1, paragraph a amended
Subsection 1, paragraph b, subparagraph (2) amended
Subsection 3 amended

282.32 Appeal.

An area education agency or local school district may appeal a decision made pursuant to section 282.31 to the state board of education. The decision of the state board is final.

87 Acts, ch 233, §485; 2003 Acts, ch 178, §57

282.33 Funding for children residing in state mental health institutes or institutions.

1. A child who resides in an institution for children under the jurisdiction of the director of health and human services referred to in section 218.1, subsection 3, 4, or 5, and who is not enrolled in the educational program of the district of residence of the child, shall receive appropriate educational services. The institution in which the child resides shall submit a proposed program and budget based on the average daily attendance of the children residing in the institution to the department of education and the department of health and human services by January 1 for the next succeeding school year. The department of education shall review and approve or modify the proposed program and budget and shall notify the department of administrative services of its action by February 1. The department of administrative services shall pay the approved budget amount to the department of health and human services in quarterly installments beginning July 15 and ending April 15 of the next succeeding school year. The installments shall be as nearly equal as possible as determined by the department of administrative services, taking into consideration the relative budget of the state, cash position of the state's resources, and the timing of enactment of legislation affecting school budgets. The department of administrative services shall pay the approved budget amount for the department of health and human services from the moneys appropriated under section 257.16 and the department of health and human services shall distribute the payment to the institution. The institution shall submit an accounting for the actual cost of the program to the department of education by August 1 of the following school year. The department shall review and approve or modify all expenditures incurred in compliance with the guidelines adopted pursuant to section 256.7, subsection 10, and shall notify the department of administrative services of the approved accounting amount. The approved accounting amount shall be compared with any amounts paid by the department of administrative services to the department of health and human services and any differences added to or subtracted from the October payment made under this subsection for the next school year. Any amount paid by the department of administrative services shall be deducted quarterly from the state foundation aid paid under section 257.16 to all school districts in the state during the subsequent fiscal year. The portion of the total amount of the approved budget that shall be deducted from the state aid of a school district shall be the same as the ratio that the budget enrollment for the budget year of the school district bears to the total budget enrollment in the state for that budget year in which the deduction is made.

2. Programs may be provided during the summer and funded under this section if the institution determines a valid educational reason to do so and the department of education approves the program in the manner provided in subsection 1.

2003 Acts, ch 145, §286; 2003 Acts, ch 178, §58; 2004 Acts, ch 1101, §32; 2023 Acts, ch 19, §1050; 2026 Acts, ch 1001, §24

Referred to in §256.7
Subsection 1 amended

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282.34 Educational programs for children's residential facilities.

1. A children's residential facility operating under a certificate of approval issued under chapter 237C shall do all of the following:

a. Provide an educational program and appropriate education services to children residing in the children's residential facility by contracting with the school district in which the children's residential facility is located, contracting with an accredited nonpublic school, or becoming accredited as a nonpublic school through the standards and accreditation process described in section 256.11 and adopted by rule by the state board of education.

b. Display prominently in all of its major publications and on its internet site a notice accurately describing the educational program and educational services provided by the children's residential facility.

c. Include in any promotional, advertising, or marketing materials regarding the children's residential facility available in print, broadcast, or via the internet or by any other means all fees charged by the children's residential facility for the services offered or provided by the children's residential facility and its refund policy for the return of refundable portions of any fees. This paragraph shall not apply to sponsorship by a children's residential facility of public radio or public television broadcasts.

2. The state board of education shall adopt by rule pursuant to chapter 17A standards for the following:

a. Educational programs and appropriate educational services provided under this section.

b. Contracts between children's residential facilities and school districts or accredited nonpublic schools.

c. Notices displayed in accordance with subsection 1, paragraph "*b*".

3. The department of education shall comply with the requirements of section 237C.4, subsection 8, regarding standards, rules, and modifications, and the responsibilities set forth for publication, notification, and receipt and maintenance of information filed with the department.

4. A contract that fails to comply with any of the requirements of subsection 1, or with standards adopted by the state board of education under subsection 2, is void.

5. Rules adopted under this section shall not regulate religious education curricula at children's residential facilities.

2016 Acts, ch 1114, §11
Referred to in §237C.4, 237C.6, 237C.9

282.35 Children requiring special education — out-of-state placement.

1. For purposes of this section:

a. "*Child*" means an individual who is under the age of eighteen years, or an individual who is under the age of twenty-one and is a full-time student, to whom all of the following criteria apply:

(1) The individual is eligible for health care benefits under chapter 249A.

(2) The individual's health care coordination and intervention team determines, pursuant to section 249A.4A, subsection 3, paragraph "*c*", subparagraph (1), that the placement of the individual in an out-of-state facility, or placement of the individual with an out-of-state provider, is necessary for the individual to realize the full benefits of chapter 249A.

(3) The director of the department of health and human services certifies that the placement of the individual in an out-of-state facility, or placement of the individual with an out-of-state provider, is necessary to prevent the filing of a petition under chapter 232 related to the individual.

(4) The director of the department of education determines that the placement of the individual in an out-of-state facility, or placement of the individual with an out-of-state provider, would provide to the individual the education required under chapter 256B and the rules adopted pursuant to chapter 256B.

(5) The individual is and remains a resident of this state.

b. "*District of residence*" means the school district in which the parent or legal guardian

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of the child resides or the district in which the district court is located if the district court is the guardian of the child.

c. *"Resident"* means the same as defined in section 282.1, subsection 2.

2. A child's district of residence may place the child in an out-of-state facility or with an out-of-state provider for purposes of providing the child with the education required under chapter 256B, subject to the terms of an agreement between the child's district of residence and the facility or provider. The agreement shall satisfy all of the following requirements:

a. The agreement must require the facility or provider to provide periodic invoices to the child's district of residence that describes the services provided to the child and the cost associated with such services.

b. The agreement must condition the child's district of residence's payment of the invoice described in paragraph *"a"* upon the facility or provider providing to the child the education required under chapter 256B and the rules adopted pursuant to chapter 256B.

3. *a.* A child's district of residence is not financially responsible for the services provided by an out-of-state facility or an out-of-state provider to a child unless the out-of-state facility or out-of-state provider provides notice to the child's district of residence that the child may be subject to this section and the child's district of residence enters into an agreement with the out-of-state facility or out-of-state provider that satisfies the requirements established in subsection 2.

b. By August 1 following the school year in which the out-of-state facility or out-of-state provider provided services to a child pursuant to an agreement entered into under subsection 2, the child's district of residence may submit an accounting to the department of education that describes the cost of the services provided by the facility or provider during such school year.

c. By August 15 following the school year in which the out-of-state facility or out-of-state provider provided services to a child pursuant to an agreement entered into under subsection 2, the department of education shall review and either approve or modify the accounting submitted pursuant to paragraph *"b"* and make payment to the child's district of residence toward the school year in which the cost of the services was incurred. The payment amount is the difference between the amount of the actual costs as reflected in the district of residence's accounting less the amount generated by the weighting for the provision of services.

d. Any amounts paid by the department of education to school districts in this state pursuant to paragraph *"c"* shall be deducted on a quarterly basis from the state foundation aid paid under section 257.16 to all school districts in the state in the school year following the school year in which the services were provided. The portion of the total amount paid by the department of education to a district that shall be deducted from the state foundation aid paid to the district shall be the same as the ratio that the budget enrollment for the budget year of the district bears to the total budget enrollment in the state for that budget year.

4. The department of education shall promptly and summarily resolve any disputes between school districts related to the financial responsibility of such school districts under this section.

2025 Acts, ch 142, §7; 2026 Acts, ch 1001, §25
Subsection 3, paragraph d amended

CHAPTER 283

ACCEPTANCE AND DISTRIBUTION OF FEDERAL FUNDS

Referred to in §274.3

283.1 Federal funds accepted. 283.2 Reserved.

283.1 Federal funds accepted.

The director of the department of education is the *"state educational authority"* for the purpose of accepting and administering funds appropriated by Congress for educational

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purposes and the funds shall be deposited with the treasurer of state and disbursed through the department of administrative services on vouchers audited as provided by law. When state matching funds are required as a condition to the acceptance of federal funds, the director of the department of education may make expenditures for matching only from funds provided by the legislature for that purpose. However, when federal funds may be matched with expenditures from funds appropriated for the general operation of the department of education, this may be done with the approval of the legislative council.

[C39, §**4283.02 – 4283.08, 4283.10;** C46, 50, 54, 58, §283.1 – 283.7, 283.9; C62, 66, 71, 73, 75, 77, 79, 81, §283.1]

84 Acts, ch 1067, §29; 86 Acts, ch 1245, §1487; 2003 Acts, ch 145, §286

283.2 Reserved.

CHAPTER 283A

SCHOOL MEAL PROGRAMS

Referred to in §256.7, 274.3, 298A.11

283A.1 Definitions.
283A.2 School lunch and breakfast programs.
283A.3 Expenditure of federal funds.
283A.4 Administration of program.
283A.5 Accounts, records, reports, and operations.
283A.6 School district breakfast and lunch programs — food and beverages provided to students — prohibited ingredients.
283A.7 Federal benefits accepted.
283A.8 Use of school meal facilities by senior citizens.
283A.9 Building for school meal facility.
283A.10 School breakfast or lunch in nonpublic schools.
283A.11 Participation by students — school prohibitions and responsibilities.
283A.12 Purchases — meat products.
283A.13 Purchases — egg products.

283A.1 Definitions.

For the purpose of this chapter, unless the context otherwise requires:

1. *"Nutritionally adequate meal"* means a lunch or breakfast which meets the guidelines established by the department of education.

2. *"School"* means a public school of high school grade or under.

3. *"School board"* means a board of school directors regularly elected by the registered voters of a school corporation or district of the state of Iowa.

4. *"School breakfast or lunch program"* means a program under which breakfasts or lunches are served by any public school in the state of Iowa on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §283A.1]

90 Acts, ch 1152, §2; 94 Acts, ch 1169, §58; 94 Acts, ch 1193, §23; 2014 Acts, ch 1092, §61

Referred to in §283A.10

283A.2 School lunch and breakfast programs.

1. School boards may use gifts, funds disbursed to them under the provisions of this chapter, funds received from sale of school breakfasts or lunches, and any other funds legally available for the purpose of operating a school breakfast or lunch program.

2. A school district shall operate or provide for the operation of lunch programs at all attendance centers in the district. A school district may operate or provide for the operation of school breakfast programs at all attendance centers in the district, or provide access to a school breakfast program at an alternative site to students who wish to participate in a school breakfast program. The programs shall provide students with nutritionally adequate meals and shall be operated in compliance with the rules of the state board of education and pertinent federal law and regulation. The school lunch program shall be provided for all

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students in each district who attend public school four or more hours each school day and wish to participate in a school lunch program. School districts may provide school breakfast and lunch programs for other students.

3. Each school district that operates or provides for a school breakfast or lunch program shall provide for the forwarding of information from the applications for the school breakfast or lunch program, for which federal funding is provided, to identify children for enrollment in the medical assistance program pursuant to chapter 249A or the healthy and well kids in Iowa program pursuant to chapter 514I to the department of health and human services.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §283A.2]

90 Acts, ch 1152, §3; 94 Acts, ch 1193, §24, 36, 38; 99 Acts, ch 147, §1, 2; 2000 Acts, ch 1223, §32; 2002 Acts, ch 1140, §24, 25; 2007 Acts, ch 218, §105; 2023 Acts, ch 19, §1051

283A.3 Expenditure of federal funds.

The director of the department of education shall accept and direct the disbursement of funds appropriated by any Act of Congress and appropriated to the state of Iowa for use in connection with school breakfast or lunch programs. The director shall deposit the funds with the treasurer of the state of Iowa, who shall make disbursements upon the direction of the director.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §283A.3]

85 Acts, ch 212, §21; 94 Acts, ch 1193, §25

283A.4 Administration of program.

The director of the department of education may enter into agreements with any agency of the federal government, with any school board, or with any other agency or person, adopt rules, employ personnel, and take other action as the director may deem necessary to provide for the establishment, maintenance, operation, and expansion of any school breakfast or lunch program, and to direct the disbursement of federal and state funds, in accordance with any applicable provisions of federal or state law. The director may give technical advice and assistance to any school board in connection with the establishment and operation of any school breakfast or lunch program and may assist in training personnel engaged in the operation of the program. The director of the department of education and any school board may accept any gift for use in connection with any school breakfast or lunch program.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §283A.4]

85 Acts, ch 212, §21, 22; 94 Acts, ch 1193, §26

283A.5 Accounts, records, reports, and operations.

The director of the department of education shall adopt rules for the keeping of accounts and records and the making of reports by or under the supervision of school boards. The accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of five years, as the director may lawfully prescribe. The director shall conduct or cause to be conducted such audits and inspections with respect to school breakfast or lunch programs as may be necessary to determine whether its agreement with school boards and rules adopted pursuant to this chapter are being complied with, and to insure that school breakfast or lunch programs are effectively administered and nutritionally adequate meals are served.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §283A.5]

85 Acts, ch 212, §21; 90 Acts, ch 1152, §4; 94 Acts, ch 1193, §27

283A.6 School district breakfast and lunch programs — food and beverages provided to students — prohibited ingredients.

1. *a.* A school district shall not serve a meal to students as part of the school district's breakfast or lunch program that contains any of the following ingredients:

(1) Blue dye 1.
(2) Blue dye 2.
(3) Green dye 3.
(4) Potassium bromate.

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(5) Propylparaben.
(6) Red dye 40.
(7) Yellow dye 5.
(8) Yellow dye 6.

b. Paragraph *"a"* does not apply to food and beverages received as part of a direct delivery from the foods in schools program of the United States department of agriculture.

2. An employee or contracted vendor of a school district shall not provide any food or beverages that contain an ingredient described in subsection 1 to a student enrolled in the school district during the school day.

3. A school district shall not permit the sale to students of any foods or beverages that contain an ingredient described in subsection 1 on the school campus, as school campus is defined in 7 C.F.R. §210.11 as of January 1, 2026, unless the sale takes place outside of the school day, as school day is defined in 7 C.F.R. §210.11 as of January 1, 2026.

2026 Acts, ch 1129, §9, 11
Referred to in §256E.7, 256E.23, 283A.10
Section applies to school years beginning on or after July 1, 2027; 2026 Acts, ch 1129, §11
NEW section

283A.7 Federal benefits accepted.

The provisions of the federal National School Lunch Act and the federal Child Nutrition Act of 1966, 42 U.S.C. §1751 – 1785, and the benefit of all funds appropriated under the Acts, are accepted by the state of Iowa.

[C71, 73, 75, 77, 79, 81, §283A.7]
94 Acts, ch 1193, §28

283A.8 Use of school meal facilities by senior citizens.

Boards of directors of school corporations may authorize the use by senior citizen organizations of school meal facilities subject to reasonable rules and regulations of the board. Such use shall not interfere with the use of the facilities for public school purposes. The board may charge for such use an amount not to exceed the cost to the district.

[C71, 73, 75, 77, 79, 81, §283A.8]
94 Acts, ch 1193, §29

283A.9 Building for school meal facility.

School districts may purchase, erect, or otherwise acquire a building for use as a school meal facility, and equip a building for that use, and pay for the acquisition or equipping from funds available in the physical plant and equipment levy fund, subject to the terms of section 298.2.

[C75, 77, 79, 81, §283A.9]
89 Acts, ch 135, §91; 94 Acts, ch 1029, §20; 94 Acts, ch 1193, §30

283A.10 School breakfast or lunch in nonpublic schools.

The authorities in charge of nonpublic schools may operate or provide for the operation of school breakfast or lunch programs in schools under their jurisdiction and may use funds appropriated to them by the general assembly, gifts, funds received from sale of school breakfasts or lunches under such programs, and any other funds available to the nonpublic school. However, school breakfast or lunch programs shall not be required in nonpublic schools. The department of education shall direct the disbursement of state funds to nonpublic schools for school breakfast or lunch programs in the same manner as state funds are disbursed to public schools. If a nonpublic school receives state funds for the operation of a school breakfast or lunch program, meals served under the program shall be nutritionally adequate meals, as defined in section 283A.1, and shall comply with the requirements of section 283A.6.

[C75, 77, 79, 81, §283A.10]
90 Acts, ch 1152, §5; 94 Acts, ch 1193, §31; 2026 Acts, ch 1129, §10, 11
Referred to in §256.9
2026 amendment applies to school years beginning on or after July 1, 2027; 2026 Acts, ch 1129, §11
Section amended

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283A.11 Participation by students — school prohibitions and responsibilities.

1. For purposes of this section, unless the context otherwise requires, *"school"* includes a school district, a school district attendance center, or an accredited nonpublic school.

2. A school shall provide notice, at least twice annually, to the parents or guardians of all enrolled students regarding the availability of applications for free or reduced-fee meals for categorically eligible students under the federal National School Lunch Act of 1966, 42 U.S.C. §1751 et seq., and the federal Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq. Notice may be provided via letter or electronic communication.

3. If a student owes money for five or more meals, school personnel may contact the student's parent or guardian to provide information regarding the application for free or reduced-fee meals pursuant to the federal National School Lunch Act of 1966, 42 U.S.C. §1751 et seq., and the federal Child Nutrition Act of 1966, 42 U.S.C. §1771 et seq., or to provide information on other options or assistance available.

4. A school is encouraged to provide a reimbursable meal, as specified under regulations promulgated by the United States department of agriculture pursuant to the federal Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, to a student who requests a reimbursable meal unless the student's parent or guardian has specifically provided written direction to the school to withhold a meal from the student.

5. *a.* A school is prohibited from posting a list of students who owe money for school meals and from engaging in any of the following acts directed toward a student because the student cannot pay for a meal or owes a meal debt:

(1) Publicly identifying or stigmatizing the student, including but not limited to requiring the student to consume the meal at a table set aside for such purpose or to discard a meal after the meal has been served.

(2) Requiring the student to wear a wristband, hand stamp, or identification marks, or to do chores or other work to pay for meals.

(3) Denying participation in an afterschool program or other extracurricular activity to the student.

(4) Providing an alternative meal that is only offered to a student who has accrued meal debt. A school that offers the option of an alternative meal shall present the meal in the same manner to any student requesting an alternative meal so as not to identify a student as having accrued meal debt.

b. A school shall direct communications about a student's meal debt to a parent or guardian and may discreetly provide information about the student's meal account to the student as long as the communication with the student does not violate paragraph *"a"*. This paragraph does not prohibit a school from sending a letter home with a student addressed to the student's parent or guardian, or from contacting the parent or guardian via phone or other electronic means.

6. A school district may establish an unpaid student meals account in a school nutrition fund established by the school district under section 298A.11 and may deposit in the account moneys received from private sources for purposes of paying student meal debt accrued by individual students as well as amounts designated for the account from the school district's flexibility account under section 298A.2, subsection 2. Moneys deposited in the unpaid student meals fund shall be used by the school district only to pay individual student meal debt. The school district shall set fair and equitable procedures for such expenditures.

2018 Acts, ch 1127, §2
Referred to in §298A.2

283A.12 Purchases — meat products.

The department of education, and school boards, shall establish policies to prevent the purchase of a food product that is any of the following:

1. Misbranded as a meat product as prohibited in chapter 137E.

2. A cultivated-protein food product as defined in section 137E.1.

2024 Acts, ch 1158, §13

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283A.13 Purchases — egg products.

The department of education, and school boards, shall establish policies to prevent the purchase of a food product that is misbranded as an egg product as prohibited in chapter 137A.

2024 Acts, ch 1158, §24

CHAPTER 284

TEACHER PERFORMANCE, COMPENSATION, AND CAREER DEVELOPMENT

Referred to in §256.9, 256C.3, 256E.23, 257.10, 257.37A, 261E.9, 274.3, 282.10, 298A.2

Legislative intent; 2001 Acts, ch 161, §1

284.1 Student achievement and teacher quality program.
284.2 Definitions.
284.3 Iowa teaching standards.
284.3A Teacher compensation — single salary system.
284.4 Participation.
284.5 Beginning teacher mentoring and induction program — rules.
284.6 Teacher professional development.
284.6A Computer science professional development incentive fund — legislative findings.
284.7 Iowa teacher career path — future repeal. Repealed by its own terms; 2013 Acts, ch 121, §64.
284.8 Performance review requirements for teachers — peer group reviews.
284.9 Review panel — future repeal. Repealed by its own terms; 2013 Acts, ch 121, §65.
284.10 Evaluator training program.
284.11 State supplemental assistance for high-need schools.
284.12 Rules.
284.13 State program allocation.
284.14 Pay-for-performance program.
284.14A Career ladder pilots. Repealed by 2012 Acts, ch 1119, §8.
284.15 Iowa teacher career paths, leadership roles, and compensation framework.
284.16 Instructional coach model.
284.17 Comparable system criteria.

284.1 Student achievement and teacher quality program.

A student achievement and teacher quality program is established to promote high student achievement. The program shall consist of the following major elements:

1. Career paths with compensation levels that strengthen Iowa's ability to recruit and retain teachers.
2. Professional development designed to directly support best teaching practices.
3. Evaluation of teachers against the Iowa teaching standards.

2001 Acts, ch 161, §2; 2006 Acts, ch 1182, §5, 6; 2007 Acts, ch 108, §12; 2011 Acts, ch 34, §73; 2017 Acts, ch 172, §32; 2018 Acts, ch 1026, §100

284.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Beginning teacher"* means an individual serving under an initial or intern license, issued under chapter 256, subchapter VII, part 3, who is assuming a position as a teacher. *"Beginning teacher"* includes an individual who is an initial teacher. For purposes of the beginning teacher mentoring and induction program created pursuant to section 284.5, *"beginning teacher"* also includes preschool teachers who are licensed under chapter 256, subchapter VII, part 3, and are employed by a school district or area education agency. *"Beginning teacher"* does not include a teacher whose employment with a school district or area education agency is probationary unless the teacher is serving under an initial or teacher intern license issued under chapter 256, subchapter VII, part 3.

2. *"Comprehensive evaluation"* means a summative evaluation of a beginning teacher conducted by an evaluator for purposes of determining a beginning teacher's level of

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competency, for recommendation for licensure based upon the Iowa teaching standards, and to determine whether the teacher's practice meets the school district expectations for a career teacher.

3. *"Department"* means the department of education.

4. *"Director"* means the director of the department of education.

5. *"Evaluator"* means an administrator or other practitioner who successfully completes an evaluator training program pursuant to section 284.10.

6. *"Intensive assistance"* means the provision of organizational support and technical assistance to teachers, other than beginning teachers, for the remediation of identified teaching and classroom management concerns for a period not to exceed twelve months.

7. *"Mentor"* means an individual employed by a school district or area education agency as a teacher or a retired teacher who holds a valid license issued under chapter 256, subchapter VII, part 3. The individual must have a record of three years of successful teaching practice, must be employed on a nonprobationary basis, and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning teachers.

8. *"Performance review"* means a summative evaluation of a teacher other than a beginning teacher that is used to determine whether the teacher's practice meets school district expectations and the Iowa teaching standards in accordance with section 284.8.

9. *"School board"* means the board of directors of a school district, a collaboration of boards of directors of school districts, or the board of directors of an area education agency, as the context requires.

10. *"State board"* means the state board of education.

11. *"Teacher"* means an individual who holds a practitioner's license issued under chapter 256, subchapter VII, part 3, or a statement of professional recognition issued under chapter 256, subchapter VII, part 3, who is employed in a nonadministrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.13. A teacher may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time teacher for the portion of time that the teacher is employed in a nonadministrative position.

2001 Acts, ch 161, §3; 2002 Acts, ch 1152, §7, 8; 2003 Acts, ch 180, §37; 2006 Acts, ch 1182, §7 – 10; 2007 Acts, ch 108, §13, 14; 2008 Acts, ch 1181, §76; 2009 Acts, ch 177, §34; 2013 Acts, ch 121, §58; 2023 Acts, ch 19, §2587

284.3 Iowa teaching standards.

1. For purposes of this chapter and for developing teacher evaluation criteria under chapter 279, the Iowa teaching standards are as follows:

a. Demonstrates ability to enhance academic performance and support for and implementation of the school district's student achievement goals.

b. Demonstrates competence in content knowledge appropriate to the teaching position.

c. Demonstrates competence in planning and preparing for instruction.

d. Uses strategies to deliver instruction that meets the multiple learning needs of students.

e. Uses a variety of methods to monitor student learning.

f. Demonstrates competence in classroom management.

g. Engages in professional growth.

h. Fulfills professional responsibilities established by the school district.

2. A school board shall provide for the following:

a. For purposes of comprehensive evaluations, standards, and criteria that measure a beginning teacher's performance against the Iowa teaching standards specified in subsection 1, and the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, to determine whether the teacher's practice meets the requirements specified for a career teacher. These standards and criteria shall be set forth in an instrument provided by the department. The comprehensive evaluation and instrument are not subject to negotiations or grievance procedures pursuant to chapter 20 or determinations made by the board of directors under section 279.14.

b. For purposes of performance reviews for teachers other than beginning teachers,

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evaluations that contain, at a minimum, the Iowa teaching standards specified in subsection 1, as well as the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 42.

3. The state board shall adopt by rule pursuant to chapter 17A the criteria developed by the department in accordance with section 256.9, subsection 42.

2001 Acts, ch 161, §4; 2002 Acts, ch 1152, §9, 10; 2003 Acts, ch 108, §49; 2003 Acts, ch 180, §38, 39; 2007 Acts, ch 108, §15; 2013 Acts, ch 121, §59; 2017 Acts, ch 2, §42, 48, 49; 2026 Acts, ch 1040, §76

Referred to in §284.8, 284.15
Subsection 2, paragraph a amended

284.3A Teacher compensation — single salary system.

1. *a.* For the school year beginning July 1, 2009, if the licensed employees of a school district or area education agency receiving funds pursuant to sections 257.10 and 257.37A are organized under chapter 20 for collective bargaining purposes, the school board and the certified bargaining representative for the licensed employees shall negotiate the distribution of the funds among the teachers employed by the school district or area education agency according to chapter 20.

b. If the licensed employees of a school district or area education agency are not organized for collective bargaining purposes, the board of directors shall determine the method of distribution of such funds.

c. For the school years beginning July 1, 2008, and July 1, 2009, a school district or area education agency receiving funds pursuant to sections 257.10 and 257.37A, shall determine the amount to be paid to teachers in accordance with this subsection and the amount determined to be paid to an individual teacher shall be divided evenly by the appropriate number of pay periods and paid in each pay period of the fiscal year beginning with the October payroll.

2. *a.* For the school budget year beginning July 1, 2010, and each succeeding school year, school districts and area education agencies shall combine payments made to teachers under sections 257.10 and 257.37A with regular wages to create a combined salary. The teacher contract issued under section 279.13 must include the combined salary. If a school district or area education agency uses a salary schedule, a combined salary schedule shall be used for regular wages and for distribution of payments under sections 257.10 and 257.37A, incorporating the salary minimums required under a framework or comparable system approved pursuant to section 284.15. The combined salary schedule must use only the combined salary and cannot differentiate regular salaries and distribution of payments under sections 257.10 and 257.37A.

b. If the licensed employees of a school district or area education agency are organized under chapter 20 for collective bargaining purposes, the creation of the new combined salary shall be subject to the scope of negotiations specified in section 20.9. A reduction in the teacher salary supplement per pupil amount shall also be subject to the scope of negotiations specified in section 20.9.

c. If the licensed employees of a school district or area education agency are not organized for collective bargaining purposes, the board of directors shall create the new combined salary. The board of directors shall determine adjustments in salaries resulting from a reduction in the teacher salary supplement per pupil amount.

3. A school district or area education agency shall not be required to maintain a separate account within its budget based on source of funds for payments received and expenditures made pursuant to this section. The school district or area education agency shall annually certify to the department that funding received pursuant to sections 257.10 and 257.37A was expended on salaries for qualified teachers.

4. The teacher salary supplement district cost as calculated under section 257.10, subsection 9, and the area education agency teacher salary supplement district cost as

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calculated under section 257.37A are not subject to a uniform reduction in accordance with section 8.31.

2009 Acts, ch 68, §9; 2010 Acts, ch 1183, §32, 33, 43; 2013 Acts, ch 121, §60, 74; 2018 Acts, ch 1026, §101; 2021 Acts, ch 139, §3; 2024 Acts, ch 1002, §34, 37, 38

Referred to in §257.10, 257.37A, 284.15

2024 amendment to subsection 4 applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

284.4 Participation.

1. A school district or area education agency is eligible to receive moneys appropriated for purposes specified in this chapter if the school board applies to the department to participate in the student achievement and teacher quality program and submits a written statement declaring the school district's or agency's willingness to do all of the following:

a. Commit and expend local moneys to improve student achievement and teacher quality.

b. Create a teacher quality committee. The committee shall have equal representation of administrators and teachers. The teacher members shall be appointed by the certified employee organization if one exists, and if not, by the school district's or agency's administration. The administrator members shall be appointed by the school board. However, if a school district can demonstrate that an existing professional development, curriculum, or student improvement committee has significant stakeholder involvement and a leadership role in the school district, the appointing authorities may mutually agree to assign to the existing committee the responsibilities set forth in this paragraph *"b"*, to appoint members of the existing committee to the teacher quality committee, or to authorize the existing committee to serve in an advisory capacity to the teacher quality committee. The committee shall do all of the following:

(1) Monitor the implementation of the requirements of statutes and administrative code provisions relating to this chapter, including requirements that affect any agreement negotiated pursuant to chapter 20.

(2) Monitor the evaluation requirements of this chapter to ensure evaluations are conducted in a fair and consistent manner throughout the school district or agency. The committee shall develop model evidence for the Iowa teaching standards and criteria. The model evidence will minimize paperwork and focus on teacher improvement. The model evidence will determine which standards and criteria can be met with observation and which evidence meets multiple standards and criteria.

(3) Determine, following the adoption of the Iowa professional development model by the state board of education, the use and distribution of the professional development funds calculated and paid to the school district as provided in section 257.10, subsection 10, based upon school district, attendance center, and individual teacher and professional development plans.

(4) Monitor the professional development in each attendance center to ensure that the professional development meets school district or agency, attendance center, and individual professional development plans.

(5) Determine the compensation for teachers on the committee for work responsibilities required beyond the normal work day.

c. Adopt school district, attendance center, and teacher professional development plans in accordance with this chapter.

d. Adopt a teacher evaluation plan that, at minimum, requires a performance review of teachers in the district at least once every three years based upon the Iowa teaching standards and individual professional development plans, and requires administrators to complete evaluator training in accordance with section 284.10.

e. Adopt teacher career paths based upon demonstrated knowledge and skills in accordance with this chapter.

2. By July 1, 2002, each school district shall participate in the student achievement and teacher quality program if the general assembly appropriates moneys for purposes of the student achievement and teacher quality program established pursuant to this chapter.

2001 Acts, ch 161, §5; 2001 Acts, ch 177, §3, 15; 2002 Acts, ch 1152, §11, 12; 2003 Acts, ch 180, §40; 2005 Acts, ch 169, §29; 2006 Acts, ch 1182, §11; 2007 Acts, ch 108, §16 – 19; 2009

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Acts, ch 177, §35; 2017 Acts, ch 2, §43, 48, 49; 2017 Acts, ch 172, §33; 2024 Acts, ch 1002, §35, 37, 38

Referred to in §284.13

2024 amendment to subsection 1, paragraph b, subparagraph (3) applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

284.5 Beginning teacher mentoring and induction program — rules.

1. A beginning teacher mentoring and induction program is created to promote excellence in teaching, enhance student achievement, build a supportive environment within school districts and area education agencies, increase the retention of promising beginning teachers, and promote the personal and professional well-being of teachers.

2. Each school district and area education agency may provide a beginning teacher mentoring and induction program for all teachers who are beginning teachers.

3. Each school district and area education agency that provides a beginning teacher mentoring and induction program under this chapter shall develop a plan for the program. The plan shall, at a minimum, provide for a two-year sequence of induction program content and activities to support the Iowa teaching standards and beginning teacher professional and personal needs; mentor training that includes, at a minimum, skills of classroom demonstration and coaching, and district expectations for beginning teacher competence on Iowa teaching standards; placement of mentors and beginning teachers; the process for dissolving mentor and beginning teacher partnerships; district organizational support for release time for mentors and beginning teachers to plan, provide demonstration of classroom practices, observe teaching, and provide feedback; structure for mentor selection and assignment of mentors to beginning teachers; a district facilitator; and program evaluation.

4. A beginning teacher shall be informed by the school district or the area education agency, prior to the beginning teacher's participation in a mentoring and induction program, of the criteria upon which the beginning teacher shall be evaluated and of the evaluation process utilized by the school district or area education agency.

5. Upon completion of the program, the beginning teacher shall be comprehensively evaluated to determine if the teacher meets expectations to move to the career level. The school district or area education agency that employs the beginning teacher shall recommend for a standard license a beginning teacher who is determined through a comprehensive evaluation to demonstrate competence in the Iowa teaching standards. A school district or area education agency may offer a beginning teacher a third year of participation in the program if, after conducting a comprehensive evaluation, the school district determines that the teacher is likely to successfully complete the mentoring and induction program by the end of the third year of eligibility. A teacher granted a third year of eligibility shall develop a teacher's mentoring and induction program plan in accordance with this chapter and shall undergo a comprehensive evaluation at the end of the third year. The board of educational examiners shall grant a one-year extension of the beginning teacher's initial license upon notification by the school district that the teacher will participate in a third year of the school district's program.

6. If a beginning teacher who is participating in a mentoring and induction program leaves the employ of a school district or area education agency prior to completion of the program, the school district or area education agency subsequently hiring the beginning teacher shall credit the beginning teacher with the time earned in the program prior to the subsequent hiring.

7. If the general assembly appropriates moneys for purposes of this section, a school district or area education agency is eligible to receive state assistance for up to two years under this section for each teacher the school district or area education agency employs who was formerly employed in an accredited nonpublic school or in another state as a first-year teacher. The school district or area education agency employing the teacher shall determine the conditions and requirements of a teacher participating in a program in accordance with this subsection. The school district or area education agency that employs the teacher shall recommend the teacher for an educational license if the teacher, through a comprehensive evaluation, is determined to demonstrate competence in the Iowa teaching standards.

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8. The state board shall adopt rules to administer this section.

2001 Acts, ch 161, §6; 2001 Acts, ch 177, §4, 15; 2002 Acts, ch 1152, §13; 2003 Acts, ch 180, §41; 2003 Acts, ch 182, §15; 2006 Acts, ch 1182, §12; 2013 Acts, ch 121, §61, 62; 2014 Acts, ch 1013, §20; 2017 Acts, ch 172, §34; 2023 Acts, ch 90, §6

Referred to in §256.34, 256.163, 284.2, 284.6

284.6 Teacher professional development.

1. The department shall coordinate a statewide network of professional development for Iowa teachers. A school district or professional development provider that offers a professional development program in accordance with section 256.9, subsection 42, shall demonstrate that the program contains the following:

a. Support that meets the professional development needs of individual teachers and is aligned with the Iowa teaching standards.

b. Research-based instructional strategies aligned with the school district's student achievement needs and the long-range improvement goals established by the district.

c. Instructional improvement components including student achievement data, analysis, theory, classroom demonstration and practice, technology integration, observation, reflection, and peer coaching.

d. An evaluation component that documents the improvement in instructional practice and the effect on student learning.

2. The department shall identify models of professional development practices that produce evidence of the link between teacher training and improved student learning.

3. A school district shall develop a district professional development plan. The district professional development plan must satisfy all of the following requirements:

a. Include a description of the means by which the school district will provide access to all teachers in the district to professional development programs or offerings that meet the requirements of subsection 1.

b. Align all professional development with the school district's long-range student learning goals and the Iowa teaching standards.

c. Indicate the school district's approved professional development provider or providers.

d. Include programs and offerings for all teachers to support serving students with disabilities.

e. Include information related to all of the following:

(1) The general requirements related to providing a free appropriate public education, including the school district's obligation to identify and evaluate a student who may have a disability.

(2) The provision of supports and services through a student's individualized education program, including each individual teacher's responsibilities relating to the development and implementation of a student's individualized education program.

(3) The general requirements related to providing education to a student with a disability consistent with the least restrictive environment requirements under the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

4. In cooperation with the teacher's evaluator, the career teacher employed by a school district shall develop an individual teacher professional development plan. The evaluator shall consult with the teacher's supervisor on the development of the individual teacher professional development plan. The purpose of the plan is to promote individual and group professional development. The individual plan shall be based, at minimum, on the needs of the teacher, the Iowa teaching standards, and the student achievement goals of the attendance center and the school district. The individual plan shall include goals for the individual that are beyond those required under the attendance center professional development plan developed pursuant to subsection 7.

5. The teacher's evaluator shall annually meet with the teacher to review progress in meeting the goals in the teacher's individual plan. The teacher shall present to the evaluator evidence of progress. The purpose of the meeting shall be to review the teacher's progress in meeting professional development goals in the plan and to review collaborative work with other staff on student achievement goals and to modify as necessary the teacher's individual

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plan to reflect the individual teacher's and the school district's needs and the individual's progress in meeting the goals in the plan. The teacher's supervisor and the evaluator shall review, modify, or accept modifications made to the teacher's individual plan.

6. School districts, a consortium of school districts, area education agencies, higher education institutions, and other public or private entities including professional associations may be approved by the state board to provide teacher professional development. The professional development program or offering shall, at minimum, meet the requirements of subsection 1. The state board shall adopt rules for the approval of professional development providers and standards for the district development plan.

7. Each attendance center shall develop an attendance center professional development plan. The purpose of the plan is to promote group professional development. The attendance center plan shall be based, at a minimum, on the needs of the teachers, the Iowa teaching standards, district professional development plans, and the student achievement goals of the attendance center and the school district.

8. For each year in which a school district receives funds calculated and paid to school districts for professional development pursuant to section 257.10, subsection 10, the school district shall create quality professional development opportunities. Not less than thirty-six hours in the school calendar, held outside of the minimum school day, shall be set aside during nonpreparation time or designated professional development time to allow practitioners to collaborate with each other to deliver educational programs and assess student learning, or to engage in peer review pursuant to section 284.8, subsection 1. The funds may be used to implement the professional development provisions of the teacher career paths and leadership roles specified in section 284.15, including but not limited to providing professional development to teachers, including additional salaries for time beyond the normal negotiated agreement; activities and pay to support a beginning teacher mentoring and induction program that meets the requirements of section 284.5; pay for substitute teachers, professional development materials, speakers, and professional development content; textbooks and curriculum materials used for classroom purposes if such textbooks and curriculum materials include professional development; administering assessments pursuant to section 256.7, subsection 21, paragraph *"b"*, subparagraphs (1) and (2), if such assessments include professional development; and costs associated with implementing the individual professional development plans. The use of the funds shall be balanced between school district, attendance center, and individual professional development plans, making every reasonable effort to provide equal access to all teachers.

9. Moneys received pursuant to section 257.10, subsection 10, shall be maintained as a separate listing within a school district's budget for funds received and expenditures made pursuant to this subsection. The department shall not require a school district to allocate a specific amount or percentage of moneys received pursuant to section 257.10, subsection 10, for professional development related to implementation of the core curriculum under section 256.7, subsection 26. A school district shall certify to the department how the school district allocated the funds and that moneys received under this subsection were used to supplement, not supplant, the professional development opportunities the school district would otherwise make available. For budget years beginning on or after July 1, 2017, all or a portion of the moneys received pursuant to section 257.10, subsection 10, that remain unexpended and unobligated at the end of a fiscal year may, pursuant to section 257.10, subsection 10, paragraph *"d"*, be transferred for deposit in the school district's flexibility account established under section 298A.2, subsection 2.

10. If funds are allocated for purposes of professional development pursuant to section 284.13, subsection 1, paragraph *"c"*, the department shall establish teacher development academies for public and nonpublic school-based teams of teachers and instructional leaders. Each academy shall include an institute and shall provide follow-up training and coaching.

2001 Acts, ch 161, §7; 2002 Acts, ch 1152, §14; 2003 Acts, ch 180, §42; 2006 Acts, ch 1182, §13, 14; 2007 Acts, ch 108, §20 – 23; 2009 Acts, ch 177, §36; 2011 Acts, ch 34, §74; 2012 Acts, ch 1119, §5; 2013 Acts, ch 121, §63, 74; 2017 Acts, ch 153, §1 - 3; 2017 Acts, ch 154, §5; 2017

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Acts, ch 172, §35; 2018 Acts, ch 1026, §102; 2023 Acts, ch 90, §7; 2024 Acts, ch 1002, §15, 36 – 38; 2026 Acts, ch 1040, §77; 2026 Acts, ch 1137, §10

Referred to in §256.7, 256C.3, 284.13

2024 amendment to subsections 8 and 9 applies July 1, 2024, for school budget years beginning on or after that date; 2024 Acts, ch 1002, §38

Subsections 3 and 4 amended

284.6A Computer science professional development incentive fund — legislative findings.

1. The general assembly finds and declares all of the following:

a. That instruction in high-quality computer science for elementary, middle school, and high school students establishes a foundation for personal and professional success in a high-technology, knowledge-based Iowa economy.

b. It is the goal of the general assembly that by July 1, 2019, each accredited high school offer at least one high-quality computer science course, each accredited middle school offer instruction in exploratory computer science, and each accredited elementary school offer instruction in the basics of computer science.

c. It is the intent of the general assembly to appropriate moneys for purposes of the computer science professional development incentive fund for the fiscal year beginning July 1, 2018.

2. A computer science professional development incentive fund is established in the state treasury under the control of the department. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund. If state, federal, or private moneys deposited in the fund are sufficient, the department may disburse moneys contained in the fund for professional development activities or tuition reimbursement as follows:

a. A school district or accredited nonpublic school, or a collaborative of one or more school districts, accredited nonpublic schools, and area education agencies, may apply to the department, in the manner prescribed by the department, to receive moneys from the fund to provide proven professional development activities for Iowa teachers in the area of computer science education.

b. A school district or accredited nonpublic school may apply to the department, in the manner prescribed by the department, to receive moneys from the fund to provide tuition reimbursement for Iowa teachers seeking endorsements or authorizations for computer science under section 256.146, subsection 19.

3. A recipient of a grant under subsection 2 may receive moneys from the fund for expenses the recipient incurs during the fiscal year in which the department awards the grant through September 30 of the following year.

4. Notwithstanding section 8.33, moneys in the computer science professional development incentive fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

2017 Acts, ch 106, §3; 2023 Acts, ch 54, §1, 2

Referred to in §256.7

Subsection 3 applies to grants the department of education awards from the computer science professional development incentive fund on or after July 1, 2023; 2023 Acts, ch 54, §2

284.7 Iowa teacher career path — future repeal. Repealed by its own terms; 2013 Acts, ch 121, §64.

284.8 Performance review requirements for teachers — peer group reviews.

1. A school district shall provide for an annual review of each teacher's performance for purposes of assisting teachers in making continuous improvement, documenting continued competence in the Iowa teaching standards, identifying teachers in need of improvement, or to determine whether the teacher's practice meets school district expectations for career advancement. The review shall include, at minimum, classroom observation of the teacher, the teacher's progress, and implementation of the teacher's individual professional development plan, subject to the level of resources provided to implement the plan; and

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shall include supporting documentation from parents, students, and other teachers. The first and second year of review shall be conducted by a peer group of teachers. The peer group shall review all of the peer group members. Peer group reviews shall be formative and shall be conducted on an informal, collaborative basis that is focused on assisting each peer group member in achieving the goals of the teacher's individual professional development plan. Peer group reviews shall not be the basis for recommending that a teacher participate in an intensive assistance program, and shall not be used to determine the compensation, promotion, layoff, or termination of a teacher, or any other determination affecting a teacher's employment status. However, as a result of a peer group review, a teacher may elect to participate in an intensive assistance program. Members of the peer group shall be reviewed every third year by at least one evaluator certified in accordance with section 284.10.

2. If a supervisor or an evaluator determines, at any time, as a result of a teacher's performance that the teacher is not meeting district expectations under the Iowa teaching standards specified in section 284.3, subsection 1, paragraphs *"a"* through *"h"*, and the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 42, the evaluator shall, at the direction of the teacher's supervisor, recommend to the district that the teacher participate in an intensive assistance program. The intensive assistance program and its implementation are not subject to negotiation and grievance procedures established pursuant to chapter 20. All school districts shall be prepared to offer an intensive assistance program.

3. A teacher who is not meeting the applicable standards and criteria based on a determination made pursuant to subsection 2 shall participate in an intensive assistance program. However, a teacher who has previously participated in an intensive assistance program relating to particular Iowa teaching standards or criteria shall not be entitled to participate in another intensive assistance program relating to the same standards or criteria and shall be subject to the provisions of subsection 4.

4. Following a teacher's participation in an intensive assistance program, the teacher shall be reevaluated to determine whether the teacher successfully completed the intensive assistance program and is meeting district expectations under the applicable Iowa teaching standards or criteria. If the teacher did not successfully complete the intensive assistance program or continues not to meet the applicable Iowa teaching standards or criteria, the board may do any of the following:

a. Terminate the teacher's contract immediately pursuant to section 279.27.

b. Terminate the teacher's contract at the end of the school year pursuant to section 279.15.

c. Continue the teacher's contract for a period not to exceed one year. However, the contract shall not be renewed and shall not be subject to section 279.15.

2001 Acts, ch 161, §9; 2002 Acts, ch 1152, §17; 2003 Acts, ch 180, §47; 2006 Acts, ch 1182, §22; 2007 Acts, ch 108, §31, 32; 2007 Acts, ch 215, §253; 2008 Acts, ch 1181, §81; 2012 Acts, ch 1119, §6; 2013 Acts, ch 121, §74; 2017 Acts, ch 2, §44 – 46, 48, 49

Referred to in §284.2, 284.6

284.9 Review panel — future repeal. Repealed by its own terms; 2013 Acts, ch 121, §65.

284.10 Evaluator training program.

1. The department shall establish an evaluator training program to improve the skills of school district evaluators in making employment decisions, making recommendations for licensure, and moving teachers through a career path as established under this chapter. The department shall consult with persons representing teachers, national board-certified teachers, administrators, school boards, higher education institutions with approved practitioner and administrator preparation programs, and with persons from the private sector knowledgeable in employment evaluation and evaluator training in order to develop standards and requirements for the program. Evaluator training programs offered pursuant to this chapter may be provided by a public or private entity. The department shall distribute a list of evaluator training program providers to each school district.

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2. An administrator licensed under chapter 256, subchapter VII, part 3, who conducts evaluations of teachers for purposes of this chapter shall complete the evaluator training program. A practitioner licensed under chapter 256, subchapter VII, part 3, who is not an administrator may enroll in the evaluator training program. Enrollment preference shall be given to administrators. Upon successful completion, the provider shall certify that the administrator or other practitioner is qualified to conduct evaluations for employment, make recommendations for licensure, and make recommendations that a teacher is qualified to advance from one career path level to the next career path level pursuant to this chapter. Certification is for a period of five years and may be renewed.

3. A higher education institution approved by the state board to provide an administrator preparation program shall incorporate the evaluator training program into the program offered by the institution.

4. The board of educational examiners shall require certification as a condition of issuing or renewing an administrator's license.

5. By July 1, 2007, the director shall develop and implement an evaluator training certification renewal program for administrators and other practitioners who need to renew a certificate issued pursuant to this section.

2001 Acts, ch 161, §11, 25; 2001 Acts, ch 177, §8, 15; 2002 Acts, ch 1152, §18; 2003 Acts, ch 180, §49; 2004 Acts, ch 1175, §95; 2006 Acts, ch 1182, §23; 2023 Acts, ch 19, §2588

Referred to in §284.2, 284.4, 284.8, 284.13

284.11 State supplemental assistance for high-need schools.

1. *Findings and intent.* The general assembly finds that students whose first language is not English, who have special needs, or who come from low-income backgrounds face potential obstacles to learning. Schools across Iowa, both urban and rural, have increasing numbers of students who face these challenges. Therefore, it is the intent of the general assembly to provide supplemental assistance to the highest-need schools in Iowa to address these challenges. This section provides for state assistance to allow school districts to develop extended learning time programs, hire instructional support staff, provide additional professional development, or supplement the salary of teachers in the identified schools.

2. *Department's responsibilities.* The department shall do the following:

a. Collect relevant data and establish a list of high-need schools eligible for state supplemental assistance. The department shall establish a process and criteria to determine which schools are placed on the list and the department shall revise the list annually. Criteria for the determination of which high-need schools shall be placed on the list shall be based upon factors that include but are not limited to the socioeconomic status of the students enrolled in the school, the percentage of the school's student body who are English learners, student academic growth, certified instructional staff attrition, and geographic balance. The department may approve or disapprove requests for revision of the list, which a school district submits pursuant to subsection 3.

b. Develop a standardized process for distributing moneys appropriated for supplemental assistance for high-need schools under section 284.13, subsection 1, paragraph "*g*", to school districts. In determining the process for distribution of such moneys, the department shall take into consideration the amount of moneys appropriated for supplemental assistance in high-need schools for the given year and the minimal amount of moneys needed to increase the academic achievement of students. A school district receiving moneys pursuant to this section shall certify annually to the department how the moneys distributed to the school district pursuant to this section were used by the school district.

c. Review the use and effectiveness of the funds distributed to school districts for supplemental assistance in high-need schools under this section. The department shall submit its findings and recommendations in a report to the general assembly by January 15 annually.

3. *School district request for approval.* A school district may request on an annual basis approval from the department for additions to the list of high-need schools the department maintains pursuant to subsection 2 based upon the unique local conditions and needs of the school district. The criteria used to determine the placement of high-need schools on the list

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in accordance with subsection 2 does not restrict the department from adding a high-need school to the list as requested by a school district on the basis of unique local conditions and needs pursuant to this subsection.

4. *Moneys received and miscellaneous income.* The distribution of moneys allocated pursuant to section 284.13, subsection 1, paragraph *"g"*, to a school district shall be made in one payment on or about October 15 of the fiscal year for which the appropriation is made, taking into consideration the relative budget and cash position of the state resources. Such moneys shall not be commingled with state aid payments made under section 257.16 to a school district and shall be accounted for by the local school district separately from state aid payments. Payments made to school districts under this section are miscellaneous income for purposes of chapter 257. A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this section.

5. *Moneys received to supplement salaries.* Moneys received by a school district pursuant to section 284.13, subsection 1, paragraph *"g"*, shall be used to supplement and not supplant the salary being received by a teacher in a high-need school, and shall not be considered under chapter 20 by an arbitrator or other third party in determining a comparison of the wages of teachers in that high-need school with the wages of teachers in other buildings or in another school district.

2013 Acts, ch 121, §66; 2022 Acts, ch 1011, §11; 2024 Acts, ch 1170, §300
Referred to in §284.13

284.12 Rules.

In developing administrative rules for consideration by the state board, the department shall consult with stakeholders who might reasonably be affected by the proposed rule, including persons representing teachers, administrators, school boards, approved practitioner preparation institutions, and other appropriate education stakeholders.

2001 Acts, ch 161, §13; 2001 Acts, ch 177, §11, 15; 2003 Acts, ch 45, §1; 2005 Acts, ch 19, §39; 2007 Acts, ch 108, §34, 35; 2016 Acts, ch 1036, §13

284.13 State program allocation.

1. For each fiscal year in which moneys are appropriated by the general assembly for purposes of the student achievement and teacher quality program, the moneys shall be allocated as follows in the following priority order:

a. (1) For the fiscal year beginning July 1, 2026, and ending June 30, 2027, to the department, the amount of five hundred eight thousand two hundred fifty dollars for the issuance of national board certification awards in accordance with section 256.44. Of the amount allocated under this paragraph, not less than eighty-five thousand dollars shall be used to administer the ambassador to education position in accordance with section 256.45.

(2) Notwithstanding section 8.33, funds appropriated for purposes of this paragraph which remain unencumbered or unobligated at the close of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure by the department for purposes of providing stipends to individuals who receive an advanced dyslexia specialist endorsement from the board of educational examiners. The department shall consider the amount of funds available under this subparagraph when determining the amount of such stipend.

b. For the fiscal year beginning July 1, 2026, and ending June 30, 2027, up to seven hundred twenty-eight thousand two hundred sixteen dollars to the department for purposes of implementing the professional development program requirements of section 284.6, assistance in developing model evidence for teacher quality committees established pursuant to section 284.4, subsection 1, paragraph *"b"*, and the evaluator training program in section 284.10. A portion of the funds allocated to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than four full-time equivalent positions.

c. For the fiscal year beginning July 1, 2026, and ending June 30, 2027, an amount up to one million seventy-seven thousand eight hundred ten dollars to the department for the establishment of teacher development academies in accordance with section 284.6,

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subsection 10. A portion of the funds allocated to the department for purposes of this paragraph may be used for administrative purposes.

d. (1) For the following years, to the department, for purposes of teacher leadership supplemental aid payments to school districts for implementing the career paths, leadership roles, and compensation framework or comparable system approved in accordance with section 284.15, subsection 7, the following amounts:

(a) For the fiscal year beginning July 1, 2015, and ending June 30, 2016, fifty million six hundred thousand dollars.

(b) For the fiscal year beginning July 1, 2016, and ending June 30, 2017, fifty million six hundred thousand dollars.

(2) (a) For the initial school year for which a school district receives department approval for and implements a framework or comparable system in accordance with section 284.15, teacher leadership supplement foundation aid payable to that school district shall be paid from the allocation made in subparagraph (1) for that school year. For that school year, the teacher leadership supplement foundation aid payable to the school district is the product of the teacher leadership district cost per pupil for the school year multiplied by the school district's budget enrollment. The board of directors of the district of residence shall pay to the receiving district any moneys received for a pupil under subparagraph (1) if the pupil is participating in open enrollment under section 282.18 and both the district of residence and the receiving district are receiving an allocation under subparagraph (1).

(b) For budget years subsequent to the initial school year for which a school district implemented a system and received funding pursuant to subparagraph division (a), the teacher leadership supplement foundation aid payable to that school district shall be paid from the appropriation made in section 257.16.

(3) Of the moneys allocated to the department for the purposes of this paragraph *"d"*, for each fiscal year included in subparagraph (1), not more than six hundred twenty-six thousand one hundred ninety-one dollars shall be used by the department for the development of a delivery system, in collaboration with area education agencies, to assist in implementing the career paths and leadership roles considered pursuant to sections 284.15, 284.16, and 284.17, including but not limited to planning grants to school districts and area education agencies, technical assistance for the department, technical assistance for districts and area education agencies, training and staff development, and the contracting of external expertise and services. In using moneys allocated for purposes of this subparagraph (3), the department shall give priority to school districts with certified enrollments of fewer than six hundred students. A portion of the moneys allocated annually to the department for purposes of this subparagraph (3) may be used by the department for administrative purposes and for not more than five full-time equivalent positions.

(4) Of the moneys allocated to the department for purposes of this paragraph *"d"*, for each fiscal year of the fiscal period beginning July 1, 2014, and ending June 30, 2017, the amount remaining after the allocations in subparagraph (3) shall be payable to the school districts that have an approved career path, leadership roles, and compensation framework or approved comparable system as provided in section 284.15.

(5) For each fiscal year of the fiscal period beginning July 1, 2014, and ending June 30, 2017, moneys received by a school district pursuant to this paragraph *"d"* shall not be considered under chapter 20 by an arbitrator or other third party in determining a comparison of the wages of teachers in that school district with the wages of teachers in another school district.

(6) The receipt of funding by a school district for the purposes of this paragraph *"d"*, and the need for additional funding for the purposes of this paragraph *"d"*, or the enrollment count of eligible students under this chapter, shall not be considered to be unusual circumstances, create an unusual need for additional funds, or qualify under any other circumstances that may be used by the school budget review committee to grant supplemental aid to or establish a modified supplemental amount for a school district under section 257.31.

e. For the fiscal year beginning July 1, 2026, and ending June 30, 2027, to the department an amount up to fifty thousand dollars for purposes of the fine arts beginning teacher mentoring program established under section 256.34.

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f. For the fiscal year beginning July 1, 2026, and ending June 30, 2027, to the department an amount up to six hundred twenty-six thousand one hundred ninety-one dollars shall be used by the department for a delivery system, in collaboration with area education agencies, to assist in implementing the career paths and leadership roles considered pursuant to sections 284.15, 284.16, and 284.17, including but not limited to planning grants to school districts and area education agencies, technical assistance for the department, technical assistance for districts and area education agencies, training and staff development, and the contracting of external expertise and services. In using moneys allocated for purposes of this paragraph, the department shall give priority to school districts with certified enrollments of fewer than six hundred students. A portion of the moneys allocated annually to the department for purposes of this paragraph may be used by the department for administrative purposes and for not more than five full-time equivalent positions.

g. For the fiscal year beginning July 1, 2027, and for each subsequent fiscal year, to the department, ten million dollars for purposes of implementing the supplemental assistance for high-need schools provisions of section 284.11. Annually, of the moneys allocated to the department for purposes of this paragraph, up to one hundred thousand dollars may be used by the department for administrative purposes and for not more than one full-time equivalent position.

h. Notwithstanding section 8.33, any moneys remaining unencumbered or unobligated from the moneys allocated for purposes of paragraphs *"a"* through *"g"* shall not revert but shall remain available in the succeeding fiscal year for expenditure for the purposes designated. The provisions of section 8.39 shall not apply to the funds appropriated pursuant to this subsection.

2. Moneys received by a school district under this chapter are miscellaneous income for purposes of chapter 257 or are considered encumbered. A school district shall maintain a separate listing within its budget for payments received and expenditures made pursuant to this section.

3. The state board may adopt rules which assure the allocation of resources under this section in a manner that optimizes the fulfillment of the purposes specified in sections 284.11, 284.15, 284.16, and 284.17.

2001 Acts, ch 177, §12, 15; 2002 Acts, ch 1152, §19, 20; 2003 Acts, ch 179, §116, 117; 2003 Acts, ch 182, §16, 17, 19, 20; 2004 Acts, ch 1175, §97, 98, 100; 2005 Acts, ch 169, §30 – 33; 2006 Acts, ch 1180, §26, 27; 2006 Acts, ch 1182, §25, 26; 2007 Acts, ch 108, §36 – 45, 64; 2007 Acts, ch 215, §103; 2008 Acts, ch 1181, §82 – 85; 2009 Acts, ch 177, §40 – 42, 45, 48; 2010 Acts, ch 1183, §34; 2011 Acts, ch 132, §19, 106; 2012 Acts, ch 1132, §13; 2013 Acts, ch 121, §67 – 69; 2013 Acts, ch 141, §20; 2014 Acts, ch 1135, §25 – 27; 2015 Acts, ch 140, §15 – 17, 58, 59; 2016 Acts, ch 1132, §14 – 16; 2017 Acts, ch 172, §36 – 38; 2018 Acts, ch 1026, §103, 104; 2018 Acts, ch 1163, §21; 2019 Acts, ch 135, §17; 2021 Acts, ch 170, §21; 2022 Acts, ch 1149, §14; 2023 Acts, ch 111, §37; 2024 Acts, ch 1152, §11; 2025 Acts, ch 145, §5, 6; 2025 Acts, ch 157, §11; 2026 Acts, ch 1196, §10, 11

Referred to in §257.9, 257.10, 284.6, 284.11
Subsection 1, paragraph a, subparagraph (1) amended
Subsection 1, paragraphs b, c, e, f, and g amended

284.14 Pay-for-performance program.

1. *Intent.* The intent of this section is to create a process by which select Iowa school districts research, develop, and implement projects designed to identify promising practices related to enhanced teacher compensation career ladders and performance pay models.

2. *Commission.* A pay-for-performance commission is established to design and implement a pay-for-performance pilot project and provide a study relating to teacher and staff compensation containing a pay-for-performance component. The study shall measure the cost and effectiveness in raising student achievement of a compensation system that provides financial incentives based on student performance. The commission is part of the executive branch of government.

3. *Development of program.* Beginning July 1, 2006, the commission shall gather sufficient information to identify a pay-for-performance program based upon student achievement gains and global content standards where student achievement gains cannot

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be easily measured. The commission shall review pay-for-performance programs in both the public and private sectors.

a. Commencing with the school year beginning July 1, 2007, the commission shall initiate planning pilots, in selected kindergarten through grade twelve schools, to test the effectiveness of the pay-for-performance program. The purpose of the planning pilots is to identify the strengths and weaknesses of various pay-for-performance program designs, evaluate cost effectiveness, analyze student achievement needs, select formative and summative student achievement measures that align to identify needs, consider necessary supports related to the student achievement goals, review assessment needs, identify mechanisms to account for existing teacher contract provisions within the proposed career ladder salary increments, allow thorough review of data, and make necessary adjustments before proposing implementation of the pay-for-performance program statewide.

b. Commencing with the school year beginning July 1, 2007, the commission shall select two school districts as planning pilots. Participants shall provide reports or other information as required by the commission.

c. Commencing with the school year beginning July 1, 2008, the commission shall administer two implementation pilots in the school districts selected for planning pilots under paragraph *"b"*.

4. *Reports and final study.* Based on the information generated by the planning and implementation pilots, the commission shall prepare an interim report by January 14, 2008, followed by interim progress reports annually, followed by a final study report analyzing the effectiveness of pay-for-performance in raising student achievement levels. The final study report shall be completed no later than six months after the completion of the planning and implementation pilots. The commission shall provide copies of the final study report to the department of education and to the general assembly.

5. *Iowa excellence fund.*

a. An Iowa excellence fund is created within the office of the treasurer of state, to be administered by the commission. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain in the fund.

b. The commission may provide grants from this fund, according to criteria developed by the commission, for implementation of the pay-for-performance program.

2006 Acts, ch 1182, §27; 2007 Acts, ch 108, §46 – 48; 2010 Acts, ch 1061, §102; 2023 Acts, ch 90, §8

284.14A Career ladder pilots. Repealed by 2012 Acts, ch 1119, §8.

284.15 Iowa teacher career paths, leadership roles, and compensation framework.

1. To promote continuous improvement in Iowa's quality teaching workforce and to give Iowa teachers the opportunity for career recognition that reflects the various roles teachers play as educational leaders, a framework for Iowa teacher career paths, leadership roles, and compensation is established under subsection 2 for teachers employed by school districts. Pursuant to subsection 7, a school district may apply to the department for approval to implement the framework or a comparable system of career paths and compensation for teachers that contains differentiated, multiple leadership roles as provided in this section, and sections 284.16 and 284.17. A teacher employed by an area education agency may be included in a framework or comparable system established by a school district if the area education agency and the school district enter into a contract for such purpose. The framework is designed to accomplish the following goals:

a. To attract able and promising new teachers by offering competitive starting salaries and offering short-term and long-term professional development and leadership opportunities.

b. To retain effective teachers by providing enhanced career opportunities.

c. To promote collaboration by developing and supporting opportunities for teachers in schools and school districts statewide to learn from each other.

d. To reward professional growth and effective teaching by providing pathways for career

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opportunities that come with increased leadership responsibilities and involve increased compensation.

e. To improve student achievement by strengthening instruction.

2. The Iowa teacher career paths, leadership roles, and compensation requirements under the framework shall be as follows:

a. Initial teacher.

(1) (a) For the fiscal year beginning July 1, 2024, the salary for an initial teacher who has successfully completed an approved practitioner preparation program as defined in section 256.145 or holds an initial or intern teacher license issued under chapter 256, subchapter VII, part 3, shall be at least forty-seven thousand five hundred dollars, which shall also constitute the minimum salary for an Iowa teacher.

(b) For the fiscal year beginning July 1, 2025, and each subsequent fiscal year, the salary for an initial teacher who has successfully completed an approved practitioner preparation program as defined in section 256.145 or holds an initial or intern teacher license issued under chapter 256, subchapter VII, part 3, shall be at least fifty thousand dollars, which shall also constitute the minimum salary for an Iowa teacher.

(2) An initial teacher shall complete a teacher residency during the first year of employment that has all of the following characteristics:

(a) Intensive supervision or mentoring by a mentor teacher or lead teacher.

(b) Sufficient collaboration time for the initial teacher in the residency year to be able to observe and learn from model teachers, mentor teachers, and lead teachers employed by school districts located in this state.

(c) A teaching contract issued under section 279.13 that establishes an employment period which is five days longer than that required for career teachers employed by the school district of employment. The five additional contract days shall be used to strengthen instructional leadership in accordance with this subsection.

(d) Frequent observation, evaluation, and professional development opportunities.

b. Career teacher. A career teacher is a teacher who holds a statement of professional recognition issued under chapter 256, subchapter VII, part 3, or who meets all of the following requirements:

(1) Has demonstrated the competencies of a career teacher as determined under the school district's comprehensive evaluation of the initial teacher.

(2) Holds a valid license issued under chapter 256, subchapter VII, part 3.

(3) Participates in teacher professional development as set forth in this chapter and demonstrates continuous improvement in teaching.

c. Model teacher. A model teacher is a teacher who meets the requirements of paragraph *"b"*, has met the requirements established by the school district that employs the teacher, is evaluated by the school district as demonstrating the competencies of a model teacher, has participated in a rigorous review process, and has been recommended for a one-year assignment as a model teacher by a site-based review council appointed pursuant to subsection 5. A school district shall designate at least ten percent of its teachers as model teachers, though the district may enter into an agreement with one or more other districts or an area education agency to meet this requirement through a collaborative arrangement. The terms of the teaching contracts issued under section 279.13 to model teachers shall exceed by five days the terms of teaching contracts issued under section 279.13 to career teachers, and the five additional contract days shall be used to strengthen instructional leadership in accordance with this subsection. A model teacher shall receive annually a salary supplement of at least two thousand dollars.

d. Mentor teacher. A mentor teacher is a teacher who is evaluated by the school district as demonstrating the competencies and superior teaching skills of a mentor teacher, and has been recommended for a one-year assignment as a mentor teacher by a site-based review council appointed pursuant to subsection 5. In addition, a mentor teacher shall hold a valid license issued under chapter 256, subchapter VII, part 3, participate in teacher professional development as outlined in this chapter, demonstrate continuous improvement in teaching, and possess the skills and qualifications to assume leadership roles. A mentor teacher shall have a teaching load of not more than seventy-five percent student instruction to allow the

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teacher to mentor other teachers. A school district shall designate at least ten percent of its teachers as mentor teachers, though the district may enter into an agreement with one or more other districts or an area education agency to meet this requirement through a collaborative arrangement. The terms of the teaching contracts issued under section 279.13 to mentor teachers shall exceed by ten days the terms of teaching contracts issued under section 279.13 to career teachers, and the ten additional contract days shall be used to strengthen instructional leadership in accordance with this subsection. A mentor teacher shall receive annually a salary supplement of at least five thousand dollars.

e. Lead teacher. A lead teacher is a teacher who holds a valid license issued under chapter 256, subchapter VII, part 3, and has been recommended for a one-year assignment as a lead teacher by a site-based review council appointed pursuant to subsection 5. The recommendation from the council must assert that the teacher possesses superior teaching skills and the ability to lead adult learners. A lead teacher shall assume leadership roles that may include but are not limited to the planning and delivery of professional development activities designed to improve instructional strategies; the facilitation of an instructional leadership team within the lead teacher's building, school district, or other school districts; the mentoring of other teachers; and participation in the evaluation of student teachers. A lead teacher shall have a teaching load of not more than fifty percent student instruction to allow the lead teacher to spend time on co-teaching; co-planning; peer reviews; observing career teachers, model teachers, and mentor teachers; and other duties mutually agreed upon by the superintendent and the lead teacher. A school district shall designate at least five percent of its teachers as lead teachers, though the district may enter into an agreement with one or more other districts or an area education agency to meet this requirement through a collaborative arrangement. The terms of the teaching contracts issued under section 279.13 to lead teachers shall exceed by fifteen days the terms of teaching contracts issued under section 279.13 to career teachers, and the fifteen additional contract days shall be used to strengthen instructional leadership in accordance with this subsection. A lead teacher shall receive annually a salary supplement of at least ten thousand dollars.

3. *a.* For the fiscal year beginning July 1, 2024, the salary for a career teacher, model teacher, mentor teacher, or lead teacher, who holds a valid license issued under chapter 256, subchapter VII, part 3, and who has been a teacher for at least twelve years, shall be at least sixty thousand dollars.

b. (1) For the fiscal year beginning July 1, 2025, and each subsequent fiscal year, the salary for a career teacher, model teacher, mentor teacher, or lead teacher, who holds a valid license issued under chapter 256, subchapter VII, part 3, and who has been a teacher for at least twelve years, shall be at least sixty-two thousand dollars.

(2) Notwithstanding subparagraph (1), for the fiscal year beginning July 1, 2025, and each subsequent fiscal year, a career teacher, model teacher, mentor teacher, or lead teacher, who holds a valid license issued under chapter 256, subchapter VII, part 3, who has been a teacher for at least twelve years, who has had a bona fide retirement from employment with a covered employer as provided in section 97B.52A, and who has returned to covered full-time employment with a covered employer pursuant to chapter 97B as a teacher licensed under chapter 256, shall be paid not less than fifty thousand dollars.

4. The salary supplement received by a teacher assigned to a leadership role shall fully cover the salary costs of the additional contract days required of teachers in those leadership roles. Notwithstanding any provision of law to the contrary, the determinations of salary supplements paid pursuant to this section are not subject to appeal.

5. The school board shall appoint a site-based review council for the district's attendance centers. Attendance centers may share a site-based review council if the appointments meet the requirements specified in paragraph "*a*".

a. Each council shall be comprised of equal numbers of teachers and administrators.

b. The council shall accept and review applications submitted to the school's or the school district's administration for assignment or reassignment in a teacher leadership role, and shall make recommendations regarding the applications to the superintendent of the school district. In developing recommendations, the council shall utilize measures of teacher effectiveness and professional growth, consider the needs of the school district, and review

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the performance and professional development of the applicants. Any teacher recommended for assignment or reassignment in a teacher leadership role shall have demonstrated to the council's satisfaction competency on the Iowa teaching standards as set forth in section 284.3.

c. An assignment in a teacher leadership role under an approved framework or comparable system shall be subject to review by the school's or the school district's administration at least annually. The review shall include peer feedback on the effectiveness of the teacher's performance of duty specific to the teacher's career path. A teacher who completes the time period of assignment in a teacher leadership role may apply to the school's or the school district's administration for assignment in a new role, if appropriate, or for reassignment.

6. A teacher employed in a school district shall not receive less compensation in that district than the teacher received in the school year preceding implementation of the framework or a comparable system approved pursuant to this section. A teacher who achieves national board for professional teaching standards certification and meets the requirements of section 256.44 shall continue to receive the award as specified in section 256.44 in addition to the compensation set forth in this section.

7. *a.* A school district may apply to the department for approval to implement the career paths, leadership roles, and compensation framework specified in subsection 2, or a comparable system of career paths and compensation for teachers that contains differentiated multiple leadership roles. The director shall consider the recommendations of the commission established pursuant to subsection 12* when approving or disapproving applications submitted pursuant to this section. A school district may modify an approved framework or comparable system if the director or the director's designee approves the modification. A school district may appeal the director's or the director's designee's decision to the state board and the state board's decision is final.

b. At any time during a school year, a school district approved to implement the framework or a comparable system pursuant to this subsection may apply to the department to waive full or partial implementation of the approved framework or system for the current school year. The school district shall submit to the department for approval a modified implementation plan for the school year following the school year for which the district received a waiver pursuant to this paragraph if the school district wishes to continue partial implementation beyond the school year for which the district received a waiver. The state board may adopt by rule a limitation on the number of times a school district may apply for a waiver in accordance with this paragraph.

c. A school district approved to implement the framework or a comparable system pursuant to this subsection shall submit to the director or the director's designee for approval any proposed modification to the framework or comparable system.

d. By March 1 of the school year preceding implementation, a school district that has been approved to implement the framework or a comparable system pursuant to this subsection may opt out of implementation of the framework or comparable system by notifying the department of its intent to withdraw from implementation. The department shall notify the department of management that the school district is no longer approved to implement the framework or comparable system and is not eligible to receive teacher leadership supplement foundation aid under chapter 257 or this chapter.

e. A school district whose application for approval to implement a comparable system or modified comparable system is denied may appeal the department's decision to the state board.

8. The department shall establish criteria and a process for application and approval of the framework established under subsection 1, and for comparable systems that meet the requirements of section 284.16 or 284.17, which a school district may implement pursuant to subsection 7.

9. For purposes of this section a comparable system means either of the following:

a. An instructional coach model as set forth in section 284.16 and approved by the department pursuant to this section.

b. A system of career paths and compensation for teachers that contains differentiated,

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multiple leadership roles as set forth in section 284.17 and approved by the department pursuant to this section.

10. A school district is encouraged to utilize appropriately licensed teachers emeritus in the implementation of this section and sections 284.16 and 284.17.

11. The framework or comparable system approved and implemented by a school district in accordance with this section shall be applicable to teachers in every attendance center operated by the school district.

12. Subject to an appropriation by the general assembly for purposes of this subsection, a school district may apply to the department for a planning grant to design an implementation strategy for the framework established pursuant to subsection 1 or a comparable system of career paths and compensation for teachers that contains differentiated multiple leadership roles. The planning grant shall be used to facilitate a local decision-making process that includes representation of administrators, teachers, and parents and guardians of students. The department shall establish and make available an application for the awarding of planning grants for purposes of this subsection.

13. *a.* Teacher leadership supplement foundation aid calculated under section 257.10, subsection 12, shall be paid as part of the state aid payments made to school districts in accordance with section 257.16.

b. Notwithstanding section 284.3A, teacher leadership supplement foundation aid shall not be combined with regular wages to create a combined salary.

c. The teacher leadership supplement district cost as calculated under section 257.10, subsection 12, is not subject to a uniform reduction in accordance with section 8.31.

14. The provisions of this chapter shall be subject to legislative review at least every three years. The status report shall review and report on the department's assignment and utilization of full-time equivalent positions, and shall include information on teacher retention, teacher compensation, academic quality of beginning teachers, teacher evaluation results, student achievement trend and comparative data, and recommendations for changes to the teacher leadership supplement foundation aid and the framework or comparable systems approved pursuant to this section. The first status report shall be submitted to the general assembly by January 15, 2017, with subsequent status reports prepared and submitted to the general assembly by January 15 at least every third year thereafter.

2013 Acts, ch 121, §70; 2015 Acts, ch 29, §43, 44; 2016 Acts, ch 1036, §14; 2017 Acts, ch 172, §39, 40; 2023 Acts, ch 1, §17, 18; 2023 Acts, ch 19, §2589 – 2592; 2024 Acts, ch 1002, §41, 42; 2024 Acts, ch 1004, §38; 2024 Acts, ch 1027, §1; 2024 Acts, ch 1170, §301, 302; 2025 Acts, ch 142, §10

Referred to in §256.9, 256.163, 257.10, 284.3A, 284.6, 284.13, 284.16, 284.17

*Former subsection 12 stricken by 2024 Acts, ch 1170, §301; corrective legislation pending

284.16 Instructional coach model.

1. *Instructional coach model.* The instructional coach and curriculum and professional development leader model shall include, at a minimum, the following levels and requirements:

a. Beginning teacher level. For the fiscal year beginning July 1, 2024, the beginning teacher shall be paid not less than forty-seven thousand five hundred dollars. For the fiscal year beginning July 1, 2025, and each subsequent fiscal year, the beginning teacher shall be paid not less than fifty thousand dollars. Each beginning teacher shall meet the following requirements:

(1) Has successfully completed an approved practitioner preparation program as defined in section 256.145 or holds an intern teacher license issued under chapter 256, subchapter VII, part 3.

(2) Holds an initial or intern teacher license issued under chapter 256, subchapter VII, part 3.

(3) Completes, during the initial year of teaching, a teacher residency that meets the requirements set forth in section 284.15, subsection 2, paragraph *"a"*, subparagraph (1).

b. Career teacher level. A career teacher is a teacher who holds a statement of

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professional recognition issued under chapter 256, subchapter VII, part 3, or who meets the following requirements:

(1) Has successfully completed a comprehensive evaluation.

(2) Is reviewed by the school district as demonstrating the competencies of a career teacher.

(3) Holds a valid license issued under chapter 256, subchapter VII, part 3.

(4) Participates in teacher professional development as set forth in this chapter and demonstrates continuous improvement in teaching.

c. Instructional coach level.

(1) An instructional coach shall, at a minimum, meet the requirements specified for a career teacher in paragraph *"b"*, and engage full-time in instructional coaching.

(2) For purposes of this paragraph, *"instructional coaching"* means additional guidance in one or more aspects of the teaching profession provided to teachers.

(3) Assignment as an instructional coach to an individual teacher shall be based on either a request from a principal or from an individual teacher upon approval of a principal.

(4) Instructional coaching shall include detailed preliminary discussions as to areas in which the teachers being coached desire to improve; formulation of an action plan to bring about such improvement; in-class supervision by the instructional coach; postclass discussion of strengths, weaknesses, and strategies for improvement; and dialogue between the instructional coach and students and school officials regarding the teachers being coached. An instructional coach shall coordinate instructional coaching activities relating to training and professional development with an area education agency where appropriate.

(5) The contract term for an instructional coach shall exceed by ten days the contract term issued to career teachers under section 279.13. An instructional coach shall receive a stipend of not less than five thousand nor more than seven thousand dollars annually in addition to the teacher's salary as a career teacher.

d. Curriculum and professional development leader level. The contract term for a curriculum and professional development leader shall exceed by fifteen days the contract term issued to model teachers under section 279.13, and the curriculum and professional development leader shall receive a stipend of not less than ten thousand nor more than twelve thousand dollars annually in addition to the teacher's salary as a career teacher. A curriculum and professional development leader shall do the following:

(1) Provide and demonstrate teaching on an ongoing basis.

(2) Routinely work strategically with teachers in planning, monitoring, reviewing, and implementing best instructional practices.

(3) Observe and coach teachers in effective instructional practices.

(4) Support teacher growth and reflective practices.

(5) Work with and train classroom teachers to provide interventions aligned by subject area.

(6) Support instruction and learning through the use of technology.

(7) Actively participate in collaborative problem solving and reflective practices that include but are not limited to professional study groups, peer observations, grade level planning, and weekly team meetings.

(8) Plan and deliver professional development activities designed to improve instructional strategies.

(9) Engage in the development, adoption, and implementation of curriculum and curricular materials.

e. Model teacher level.

(1) A model teacher is a teacher who meets the requirements of paragraph *"b"*, has met the requirements established by the school district that employs the teacher, is evaluated by the school district as demonstrating the competencies of a model teacher, has participated in a rigorous review process, and has been recommended for a one-year assignment as a model teacher by a site-based review council in the manner provided under section 284.15, subsection 5.

(2) The contract term for a model teacher shall exceed by five days the contract term issued to career teachers under section 279.13, and the five additional contract days shall be

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used to strengthen instructional leadership. A model teacher shall receive annually a salary supplement of at least two thousand dollars.

2. *a. Experienced teacher.* For the fiscal year beginning July 1, 2024, a career teacher, instructional coach, curriculum and professional development leader, or model teacher, who has been a teacher for at least twelve years, shall be paid not less than sixty thousand dollars.

b. (1) For the fiscal year beginning July 1, 2025, and each subsequent fiscal year, a career teacher, instructional coach, curriculum and professional development leader, or model teacher, who has been a teacher for at least twelve years, shall be paid not less than sixty-two thousand dollars.

(2) Notwithstanding subparagraph (1), for the fiscal year beginning July 1, 2025, and each subsequent fiscal year, a career teacher, instructional coach, curriculum and professional development leader, or model teacher, who has been a teacher for at least twelve years, who has had a bona fide retirement from employment with a covered employer as provided in section 97B.52A, and who has returned to covered full-time employment with a covered employer pursuant to chapter 97B as a teacher licensed under chapter 256, shall be paid not less than fifty thousand dollars.

3. *Goals.* Each school district approved under section 284.15 to implement the instructional coach model as specified in this section shall establish the following goals for leadership participation:

a. Instructional coach goal. Assignment, annually, of at least one instructional coach at each attendance center or at least one instructional coach for every five hundred students enrolled in an attendance center, whichever number is greater.

b. Model teacher goal. Assignment of at least ten percent of its teachers annually as model teachers.

c. Equivalent leadership participation goal. As nearly as possible, the total number of hours of coaching and leadership duties performed by instructional coaches and curriculum and professional development leaders shall be equal to the total number of hours of noninstructional, mentoring, and leadership duties for a school district teaching staff of equal size implementing the framework as set forth in section 284.15, subsection 2.

4. *Requirements for implementation and receipt of teacher leadership supplement funds.* A school district implementing the instructional coach model shall receive funds under section 257.10, subsection 12.

5. *Applicability.* The provisions of section 284.15, subsections 4 through 12, shall apply to school districts implementing the instructional coach model.

2013 Acts, ch 121, §71; 2017 Acts, ch 172, §41, 42; 2023 Acts, ch 19, §2593 – 2595; 2024 Acts, ch 1002, §43, 44; 2025 Acts, ch 142, §11; 2026 Acts, ch 1040, §78

Referred to in §256.9, 284.13, 284.15, 284.17

Subsection 1, paragraph d, subparagraph (7) amended

284.17 Comparable system criteria.

Any comparable system of career paths and compensation for teachers approved pursuant to section 284.15, including the instructional coach model set forth in section 284.16, shall include, at a minimum, all of the following components:

1. *a.* For the fiscal year beginning July 1, 2024, the minimum salary of forty-seven thousand five hundred dollars for a full-time teacher who has less than twelve years of teaching experience and a minimum salary of sixty thousand dollars for a full-time teacher who has at least twelve years of teaching experience.

b. (1) For the fiscal year beginning July 1, 2025, and each subsequent fiscal year, the minimum salary of fifty thousand dollars for a full-time teacher who has less than twelve years of teaching experience and a minimum salary of sixty-two thousand dollars for a full-time teacher who has at least twelve years of teaching experience.

(2) Notwithstanding subparagraph (1), for the fiscal year beginning July 1, 2025, and each subsequent fiscal year, a minimum salary of fifty thousand dollars for a full-time teacher who has at least twelve years of teaching experience, who has had a bona fide retirement from employment with a covered employer as provided in section 97B.52A, and who has

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returned to covered full-time employment with a covered employer pursuant to chapter 97B as a teacher licensed under chapter 256.

2. Increased support for new teachers and veteran teachers where appropriate, such as additional coaching, mentoring, and opportunities for observing exceptional instructional practice.

3. Differentiated, multiple teacher leadership roles beyond the initial teacher and career teacher levels, in which a goal of at least twenty-five percent of the teacher workforce serves additional contract days with compensation commensurate with the responsibilities for the leadership role. A district shall demonstrate that a good faith effort has been made to attain participation by twenty-five percent of the teacher workforce and that no other practical alternative is available to meet the goal. These leadership roles may include but shall not be limited to all of the following:

a. Instructional coaches who engage full-time or part-time in instructional coaching.

b. Peer coaches who provide additional guidance in one or more aspects of the teaching profession to other teachers during normal noninstructional time. Peer coaches may be used only as one element of a more extensive teacher leadership plan.

c. Curriculum and professional development leaders who engage full-time or part-time in the planning, development, and implementation of curriculum and professional development.

d. Model teachers who teach full-time and serve as models of exemplary teaching practice.

e. Mentor teachers who teach full-time or part-time and also support the professional development of initial and career teachers.

f. Lead teachers who teach full-time or part-time and also plan and deliver professional development activities or engage in other activities designed to improve instructional strategies.

4. A rigorous selection process for placement into and retention in teacher leadership roles. The process shall include all of the following components:

a. The use of measures of effectiveness and professional growth to determine suitability for the role.

b. A selection committee that includes teachers and administrators who shall accept and review applications for assignment or reassignment to a teacher leadership role and shall make recommendations regarding the applications to the superintendent of the school district.

c. An annual review of the assignment to a teacher leadership role by the school's or school district's administration. The review shall include peer feedback on the effectiveness of the teacher's performance of duty specific to the teacher's leadership role. A teacher who completes the time period of assignment to a leadership role may apply to the school's or the school district's administration for assignment in a new leadership role, if appropriate, or for reassignment.

d. A requirement that a teacher assigned to a leadership role must have at least three years of teaching experience, and at least one year of experience in the school district.

5. A professional development system facilitated by teachers and other education experts and aligned with the Iowa professional development model adopted by the state board.

6. A school district approved to implement a comparable system pursuant to section 284.15, and which meets the requirements of this section, shall receive funds under section 257.10, subsection 12.

2013 Acts, ch 121, §72; 2020 Acts, ch 1062, §94; 2024 Acts, ch 1002, §45; 2025 Acts, ch 142, §12

Referred to in §256.9, 284.13, 284.15

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CHAPTER 284A

ADMINISTRATOR QUALITY PROGRAM

Referred to in §256.9, 274.3

284A.1 Administrator quality program.
284A.2 Definitions.
284A.3 Administrator evaluations.
284A.4 Participation.
284A.5 Beginning administrator mentoring and induction program.
284A.6 Administrator professional development.
284A.7 Evaluation requirements for administrators.
284A.8 Beginning administrator mentoring and induction program — program funds.

284A.1 Administrator quality program.

An administrator quality program is established to promote high student achievement and enhanced educator quality. The program shall consist of the following three major components:

1. Mentoring and induction programs that provide support for administrators in accordance with section 284A.5.
2. Professional development designed to directly support best practices for leadership.
3. Evaluation of administrators against the Iowa standards for school administrators.

2007 Acts, ch 108, §54

284A.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Administrator"* means an individual holding a professional administrator license issued under chapter 256, subchapter VII, part 3, who is employed in a school district administrative position by a school district or area education agency pursuant to a contract issued by a board of directors under section 279.23 and is engaged in instructional leadership. An administrator may be employed in both an administrative and a nonadministrative position by a board of directors and shall be considered a part-time administrator for the portion of time that the individual is employed in an administrative position.
2. *"Beginning administrator"* means an individual serving under an administrator license, issued by the board of educational examiners under chapter 256, subchapter VII, part 3, who is assuming a position as a school district principal or superintendent for the first time.
3. *"Comprehensive evaluation"* means a summative evaluation of a beginning administrator conducted by an evaluator in accordance with section 284A.3 for purposes of determining a beginning administrator's level of competency for recommendation for licensure based on the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27.
4. *"Department"* means the department of education.
5. *"Director"* means the director of the department of education.
6. *"Evaluation"* means a summative evaluation of an administrator used to determine whether the administrator's practice meets school district expectations and the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27.
7. *"Mentor"* means an individual employed by a school district or area education agency as a school district administrator or a retired administrator who holds a valid license issued under chapter 256, subchapter VII, part 3. The individual must have a record of four years of successful administrative experience and must demonstrate professional commitment to both the improvement of teaching and learning and the development of beginning administrators.
8. *"School board"* means the board of directors of a school district or a collaboration of boards of directors of school districts.
9. *"State board"* means the state board of education.

2006 Acts, ch 1182, §28
C2007, §284A.1
2007 Acts, ch 108, §50, 60

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CS2007, §284A.2
2009 Acts, ch 177, §43; 2010 Acts, ch 1183, §35; 2014 Acts, ch 1135, §28; 2023 Acts, ch 19, §2596

284A.3 Administrator evaluations.

By July 1, 2008, each school board shall provide for evaluations for administrators under individual professional development plans developed in accordance with section 279.23A, and the Iowa standards for school administrators and related criteria adopted by the state board in accordance with section 256.7, subsection 27. A local school board may establish additional administrator standards and related criteria.

2007 Acts, ch 108, §55
Referred to in §256.154, 284A.2

284A.4 Participation.

Effective July 1, 2007, each school district shall participate in the administrator quality program, and the board of directors of each school district shall do all of the following:

1. Implement a beginning administrator mentoring and induction program as provided in this chapter.
2. Adopt individual administrator professional development plans in accordance with this chapter.
3. Adopt an administrator evaluation plan that, at a minimum, requires an evaluation of administrators in the school district annually pursuant to section 279.23A and based upon the Iowa standards for school administrators and individual administrator professional development plans.

2007 Acts, ch 108, §56

284A.5 Beginning administrator mentoring and induction program.

1. A beginning administrator mentoring and induction program is created to promote excellence in school leadership, improve classroom instruction, enhance student achievement, build a supportive environment within school districts, increase the retention of promising school leaders, and promote the personal and professional well-being of administrators.
2. The department, in collaboration with other educational partners, shall develop a model beginning administrator mentoring and induction program for all beginning administrators.
3. Each school board shall establish an administrator mentoring program for all beginning administrators. The school board may adopt the model program developed by the department pursuant to subsection 2. Each school board's beginning administrator mentoring and induction program shall, at a minimum, provide for one year of programming to support the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and beginning administrators' professional and personal needs. Each school board shall develop and implement a beginning administrator mentoring and induction plan. The plan shall describe the mentor selection process, describe supports for beginning administrators, describe program organizational and collaborative structures, provide a budget, provide for sustainability of the program, and provide for program evaluation. The school board employing an administrator shall determine the conditions and requirements of an administrator participating in a program established pursuant to this section.
4. A beginning administrator shall be informed by the school district or the area education agency, prior to the beginning administrator's participation in a mentoring and induction program, of the criteria upon which the administrator will be evaluated and of the evaluation process utilized by the school district or area education agency.
5. By the end of a beginning administrator's first year of employment, the beginning administrator may be comprehensively evaluated to determine if the administrator meets expectations to move to a professional administrator license, where appropriate. The school district or area education agency that employs a beginning administrator shall recommend the beginning administrator for a professional administrator license, where appropriate, if the beginning administrator is determined through a comprehensive evaluation to

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demonstrate competence in the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27. A school district or area education agency may allow a beginning administrator a second year to demonstrate competence in the Iowa standards for school administrators if, after conducting a comprehensive evaluation, the school district or area education agency determines that the administrator is likely to successfully demonstrate competence in the Iowa standards for school administrators by the end of the second year. Upon notification by the school district or area education agency, the board of educational examiners shall grant a beginning administrator who has been allowed a second year to demonstrate competence a one-year extension of the beginning administrator's initial license. An administrator granted a second year to demonstrate competence shall undergo a comprehensive evaluation at the end of the second year.

2006 Acts, ch 1182, §29
C2007, §284A.2
2007 Acts, ch 108, §51 – 53, 61
CS2007, §284A.5
2010 Acts, ch 1183, §36; 2023 Acts, ch 90, §9
Referred to in §256.9, 284A.1

284A.6 Administrator professional development.

1. Each school district shall be responsible for the provision of professional growth programming for individuals employed in a school district administrative position by the school district or area education agency as deemed appropriate by the board of directors of the school district or area education agency. School districts may collaborate with other educational stakeholders including other school districts, area education agencies, professional organizations, higher education institutions, and private providers regarding the provision of professional development for school district administrators. Professional development programming for school district administrators may include support that meets the professional development needs of individual administrators aligned to the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and meets individual administrator professional development plans.

2. In cooperation with the administrator's evaluator, the administrator who has a professional administrator license issued by the board of educational examiners pursuant to chapter 256, subchapter VII, part 3, and is employed by a school district or area education agency in a school district administrative position shall develop an individual administrator professional development plan. The purpose of the plan is to promote individual and group professional development. The individual plan shall be based, at a minimum, on the needs of the administrator, the Iowa standards for school administrators adopted pursuant to section 256.7, subsection 27, and the student achievement goals of the attendance center and the school district.

3. The administrator's evaluator shall meet annually as provided in section 279.23A with the administrator to review progress in meeting the goals in the administrator's individual plan. The purpose of the meeting shall be to review collaborative work with other staff on student achievement goals and to modify as necessary the administrator's individual plan to reflect the individual administrator's and the school district's needs and the individual's progress in meeting the goals in the plan. The administrator shall present to the evaluator evidence of progress. The administrator's supervisor and the evaluator shall review and the supervisor may modify the administrator's individual plan.

2007 Acts, ch 108, §57; 2010 Acts, ch 1183, §37; 2023 Acts, ch 19, §2597; 2023 Acts, ch 90, §10
Referred to in §256.154

284A.7 Evaluation requirements for administrators.

A school district shall conduct an annual evaluation of an administrator who holds a professional administrator license issued under chapter 256, subchapter VII, part 3, for purposes of assisting the administrator in making continuous improvement, documenting continued competence in the Iowa standards for school administrators adopted pursuant

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to section 256.7, subsection 27, or to determine whether the administrator's practice meets school district expectations. The evaluation shall include, at a minimum, an assessment of the administrator's competence in meeting the Iowa standards for school administrators and the goals of the administrator's individual professional development plan, including supporting documentation or artifacts aligned to the Iowa standards for school administrators and the individual administrator's professional development plan.

2007 Acts, ch 108, §58; 2010 Acts, ch 1183, §38; 2012 Acts, ch 1119, §7; 2023 Acts, ch 19, §2598

284A.8 Beginning administrator mentoring and induction program — program funds.

1. To the extent moneys are available, a school district shall receive one thousand five hundred dollars per beginning administrator participating in the program. Moneys received by a school district pursuant to this section shall be expended to provide each mentor with an award of five hundred dollars per semester, at a minimum, for participation in the school district's beginning administrator mentoring and induction program; to implement the plan; and to pay any applicable costs of the employer's share of contributions to federal social security and the Iowa public employees' retirement system or a pension and annuity retirement system established under chapter 294, for such amounts paid by the district.

2. If the funds appropriated for the program are insufficient to pay mentors and school districts as provided in this section, the department shall prorate the amount distributed to school districts based upon the amount appropriated. A school district shall give priority to fully funding the obligation to principal mentors. Remaining moneys, if any, shall first be used to fund superintendent mentors and then to fund other program costs and applicable costs described in subsection 1.

2006 Acts, ch 1182, §30
C2007, §284A.3
2007 Acts, ch 108, §62; 2007 Acts, ch 214, §39
CS2007, §284.8
2010 Acts, ch 1183, §39

CHAPTER 285

STATE AID FOR TRANSPORTATION

Referred to in §256E.23, 261E.9, 274.3

285.1 When entitled to state aid.
285.2 Payment of claims for nonpublic school pupil transportation.
285.3 Parental reimbursement for nonpublic school pupil transportation.
285.4 Pupils sent to another district.
285.5 Contracts for transportation.
285.6 Personnel — expenses.
285.7 Reserved.
285.8 Powers and duties of department.
285.9 Powers and duties of area boards.
285.10 Powers and duties of local boards.
285.11 Bus routes — basis of operation.
285.12 Disputes — hearings and appeals.
285.13 Disagreements between boards.
285.14 Nonstandard buses — penalties.
285.15 Forfeiture of reimbursement rights.
285.16 "Nonpublic school" defined.

285.1 When entitled to state aid.

1. *a.* The board of directors in every school district shall provide transportation, either directly or by reimbursement for transportation, for all resident pupils attending public school, kindergarten through twelfth grade, except that:

(1) Elementary pupils shall be entitled to transportation only if they live more than two miles from the school designated for attendance.

(2) High school pupils shall be entitled to transportation only if they live more than three miles from the school designated for attendance.

(3) Children attending prekindergarten programs offered or sponsored by the district or

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nonpublic school and approved by the department of education or department of health and human services or children participating in preschool in an approved local program under chapter 256C may be provided transportation services. However, transportation services provided to nonpublic school children are not eligible for reimbursement under this chapter.

(4) Districts are not required to maintain seating space on school buses for students who are otherwise to be provided transportation under this subsection if the students do not or will not regularly utilize the district's transportation service for extended periods during the school year. The student, or the student's parent or legal guardian if the student is less than eighteen years of age, shall be notified by the district before transportation services may be suspended, and the suspension may continue until the student, or the student's parent or legal guardian, notifies the district that regular student ridership will continue.

b. For the purposes of this subsection, *"high school"* means a school which commences with either grade nine or grade ten, as determined by the board of directors of the school district or by the governing authority of the nonpublic school in the case of nonpublic schools.

c. Boards in their discretion may provide transportation for some or all resident pupils attending public school or pupils who attend nonpublic schools who are not entitled to transportation. Boards in their discretion may collect from the parent or guardian of the pupil not more than the pro rata cost for such optional transportation, determined as provided in subsection 12.

2. Any pupil may be required to meet a school bus on the approved route a distance of not to exceed three-fourths of a mile without reimbursement.

3. In a district where transportation by school bus is impracticable, where necessary to implement a whole grade sharing agreement under section 282.10, or where school bus service is not available, the board may require parents or guardians to furnish transportation for their children to the schools designated for attendance. Except as provided in section 285.3, the parent or guardian shall be reimbursed for such transportation service for public and nonpublic school pupils by the board of the resident district in an amount equal to eighty dollars plus seventy-five percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost, as determined by the department of education. However, a parent or guardian shall not receive reimbursement for furnishing transportation for more than three family members who attend elementary school and one family member who attends high school.

4. In all districts where unsatisfactory roads or other conditions make it advisable, the board at its discretion may require the parents or guardians of public and nonpublic school pupils to furnish transportation for their children up to two miles to connect with vehicles of transportation. The parents or guardians shall be reimbursed for such transportation by the boards of the resident districts at the rate of twenty-eight cents per mile per day, one way, per family for the distance from the pupil's residence to the bus route.

5. Where transportation by school bus is impracticable or not available or other existing conditions warrant it, arrangements may be made for use of common carriers according to uniform standards established by the director of the department of education and at a cost based upon the actual cost of service and approved by the board.

6. When the school designated for attendance of pupils is engaged in the transportation of pupils, the sending or designating school shall use these facilities and pay the pro rata cost of transportation except that a district sending pupils to another school may make other arrangements when it can be shown that such arrangements will be more efficient and economical than to use facilities of the receiving school, providing such arrangements are approved by the board of the area education agency.

7. If a local board closes either elementary or high school facilities and is approved by the board of the area education agency to operate its own transportation equipment, the full cost of transportation shall be paid by the board for all pupils living beyond the statutory walking distance from the school designated for attendance.

8. Transportation service may be suspended upon any day or days, due to inclemency of the weather, conditions of roads, or the existence of other conditions, by the board of the school district operating the buses, when in their judgment it is deemed advisable and when the school or schools are closed to all children.

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9. Distance to school or to a bus route shall in all cases be measured on the public highway only and over the most passable and safest route as determined by the area education agency board, starting in the roadway opposite the private entrance to the residence of the pupil and ending in the roadway opposite the entrance to the school grounds or designated point on bus route.

10. The board in any district providing transportation for nonresident pupils shall collect the pro rata cost of transportation from the district of pupil's residence for all properly designated pupils so transported.

11. Boards in districts operating buses may transport nonresident pupils who attend public school, kindergarten through junior college, who are not entitled to free transportation provided they collect the pro rata cost of transportation from the parents.

12. The pro rata cost of transportation shall be based upon the actual cost for all the children transported in all school buses. It shall include one-seventh of the original net cost of the bus and other items as determined and approved by the director of the department of education but no part of the capital outlay cost for school buses and transportation equipment for which the school district is reimbursed from state funds or that portion of the cost of the operation of a school bus used in transporting pupils to and from extracurricular activities shall be included in determining the pro rata cost. In a district where, because of unusual conditions, the cost of transportation is in excess of the actual operating cost of the bus route used to furnish transportation to nonresident pupils, the board of the local district may charge a cost equal to the cost of other schools supplying such service to that area, upon receiving approval of the director of the department of education.

13. When a local board fails to pay transportation costs due to another school for transportation service rendered, the board of the creditor corporation shall file a sworn statement with the area education agency board specifying the amount due. The agency board shall check such claim and if the claim is valid shall certify to the county auditor. The auditor shall transmit to the county treasurer an order directing the county treasurer to transfer the amount of such claim from the funds of the debtor corporation to the creditor corporation and the treasurer shall pay the same accordingly.

14. Resident pupils attending a nonpublic school located either within or without the school district of the pupil's residence shall be entitled to transportation on the same basis as provided for resident public school pupils under this section. The public school district providing transportation to a nonpublic school pupil shall determine the days on which bus service is provided, which shall be based upon the days for which bus service is provided to public school pupils, and the public school district shall determine bus schedules and routes. In the case of nonpublic school pupils the term *"school designated for attendance"* means the nonpublic school which is designated for attendance by the parents of the nonpublic school pupil.

15. If the nonpublic school designated for attendance is located within the public school district in which the pupil is a resident, the pupil shall be transported to the nonpublic school designated for attendance as provided in this section.

16. *a.* If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence, the pupil may be transported by the district of residence to a public school or other location within the district of the pupil's residence. A public school district in which a nonpublic school is located may establish school bus collection locations within its district from which nonresident nonpublic school pupils may be transported to and from a nonpublic school located in the district. If a pupil receives such transportation, the district of the pupil's residence shall be relieved of any requirement to provide transportation.

b. As an alternative to paragraph *"a"* of this subsection, subject to section 285.9, subsection 3, where practicable, and at the option of the public school district in which a nonpublic school pupil resides, the school district may transport a nonpublic school pupil to a nonpublic school located outside the boundary lines of the public school district if the nonpublic school is located in a school district contiguous to the school district which is transporting the nonpublic school pupils, or may contract with the contiguous public school district in which a nonpublic school is located for the contiguous school district to transport

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the nonpublic school pupils to the nonpublic school of attendance within the boundary lines of the contiguous school district.

c. If the nonpublic school designated for attendance of a pupil is located outside the boundary line of the school district of the pupil's residence and the district of residence meets the requirements of subsections 14, 15, and this subsection by using subsection 17, paragraph "*c*", and the district in which the nonpublic school is located is contiguous to the district of the pupil's residence and is willing to provide transportation under subsection 17, paragraph "*a*" or "*b*", the district in which the nonpublic school is located may provide transportation services, subject to section 285.9, subsection 3, and may make the claim for reimbursement under section 285.2. The district in which the nonpublic school is located shall notify the district of the pupil's residence that it is making the claim for reimbursement, and the district of the pupil's residence shall be relieved of the requirement for providing transportation and shall not make a claim for reimbursement for those nonpublic school pupils for which a claim is filed by the district in which the nonpublic school is located.

17. The public school district may meet the requirements of subsections 14 through 16 by any of the following:

a. Transportation in a school bus operated by a public school district.

b. Contracting with private parties as provided in section 285.5. However, contracts shall not provide payment in excess of the average per pupil transportation costs of the school district for that year.

c. Utilizing the transportation reimbursement provision of subsection 3.

d. Contracting with a contiguous public school district to transport resident nonpublic school pupils the entire distance from the nonpublic pupil's residence to the nonpublic school located in the contiguous public school district or from the boundary line of the public school district to the nonpublic school.

18. The director of the department of education may review all transportation arrangements to see that they meet all legal and established uniform standard requirements.

19. Transportation authorized by this chapter is exempt from all laws of this state regulating common carriers.

20. Transportation for which the pro rata cost or other charge is collected shall not be provided outside the state of Iowa except in accordance with rules adopted by the department of education in accordance with chapter 17A. The rules shall take into account any applicable federal requirements.

21. Boards in districts operating buses may in their discretion transport senior citizens, children, persons with disabilities, and other persons and groups, who are not otherwise entitled to free transportation, and shall collect the pro rata cost of transportation. Transportation under this subsection shall not be provided when the school bus is being used to transport pupils to or from school unless the board determines that such transportation is desirable and will not interfere with or delay the transportation of pupils.

22. Notwithstanding subsection 1, paragraph "*a*", subparagraph (1), a parent or guardian of an elementary pupil entitled to transportation pursuant to subsection 1, may request that a child care facility be designated for purposes of subsection 9 rather than the residence of the pupil. The request shall be submitted for a period of time of at least one semester and may not be submitted more than twice during a school year.

[S13, §2794-b, -c, -d, -e; SS15, §2794-a, -g; C24, 27, 31, §4179 – 4181, 4184, 4186; C35, §4179 – 4181, 4184, 4186, 4233-e5; C39, §**4179 – 4181, 4184, 4186, 4233.5;** C46, §276.26, 276.28, 276.29, 276.32, 276.34, 279.20, 285.1, 285.5; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.1]

85 Acts, ch 212, §21; 86 Acts, ch 1246, §135; 87 Acts, ch 6, §1; 87 Acts, ch 115, §42; 87 Acts, ch 233, §488; 88 Acts, ch 1263, §11; 93 Acts, ch 127, §4; 94 Acts, ch 1060, §1, 2; 95 Acts, ch 209, §15; 96 Acts, ch 1129, §113; 99 Acts, ch 192, §33; 2007 Acts, ch 148, §9; 2009 Acts, ch 41, §109; 2021 Acts, ch 80, §153, 154; 2023 Acts, ch 19, §1052

Referred to in §257.16C, 257.31, 282.1, 282.18, 285.2, 285.3, 285.11, 321.18, 331.502

Parent or guardian required to transport pupil participating in open enrollment without reimbursement to receiving district's regular school bus route; §282.18

285.2 Payment of claims for nonpublic school pupil transportation.

1. *a.* Boards of directors of school districts shall be required to provide transportation

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services to nonpublic school pupils as provided in section 285.1 when the general assembly appropriates funds to the department of education for the payment of claims for transportation costs submitted by the school district.

b. There is appropriated from the general fund of the state to the department of education funds sufficient to pay the approved claims of public school districts for transportation services to nonpublic school pupils as provided in this section. The portion of the amount appropriated for approved claims under section 285.1, subsection 3, shall be determined under section 285.3.

2. The costs of providing transportation to nonpublic school pupils as provided in section 285.1 shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Any transportation reimbursements received by a local school district for transporting nonpublic school pupils shall not affect district cost limitations of chapter 257. The reimbursements provided in this section are miscellaneous income as defined in section 257.2.

3. *a.* Claims for reimbursement shall be made to the department of education by the public school district providing transportation or transportation reimbursement during a school year on a form prescribed by the department, and the claim shall state the services provided and the actual costs incurred. A claim shall not exceed the average transportation costs of the district per pupil transported except as otherwise provided. If transportation is provided under section 285.1, subsection 3, the amount of a claim shall be determined under section 285.3 regardless of the average transportation costs of the district per pupil transported.

b. Claims shall be accompanied by an affidavit of an officer of the public school district affirming the accuracy of the claim.

c. By February 1 and on or about June 15 of each year, the department shall certify to the department of administrative services the amounts of approved claims to be paid, and the department of administrative services shall draw warrants payable to school districts which have established claims.

4. *a.* Claims shall be allowed where practical, and at the option of the public school district of the pupil's residence, subject to approval by the area education agency of the pupil's residence, under section 285.9, subsection 3, the public school district of the pupil's residence may transport a pupil to a school located in a contiguous public school district outside the boundary lines of the public school district of the pupil's residence.

b. The public school district of the pupil's residence may contract with the contiguous public school district or with a private contractor under section 285.5 to transport the pupils to the school of attendance within the boundary lines of the contiguous public school district. The public school district in which the pupil resides may contract with the contiguous public school district or with a private contractor under section 285.5 to transport the pupil from the pupil's residence or from designated school bus collection locations to the school located within the boundary lines of the contiguous public school district, subject to the approval of the area education agency of the pupil's residence. The public school district of the pupil's residence may utilize the reimbursement provisions of section 285.1, subsection 3.

[C75, 77, 79, 81, §285.2]

84 Acts, ch 1302, §19; 86 Acts, ch 1246, §136, 137; 89 Acts, ch 135, §92; 94 Acts, ch 1181, §14, 18; 95 Acts, ch 214, §10, 11; 2003 Acts, ch 145, §286; 2010 Acts, ch 1061, §180

Referred to in §285.1

See Iowa Acts for provisions relating to appropriations for approved claims in a given year

285.3 Parental reimbursement for nonpublic school pupil transportation.

1. A parent or legal guardian of a student attending an accredited nonpublic school, who furnishes transportation for the student pursuant to section 285.1, subsection 17, paragraph "*c*", and who meets the requirements of subsection 2 of this section, is entitled to reimbursement equal to an amount calculated under the provisions of section 285.1, subsection 3. In addition, a parent or guardian who transports one or more family members more than four miles to their nonpublic school of attendance shall be entitled to one

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supplemental mileage payment per family, per claim period, equal to thirteen percent of the parental reimbursement for the claim period rounded to the nearest whole dollar.

2. To qualify for parental reimbursement under subsection 1, a parent or guardian of a student attending an accredited nonpublic school who furnishes transportation for the student in accordance with this section, shall submit a notice of nonpublic school attendance to the resident public school district, notifying the district that the student is enrolled in and will attend an accredited nonpublic school during the period for which parental reimbursement is being requested. The notice shall be filed with the resident public school district not later than December 1 for the first semester claim and May 1 for the second semester claim each year. The notice shall include the parent's name and address, the name, age, and grade level of the student, and the name of the nonpublic school and its location. The resident public school district shall submit claims for reimbursement to the department of education on behalf of the parent or guardian if the parent or guardian meets the requirements of this section.

87 Acts, ch 6, §2; 2002 Acts, ch 1140, §26
Referred to in §285.1, 285.2

285.4 Pupils sent to another district.

1. When a board closes its elementary school facilities for lack of pupils or by action of the board, it shall, if there is a school bus service available in the area, designate for attendance the school operating the buses, provided the board of such school is willing to receive them and the facilities and curricular offerings are adequate. The board of the district where the pupils reside may with the approval of the area education agency board, subject to legal limitations and established uniform standards, designate another rural school and provide their own transportation if the transportation costs will be less than to use the established bus service.

2. All designations must be submitted to the area education agency board on or before July 15, for review and approval. The agency board shall after due investigation alter or change designations to make them conform to legal requirements and established uniform standards for making designations and for locating and establishing bus routes. After designations are made, they will remain the same from year to year except that on or before July 15, of each year, the rural board or parents may petition the agency board for a change of designation to another school. Appeals from the decision of the agency board on designations may be made by either the parents or board to the director of the department of education as provided in section 285.12 and section 285.13.

[C35, §4274-e1, -e3, -e4, -e6; C39, §**4274.03, 4274.05, 4274.06, 4274.08;** C46, §282.10, 282.12, 282.13, 282.15, 285.4; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.4]

85 Acts, ch 212, §21; 2021 Acts, ch 76, §150

285.5 Contracts for transportation.

1. *a.* Contracts for school bus service with private parties shall be in writing and be for the transportation of children who attend public school and children who attend nonpublic school. Such contracts shall define the route, the length of time, service contracted for, the compensation, and the vehicle to be used. The contract shall prescribe the duties of the contractor and driver of the vehicles and shall provide that every person in charge of a vehicle conveying children to and from school shall be at all times subject to any rules said board shall adopt for the protection of the children, or to govern the conduct of the persons in charge of said conveyance. Contracts may be made for a period not to exceed three years.

b. The contract shall provide that the contractor will sell the equipment to the board should the contractor desire to terminate the contract, provided the board should desire to purchase said equipment, the price of the equipment to be determined by an appraisal board composed of one person appointed by the school board, one appointed by the owner of the equipment, and a third selected by these two.

2. The contractor shall operate the vehicle or provide a driver who must be approved by the board. The contractor and driver shall be subject to all laws and prescribed standards for

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school bus drivers. Failure to comply shall constitute grounds for dismissal of the driver or cancellation of the contract if the board so desires.

3. All vehicles of transportation provided by contractor shall be inspected, approved and certified before being put into operation.

4. All contracts may be terminated by either party on a ninety-day notice.

5. The director of the department of education shall prepare a uniform contract containing provisions not in conflict with this chapter which shall be used by all schools in contracting for transportation service.

6. All contractors shall carry liability insurance in amounts and kind as provided in the official contract.

7. All contracts for transportation service and for drivers of school-owned and operated buses shall be made with someone outside the board except where no other transportation service is available, a board member may transport the member's own children.

8. Private buses other than common carriers not used exclusively in transportation of pupils while under contract to a school district shall meet all requirements for school-owned buses, as to construction and operation.

9. All bus drivers for school-owned equipment shall be under contract with the board. The director of the department of education shall prepare a uniform contract containing provision not in conflict with this chapter which shall be used by all school boards in contracting with drivers of school-owned vehicles.

[SS15, §2794-a; C24, 27, 31, 35, 39, §**4182, 4183;** C46, §276.30, 276.31; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.5]

85 Acts, ch 212, §21; 2010 Acts, ch 1061, §180; 2011 Acts, ch 25, §24

Referred to in §285.1, 285.2, 452A.17

285.6 Personnel — expenses.

The director of the department of education shall employ the necessary qualified personnel to implement this chapter. The appropriation provided by this chapter may be expended in part for the direction and supervision provided by the chapter which shall include salaries and all necessary traveling expense incurred by personnel in the performance of their official duties.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.6]

85 Acts, ch 212, §22; 86 Acts, ch 1245, §1488

285.7 Reserved.

285.8 Powers and duties of department.

The powers and duties of the department shall be to:

1. Exercise general supervision over the school transportation system in the state.

2. Review and establish the location of bus routes which are located in more than one area education agency when the area education agency boards of the affected area education agencies after formal action do not approve.

3. Establish uniform standards for locating and operating bus routes and for the protection of the health and safety of pupils transported.

4. Inspect or cause to be inspected all vehicles used as school buses to transport school children to determine if such vehicles meet all legal and established standards of construction and can be operated with safety, comfort, and economy. When it is determined that further use of such vehicles is dangerous to the pupils transported and to the safety and welfare of the traveling public, the department of education shall order such vehicle to be withdrawn from further use on a specified date. School buses which do not conform to the requirements of the department of education may be issued a temporary certificate of operation provided that such school buses can be operated with safety, and provided further that no such certificate shall be issued for a period in excess of one year. All equipment can be required to be altered, or safety equipment added in order to make vehicles reasonably safe for operation. New buses after initial inspection and approval shall be issued a seal of

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inspection. After each annual inspection a seal of inspection and approval shall be issued. Said seals shall be mounted on the lower right hand corner of the windshield.

5. Aid in the enforcement of the motor vehicle laws relating to the transportation of school children.

6. Prescribe uniform standards and regulations:

a. For the efficient operation and maintenance of school transportation equipment and for the protection of the health and safety of children transported.

b. For locating and establishing bus routes.

c. For procedures and requirements in making designations.

d. For standard of safety in construction of school transportation equipment.

e. For procedures for purchase of buses.

f. For qualification of school bus drivers.

g. As deemed necessary for the efficient administration of this chapter.

7. Review all transportation arrangements when deemed necessary and shall disapprove any arrangements that are not in conformity with the law and established standards and require the same to be altered or changed so that they do conform.

8. Conduct schools of instruction for transportation personnel as needed or requested.

9. Establish a fee for conducting school bus inspections in accordance with subsection 4 and issuing school bus driver authorizations in accordance with section 321.376, which shall not exceed the budgeted cost for conducting inspections and administering authorizations.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.8]

85 Acts, ch 212, §24; 2002 Acts, ch 1140, §27

285.9 Powers and duties of area boards.

The powers and duties of the respective area education agency boards shall be to:

1. Enforce all laws and all rules and regulations of the department of education relating to transportation.

2. Review and approve all transportation arrangements between districts in the agency and in all districts in the agency not operating high schools. If such transportation arrangements, designations, and contracts are not in conformity to law or established uniform standards for the locating and operating of bus routes, the agency board shall, after receiving all facts, make such alterations or changes as necessary to make the arrangements, designations, and contracts conform to the legal and established requirements and shall notify local board of such action.

3. Approve all bus routes outside the boundary of the district of the school operating buses.

4. When a local board fails to make designations and other necessary arrangements for transportation as required by law, the agency board shall, after due notice to the local board, make necessary arrangements in conformity with law and established requirements. Notice shall be given to the local board of the arrangements as made. The arrangements shall be binding on the local board which shall pay the costs for service as arranged.

[C35, §4274-e1, -e2; C39, §**4274.03, 4274.04;** C46, §282.10, 282.11, 285.9; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.9]

Referred to in §285.1, 285.2

285.10 Powers and duties of local boards.

The powers and duties of the local school boards shall be to:

1. Provide transportation for each resident pupil who attends public school, and each resident pupil who attends a nonpublic school, and who is entitled to transportation under the laws of this state.

2. Establish, maintain, and operate bus routes for the transportation of pupils so as to provide for the economical and efficient operation thereof without duplication of facilities, and to properly safeguard the health and safety of the pupils transported.

3. Purchase or lease buses and other transportation facilities, and maintain same, and to enter into contracts for transportation subject to any provisions of law affecting same.

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4. Employ such drivers and other employees as may be necessary and prescribe their qualifications and adopt rules for their conduct.

5. Exercise any and all powers and duties relating to transportation of pupils enjoined upon them by law.

6. Shall purchase liability insurance and other insurance coverage which the board deems advisable to insure the school district, its officers, employees, and agents against liability incurred as a result of operating school buses, including but not limited to liability to pupils or other persons lawfully transported. Section 670.7 shall apply to such insurance. However, the board of directors in its discretion shall determine the insurance coverages and limits, and the school district and directors shall not be liable as a result of any such discretionary decision.

7. When a school qualifies to purchase buses, they may be purchased as follows:

a. From funds available in the general fund or in the physical plant and equipment levy fund.

b. By purchasing buses and entering into contracts to pay for such buses over a five-year period as follows: one-fourth of the cost when the bus is delivered and the balance in equal annual installments, plus simple interest due. The interest rate shall be the lowest rate available and shall not exceed the rate in effect under section 74A.2. The bus shall serve as security for balance due. Competitive bids on comparable equipment shall be requested on all school bus purchases and shall be based upon minimum construction standards established by the department of education. Bids shall be requested unless the bus is a used or demonstrator bus.

8. Boards in school districts which have sufficient resident pupils they are required to transport to warrant the purchase of transportation equipment may purchase buses needed to provide the transportation.

9. In the discretion of the board, furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, persons with disabilities, or other persons and groups in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver except when the bus is used for transporting pupils to and from extracurricular activities sponsored by the school. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils.

10. In the discretion of the board, furnish a school bus and services of a qualified driver for transportation of persons other than pupils to activities in which pupils from the school are participants or are attending the activity or for which the school is a sponsor. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver. A school bus shall be used as provided in this subsection only at times when it is not needed for transportation of pupils.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.10]

92 Acts, ch 1187, §5; 93 Acts, ch 127, §5; 94 Acts, ch 1029, §21; 96 Acts, ch 1129, §113; 2003 Acts, ch 180, §52; 2004 Acts, ch 1086, §58

Referred to in §279.48, 285.11, 321.18

285.11 Bus routes — basis of operation.

The establishment and operation of bus routes and the contracting for transportation shall be based upon the following considerations:

1. Each bus route shall be planned and adjusted to utilize the normal seating capacity of each bus insofar as it is possible to do so.

2. Each bus route shall serve only those pupils living in those areas where transportation by bus is the most economical method for providing adequate transportation facilities.

3. A route shall not be extended for the purpose of accommodating pupils whose homes are nearer another bus route.

4. Special contracts for transportation of pupils entitled to transportation shall be entered into only when it is more economical to make such special provision than to provide same by regular bus route, or when by reason of physical or mental disability of the pupil such pupil cannot be transported with safety by bus.

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5. The boards shall take advantage of all tax exemptions on fuel, equipment, and of such other economies as are available.

6. The use of school buses shall be restricted to transporting pupils to and from school and to and from extracurricular activities sponsored by the school when such extracurricular activity is under the direction of a qualified member of the faculty and a part of the regular school program and to transporting other persons to the extent permitted by section 285.1, subsection 1, and section 285.10, subsections 9 and 10. School employees of districts operating buses may be transported to and from school and approved activities which they are required to attend as a result of their responsibilities. Provided, however, nothing in this subsection shall prohibit the use of school buses in transporting a school teacher going to and from the teacher's school when such school is on an established school bus route and such teacher makes arrangements with the district operating such school bus.

7. No bus shall leave the public highway to receive or discharge pupils unless their safety is enhanced thereby, or the private road is maintained in the same manner as a public roadway.

8. Bus routes shall be established only to give service to properly designated pupils.

[C39, §**4179.1;** C46, §276.27, 285.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.11]

90 Acts, ch 1230, §4; 96 Acts, ch 1129, §113; 2006 Acts, ch 1152, §45

285.12 Disputes — hearings and appeals.

In the event of a disagreement between a school patron and the board of the school district, the patron if dissatisfied with the decision of the district board, may appeal to the area education agency board, notifying the secretary of the district in writing within ten days of the decision of the board and by filing an affidavit of appeal with the agency board within the ten-day period. The affidavit of appeal shall include the reasons for the appeal and points at issue. The secretary of the local board on receiving notice of appeal shall certify all papers to the agency board which shall hear the appeal within ten days of the receipt of the papers and decide it within three days of the conclusion of the hearing and shall immediately notify all parties of its decision. Either party may appeal the decision of the agency board to the director of the department of education by notifying the opposite party and the agency administrator in writing within five days after receipt of notice of the decision of the agency board and by filing with the director of the department of education an affidavit of appeal, reasons for appeal, and the facts involved in the disagreement within five days after receipt of notice of the decision of the agency board. The agency administrator shall, within ten days of receipt of the notice, file with the director all records and papers pertaining to the case, including action of the agency board. The director shall hear the appeal within fifteen days of the filing of the records in the director's office, notifying all parties and the agency administrator of the date and time of hearing. The director shall notify all parties of the decision and return all papers with a copy of the decision to the agency administrator. The decision of the director shall be subject to judicial review in accordance with chapter 17A. Pending final order made by the director, upon any appeal prosecuted to such director, the order of the agency board from which the appeal is taken shall be operative and be in full force and effect.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.12]

85 Acts, ch 212, §21 – 23; 2001 Acts, ch 159, §15; 2002 Acts, ch 1140, §28; 2003 Acts, ch 108, §127, 132

Referred to in §285.4, 285.13

285.13 Disagreements between boards.

In the event of a disagreement between the board of a school district and the board of an area education agency, the board of the school district may appeal to the director of the department of education and the procedure and times provided for in section 285.12 shall prevail in any such case. The decision of the director shall be subject to judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.13]

85 Acts, ch 212, §21; 2003 Acts, ch 44, §114

Referred to in §285.4

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285.14 Nonstandard buses — penalties.

1. Any person who operates or permits to be operated as a school bus to transport pupils, any vehicle which does not comply with the requirements provided by law or by the rules and regulations of the department of education, or for which there is not a valid temporary certificate for operation, shall be guilty of a simple misdemeanor.

2. A vehicle used for an approved driver education course in which the driver education teacher transports driver education students from their residences for street or highway driving is not a school bus.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.14]
2021 Acts, ch 76, §150

285.15 Forfeiture of reimbursement rights.

The failure of any local district to comply with the provisions of this chapter or any other laws relating to the transportation of pupils, or any rules made by the department of education under this chapter or the final decisions of the area education agency board, or the final decisions of the department of education shall during the period such failure to comply existed forfeit the rights to collect transportation costs from school or parents while operating in such illegal manner. Any superintendent, board, or board member who knowingly operates or permits to be operated any school bus transporting public school pupils in violation of any school transportation law shall be deemed guilty of a simple misdemeanor.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §285.15]

285.16 "Nonpublic school" defined.

As used in this chapter, *"nonpublic school"* means those nonpublic schools accredited by the department of education as provided in section 256.11 and nonpublic institutions which comply with state board of education standards for providing special education programs.

[C79, 81, §285.16]
87 Acts, ch 115, §43
Referred to in §257.11B

CHAPTERS 286 and 286A

RESERVED

CHAPTER 287

SOCIETIES AND FRATERNITIES

Referred to in §274.3

287.1 Secret societies and fraternities.
287.2 Enforcement.
287.3 Suspension or dismissal.
287.4 Repealed by 76 Acts, ch 1245(4), §525.

287.1 Secret societies and fraternities.

It shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary, or graded school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a member of, any fraternity or society wholly or partially formed from the membership of pupils attending any such schools, or to take part in the organization or formation of any such

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fraternity or society, except such societies or associations as are sanctioned by the directors of such schools.

[S13, §2782-a; C24, 27, 31, 35, 39, §**4284;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §287.1]

Referred to in §287.2, 287.3

287.2 Enforcement.

The directors of all schools shall enforce the provisions of section 287.1 and shall have full power and authority to make, adopt, and modify all rules and regulations which, in their judgment and discretion, may be necessary for the proper governing of such schools and enforcing all the provisions of section 287.1.

[S13, §2782-b; C24, 27, 31, 35, 39, §**4285;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §287.2]

287.3 Suspension or dismissal.

The directors of such schools shall have full power and authority, pursuant to the adoption of such rules and regulations made and adopted by them, to suspend or dismiss any pupil or pupils of such schools therefrom, or to prevent them, or any of them, from graduating or participating in school honors when, after investigation, in the judgment of such directors, or a majority of them, such pupil or pupils are guilty of violating any of the provisions of section 287.1, or are guilty of violating any rule, rules, or regulations adopted by such directors for the purpose of governing such schools or enforcing said section.

[S13, §2782-c; C24, 27, 31, 35, 39, §**4286;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §287.3]

287.4 Repealed by 76 Acts, ch 1245(4), §525.

CHAPTER 288

EVENING SCHOOLS

Repealed by 2006 Acts, ch 1152, §55

CHAPTER 289

PART-TIME SCHOOLS

Repealed by 2006 Acts, ch 1152, §55

CHAPTER 290

APPEAL FROM DECISIONS OF BOARDS OF DIRECTORS

Referred to in §256.7, 256E.27, 274.3, 275.15, 280.13A, 282.18, 296.3

290.1 Appeal to state board.
290.2 Notice — transcript — hearing.
290.3 Hearing — shorthand reporter — decision.
290.4 Witnesses — fees — collection.
290.5 Decision of state board — rules for appeals.
290.6 Money judgment.

290.1 Appeal to state board.

An affected pupil, or the parent or guardian of an affected pupil who is a minor, who is aggrieved by a decision or order of the board of directors of a school corporation in a matter of law or fact, or a decision or order of a board of directors under section 282.18, subsection 5,

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may, within thirty days after the rendition of the decision or the making of the order, appeal the decision or order to the state board of education; the basis of the proceedings shall be an affidavit filed with the state board by the party aggrieved within the time for taking the appeal, which affidavit shall set forth any error complained of in a plain and concise manner.

[R60, §2133 – 2135; C73, §1829 – 1831; C97, §2818; C24, 27, 31, 35, 39, §**4298;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.1]

87 Acts, ch 224, §64; 88 Acts, ch 1263, §12; 89 Acts, ch 12, §4; 2002 Acts, ch 1140, §29; 2022 Acts, ch 1153, §39, 41; 2024 Acts, ch 1152, §29, 30

Referred to in §282.18

2024 amendment applies to applications and notifications related to open enrollment submitted under section 282.18 on or after July 1, 2024; 2024 Acts, ch 1152, §30

290.2 Notice — transcript — hearing.

The state board of education shall, within five days after the filing of such affidavit, notify the secretary of the proper school corporation in writing of the taking of such appeal, who shall, within ten days after being thus notified, file with the state board a complete certified transcript of the record and proceedings relating to the decision appealed from. Thereupon, the state board shall notify in writing all persons adversely interested of the time when and place where the matter of appeal will be heard.

[R60, §2136, 2137; C73, §1832 – 1834; C97, §2819; C24, 27, 31, 35, 39, §**4299;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.2]

290.3 Hearing — shorthand reporter — decision.

At the time fixed for the hearing, it shall hear testimony for either party, and may cause the same to be taken down and transcribed by a shorthand reporter, whose fees shall be fixed by the state board and be taxed as a part of the costs in the case, and it shall make such decision as may be just and equitable, which shall be final unless appealed from as hereinafter provided.

[C97, §2819; C24, 27, 31, 35, 39, §**4300;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.3]

290.4 Witnesses — fees — collection.

The state board of education in all matters triable before it shall have power to issue subpoenas for witnesses, which may be served by any peace officer, compel the attendance of those thus served, and the giving of evidence by them, in the same manner and to the same extent as the district court may do, and such witnesses and officers may be allowed the same compensation as is paid for like attendance or service in such court, which shall be paid out of the general fund of the proper school corporation, upon the certificate of the state board to and warrant of the secretary upon the treasurer; but if the board is of the opinion that the proceedings were instituted without reasonable cause therefor, or if, in case of an appeal, it shall not be sustained, it shall enter such findings in the record, and tax all costs to the party responsible therefor. A transcript thereof shall be filed in the office of the clerk of the district court and a judgment entered thereon by the clerk, which shall be collected as other judgments.

[C97, §2821; C24, 27, 31, 35, 39, §**4301;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.4]

Referred to in §602.8102(49)

Contempts, chapter 665

Fees for serving subpoenas, §331.655(1)(c)

Witness fees and mileage; §622.69 – 622.75

290.5 Decision of state board — rules for appeals.

The decision of the state board shall be final. The state board may adopt rules of procedure for hearing appeals which shall include the power to delegate the actual hearing of the appeal to the director of the department of education or the director's designee, and members of the director's staff designated by the director. The record of appeal so heard shall be available to the state board, and, if required by section 256.7, subsection 6, the decision recommended by

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the director of the department of education or the designated administrative law judge shall be approved by the state board in the manner provided therein.

[R60, §2139; C73, §1835; C97, §2820; C24, 27, 31, 35, 39, §**4302;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.5]

85 Acts, ch 212, §21 – 23; 89 Acts, ch 210, §12; 2024 Acts, ch 1169, §31

290.6 Money judgment.

Nothing in this chapter shall be so construed as to authorize the state board of education to render judgment for money; neither shall they be allowed any other compensation than is now allowed by law. All necessary postage must first be paid by the party aggrieved.

[R60, §2140; C73, §1836; C97, §2820; C24, 27, 31, 35, 39, §**4303;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §290.6]

CHAPTER 291

PRESIDENT, SECRETARY, AND TREASURER OF BOARD

Referred to in §63.11, 260C.12, 274.3

291.1 President — duties.
291.2 Bonds or insurance of secretary and treasurer.
291.3 Cost of bond or insurance policy.
291.4 Oath.
291.5 Action on bond or insurance policy.
291.6 Duties of secretary.
291.7 Monthly receipts, disbursements, and balances.
291.8 Payments and electronic funds transfers.
291.9 Reserved.
291.10 Reports by secretary.
291.11 Officers reported.
291.12 Duties of treasurer — receipts and expenditures.
291.13 Reserved.
291.14 Financial statement.

291.1 President — duties.

The president of the board of directors shall preside at all of its meetings, sign all contracts made by the board, and appear on behalf of the corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary. The president or the president's designee shall sign, using an original or facsimile signature, all school district payments drawn and authorize electronic funds transfers as provided by law. The board of directors, by resolution, may designate an individual, who shall not be the secretary, to sign payments or authorize electronic funds transfers on behalf of the president.

[C51, §1122, 1123, 1125; R60, §2039, 2040; C73, §1739, 1740; C97, §2759; C24, 27, 31, 35, 39, §**4304;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.1]

94 Acts, ch 1175, §11; 2013 Acts, ch 88, §21

291.2 Bonds or insurance of secretary and treasurer.

The secretary and treasurer, within ten days after appointment and before entering upon the duties of the office, shall execute to the school corporation a surety bond, or shall be covered by an insurance policy, in an amount sufficient to cover current operations as determined by the board. All such bonds or insurance policies shall be continued to the faithful discharge of the duties of the office. The amount and sufficiency of all surety bonds or insurance policies shall be determined and approved by the board and shall be filed with the president. The cost of the surety bond or insurance policy shall be paid by the school corporation. If a single person serves as secretary and treasurer, pursuant to section 279.3 or 260C.12, only one bond or insurance policy is necessary for that person. The secretary and treasurer may give bond

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under a single bond, or be covered by an insurance policy, covering other employees of the district.

[C51, §1144; R60, §2037; C73, §1731; C97, §2760; C24, 27, 31, 35, 39, §**4305;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.2; 82 Acts, ch 1012, §2, ch 1086, §2]

93 Acts, ch 127, §6; 2024 Acts, ch 1074, §6

Referred to in §260C.12, 279.3

291.3 Cost of bond or insurance policy.

If the bond or insurance policy of an association or corporation as surety or insurance is furnished, the reasonable cost of such bond or insurance policy may be paid by the school corporation.

[C27, 31, 35, §4305-a1; C39, §**4305.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.3]

2024 Acts, ch 1074, §7

291.4 Oath.

The secretary and treasurer shall take the oath required of civil officers and shall complete the qualification within ten days.

[C97, §2760; C24, 27, 31, 35, 39, §**4306;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.4]

2024 Acts, ch 1074, §8

Oath of office, §63.10

291.5 Action on bond or insurance policy.

In case of a breach of the bond or insurance policy, the president shall bring action thereon in the name of the school corporation.

[C51, §1144; R60, §2037; C73, §1731; C97, §2760; C24, 27, 31, 35, 39, §**4307;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.5]

2024 Acts, ch 1074, §9

291.6 Duties of secretary.

The secretary shall:

1. *Preservation of records.* File and preserve copies of all reports made and all papers transmitted pertaining to the business of the corporation.

2. *Minutes.* Keep a complete record of all the proceedings of the meetings of the board and of all regular or special elections in the corporation in separate books.

3. *Accounting records.* Keep an accurate accounting record of each payment or electronic funds transfer from each fund which shall be provided monthly to the board of directors. The secretary of the creditor district shall prepare and deliver to debtor districts an itemized statement of tuition fees charged in accordance with sections 275.55A, 282.11, and 282.24.

4. *Claims.* Keep an accurate accounting of all expenses incurred by the corporation, and present the same to the board for audit and payment.

[C51, §1126, 1128; R60, §2041, 2042; C73, §1741, 1743; C97, §2761; S13, §2761; C24, 27, 31, 35, 39, §**4308;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.6]

2013 Acts, ch 88, §22, 23

291.7 Monthly receipts, disbursements, and balances.

The secretary of each district shall file monthly with the board of directors a complete statement of all receipts and disbursements from each individual fund during the preceding month, and also the balance remaining on hand in each individual fund at the close of the period covered by the statement, which monthly statements shall be open to public inspection.

[S13, §2761; C24, 27, 31, 35, 39, §**4309;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.7]

93 Acts, ch 127, §7; 2013 Acts, ch 88, §24

291.8 Payments and electronic funds transfers.

The secretary shall make each authorized payment, countersign using an original or facsimile signature, and maintain accounting records of the payments or electronic funds transfers, showing the number, date, payee, originating fund, the purpose, and the amount,

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and shall provide to the board at each regular annual meeting a copy of the accounting records maintained by the secretary.

[C51, §1122, 1123, 1126; R60, §2039, 2041, 2061; C73, §1739, 1741, 1782; C97, §2762; S13, §2762; C24, 27, 31, 35, 39, §**4310;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.8]

94 Acts, ch 1175, §12; 2013 Acts, ch 88, §25

291.9 Reserved.

291.10 Reports by secretary.

1. The school district shall file an annual report with the director of the department of education on forms prepared for that purpose.

2. The annual report shall include the financial information required in section 423F.5, subsection 1, as related to moneys received under chapter 423E* or 423F, as applicable, for each budget year.

[C51, §1127; R60, §2046; C73, §1744, 1745; C97, §2765; S13, §2765; C24, 27, 31, 35, 39, §**4313;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.10]

84 Acts, ch 1219, §17; 85 Acts, ch 212, §21, 22; 86 Acts, ch 1016, §4, 5; 92 Acts, ch 1187, §6; 2010 Acts, ch 1193, §120

Referred to in §256.9

*Chapter 423E repealed effective June 30, 2023, pursuant to terms of former §423E.7; corrective legislation is pending

291.11 Officers reported.

The secretary shall report to the director of the department of education, the county auditor, and county treasurer the name and post office address of the president, treasurer and secretary of the board as soon as practicable after the qualification of each.

[C73, §1736; C97, §2766; C24, 27, 31, 35, 39, §**4314;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.11]

85 Acts, ch 212, §21

291.12 Duties of treasurer — receipts and expenditures.

The treasurer shall receive all moneys belonging to the corporation, pay the same out only upon the order of the president countersigned by the secretary, and shall keep an accurate accounting record of all receipts and expenditures. The treasurer shall register all payments and electronic funds transfers made and reported to the treasurer by the secretary, showing the number, date, to whom drawn, the fund from which each payment and transfer was made, the purpose and amount.

[C51, §1138 – 1140; R60, §2048 – 2050; C73, §1747 – 1750; C97, §2768; S13, §2768; C24, 27, 31, 35, 39, §**4316;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.12]

2013 Acts, ch 88, §26

291.13 Reserved.

291.14 Financial statement.

The treasurer shall render a statement of the finances of the corporation whenever required by the board, and the treasurer's accounting records shall always be open for inspection.

[C51, §1141; R60, §2051; C73, §1751; C97, §2769; S13, §2769; C24, 27, 31, 35, 39, §**4320;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §291.14]

2013 Acts, ch 88, §27

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CHAPTER 292

SCHOOL INFRASTRUCTURE PROGRAM

Referred to in §274.3

292.1 Definitions.
292.2 School infrastructure program.
292.3 Rules.
292.4 Appropriation. Repealed by 2005 Acts, ch 179, §28, 29.

292.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Capacity per pupil"* means the sum of a school district's property tax infrastructure capacity per pupil and the sales tax capacity per pupil.
2. *"Committee"* means the school budget review committee established in section 257.30.
3. *"Department"* means the department of education established in section 256.1.
4. *"Fund"* means the school infrastructure fund created in section 12.82.
5. *"Local match percentage"* means a percentage equivalent to either of the following, whichever is less:

a. Fifty percent.

b. The quotient of a school district's capacity per pupil divided by the capacity per pupil of the school district at the fortieth percentile, multiplied by fifty percent, except that the percentage in this paragraph shall not be less than twenty percent.

6. *"Program"* means the school infrastructure program established in section 292.2.
7. *"Property tax infrastructure capacity per pupil"* means the sum of a school district's levies under sections 298.2 and 298.18 when the levies are imposed to the maximum extent allowable under law in the budget year divided by the school district's basic enrollment for the budget year.
8. *"Sales tax capacity per pupil"* means the estimated amount of revenues that a school district receives or would receive from the secure an advanced vision for education fund pursuant to section 423F.2, divided by the school district's basic enrollment for the budget year.
9. *"School infrastructure"* means activities initiated on or after July 1, 2000, as authorized in section 296.1 but does not include those activities related to stadiums, bus barns, a home or homes of a teacher or superintendent, procuring and improving a site for an athletic field, or improving a site already owned for an athletic field.

2000 Acts, ch 1174, §26; 2008 Acts, ch 1134, §39

292.2 School infrastructure program.

1. *a.* The department shall establish and administer a school infrastructure program to provide financial assistance in the form of grants to school districts with school infrastructure needs.

b. The department of education, in consultation with the department of management, shall annually compute the property tax infrastructure capacity per pupil for each school district in the state.

c. The department of education, in consultation with the department of revenue and the legislative services agency, shall annually calculate the estimated tax for school infrastructure that is or would be received by each school district in the state pursuant to section 423F.2. These calculations shall be made on a total tax and on a tax per pupil basis for each school district.

d. The department of education, in consultation with the department of revenue and the department of management, shall annually compute capacity per pupil and the local match percentage for each school district in the state. The calculations shall be released not later than September 1 of each year.

2. *a.* A school district's local match requirement is equivalent to the total investment of a project multiplied by the school district's local match percentage. A school district may submit an application to the department for financial assistance under the program if

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the school district meets the district's local match requirement through one or more of the following sources:

(1) The issuance of bonds pursuant to section 298.18.

(2) Tax moneys received pursuant to section 423F.2.

(3) A physical plant and equipment levy under chapter 298.

(4) Other moneys locally obtained by the school district excluding other state or federal grant moneys.

b. If the project is in collaboration with other public or private entities, the school district shall be eligible to apply for only the school district's portion of the project. As such, state or federal grants received by the other entities cannot be used toward the local match requirement under paragraph "*a*", subparagraph (4).

c. A school district may submit an application for a project which includes activities at more than one attendance center. However, if the activities relate to new construction, the project shall only relate to one attendance center.

d. A school district may submit an application for conditional approval to the department for financial assistance under the program if the school district submits a plan for securing the school district's local match requirement under paragraph "*a*". If a school district does not meet the local match requirement of paragraph "*a*" within nine months of receiving conditional approval from the department, the application for financial assistance shall be denied by the department and the financial assistance shall be carried forward to be made available under the allocation provided under subsection 4, paragraph "*d*", for the next available grant cycle.

e. For the fiscal year beginning July 1, 2000, applications shall be submitted to the department by March 1, 2001. For the fiscal year beginning July 1, 2001, and every fiscal year thereafter, applications shall be submitted to the department by October 15 of each year.

f. For the fiscal year beginning July 1, 2000, the department shall notify all approved applicants by May 1, 2001, regarding the approval of the application. For the fiscal year beginning July 1, 2001, and every fiscal year thereafter, the department shall notify all approved applicants by December 15 of each year regarding the approval of the application.

g. An applicant which is not successful in obtaining financial assistance under the program may reapply for financial assistance in succeeding years.

3. The application shall include, but shall not be limited to, the following information:

a. The total capital investment of the project.

b. The amount and percentage of moneys which the school district will be providing for the project.

c. The infrastructure needs of the school district, especially the fire and health safety needs of the school district, and including the extent to which the project would allow the school district to meet the infrastructure needs of the school district on a long-term basis.

d. The financial assistance needed by the school district based upon the capacity per pupil.

e. Any previous efforts by the school district to secure infrastructure funding from federal, state, or local resources, including any funding received for any project under the Iowa demonstration construction grant program. The previous efforts shall be evaluated on a case-by-case basis.

f. Evidence that the school district meets or will meet the local match requirement in subsection 2, paragraph "*a*".

g. The nature of the proposed project and its relationship to improving educational opportunities for the students.

h. Evidence that the school district has reorganized on or after July 1, 2000, or that the school district has initiated a resolution to reorganize by July 1, 2004, or entered into an innovative collaboration with another school district or school districts.

4. A school district shall not receive more than one grant under the program. The financial assistance shall be in the form of grants and shall be allocated in the following manner:

a. Twenty-five percent of the financial assistance each year shall be awarded to school districts with an enrollment of one thousand one hundred ninety-nine students or less.

b. Twenty-five percent of the financial assistance each year shall be awarded to school

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districts with an enrollment of more than one thousand one hundred ninety-nine students but not more than four thousand seven hundred fifty students.

c. Twenty-five percent of the financial assistance each year shall be awarded to school districts with an enrollment of more than four thousand seven hundred fifty students.

d. Twenty-five percent of the financial assistance each year, any financial assistance not awarded under paragraphs "*a*" through "*c*", and financial assistance not awarded in previous fiscal years shall be awarded to school districts with any size enrollment.

5. A district shall receive the lesser of one million dollars of financial assistance under the program, or the total capital investment of the project minus the local match requirement. The program shall provide grants in an amount of not more than ten million dollars during the fiscal year beginning July 1, 2000, not more than twenty million dollars during the fiscal year beginning July 1, 2001, and not more than twenty million dollars during the fiscal year beginning July 1, 2002. If the amount of grants awarded in a fiscal year is less than the maximum amount provided for grants for that fiscal year in this subsection, the amount of the difference shall be carried forward to subsequent fiscal years for purposes of providing grants under the program and the maximum amount of grants for each fiscal year, as provided in this subsection, shall be adjusted accordingly.

6. The school budget review committee shall review all applications for financial assistance under the program and make recommendations regarding the applications to the department. The department shall make the final determination on grant awards. The school budget review committee shall base the recommendations on the criteria established pursuant to subsections 3 and 7.

7. The department shall form a task force to review applications for financial assistance and provide recommendations to the school budget review committee. The task force shall include, at a minimum, representatives from the kindergarten through grade twelve education community, the director of the department of inspections, appeals, and licensing, and individuals knowledgeable in school infrastructure and construction issues. The department, in consultation with the task force, shall establish the parameters and the details of the criteria for awarding grants based on the information listed in subsection 3, including greater priority to the following:

a. A school district with a lower capacity per pupil.

b. A school district whose plans address specific occupant safety issues.

c. A school district reorganizing or collaborating as described in subsection 3, paragraph "*h*".

d. A school district receiving minimal revenues under section 423F.2 when the total enrollment of the school district is considered.

8. An applicant receiving financial assistance under the program shall submit a progress report to the department of education as requested by the department which shall include a description of the activities under the project, the status of the implementation of the project, and any other information required by the department.

9. If a school district receives financial assistance under the vision Iowa program created under section 15F.302 pursuant to a joint application submitted under section 15F.302, subsection 3, the school district shall not be eligible to receive financial assistance under the school infrastructure program.

2000 Acts, ch 1174, §27; 2002 Acts, ch 1129, §5; 2003 Acts, ch 35, §45, 49; 2003 Acts, ch 145, §286; 2008 Acts, ch 1134, §40 – 44; 2023 Acts, ch 19, §1656

Referred to in §12.81, 12.82, 12.83, 292.1

292.3 Rules.

The department shall adopt rules, pursuant to chapter 17A, necessary for administering the school infrastructure program and fund.

2000 Acts, ch 1174, §28

292.4 Appropriation. Repealed by 2005 Acts, ch 179, §28, 29.

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CHAPTER 293

RESERVED

CHAPTER 294

TEACHERS

Referred to in §12B.10, 12B.10A, 12B.10B, 12B.10C, 97B.42C, 274.3, 279.46, 284A.8

SUBCHAPTER I

GENERAL PROVISIONS

294.1 Qualifications — compensation prohibited.
294.2 Reserved.
294.3 State aid and tuition.
294.4 Daily register.
294.5 Reports.
294.6 and 294.7 Reserved.

SUBCHAPTER II

PENSION AND ANNUITY RETIREMENT SYSTEM

294.8 Pension system.
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294.13 General fund replacements.
294.14 Estimate of funds needed — levy.
294.15 Retirement allowance — teachers who retired before July 4, 1953. Repealed by 96 Acts, ch 1215, §59.
294.16 Investment contracts.

SUBCHAPTER I

GENERAL PROVISIONS

294.1 Qualifications — compensation prohibited.

1. A person shall not be employed as a teacher in a public or accredited nonpublic school without having a certificate issued by some officer duly authorized by law.

2. Compensation shall not be recovered by a teacher for services rendered while without such certificate.

[R60, §2062; C73, §1758; C97, §2788; C24, 27, 31, 35, 39, §**4336;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.1]

2018 Acts, ch 1026, §105

294.2 Reserved.

294.3 State aid and tuition.

A school shall not be deprived of its right to be approved for state aid or approved for tuition by reason of the employment of any practitioner as authorized under section 256.153.

[C24, 27, 31, 35, 39, §**4338;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.3]

89 Acts, ch 265, §37

294.4 Daily register.

Each teacher shall keep a daily register which shall correctly exhibit the name or number of the school, the district and county in which it is located, the day of the week, month, year, and the name, age, and attendance of each scholar, and the branches taught; and when scholars reside in different districts separate registers shall be kept for each district, and a certified copy of the register shall, immediately at the close of the school, be filed by the teacher in the office of the secretary of the board.

[R60, §2062; C73, §1759, 1760; C97, §2789; C24, 27, 31, 35, 39, §**4339;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.4]

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294.5 Reports.
The teacher shall file with the school superintendent and the director of the department of education such reports and in such manner as may be required.
[C97, §2789; C24, 27, 31, 35, 39, §**4340;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.5]
85 Acts, ch 212, §21

294.6 and 294.7 Reserved.

SUBCHAPTER II

PENSION AND ANNUITY RETIREMENT SYSTEM

294.8 Pension system.
A school district located in whole or in part within a city having a population of twenty-five thousand one hundred or more may establish a pension and annuity retirement system for the public school teachers of such district. However, in cities having a population less than seventy-five thousand, establishment of the system shall be ratified by a vote of the people at a regular school election.
[C24, 27, 31, 35, 39, §**4345;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.8]
2009 Acts, ch 57, §79
Referred to in §294.11, 294.12

294.9 Fund.
The fund for such retirement system shall be created from the following sources:
1. From the proceeds of an assessment of teachers in the school district not exceeding one percent of their salaries in a given school year, or such greater percentage as the board of directors of such school district may authorize and a majority of such teachers shall, at the time of such authorization by the board, agree to pay.
2. From the proceeds of an annual tax levy.
3. From the interest on any permanent fund which may be created by gift, bequest, or otherwise.
[C24, 27, 31, 35, 39, §**4346;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.9]
Referred to in §294.10A, 294.11

294.10 Management.
The board of directors of the school district shall constitute the board of trustees and shall formulate the plan of the retirement; and shall make all necessary rules and regulations for the operation of said retirement system.
[C24, 27, 31, 35, 39, §**4347;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.10]
Referred to in §294.11

294.10A Pickup of teacher assessments.
1. Notwithstanding section 294.9 or other provisions of this chapter, for federal income tax purposes beginning January 1 following the submission by a board of trustees of an application to the federal internal revenue service requesting qualification of a plan in accordance with the requirements of the Internal Revenue Code, as defined in section 422.3, and for state income tax purposes beginning January 1, 1999, or January 1 following an application for qualification, whichever is later, teacher assessments required under section 294.9 which are picked up by an employing school district shall be considered employer contributions for federal and state income tax purposes, and each employing school district establishing a pension and annuity retirement system pursuant to this chapter shall pick up the teacher assessments to be made under section 294.9 by its employees commencing on the applicable date on which the assessments shall be considered employer contributions for income tax purposes under this subsection. Each employing school district shall pick up these teacher assessments by reducing the salary of each of the teachers covered by this chapter by the amount which each teacher is required to contribute through assessments

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under section 294.9 and shall pay to the board of trustees the amount picked up in lieu of the teacher assessments for recording and deposit in the fund.

2. Teacher assessments picked up by each employing school district under subsection 1 shall be treated as employer contributions for federal and state income tax purposes only and for all other purposes of this chapter shall be treated as teacher assessments and deemed part of the teacher's wages or salary.

94 Acts, ch 1183, §64; 95 Acts, ch 67, §22; 98 Acts, ch 1174, §3, 6

294.10B Rights not transferable or subject to legal process — exceptions.

The right of any person to any future payment under a pension and annuity retirement system established in this chapter shall not be transferable or assignable, at law or in equity, and shall not be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law, except for the purposes of enforcing child, spousal, or medical support obligations, or marital property orders. For the purposes of enforcing child, spousal, or medical support obligations, the garnishment or attachment of or the execution against benefits due a person under such a retirement system shall not exceed the amount specified in 15 U.S.C. §1673(b).

96 Acts, ch 1187, §79

294.11 Termination resolution adopted.

The board of directors of any school district which has in operation the pension and annuity retirement system created pursuant to sections 294.8 through 294.10 may terminate the system by adopting a resolution declaring the system terminated as of a date specified in the resolution.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.11]

2021 Acts, ch 80, §155

Referred to in §294.12

294.12 Pension fund held for survivors upon termination.

1. In the event of such termination, all assessments of teachers shall cease upon such date of termination, or upon such earlier date as may be prescribed in such resolution, and no additional taxes shall be levied or assessed for the operation of such system, save as in section 294.13. All undisposed of funds and accumulations derived from the operation of said system, including the proceeds, when collected, of any annual tax heretofore levied for the operation of said system, and including the proceeds of any annual tax levied hereafter pursuant to the provisions of section 294.13, shall constitute a retirement liquidation fund. Such liquidation fund shall be held for the benefit of those surviving beneficiaries under such system as of said date of termination, and of members of such system as of the date of termination. There shall be set aside from such retirement liquidation fund an amount sufficient to provide for the payment of all surviving beneficiaries who shall be entitled to receive benefits under such system as of said date of termination, providing an actuarial computation has been made of the amount required to meet such benefit payments, providing the amount in the retirement liquidation fund is sufficient for this purpose, and the amount set aside shall be used for no other purpose than for the payment of claims to such beneficiaries. Any amount in excess of the actuarial equivalent of the sum required to pay such benefit payments shall be apportioned to persons who were as of the effective date of the termination of the system, members of such system, in proportion to the amount which the accumulated contribution of each such person bears to the total funds of such retirement system subject to such apportionment. Any member of such system as of the date of termination thereof, may, in lieu of receiving the cash refund of the member's share of the liquidation fund, elect to come under the coverage of any new pension and annuity retirement system established by the district, to which the member is eligible, with credits toward future benefits in consideration of the member's prior contributions and length of service, and may direct the transfer of the amount payable to the member to the assets of the new pension and annuity retirement system. In any case where the board of directors of a school district including a teachers retirement system established under the provisions of section 294.8, whose members were not under coverage of the Iowa

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old-age and survivors' insurance system prior to May 1, 1953, the board of directors may authorize the payment from funds in excess of the actuarial amount estimated as required for the payment of benefits to persons entitled to them, and for the purpose of obtaining retroactive social security coverage from January 1, 1951, until the effective date of federal coverage of Iowa public employees as provided by chapter 97C. Each surviving beneficiary entitled to receive retirement benefits of the date of termination of the system will be entitled to receive retirement benefits at the time and in the amount in effect with respect to such beneficiary immediately prior to the date of termination.

2. In any school district which has pursuant to section 294.11 terminated a previously existing pension and annuity retirement system and has after actuarial computation established a retirement reserve fund pursuant to this section in order to pay to surviving beneficiaries entitled to receive retirement benefits at the date of termination of said system in the amount in effect with respect to such beneficiaries immediately prior to the date of termination, the board of directors may authorize each and every payment to each surviving beneficiary falling due subsequent to June 30, 1971, to be increased by an amount to be determined by the board such increased payments to be paid from the retirement reserve fund according to an actuarial computation thereof plus such additional amounts transferred from the general fund as may be required. In order to provide the additional amounts required from the general fund for such increased payments, the board of directors may annually at the meeting at which it estimates the amount required for the general fund in accordance with section 298.1 estimate such additional amount as an actuarial computation shall show is necessary from the general fund for the payment of such increased benefits for the current school year; provided the amount estimated and certified to be transferred from the general fund to the retirement reserve fund shall not exceed one and four-tenths cents per thousand dollars of the assessed valuation of the taxable property of the school corporation. The board of supervisors shall in accordance with the provisions of section 298.8 levy the taxes necessary to raise the amount estimated by the board of directors as above provided and certified to the board of supervisors. Upon the death of the last beneficiary to survive, any balance remaining in said retirement reserve fund shall be transferred to the general fund of said school district.

3. Notwithstanding the provisions of this section, the plan provisions of a pension and annuity retirement system of a school district established under this chapter regarding the determination and distribution of benefits upon termination of the retirement system shall be effective if the school district has received a favorable determination letter from the federal internal revenue service as to the qualified status of such retirement system under applicable provisions of the Internal Revenue Code.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.12]
98 Acts, ch 1183, §109; 2017 Acts, ch 54, §76
Referred to in §294.14

294.13 General fund replacements.

The board of directors of said district shall each year at the meeting at which it estimates the amount required for the general fund, in accordance with the provisions of section 298.1, estimate the additional amount, if any, necessary to provide the required annual payments to surviving beneficiaries, which amount shall be levied by the board of supervisors in accordance with the provisions of section 298.8. Upon the death of the last beneficiary to survive, any balance remaining in said fund, including any undisposed of accumulations, shall be transferred to the general fund of said school district.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.13]
Referred to in §294.12

294.14 Estimate of funds needed — levy.

The board of directors of said district shall annually, for a period of five years after the effective date of the termination of its pension system, at the meeting at which it estimates the amount required for the general fund, in accordance with the provisions of section 298.1, estimate the additional amount if any necessary to pay to participants in the pension system

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who are not entitled to receive benefits under such system at the date of termination thereof, one-fifth of the amount paid into said pension fund by such participants therein, without interest, which amount shall be levied by the board of supervisors, in accordance with provisions of section 298.8 and, in addition thereto, the board of directors of said district shall each year at the meeting at which it estimates the amount required for the general fund, in accordance with the provisions of section 298.1, estimate the additional amount, if any, necessary to provide the required annual payments to surviving beneficiaries of said pension system, as provided in section 294.12, which amount shall be levied by the board of supervisors, in accordance with the provisions of section 298.8. Upon the death of the last beneficiary to survive, any balance remaining in said fund, including any undisposed of accumulations, shall be transferred to the general fund of said school district.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §294.14]

2017 Acts, ch 29, §84

294.15 Retirement allowance — teachers who retired before July 4, 1953. Repealed by 96 Acts, ch 1215, §59.

294.16 Investment contracts.

1. The school district may establish a plan, in accordance with section 403(b) of the Internal Revenue Code, as defined in section 422.3, for employees, which plan shall consist of one or more investment contracts, on a group or individual basis, acquired from a company, or a salesperson for that company, that is authorized to do business in this state.

2. The selection of investment contracts to be included within the plan established by the school district shall be made either pursuant to a competitive bidding process conducted by the school district, in coordination with employee organizations representing employees eligible to participate in the plan, or pursuant to an agreement with the department of administrative services to make available investment contracts included in a deferred compensation or similar plan established by the department pursuant to section 8A.438, which plan meets the requirements of this section. The determination of whether to select investment contracts for the plan pursuant to a competitive bidding process or by agreement with the department of administrative services shall be made by agreement between the school district and the employee organizations representing employees eligible to participate in the plan.

3. The school district may make elective deferrals in accordance with the plan as authorized by an eligible employee for the purpose of making contributions to the investment contract on behalf of the employee. The deferrals shall be made in the manner which will qualify contributions to the investment contract for the benefits under section 403(b) of the Internal Revenue Code, as defined in section 422.3. In addition, the school district may make nonelective employer contributions to the plan.

4. As used in this section, unless the context otherwise requires, *"investment contract"* shall mean a custodial account utilizing mutual funds or an annuity contract which meets the requirements of section 403(b) of the Internal Revenue Code, as defined in section 422.3.

[C66, 71, 73, 75, 77, 79, 81, §294.16]

86 Acts, ch 1213, §7; 88 Acts, ch 1112, §701; 94 Acts, ch 1183, §65; 2008 Acts, ch 1171, §65, 68

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CHAPTER 294A

EDUCATIONAL EXCELLENCE PROGRAM — TEACHERS

Section 294A.22 repealed by 2010 Acts, ch 1069, §67, 147; balance of chapter repealed by 89 Acts, ch 135, §135, 136; 2003 Acts, ch 180, §70; 2008 Acts, ch 1181, §104; 2009 Acts, ch 68, §11; and 2009 Acts, ch 179, §50, 53

CHAPTER 295

SCHOOL IMPROVEMENT TECHNOLOGY PROGRAM

Repealed by its own terms effective July 1, 2001;
96 Acts, ch 1086, §5

CHAPTER 296

INDEBTEDNESS OF SCHOOL CORPORATIONS

Referred to in §28E.41, 28E.42, 274.3

296.1	Indebtedness authorized.	296.5	Reserved.
296.2	Petition for election.	296.6	Bonds.
296.3	Election called.	296.7	Indebtedness for insurance authorized — tax levy.
296.4	Notice — ballots.		

296.1 Indebtedness authorized.

Subject to the approval of the voters thereof, school districts are hereby authorized to contract indebtedness and to issue general obligation bonds to provide funds to defray the cost of purchasing, building, furnishing, reconstructing, repairing, improving or remodeling a schoolhouse or schoolhouses and additions thereto, gymnasium, stadium, field house, school bus garage, teachers' or superintendent's home or homes, and procuring a site or sites therefor, or purchasing land to add to a site already owned, or procuring and improving a site for an athletic field, or improving a site already owned for an athletic field, and for any one or more of such purposes. Taxes for the payment of said bonds shall be levied in accordance with chapter 76, and said bonds shall mature within a period not exceeding twenty years from date of issue, shall bear interest at a rate or rates not exceeding that permitted by chapter 74A and shall be of such form as the board of directors of such school district shall by resolution provide, but the aggregate indebtedness of any school district shall not exceed five percent of the actual value of the taxable property within said school district, as ascertained by the last preceding state and county tax lists.

[S13, §2820-d1; C24, 27, 31, 35, 39, §**4353;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.1]

Referred to in §292.1

296.2 Petition for election.

Before indebtedness can be contracted in excess of one and one-quarter percent of the assessed value of the taxable property, a petition signed by eligible electors equal in number to twenty-five percent of those voting at the last election of school officials shall be filed with the president of the board of directors, asking that an election be called, stating the amount of bonds proposed to be issued and the purpose or purposes for which the indebtedness is to be created, and that the purpose or purposes cannot be accomplished within the limit of one and one-quarter percent of the valuation. The petition may request the calling of an election on one or more propositions and a proposition may include one or more purposes.

[S13, §2820-d2; C24, 27, 31, 35, 39, §**4354;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.2]

83 Acts, ch 90, §18; 95 Acts, ch 189, §20

Referred to in §296.3

296.3 Election called.

Within ten days of receipt of a petition filed under section 296.2, the president of the board of directors shall call a meeting of the board. The meeting shall be held within thirty days after the petition was received. At the meeting, the board shall call the election, fixing the time of the election as required by section 39.2, subsection 4, paragraph *"d"*. However, if the board determines by unanimous vote that the proposition or propositions requested by a petition to be submitted at an election are grossly unrealistic or contrary to the needs of

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the school district, no election shall be called. If more than one petition has been received by the time the board meets to consider the petition triggering the meeting, the board shall act upon the petitions in the order they were received at the meeting called to consider the initial petition. The decision of the board may be appealed to the state board of education as provided in chapter 290. The president shall notify the county commissioner of elections of the time of the election.

[S13, §2820-d3; C24, 27, 31, 35, 39, §**4355;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.3; 81 Acts, ch 91, §1]

83 Acts, ch 90, §19; 85 Acts, ch 67, §33; 2002 Acts, ch 1134, §92, 115; 2023 Acts, ch 71, §121, 136

2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

296.4 Notice — ballots.

Notice of the election shall be given by the county commissioner of elections by publication in accordance with section 49.53. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 through 53 and certify the results to the board of directors.

[S13, §2820-d3; C24, 27, 31, 35, 39, §**4356;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.4]

2021 Acts, ch 80, §156

Form of ballot, §49.43 et seq.

296.5 Reserved.

296.6 Bonds.

If the vote in favor of the issuance of such bonds is equal to at least sixty percent of the total vote cast for and against said proposition at said election, the board of directors shall issue the same and make provision for payment thereof.

[S13, §2820-d4; C24, 27, 31, 35, 39, §**4358;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §296.6]

Referred to in §275.12

Vote required to authorize bonds, §75.1

296.7 Indebtedness for insurance authorized — tax levy.

1. *a.* A school district or community college corporation may contract indebtedness and issue general obligation bonds or enter into insurance agreements obligating the school district or corporation to make payments beyond its current budget year for one or more of the following mechanisms to protect the school district or corporation from tort liability, loss of property, environmental hazards, or any other risk associated with the operation of the school district or corporation:

(1) To procure or provide for a policy of insurance.

(2) To provide a self-insurance program.

(3) To establish and maintain a local government risk pool.

b. However, this subsection does not apply to an insurance program described in subsection 3.

2. For purposes of subsection 1, an employee benefit plan which includes a specific or aggregate excess loss coverage or a program that self-insures only a per-employee or per-family deductible for each year and which transfers the risk remaining beyond this deductible is not a self-insurance program, but is instead an insurance program. As used in this section, an "*employee benefit plan*" includes, but is not limited to benefits for hospital and surgical, medical expense, major medical, dental, prescription drug, disability, or life insurance costs or benefits.

3. A school district, providing an insurance program as described in subsection 2, shall not contract indebtedness and issue general obligation bonds or enter into insurance agreements obligating the school district to make payments beyond its current budget year for that employee benefit plan. A school district may, however, apply to the school budget

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review committee for relief if necessitated by the expenses in the school district's insurance program as described in subsection 2.

4. *a.* Taxes may be levied in excess of any limitation imposed by statute for payment of one or more of the following authorized by subsection 1:

(1) Principal, premium, or interest on bonds.

(2) Premium on an insurance policy, including a stop loss or reinsurance policy, except as limited by subsection 3.

(3) Costs of a self-insurance program.

(4) Costs of a local government risk pool.

(5) Amounts payable under an insurance agreement.

b. However, for a school district, a tax levied under this section shall be included in the district management levy under section 298.4.

5. A self-insurance program or local government risk pool authorized by subsection 1 is not insurance and is not subject to regulation under chapters 505 through 523C. However, those self-insurance plans regulated pursuant to section 509A.14 shall remain subject to the requirements of section 509A.14 and rules adopted pursuant to that section.

6. Notwithstanding the other provisions of this section or any other statute, the tax levy authorized by this section shall not be used to pay the costs of employee benefits, including, but not limited to costs for hospital and surgical, medical expense, major medical, dental, prescription drug, disability, or life insurance benefits.

7. If the board by resolution restricts the use of money in a fund as a reserve for uninsured liability or a self-insurance program, the use shall be restricted and unavailable for any other purpose until the board removes the restriction. The removal is not effective until all obligations of the restricted fund have been satisfied, or the next fiscal year, whichever occurs later.

86 Acts, ch 1211, §18; 89 Acts, ch 135, §103; 90 Acts, ch 1234, §1; 90 Acts, ch 1253, §121; 2010 Acts, ch 1061, §180

Referred to in §298.4, 670.7

CHAPTER 297

SCHOOLHOUSES AND SCHOOLHOUSE SITES

Referred to in §99B.45, 99B.61, 274.3

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SUBCHAPTER I
GENERAL PROVISIONS

297.1 Location.

1. The board of each school district may fix the site for each schoolhouse, which shall be upon some public highway already established or procured by such board and not in any public park, and except in cities and villages, not less than thirty rods from the residence of any landowner who objects thereto.

2. In fixing such site, the board shall take into consideration the number of scholars residing in the various portions of the school district and the geographical location and convenience of any proposed site.

[R60, §2037; C73, §1724, 1825, 1826; C97, §2773, 2814; S13, §2773, 2814; C24, 27, 31, 35, 39, §**4359;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.1]

297.2 Ten-acre limitation.

Except as hereinafter provided, any school district may take and hold so much real estate as may be required for such site, for the location or construction thereon of schoolhouses, and the convenient use thereof, but not to exceed ten acres exclusive of public highway.

[C73, §1825; C97, §2814; S13, §2814; C24, 27, 31, 35, 39, §**4360;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.2]

297.3 Thirty-acre limitation.

Any school district, including a city or village, may take and hold an area equal to two blocks exclusive of the street or highway, for a schoolhouse site, and not exceeding thirty acres for school playground, stadium, or field house, or other purposes for each such site.

[C97, §2814; S13, §2814; C24, 27, 31, 35, 39, §**4361;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.3]

297.4 Vacancy notification.

The board of directors shall notify the cities located within the school district, the counties in which the school district may be located, and the department of administrative services annually of the facilities and buildings owned by the public school corporation which are vacant and available to be leased or purchased.

[82 Acts, ch 1148, §2]
2003 Acts, ch 145, §286

297.5 Reserved.

297.6 Condemnation.

If the owner of real estate desired for any purpose for which any school may be authorized to take and hold real estate refuses to convey the same, or is dead or unknown or cannot be found, or if in the judgment of the board of directors of the corporation they cannot agree with such owner as to the price to be paid therefor, such real estate may be taken under condemnation proceedings in accordance with the provisions of chapter 6B.

[C73, §1827; C97, §2815; C24, 27, 31, 35, 39, §**4364;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.6]

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297.7 Construction, renovation, and repair of school buildings — review of plans — aviation programs.

1. Chapter 26 is applicable to the construction and repair of school buildings and other public improvements as defined in section 26.2.

2. Any other law to the contrary notwithstanding, the board of directors of a school district may acquire by purchase, lease, or other arrangement real estate located within or adjoining the boundaries of a municipal airport, and may take title, leasehold, or other interest, subject to a right of purchase or repurchase by the city owning or controlling the municipal airport. The city may purchase, repurchase, or repossess such real estate and the improvements constructed on the real estate upon terms and conditions as agreed to by the board of directors and the city council. The board of directors of any such school district may construct a career and technical education school on the real estate to carry on career and technical training or instruction in aviation mechanics and other aviation programs upon compliance with conditions and limitations otherwise provided by law.

[R60, §2037; C73, §1723; C97, §2779; C24, 27, 31, 35, 39, §**4370;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.7; 81 Acts, ch 28, §7, ch 91, §2]

84 Acts, ch 1036, §1; 2002 Acts, ch 1140, §30; 2006 Acts, ch 1017, §25, 42, 43; 2016 Acts, ch 1108, §68

Referred to in §278.3, 314.1

297.8 Emergency repairs.

When emergency repairs costing more than the competitive bid threshold in section 26.3, or as established in section 314.1B, are necessary in order to ensure the continued use of any school or school facility, the provisions of the law with reference to advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such emergency repairs can be made to any schoolhouse or school facility, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to ensure the continued use of the school or school facility.

[C31, 35, §4370-c1; C39, §**4370.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.8; 81 Acts, ch 28, §8]

2006 Acts, ch 1017, §26, 42, 43; 2009 Acts, ch 65, §8

297.9 Use for other than school purposes.

The board of directors of any school district may authorize the use of any schoolhouse and its grounds within such district for the purpose of meetings of granges, lodges, agricultural societies, and similar societies, for parent-teacher associations, for community recreational activities, community education programs, election purposes, other meetings of public interest, public forums and similar community purposes; provided that such use shall in no way interfere with school activities; such use to be for such compensation and upon such terms and conditions as may be fixed by said board for the proper protection of the schoolhouse and the property belonging therein, including that of pupils, except that in the case of community education programs, any compensation necessary for programs provided specifically by community education and not those provided through community education by other agencies or organizations shall be compensated from the funding provided for community education programs.

[C24, 27, 31, 35, 39, §**4371;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.9]

Referred to in §299.1D

Schoolhouses as polling places, §49.24

Use by county conservation board, §350.8

297.10 Compensation.

Any compensation for the use of a schoolhouse and schoolhouse grounds shall be paid into the general fund and be expended in the upkeep and repair of and in purchasing supplies for that school property.

[C24, 27, 31, 35, 39, §**4372;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.10]

2009 Acts, ch 133, §108

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297.11 Use forbidden.

If the voters of such district at a regular election forbid the use of any schoolhouse or grounds, the board shall not permit that use until the action of the voters is rescinded by the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "c".

[C24, 27, 31, 35, 39, §**4373;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.11]

2008 Acts, ch 1115, §48, 71; 2009 Acts, ch 41, §110

297.12 Renting schoolroom.

The board may, when necessary, rent a room and employ a teacher, where there are ten children for whose accommodation there is no schoolhouse.

[C73, §1725; C97, §2774; C24, 27, 31, 35, 39, §**4374;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.12]

297.13 Fence around schoolhouse sites. Repealed by 2006 Acts, ch 1152, §56.

297.14 Barbed wire.

No school attendance center fence shall be constructed of barbed wire, nor shall any barbed wire fence be placed within ten feet of any school attendance center. Any person violating the provisions of this section shall be guilty of a simple misdemeanor.

[C97, §2817; C24, 27, 31, 35, 39, §**4378;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.14]

2006 Acts, ch 1152, §47; 2007 Acts, ch 126, §51

297.15 Reversion of schoolhouse site.

1. Any real estate, owned by a school district, containing less than two acres, situated wholly outside of a city, and not adjacent thereto, and heretofore used as a schoolhouse site shall revert to the then owner of the tract from which the same was taken, provided that said owner of the tract last aforesaid shall, within the time hereinafter prescribed, pay the value thereof to such school district.

2. Any such schoolhouse site containing two or more acres shall be subject to the law as otherwise provided.

[C73, §1828; C97, §2816; S13, §2816; C24, 27, 31, 35, 39, §**4379;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.15]

Referred to in §297.22

297.16 Appraisers.

In case the school district and said owner of the tract from which such school site was taken, do not agree as to the value of such site, the chief judge of the judicial district of the county in which the greater part of such school district is situated, shall, on the written application of either party, appoint three disinterested voters of the county from the list of persons eligible to serve as compensation commissioners to appraise the site.

[C97, §2816; S13, §2816; C24, 27, 31, 35, 39, §**4380;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.16]

Referred to in §297.22

297.17 Notice.

The county sheriff shall give notice to both parties of the time and place of making such appraisement, which notice shall be served in the same manner and for the same time as for the commencement of action in the district court.

[C24, 27, 31, 35, 39, §**4381;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.17]

Referred to in §297.22, 331.653

Time and manner of service, R.C.P. 1.302 – 1.315

297.18 Appraisement.

Such appraisers shall inspect the premises and, at the time and place designated in the notice, appraise said site in writing, which appraisement, after being duly verified, shall be filed with the county sheriff.

[C24, 27, 31, 35, 39, §**4382;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.18]

Referred to in §297.22

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297.19 Public sale.

If the owner of the tract from which said site was taken fails to pay the amount of such appraisement to such school district within twenty days after the filing of same with the county sheriff, the school district may sell said site to any other person at the appraised value, or may sell the same at public sale to the highest bidder.

[C24, 27, 31, 35, 39, §**4383;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.19]
Referred to in §297.22

297.20 Sale of improvements.

If there are improvements on said site, the improvements may, at the request of either party, be appraised and sold separately.

[C97, §2816; S13, §2816; C24, 27, 31, 35, 39, §**4384;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.20]
Referred to in §297.22

297.21 Sale of unnecessary schoolhouse sites. Repealed by 97 Acts, ch 184, §7.

SUBCHAPTER II

SALE OR LEASE OF PROPERTY

297.22 Power to sell, lease, or dispose of property — tax.

1. *a.* The board of directors of a school district may sell, lease, or dispose of, in whole or in part, a schoolhouse, school site, or other property belonging to the district. If the real property contains less than two acres, is located outside of a city, is not adjacent to a city, and was previously used as a schoolhouse site, the procedure contained in sections 297.15 through 297.20 shall be followed in lieu of this section.

b. (1) Proceeds from the sale or disposition of real or other property shall be deposited into the fund which was used to account for the acquisition of the property. If the district is unable to determine which fund was used to account for the acquisition of the property or if the fund no longer exists in the district, the proceeds from the sale or disposition of real property shall be placed in the physical plant and equipment levy fund, and the proceeds from the sale or disposition of property other than real property shall be placed in the general fund. Proceeds from the lease of real or other property shall be placed in the general fund.

(2) Notwithstanding subparagraph (1), the board of directors of a school district may take action to deposit the proceeds from the sale or disposition of real or other property in any account maintained by the school district after holding a public hearing on the proposed action of the board. The board shall publish notice of the time and place of the public hearing in the same manner as required in section 24.9.

c. Before the board of directors may sell, lease for a period in excess of one year, or dispose of any property belonging to the school, the board shall hold a public hearing on the proposal. The board shall set forth its proposal in a resolution and shall publish notice of the time and the place of the public hearing on the resolution. The notice shall also describe the property. A locally known address for real property may be substituted for a legal description of real property contained in the resolution. The board shall publish notice of the time and place of the public hearing in the same manner as required in section 24.9. After the public hearing, the board may make a final determination on the proposal contained in the resolution.

d. However, property having a value of not more than twenty-five thousand dollars, other than real property, may be sold or disposed of by any procedure which is adopted by the board. Each such sale or disposal shall be published in a newspaper having general circulation in the district.

2. *a.* The board of directors of a school district may sell, lease, exchange, give, or grant, and accept any interest in real property to, with, or from a county, municipal corporation, school district, township, or area education agency if the real property is within the jurisdiction of both the grantor and grantee.

b. The board of directors of a school district may lease a portion of an existing school

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building or lease a portion of existing school property. The lease may be renewed at the option of the board. The notice and public hearing requirements of subsection 1 of this section do not apply to the lease of a portion of an existing school building. A school district shall pay out of the revenue from a lease to the state of Iowa, and to the city, school district and any other political subdivision authorized to levy taxes, an amount as determined by this section. The amount shall be determined by applying the annual tax rate of the taxing district to the assessed value of the portion of the building leased, prorated for the term of the lease during the appropriate taxing period. The provisions of this section relating to the payment of property tax because of leases shall only apply to leases to private, for-profit entities which lease a portion of a school building for a period of thirty or more consecutive days, but shall not apply to property or equipment leased as part of a project designed to generate electricity for the school district.

3. The provisions in subsections 1 and 2 relating to the sale, lease, or disposition of school district property do not apply to student-constructed buildings and the property on which student-constructed buildings are located. The board of directors of a school district may sell, lease, or dispose of a student-constructed building and the property on which the student-constructed building is located, and may purchase sites for the erection of additional student-constructed structures, by any procedure which is adopted by the board. The proceeds from disposition of a student-constructed structure shall be placed in the school district's student construction fund. Moneys remaining in the school district's student construction fund after the board discontinues the student construction program shall first be used to reimburse the fund or funds from which the student construction program's start-up costs were paid and any moneys remaining after such reimbursement shall be transferred by board resolution to the school district's general fund.

[C27, 31, 35, §4385-a1; C39, §**4385.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.22; 81 Acts, ch 93, §1 – 4]

85 Acts, ch 8, §1; 86 Acts, ch 1223, §1 – 3; 90 Acts, ch 1018, §1; 94 Acts, ch 1029, §22; 94 Acts, ch 1089, §2; 97 Acts, ch 184, §3; 98 Acts, ch 1100, §37; 2008 Acts, ch 1148, §2; 2009 Acts, ch 10, §2, 4; 2014 Acts, ch 1013, §21, 22; 2018 Acts, ch 1112, §12, 16, 17; 2021 Acts, ch 25, §9

Referred to in §7.20, 273.3, 278.1, 297.25, 331.361, 364.21
Property for defense projects, §274.39 – 274.45

297.23 Publication of information related to real property.

The board of directors of a school district shall publish information related to all of the following on the school district's internet site:

1. The square footage of each school building owned by the school district.
2. The enrollment capacity of each attendance center owned by the school district.
3. How each school building owned by the school district is currently utilized by the school district.
4. School buildings owned by the school district that are vacant.

2024 Acts, ch 1168, §4

297.24 Sale of real property to other educational institutions.

1. The board of directors of a school district shall not enter into any agreement that prohibits the sale of real property to an educational institution.
2. If the board of directors of a school district offers to sell real property that contains a building or structure, and an educational institution offers to purchase such real property for a purchase price that represents the highest bid the board of directors of the school district received for the real property, then the board of directors of the school district shall sell the real property to the educational institution for such purchase price.
3. For purposes of this section, "*educational institution*" means all of the following:

a. A school district.
b. A nonpublic school.
c. A charter school established pursuant to chapter 256E.
d. An institution of higher education under the control of the state board of regents.
e. A community college established under chapter 260C.

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f. The state training school established under chapter 233A.

g. An accredited private institution as defined in section 256.183.

2024 Acts, ch 1168, §5; 2026 Acts, ch 1086, §58, 101

Referred to in §278.1

Subsection 3, paragraph d stricken and former paragraphs e – h redesignated as d – g

297.25 Rule of construction.

Section 297.22 shall be construed as independent of the power vested in the electors by section 278.1, and as additional to such power. If a board of directors has exercised its independent power under section 297.22 regarding the disposition of real or personal property of the school district and has by resolution approved such action, the electors may subsequently proceed to exercise their power under section 278.1 for a purpose directly contrary to an action previously approved by the board of directors in accordance with section 297.22. However, the electors shall be limited to ten days after an action by the board to exercise such power for a purpose directly contrary to the board's action.

[C27, 31, 35, §4385-a4; C39, §**4385.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.25]

97 Acts, ch 184, §4; 2008 Acts, ch 1148, §3; 2009 Acts, ch 10, §3, 4

Referred to in §278.1

SUBCHAPTER III

MINING CAMP SCHOOLS

297.26 Sale by department.

Any school building or any school site, the title of which is vested in the state of Iowa by reason of it having been provided by state mining camp funds for schools in mining camps, shall be sold by the department when the director of the department of education determines it is no longer needed for school purposes.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.26]

86 Acts, ch 1238, §55, 56, 58; 86 Acts, ch 1245, §1489, 1984

297.27 Preference to owner of tract.

When the buildings or sites are sold, the owners of the tract from which the same was originally taken shall have first option on the purchase of the same.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.27]

86 Acts, ch 1245, §1985

297.28 Appraisers.

If the department and the owner of the tract from which the school site was taken do not agree as to the value of such site or building, the chief judge of the judicial district of the county in which the greater part of such school site is situated shall, on the written application of either party, appoint three disinterested voters of the county from the list of compensation commissioners to appraise such site. The county sheriff shall give notice to both parties of the time and place of making such appraisement, which notice shall be served in the same manner and for the same time as for the commencement of an action in the district court.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.28]

86 Acts, ch 1245, §1986

Referred to in §331.653

297.29 Report filed.

Such appraisers shall inspect the premises and at the time and place designated in the notice, appraise such site or building in writing, which appraisement, after being duly verified, shall be filed with the sheriff.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.29]

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297.30 Public sale.

If the owner of the tract from which said site was taken fails to pay the amount of such appraisement to the department within thirty days after the filing of the same with the sheriff, the department may sell said site or building to any other person at the appraised value, or may sell the same at public sale to the highest bidder and the proceeds of such sale are to be added to the permanent school fund of the state.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.30]

2014 Acts, ch 1092, §62

297.31 Improvements.

If there are improvements on a school site, the improvements may at the request of either party be appraised and sold separately.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.31]

2019 Acts, ch 59, §83

297.32 Equipment and supplies.

If there is any school equipment, supplies, or other usable school materials, such as desks, blackboards, playground equipment, or the like, in or on said buildings or grounds, the director of the department of education may remove the same and divert their use to other public school districts.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §297.32]

85 Acts, ch 212, §21

297.33 and 297.34 Reserved.

SUBCHAPTER IV

LOAN AGREEMENTS

297.35 Continuation of loan agreement. Repealed by 2013 Acts, ch 88, §37.

297.36 Loan agreements.

1. *a.* In order to make immediately available proceeds of the voter-approved physical plant and equipment levy which has been approved by the voters as provided in section 298.2, the board of directors may, with or without notice, borrow money and enter into loan agreements in anticipation of the collection of the tax with a bank, investment banker, trust company, insurance company, or insurance group.

b. By resolution, the board shall provide for an annual levy which is within the limits of the voter-approved physical plant and equipment levy to pay for the amount of the principal and interest due each year until maturity. The board shall file a certified copy of the resolution with the auditor of each county in which the district is located. The filing of the resolution with the auditor makes it the duty of the auditor to annually levy the amount certified for collection until funds are realized to repay the loan and interest on the loan in full.

c. The loan must mature within the period of time authorized by the voters and shall bear interest at a rate which does not exceed the limits under chapter 74A. A loan agreement entered into pursuant to this section shall be in a form as the board of directors shall by resolution provide and the loan shall be payable as to both principal and interest from the proceeds of the annual levy of the voter-approved physical plant and equipment levy, or so much thereof as will be sufficient to pay the loan and interest on the loan.

d. The proceeds of a loan must be deposited in the physical plant and equipment levy fund. Warrants paid from this fund must be for purposes authorized for the voter-approved physical plant and equipment levy.

2. This section does not limit the authority of the board of directors to levy the full amount of the voter-approved physical plant and equipment levy, but if and to whatever extent the tax is levied in any year in excess of the amount of principal and interest falling due in that

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year under a loan agreement, the first available proceeds, to an amount sufficient to meet maturing installments of principal and interest under the loan agreement, shall be paid into the debt service fund for the loan before the taxes are otherwise made available to the school corporation for other school purposes, and the amount required to be annually set aside to pay principal of and interest on the money borrowed under the loan agreement constitutes a first charge upon the proceeds of the voter-approved physical plant and equipment levy, which tax shall be pledged to pay the loan and the interest on the loan.

3. This section is supplemental and in addition to existing statutory authority to finance the purposes specified in section 298.2 for the physical plant and equipment levy, and for the borrowing of money and execution of loan agreements in connection with that section, and is not subject to any other law. The fact that a school corporation may have previously borrowed money and entered into loan agreements under authority of this section does not prevent the school corporation from borrowing additional money and entering into further loan agreements if the aggregate of the amount payable under all of the loan agreements does not exceed the proceeds of the voter-approved physical plant and equipment levy.

83 Acts, ch 185, §8, 62; 89 Acts, ch 135, §105; 94 Acts, ch 1029, §23; 2014 Acts, ch 1026, §75
Referred to in §298.2

CHAPTER 298

SCHOOL TAXES AND BONDS

Referred to in §28E.41, 28E.42, 274.3, 292.2

298.1	School taxes.	298.13	Direct deposit of tax revenue.
298.2	Imposition of physical plant and equipment levy.	298.14	School district income surtaxes.
298.3	Revenues from levies.	298.15	Payment of judgment.
298.4	District management levy.	298.16	Judgment tax.
298.5	Taxes estimated.	298.17	Reserved.
298.6	Public disclosure of outstanding levies.	298.18	Bond tax — election — leasing buildings.
298.7	Contract for use of library — tax levy.	298.18A	Levy adjustment.
298.8	Levy by board of supervisors.	298.19	Levy.
298.9	Special levies.	298.20	Funding or refunding bonds.
298.10	Levy for cash reserve.	298.21	School bonds.
298.11	Apportionment of school funds.	298.22	Form — rate of interest — where registered.
298.12	Reserved.	298.23	Redemption.
		298.24	Record of bond buyers.

298.1 School taxes.

The board of each school district shall estimate the amount of the proposed expenditures and proposed receipts for the general school purposes at a time and in a manner to effectuate the provisions of chapter 257 and sections 256B.9 and 256B.11. Compliance with chapter 24 shall be observed.

[C51, §1152; R60, §2033, 2034, 2037, 2038, 2044, 2088; C73, §1777, 1778; C97, §2806; S13, §2806; SS15, §2794-a; C24, 27, 31, 35, 39, §**4386;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.1]

89 Acts, ch 135, §106
Referred to in §294.12, 294.13, 294.14

298.2 Imposition of physical plant and equipment levy.

1. *a.* A physical plant and equipment levy of not exceeding one dollar and sixty-seven cents per thousand dollars of assessed valuation in the district is established except as otherwise provided in this subsection. The physical plant and equipment levy consists of the regular physical plant and equipment levy of not exceeding thirty-three cents per thousand dollars of assessed valuation in the district and a voter-approved physical plant and equipment levy of not exceeding one dollar and thirty-four cents per thousand dollars of

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assessed valuation in the district. However, the voter-approved physical plant and equipment levy may consist of a combination of a physical plant and equipment property tax levy and a physical plant and equipment income surtax as provided in subsection 4 with the maximum amount levied and imposed limited to an amount that could be raised by a one dollar and thirty-four cent property tax levy.

b. For school budget years beginning on or after July 1, 2015, a school district may by resolution of the board of directors adopted prior to April 30 preceding the budget year impose a physical plant and equipment levy at a rate in excess of the levy rate limitations under paragraph *"a"* if the board has refunded or refinanced a loan agreement entered into under section 297.36 and such refunding or refinancing complies with the maturity period authorized under section 297.36, subsection 1, paragraph *"c"*, and results in a lower amount of interest on the amount of the loan agreement. However, the rate imposed by a school district under this paragraph shall not exceed the rate imposed during the budget year in which the loan agreement was refunded or refinanced. Authorization to exceed the levy rate limitations of paragraph *"a"* shall terminate upon the maturity of the loan agreement after refunding or refinancing. Upon adoption of the resolution under this paragraph *"b"*, the board shall comply with the requirements of section 297.36, subsection 1, paragraph *"b"*.

2. If the electors of a school district have authorized a voter-approved physical plant and equipment levy not exceeding sixty-seven cents per thousand dollars of assessed valuation in the district prior to July 1, 1997, the levy shall continue for the period authorized under the voter-approved levy, and the maximum levy that can be authorized by the electors under the voter-approved levy on or after July 1, 1997, under this section, is an additional sixty-seven cents for a period to coincide with the period for which the initial physical plant and equipment levy in the district was approved.

3. The board of directors of a school district may certify for levy by April 30 of a school year a tax on all taxable property in the school district for the regular physical plant and equipment levy.

4. *a.* The board may on its own motion, and upon the written request of not less than one hundred eligible electors or thirty percent of the number of eligible electors voting at the last regular school election, whichever is greater, shall, direct the county commissioner of elections to provide for submitting the proposition of levying the voter-approved physical plant and equipment levy for a period of time authorized by the voters at the election, not to exceed ten years. The election shall be held on a date specified in section 39.2, subsection 4, paragraph "c". The proposition is adopted if a majority of those voting on the proposition at the election approves it. The voter-approved physical plant and equipment levy shall be funded either by a physical plant and equipment property tax or by a combination of a physical plant and equipment property tax and a physical plant and equipment income surtax, as determined by the board. However, if the board intends to enter into a rental or lease arrangement under section 279.26, or intends to enter into a loan agreement under section 297.36, only a property tax shall be levied for those purposes. Subject to the limitations of section 298.14, if the board uses a combination of a physical plant and equipment property tax and a physical plant and equipment surtax, for each fiscal year the board shall determine the percent of income surtax to be imposed expressed as full percentage points, not to exceed twenty percent.

b. If a combination of a property tax and income surtax is used, by April 30 of the previous school year, the board shall certify the percent of the income surtax to be imposed and the amount to be raised to the department of management and the department of management shall establish the rate of the property tax and income surtax for the school year. The physical plant and equipment property tax and income surtax shall be levied or imposed, collected, and paid to the school district in the manner provided for the instructional support program in sections 257.21 through 257.26.

5. *a.* The proposition to levy the voter-approved physical plant and equipment levy is not affected by a change in the boundaries of the school district, except as otherwise provided in this section. If each school district involved in a school reorganization under chapter 275 has adopted the voter-approved physical plant and equipment levy, and if the voters have not voted upon the proposition to levy the voter-approved physical plant and equipment levy in

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the reorganized district, the existing voter-approved physical plant and equipment levy is in effect for the reorganized district for the least amount and the shortest time for which it is in effect in any of the districts.

b. An authorized levy for the period of time approved is not affected as a result of a failure of a proposition proposed to expand the purposes for which the funds may be expended.

89 Acts, ch 135, §107; 92 Acts, ch 1187, §7; 93 Acts, ch 1, §9, 10; 97 Acts, ch 182, §1, 2; 2009 Acts, ch 57, §80; 2010 Acts, ch 1033, §42; 2013 Acts, ch 88, §28, 29; 2015 Acts, ch 122, §1, 2; 2023 Acts, ch 71, §72 – 74, 98

Referred to in §257.19, 257.31, 274.37, 275.12, 279.26, 283A.9, 292.1, 297.36, 298.14, 298A.4, 403.19, 423F.3, 444.25

2023 amendments to section apply to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

298.3 Revenues from levies.

1. The revenue from the regular and voter-approved physical plant and equipment levies shall be placed in the physical plant and equipment levy fund and expended only for the following purposes:

a. The purchase and improvement of grounds. For the purpose of this paragraph:

(1) *"Purchase of grounds"* includes the legal costs relating to the property acquisition, costs of surveys of the property, costs of relocation assistance under state and federal law, and other costs incidental to the property acquisition.

(2) *"Improvement of grounds"* includes grading, landscaping, paving, seeding, and planting of shrubs and trees; constructing sidewalks, roadways, retaining walls, sewers and storm drains, and installing hydrants; surfacing and soil treatment of athletic fields and tennis courts; exterior lighting, including athletic fields and tennis courts; furnishing and installing flagpoles, gateways, fences, and underground storage tanks which are not parts of building service systems; demolition work; and special assessments against the school district for public improvements, as defined in section 384.37.

b. The construction of schoolhouses or buildings and opening roads to schoolhouses or buildings.

c. The purchase, lease, or lease-purchase of equipment or technology exceeding five hundred dollars in value per purchase, lease, or lease-purchase transaction. Each transaction may include multiple equipment or technology units.

d. The payment of debts contracted for the erection or construction of schoolhouses or buildings, not including interest on bonds.

e. Procuring or acquisition of library facilities.

f. Repairing, remodeling, reconstructing, improving, or expanding the schoolhouses or buildings and additions to existing schoolhouses. For the purpose of this paragraph:

(1) *"Repairing"* means restoring an existing structure or thing to its original condition, as near as may be, after decay, waste, injury, or partial destruction, but does not include maintenance.

(2) *"Reconstructing"* means rebuilding or restoring as an entity a thing which was lost or destroyed.

g. Expenditures for energy conservation.

h. The rental of facilities under chapter 28E.

i. The purchase of transportation equipment for transporting students and the repair of such transportation equipment if the cost of the repair exceeds two thousand five hundred dollars. For the purposes of this paragraph, *"repair"* means restoring an existing item of equipment to its original condition, as near as may be, after gradual obsolescence or physical and functional depreciation due to wear and tear, corrosion and decay, or partial destruction, and includes maintenance of an item of equipment.

j. The purchase of buildings or lease-purchase option agreements for school buildings. However, a contract for construction by a private party of property to be lease-purchased by a public school corporation is a contract for a public improvement as defined in section 26.2. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold in section 26.3, the board of directors shall comply with the competitive bidding requirements of section 26.3.

k. Equipment purchases for recreational purposes.

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l. Payments to a municipality or other entity as required under section 403.19, subsection 2.

m. Demolition, cleanup, and other costs if such costs are necessitated by, and incurred within two years of, a disaster as defined in section 29C.2, subsection 4.

2. Interest earned on money in the physical plant and equipment levy fund may be expended for a purpose listed in this section.

3. Unencumbered funds collected prior to July 1, 1991, from the levy previously authorized under section 297.5, Code 1991, may be expended for the purposes listed in this section.

4. Revenue from the regular and voter-approved physical plant and equipment levies shall not be expended for school district employee salaries or travel expenses, supplies, printing costs or media services, or for any other purpose not expressly authorized in this section.

89 Acts, ch 135, §108; 92 Acts, ch 1187, §8, 9; 94 Acts, ch 1029, §24, 25; 94 Acts, ch 1141, §1, 2; 94 Acts, ch 1175, §14; 97 Acts, ch 182, §3; 2000 Acts, ch 1054, §1, 3; 2002 Acts, ch 1118, §1; 2003 Acts, ch 13, §1, 2; 2008 Acts, ch 1041, §2; 2009 Acts, ch 65, §9; 2009 Acts, ch 133, §109; 2011 Acts, ch 132, §20, 30, 106; 2015 Acts, ch 105, §1, 2; 2018 Acts, ch 1041, §127; 2018 Acts, ch 1075, §9, 12, 13; 2018 Acts, ch 1172, §27, 71, 72; 2024 Acts, ch 1167, §17

Referred to in §279.41, 423F.3

298.4 District management levy.

1. The board of directors of a school district may certify for levy by April 30 of a school year, a tax on all taxable property in the school district for a district management levy. The revenue from the tax levied in this section shall be placed in the district management levy fund of the school district. The district management levy shall be expended only for the following purposes:

a. To pay the cost of unemployment benefits as provided in section 96.31.

b. To pay the costs of liability insurance and the costs of a judgment or settlement relating to liability together with interest accruing on the judgment or settlement to the expected date of payment.

c. To pay the costs of insurance agreements under section 296.7.

d. To pay the costs of a judgment under section 298.16.

e. To pay the cost of early retirement benefits to employees under section 279.46.

f. To pay the costs of mediation and arbitration, including but not limited to legal fees associated with such mediation or arbitration.

2. Unencumbered funds collected from the levies authorized in sections 96.31, 279.46, and 296.7 prior to July 1, 1991, may be expended for the purposes listed in subsection 1, paragraphs "*a*", "*c*", and "*e*".

89 Acts, ch 135, §109; 90 Acts, ch 1168, §41; 92 Acts, ch 1187, §10; 93 Acts, ch 1, §11; 94 Acts, ch 1029, §26, 27; 2010 Acts, ch 1061, §103; 2010 Acts, ch 1193, §48; 2015 Acts, ch 50, §1, 2; 2023 Acts, ch 71, §75, 98; 2024 Acts, ch 1005, §1, 3

Referred to in §96.31, 257.19, 296.7, 298A.3, 670.10

2023 amendment to subsection 1, unnumbered paragraph 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

298.5 Taxes estimated.

School corporations containing territory in adjoining counties may vote and estimate all taxes for school purposes in dollars and cents per thousand dollars of assessed value.

[C97, §2806; S13, §2806; C24, 27, 31, 35, 39, §**4389;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.5]

298.6 Public disclosure of outstanding levies.

The board of directors of a school district shall, prior to certifying any levy by board approval, or submitting a levy for voter approval, facilitate public access to a complete listing of all outstanding levies within the school district by rate, amount, duration, and the applicable maximum levy limitations. The information relating to outstanding levies shall be posted on an internet site maintained by the school district by January 1 of each school year, and updated prior to board approval or submission for voter approval of any

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levy during the school year. If the school district does not maintain or develop an internet site, the school district shall either distribute or post written copies of the listing at specified locations throughout the school district.

2006 Acts, ch 1152, §15; 2009 Acts, ch 54, §11; 2013 Acts, ch 90, §257

298.7 Contract for use of library — tax levy.

1. The board of directors of a school corporation in which there is no free public library may contract with a free public library for the free use of the library by the residents of the school district, and pay the library the amount agreed upon for the use of the library as provided by law. During the existence of the contract, the board shall certify annually a tax sufficient to pay the library the consideration agreed upon, not exceeding twenty cents per thousand dollars of assessed value of the taxable property of the district. During the existence of the contract, the school corporation is relieved from the requirement that the school treasurer withhold funds for library purposes. This section does not apply in townships where a contract for other library facilities is in existence.

2. However, if a school district which is qualified to contract for library services under subsection 1 levies a tax not to exceed twenty cents per thousand dollars of assessed valuation of the taxable property for school library purposes in the fiscal year before a reorganization involving the district, the tax levy shall remain valid for succeeding fiscal years, and shall be levied and collected against the taxable property of the former district which is part of the reorganized district for school library purposes. The contract and the tax levy may be discontinued by a petition signed by eligible electors residing in the former district. The petition requesting the discontinuance must be signed by no fewer than one hundred eligible electors or thirty percent of the number voting at the last preceding school election in the former district, whichever is greater. The petition must be filed with the secretary of the board of directors of the school district at least seventy-five days before the next regular school election. The proposal to discontinue the levy shall be deemed adopted if the vote in favor of the discontinuance is equal to at least a majority of the total vote cast on the proposal by the electors of the former school district.

[S13, §2806; C24, 27, 31, 35, 39, §**4391;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.7]

84 Acts, ch 1288, §1; 93 Acts, ch 74, §1

Referred to in §298A.7

298.8 Levy by board of supervisors.

The board of supervisors shall at the time of levying taxes for county purposes levy the taxes necessary to raise the various funds authorized by law and certified to it by law, but if the amount certified for any such fund is in excess of the amount authorized by law, it shall levy only so much thereof as is authorized by law.

[R60, §2059; C73, §1779, 1780; C97, §2807; SS15, §1303; C24, 27, 31, 35, 39, §**4393;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.8]

Referred to in §294.12, 294.13, 294.14

298.9 Special levies.

If the voter-approved physical plant and equipment levy, consisting solely of a physical plant and equipment property tax levy, is approved by the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "c", and certified to the board of supervisors after the regular levy is made, the board shall at its next regular meeting levy the tax and cause it to be entered upon the tax list to be collected as other school taxes. If the certification is filed prior to May 1, the annual levy shall begin with the tax levy of the year of filing. If the certification is filed after May 1 in a year, the levy shall begin with the levy of the fiscal year succeeding the year of the filing of the certification.

[C97, §2807; SS15, §1303; C24, 27, 31, 35, 39, §**4394;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.9]

89 Acts, ch 135, §110; 95 Acts, ch 67, §23; 96 Acts, ch 1215, §54; 2008 Acts, ch 1115, §49, 71; 2009 Acts, ch 57, §81, 97

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298.10 Levy for cash reserve.

1. The board of directors of a school district may certify for levy by April 30 of a school year, a tax on all taxable property in the school district in order to raise an amount for a necessary cash reserve for a school district's general fund. The amount raised for a necessary cash reserve does not increase a school district's authorized expenditures as defined in section 257.7.

2. For fiscal years beginning on or after July 1, 2009, if the school budget review committee determines that a school district's unexpended fund balance is in excess of the amount necessary for operations, the school budget review committee shall direct the school district to use the unexpended fund balance in lieu of levying property taxes and shall direct the department of management to do one of the following:

a. For the fiscal period beginning July 1, 2009, and ending June 30, 2012, limit the school district's cash reserve levy to a level that is not excessive as determined by the school budget review committee.

b. For fiscal years beginning on or after July 1, 2012, limit the school district's cash reserve levy to a level that is not excessive as determined by the school budget review committee and does not exceed the cash reserve limitation in subsection 3.

3. For fiscal years beginning on or after July 1, 2012, the cash reserve levy for a budget year shall not exceed twenty percent of the general fund expenditures for the year previous to the base year minus the unexpended fund balance, as defined in section 257.2, for the year previous to the base year.

[81 Acts, ch 94, §1, 18; 82 Acts, ch 1128, §1, 5]

89 Acts, ch 135, §111; 93 Acts, ch 1, §12; 2009 Acts, ch 183, §70, 74; 2010 Acts, ch 1004, §7, 8, 10; 2023 Acts, ch 71, §76, 98

Referred to in §257.31

2023 amendment to subsection 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

298.11 Apportionment of school funds.

1. The county auditor shall, on the first Monday in April and the first Monday in October of each year, apportion the school tax, together with rents on unsold school lands to which the county is entitled as shown in notice from the director of the department of administrative services, and all other moneys in the hands of the county treasurer belonging in common to the schools of the county and not included in a previous apportionment, among the corporations in the county in the manner provided by law.

2. The county auditor shall immediately notify the county treasurer of such apportionment and of the amount due thereby to each corporation.

3. The county treasurer shall thereupon give notice to the president of each corporation, and shall pay out such apportionment moneys in the same manner that the county treasurer is authorized to pay other school moneys to the treasurers of the several school districts.

[R60, §1966, 2060, 2061; C73, §1781, 1782, 1841; C97, §2808; S13, §2808; C24, 27, 31, 35, 39, §**4396;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.11]

86 Acts, ch 1016, §6; 2003 Acts, ch 145, §286; 2017 Acts, ch 54, §76

Referred to in §331.502, 331.552

298.12 Reserved.

298.13 Direct deposit of tax revenue.

Before the fifteenth day of each month, the county treasurer shall send the amount collected for each fund through the last day of the preceding month for direct deposit into the depository and account designated by the school board. The county treasurer shall send a notice to the secretary of the school board stating the amount deposited, the date, the amount to be credited to each fund according to the budget, and the source of revenue.

[C73, §1784, 1785; C97, §2810; C24, 27, 31, 35, 39, §**4398;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §298.13; 81 Acts, ch 117, §1210; 82 Acts, ch 1195, §1]

Referred to in §331.552, 331.558

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298.14 School district income surtaxes.

1. For each fiscal year, the cumulative total of the percents of surtax approved by the board of directors of a school district and collected by the department of revenue under sections 257.21, 257.29, and 298.2, and the enrichment surtax under section 442.15, Code 1989, and an income surtax collected by a political subdivision under chapter 422D, shall not exceed twenty percent.

2. A school district income surtax fund is created in the office of treasurer of state. Income surtaxes collected by the department of revenue under sections 257.21, 257.29, and 298.2 and section 442.15, Code 1989, shall be deposited in the school district income surtax fund to the credit of each school district. A separate accounting of each surtax, by school district, shall be maintained.

3. The director of the department of administrative services shall draw warrants in payment of the surtaxes collected in each school district. Warrants shall be payable in two installments to be paid on approximately the first day of December and the first day of February following collection of the taxes and shall be delivered to the respective school districts.

89 Acts, ch 135, §112; 92 Acts, ch 1226, §1; 2000 Acts, ch 1072, §2; 2003 Acts, ch 145, §234; 2017 Acts, ch 54, §76

Referred to in §257.19, 257.24, 257.26, 257.29, 298.2

298.15 Payment of judgment.

When a judgment shall be obtained against a school corporation, its board shall order the payment thereof out of the proper fund by an order on the treasurer, not in excess, however, of the funds available for that purpose.

[R60, §2095; C73, §1787; C97, §2811; C24, 27, 31, 35, 39, §**4400;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.15]

298.16 Judgment tax.

If the proper fund is not sufficient, then, unless its board has provided by the issuance of bonds for raising the amount necessary to pay a judgment, the cost of the judgment shall be included in the district management levy.

[R60, §2095; C73, §1787; C97, §2811; C24, 27, 31, 35, 39, §**4401;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.16]

89 Acts, ch 135, §113

Referred to in §298.4

298.17 Reserved.

298.18 Bond tax — election — leasing buildings.

1. *a.* The board of each school corporation shall, when estimating and certifying the amount of money required for general purposes, estimate and certify to the board of supervisors of the proper county for the debt service fund the amount required to pay interest due or that may become due for the fiscal year beginning July 1, thereafter upon lawful bonded indebtedness, and in addition thereto such amount as the board may deem necessary to apply on the principal.

b. The amount estimated and certified to apply on principal and interest for any one year shall not exceed two dollars and seventy cents per thousand dollars of the assessed valuation of the taxable property of the school corporation except as otherwise provided in this section.

c. For the sole purpose of computing the amount of bonds which may be issued as a result of the application of any limitation referred to in this section, all interest on the bonds in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest in the first annual levy of taxes to pay the bonds and interest shall not operate to further restrict the amount of bonds which may be issued, and in certifying the annual levies to the county auditor or auditors such first annual levy of taxes shall be sufficient to pay all principal of and interest on said bonds becoming due prior to the next succeeding annual levy and the full amount of such first

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annual levy shall be entered for collection by said auditor or auditors, as provided in chapter 76.

d. The amount estimated and certified to apply on principal and interest for any one year may exceed two dollars and seventy cents per thousand dollars of assessed value by the amount approved by the voters of the school corporation, but not exceeding four dollars and five cents per thousand dollars of the assessed value of the taxable property within any school corporation, provided that the registered voters of such school corporation have first approved such increased amount at an election held on a date specified in section 39.2, subsection 4, paragraph "*c*".

2. The proposition submitted to the voters at such election shall be in substantially the following form:

> Shall the board of directors of the ..... (insert name of school corporation) in the County of ....., State of Iowa, be authorized to levy annually a tax exceeding two dollars and seventy cents per thousand dollars, but not exceeding ..... dollars and ..... cents per thousand dollars of the assessed value of the taxable property within said school corporation to pay the principal of and interest on bonded indebtedness of said school corporation, it being understood that the approval of this proposition shall not limit the source of payment of the bonds and interest but shall only operate to restrict the amount of bonds which may be issued?

3. Notice of the election shall be given by the county commissioner of elections according to section 49.53. The county commissioner of elections shall conduct the election pursuant to the provisions of chapters 39 through 53 and certify the results to the board of directors. The proposition shall not be deemed carried or adopted unless the vote in favor of such proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. Whenever such a proposition has been approved by the voters of a school corporation as hereinbefore provided, no further approval of the voters of such school corporation shall be required as a result of any subsequent change in the boundaries of such school corporation.

4. The voted tax levy referred to in this section shall not limit the source of payment of bonds and interest but shall only restrict the amount of bonds which may be issued.

5. *a.* The ability of a school corporation to exceed two dollars and seventy cents per thousand dollars of assessed value to service principal and interest payments on bonded indebtedness is limited and conferred only to those school corporations engaged in the administration of elementary and secondary education.

b. If a school corporation leases a building or property, which has been used as a junior college by such corporation, to a community college, the annual amounts certified as herein provided by such leasing school corporation for payment of interest and principal due on lawful bonded indebtedness incurred by such leasing school corporation for purchasing, building, furnishing, reconstructing, repairing, improving, or remodeling the building leased or acquiring or adding to the site of such property leased, to the extent of the respective annual rent the school corporation will receive under such lease, shall not be considered as a part of the total amount estimated and certified for the purposes of determining if such amount exceeds any limitation contained in this section.

[C73, §1823; C97, §2813; S13, §2813; C24, 27, 31, 35, 39, §**4403;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.18]

90 Acts, ch 1253, §109; 94 Acts, ch 1029, §28; 2001 Acts, ch 56, §14; 2008 Acts, ch 1115, §50, 71; 2009 Acts, ch 133, §110; 2010 Acts, ch 1061, §49

Referred to in §292.1, 292.2, 298.18A, 298.19, 423F.3, 444.25

298.18A Levy adjustment.

If, in the opinion of the board of a school corporation, after having originally estimated and certified the amount required to pay interest and principal due upon bonded indebtedness incurred before July 1, 1995, an adjustment in the amount certified in excess of that

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previously levied by the resolution authorizing issuance of the bonds becomes necessary in anticipation of future projected revenue shortfalls resulting from a machinery and equipment-related taxable valuation decrease from the valuation as of January 1, 1994, an adjustment shall be permitted subject to the following limitations:

1. An adjustment shall be permitted only in a district in which machinery and equipment valuation exceeds twenty percent of total taxable valuation as of January 1, 1994.

2. The adjustment shall not result in a total amount levied in excess of the two dollar and seventy cent per thousand dollars of assessed valuation limit provided in section 298.18. An adjustment in excess of the two dollar and seventy cent per thousand dollars of assessed valuation limit shall be subject to the election provisions for increases of up to four dollars and five cents per thousand dollars of assessed valuation provisions of section 298.18.

3. The amount of the adjustment, when added to the amount originally estimated and certified, for any one year, shall not exceed the least of:

a. The amount required to pay interest and principal due upon bonded indebtedness for the three-year period beginning on the date of the adjustment.

b. One hundred twenty-five percent of the amount originally estimated and certified.

c. One hundred ten percent of the total district levies for the fiscal year preceding the fiscal year in which the adjustment is to be added.

4. The amount of the adjustment plus the amount of state replacement moneys received under section 427B.19A which is attributable to the amount of the adjustment, when added to the amount originally estimated and certified, shall not result in the levying of an amount over the life of the issue in excess of the amount necessary for principal and interest repayment.

5. Amounts collected pursuant to this section shall be deposited in a separate debt service account distinct from the account established to hold principal and interest revenues resulting from the original levy.

6. An adjustment shall not be permitted which results in extending a levy beyond the earlier of the following:

a. Ten years from the original date of certification of the amount required to pay interest and principal.

b. June 30, 2007.

96 Acts, ch 1179, §1; 2008 Acts, ch 1115, §51, 71
Referred to in §423F.3

298.19 Levy.

The board of supervisors of the county to which the certificate is addressed within the contemplation of section 298.18 shall levy the necessary tax to raise the amount estimated, or so much thereof as may be lawful and within the limitation of said section which levy shall be made as other taxes for school purposes.

[S13, §2813-a; C24, 27, 31, 35, 39, §**4404;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.19]

298.20 Funding or refunding bonds.

For the purpose of providing for the payment of any indebtedness of any school corporation represented by judgments or bonds, the board of directors of such school corporation, at any time or times, may provide by resolution for the issuance of bonds of such school corporation, to be known as funding or refunding bonds. The proceeds derived from the public or private sale of such funding or refunding bonds shall be applied in payment of such indebtedness; or the funding bonds or refunding bonds may be issued in exchange for the evidences of such indebtedness, par for par.

[S13, §2812-c; C24, 27, 31, 35, 39, §**4405;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.20]

90 Acts, ch 1272, §74

298.21 School bonds.

The board of directors of any school corporation when authorized by the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "*d*", may issue the

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negotiable, interest-bearing school bonds of the corporation for borrowing money for any or all of the following purposes:

1. To acquire sites for school purposes.
2. To erect, complete, or improve buildings authorized for school purposes.
3. To acquire equipment for schools, sites, and buildings.

[S13, §2812-d; C24, 27, 31, 35, 39, §**4406;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.21]

2008 Acts, ch 1115, §52, 71; 2023 Acts, ch 71, §122, 136

Referred to in §279.85

Vote required to authorize bonds, §75.1

2023 amendment to unnumbered paragraph 1 applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

298.22 Form — rate of interest — where registered.

1. All of said bonds shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the action of the board providing therefor; shall run not more than twenty years, and may be sooner paid if so nominated in the bond; bear a rate of interest not exceeding that permitted by chapter 74A, payable semiannually; be signed by the president and countersigned by the secretary of the board of directors; and shall not be disposed of for less than par value, nor issued for other purposes than this chapter provides.

2. All of said bonds, when issued, shall be delivered to the secretary of the board of directors, who shall register them in a book to be kept for that purpose, and shall deliver them when they have been properly countersigned.

3. The expenses of engraving and printing of bonds may be paid out of the general fund.

[S13, SS15, §2812-e; C24, 27, 31, 35, 39, §**4407;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.22]

2017 Acts, ch 54, §76

Form of county bonds, §331.446

298.23 Redemption.

Whenever the amount in the hands of the treasurer, belonging to the funds set aside to pay bonds, is sufficient to redeem one or more of the bonds which by their terms are subject to redemption, the treasurer shall give the owner of said bonds thirty days' written notice of the readiness of the district to pay and the amount it desires to pay. If not presented for payment or redemption within thirty days after the date of such notice, the interest on such bonds shall cease and the amount due thereon shall be set aside for its payment whenever it is presented.

[S13, §2812-f; C24, 27, 31, 35, 39, §**4408;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.23]

298.24 Record of bond buyers.

All redemptions shall be made in the order of their numbers. The treasurer shall keep a record of the parties to whom the bonds are sold, together with their post office addresses, and notice mailed to the address as shown by such record shall be sufficient.

[S13, §2812-f; C24, 27, 31, 35, 39, §**4409;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §298.24]

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CHAPTER 298A

SCHOOL DISTRICT FUND STRUCTURE

Referred to in §256C.4, 274.3

298A.1 Effective date.
298A.2 General fund — flexibility account.
298A.3 District management levy fund.
298A.4 Physical plant and equipment levy fund.
298A.5 Schoolhouse tax levy fund. Repealed by 2013 Acts, ch 88, §37.
298A.6 Public education and recreation levy fund.
298A.7 Library levy fund.
298A.8 Student activity fund.
298A.9 Capital project funds.
298A.10 Debt service fund.
298A.11 School nutrition fund.
298A.12 Child care fund.
298A.13 Trust, permanent, or custodial funds.
298A.14 Other funds.
298A.15 Entrepreneurial education funds.

298A.1 Effective date.

This chapter establishes the fund structure which shall be used by school districts commencing with the school budget year which begins on July 1, 1995.

94 Acts, ch 1029, §1

298A.2 General fund — flexibility account.

1. All moneys received by a school corporation from taxes and other sources must be accounted for in the general fund, except moneys required by law to be accounted for in another fund.

2. *a.* A flexibility account shall be established in the general fund of each school corporation if the school corporation has authorized the transfer of all or a portion of the unexpended and unobligated funds from any of the following sources following a determination that the statutory requirements for such funds are met:

(1) An approved local program under the statewide preschool program for young children under chapter 256C.

(2) Professional development funds received under section 257.10, subsection 10.

(3) The home school assistance program under section 299A.12.

(4) Teacher leadership supplement funds received under section 257.10, subsection 12.

b. In addition to the transfers to the flexibility account authorized by law, a school district may transfer to the flexibility account all or a portion of any unexpended and unobligated moneys in any other school district fund or school district general fund account if the program, purpose, or requirements for the expenditure of such moneys have been repealed or are no longer in effect.

c. Moneys deposited in the flexibility account may be used by the school district during a budget year beginning in or after the calendar year in which the moneys were transferred to the flexibility account for any of the following:

(1) Start-up costs for an approved local program under the statewide preschool program for young children under chapter 256C.

(2) Professional development requirements under chapter 284.

(3) The home school assistance program under section 299A.12.

(4) At-risk pupils programs, alternative programs and alternative school programs, and returning dropout and dropout prevention programs under section 257.40.

(5) Gifted and talented children programs under section 257.46.

(6) For deposit in the unpaid student meals account to be used for purposes of paying student meal debt accrued by individual students in accordance with section 283A.11, subsection 6.

(7) Any school district general fund purpose.

(8) An approved flexible student and school support program under section 256.11, subsection 8.

d. Expenditures from the flexibility account shall be approved by resolution of the board of directors of the school corporation and shall be included in the budget certified

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in accordance with chapter 24. Before the board of directors may adopt the resolution approving expenditures from the flexibility account, the board shall hold a public hearing on the proposed resolution. The proposed resolution must state the original source and purpose of the funds, the proposed use of such funds, the amount of the proposed expenditure, and the fiscal year from which the transfer of such funds to the flexibility account occurred. The proposed resolution must also include a certification that the statutory requirements for each original source of the money proposed to be used have been met, have been repealed, or are no longer in effect. The board shall publish notice of the time and the place of the public hearing in the same manner as required in section 24.9. The department of education shall prescribe the form for public hearing notices. A copy of the resolution shall be provided by the board to the department of education and shall be made available by the board for any audit performed under chapter 11.

e. (1) When exercising authority to carry out an agency action, as defined in section 17A.2, or to perform an activity or make a decision specified in section 17A.2, subsection 11, paragraphs *"a"* through *"l"*, if applicable, related to the provisions of this subsection, the department of education, the director of the department of education, and the state board of education shall carry out, perform, or make such agency action, activity, or decision in a manner that gives deference to decisions of school districts' boards of directors, promotes flexibility for school districts, and minimizes intrusions into school district operations and decision making by boards of directors.

(2) (a) In addition to subparagraph (1), the department of education, the director of the department of education, and the state board of education shall not issue guidance related to the provisions of this subsection, that is inconsistent with any statute, rule, or other legal authority or that imposes any legally binding obligations or duties upon any person unless such legally binding obligations or duties are required or reasonably implied by any statute, rule, or other legal authority. Guidance issued in violation of this subparagraph (2) shall not be deemed to be legally binding.

(b) For the purposes of this subparagraph (2), *"guidance"* means a document or statement issued by the department of education, the director of the department of education, or the state board of education that purports to interpret a law, a rule, or other legal authority and is designed to provide advice or direction to a person regarding the implementation of or compliance with the law, the rule, or the other legal authority being interpreted. *"Guidance"* does not include any action, activity, or decision governed by subparagraph (1), a document or statement required by federal law or a court, or a document or statement issued in the course of a contested case proceeding, an administrative proceeding, or a judicial proceeding to which the department, the state board, or the director is a party.

94 Acts, ch 1029, §2; 2017 Acts, ch 154, §6; 2018 Acts, ch 1127, §3; 2021 Acts, ch 139, §4, 5; 2026 Acts, ch 1174, §7, 8, 10

Referred to in §256.11, 256C.4, 257.10, 257.41, 257.46, 283A.11, 284.6, 299A.12

2026 amendments to subsection 2, paragraphs a and c, apply to school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1174, §10

Subsection 2, paragraph a, subparagraph (1) amended

Subsection 2, paragraph c, subparagraph (1) amended

298A.3 District management levy fund.

The district management levy fund is a special revenue fund. A district management levy fund must be established in any school corporation which levies the tax authorized under section 298.4.

94 Acts, ch 1029, §3

298A.4 Physical plant and equipment levy fund.

The physical plant and equipment levy fund is a capital project fund. A physical plant and equipment levy fund must be established in any school corporation which levies the tax authorized, whether regular or voter-approved, under section 298.2.

94 Acts, ch 1029, §4; 2013 Acts, ch 88, §30

298A.5 Schoolhouse tax levy fund. Repealed by 2013 Acts, ch 88, §37.

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298A.6 Public education and recreation levy fund.

The public education and recreation levy fund is a special revenue fund. A public education and recreation levy fund must be established in any school corporation which levies the tax authorized under section 300.2 or which receives revenue from a chapter 28E agreement authorized under section 300.1.

94 Acts, ch 1029, §6

298A.7 Library levy fund.

The library levy fund is a special revenue fund. A library levy fund must be established in any school corporation which levies the tax authorized under section 298.7.

94 Acts, ch 1029, §7

298A.8 Student activity fund.

1. The student activity fund is a special revenue fund. A student activity fund must be established in any school corporation receiving money from student-related activities such as admissions, activity fees, student dues, student fundraising events, or other student-related cocurricular or extracurricular activities. Moneys in this fund shall be used to support only the cocurricular or extracurricular program defined in department of education administrative rules.

2. For school budget years beginning on or after July 1, 2016, the board of directors of a school corporation may, by board resolution, transfer from the school corporation's general fund to the student activity fund an amount necessary to purchase or recondition protective and safety equipment required for any extracurricular interscholastic athletic contest or competition that is sponsored or administered by an organization as defined in section 280.13.

94 Acts, ch 1029, §8; 2017 Acts, ch 153, §16 – 18; 2018 Acts, ch 1112, §13, 16, 17; 2021 Acts, ch 96, §1 – 3; 2023 Acts, ch 64, §46

Referred to in §298A.15

298A.9 Capital project funds.

A capital project fund must be established in any school corporation which issues bonds or other authorized indebtedness for capital projects or which initiates a capital project, or which receives grants or other funds for capital projects. Boards are authorized to establish more than one capital project fund as necessary. Any balance remaining in a capital project fund after the capital project is completed may be retained for future capital projects in accordance with the original purpose of the bond issue or voter-approved levy; or may be transferred, by board resolution, to the debt service fund, to the physical plant and equipment levy fund or another capital project fund, or to the fund from which the surplus originated; or transferred to the general fund in accordance with section 278.1, subsection 1, paragraph *"e"*.

94 Acts, ch 1029, §9; 2013 Acts, ch 88, §31

298A.10 Debt service fund.

A debt service fund must be established in any school corporation which issues bonds or other authorized indebtedness. The debt service fund shall be used to pay interest as it becomes due and the amount necessary to pay the principal when due on bonds or other authorized indebtedness issued by the district, and to make payments required under a loan, lease-purchase agreement, or other evidence of indebtedness authorized by this Code. Moneys available to service this debt and received from other sources shall be transferred to the debt service fund and the payment of the debt shall be made from this fund. Funds remaining in the debt service fund after payment of all outstanding debt in accordance with the original purpose of the indebtedness may be transferred by board resolution to the physical plant and equipment levy fund or transferred to the general fund in accordance with section 278.1, subsection 1, paragraph *"e"*.

94 Acts, ch 1029, §10

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298A.11 School nutrition fund.

A school nutrition fund is an enterprise fund. A school nutrition fund must be established in any school corporation receiving moneys from the school meal program authorized under chapter 283A.

94 Acts, ch 1029, §11; 95 Acts, ch 67, §24
Referred to in §283A.11

298A.12 Child care fund.

1. A child care fund is an enterprise fund. A child care fund must be established in any school corporation receiving moneys from the child care program authorized under section 279.49.

2. If the sum of the fees collected under section 279.49 for participation in a before and after school program and other moneys deposited in the fund as the result of the before and after school program exceeds the amount necessary to operate the before and after school program, the excess amount may, following a public hearing, be transferred by resolution of the board of directors of the school corporation for deposit in the general fund of the school corporation to be used for school district general fund purposes. The board shall publish notice of the time and the place of the public hearing in the same manner as required in section 24.9. The resolution transferring the excess amount shall state the original source and purpose of the funds, the method used to establish fee amounts for the before and after school program under section 279.49, subsection 4, the proposed use of such funds, and the amount of the transfer. The department of education shall prescribe the form for public hearing notices. The board shall provide a copy of the resolution to the department of education and shall make the resolution available for any audit performed under chapter 11. A transfer under this subsection does not increase a school district's authorized expenditures as defined in section 257.7.

94 Acts, ch 1029, §12; 99 Acts, ch 192, §33; 2018 Acts, ch 1112, §14, 16, 17

298A.13 Trust, permanent, or custodial funds.

Trust, permanent, or custodial funds shall be established by any school corporation to account for gifts it receives to be used for a particular purpose or to account for money and property received and administered by the district as trustee or custodian or in the capacity of an agent. Boards may establish trust, permanent, or custodial funds as necessary.

94 Acts, ch 1029, §13; 2013 Acts, ch 88, §32; 2020 Acts, ch 1022, §6

298A.14 Other funds.

A school corporation may establish other funds in accordance with generally accepted accounting principles and may certify other taxes to be levied for the funds as provided by state law. The status of each fund must be included in the annual report. The treasurer shall keep a separate account for each fund, and shall not pay an order that fails to state the fund upon which it is drawn and the specific use to which it is to be applied.

94 Acts, ch 1029, §14

298A.15 Entrepreneurial education funds.

1. *Funds established — purposes.* For the purposes of enhancing student learning by encouraging students to develop and practice entrepreneurial skills at an early age and of fostering a business-ready workforce in this state, a school corporation may establish an entrepreneurial education fund at the request of a student organization or club and upon approval by the school board. An entrepreneurial education fund is a special revenue fund and shall consist only of moneys earned through entrepreneurial activities or returns on investments made for entrepreneurial purposes by the student organization or club, private donations and private contributions, and any interest earned on such moneys, that are deposited in the fund. Moneys in the fund shall be used only for investments made, or activities undertaken, for entrepreneurial purposes in accordance with this section. The student organization or club may designate an entrepreneurial purpose for the use of moneys in the fund in accordance with this section. A school corporation may expend moneys

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in the fund for use by the student organization or club in accordance with this section upon approval of the designated entrepreneurial purpose by the school board. A school organization or club shall deposit any return on an investment made with moneys from the fund in the school corporation's entrepreneurial education fund. The school corporation shall not transfer or contribute to the fund any other moneys that are not moneys earned through entrepreneurial activities or returns on investments made for entrepreneurial purposes by the student organization or club.

2. *Funds transferred.* At the request of a student organization or club and upon approval by the school board, a school corporation shall transfer moneys in a student activity fund established under section 298A.8, for deposit by the student organization or club in an entrepreneurial education fund. However, a school corporation shall not transfer such moneys unless the moneys are attributable through appropriate documentation to the specific student organization or club and unless the student organization or club shows through appropriate documentation that the student organization or club earned the moneys through entrepreneurial activities as defined in subsection 5, paragraph *"a"*.

3. *Conflicts of interest prohibited.* A student organization or club shall not invest moneys from an entrepreneurial education fund for an entrepreneurial purpose in which a member of the student organization or club, an advisor or supervisor of the student organization or club, or an immediate family member of such persons, has a financial interest. Sections 279.7A and 301.28 apply to this section.

4. *Fund closure.* A school corporation shall close an entrepreneurial education fund at the request of the student organization or club for which the school corporation established the fund. All moneys in the fund on the date of closure and any subsequent return on an investment made with moneys from the fund shall be deposited in the school corporation's student activity fund established under section 298A.8.

5. *Definitions.* For purposes of this section:

a. "Entrepreneurial activities" means starting, maintaining, or expanding a business venture, including a seasonal business venture, or rendering other labor or services in return for compensation. *"Entrepreneurial activities"* does not include charitable contributions or other donations or gifts received by the student organization or club for which no labor or services are rendered.

b. "Entrepreneurial purpose" means establishing or investing in a start-up company, early-stage company, or existing company developing a new product or new technology if the investment is in keeping with the education program of the school corporation; if the student organization or club or its members will, as a stated condition of the investment, take an active role in the company which active role directly relates to and furthers the educational purposes for which the student organization or club is established; and if a reasonable return upon the investment is expected.

c. "Immediate family member" means a spouse; natural or adoptive parent, child, or sibling; or stepparent, stepchild, or stepsibling.

2013 Acts, ch 71, §3 – 5

Referred to in §11.6, 12B.10

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CHAPTER 299

COMPULSORY EDUCATION

Referred to in §135.105D, 232C.4, 234.4, 256.9, 256B.6, 274.3, 299A.1, 714.19

299.1 Attendance requirements — attendance policies.
299.1A Compulsory attendance age.
299.1B Failure to attend — driver's license.
299.1C County attorney.
299.1D Absences related to courses in religious instruction.
299.2 Exceptions.
299.3 Reports from accredited nonpublic schools.
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299.5 Proof of mental or physical condition.
299.5A Mediation. Repealed by 2024 Acts, ch 1152, §21.
299.6 Violations — community service or fine or imprisonment.
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299.8 "Truant" defined.
299.9 Truants — rules for punishment.
299.10 Truancy officers — appointment.
299.11 Duties of truancy officer.
299.12 Failure to attend.
299.13 Civil enforcement.
299.14 Reserved.
299.15 Reports by school officers and employees.
299.16 Failure to attend — report. Repealed by 2009 Acts, ch 54, §14.
299.17 Reserved.
299.18 Education of certain children who are deaf or hard of hearing, blind, or have severe disabilities.
299.19 Proceeding against parent.
299.20 Order.
299.21 Contempt.
299.22 When deaf or hard of hearing and blind children excused.
299.23 Agent of state board of regents.
299.24 Religious groups exempted from school standards.

299.1 Attendance requirements — attendance policies.

1. Except as provided in section 299.2, the parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age shall cause the child to attend some public school or an accredited nonpublic school, or place the child under competent private instruction or independent private instruction in accordance with the provisions of chapter 299A, during a school year, as defined under section 279.10.

2. *a.* The board of directors of a public school district or the governing body of an accredited nonpublic school shall set the number of days or hours of required attendance for the schools under its control.

b. The board of directors of a public school district or the governing body of an accredited nonpublic school may, by resolution, require attendance for the entire time when the schools are in session in any school year.

3. The board of directors of a public school district shall adopt a policy related to absenteeism and truancy. The policy may contain attendance requirements that are more stringent than the attendance requirements established under this chapter.

4. *a.* The board of directors of a public school district shall adopt a policy or rules relating to children who are chronically absent. The policy or rules must contain provisions that clearly explain all of the following:

(1) How the board of directors determines whether a child is chronically absent.

(2) The different interventions that the board of directors may use when a child is chronically absent.

(3) The different penalties associated with a child being chronically absent.

b. The policy or rules adopted by the board of directors of a public school district pursuant to paragraph *"a"* must not apply to any child:

(1) Who has completed the requirements for graduation in a public school district or has obtained a high school equivalency diploma under chapter 259A.

(2) Who is excused for sufficient reason by any court of record or judge.

(3) While attending religious services or receiving religious instructions.

(4) Who is unable to attend school due to legitimate medical reasons.

(5) Who has an individualized education program that affects the child's attendance.

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(6) Who has a plan under section 504 of the federal Rehabilitation Act, 29 U.S.C. §794, that affects the child's attendance.

(7) Who is a military applicant undergoing military entrance processing.

(8) Who is engaged in military service.

(9) Who is traveling to attend a funeral.

(10) Who is traveling to attend a wedding.

(11) While attending a course in religious instruction pursuant to section 299.1D.

c. The policy or rules adopted by the board of directors of a public school district pursuant to paragraph *"a"* must describe how the exceptions described in paragraph *"b"* may be met by a child and must give reasonable consideration to travel time.

5. The board of directors of each public school district and the governing body of each accredited nonpublic school shall adopt a policy that requires the school district or the accredited nonpublic school to grant a student an exempt absence when the student is absent from school because of the student's involvement in a school-sponsored activity, program, competition, or project. The policy shall also require the school district or accredited nonpublic school to allow a student who is absent from school because of the student's involvement in a school-sponsored activity, program, competition, or project to make up any classwork the student was not able to complete as a result of the absence.

[S13, §2823-a; C24, 27, 31, 35, 39, §**4410;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.1]

83 Acts, ch 17, §2, 4; 85 Acts, ch 6, §3; 88 Acts, ch 1087, §2; 88 Acts, ch 1259, §2, 3; 89 Acts, ch 265, §41; 91 Acts, ch 200, §3; 2010 Acts, ch 1061, §50; 2013 Acts, ch 121, §83, 85, 91; 2024 Acts, ch 1152, §14; 2025 Acts, ch 52, §2, 3; 2025 Acts, ch 143, §1; 2026 Acts, ch 1119, §2

Referred to in §234.4, 256E.7, 279.10, 299.1D, 299.2, 299.6, 299.8, 299.11, 299A.1, 321.178A
NEW subsection 5

299.1A Compulsory attendance age.

1. Except as provided in subsections 2 and 3, a child who has reached the age of six and is under sixteen years of age by September 15 is of compulsory attendance age. However, if a child enrolled in a school district or accredited nonpublic school reaches the age of sixteen on or after September 15, the child remains of compulsory age until the end of the regular school calendar.

2. A child who has reached the age of five by September 15 and who is enrolled in a school district shall be considered to be of compulsory attendance age unless the parent or guardian of the child notifies the school district in writing of the parent's or guardian's intent to remove the child from enrollment in the school district.

3. A child who has reached the age of four or five and who is enrolled in the statewide preschool program under chapter 256C shall be considered to be of compulsory attendance age unless the parent or guardian of the child submits written notice to the school district implementing the program of the parent's or guardian's intent to remove the child from enrollment in the preschool program.

91 Acts, ch 200, §4; 2001 Acts, ch 110, §1; 2012 Acts, ch 1119, §40; 2013 Acts, ch 78, §2, 3; 2026 Acts, ch 1174, §9, 10

Referred to in §256C.3, 299.6, 299.11, 299A.1
2026 amendment to subsection 3 applies to school budget years beginning on or after July 1, 2027; 2026 Acts, ch 1174, §10
Subsection 3 amended

299.1B Failure to attend — driver's license.

A person who is of compulsory attendance age who does not meet the requirements for an exception under section 299.2, who does not attend a public school or an accredited nonpublic school, who is not receiving competent private instruction or independent private instruction in accordance with the provisions of chapter 299A, and who does not attend an alternative school or adult education classes, shall not receive an intermediate or full driver's license until age eighteen.

94 Acts, ch 1172, §32; 2005 Acts, ch 8, §1; 2013 Acts, ch 121, §92

Referred to in §299.6, 299.11, 299A.1, 321.213B
Restricted work license, see §321.178

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299.1C County attorney.

The county attorney of the county in which the public school's or accredited nonpublic school's central administrative office is located shall be responsible for the enforcement of this chapter, as described in this chapter. Actions instituted by a county attorney pursuant to this chapter shall be instituted in the county in which the public school's or accredited nonpublic school's central administrative office is located.

2024 Acts, ch 1152, §15
Referred to in §299.6, 299.11, 299A.1

299.1D Absences related to courses in religious instruction.

1. Section 299.1 shall not apply to a child while the child is attending a course in religious instruction that is provided by a private organization if all of the following requirements are satisfied:

a. The child's parent, guardian, or legal or actual custodian of the child, if the child is not an emancipated minor, or the child, if the child is an emancipated minor, must submit a notification to the public school or accredited nonpublic school informing the school that the child will attend a course in religious instruction during the school day.

b. The course in religious instruction must not require the child to be absent from school for more than five hours per week.

c. The private organization that provides the course in religious instruction must maintain attendance records and must make the attendance records available to the school district or accredited nonpublic school to verify when the child is attending a course in religious instruction.

d. Transportation related to the course in religious instruction must be provided by the private organization, the child's parent, guardian, or legal or actual custodian, or the child.

e. The private organization must make provisions for and assume liability for the child while the child is attending the course in religious instruction.

f. The school district or accredited nonpublic school must not expend any moneys related to the course in religious instruction, not including de minimis administrative costs associated with processing notifications received under paragraph *"a"* and tracking the child's attendance to ensure compliance with this section.

g. The course in religious instruction must not be held on school district property unless authorized by the board of directors of the school district pursuant to section 297.9.

h. The child must agree to make up any school work that the child does not complete while attending the course in religious instruction.

2. Each school district and each accredited nonpublic school shall, upon the request of a child's parent, guardian, or legal or actual custodian, if the child is not an emancipated minor, or the child, if the child is an emancipated minor, excuse the child from attendance for at least one hour per week, but for not more than five hours per week, so that the child can attend a course in religious instruction if all of the requirements under subsection 1 are satisfied.

3. A child's parent, guardian, or legal or actual custodian of the child, if the child is not an emancipated minor, or the child, if the child is an emancipated minor, who alleges that a school district has violated this section may bring a civil action for injunctive relief and actual damages against the school district. If the child's parent, guardian, or legal or actual custodian, or the child, is the prevailing party in a civil action instituted pursuant to this subsection, the court shall award reasonable court costs and attorney fees to the child's parent, guardian, or legal or actual custodian, or the child, as applicable.

2025 Acts, ch 143, §2; 2025 Acts, ch 159, §13
Referred to in §299.1, 299.2, 299.6, 299.11, 299.12, 299A.1

299.2 Exceptions.

Section 299.1 shall not apply to any child:

1. Who has completed the requirements for graduation in an accredited school or has obtained a high school equivalency diploma under chapter 259A.
2. Who is excused for sufficient reason by any court of record or judge.
3. While attending religious services or receiving religious instructions.

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4. Who is attending a private college preparatory school accredited or probationally accredited under section 256.11, subsection 13.

5. Who has been excused under section 299.22.

6. Who is exempted under section 299.24.

7. While attending a course in religious instruction pursuant to section 299.1D.

[S13, §2823-a; C24, 27, 31, 35, 39, §**4411;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.2]

86 Acts, ch 1245, §1490; 91 Acts, ch 200, §5; 2025 Acts, ch 143, §3
Referred to in §299.1, 299.1B, 299.6, 299.8, 299.11, 299A.1, 321.178

299.3 Reports from accredited nonpublic schools.

Within ten days from receipt of notice from the secretary of the school district within which an accredited nonpublic school is conducted, the principal of the accredited nonpublic school shall, once during each school year, and at any time when requested in individual cases, furnish to the secretary of the public school district, within which the accredited nonpublic school is located, a certificate and report in duplicate on forms provided by the public school district of the names and ages of each pupil of the accredited nonpublic school who is of compulsory attendance age and the grade level of each pupil, during the preceding year and from the time of the last preceding report to the time at which a report is required. In addition, the report shall identify all students of compulsory attendance age who were truant as defined by law or school policy and the number of days of truancy for the period covered by the report, and children who dropped out, withdrew from enrollment, or transferred to another Iowa school and the date their attendance ceased at the accredited nonpublic school. The secretary shall retain one of the reports and file the other with the secretary of the area education agency.

[S13, §2823-b; C24, 27, 31, 35, 39, §**4412;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.3]

91 Acts, ch 200, §6; 93 Acts, ch 101, §207
Referred to in §299.6, 299.11, 299A.1

299.4 Reports as to private instruction.

1. The parent, guardian, or legal custodian of a child who is of compulsory attendance age, who places the child under competent private instruction under section 299A.2, not in an accredited school or a home school assistance program operated by a school district or accredited nonpublic school, shall furnish a report in duplicate on forms provided by the public school district, to the district by September 1 of the school year in which the child will be under competent private instruction. The secretary shall retain and file one copy and forward the other copy to the district's area education agency. The report shall state the name and age of the child, the period of time during which the child will be under competent private instruction for the year, an outline of the course of study or texts that will be used, and the name and address of the instructor. The parent, guardian, or legal custodian of a child, who is placing the child under competent private instruction for the first time, shall also provide the district with evidence that the child has had the immunizations required under section 139A.8, and, if the child is elementary school age, a blood lead test in accordance with section 135.105D. The term "*outline of course of study*" shall include subjects covered, lesson plans, and time spent on the areas of study.

2. A home school assistance program operated by a school district or accredited nonpublic school shall furnish a report on forms provided by the department. The report shall, at a minimum, state the name and age of the child and the period of time during the school year

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in which the child has been or will be under competent private instruction by the home school assistance program.

[S13, §2823-b; C24, 27, 31, 35, 39, §**4413;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.4]

88 Acts, ch 1259, §4; 91 Acts, ch 200, §7; 92 Acts, ch 1135, §9; 2000 Acts, ch 1066, §45; 2007 Acts, ch 79, §4; 2008 Acts, ch 1191, §110; 2013 Acts, ch 121, §84 – 86; 2026 Acts, ch 1086, §96, 101

Referred to in §299.6, 299.11, 299A.1, 299A.3
Subsection 1 amended

299.5 Proof of mental or physical condition.

The parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, who is physically or mentally unable to attend school, or whose presence in school would be injurious to the health of other pupils, shall furnish proofs by certificate under sections 256B.6 and 256B.7 as to the physical or mental condition of the child.

[S13, §2823-b; C24, 27, 31, 35, 39, §**4414;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.5]

88 Acts, ch 1259, §5; 91 Acts, ch 200, §8
Referred to in §282.3, 299.6, 299.11, 299.22

299.5A Mediation. Repealed by 2024 Acts, ch 1152, §21.

299.6 Violations — community service or fine or imprisonment.

1. Any person who violates the terms of an absenteeism prevention plan entered into under section 299.12, who is referred for prosecution under section 299.12 and is convicted of a violation of any of the provisions of sections 299.1 through 299.5, who violates any of the provisions of sections 299.1 through 299.5, or who refuses to participate in a school engagement meeting under section 299.12, commits a public offense.

a. A first offense is a simple misdemeanor and a conviction is punishable by imprisonment not exceeding ten days or a fine not exceeding one hundred dollars. The court may order the person to perform not more than forty hours of unpaid community service instead of any fine or imprisonment.

b. A second offense is a serious misdemeanor and a conviction is punishable by imprisonment not exceeding twenty days or a fine not exceeding five hundred dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

c. A third or subsequent offense is a serious misdemeanor and a conviction is punishable by imprisonment not exceeding thirty days or a fine not exceeding one thousand dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

2. If community service is imposed as part of a sentencing order, the court may require that part or all of the service be performed for a public school district or nonpublic school if the court finds that service in the school is appropriate under the circumstances.

3. If a parent, guardian, or legal or actual custodian of a child who is truant, has made reasonable efforts to comply with the provisions of sections 299.1 through 299.5, but is unable to cause the child to attend school, the parent, guardian, or legal or actual custodian may file an affidavit listing the reasonable efforts made by the parent, guardian, or legal or actual custodian to cause the child's attendance and the parent, guardian, or legal or actual custodian shall not be criminally liable for the child's nonattendance.

[S13, §2823-a; C24, 27, 31, 35, 39, §**4415;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.6]

88 Acts, ch 1259, §6; 91 Acts, ch 200, §10; 97 Acts, ch 174, §3; 2004 Acts, ch 1043, §5; 2013 Acts, ch 90, §73; 2024 Acts, ch 1152, §16
Referred to in §299.6A, 299.12, 299A.1

299.6A Civil penalty — distribution of funds.

1. In lieu of a criminal proceeding under section 299.6, a county attorney may bring a civil

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action against a parent, guardian, or legal or actual custodian of a child who is of compulsory attendance age, has not completed educational requirements, and is truant, if the parent, guardian, or legal or actual custodian has failed to cause the child to attend a public school or an accredited nonpublic school, or to place the child under competent private instruction or independent private instruction in the manner provided in this chapter. If the court finds that the parent, guardian, or legal or actual custodian has failed to cause the child to attend as required in this section, the court shall assess a civil penalty of not less than one hundred but not more than one thousand dollars for each violation established.

2. Funds received from civil penalties assessed pursuant to this section shall be paid to the school district of residence or school district of enrollment, if open enrolled, of the person against whom the court assessed the penalty. The school district shall use moneys received under this subsection to support programs for students who meet the definition of at-risk children adopted by the department of education.

97 Acts, ch 174, §4; 2004 Acts, ch 1043, §6; 2013 Acts, ch 121, §93; 2014 Acts, ch 1092, §63

299.7 Custody of records.

All such certificates, reports, and proofs shall be filed and preserved in the office of the secretary of the school corporation as a part of the records of the office, and the secretary shall furnish certified copies thereof to any person requesting the same.

[S13, §2823-b, -c; C24, 27, 31, 35, 39, §**4416;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.7]

299.8 "Truant" defined.

Any child of compulsory attendance age, to whom the exceptions described in section 299.1, subsection 4, paragraph *"b"*, or section 299.2 do not apply, who has been absent from school, for any reason, for at least twenty percent of the days or hours in the grading period, shall be deemed to be a truant. A finding that a child is truant, however, shall not by itself mean that the child is a child in need of assistance within the meaning of chapter 232 and shall not be the sole basis for a child in need of assistance petition.

[S13, §2823-e; C24, 27, 31, 35, 39, §**4417;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.8]

91 Acts, ch 200, §11; 2013 Acts, ch 121, §94; 2024 Acts, ch 1152, §17

Referred to in §282.18

299.9 Truants — rules for punishment.

The board of directors of a public school district or the authorities in charge of an accredited nonpublic school shall prescribe reasonable rules for the punishment of truants.

[S13, §2823-d, -h; C24, 27, 31, 35, 39, §**4418;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.9]

91 Acts, ch 200, §12

299.10 Truancy officers — appointment.

1. The board of each school district may appoint a truancy officer. The board of each school district, which does not appoint a truancy officer for the district, shall designate a suitable person to collect information on the numbers of children in the district who are truant.

2. The board may appoint a member of the police force, marshal, teacher, school official, or other suitable person to serve as the district truancy officer.

[S13, §2823-e; C24, 27, 31, 35, 39, §**4419;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.10]

91 Acts, ch 200, §13; 2021 Acts, ch 76, §150

299.11 Duties of truancy officer.

1. The truancy officer may take into custody without warrant any apparently truant child and place the child in the charge of the school principal, or the principal's designee, designated by the board of directors of the school district in which the child resides, or in

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the charge of any nonpublic school or any authority providing competent private instruction or independent private instruction as defined in section 299A.1, designated by the parent, guardian, or legal or actual custodian; but if it is other than a public school, the instruction and maintenance of the child shall be without expense to the school district. If a child is taken into custody under this section, the truancy officer shall make every reasonable attempt to immediately notify the parent, guardian, or legal or actual custodian of the child's location.

2. The truancy officer shall promptly institute proceedings against any person violating any of the provisions of sections 299.1 through 299.5.

[S13, §2823-e, -f; C24, 27, 31, 35, 39, §**4420;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.11]

91 Acts, ch 200, §14; 2013 Acts, ch 121, §95; 2024 Acts, ch 1152, §18

299.12 Failure to attend.

1. *Definitions.* As used in this section:

a. "Chronically absent" means any absence from school for more than ten percent of the days or hours in the grading period established by a public school; provided, however, that an absence from school that is related to attending a course in religious instruction pursuant to section 299.1D shall not count toward this amount.

b. "School official" means an employee of a public school whose job duties involve identifying children who are at risk for becoming chronically absent, creating interventions to limit the rate of student absenteeism, and participating in the legal process related to student absenteeism.

2. *Chronic absenteeism.*

a. When a child becomes chronically absent, a school official shall send a notice by ordinary mail or electronic mail to the county attorney of the county in which the public school's central administrative office is located, and a notice to the child's parent, guardian, or legal or actual custodian of the child, if the child is not an emancipated minor, or to the child, if the child is an emancipated minor, that includes information related to the child's absences from school and the policies and disciplinary processes associated with additional absences. The notice the school official sends to the child's parent, guardian, or legal or actual custodian of the child, if the child is not an emancipated minor, or to the child, if the child is an emancipated minor, may be sent by ordinary mail, electronic mail, or electronic message, or may be delivered in person. The school shall maintain a copy of the notice until the child graduates, turns twenty-one years of age, or is no longer enrolled in the school, whichever occurs first.

b. A school official may send the notice described in paragraph *"a"* prior to a child at risk of becoming chronically absent if all of the following requirements are satisfied:

(1) The county attorney of the county in which the public school's central administrative office is located and the board of directors of the public school agree to the amount of absences that will lead to the school official sending the notice.

(2) The amount of absences that will lead to the school official sending the notice is described in the school's student handbook.

3. *School engagement meeting.*

a. (1) If a child is absent from school for greater than or equal to fifteen percent of the days or hours in the grading period, a school official shall attempt to find the cause for the child's absences. If the school official determines that the child's absences are negatively affecting the child's academic progress, the school official shall initiate and participate in a school engagement meeting. The purpose of the school engagement meeting is to identify the child's barriers to attendance and the interventions that may be used to improve the child's attendance.

(2) A school official may initiate and participate in a school engagement meeting as provided in subparagraph (1) prior to a child being absent from school for greater than or equal to fifteen percent of the days or hours in a school calendar.

b. All of the following individuals shall participate in the school engagement meeting:

(1) The child.

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(2) The child's parent, guardian, or legal or actual custodian, if the child is not an emancipated minor.

(3) A school official.

c. (1) During the school engagement meeting, the participants shall create and sign an agreement that shall be known as an absenteeism prevention plan. Each participant signing the absenteeism prevention plan shall receive a copy of the plan. The absenteeism prevention plan shall identify the causes of the child's absences and the future responsibilities of each participant related to the child's attendance.

(2) A school official shall monitor the participants' compliance with the terms of the absenteeism prevention plan. The school official shall contact the participants at least once each week during the remainder of the school calendar to monitor the performance of the participants under the plan.

d. During the school engagement meeting, the participants may initiate referrals to any services or counseling that the participants believe may be appropriate under the circumstances to improve the child's attendance.

e. If the participants in the school engagement meeting fail to enter into an absenteeism prevention plan, or if the child or the child's parent, guardian, or legal or actual custodian violates a term of the absenteeism prevention plan or fails to participate in the school engagement meeting, the county attorney may initiate a proceeding under section 299.6.

f. This subsection is not applicable to a child who is receiving competent private instruction or independent private instruction in accordance with the requirements of chapter 299A.

97 Acts, ch 41, §32; 97 Acts, ch 174, §5, 7; 2004 Acts, ch 1043, §7, 8, 10; 2013 Acts, ch 121, §96; 2024 Acts, ch 1152, §19; 2025 Acts, ch 52, §4, 5; 2025 Acts, ch 143, §4

Referred to in §299.6, 299.13

299.13 Civil enforcement.

A person shall not disseminate or redisseminate information shared with the person pursuant to section 299.12, unless specifically authorized to do so by section 217.30 or 299.12. Unless a prohibited dissemination or redissemination of information is subject to injunction or sanction under other state or federal law, an action for judicial enforcement may be brought in accordance with this section. An aggrieved person, the attorney general, or a county attorney may seek judicial enforcement of the requirements of this section in an action brought against the public school or accredited nonpublic school or any other person who has been granted access to information pursuant to section 299.12. Suits to enforce this section shall be brought in the district court for the county in which the information was disseminated or redisseminated. Upon a finding by a preponderance of the evidence that a person has violated this section, the court shall issue an injunction punishable by civil contempt ordering the person in violation of this section to comply with the requirements of, and to refrain from any violations of, section 299.12 with respect to the dissemination or redissemination of information shared with the person pursuant to section 299.12.

97 Acts, ch 174, §6; 2004 Acts, ch 1043, §9; 2024 Acts, ch 1152, §20

299.14 Reserved.

299.15 Reports by school officers and employees.

All school officers and employees shall promptly report to the secretary of the school corporation any violations of the truancy law of which they have knowledge, and the secretary shall inform the president of the board of directors who shall, if necessary, call a meeting of the board to take such action thereon as the facts justify.

[S13, §2823-g; C24, 27, 31, 35, 39, §**4424;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.15]

299.16 Failure to attend — report. Repealed by 2009 Acts, ch 54, §14.

299.17 Reserved.

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299.18 Education of certain children who are deaf or hard of hearing, blind, or have severe disabilities.

Children who are of compulsory attendance age and who are so deaf or hard of hearing, or blind, or have such severe disabilities so as to be unable to obtain an education in the public or accredited nonpublic schools shall be sent to the appropriate state-operated school, or shall receive appropriate special education under chapter 256B, unless exempted, and any person having such a child under the person's control or custody shall see that the child attends the state-operated school or special education program during the scholastic year.

[S13, §2718-c; C24, 27, 31, 35, 39, §**4427;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.18]

91 Acts, ch 200, §16; 96 Acts, ch 1129, §76; 2020 Acts, ch 1102, §21
Referred to in §299.19, 299.20

299.19 Proceeding against parent.

Upon the failure of a person having the custody and control of a child who is blind, deaf or hard of hearing, or has severe disabilities to require the child's attendance as provided in section 299.18, the state board of regents may make application to the district court or the juvenile court of the county in which the person resides for an order requiring the person to compel the attendance of the child at the proper state-operated school.

[S13, §2718-d, -e; C24, 27, 31, 35, 39, §**4428;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.19]

91 Acts, ch 200, §17; 96 Acts, ch 1129, §77; 2020 Acts, ch 1102, §22
Referred to in §299.20

299.20 Order.

Upon the filing of the application mentioned in section 299.19, the time of hearing shall be determined by the juvenile court or the district court. If, upon hearing, the court determines that the person required to appear has the custody and control of a child who should be required to attend a state-operated school under section 299.18, the court shall make an order requiring the person to keep the child in attendance at the state-operated school.

[C24, 27, 31, 35, 39, §**4429;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.20]

91 Acts, ch 200, §18

299.21 Contempt.

A failure to comply with the order of the court shall subject the person against whom the order is made to punishment the same as in ordinary contempt cases.

[C24, 27, 31, 35, 39, §**4430;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.21]
Contempts, chapter 665

299.22 When deaf or hard of hearing and blind children excused.

Attendance at the state-operated school may be excused when the superintendent of the state-operated school certifies that an interdisciplinary staffing team has determined, pursuant to the requirements of chapter 256B, that the child is efficiently taught for the scholastic year in an accredited nonpublic or other school devoted to the instruction, by a private tutor, in the public schools, or is shown to be physically or mentally unable to attend school under section 299.5.

[S13, §2718-f; C24, 27, 31, 35, 39, §**4431;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.22]

91 Acts, ch 200, §19; 2020 Acts, ch 1102, §23
Referred to in §299.2

299.23 Agent of state board of regents.

The state board of regents may employ an agent to aid in the enforcement of law relative to the education of deaf or hard-of-hearing children and blind children. The agent shall seek out children who should be in attendance at the state schools but who are not, and require such attendance. The agent shall institute proceedings against persons who violate the provisions of said law. The agent shall be allowed compensation at a rate fixed by the board of regents,

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and necessary traveling and hotel expenses while away from home in the performance of duty.

[C24, 27, 31, 35, 39, §**4432;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §299.23]
2020 Acts, ch 1102, §24

299.24 Religious groups exempted from school standards.

When members or representatives of a local congregation of a recognized church or religious denomination established for ten years or more within the state of Iowa prior to July 1, 1967, which professes principles or tenets that differ substantially from the objectives, goals, and philosophy of education embodied in standards set forth in section 256.11, and rules adopted in implementation thereof, file with the director of the department of education proof of the existence of such conflicting tenets or principles, together with a list of the names, ages, and post office addresses of all persons of compulsory school age desiring to be exempted from the compulsory education law and the educational standards law, whose parents or guardians are members of the congregation or religious denomination, the director, subject to the approval of the state board of education, may exempt the members of the congregation or religious denomination from compliance with any or all requirements of the compulsory education law and the educational standards law for two school years. When the exemption has once been granted, renewal of such exemptions for each succeeding school year may be conditioned by the director, with the approval of the board, upon proof of achievement in the basic skills of arithmetic, the communicative arts of reading, writing, grammar, and spelling, and an understanding of United States history, history of Iowa, and the principles of American government, by persons of compulsory school age exempted in the preceding year, which shall be determined on the basis of tests or other means of evaluation selected by the director with the approval of the state board. The testing or evaluation, if required, shall be accomplished prior to submission of the request for renewal of the exemption. Renewal requests shall be filed with the director on or before April 15 of the school year preceding the school year for which the applicants desire exemption.

[C71, 73, 75, 77, 79, 81, §299.24]
85 Acts, ch 212, §21, 22; 89 Acts, ch 296, §26
Referred to in §280.3, 299.2

CHAPTER 299A

PRIVATE INSTRUCTION

Referred to in §256.11, 256.226, 256.228, 256.232, 257.6, 257.31, 261E.3, 261E.8, 273.16, 274.3, 299.1, 299.1B, 299.12

299A.1 Competent private instruction and independent private instruction.
299A.2 Competent private instruction by licensed practitioner.
299A.3 Competent private instruction by parent, guardian, or legal custodian.
299A.4 Annual achievement evaluations — requirements and procedure.
299A.5 Reporting of evaluation results.
299A.6 Failure to make adequate progress.
299A.7 Notice to parents — remediation.
299A.8 Dual enrollment.
299A.9 Children requiring special education.
299A.10 Rulemaking.
299A.11 Student records confidential.
299A.12 Home school assistance program.
299A.13 Recognition of private instruction diplomas, final transcripts, and other written documentation.
299A.14 Verification of enrollment.

299A.1 Competent private instruction and independent private instruction.

1. The parent, guardian, or legal custodian of a child of compulsory attendance age may place the child under competent private instruction or independent private instruction in accordance with this chapter. A parent, guardian, or legal custodian of a child of compulsory attendance age who places the child under private instruction that is not in compliance with

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this chapter, or who otherwise fails to comply with the requirements of this chapter, is subject to the provisions of sections 299.1 through 299.4 and the penalties provided in section 299.6.

2. For purposes of this chapter and chapter 299:

a. "*Competent private instruction*" means either of the following:

(1) Private instruction provided on a daily basis for at least one hundred forty-eight days during a school year, to be met by attendance for at least thirty-seven days each school quarter, by or under the supervision of a licensed practitioner in the manner provided under section 299A.2, which results in the student making adequate progress.

(2) Private instruction provided by a parent, guardian, or legal custodian under section 299A.3.

b. "*Independent private instruction*" means private instruction that meets the following criteria:

(1) Is not accredited.

(2) Provides private or religious-based instruction as its primary purpose.

(3) Provides students in all grade levels with instruction in mathematics, reading and language arts, science, and social studies.

(4) Provides, upon written request from the superintendent of the school district in which the independent private instruction is provided, or from the director of the department of education, a report identifying the primary instructor, location, name of the authority responsible for the independent private instruction, and the names of the students receiving the instruction, who need not be related to the primary instructor.

(5) Is not a nonpublic school and does not provide competent private instruction as defined in this subsection.

(6) Is exempt from all state statutes and administrative rules applicable to a school, a school board, or a school district, except as otherwise provided in chapter 299 and this chapter.

c. "*Private instruction*" means instruction using a plan and a course of study in a setting other than a public or organized accredited nonpublic school.

91 Acts, ch 200, §20; 2013 Acts, ch 121, §87, 97; 2021 Acts, ch 88, §3 – 5; 2026 Acts, ch 1086, §97, 101

Referred to in §299.11, 321.178, 321.194, 422.12
Subsection 2, paragraph b amended

299A.2 Competent private instruction by licensed practitioner.

If a licensed practitioner provides competent instruction to a school-age child, the practitioner shall possess a valid license or certificate which has been issued by the state board of educational examiners under chapter 256, subchapter VII, part 3, and which is appropriate to the ages and grade levels of the children to be taught. Competent private instruction may include but is not limited to a home school assistance program which provides instruction or instructional supervision offered through an accredited nonpublic school or public school district by a teacher, who is employed by the accredited nonpublic school or public school district, who assists and supervises a parent, guardian, or legal custodian in providing instruction to a child. If competent private instruction is provided through a public school district, the child shall be enrolled and included in the basic enrollment of the school district as provided in section 257.6. Sections 299A.3 through 299A.7 do not apply to competent private instruction provided by a licensed practitioner under this section. However, the reporting requirement contained in section 299A.3, subsection 1, shall apply to competent private instruction provided by licensed practitioners that is not part of a home school assistance program offered through an accredited nonpublic school or public school district.

91 Acts, ch 200, §21; 92 Acts, ch 1135, §10; 92 Acts, ch 1247, §48; 2011 Acts, ch 132, §21, 31, 106; 2023 Acts, ch 19, §2599

Referred to in §261E.3, 299.4, 299A.1, 422.12

299A.3 Competent private instruction by parent, guardian, or legal custodian.

A parent, guardian, or legal custodian of a child of compulsory attendance age providing competent private instruction to the child may meet all of the following requirements:

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1. Complete and send, in a timely manner, the report required under section 299.4 to the school district of residence of the child.

2. Ensure that the child under the parent's, guardian's, or legal custodian's instruction is evaluated annually to determine whether the child is making adequate progress, as defined in section 299A.6.

3. Ensure that the results of the child's annual evaluation are reported to the school district of residence of the child and to the department of education by a date not later than August 1 of the year following the school year in which the child was under competent private instruction pursuant to this section.

91 Acts, ch 200, §22; 2013 Acts, ch 121, §88; 2021 Acts, ch 88, §6
Referred to in §299A.1, 299A.2, 422.12

299A.4 Annual achievement evaluations — requirements and procedure.

1. Each child of compulsory attendance age who is receiving competent private instruction shall either be evaluated annually by May 31, using a nationally recognized standardized achievement evaluation or other assessment tool developed or recognized by the department of education and chosen by the child's parent, guardian, or legal custodian from a list of approved evaluations or assessment tools provided by the department of education or be evaluated annually in the manner provided in subsection 7. The department shall provide information on the cost of and the administration time required for each of the approved evaluations. The department shall provide, as part of approval procedures for evaluations to be used under this section, a mechanism which permits the introduction and approval of new or alternate methods of educational assessment which meet the requirements of this chapter.

2. A child, who is seven years of age and is receiving competent private instruction or who is placed under competent private instruction for the first time, shall be administered an evaluation for purposes of obtaining educational baseline data.

3. The director of the department of education, or the director's designee, which may include a school district or an area education agency, shall conduct the evaluations required under subsections 1 and 2 for children under competent private instruction. Evaluation shall occur at a time and a place to be determined by the person responsible for conducting the evaluation. Persons conducting the evaluations shall make every reasonable effort to conduct the evaluations at times and places which are convenient for the parent, guardian, or legal custodian.

4. The parent, guardian, or legal custodian of a child receiving competent private instruction may be present when the child is evaluated, but only if both the parent, guardian, or legal custodian and the child are under the supervision of the evaluation administrator.

5. The conducting of evaluations shall include, but is not limited to, purchasing of evaluation materials, giving the evaluations, scoring and interpreting the evaluations, and reporting the evaluation results.

6. A school district or area education agency shall, if requested, administer the annual achievement evaluation at no cost to the parent, guardian, or legal custodian of the child being evaluated, and, in addition, the parent, guardian, or legal custodian is not required to reimburse the evaluating entity for costs incurred as a result of evaluation under section 299A.9. The administration of the annual achievement evaluation shall not constitute a dual enrollment purpose under section 299A.8.

7. *a.* In lieu of annual achievement evaluations, a parent, guardian, or legal custodian of a child may submit, as evidence of adequate academic progress, all of the following:

(1) A book of lesson plans, a diary, or other written record indicating the subjects taught and activities in which the child has been engaged.

(2) A portfolio of the child's work, including but not limited to, an outline of the curriculum used by the child, copies of homework completed in conjunction with the curriculum and instruction, and copies of evaluations completed by the child which have been produced by the parent, guardian, or legal custodian.

(3) Completed assessment evaluations, other than the annual achievement evaluation,

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if assessment evaluations are administered to a pupil as part of the competent private instruction by the parent, guardian, or legal custodian.

b. If a parent, guardian, or legal custodian submits evidence under this section, the information shall be reviewed by a qualified, licensed, Iowa practitioner selected as the evaluator by the parent, guardian, or legal custodian and approved by the superintendent of the local school district or the superintendent's designee. The evaluator shall prepare a report based on a review of the child's work submitted, which shall include an assessment of the child's achievement or academic progress levels, and submit a copy of the report to the child's parent, guardian, or legal custodian, the school district of residence of the child, and the department of education. If the evidence demonstrates, in the evaluator's opinion, that the child is achieving adequate progress, the report shall create a presumption that the child is making adequate progress.

91 Acts, ch 200, §23; 92 Acts, ch 1163, §68; 2010 Acts, ch 1061, §180; 2013 Acts, ch 88, §33; 2021 Acts, ch 88, §7

Referred to in §261E.3, 299A.2, 299A.6

299A.5 Reporting of evaluation results.

The results of evaluations administered to children of compulsory attendance age who are under competent private instruction shall be reported by the evaluation administrator to the child's parent, guardian, or legal custodian, the school district of residence of the child, and the department of education. Personally identifiable information relating to or contained in the evaluation scores is confidential and shall not be released without the prior consent of the child's parent, guardian, or custodian except as otherwise permitted by law.

91 Acts, ch 200, §24; 92 Acts, ch 1163, §69

Referred to in §299A.2

299A.6 Failure to make adequate progress.

1. If the results of evaluations, administered to a child of compulsory attendance age who is under competent private instruction, indicate that the student has failed to make adequate progress, the parent, guardian, or legal custodian shall cause the child to attend an accredited public or nonpublic school at the beginning of the next school year unless, before the beginning of the next school year, the child retakes a different form of the same evaluation, or another evaluation from the approved list of tests or assessment tools recognized by the department of education, and the results indicate that adequate progress has been made, the child has demonstrated adequate performance in the opinion of an evaluator and documented in a report under section 299A.4, subsection 7, or the director of the department of education, or the director's designee, grants approval for competent private instruction to continue under a plan for remediation.

2. A child who is required to attend an accredited public or nonpublic school under this section shall continue attendance at an accredited public or nonpublic school until the child achieves adequate progress.

3. This section shall not be construed to require or prohibit testing on any subject matter at intervals more frequently or at grade levels other than those set forth in section 256.7, subsection 21, paragraph *"b"*, subparagraph (2).

4. For purposes of this chapter, *"adequate progress"* means, for children in all grade levels of competent private instruction, evaluation scores which are above the thirtieth percentile, nationally normed, in each of the areas of reading, mathematics, and language arts, and which indicate either that the child has made six months' progress from the previous evaluation results or that the child is at or above grade level for the child's age. For children in grade levels six and above, *"adequate progress"* also means that the child has achieved evaluation scores in both science and social studies which are above the thirtieth percentile, nationally normed, and which either indicate that the child has made six months' progress from the previous evaluation results or that the child is at or above grade level for the child's age.

91 Acts, ch 200, §25; 91 Acts, ch 258, §41; 92 Acts, ch 1135, §11; 2017 Acts, ch 54, §76; 2021 Acts, ch 88, §8

Referred to in §299A.2, 299A.3

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299A.7 Notice to parents — remediation.

If a child is placed under competent private instruction and the child fails to make adequate progress under competent private instruction, the director of the department of education, or the director's designee, shall notify the parent, guardian, or custodian of the child that the child is required to attend an accredited public or nonpublic school, unless approval for competent private instruction under a remediation plan is granted. The director, or the director's designee, may provisionally approve continued competent private instruction under an approved remediation plan designed to improve instruction for up to one year.

91 Acts, ch 200, §26

Referred to in §299A.2

299A.8 Dual enrollment.

1. If a parent, guardian, or legal custodian of a school-age child who is receiving competent private instruction under this chapter submits a request, the child shall also be registered in a public school for dual enrollment purposes. If the child is enrolled in a public school district for dual enrollment purposes, the child shall be permitted to participate in any academic activities in the district and shall also be permitted to participate on the same basis as public school children in any extracurricular activities available to children in the child's grade or group. Dual enrollment of a child solely for purposes of accessing the annual achievement evaluation shall not constitute a dual enrollment purpose.

2. If the child is enrolled for dual enrollment purposes, the child shall be included in the public school's basic enrollment under section 257.6. A pupil who is participating only in extracurricular activities shall be counted under section 257.6, subsection 1, paragraph *"a"*, subparagraph (6). A pupil enrolled in grades nine through twelve under this section shall be counted in the same manner as a shared-time pupil under section 257.6, subsection 1, paragraph *"a"*, subparagraph (3).

91 Acts, ch 200, §27; 92 Acts, ch 1163, §70; 92 Acts, ch 1247, §49; 2001 Acts, ch 159, §16; 2001 Acts, ch 176, §38; 2007 Acts, ch 22, §67; 2011 Acts, ch 132, §22, 31, 106; 2013 Acts, ch 88, §34

Referred to in §257.6, 299A.4, 299A.9

299A.9 Children requiring special education.

1. A child of compulsory attendance age who is identified as requiring special education under chapter 256B is eligible for placement under competent private instruction.

2. A child who has been placed under competent private instruction, whose performance indicates that the child may require special education, shall be referred for evaluation under chapter 256B and the rules of the state board of education. Evaluation shall occur at a time and a place to be determined by the person responsible for conducting the evaluation. Persons conducting the evaluations shall make every reasonable effort to conduct the evaluations at times and places which are convenient for the parent, guardian, or legal custodian.

3. The parent, guardian, or legal custodian of a child who is identified as requiring special education may request dual enrollment pursuant to section 299A.8. The appropriate special education services for the child shall be determined pursuant to chapter 256B and rules adopted pursuant to chapter 256B.

91 Acts, ch 200, §28; 2023 Acts, ch 91, §22, 23

Referred to in §299A.4

299A.10 Rulemaking.

The department of education shall develop and recommend and the state board shall adopt rules to implement this chapter.

91 Acts, ch 200, §29

299A.11 Student records confidential.

Notwithstanding any provision of law or rule to the contrary, personal information in records regarding a child receiving competent private instruction or independent private instruction pursuant to this chapter, which are maintained, created, collected, or assembled by or for a state agency, shall be kept confidential in the same manner as personal

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information in student records maintained, created, collected, or assembled by or for a school corporation or educational institution in accordance with section 22.7, subsection 1.

2006 Acts, ch 1152, §48; 2013 Acts, ch 121, §98

299A.12 Home school assistance program.

1. The board of directors of a school district shall expend moneys received pursuant to section 257.6, subsection 1, paragraph *"a"*, subparagraph (5), and amounts designated from the school district's flexibility account under section 298A.2, subsection 2, for purposes of providing a home school assistance program.

2. Purposes for which a school district may expend funds received pursuant to section 257.6, subsection 1, paragraph *"a"*, subparagraph (5), or amounts designated from the school district's flexibility account under section 298A.2, subsection 2, shall include but not be limited to the following:

a. Instruction for students and assisting parents with instruction.

b. Support services for students and teaching parents and staff support services.

c. Salary and benefits for the supervising teacher of the home school assistance program students. If the teacher is a part-time home school assistance program teacher and a part-time regular classroom teacher, funds received pursuant to section 257.6, subsection 1, paragraph *"a"*, subparagraph (5), or amounts designated from the school district's flexibility account under section 298A.2, subsection 2, may be used only for the portion of time in which the teacher is a home school assistance program teacher.

d. Salary and benefits for clerical and office staff of the home school assistance program. If the staff members are shared with other programs or functions within the district, funds received pursuant to section 257.6, subsection 1, paragraph *"a"*, subparagraph (5), or amounts designated from the school district's flexibility account under section 298A.2, subsection 2, shall only be expended for the portion of time spent providing the home school assistance program services.

e. Staff development for the home school assistance program teacher.

f. Travel for the home school assistance program teacher.

g. Resources, materials, computer software and hardware, supplies, and purchased services that meet the following criteria:

(1) Are necessary to provide the services of home school assistance.

(2) Are retained as the possessions of the school district for its prekindergarten through grade twelve home school assistance program.

3. Purposes for which a school district shall not expend funds received pursuant to section 257.6, subsection 1, paragraph *"a"*, subparagraph (5), or amounts designated from the school district's flexibility account under section 298A.2, subsection 2, include but are not limited to the following:

a. Indirect costs or use charges.

b. Operational or maintenance costs other than those necessary to operate and maintain the program.

c. Capital expenditures other than equipment or facility acquisition, including the lease or rental of space to supplement existing schoolhouse facilities.

d. Student transportation except in cases of home school assistance program-approved field trips or other educational activities.

e. Administrative costs other than the costs necessary to administer the program.

f. Concurrent and dual enrollment costs and postsecondary enrollment options program costs.

g. Any other expenditures not directly related to providing the home school assistance program. A home school assistance program shall not provide moneys to parents or students utilizing the program.

4. The purposes for and limitations on the expenditure of funds under subsections 2 and 3 shall not be construed to prohibit a school corporation from authorizing the use of items and materials purchased for the home school assistance program for school district purposes other than the home school assistance program so long as the authorized use does not prevent or interfere with the item or material's use by parents or students utilizing the program.

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5. Unless otherwise prohibited by law, and if the statutory requirements for use of home school assistance program funding have been met, including funding all purposes listed in subsection 2 and funding all requests for services and materials from parents or guardians of students eligible to access the program, all or a portion of the moneys received by a school district pursuant to section 257.6, subsection 1, paragraph *"a"*, subparagraph (5), that remain unexpended and unobligated at the end of a budget year beginning on or after July 1, 2017, may be transferred for deposit in the school district's flexibility account established under section 298A.2, subsection 2.

2010 Acts, ch 1183, §40; 2011 Acts, ch 132, §23 – 26, 106; 2017 Acts, ch 154, §7 – 11; 2018 Acts, ch 1112, §15 – 17

Referred to in §257.6, 298A.2

299A.13 Recognition of private instruction diplomas, final transcripts, and other written documentation.

1. A student who completes a program of secondary education under competent private instruction or independent private instruction in accordance with this chapter shall be deemed to have completed a high school education.

2. The parent, guardian, legal custodian, or instructor responsible for providing the program of secondary education under competent private instruction or independent private instruction in accordance with this chapter may issue a diploma, final transcript, or other written documentation evidencing academic achievements and the completion of the program of secondary education.

3. A diploma, final transcript, or other written documentation issued pursuant to subsection 2 shall be accepted under the laws of this state in the same manner as a high school diploma, final transcript, or other written documentation issued by a school district or an accredited nonpublic school for all purposes, including but not limited to all of the following:

a. Admission to postsecondary education or training programs.

b. Eligibility for employment.

c. Qualification for occupational licensure, certification, or registrations.

d. Access to state and local programs, benefits, and opportunities.

e. Any other purpose under the laws of this state in which a high school diploma is a condition or a qualification.

4. The state, a political subdivision of the state, or any other person shall not deny or restrict any right, privilege, or benefit available to an individual solely because the individual's diploma, final transcript, or other written documentation was issued pursuant to subsection 2.

5. A student who completes a program of secondary education under competent private instruction or independent private instruction in accordance with this chapter shall not be required to obtain a high school equivalency diploma or other alternative credential.

2026 Acts, ch 1086, §98, 100, 101

Section applies to any diplomas, final transcripts, or other written documentation issued before, on, or after May 12, 2026; 2026 Acts, ch 1086, §100

NEW section

299A.14 Verification of enrollment.

The parent, guardian, or legal custodian of a child of compulsory attendance age shall have the authority to execute any document required by law to verify any of the following:

1. The placement of a child under competent private instruction or independent private instruction.

2. The child's full-time or part-time status in competent private instruction or independent private instruction.

3. The grades the child has obtained in competent private instruction or independent private instruction.

4. Any other required educational information.

2026 Acts, ch 1086, §99, 101

NEW section

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CHAPTER 300

EDUCATIONAL AND RECREATIONAL TAX

Referred to in §274.3, 276.10, 276.11

300.1	Public recreation.	300.3	Discontinuance of levy.
300.2	Tax levy.	300.4	Community education.

300.1 Public recreation.

Boards of directors of school districts may establish and maintain for children and adults public recreation places and playgrounds, and necessary accommodations for the recreation places and playgrounds, in the public school buildings and grounds of the district. The board may cooperate under chapter 28E with a public agency having the custody and management of public parks or public buildings and grounds, and with a private agency having custody and management of buildings or grounds open to the public, located within the school district, and may provide for the supervision and instruction necessary to carry on public educational and recreational activities in the parks, buildings, and grounds located within the district.

[S13, §2823-u; C24, 27, 31, 35, 39, §**4433;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §300.1; 81 Acts, ch 95, §2]

Referred to in §298A.6

300.2 Tax levy.

1. The board of directors of a school district may, and upon receipt of a petition signed by eligible electors equal in number to at least twenty-five percent of the number of voters at the last preceding school election, shall, direct the county commissioner of elections to submit to the registered voters of the school district the question of whether to levy a tax of not to exceed thirteen and one-half cents per thousand dollars of assessed valuation for public educational and recreational activities authorized under this chapter. The question shall be submitted at an election held on a date specified in section 39.2, subsection 4, paragraph "*c*".

2. If a majority of the votes cast upon the proposition is in favor of the proposition, the board shall certify the amount required for a fiscal year to the county board of supervisors by April 30 of the preceding fiscal year. The board of supervisors shall levy the amount certified. The amount shall be placed in the public education and recreation levy fund of the district and shall be used only for the purposes specified in this chapter.

3. The proposition to levy the public recreation and playground tax is not affected by a change in the boundaries of a school district, except as otherwise provided in this section. If each district involved in school reorganization under chapter 275 has adopted the public recreation and playground tax, and if the voters have not voted upon the proposition to levy the public recreation and playground tax in the reorganized district, the existing public recreation and playground tax shall be in effect for the reorganized district for the least amount that has been approved in any of the districts and until discontinued pursuant to section 300.3.

4. A levy under this chapter shall not be approved by the voters on or after May 4, 2023.

[S13, §2823-u1, -u2; C24, 27, 31, 35, 39, §**4434, 4435;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §300.2, 300.3; 81 Acts, ch 95, §3]

93 Acts, ch 1, §13; 93 Acts, ch 160, §17; 94 Acts, ch 1029, §29; 95 Acts, ch 67, §53; 2008 Acts, ch 1115, §53, 71; 2023 Acts, ch 71, §20, 21, 77, 98

Referred to in §276.12, 298A.6, 300.3, 300.4, 423F.3

2023 amendment to subsection 2 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

300.3 Discontinuance of levy.

Once approved at an election, the authority of the board to levy and collect the tax under section 300.2 shall continue until the board votes to rescind the levy and collection of the tax or the voters of the school district by majority vote order the discontinuance of the levy and

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collection of the tax. The tax shall be discontinued in the manner provided in this section or in the manner provided for imposition of the tax in section 300.2.

[S13, §2823-u4, -u5; C24, 27, 31, 35, 39, §**4437, 4438;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §300.5, 300.6; 81 Acts, ch 95, §4]

Referred to in §300.2, 300.4

300.4 Community education.

The tax levied under sections 300.2 and 300.3 may also be used for community education purposes under chapter 276.

[81 Acts, ch 95, §5]

CHAPTER 301

TEXTBOOKS

Referred to in §274.3

DISTRICT UNIFORMITY

301.1 Adoption — purchase and sale — accredited nonpublic school pupil textbook services.
301.2 Custodian — bond.
301.3 Annual settlement by board of directors.
301.4 Payment from general fund.
301.5 Purchase — exchange.
301.6 Suit on bond.
301.7 through 301.9 Reserved.
301.10 Textbook suppliers.
301.11 Bond.

RESERVED

301.12 through 301.23 Reserved.

FREE TEXTBOOKS

301.24 Petition — election.
301.25 Loaning books.
301.26 General regulations.
301.27 Discontinuance of loaning.
301.28 Officers and teachers as agents for books and supplies — penalty.
301.29 and 301.30 Repealed by 2002 Acts, ch 1140, §44.

DISTRICT UNIFORMITY

301.1 Adoption — purchase and sale — accredited nonpublic school pupil textbook services.

1. The board of directors of each and every school district is hereby authorized and empowered to adopt textbooks for the teaching of all branches that are now or may hereafter be authorized to be taught in the public schools of the state, and to contract for and buy said books and any and all other necessary school supplies at said contract prices, and to sell the same to the pupils of their respective districts at cost, loan such textbooks to such pupils free, or rent them to such pupils at such reasonable fee as the board shall fix, and said money so received shall be returned to the general fund.

2. Textbooks adopted and purchased by a school district shall, to the extent funds are appropriated by the general assembly, be made available to pupils attending accredited nonpublic schools upon request of the pupil or the pupil's parent under comparable terms as made available to pupils attending public schools. If the general assembly appropriates moneys for purposes of making textbooks available to accredited nonpublic school pupils, the department of education shall ascertain the amount available to a school district for the purchase of textbooks for pupils attending accredited nonpublic schools. The amount shall be in the proportion that the basic enrollment of a participating accredited nonpublic school bears to the sum of the basic enrollments of all participating accredited nonpublic schools in the state for the budget year. For purposes of this section, a *"participating accredited nonpublic school"* means an accredited nonpublic school that submits a written request on behalf of the school's pupils in accordance with this subsection, and that certifies its

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actual enrollment to the department of education by October 1, annually. By November 1, annually, the department of education shall certify to the director of the department of administrative services the annual amount to be paid to each school district, and the director of the department of administrative services shall draw warrants payable to school districts in accordance with this subsection. For purposes of this subsection, an accredited nonpublic school's enrollment count shall include only students who are residents of Iowa. The costs of providing textbooks to accredited nonpublic school pupils as provided in this subsection shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Textbook expenditures made in accordance with this subsection shall be kept on file in the school district. In the event that a participating accredited nonpublic school physically relocates to another school district, textbooks purchased for the nonpublic school with funds appropriated for purposes of this chapter shall be transferred to the school district in which the nonpublic school has relocated and may be made available to the nonpublic school. Funds distributed to a school district for purposes of purchasing textbooks in accordance with this subsection which remain unexpended and available for the purchase of textbooks for the nonpublic school that relocated in the fiscal year in which the funds were distributed shall also be transferred to the school district in which the nonpublic school has relocated.

3. As used in subsection 2, *"textbooks"* means any of the following:

a. Books and loose-leaf or bound manuals, systems of reusable instructional materials or combinations of books and supplementary instructional materials which convey information to the student or otherwise contribute to the learning process.

b. Electronic textbooks, including but not limited to computer software, applications using computer-assisted instruction, interactive videodisc, and other computer courseware and magnetic media.

c. Laptop computers or other portable personal computing devices which are used for nonreligious instructional purposes only.

[C97, §2824; C24, 27, 31, 35, 39, §**4446;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.1]

93 Acts, ch 63, §1; 96 Acts, ch 1113, §1; 2002 Acts, ch 1140, §31; 2003 Acts, ch 145, §286; 2004 Acts, ch 1101, §33; 2005 Acts, ch 169, §34; 2006 Acts, ch 1152, §49; 2010 Acts, ch 1077, §1; 2011 Acts, ch 34, §75; 2026 Acts, ch 1120, §9

Subsection 2 amended

301.2 Custodian — bond.

The books and supplies so purchased shall be under the charge of the board, who may select one or more persons within the county to keep said books and supplies as the depository agent of the board under such rules and regulations as the board shall adopt. The board shall require of each person so appointed a bond in such sum as may seem to the board to be desirable, the reasonable cost of which, if a bond of an association or corporation as surety is furnished, shall be paid by the district. The board shall adopt rules and regulations to provide that no textbook in any branch determined by the board to be taught in the schools under its charge, shall be sold or rented by such depository agent to the pupils in such schools as a textbook other than those textbooks authorized by said board for use by the pupils in such schools; to provide that no such textbook shall be sold or rented by such depository agent at a price or fee higher than that fixed by the said board; and to provide such other measures not in conflict with law as are necessary properly to govern said depository agents and safeguard the said books and moneys.

[C97, §2824; C24, 27, 31, 35, 39, §**4447;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.2]

301.3 Annual settlement by board of directors.

At the close of each school year the board of directors in each school district shall cause a complete settlement to be made with each depository agent. A complete inventory of the textbooks on hand, with a statement itemized to show the expenses authorized and paid by the board, and the amount of money collected from each such depository agent during the year from the sale or rental of textbooks, shall be made in duplicate, signed by the secretary

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of the board and the depository agent and one copy filed with the secretary and one with the depository agent.

[C39, §**4447.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.3]

301.4 Payment from general fund.

All the books and other supplies purchased under the provisions of this chapter shall be paid for out of the general fund.

[C97, §2825; C24, 27, 31, 35, 39, §**4448;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.4]

301.5 Purchase — exchange.

In the purchasing of textbooks it shall be the duty of the board of directors to take into consideration the books then in use in the respective districts, and they may buy such additional number of said books as may from time to time become necessary to supply their schools, and they may arrange on equitable terms for exchange of books in use for new books adopted.

[C97, §2826; C24, 27, 31, 35, 39, §**4449;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.5]

301.6 Suit on bond.

If at any time the publishers of such books as shall have been adopted by any board of directors shall neglect or refuse to furnish such books when ordered by said board in accordance with the provisions of this chapter, at the very lowest price, either contract or wholesale, that such books are furnished any other district or state board, then said board of directors may and it is hereby made their duty to bring suit upon the bond given them by the contracting publisher.

[C97, §2827; C24, 27, 31, 35, 39, §**4450;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.6]

301.7 through 301.9 Reserved.

301.10 Textbook suppliers.

A person or firm desiring to furnish books or supplies under this chapter shall do all of the following:

1. Make available samples of all textbooks accompanied by lists giving the lowest wholesale and contract prices for the textbooks.
2. If requested by the department of education, make available a machine-readable version of a textbook purchased by a school district to the department in the best available format for electronic braille translation.

[C97, §2830; C24, 27, 31, 35, 39, §**4454;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.10]
93 Acts, ch 59, §2; 94 Acts, ch 1175, §15

301.11 Bond.

The board of directors shall require any person or persons with whom they contract for furnishing any books or supplies to enter into a good and sufficient bond, in such sum and with such conditions and sureties as may be required by such board of directors for the faithful performance of any such contract. Bonds of surety companies duly authorized under the laws of Iowa shall be accepted.

[C97, §2830; C24, 27, 31, 35, 39, §**4455;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.11]

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301.12 through 301.23 Reserved.

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FREE TEXTBOOKS

301.24 Petition — election.

Whenever a petition signed by one hundred eligible electors residing in the school district or a number of eligible electors residing in the school district equal to at least ten percent of the number of voters in the last preceding regular school election, whichever is greater, is filed with the secretary sixty days or more before the regular school election, asking that the question of providing free textbooks for the use of pupils in the school district's attendance centers be submitted to the voters at the next regular school election, the secretary shall cause notice of the proposition to be given in the notice of the election.

[C97, §2836; C24, 27, 31, 35, 39, §**4464;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.24]
2001 Acts, ch 56, §15; 2006 Acts, ch 1044, §1; 2009 Acts, ch 57, §82
Referred to in §301.27

301.25 Loaning books.

If, at such election, a majority of the legal voters present and voting by ballot thereon shall authorize the board of directors of said school district to loan textbooks to the pupils free of charge, then the board shall procure such books as shall be needed, in the manner provided by law for the purchase of textbooks, and loan them to the pupils.

[C97, §2837; C24, 27, 31, 35, 39, §**4465;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.25]

301.26 General regulations.

The board shall hold pupils responsible for any damage to, loss of, or failure to return any such books, and shall adopt such rules and regulations as may be reasonable and necessary for the keeping and preservation thereof. Any pupil shall be allowed to purchase any textbook used in the school at cost. No pupil already supplied with textbooks shall be supplied with others without charge until needed.

[C97, §2837; C24, 27, 31, 35, 39, §**4466;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.26]

301.27 Discontinuance of loaning.

The electors may, at any election called as provided in section 301.24, direct the board to discontinue the loaning of textbooks to pupils.

[C97, §2837; C24, 27, 31, 35, 39, §**4467;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.27]

301.28 Officers and teachers as agents for books and supplies — penalty.

1. A school district director, officer, or teacher shall not act as agent for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the school district during such term of office or employment.

2. An area education agency director, officer, or teacher shall not act as an agent for school textbooks or school supplies, including sports apparel or equipment, in any transaction with a director, officer, or other staff member of the area education agency or any school district located within the area education agency during such time of office or employment.

3. A school district or area education agency director, officer, or teacher who acts as agent or dealer in school textbooks or school supplies during the person's term of office or employment in violation of this section shall be deemed guilty of a serious misdemeanor.

[C97, §2834; C24, 27, 31, 35, 39, §**4468;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §301.28]
2009 Acts, ch 54, §12; 2010 Acts, ch 1069, §41
Referred to in §298A.15

301.29 and 301.30 Repealed by 2002 Acts, ch 1140, §44.

CHAPTERS 301A and 302

RESERVED

UNOFFICIAL VERSION
2021 FINAL RELEASE

SUBTITLE 7

HISTORIC AND CULTURAL PRESERVATION

CHAPTER 303

LAND USE DISTRICTS

Referred to in §423A.4

Provisions regarding certain duties of former department of cultural affairs transferred to chapters 8A and 15; 2023 Acts, ch 19, §1424, 2125, 2129

303.1 through 303.2 Repealed by 2023 Acts, ch 19, §2124.
303.3 through 303.3E Transferred to §15.436 through 15.441; 2023 Acts, ch 19, §2125.
303.4 through 303.11 Transferred to §8A.703 through 8A.711; 2023 Acts, ch 19, §1424.
303.12 through 303.15 Repealed by 2003 Acts, ch 92, §21.
303.16 Historical resource development program — country school grants. Transferred to §8A.712; 2023 Acts, ch 19, §1424.
303.17 Iowa studies — findings — curriculum — committee. Repealed by its own terms; 2010 Acts, ch 1188, §31, 33.
303.18 Rural electric cooperatives and municipal utilities — historic properties — archeological site surveys. Transferred to §15.122; 2023 Acts, ch 19, §2129.
303.19 American civil war sesquicentennial advisory committee. Repealed by its own terms; 2008 Acts, ch 1057, §3.
303.20 through 303.34 Transferred to §15.445 through 15.459; 2023 Acts, ch 19, §2125.
303.35 through 303.40 Reserved.
303.41 Eligibility and purpose.
303.42 Petition.
303.43 Jurisdiction — decisions — records.
303.44 Date and notice of hearing.
303.45 Hearing of petition and order.
303.46 Notice of election.
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303.49 Election of trustees — terms — vacancies.
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303.52 Board of trustees — powers and duties.
303.52A Inclusion or exclusion of land.
303.53 Changes and amendments.
303.54 Board of adjustment.
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303.56 Rules.
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303.60 Vote required.
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303.62 Review by court.
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303.64 Precedence.
303.65 Restraining order.
303.66 Taxes — power to levy — tax sales.
303.67 Records and disbursements.
303.68 Conflict with other regulations.
303.69 through 303.85 Reserved.
303.86 through 303.89 Transferred to §15.465 through 15.467, 15.470; 2023 Acts, ch 19, §2125.
303.90 through 303.94 Reserved.
303.95 Film office establishment and purpose. Repealed by 2023 Acts, ch 19, §2124.

303.1 through 303.2 Repealed by 2023 Acts, ch 19, §2124.

303.3 through 303.3E Transferred to §15.436 through 15.441; 2023 Acts, ch 19, §2125.

303.4 through 303.11 Transferred to §8A.703 through 8A.711; 2023 Acts, ch 19, §1424.

303.12 through 303.15 Repealed by 2003 Acts, ch 92, §21. See chapter 8A, subchapter VI.

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303.16 Historical resource development program — country school grants. Transferred to §8A.712; 2023 Acts, ch 19, §1424.

303.17 Iowa studies — findings — curriculum — committee. Repealed by its own terms; 2010 Acts, ch 1188, §31, 33.

303.18 Rural electric cooperatives and municipal utilities — historic properties — archeological site surveys. Transferred to §15.122; 2023 Acts, ch 19, §2129.

303.19 American civil war sesquicentennial advisory committee. Repealed by its own terms; 2008 Acts, ch 1057, §3.

303.20 through 303.34 Transferred to §15.445 through 15.459; 2023 Acts, ch 19, §2125.

303.35 through 303.40 Reserved.

303.41 Eligibility and purpose.

A land use district shall not be created under this chapter unless it is an area of contiguous territory encompassing twenty thousand acres or more of predominately rural and agricultural land owned by a single entity which has within its general boundaries at least seven platted villages which are not incorporated as municipalities at the time the district is organized. The eligible electors may create a land use district to conserve the distinctive historical and cultural character and peculiar suitability of the area for particular uses with a view to conserving the value of all existing and proposed structures and land and to preserve the quality of life of those citizens residing within the boundaries of the contiguous area by preserving its historical and cultural quality.

83 Acts, ch 108, §1
Referred to in §303.48, 303.64

303.42 Petition.

Eligible electors residing within the limits of a proposed land use district equal in number to at least ten percent or more of the registered voters residing within the limits of a proposed land use district may file a petition in the office of the county auditor of the county in which the proposed land use district, or its major portion, is located, requesting that there be submitted to the registered voters of the proposed district the question of whether the territory within the boundaries of the proposed district shall be organized as a land use district under this chapter. The petition shall be addressed to the board of supervisors of the county where it is filed and shall set forth the following:

1. An intelligible description of the boundaries of the territory to be embraced in the district.
2. The name of the proposed district.
3. That the territory to be embraced in the district has a distinctive historical and cultural character which might be preserved by the establishment of the district.
4. That the public welfare will be promoted by the establishment of the district.
5. The signatures of the petitioners.

83 Acts, ch 108, §2; 2001 Acts, ch 56, §16
Referred to in §303.48, 303.64

303.43 Jurisdiction — decisions — records.

The board of supervisors of the county in which the proposed land use district, or its major portion, is located has jurisdiction of the proceedings on the petition as provided in this chapter and the decision of a majority of the members of that board is necessary for adoption. All orders of the board made under this chapter shall be spread at length upon the records of the proceedings of the board of supervisors, but need not be published.

83 Acts, ch 108, §3
Referred to in §303.48, 303.64

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303.44 Date and notice of hearing.

The board of supervisors to whom the petition is addressed, at its next regular, special, or adjourned meeting, shall set the time and place when it will meet for a hearing upon the petition, and direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and prayer of the petition, by publication of a notice once each week for two consecutive weeks in some newspaper of general circulation published in the proposed district. The last publication shall not be less than twenty days prior to the date set for the hearing of the petition. If no such newspaper is published in the proposed district, then notice shall be by posting at least five copies of the notice in the proposed district at least twenty days before the hearing. Proof of giving notice shall be made by affidavit of the publisher or affidavit of the person who posted the notices, and the proof shall be on file with the county auditor at the time the hearing begins. The notice of hearing shall be directed to all persons it may concern, and shall state the following:

1. That a petition has been filed with the county auditor of that county for establishment of a proposed land use district and the name of the proposed district.
2. An intelligible description of the boundaries of the territory to be embraced in the district.
3. The date, hour, and place where the petition will come on for hearing before the board of supervisors of the named county.
4. That the board of supervisors will fix and determine the boundaries of the proposed district as described in the petition, and at the hearing all interested persons shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding it.

83 Acts, ch 108, §4
Referred to in §303.45, 303.46, 303.48, 303.64

303.45 Hearing of petition and order.

The board of supervisors to whom the petition is addressed shall preside at the hearing provided for in section 303.44 and shall continue the hearing in session, with adjournments from day to day, if necessary, until completed, without being required to give any further notice of it. Proof of the residence and qualification of the petitioners as eligible electors shall be made by affidavit or otherwise as the board may direct. The board shall consider the boundaries of the proposed land use district, whether they shall be as described in the petition or otherwise, and for that purpose may alter and amend the petition and limit or change the boundaries of the proposed district as stated in the petition. The boundaries of a proposed district shall not be changed to include property not included in the original petition and published notice until the owner of that property is given notice as on the original hearing. All persons in the proposed district shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding them. The board of supervisors, after hearing the statements, evidence, and suggestions made and offered at the hearing, shall enter an order fixing the boundaries of the proposed district and directing that an election be held for the purpose of submitting to the registered voters residing within the boundaries of the proposed district the question of organization and establishment of the proposed land use district as determined by the board of supervisors. The order shall fix a date for the election not more than sixty days after the date of the order, establish voting precincts within the proposed district and define their boundaries, and specify the polling places which in the board's judgment will best serve the convenience of the voters, and shall appoint from residents of the proposed district three judges and two clerks of election for each voting precinct established.

83 Acts, ch 108, §5; 2001 Acts, ch 56, §17
Referred to in §303.48, 303.64

303.46 Notice of election.

In its order for the election the board of supervisors shall direct the county auditor to cause notice of the election to be given by posting at least five copies of the notice in public places in

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the proposed district at least twenty days before the date of election and by publication of the notice once each week for three consecutive weeks in some newspaper of general circulation published in the proposed district, or, if no such newspaper is published within the proposed district, then in such a newspaper published in the county in which the major part of the proposed district is located. The last publication is to be at least twenty days prior to the date of election. The notice shall state the time and place of holding the election and the hours when the polls will be open and closed, the purpose of the election, with the name of the proposed district and a description of its boundaries, and shall set forth briefly the limits of each voting precinct and the location of the polling places. Proof of posting and publication shall be made in the manner provided in section 303.44 and filed with the county auditor.

83 Acts, ch 108, §6
Referred to in §303.48, 303.64

303.47 Election.

1. Each registered voter residing within the proposed district may cast a ballot at the election and a person shall not vote in any precinct but that of the person's residence. Ballots at the election shall be in substantially the following form:

For Land Use District .....
Against Land Use District .....

2. The election shall be conducted in the manner provided by law for general elections and the ballots so cast shall be issued, received, returned, and canvassed in the same manner and by the same officers, in the county whose board of supervisors is vested with jurisdiction of the proceedings, as provided by law in the case of ballots cast for county officers, except as modified by this chapter. The board of supervisors shall cause a statement of the result of the election to be spread upon the records of the county auditor. If a majority of the votes cast upon the question of incorporation of the proposed district is in favor of the proposed district, the proposed district becomes an organized district under this chapter.

83 Acts, ch 108, §7; 2001 Acts, ch 56, §18
Referred to in §303.48, 303.64

303.48 Expenses and costs of election.

All expenses incurred in carrying out sections 303.41 through 303.47, including the costs of the election, as determined by the board of supervisors, shall be paid by the county whose board is vested with jurisdiction of the proceedings.

83 Acts, ch 108, §8
Referred to in §303.64

303.49 Election of trustees — terms — vacancies.

1. If the proposition to establish a land use district carries, a special election shall be called by the board of supervisors of the county which conducted the election to form the district. This special election shall be held within the newly created district at a single polling place designated by the county auditor not more than ninety days after the organization of the land use district. The election shall be held for the purpose of electing the initial seven members of the board of trustees of the land use district. The county auditor shall cause notice of the election to be posted and published, and shall perform all other acts with reference to the election, and conduct it in like manner, as nearly as may be, as provided in this chapter for the election on the question of establishing the district. Each trustee must be a United States citizen not less than eighteen years of age and a resident of the district. Each registered voter at the election may write in upon the ballot the names of not more than seven persons whom the voter desires for trustees and may cast not more than one vote for each of the seven persons. The seven persons receiving the highest number of votes cast shall constitute the first board of trustees of the district.

2. Following the initial special election, an annual election shall be held at a single polling place within the district designated by the county auditor for the purpose of electing a trustee to replace a trustee whose term will expire. The board of trustees, in consultation with the county auditor, shall select the election date. The county auditor shall perform all other acts

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with reference to the election and conduct it in like manner, as nearly as may be, as provided in chapters 45 and 49. Each registered voter at the election may vote for one person whom the voter desires as a trustee for each expiring term. The term of office for each trustee elected shall be three years.

3. Vacancies in the office of trustee of a land use district may be filled by the remaining members of the board of trustees for the period extending to the next annual election at which time the registered voters of the district shall elect a new trustee to fill the vacancy for the unexpired term. Expenses incurred in carrying out the annual elections of trustees shall be paid for by the land use district.

4. When the initial board of trustees is elected under this section the trustees shall be ranked in the order of votes received from highest to lowest. Any ties shall be resolved by a random method. The last ranked trustee shall receive an initial term expiring at the next annual election for trustees, the sixth and fifth ranked trustees receive an initial term expiring one year later, the fourth ranked trustee receives an initial term expiring two years after that election, the third and second ranked trustees receive initial terms expiring three years after that election, and the first ranked trustee shall receive an initial term expiring four years after that election.

83 Acts, ch 108, §9; 85 Acts, ch 161, §1; 94 Acts, ch 1169, §64; 97 Acts, ch 83, §1
Referred to in §303.64

303.50 Trustee's bond.

Each trustee shall, before entering upon the duties of office, execute a bond payable to the district, with security to be approved by the board of supervisors which had jurisdiction of the petition for establishment of the district, in a form and amount as that board of supervisors may determine, and file the bond with the county auditor of that county.

83 Acts, ch 108, §10
Referred to in §303.64

303.51 Land use district to be a body corporate.

1. A land use district organized under this chapter is a body corporate and politic, with the name and style under which it was organized, and by that name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter it, and exercise all the powers conferred in this chapter.

2. The courts of this state shall take judicial notice of the existence of a land use district organized under this chapter.

83 Acts, ch 108, §11; 2020 Acts, ch 1062, §94
Referred to in §303.64

303.52 Board of trustees — powers and duties.

1. The trustees elected under this chapter constitute the board of trustees for the district, which is the corporate authority of the district, and shall exercise all the powers and manage and control all the affairs of the district. A majority of the board of trustees is a quorum, but a smaller number may adjourn from day to day. The board of trustees may elect a president, vice president, clerk, and a treasurer from their own number and, from without their own number, employees of the district. The compensation of members of the board of trustees is fixed not to exceed ten dollars per day, or any part of a day, for each day the board is actually in session and ten dollars per day when not in session but employed on board service, and twenty cents for every mile traveled in going to and from sessions of the board and in going to and from the place of performing board service. Members of the board shall not receive compensation for more than sixty days of session and board service each year.

2. The board of trustees shall formulate and administer a land use plan which includes all ordinances, resolutions, rules, and regulations necessary for the proper administration of the land use district. The land use plan shall be created for the primary purpose of regulating and restricting, where deemed necessary, the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land in a manner which would maintain or enhance the distinctive historical and cultural character of the district. The ordinances, resolutions,

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rules, and regulations shall not apply to any tillable farmland, pastureland, timber pasture or forestland located within the district except to structures of an advertising or commercial nature located on the land.

3. The board of trustees shall provide for the manner in which the land use plan shall be established and enforced and amended, supplemented, or changed. However, a plan shall not become effective until after a public hearing on it, at which parties in interest and citizens of the district shall have an opportunity to be heard. At least fifteen days' notice of the time and place of the hearing shall be published in a newspaper of general circulation within the district giving the time, date, and location of the public hearing.

4. *a.* The board of trustees may by ordinance impose a hotel and motel tax in accordance with chapter 423A.

b. All revenues derived from imposition of the hotel and motel tax shall be spent exclusively on the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities, or for the promotion and encouragement of tourist and convention business in the land use district and surrounding areas.

5. The board of trustees shall appoint an administrative officer authorized to enforce the resolutions or ordinances adopted by the board of trustees. The board of trustees may pay the administrative officer the compensation it deems fit from the funds of the district.

83 Acts, ch 108, §12; 85 Acts, ch 161, §2; 2017 Acts, ch 158, §1
Referred to in §303.64, 423A.7

303.52A Inclusion or exclusion of land.

If at least sixty percent of the registered voters of a land area petition the board of supervisors for inclusion in or exclusion from a land use district, the board shall review the petition and determine if the petition contains a sufficient number of registered voters residing in the affected land area and, if the petition is sufficient, submit it to the board of trustees of the land use district. The land area to be included in or excluded from the land use district must be contiguous to the land use district. If two thirds of the membership of the board of trustees vote in favor of the petition, the petition shall be granted and the land area included in or excluded from the district.

85 Acts, ch 161, §3; 2001 Acts, ch 56, §19
Referred to in §303.64

303.53 Changes and amendments.

The land use plan, once established, may be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against a change signed by the owners of twenty percent or more either of the area included in the proposed change, or of the immediately adjacent area and within five hundred feet of the boundaries, the amendment shall not become effective except by the favorable vote of at least eighty percent of all of the members of the board of trustees.

83 Acts, ch 108, §13
Referred to in §303.64

303.54 Board of adjustment.

The board of trustees of the district shall provide for the appointment of a board of adjustment, shall provide that the board of adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the land use plan which are in harmony with its general purpose and intent and in accordance with the general or specific rules of the plan, and provide that a property owner aggrieved by the action of the board of trustees in the adoption of the land use plan may petition the board

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of adjustment directly to modify regulations and restrictions as applied to those property owners.

83 Acts, ch 108, §14
Referred to in §303.64

303.55 Membership — term — compensation.

The board of adjustment shall consist of five members, all of whom shall reside within the district, each to be appointed for a term of five years. For the initial board one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members are removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of a member whose term becomes vacant. The compensation for the members of the board of adjustment is the same as for the members of the board of trustees.

83 Acts, ch 108, §15; 85 Acts, ch 161, §4
Referred to in §303.64

303.56 Rules.

The board of adjustment shall adopt rules in accordance with any regulation or ordinance adopted by the board of trustees pursuant to this chapter. Meetings of the board of adjustment shall be held at the call of the chairperson and at other times as the board determines. The chairperson, or the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

83 Acts, ch 108, §16
Referred to in §303.64

303.57 Appeals to board of adjustment.

Appeals to the board of adjustment may be taken by any person aggrieved or affected by the land use plan or by a decision of the administrative officer. The appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the administrative officer and the board of adjustment a notice of appeal specifying the grounds of the appeal.

83 Acts, ch 108, §17; 85 Acts, ch 161, §5
Referred to in §303.64

303.58 Powers of board.

The board of adjustment may:

1. Hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant to it.

2. Hear and decide special exceptions to the terms of the ordinance upon which the board is required to pass under the ordinance.

3. Authorize upon appeal, in specific cases, a variance from the terms of the land use plan which are not contrary to the public interest, where owing to special conditions a literal enforcement of the plan would result in unnecessary hardship, and so that the spirit of the plan shall be observed and substantial justice done.

83 Acts, ch 108, §18
Referred to in §303.64

303.59 Powers on appeal.

In exercising its powers the board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed

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from and may make the order, requirement, decision, or determination as should be made, and to that end have all the powers of the administrative officer of the board.

83 Acts, ch 108, §19; 85 Acts, ch 161, §6
Referred to in §303.64

303.60 Vote required.

The concurring vote of three members of the board is necessary to reverse an order, requirement, decision, or determination, or to decide in favor of the applicant on a matter upon which it is required to pass under an ordinance or to effect a variation in the land use plan.

83 Acts, ch 108, §20
Referred to in §303.64

303.61 Petition to court.

Any persons, jointly or severally, aggrieved by a decision of the board of adjustment under this chapter, or any taxpayer, may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

83 Acts, ch 108, §21
Referred to in §303.64

303.62 Review by court.

Upon the presentation of a petition, the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment prescribing the time within which a return must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ does not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

83 Acts, ch 108, §22
Referred to in §303.64

303.63 Trial to court.

1. If upon the hearing, which shall be tried de novo, it appears to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take evidence as it directs and report the evidence to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

2. Costs shall not be allowed against the board unless it appears to the court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

83 Acts, ch 108, §23; 2019 Acts, ch 24, §39
Referred to in §303.64

303.64 Precedence.

All issues in any proceedings under sections 303.41 through 303.63 have preference over all other civil actions and proceedings.

83 Acts, ch 108, §24

303.65 Restraining order.

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or a building, structure, or land is used in violation of this chapter or of an ordinance or other regulation made under this chapter, the board of trustees, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate the violation, to prevent the occupancy of

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the building, structure, or land, or to prevent any illegal act, conduct, business, or use in, or about the premises.

83 Acts, ch 108, §25

303.66 Taxes — power to levy — tax sales.

1. The board of trustees of a land use district organized under this chapter may by ordinance levy annually for the purpose of paying the administrative costs of the district, a tax upon real property within the territorial limits of the land use district not exceeding twenty-seven cents per thousand dollars of the adjusted taxable valuation of the property for the preceding fiscal year. The tax shall not be levied on any tillable farmland, pastureland, timber pasture, or forestland located within the district.

2. Taxes levied by the board shall be certified on or before April 30 to the county auditor of each county where any of the property included within the territorial limits of the land use district is located, and shall be placed upon the tax list for the current year. The county treasurer shall collect the taxes in the same manner as other taxes. When delinquent, the taxes shall draw the same interest and penalties as other taxes. All taxes so levied and collected shall be paid over to the treasurer of the district.

3. Sales for delinquent taxes owing to a land use district shall be made at the same time and in the same manner as sales are made for other taxes, and all provisions of the law of this state relating to the sale of property for delinquent taxes are applicable, so far as may be, to such sales.

83 Acts, ch 108, §26; 2016 Acts, ch 1011, §121; 2017 Acts, ch 29, §85; 2023 Acts, ch 71, §78, 98

2023 amendment to subsection 2 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

303.67 Records and disbursements.

The clerk of each land use district shall keep a record of all the proceedings and actions of the trustees. The treasurer shall receive, collect, and disburse all moneys belonging to the district, and no claim shall be paid or disbursement made until it has been duly audited by the board of trustees.

83 Acts, ch 108, §27

303.68 Conflict with other regulations.

If the regulations made under this chapter impose higher standards than are required in any other statute or local ordinance or regulation, the regulations made under this chapter govern. If any other statute or local ordinance or regulation imposes higher standards than are required by the regulations made under authority of this chapter, that statute or ordinance or regulation governs. If a regulation proposed or made under this chapter relates to a structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of a river or stream, prior approval of the department of natural resources is required to establish, amend, supplement, change, or modify the regulation or to grant a variation or exception from it.

83 Acts, ch 108, §28

303.69 through 303.85 Reserved.

303.86 through 303.89 Transferred to §15.465 through 15.467, 15.470; 2023 Acts, ch 19, §2125.

303.90 through 303.94 Reserved.

303.95 Film office establishment and purpose. Repealed by 2023 Acts, ch 19, §2124. See §15.108(7)(g).

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CHAPTER 303A
IOWA CULTURAL TRUST

Transferred to chapter 15, subchapter II, part 30, pursuant to directive; 2023 Acts, ch 19, §2125

CHAPTERS 303B and 303C
RESERVED

CHAPTER 304
STATE FORMS AND RECORDS

Repealed by 2003 Acts, ch 92, §20; see chapter 8A, subchapter VI

CHAPTER 304A
FINE ARTS PROJECTS

Repealed by 2017 Acts, ch 170, §29

CHAPTER 305
STATE RECORDS AND ARCHIVES

Transferred to chapter 8A, subchapter VI, pursuant to directive; 2023 Acts, ch 19, §1399

CHAPTER 305A
RESERVED

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CHAPTER 305B
MUSEUM PROPERTY

Referred to in §8A.702

305B.1	Short title.	305B.8	Notice of intent to preserve an interest in property — requirements — form — disclosure.
305B.2	Definitions.	305B.9	Limitations on actions against museums.
305B.3	Basic notice requirement.	305B.10	Museum obligations.
305B.4	Conservation or disposal of loaned property.	305B.11	Required museum recordkeeping.
305B.5	Notice of injury or loss.	305B.12	Lender obligations to museum.
305B.6	Notice of intent to terminate loan — acquiring title to loaned property.	305B.13	Retroactive applicability.
305B.7	Acquiring title to undocumented property.		

305B.1 Short title.

This chapter may be cited as the *"Museum Property Act"*.

88 Acts, ch 1117, §1
Referred to in §305B.13

305B.2 Definitions.

As used in this chapter, unless the context requires otherwise:

1. *"Claimant"* means a person who files a notice of intent to preserve an interest in property on loan to a museum as provided in section 305B.8.
2. *"Claimant's address"* means the most recent address as shown on a notice of intent to preserve an interest in property on loan to a museum, or notice of change of address, which notice is on file with the museum.
3. *"Lender"* means a person whose name appears on the records of the museum as the person legally entitled to property held or owing by the museum.
4. *"Lender's address"* means the most recent address as shown on the museum's records pertaining to the property on loan from the lender.
5. *"Loan"* means a deposit of property not accompanied by a transfer of title to the property.
6. *"Museum"* means an institution located in Iowa operated by a nonprofit corporation or a public agency, primarily for educational, scientific, historic preservation, or aesthetic purposes, which owns, borrows, cares for, exhibits, studies, archives, or catalogs property. *"Museum"* includes, but is not limited to, historical societies, historic sites or landmarks, parks, monuments, and libraries.
7. *"Property"* means a tangible object, animate or inanimate, under a museum's care which has intrinsic historic, artistic, scientific, or cultural value.
8. *"Undocumented property"* means property in the possession of a museum for which the museum cannot determine by reference to the museum's records the property's owner.

88 Acts, ch 1117, §2
Referred to in §305B.13

305B.3 Basic notice requirement.

1. *Contents.* In addition to any other information prescribed for a particular notice, all notices given pursuant to this chapter shall contain the following information:
   a. Lender's name, or claimant's name, as appropriate.
   b. Lender's last known address, or claimant's last known address, as appropriate.
   c. Brief description of the property on loan.
   d. Date of the loan, if known.
   e. Name of the museum.
   f. Name, address, and telephone number of the appropriate person or office to be contacted regarding the property.
2. *Mailed notice.* All notices given by a museum pursuant to this chapter shall be mailed

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to the lender's, and any claimant's, last known address by restricted certified mail, as defined in section 618.15. Notice is deemed given if the museum receives proof of receipt within thirty days of mailing the notice.

3. *Published notice.* If the museum does not know the identity of the lender, or does not have an address for the lender, or if proof of receipt is not received by the museum within thirty days of mailing a notice under subsection 2, notice is deemed given if the museum publishes notice at least once a week for three consecutive weeks in a newspaper of general circulation in both of the following:

a. The county in which the museum is located.

b. The county of the lender's or claimant's address, if any.

88 Acts, ch 1117, §3
Referred to in §305B.13

305B.4 Conservation or disposal of loaned property.

1. Unless there is a written loan agreement to the contrary, a museum may apply conservation measures to or dispose of property on loan to the museum without the lender's or claimant's permission, or formal notice, if immediate action is required to protect the property on loan or other property in the custody of the museum or if the property on loan is a hazard to the health and safety of the public or the museum staff and if any of the following apply:

a. The museum is unable to reach the lender or claimant at the lender's or claimant's last known address or phone number if action is to be taken within more than three days but less than one week from the time the museum determined action was necessary.

b. The museum is unable to reach the lender or claimant at the lender's or claimant's last known phone number prior to taking action if the action is to be taken within three days or less from the time the museum determined action was necessary.

c. The lender or claimant does not respond or will not agree to the protective measures the museum recommends, yet is unwilling or unable to terminate the loan and retrieve the property.

2. If a museum applies conservation measures to or disposes of property under this section, or with the agreement of the lender and claimants unless the agreement provides otherwise, the museum:

a. Has a lien on the property and on the proceeds of any disposition of the property for the costs incurred by the museum.

b. Is not liable for injury to or loss of the property if the museum:

(1) Had a reasonable belief at the time the action was taken that the action was necessary to protect the property on loan or other property in the custody of the museum or that the property on loan was a hazard to the health and safety of the public or the museum staff.

(2) Exercised reasonable care in the choice and application of conservation measures.

88 Acts, ch 1117, §4
Referred to in §305B.13

305B.5 Notice of injury or loss.

A museum shall give a lender or claimant prompt notice of any known injury to or loss of property on loan on a form for notice of injury loss adopted by rule by the department of administrative services. The notice shall be mailed to the lender's or claimant's last known address in event of injury or loss of property on loan to the museum. Published notice of injury or loss of undocumented property shall not be required.

88 Acts, ch 1117, §5; 2023 Acts, ch 19, §1415
Referred to in §305B.13

305B.6 Notice of intent to terminate loan — acquiring title to loaned property.

1. A museum may acquire title to loaned property pursuant to this section. A museum may give notice of termination of a loan of property at any time if either of the following apply:

a. The property was loaned to the museum for an indefinite term.

b. The property was loaned to the museum for a specified term, and that term has expired.

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2. If the lender or claimant does not respond to the notice of termination provided under subsection 1 within one year by filing a notice of intent to preserve an interest in property on loan, the museum acquires title to the property.

3. A notice of intent to terminate a loan must include a statement containing substantially the following information:

> The records of (name of museum) indicate that you have property on loan to it. The institution wishes to terminate the loan. You must contact the institution, establish your ownership of the property pursuant to section 305B.8, and make arrangements to collect the property. If you fail to do so promptly, you will be considered to have donated the property to the institution.

88 Acts, ch 1117, §6
Referred to in §305B.9, 305B.10, 305B.13

305B.7 Acquiring title to undocumented property.

1. A museum may acquire title to undocumented property held by a museum for seven years or longer with no valid claim or written contact by any person, all verifiable through the museum's written records, by giving notice of acquisition of title to undocumented property.

2. If a lender or claimant does not respond to the notice provided in subsection 1 within three years by filing a notice of intent to retain an interest in property on loan, the museum's title to the property becomes uncontestable under section 305B.9.

3. A notice of acquisition of title must include a statement containing substantially the following information:

> The records of (name of museum) fail to indicate the owner of record of certain property in its possession. The museum intends to acquire title to the below described property: (general description of the property). If you claim ownership or other legal interest in this property you must contact the institution, establish your ownership of the property pursuant to section 305B.8, and make arrangements to collect the property. If you fail to do so promptly, you will be considered to have waived any claim you may have had to the property.

88 Acts, ch 1117, §7
Referred to in §305B.13

305B.8 Notice of intent to preserve an interest in property — requirements — form — disclosure.

1. A notice of intent to preserve an interest in property on loan to a museum filed pursuant to this chapter shall be in writing and contain all of the following information:

a. A description of the property adequate to enable the museum to identify the property.

b. Documentation sufficient to establish the claimant as owner of the property.

c. A statement attesting to the truth, to the best of the signer's knowledge, of all information included in or with the notice.

d. The signature, under penalty of perjury, of the claimant or a person authorized to act on behalf of the claimant.

2. The museum need not retain a notice which does not meet the requirements set forth in subsection 1. If, however, the museum does not intend to retain a notice for this reason, the museum shall promptly notify the claimant at the address given on the notice that the museum believes the notice is ineffective to preserve an interest, and the reasons for the insufficiency. The fact that a museum retains a notice under section 305B.12 does not mean that the museum accepts the sufficiency or accuracy of the notice or that the notice is effective to preserve an interest in property on loan to the museum.

3. The department of administrative services shall adopt by rule a form for notice of intent to preserve an interest in property on loan to a museum. The form shall satisfy the requirements of subsection 1 and shall notify the claimant of the rights and procedures to

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preserve an interest in museum property. The form shall also facilitate recordkeeping and record retrieval by a museum. At a minimum the form shall provide a place for recording evidence of receipt of a notice by a museum, including the date of receipt, signature of the person receiving the notice, and the date on which a copy of the receipt is returned to the claimant.

88 Acts, ch 1117, §8; 2023 Acts, ch 19, §1416
Referred to in §305B.2, 305B.6, 305B.7, 305B.9, 305B.10, 305B.12, 305B.13

305B.9 Limitations on actions against museums.

1. An action shall not be brought against a museum for damages because of injury to or loss of property loaned to the museum more than three years from the date the museum gives the lender or claimant notice of the injury or loss or ten years from the date of the injury or loss, whichever occurs earlier.

2. An action shall not be brought against a museum to recover property on loan more than one year from the date the museum gives the lender or claimant notice of its intent to terminate the loan or notice of acquisition of title to undocumented property.

3. An action shall not be brought against a museum to recover property on loan more than seven years from the date of the last written contact between the lender or claimant and the museum as evidenced by the museum's records.

4. A lender or claimant is considered to have donated loaned property to the museum if the lender fails to file an action to recover the property on loan to the museum within the periods specified in subsections 1 through 3.

5. A person who purchases property from a museum acquires good title to the property if the museum represents that it has acquired title to the property pursuant to subsection 4.

6. Notwithstanding subsections 3 and 4, a lender or claimant who was not given notice as provided in this chapter that the museum intended to terminate a loan, as provided in section 305B.6, and who proves that the museum received an adequate notice of intent to preserve an interest in loaned property, which satisfies all of the requirements of section 305B.8, within the seven years immediately preceding the filing of an action to recover the property, may recover the property or, if the property has been disposed of, the reasonable value of the property at the time it was disposed of plus interest at the legal rate.

7. A museum is not liable at any time, in the absence of a court order, for returning property to the original lender, even if a claimant other than the lender has filed a notice of intent to preserve an interest in property. If persons claim competing interests in property in the possession of a museum, the burden is upon the claimants to prove their interest in an action in equity initiated by a claimant. A museum is not liable at any time for returning property to an uncontested claimant who produced reasonable proof of ownership pursuant to section 305B.8.

88 Acts, ch 1117, §9
Referred to in §305B.7, 305B.13

305B.10 Museum obligations.

In order to take title pursuant to this chapter a museum has the following obligations to a lender or claimant:

1. The museum shall retain all written records regarding the property for at least three years from the date of taking title pursuant to this chapter.

2. The museum shall keep written records on all loaned property acquired pursuant to section 305B.6. Records shall contain the following information:

a. Lender's name, address, and phone number.

b. Claimant's name, address, and phone number.

c. The nature and terms of the loan.

d. The beginning date of the loan period, if known.

3. A museum accepting a loan of property on or after January 1, 1989, shall inform the lender in writing at the time of the loan of the provisions of this chapter. A copy of the form notice prescribed in section 305B.8, or a citation to this chapter, is adequate for this purpose.

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4. The museum is responsible for notifying a lender or claimant of the museum's change of address or dissolution.

88 Acts, ch 1117, §10

305B.11 Required museum recordkeeping.

1. On or after January 1, 1989, a museum shall at minimum maintain and retain the following records, either originals or accurate copies, for a period of not less than twenty-five years:

a. A notice of intent to preserve an interest in property.

b. The loan agreement, if any, and a receipt or ledger for property on loan.

c. A receipt or ledger for property delivered to an owner or claimant.

d. Records containing the following information, as available, for property in the museum's possession:

(1) Lender's name, address, and phone number.

(2) Claimant's name, address, and phone number.

(3) Donor's name, address, and phone number.

(4) Seller's name, address, and phone number.

(5) The nature and terms of the transaction (loan for specified term, loan for unspecified term, donation, purchase, etc.).

(6) The beginning date of the loan period or transaction date.

2. The department of administrative services may by rule determine the minimum form and substance of recordkeeping by museums with regard to museum property to implement this chapter.

88 Acts, ch 1117, §11; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §1417

305B.12 Lender obligations to museum.

1. The lender or claimant of property on loan to a museum shall notify the museum of a change of address or change in ownership of the property. Failure to notify the museum of these changes may result in the lender's or claimant's loss of rights in the property.

2. The lender or claimant of property on loan to a museum may file with the museum a notice of intent to preserve an interest in the property as provided for in section 305B.8. The filing of a notice of intent to preserve an interest in property on loan to a museum does not validate or make enforceable any claim which would be extinguished under the terms of a written agreement, or which would otherwise be invalid or unenforceable.

88 Acts, ch 1117, §12

Referred to in §305B.8

305B.13 Retroactive applicability.

1. Sections 305B.1 through 305B.8 are retroactively applicable to all property in the possession of a museum within the state on or after January 1, 1988.

2. Section 305B.9 is effective July 1, 1989, and when effective is retroactively applicable to all property in the possession of the museum before July 1, 1989, and is prospectively applicable to all property in the possession of the museum on or after July 1, 1989, for which a claim is filed on or after July 1, 1989.

88 Acts, ch 1117, §13

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TITLE VIII

TRANSPORTATION

SUBTITLE 1

HIGHWAYS AND WATERWAYS

CHAPTER 306

ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS

Referred to in §6A.21, 6B.56, 28J.27, 306A.3, 306A.4, 306A.5, 306A.6, 306A.7, 306A.8, 307.24, 310.22, 311.32, 313.2, 331.362

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SUBCHAPTER I

JURISDICTION AND CONTROL

306.1 Roads and streets. Repealed by 98 Acts, ch 1075, §17. See §306.3, 313.2.

306.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Agency"* means any governmental body which exercises jurisdiction over any road as provided in section 306.4.

2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

3. *"Department"* means the state department of transportation.

[C75, 77, 79, 81, §306.2]

2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201

306.3 Definitions used throughout Code.

As used in this chapter or in any chapter of the Code relating to highways, except as otherwise specified:

1. *"Area service"* or *"area service system"* means those secondary roads that are not part of the farm-to-market road system.

2. *"County conservation parkways"* or *"county conservation parkway system"* means those parkways located wholly within the boundaries of county lands operated as parks, forests, or public access areas.

3. *"Farm-to-market roads"* or *"farm-to-market road system"* means those county jurisdiction intracounty and intercounty roads which serve principal traffic generating areas and connect such areas to other farm-to-market roads and primary roads. The farm-to-market road system includes those county jurisdiction roads providing service for short-distance intracounty and intercounty traffic or providing connections between farm-to-market roads and area service roads, and includes those secondary roads which are federal aid eligible. The farm-to-market road system shall not exceed thirty-five thousand miles.

4. *"Interstate roads"* or *"interstate road system"* means those roads and streets of the primary road system that are designated by the secretary of the United States department of transportation as the national system of interstate and defense highways in Iowa.

5. *"Municipal street system"* means those streets within municipalities that are not primary roads or secondary roads.

6. *"Primary roads"* or *"primary road system"* means those roads and streets both inside and outside the boundaries of municipalities which are under department jurisdiction.

7. *"Public road right-of-way"* means an area of land, the right to possession of which is secured or reserved by the state or a governmental subdivision for roadway purposes. The right-of-way for all secondary roads is sixty-six feet in width, unless otherwise specified by the county board of supervisors of the respective counties.

8. *"Road"* or *"street"* means the entire width between property lines through private property or the designated width through public property of every way or place of whatever nature if any part of such way or place is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

9. *"Secondary roads"* or *"secondary road system"* means those roads under county jurisdiction.

10. *"State park, state institution, and other state land road system"* consists of those

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roads and streets wholly within the boundaries of state lands operated as parks, or on which institutions or other state governmental agencies are located.

[C24, 27, §4636; C31, 35, §4644-c2; C39, §**4644.02;** C46, 50, §309.2; C54, 58, 62, 66, §306.2; C71, 73, 75, 77, 79, 81, §306.3]

92 Acts, ch 1153, §1; 98 Acts, ch 1075, §1; 2003 Acts, ch 144, §1; 2014 Acts, ch 1123, §1
Referred to in §307.24, 309.3, 310.1, 314.30, 315.3, 321.285, 715E.6

306.4 Jurisdiction of systems.

The jurisdiction and control over the roads and streets of the state are vested as follows:

1. Jurisdiction and control over the primary roads shall be vested in the department.

2. Jurisdiction and control over the secondary roads shall be vested in the county board of supervisors of the respective counties.

3. *a.* Effective July 1, 2004, jurisdiction and control over a farm-to-market extension or road transferred pursuant to section 306.8A within a city with a population of less than five hundred shall be vested in the county board of supervisors of the respective county.

b. If the population of a city drops below five hundred after July 1, 2004, as determined by the latest available federal census or special census, jurisdiction and control over a farm-to-market extension located within the city shall be vested in the county board of supervisors of the respective county effective July 1 following census certification by the secretary of state.

c. If the population of a city from which jurisdiction and control over a road has been transferred pursuant to paragraph *"a"* or *"b"* exceeds seven hundred fifty, as determined by the latest available federal census or special census, such jurisdiction and control shall be transferred back to the city effective July 1 following census certification by the secretary of state.

4. *a.* Jurisdiction and control over the municipal street system shall be vested in the governing bodies of each municipality; except that the department and the municipal governing body shall exercise concurrent jurisdiction over the municipal extensions of primary roads in all municipalities. When concurrent jurisdiction is exercised, the department shall consult with the municipal governing body as to the kind and type of construction, reconstruction, repair, and maintenance and the two parties shall enter into agreements with each other as to the division of costs.

b. When the two parties cannot initially come to agreement as to the division of costs under this subsection, the parties shall contract with an organization in this state to provide mediation services. The costs of the mediation services shall be equally allocated between the two parties. If after submitting to mediation the parties still cannot come to agreement as to the division of costs, the mediator shall sign a statement that the parties did not reach an agreement, and the parties shall then submit the matter for binding arbitration to a mutually agreed-upon third party. If the parties cannot agree upon a third-party arbitrator, they shall submit the matter to an arbitrator selected under the rules of the American arbitration association.

5. Jurisdiction and control over the roads and streets in any state park, state institution, or other state land shall be vested in the board, commission, or agency in control of the park, institution, or other state land; except that:

a. The department and the controlling agency shall have concurrent jurisdiction over any road which is an extension of a primary road and which both enters and exits from the state land at separate points. The department may expend the moneys available for such roads in the same manner as the department expends such moneys on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, type, and division of costs of construction, reconstruction, repair, and maintenance. In the absence of such agreement, the jurisdiction and control of such road shall remain in the department.

b. The board of supervisors of any county and the controlling state agency shall have concurrent jurisdiction over any road which is an extension of a secondary road and which both enters and exits from the state land at separate points. The board of supervisors of any county may expend the moneys available for such roads in the same manner as the

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board expends such moneys on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, type, and division of costs of construction, reconstruction, repair, and maintenance. In the absence of an agreement, the jurisdiction and control of the road shall remain in the board of supervisors of the county.

6. Jurisdiction and control over parkways within county parks and conservation areas shall be vested in the county conservation boards within the boards' respective counties; except that:

a. The department and the county conservation board shall have concurrent jurisdiction over an extension of a primary road which both enters and exits from a county park or other county conservation area at separate points. The department may expend moneys available for such roads in the same manner as the department expends such moneys on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, type, and division of costs of construction, reconstruction, repair, and maintenance. In the absence of an agreement, the jurisdiction and control of the roads shall remain in the department.

b. The board of supervisors of any county and the county conservation board shall have concurrent jurisdiction over an extension of a secondary road which both enters and exits from a county park or other county conservation area at separate points. The board of supervisors of any county may expend moneys available for such roads in the same manner as the board expends such moneys on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, type, and division of costs of construction, reconstruction, repair, and maintenance. In the absence of an agreement, the jurisdiction and control of the roads shall remain in the board of supervisors of the county.

[C51, §514; R60, §819; C73, §920; C97, §1482; C24, 27, §4560, 4635 – 4677, 4780 – 4812; C31, 35, §4560, 4644-c1; C39, §**4560, 4644.01;** C46, 50, §309.1; C54, 58, 62, 66, §306.3; C71, 73, 75, 77, 79, 81, §306.4]

89 Acts, ch 134, §1; 2003 Acts, ch 144, §2; 2010 Acts, ch 1061, §180; 2023 Acts, ch 66, §56
Referred to in §306.2, 307.22, 307.24, 308.5, 312.3, 331.362

306.5 Continuity of farm-to-market road system in municipalities, parks, and institutions.

The farm-to-market road system shall be a continuous interconnected system and provision shall be made for continuity by the designation of extensions within municipalities, state parks, state institutions, other state lands, and county parks and conservation areas. The mileage of such extensions of the system shall be included in the total mileage of the farm-to-market road system.

[C71, 73, 75, 77, 79, 81, §306.5]

98 Acts, ch 1075, §2

306.6 Farm-to-market review board.

1. A farm-to-market review board is created. Members shall be appointed by the Iowa county engineers association. This board shall select a chairperson from among its members by majority vote of the total membership.

2. The farm-to-market review board shall review any and all farm-to-market system modification proposals. The farm-to-market review board shall make final administrative determinations based on sound farm-to-market road system designation principles for all modifications relative to the farm-to-market road system.

[C71, 73, 75, 77, 79, 81, §306.6; 81 Acts, ch 97, §1]

86 Acts, ch 1245, §2034; 87 Acts, ch 43, §6; 90 Acts, ch 1223, §25; 95 Acts, ch 3, §1; 98 Acts, ch 1075, §3

306.6A Farm-to-market road system modifications.

1. Modifications to the existing farm-to-market road system and designation of farm-to-market routes on new alignment shall be accomplished in accordance with

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procedural rules adopted by the farm-to-market review board, subject to the following procedures:

a. Counties shall initiate system modifications by submitting a resolution from the board of supervisors to the department.

b. The department shall submit the resolution to the farm-to-market review board and provide additional material as requested by the board.

c. Upon receipt of a county's resolution requesting a farm-to-market system modification, the farm-to-market review board shall review the proposed system modification and shall consider, but not be limited to consideration of, the following factors:

(1) Intracounty and intercounty continuity of systems.
(2) Properly integrated systems.
(3) Existing and potential traffic.
(4) Land use.
(5) Location.
(6) Equitable distribution of farm-to-market mileage among the counties.

2. Upon completion of the review process, the farm-to-market review board may do any of the following:

a. Approve the requested modifications to the farm-to-market road system and submit the modifications to the department for processing.

b. Deny the requested modifications.

c. Request additional information for further review.

98 Acts, ch 1075, §4

306.7 Functions changed or new roads added. Repealed by 98 Acts, ch 1075, §17.

306.8 Transfer of jurisdiction.

1. Prior to a change in jurisdiction of a road or street, the unit of government having jurisdiction shall either place the road or street and any structures on the road or street in good repair or provide for the transfer of money to the appropriate jurisdiction in an amount sufficient for the repairs to the road or street and any structures on the road or street.

2. Transfers of the jurisdiction and control of roads and streets may take place if agreements are entered into between the jurisdictions of government involved in the transfer of such roads and streets.

[C71, §306.8; C73, 75, 77, §306.8, 313.2; C79, 81, §306.8]
98 Acts, ch 1075, §5; 2018 Acts, ch 1041, §127
Referred to in §306.8A

306.8A Transfer of roads identified in report.

1. The department shall maintain on file the transfer of jurisdiction report compiled by the ad hoc road use tax fund committee. Such report identifies primary roads for transfer to local jurisdictions.

2. The jurisdiction and control of only those primary roads identified in the transfer of jurisdiction report that are also classified by the department as local service roads shall be transferred from the state to the appropriate county or city effective July 1, 2003. Such transfers are not subject to the terms and conditions provided in section 306.8.

2003 Acts, ch 144, §3
Referred to in §306.4, 307.22

306.9 Diagonal roads — restoring and improving existing roads.

1. It is the policy of the state of Iowa that relocation of primary highways through cultivated land shall be avoided to the maximum extent possible. When the volume of traffic for which the road is designed or other conditions, including designation as part of the network of commercial and industrial highways, require relocation, diagonal routes shall be avoided if feasible and prudent alternatives consistent with efficient movement of traffic exist.

2. The improvement of two-lane roads shall utilize the existing right-of-way unless alignment or other conditions, including designation as part of the network of commercial

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and industrial highways, make changes imperative, and when a two-lane road is expanded to a four-lane road, the normal procedure shall be that the additional right-of-way be contiguous to the existing right-of-way unless relocated for compelling reasons, including the need to provide efficient movement of traffic on the network of commercial and industrial highways. This policy does not apply to a highway project for which the corridor has been approved by the state department of transportation and the corridor has been finalized by September 1, 1977.

3. It is the policy of the state of Iowa that in constructing primary highways designed with four-lane divided roadways, access controls shall be limited to the minimum level necessary, as determined by the department, to ensure the safe and efficient movement of traffic or to comply with federal aid requirements.

4. Unless otherwise required by the federal law or regulation, it is also the policy of this state that road use tax fund moneys shall be used to rehabilitate or reconstruct existing roads, streets, and bridges using substantially existing right-of-way. This subsection does not apply where additional right-of-way is needed for the construction or completion of designated interstate or city routes and highway bypasses or highways designated as part of the network of commercial and industrial highways.

[C79, 81, §306.9; 81 Acts 2d Ex, ch 2, §1]
83 Acts, ch 198, §14; 89 Acts, ch 134, §2; 98 Acts, ch 1075, §6; 2017 Acts, ch 54, §45

306.10 Power to establish, alter, or vacate.

In the construction, improvement, operation or maintenance of any highway, or highway system, the agency which has control and jurisdiction over such highway or highway system, shall have power, on its own motion, to alter or vacate and close any such highway or railroad crossing thereon, and to establish new highways or railroad crossing thereon which are or are intended to become a part of the highway system over which said agency has jurisdiction and control.

[C73, §937, 954; C97, §1496, 1509; S13, §1509; C24, §4577, 4593, 4732; C27, 31, §4577, 4593, 4755-b27, 4755-d2; C35, §4577, 4593, 4631-e1, 4755-b27, 4755-d2; C39, §**4577, 4593, 4631.1, 4755.23, 4755.37;** C46, 50, §306.18, 306.34, 308.2, 313.25, 313.46; C54, 58, 62, 66, §306.4; C71, 73, 75, 77, 79, 81, §306.10]

306.11 Hearing — place — date.

In proceeding to the vacation and closing of a road, part thereof, or railroad crossing, the agency in control of the road, or road system, shall fix a date for a hearing on the vacation and closing in the county where the road, or part thereof, or crossing, is located, and if located in more than one county, then in a county in which any part of the road or crossing is located. If the road to be vacated or changed is a secondary road located in more than one county, the boards of supervisors of the counties, acting jointly, shall fix a date for a hearing on the vacation or change in either or any of the counties where the road, or part thereof, is located. If the proposed vacation is of part of a road right-of-way held by easement and will not change the existing traveled portion of the road or deny access to the road by adjoining landowners, a hearing is not required.

[C31, 35, §4755-d2, 4755-d3; C39, §**4755.37, 4755.38;** C46, 50, §313.46, 313.47; C54, 58, 62, 66, §306.5; C71, 73, 75, 77, 79, 81, §306.11]
2000 Acts, ch 1074, §1; 2000 Acts, ch 1232, §65
Referred to in §306.12, 306.13, 306A.6

306.12 Notice — service.

Notice of the hearing under section 306.11 shall be published in a newspaper of general circulation in the county or counties where the road is located, not less than four nor more than twenty days prior to the date of hearing. The agency which is holding the hearing shall notify all adjoining property owners, all utility companies whose facilities adjoin the road right-of-way or are on the road right-of-way, and the department, boards of supervisors, or

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agency in control of affected state lands, of the time and place of the hearing, by certified mail.

[SS15, §1527-r7; C24, 27, §4621; C31, 35, §4621, 4755-d4; C39, §**4621, 4755.39;** C46, 50, §306.62, 313.48; C54, 58, 62, 66, §306.6; C71, 73, 75, 77, 79, 81, §306.12]

92 Acts, ch 1049, §1; 94 Acts, ch 1013, §1; 95 Acts, ch 54, §1; 2000 Acts, ch 1074, §2
Referred to in §306A.6

306.13 Notice — requirements.

The notice of the hearing under section 306.11 shall state the time and place of such hearing, the location of the particular road, or part thereof, or crossing, the vacation and closing of which is to be considered, and such other data as may be deemed pertinent.

[C31, 35, §4755-d5; C39, §**4755.40;** C46, 50, §313.49; C54, 58, 62, 66, §306.7; C71, 73, 75, 77, 79, 81, §306.13]

2020 Acts, ch 1063, §131
Referred to in §306A.6

306.14 Objections — claims for damages.

The department, the board of supervisors, or the agency in control of affected state lands and any interested person, may appear and be heard at the hearing. Any person owning land abutting on a road proposed to be vacated and closed, shall have the right to file, in writing, a claim for damages at any time on or before the date fixed for hearing. However, for purposes of this chapter, if an occupied homestead is not located on the abutting land and if the vacating and closing of the road will not landlock the abutting land, a person shall not have a right to claim damages.

[C31, 35, §4755-d6; C39, §**4755.41;** C46, 50, §313.50; C54, 58, 62, 66, §306.8; C71, 73, 75, 77, 79, 81, §306.14]

94 Acts, ch 1013, §2
Referred to in §306A.6

306.15 Purchase and sale of property.

If as to any one or more properties affected by the proposed vacation and closing of a secondary road, it appears to the board of supervisors to be in the interest of economy or public welfare, the board may purchase or condemn, by proceeding as this chapter provides, the entire properties, and make payment for them. After the road has been vacated and closed the board shall sell the properties at the best attainable price.

[C31, 35, §4755-d7; C39, §**4755.42;** C46, 50, §313.51; C54, 58, 62, 66, §306.9; C71, 73, 75, 77, 79, 81, §306.15]

83 Acts, ch 123, §107, 209
Referred to in §306A.6, 331.429

306.16 Final order.

After the hearing, the agency which instituted the proceedings and conducted the hearing shall enter an order either dismissing the proceedings, or vacating and closing the road, part thereof, or crossing, in which event it shall determine and state in the order the amount of the damages allowed to each claimant. The order thus entered shall be final except as to the amount of the damages unless the order is rescinded as provided in section 306.17. A copy of the order shall be filed with the county auditor of the county or counties in which the road, part thereof, or crossing, is located and with the department and the agency in control of any affected state land.

[C31, 35, §4755-d7; C39, §**4755.42;** C46, 50, §313.51; C54, 58, 62, 66, §306.10; C71, 73, 75, 77, 79, 81, §306.16]

Referred to in §306A.6

306.17 Appeal.

Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, any claimant for damages may, by serving, within twenty days after the order has been issued, a written notice upon the agency which instituted and conducted the proceedings, appeal as to the amount of damages, to the district court of the county in which the land is located, in

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the manner and form prescribed in chapter 6B with reference to appeals from condemnation, and the proceedings shall thereafter conform to the applicable provisions of that chapter. If, in the opinion of the agency, the damages as finally determined on appeal are excessive, the agency may rescind its order vacating and closing the road, part thereof, or crossing, and the right-of-way shall remain under the jurisdiction of the agency. If the order is rescinded at any time after an appeal is taken, the agency shall pay reasonable attorney fees incurred by the claimant as taxed by the court.

[R60, §873; C73, §959; C97, §1513; C24, 27, §4597; C31, 35, §4597, 4755-d8; C39, §**4597, 4755.43;** C46, 50, §306.38, 313.52; C54, 58, 62, 66, §306.11; C71, 73, 75, 77, 79, 81, §306.17]

2003 Acts, ch 44, §114

Referred to in §306.16, 306A.6

306.18 Establishment.

In the establishment of any road, the agency in control of such road or road system need not cause a hearing to be held thereon or notice to be published thereof, but may do so.

[C51, §535, 536; R60, §840, 841; C73, §934; C97, §1493; C24, 27, 31, 35, 39, §**4573;** C46, 50, §306.14; C54, 58, 62, 66, §306.12; C71, 73, 75, 77, 79, 81, §306.18]

306.19 Right-of-way — access — notice.

1. In the maintenance, relocation, establishment, or improvement of any road, including the extension of such road within cities, the agency having jurisdiction and control of such road shall have authority to purchase or to institute and maintain proceedings for the condemnation of the necessary right-of-way therefor. Such agency shall likewise have power to purchase or institute and maintain proceedings for the condemnation of land necessary for highway drainage, or land containing gravel or other suitable material for the improvement or maintenance of highways, together with the necessary road access or right of access thereto.

2. Whenever the agency condemns or purchases property access rights or alters by lengthening any existing driveway to a road from abutting property, except during the time required for construction and maintenance of the road or highway, the agency shall:

a. Compensate the owner for any diminution in the market value of the property by the denial or alteration by lengthening the driveway. In computing the diminution in value, no consideration shall be given to the additional maintenance expense for maintaining the additional length of driveway, but in lieu thereof, both in condemnation proceedings or negotiated purchases, the agency shall pay to the owner the sum of twenty dollars for every lineal foot of additional length of driveway located on the owner's property. This payment shall represent just compensation to the property owner for the additional driveway maintenance caused by reason of the highway or road project.

b. If in the opinion of the agency it would be more economical to purchase the entire tract of the property owner than to provide and pay the maintenance expense required under the provisions of this section, proceed with the acquisition of the entire tract of land; or

c. If mutually agreeable, move buildings from an existing location to a location requiring an equal or lesser length of driveway and provide an adequate driveway to a public road.

3. None of the foregoing requirements shall prohibit the property owner and the agency from entering into a mutually acceptable agreement for the replacement, relocation, construction, or maintenance of any alternate driveway on the owner's property. Compensation for any property rights taken in the establishment of any alternative temporary or permanent access shall be paid as in any other purchase or condemnation of property.

4. Proceedings for the condemnation of land for any highway shall be under the provisions of chapter 6A and chapter 6B. Provided that, in the condemnation of right-of-way for secondary roads that is contiguous to existing road right-of-way for the maintenance, safety improvement, or upgrade of the existing secondary road, the board of supervisors may proceed as provided in sections 306.28 through 306.37.

5. *a.* The department may notify a city or county that a road under the jurisdiction or control of the department will be established, improved, relocated, or maintained and that

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the department may need to acquire additional right-of-way or property rights within an area described by the department. The notice shall include a depiction of the area on a map provided by the city, county, or the department. This notice shall be valid for a period of three years from the date of notification to the city or county and may be refiled by the department every three years. Within seven days of filing the notice, the department shall publish in a newspaper of public record a description and map of the area and a description of the potential restrictions applied to the city or county with respect to the granting of building permits, approving of subdivision plats, or zoning changes within the area.

b. The city or county shall notify the department of an application for a building permit for construction valued at twenty-five thousand dollars or more, of the submission of a subdivision plat, or of a proposed zoning change within the area at least thirty days prior to granting the proposed building permit, approving the subdivision plat, or changing the zoning.

c. If the department, within the thirty-day period, notifies the city or county that the department is proceeding to acquire all or part of the property or property rights affecting the area, the city or county shall not issue the building permit, approve the subdivision plat, or change the zoning. The department may apply to the city or county for an extension of the thirty-day period. After a public hearing on the matter, the city or county may grant an additional sixty-day extension of the period.

d. The department shall begin the process of acquiring property or property rights from affected persons within ten days of the department's written notification of intent to the city or county.

6. If the agency determines that it is necessary to relocate a utility facility, the agency shall have the authority to institute and maintain proceedings on behalf of the owner of the utility facility for the condemnation of replacement property rights. The replacement property rights shall be equal in substance to the existing rights of the owner of the utility facility, except that the replacement property rights shall be for a width and location deemed appropriate and necessary for the needs of the owner of the utility facility, as determined by the agency and the owner of the facility. The replacement property rights of the owner of the utility facility shall be subordinate to the rights of the agency only to the extent necessary for the construction and maintenance of the designated road. Within a reasonable time after completion of the relocation, all previously owned property rights of the owner of the utility facility no longer required for operation and maintenance of the utility facility shall be released or conveyed to the appropriate parties. The authority of the agency under this subsection may only be exercised upon execution of a relocation agreement between the agency and the owner of the utility facility. For purposes of this subsection, *"utility facility"* means an electric, gas, water, steam power, or materials transmission or distribution system; a transportation system; a communications system, including cable television; and fixtures, equipment, or other property associated with the operation, maintenance, or repair of the system. A utility facility may be publicly, privately, or cooperatively owned.

7. For the purposes of this section, the term *"driveway"* shall mean a way of ingress and egress located entirely on private property, consisting of a lane or passageway leading from a residence to a public roadway or highway.

[C24, §4732; C27, 31, 35, §4755-b27; C39, §**4658, 4683.23, 4755.23;** C46, 50, §309.64, 310.23, 313.25; C54, 58, 62, 66, §306.13; C71, 73, 75, 77, 79, 81, §306.19]

91 Acts, ch 114, §1; 94 Acts, ch 1030, §1; 95 Acts, ch 135, §2; 96 Acts, ch 1126, §1; 99 Acts, ch 171, §26, 27, 42; 2001 Acts, ch 32, §1; 2021 Acts, ch 80, §157

Referred to in §309.57, 331.304

306.20 Cemeteries.

No road shall be established through any cemetery or burying ground without the consent of all the parties affected by the same.

[C51, §525; R60, §830; C73, §925; C97, §1487; SS15, §1527-r4; C24, §4566, 4732; C27, 31, 35, §4566, 4755-b27; C39, §**4566, 4755.23;** C46, 50, §306.7, 313.25; C54, 58, 62, 66, §306.14; C71, 73, 75, 77, 79, 81, §306.20]

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306.21 Plans, plats and field notes filed.

All road plans, plats and field notes and true and accurate diagrams of water, sewage and electric power lines for rural subdivisions shall be filed with and approved by the board of supervisors and the county engineer before the subdivision is laid out or recorded. Such plans shall be clearly designated as "completed", "partially completed" or "proposed" with a statement of the portion completed and the expected date of full completion. If such road plans are not approved as provided in this section such roads shall not become the part of any road system as defined in this chapter.

[C51, §533, 550; R60, §838, 855; C73, §933, 949; C97, §1492, 1504; C24, 27, §4571, 4589; C31, 35, §4571, 4589, 4755-c1; C39, §**4571, 4589, 4619, 4686.24, 4755.24;** C46, 50, §306.12, 306.30, 306.60, 310.24, 313.26; C54, 58, 62, 66, §306.15; C71, 73, 75, 77, 79, 81, §306.21]

90 Acts, ch 1236, §43

Referred to in §331.502, 543C.1, 714.16

306.22 Sale of unused right-of-way.

1. When title to any tract of land has been or may be acquired for the construction or improvement of any highway, and when in the judgment of the agency in control of the highway, the tract will not be used in connection with or for the improvement, maintenance, or use of the highway, the agency in control of the highway may sell the tract for cash.

2. The department may contract for the sale of any tract of land subject to the following terms and conditions:

a. The discounted present market value of the contract offer, including the cash down payment, shall exceed one hundred ten percent of the highest cash offer submitted for the tract if a cash offer is received. The discount rate shall be the rate of interest stated in the contract.

b. The cash down payment shall be equal to or in excess of five percent of the total purchase price.

c. The term of the contract shall not exceed ten years.

d. The rate of interest stated in the contract shall not be less than the prevailing rate of interest charged on contract land sales by sellers in the county or general area in which the tract of land is located.

e. The department shall advertise for cash bids and contract offers before accepting a contract offer.

f. The appraised value of property sold under a land contract sale shall be at least five thousand dollars.

g. Any tract of land sold on contract shall be listed on the tax rolls by and taxed to the contract purchaser, as provided in chapters 428 and 443; assessed and valued as provided in chapter 441; taxes levied as provided in chapter 444; collected as provided in chapter 445; and subject to tax sale, redemption, and apportionment of taxes as provided in chapters 446 through 449. The contract purchaser shall discharge and pay all taxes.

3. If any tract of land is sold, the sale shall be subject to the right of a utility association, company, or corporation to continue in possession of a right-of-way in use at the time of the sale.

[C35, §4755-f1; C39, §**4755.44;** C46, 50, §313.53; C54, 58, 62, 66, §306.16; C71, 73, 75, 77, 79, 81, §306.22]

86 Acts, ch 1245, §1987; 92 Acts, ch 1163, §71; 2010 Acts, ch 1061, §180; 2021 Acts, ch 80, §158

Referred to in §306.23, 306.42

306.23 Notice — preference of sale.

1. The agency in control of a tract, parcel, or piece of land, or part thereof, which is unused right-of-way shall send to the last known address of the present owner of adjacent land from which the tract, parcel, piece of land, or part thereof, was originally purchased or condemned for highway purposes, and to the person who owned the land at the time it was purchased or condemned for highway purposes, notice of the agency's intent to sell the land, the name

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and address of any other person to whom a notice was sent, and the fair market value of the real property based upon one of the following:

a. An appraisal by an independent appraiser.

b. A comparable sales market analysis if the agency is the department, the sale is not a contract sale under section 306.22, subsection 2, and the determined fair market value is fifty thousand dollars or less.

2. Notice required under subsection 1 shall be hand-delivered or sent by verified mail, as defined in section 578A.2. Hand-delivered notice is deemed delivered when the recipient signs an acknowledgment of delivery. Notice sent by verified mail is deemed delivered when the notice is deposited with the United States postal service or private delivery service, and such notice is properly addressed with postage prepaid.

3. The notice shall give an opportunity to the present owner of adjacent property and to the person who owned the land at the time it was purchased or condemned for highway purposes to be heard and make offers within sixty days of the date the notice is mailed for the tract, parcel, or piece of land to be sold. An offer which equals or exceeds in amount any other offer received and which equals or exceeds the fair market value of the property shall be given preference by the agency in control of the land. If no offers are received within sixty days or if no offer equals or exceeds the fair market value of the land, the agency shall transfer the land for a public purpose or proceed with the sale of the property.

4. For the purposes of this section, *"public purpose"* means the transfer to a state agency or a city, county, or other political subdivision for a public purpose.

[C35, §4755-f2; C39, §**4755.45;** C46, 50, §313.54; C54, 58, 62, 66, §306.17; C71, 73, 75, 77, 79, 81, §306.23; 81 Acts, ch 98, §1; 82 Acts, ch 1104, §7]

87 Acts, ch 35, §1; 97 Acts, ch 149, §2, 3; 2024 Acts, ch 1060, §1, 2

Referred to in §331.361

306.24 Conditions.

Any sale of land as authorized in this chapter shall be upon the conditions that the tract, parcel, or piece of land so sold shall not be used in any manner so as to interfere with the use of the highway by the public, or to endanger public safety in the use of the highway, or to the material damage of the adjacent owner.

[C35, §4755-f3; C39, §**4755.46;** C46, 50, §313.55; C54, 58, 62, 66, §306.18; C71, 73, 75, 77, 79, 81, §306.24]

2020 Acts, ch 1063, §132

306.25 Execution of conveyance.

If a sale of land in connection with a primary road, state park road, or institutional road has been authorized as provided in this chapter, written conveyances containing the conditions as prescribed by the controlling state agency shall be made in the name of the state and signed by the governor and secretary of state, with the great seal of the state of Iowa attached. If a sale of land in connection with a secondary road has been authorized by the board of supervisors as provided in this chapter, written conveyances containing the provisions prescribed by the board of supervisors shall be made in the name of the county and signed by the chairperson of the board of supervisors and the county auditor.

[C35, §4755-f4; C39, §**4755.47;** C46, 50, §313.56; C54, 58, 62, 66, §306.19; C71, 73, 75, 77, 79, 81, §306.25]

92 Acts, ch 1163, §72

Referred to in §331.502

306.26 Payment of damages and right-of-way cost — proceeds of sale.

Damages allowed on account of the vacation of any highway and costs incident thereto, right-of-way or land purchased or condemned for or on account of any highway and costs incident thereto, and the funds received from the sale or rental of any highway right-of-way

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or land, shall be paid from or credited to, as the case may be, the road fund or funds applicable to said highway or highway system.

[C51, §546; R60, §851; C73, §946; C97, §1501; C24, 27, §4586; C31, 35, §4586, 4755-d8, -f5; C39, §**4586, 4755.43, 4755.48;** C46, 50, §306.27, 313.52, 313.57; C54, 58, 62, 66, §306.20; C71, 73, 75, 77, 79, 81, §306.26]

SUBCHAPTER II

CHANGES IN ROADS, STREAMS, OR DRY RUNS

306.27 Changes for safety, economy, and utility.

The state department of transportation as to primary roads and the boards of supervisors as to secondary roads on their own motion may change the course of any part of any road or stream, watercourse, or dry run and may pond water in order to avoid the construction and maintenance of bridges, or to avoid grades, or railroad crossings, or to straighten a road, or to cut off dangerous corners, turns, or intersections on the highway, or to widen a road above statutory width, or for the purpose of preventing the encroachment of a stream, watercourse, or dry run upon the highway. The department and the board of supervisors shall conduct their proceedings in the manner and form prescribed in chapter 6B, except that the board of supervisors may use the form prescribed in sections 306.28 through 306.37 for the condemnation of right-of-way that is contiguous to existing road right-of-way and necessary for the maintenance, safety improvement, or upgrade of the existing secondary road. Changes are subject to chapter 455B and chapter 459, subchapters II and III.

[C97, §427; SS15, §1527-r1; C24, 27, 31, 35, 39, §**4607;** C46, 50, §306.48; C54, 58, 62, 66, §306.21; C71, 73, 75, 77, 79, 81, §306.27]

83 Acts, ch 101, §66; 87 Acts, ch 61, §1; 99 Acts, ch 171, §28, 42; 2021 Acts, ch 80, §159

Referred to in §331.304

306.28 Appraisers.

If the board of supervisors is unable, by agreement with the owner, to acquire the necessary right-of-way to effect such change, a compensation commission shall be selected pursuant to section 6B.4, to appraise the damages consequent on the taking of the right-of-way.

[SS15, §1527-r1, -r2; C24, 27, 31, 35, 39, §**4610;** C46, 50, §306.51; C54, 58, 62, 66, §306.22; C71, 73, 75, 77, 79, 81, §306.28]

99 Acts, ch 171, §29, 42; 2023 Acts, ch 66, §57

Referred to in §306.19, 306.27, 331.304

306.29 Notice.

The county auditor shall cause the following notice to be served on the individual owner of each tract or parcel of land to be taken for such right-of-way, as shown by the transfer books in the office of such county auditor, and upon each person owning or holding a mortgage, or lease, upon such land as shown by the county records, and upon the actual occupant of such land if other than the owner thereof:

> To whom it may concern: Notice is given that the board of supervisors of ..... county, Iowa, propose to condemn for road purposes the following described real estate in said county: (Here describe the right-of-way, and the tract or tracts from which such right-of-way will be taken.) The damages caused by said condemnation will be assessed by a compensation commission appointed as provided by law for the purpose of appraising the damages. All parties interested are further notified that the compensation commission will, when duly appointed, proceed to appraise the damages, will report the appraisement to the board of supervisors and that the board will pass thereon as provided by law, and that at all such times and places you may be present. You are further notified that at the hearing before the

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supervisors you may file objections to the use of the land for road purposes and that all such objections not so made will be deemed waived.

.....

County Auditor.

[SS15, §1527-r2, -r3, -r6; C24, 27, 31, 35, 39, §**4611;** C46, 50, §306.52; C54, 58, 62, 66, §306.23; C71, 73, 75, 77, 79, 81, §306.29]

99 Acts, ch 171, §30, 42

Referred to in §306.19, 306.27, 331.304, 331.502

306.30 Service of notice.

1. Owners, occupants, and mortgagees of record who are residents of the county shall be personally served in the manner in which and for the time original notices in the district court are required to be served.

2. Owners and mortgagees of record who do not reside in the county and owners and mortgagees of record who do reside in the county when the officer returns that they cannot be found in the county, shall be served by publishing the notice as provided in section 331.305 and also by mailing by certified mail a copy of the notice to the owner and mortgagee of record addressed to the owner's and mortgagee of record's last known address, and the county auditor shall furnish to the board of supervisors the county auditor's affidavit that the notice has been sent, which affidavit shall be conclusive evidence of the mailing of the notice.

3. Personal service outside the county but within the state shall take the place of service by publication.

4. No service need be had on one who has exercised the right to select an appraiser.

[SS15, §1527-r2, -r3; C24, 27, 31, 35, 39, §**4612;** C46, 50, §306.53; C54, 58, 62, 66, §306.24; C71, 73, 75, 77, 79, 81, §306.30]

87 Acts, ch 43, §7; 2017 Acts, ch 54, §76

Referred to in §306.19, 306.27, 331.304, 331.502

Time and manner of service, R.C.P. 1.302 – 1.315

306.31 Assessment.

The appraisers shall forthwith proceed to the assessment of damages and shall make written report of the damages to the board of supervisors.

[SS15, §1527-r2; C24, 27, 31, 35, 39, §**4613;** C46, 50, §306.54; C54, 58, 62, 66, §306.25; C71, 73, 75, 77, 79, 81, §306.31]

99 Acts, ch 171, §31, 42

Referred to in §306.19, 306.27, 331.304

306.32 Hearing — adjournment.

The board of supervisors shall proceed to a hearing on the objections or assessment of damages of any owner, mortgagee of record, and the actual occupant of such land if any of whom it has acquired jurisdiction, or if there are owners, mortgagee of record, and the actual occupant of such land if any over whom jurisdiction has not been acquired, the board may adjourn such hearing until a date when jurisdiction will be complete as to all owners.

[SS15, §1527-r3; C24, 27, 31, 35, 39, §**4614;** C46, 50, §306.55; C54, 58, 62, 66, §306.26; C71, 73, 75, 77, 79, 81, §306.32]

2023 Acts, ch 66, §58

Referred to in §306.19, 306.27, 331.304

306.33 Hearing on objections.

The board of supervisors shall, at the final hearing, first pass on the objections to the proposed change. If objections are sustained, the proceedings shall be dismissed unless

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the board finds that the objections may be avoided by a change of plans, and to this end an adjournment may be ordered, if necessary, in order to secure service on additional parties.

[SS15, §1527-r3; C24, 27, 31, 35, 39, §**4615;** C46, 50, §306.56; C54, 58, 62, 66, §306.27; C71, 73, 75, 77, 79, 81, §306.33]

2023 Acts, ch 66, §59

Referred to in §306.19, 306.27, 331.304

306.34 Hearing on claims for damages.

When objections to the proposed change are overruled, the board of supervisors shall proceed to determine the damages to be awarded to each claimant. If the damages finally awarded are, in the opinion of the board, excessive, the proceedings shall be dismissed; if not excessive, the board may, by proper order, establish such proposed change.

[SS15, §1527-r3; C24, 27, 31, 35, 39, §**4616;** C46, 50, §306.57; C54, 58, 62, 66, §306.28; C71, 73, 75, 77, 79, 81, §306.34]

2023 Acts, ch 66, §60

Referred to in §306.19, 306.27, 331.304

306.35 Appeals.

Claimants for damages may appeal to the district court from the award of damages in the manner and time for taking appeals from the orders establishing highways generally.

[C97, §428; SS15, §1527-r3; C24, 27, 31, 35, 39, §**4617;** C46, 50, §306.58; C54, 58, 62, 66, §306.29; C71, 73, 75, 77, 79, 81, §306.35]

Referred to in §306.19, 306.27, 331.304

306.36 Damages on appeal — rescission of order.

If, in the opinion of the board of supervisors, the damages as finally determined on appeal are excessive, the board may rescind its order establishing such change.

[SS15, §1527-r3; C24, 27, 31, 35, 39, §**4618;** C46, 50, §306.59; C54, 58, 62, 66, §306.30; C71, 73, 75, 77, 79, 81, §306.36]

2023 Acts, ch 66, §61

Referred to in §306.19, 306.27, 331.304

306.37 Tender of damages.

No appeal from an award of damages shall delay the prosecution of the work when the amount of the award is tendered in writing to the claimant and such tender is kept good. An order to the auditor to issue warrants to claimants for damages shall constitute a valid tender, if funds are available to promptly meet such warrants. Acceptance of the amount of such tender bars an appeal. Should possession of the condemned premises be taken pending appeal and the final award be not paid, the county shall be liable for all damages caused during such possession.

[SS15, §1527-r3; C24, 27, 31, 35, 39, §**4620;** C46, 50, §306.61; C54, 58, 62, 66, §306.31; C71, 73, 75, 77, 79, 81, §306.37]

Referred to in §306.19, 306.27, 331.304, 331.502

SUBCHAPTER III

GENERAL PROVISIONS

306.38 Rental of acquired property pending use.

In the event that land acquired for improvement of any highway is not immediately needed for such improvement, the agency in control of said highway may rent such land or buildings thereon to responsible persons for a cash rental consistent with the fair market value of similar property. The said agency may employ a local real estate firm for management and collection of rentals or may do so directly through its own personnel. The commission or service charge of such real estate company shall be paid out of such rentals.

[C62, 66, §306.32; C71, 73, 75, 77, 79, 81, §306.38]

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306.39 Flooding highways — federal water resources projects.

The agency which has control and jurisdiction over any highway or highway system which may be affected by a federal water resources project may grant, sell, exchange, or convey to the United States of America, the perpetual right, power, privilege and easement to overflow, flood, and submerge all of the portion of easements for highway purposes under the control and jurisdiction of such agency.

[C66, §306.33; C71, 73, 75, 77, 79, 81, §306.39]

Referred to in §306.40

306.40 Easements conveyed.

If an easement authorized under section 306.39 is conveyed in connection with a primary road, state park road, or institutional road, written conveyances containing the conditions as prescribed by the controlling state agency shall be made in the name of the state and signed by the governor and secretary of state, with the seal of the state of Iowa attached. If the easement is conveyed in connection with a secondary road, written conveyances containing the provisions prescribed by the board of supervisors shall be made in the name of the county and signed by the chairperson of the board and the county auditor.

[C66, §306.34; C71, 73, 75, 77, 79, 81, §306.40]

92 Acts, ch 1163, §73

Referred to in §331.502

306.41 Temporary closing for construction.

1. The agency having jurisdiction and control over any highway in the state, or the chief engineer of the agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance or natural disaster and shall cause to be erected "road closed" signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed for over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor.

2. Nothing in this section shall be construed to prohibit or deny any person from gaining lawful access to the person's property or residence, nor shall it change or limit liability to such persons.

[C71, 73, 75, 77, 79, 81, §306.41]

2018 Acts, ch 1041, §76

Referred to in §321I.10

306.42 Transfer of rights-of-way.

1. This section is intended to vest all documents of title in road right-of-way in the jurisdiction responsible for the road. This section establishes a simple method to transfer road rights-of-way by quitclaim deed and to authorize the use of available descriptions, plats, maps or engineering drawings to effect such transfers and to provide an orderly method by which such transfers may be filed, indexed and recorded.

2. The department shall transfer by quitclaim deed to the county or to the city having jurisdiction over a road, all of the state's legal or equitable title and interest in right-of-way for the road or street and may transfer any adjacent unused right-of-way or land in excess of that needed as right-of-way. The deed shall be executed by the director of the department. However, if the department owns any adjacent unused right-of-way in excess of that needed as right-of-way which is located outside the incorporated limits of a city and is suitable for purposes specified in section 350.4, subsection 2, the department may, at the request of the

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county and the county conservation board, transfer the property by quitclaim deed to the county for the use and benefit of the county conservation board.

3. The county or the city shall transfer by quitclaim deed to the state department of transportation when having jurisdiction over a road, all of the county's or the city's legal or equitable title and interest in rights-of-way for the road and may transfer any adjacent unused right-of-way or land in excess of that needed as right-of-way. The deed shall be executed by the chairperson of the board of supervisors by order of the board for county roads and by the mayor or city manager by order of the city council for city streets.

4. Transfers under this section shall be subject to the right of a utility, association, company or corporation to continue in possession of a right-of-way in use at the time of the transfer. Transfers shall be subject to rights of ingress and egress whether excepted, reserved or granted by the transferring authority to land or to owners of land adjacent to the right-of-way. Transfers shall include an index of parcels transferred by the character of the instrument or proceeding, the grantor and grantee, and date of the last instrument or proceeding acquiring rights to each parcel. Transfers shall locate the right-of-way by quarter-quarter section, township and range or if so acquired, by lot, block and subdivision. The transferring jurisdiction shall transmit to the receiving jurisdiction all available original documents of title or a certified true copy if the right-of-way was acquired by condemnation or the original deed is lost. Transfers shall be recorded and indexed in the county in which the land is located.

5. Notwithstanding chapter 542B and sections 6A.20, 306.22, 354.13, 354.15, and 364.7, legal descriptions, plats, maps, or engineering drawings used to describe transfers of right-of-way shall, where available, be descriptions, plats, maps, or engineering drawings of record and shall be incorporated by reference to the title instrument or proceedings. If a part but not all of the land acquired by a single conveyance or condemnation is being transferred, the description of that part to be transferred shall be abstracted from the present legal description, plat, map, or engineering drawing of record.

6. Notwithstanding any other provision of the Code, for transfers of roads and streets made after May 1, 1987, neither the transferring jurisdiction or the receiving jurisdiction shall be held liable for any claim or damage for any act or omission relating to the design, construction, or maintenance of the road or street that occurred prior to the effective date of the transfer. This subsection shall apply to all transfers pursuant to this chapter or section 313.2.

[C79, 81, S81, §306.42; 81 Acts, ch 99, §1, ch 117, §1044]
86 Acts, ch 1245, §1902; 87 Acts, ch 232, §18; 90 Acts, ch 1236, §44; 2019 Acts, ch 59, §85

306.43 Jurisdictional transfer limits. Repealed by 98 Acts, ch 1075, §17.

306.44 Study of road systems. Repealed by 2022 Acts, ch 1021, §186.

306.45 Easements on highway rights-of-way.

The department may grant easements across land under its jurisdiction if the department determines that the easement will not adversely affect the construction and maintenance of the highway system. Written conveyances containing any easement conditions prescribed by the department shall be made in the name of the state and signed by the governor and the secretary of state, with the seal of the state of Iowa affixed.

98 Acts, ch 1075, §18

306.46 Public utility facilities — public road rights-of-way.

1. A public utility may construct, operate, repair, or maintain its utility facilities within a public road right-of-way. The location of new utility facilities shall comply with section 318.9. A utility facility shall not be constructed or installed in a manner that causes interference with public use of the road.

2. For purposes of this section, "*public utility*" means a public utility as defined in section 476.1, and shall also include waterworks, municipally owned waterworks, joint water utilities, rural water districts incorporated under chapter 357A or chapter 504, cooperative

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water associations, and electric transmission owners as defined in section 476.27 primarily providing service to public utilities as defined in section 476.1. For the purposes of this section, *"utility facilities"* means any cables, conduits, wire, pipe, casing pipe, supporting poles, guys, and other material and equipment utilized for the furnishing of electric, gas, communications, water, or sewer service.

3. This section shall not impair or interfere with a city's authority to grant, amend, extend, or renew a franchise as provided in section 364.2, and shall not impair or interfere with a city's existing general police powers to control the use of its right-of-way.

2004 Acts, ch 1014, §1, 2; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §332, 346; 2005 Acts, ch 3, §61; 2006 Acts, ch 1097, §14; 2016 Acts, ch 1006, §1
Referred to in §8C.7A

306.47 Utility facilities relocation policy.

1. It is the policy of the general assembly that a proactive, cooperative coordination between the department, local governments, private and public utility companies, and other affected parties is the most effective way to minimize costs, eliminate the need for utilities to relocate facilities, limit disruption of utility services related to federal, state, or local highway construction projects, and limit the potential need for relocation of utility facilities.

2. All potentially affected parties shall be invited to participate in development meetings at the design phase of a highway construction project to review plans, understand goals and objectives of the proposed project, and discuss options that would limit the impact of the construction on utility facilities and thereby minimize or even eliminate costs associated with utility facility relocation. All jurisdictions and other interested parties shall cooperate to discuss strategies and policies to utilize the Iowa one call system in the development of a highway construction project. Failure of the affected parties to respond or participate during the design phase shall not in any way affect the ability of the federal, state, or local agency to proceed with design and construction.

3. Upon written request by a utility infrastructure owner, the department shall engage in coordination activities with a utility or transmission line developer to review highway corridors identified in the request for potential locations to place transmission lines. The department shall assign a project coordinator within thirty days of receiving the written request. The department shall share all known plans with affected utility or transmission line developers on planned future projects in the highway corridor if the planned highway project impacts the placement or siting of transmission lines.

2008 Acts, ch 1124, §1; 2026 Acts, ch 1010, §1
Referred to in §8C.7A
Iowa one call system, see chapter 480
NEW subsection 3

306.48 and 306.49 Reserved.

SUBCHAPTER IV

SOIL AND WATER CONSERVATION IMPACT

306.50 Construction program notice.

The appropriate highway authority shall provide copies of its annual construction program to the soil and water conservation district commissioners' office in each county. The soil and water conservation district commissioners' office shall review the construction program submitted by each highway authority to determine those projects which may impact upon soil erosion and water diversion or retention.

85 Acts, ch 106, §2; 87 Acts, ch 23, §7

306.51 Soil erosion impact.

The soil and water conservation district commissioners shall, within thirty days after receipt of the construction program, notify the appropriate highway authority of the projects which will impact upon soil erosion and water drainage and request that the appropriate

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highway authority notify them of the date, time, and place for holding the design hearing on preliminary plans.

85 Acts, ch 106, §3; 87 Acts, ch 23, §8

306.52 Review of plans.

Upon examining the preliminary plans on a road project, the soil and water conservation district commissioners may review each road project for which a drainage structure is required. The soil and water conservation commissioners shall ascertain whether or not the proposed erosion control or runoff control structure is suitable to reduce the velocity of runoff, reduce gully erosion, or provide for sedimentation or other improvement that would enhance soil conservation. The soil and water conservation commissioners shall also ascertain whether any other aspect of the road construction will affect soil and water conservation.

85 Acts, ch 106, §4; 87 Acts, ch 23, §9

306.53 Submission of recommendations — contribution to cost.

1. The soil and water conservation district commissioners shall submit their findings and recommendations to the appropriate highway authority not later than twenty days following examination of the construction plans.

2. The appropriate highway authority shall respond to the soil and water conservation district commissioners and indicate its agreement to the suggested installation or its rejection of the proposal.

3. Where feasible and cost-sharing funds are available, the soil and water conservation district may contribute in part or in its entirety to any additional cost for the erosion control structure.

85 Acts, ch 106, §5; 87 Acts, ch 23, §10; 2017 Acts, ch 54, §76

306.54 Reporting.

If the proposal is rejected, the appropriate highway authority shall provide a written report documenting the reason for the rejection to the soil and water conservation district commissioners and the state department of transportation. The state department of transportation shall submit a written report to the general assembly not later than March 1 of each year. The report shall contain only a list of those highway projects where a disagreement exists between the department and the soil and water conservation district commissioners and the reasons for rejecting the recommendations of the soil and water conservation district commissioners. The report shall be filed with the secretary of the senate and the chief clerk of the house of representatives.

85 Acts, ch 106, §6; 87 Acts, ch 23, §11

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CHAPTER 306A

CONTROLLED-ACCESS HIGHWAYS

Referred to in §307.24

SUBCHAPTER I

CONTROLLED-ACCESS FACILITIES AND SERVICE ROADS

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RELOCATION OF UTILITY FACILITIES

306A.10 Notice to relocate — costs paid.
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SUBCHAPTER I

CONTROLLED-ACCESS FACILITIES AND SERVICE ROADS

306A.1 Declaration of policy.

The legislature hereby finds, determines, and declares that this chapter is necessary for the immediate preservation of the public peace, health, and safety, and for the promotion of the general welfare.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.1]

306A.2 Definition of a controlled-access facility.

For the purposes of this chapter, a controlled-access facility is defined as a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason. Such highways or streets may be freeways open to use by all customary forms of street and highway traffic or they may be parkways from which trucks, buses, and other commercial vehicles shall be excluded.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.2]

Referred to in §306A.3, 314.16A

306A.3 Authority to establish controlled-access facilities — utility accommodation policy.

1. Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, acting alone or in cooperation with each other or with any federal, state, or local agency or any other state having authority to participate in the construction and maintenance of highways, are authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide controlled-access facilities for public use if traffic conditions, present or future, will justify special facilities; provided, that within a city such authority shall be subject to municipal consent as may be provided by law. In addition to the specific powers granted in this chapter, cities and highway authorities shall have any additional authority vested in them relative to highways or streets within their respective jurisdictions. Cities and highway authorities may regulate, restrict, or prohibit the use of controlled-access facilities by various classes of vehicles or traffic in a manner consistent with section 306A.2.

2. *a.* The state department of transportation shall adopt rules pursuant to chapter 17A embodying a utility accommodation policy which imposes reasonable restrictions on placements, occurring on or after the effective date of the rules, on primary road

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rights-of-way. The rules may require utilities to give notice to the department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. Upon written request by a utility infrastructure owner, longitudinal transmission line installations may be installed on a primary road right-of-way, including on an interstate road right-of-way, unless the department determines such an installation would endanger public safety or interfere with the proper function and public use of the highway. The rules must recognize emergency situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities commission. The rules shall not be less stringent than the standards adopted by the utilities commission pursuant to chapters 478, 479, and 479B. This subsection shall not be construed as granting the department authority which has been expressly granted to the utilities commission to determine the route of utility installations. If the department requires a utility company permit, the department shall act upon the permit application within thirty days of its filing. In cases of federal-aid highway projects on nonprimary highways, the local authority with jurisdiction over the highway and the department shall comply with all federal regulations and statutes regarding utility accommodation.

b. If the department denies an installation of a longitudinal transmission line on a primary road right-of-way, including on an interstate road right-of-way, the department shall make the reason for the denial available to the public within ninety days.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.3]

91 Acts, ch 147, §1; 95 Acts, ch 192, §2; 2005 Acts, ch 32, §1; 2006 Acts, ch 1010, §82; 2023 Acts, ch 66, §62; 2024 Acts, ch 1170, §369; 2026 Acts, ch 1010, §2

Referred to in §318.8
Subsection 2 amended

306A.4 Design of controlled-access facility.

Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, are authorized to so design any controlled-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended. In this connection such cities and highway authorities are authorized to divide and separate any controlled-access facility into separate roadways by the construction of raised curbings, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and other devices. No person shall have any right of ingress or egress to, from, or across controlled-access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.4]

306A.5 Acquisition of property and property rights.

1. For the purposes of this chapter, cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, may acquire private or public property rights for controlled-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as such units are authorized by law to acquire such property or property rights in connection with highways and streets within their respective jurisdictions. All property rights acquired under this chapter shall be in fee simple. In connection with the acquisition of property or property rights for a controlled-access facility or portion of, or service road in connection with a controlled-access facility, the cities and highway authorities, in their discretion, may acquire an entire lot, block, or tract of land, if by so doing the interests of the public will be best served, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper.

2. Access rights to any highway shall not be acquired by any authority having jurisdiction and control over the highways of this state by adverse possession or prescriptive right. Action

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taken by any such authority shall not form the basis for any claim of adverse possession of or prescriptive right to any access rights by any such authority.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.5]

89 Acts, ch 83, §39; 2018 Acts, ch 1041, §77

306A.6 New and existing facilities — grade-crossing eliminations.

1. Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, may designate and establish an existing street or highway as included within a controlled-access facility. The state or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of controlled-access facilities with existing state and county roads, and city or village streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access facility.

2. The provisions of sections 306.11 through 306.17 shall apply and govern the procedure for the closing of a road or street and the method of ascertaining damages sustained by any person as a consequence of the closing, provided, however, that the highway authority desiring the closing of such road or street shall conduct the hearing and carry out the procedure therefor and pay any damages, including any allowed on appeal, as a consequence thereof, any law to the contrary notwithstanding.

3. After the establishment of any controlled-access facility, no highway or street which is not part of said facility shall intersect the same at grade. A city or village street, county or state highway, or other public way shall not be opened into or connected with any such controlled-access facility without the consent and previous approval of the highway authority in the state, county, city, or village having jurisdiction over the controlled-access facility. Such consent and approval shall be given only if the public interest shall be served thereby.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.6]

2020 Acts, ch 1063, §133

306A.7 Authority of local units to consent.

Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306 are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of controlled-access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of this chapter.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.7]

306A.8 Local service roads.

In connection with the development of any controlled-access facility cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, are authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized over controlled-access facilities under the terms of this chapter, if, in their opinion, such local service roads and streets are necessary or desirable. Such local service roads or streets shall be of appropriate design, and shall be separated from the controlled-access facility proper by means of all devices designated as necessary or desirable by the proper authority.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.8]

306A.9 Reserved.

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SUBCHAPTER II

RELOCATION OF UTILITY FACILITIES

306A.10 Notice to relocate — costs paid.

Whenever the state department of transportation, a city, or a county determines that relocation or removal of any utility facility now located in, over, along, or under any highway or street, is necessitated by the construction of a project on routes of the national system of interstate and defense highways including extensions within cities or on streets or highways resulting from interstate substitutions in a qualified metropolitan area under Tit. 23, U.S.C., the utility owning or operating the facility shall relocate or remove the facility in accordance with statutory notice. The costs of relocation or removal, including the costs of installation in a new location, shall be ascertained by the authority having jurisdiction over the project or as determined in condemnation proceedings for such purposes and may be paid from participating federal aid or other funds.

[C62, 66, 71, 73, 75, 77, 79, 81, §306A.10]

83 Acts, ch 198, §15; 2021 Acts, ch 76, §57

306A.11 What costs included.

Cost of relocation or removal shall include the entire amount paid by such utility properly attributable to such relocation or removal except the cost of land or any rights or interest in land, after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

[C62, 66, 71, 73, 75, 77, 79, 81, §306A.11]

306A.12 Limitation on reimbursement.

A reimbursement shall not be made for any relocation or removal of facilities under this chapter unless funds to be provided by federal aid amount to at least eighty-five percent of each reimbursement payment.

[C62, 66, 71, 73, 75, 77, 79, 81, §306A.12]

83 Acts, ch 198, §16

306A.13 Definition of utility.

The term *"utility"* includes all privately, publicly, municipally, or cooperatively owned systems for supplying water, sewer, electric lights, street lights and traffic lights, gas, power, telegraph, telephone, transit, pipeline, heating plants, railroads, and bridges, or the like service to the public, or any part of such a system if the system is authorized by law to use the streets or highways for the location of its facilities.

[C62, 66, 71, 73, 75, 77, 79, 81, §306A.13]

2022 Acts, ch 1021, §56

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CHAPTER 306B

OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAYS

Referred to in §306C.10, 306C.11, 306C.13, 306C.15, 306C.18, 306C.24, 306D.4, 307.24, 321.252

306B.1 Definitions.
306B.2 Advertising prohibited — exceptions.
306B.3 Rules. Repealed by 2021 Acts, ch 39, §15.
306B.4 Purchase of existing signs.
306B.5 Removal after notice.
306B.6 Misdemeanor.
306B.7 Federal agreements.
306B.8 Funds accepted.

306B.1 Definitions.

As used in this chapter:

1. *"Advertising device"* means any outdoor sign, display, device, figure, painting, drawing,

message, placard, poster, billboard, or any other device designed, intended, or used to advertise or inform, for which remuneration is paid or earned in exchange for its erection, display, or existence by any person, and which is visible from the traveled portion of any highway of the interstate system in this state.

2. *"Department"* means the state department of transportation.

3. *"Interstate system"* means the system of highways as described in 23 U.S.C. §103(c) or amendments thereto.

4. *"Remuneration"* means the exchange of anything of value, including but not limited to money, securities, real property interests, personal property interests, goods, services, future consideration, exchange of favor, or forbearance of debt.

[C66, 71, 73, 75, 77, 79, 81, §306B.1]
2010 Acts, ch 1061, §180; 2011 Acts, ch 25, §25; 2021 Acts, ch 39, §1, 2

306B.2 Advertising prohibited — exceptions.

An advertising device shall not be erected or maintained within six hundred sixty feet of the edge of the right-of-way of the interstate system except in areas zoned and used for commercial or industrial purposes under authority of law, regulation, or ordinance of this state or a political subdivision of this state. For purposes of this section, *"areas zoned and used for commercial or industrial purposes"* means an area zoned for commercial or industrial purposes in accordance with chapter 414, in the case of city zoning, or in accordance with chapter 335, in the case of county zoning, in which one or more commercial or industrial activities, as defined under the city or county zoning ordinance, are located.

[C66, 71, 73, 75, 77, 79, 81, §306B.2]
97 Acts, ch 104, §1; 2002 Acts, ch 1070, §1, 2; 2021 Acts, ch 39, §3
Referred to in §306C.10, 306C.13

306B.3 Rules. Repealed by 2021 Acts, ch 39, §15.

306B.4 Purchase of existing signs.

The department shall acquire by purchase, gift, or condemnation all advertising devices existing on May 21, 1965, which violate the provisions of this chapter or which fail to conform to rules promulgated by the said department under this chapter and all rights and interests of all persons in and to such devices; except that in instances involving any authorized device which fails to conform to rules, the said department shall give notice to the owner of the device and to the owner of the land on which the device is located and shall give the owner and landowner time to conform to such rules as provided in section 306B.5 before proceeding as directed in this section. The provisions of chapters 6A and 6B shall be applicable to any such condemnation and the said department shall have the right to take immediate possession of and remove such devices under the procedures of section 6B.25.

[C66, 71, 73, 75, 77, 79, 81, §306B.4]

306B.5 Removal after notice.

Any advertising device erected or maintained adjacent to any interstate system after May 21, 1965 in violation of this chapter or the rules promulgated by the department, is a public nuisance and may be removed by the department upon thirty days' notice, by certified mail, to the owner of the advertising device and to the owner of the land on which the advertising device is located. The notice shall require such owners to remove the advertising device if it is prohibited or to cause it to conform to this chapter or rules promulgated by the department if it is not prohibited.

1. If the owner of the advertising device or the landowner fails to act within thirty days as required in the notice, the advertising device shall be deemed to be forfeited and the department may enter upon the land and remove the advertising device. Such entry after notice, shall not be deemed a trespass and the department may be aided by injunction to abate the nuisance and to insure peaceful entry.

2. The cost of removal, including fees, costs and expenses which arise out of an action brought by the department to insure peaceful entry and removal, may be assessed against

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the owner of the advertising device. If the owner of the advertising device fails to pay the fees, costs, or expenses within thirty days after assessment, the department may commence an action to collect the fees, costs, or expenses, which when collected shall be paid into the "highway beautification fund".

[C66, 71, 73, 75, 77, 79, 81, §306B.5]

83 Acts, ch 186, §10067, 10201

Referred to in §306B.4, 306C.10

Nuisances in general, chapter 657

306B.6 Misdemeanor.

Whoever erects or maintains an advertising device in violation of this chapter or in violation of rules and regulations promulgated by the department under this chapter shall be guilty of a simple misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §306B.6]

306B.7 Federal agreements.

The department may enter into agreements with the secretary of commerce of the United States concerning the erection, maintenance, regulation, location, frequency and related matters of advertising devices permitted under this chapter.

[C66, 71, 73, 75, 77, 79, 81, §306B.7]

306B.8 Funds accepted.

The department may accept any allotment of funds by the United States or any department or agency thereof appropriated under Tit. 23 U.S.C. or amendments thereto to accomplish the purposes of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §306B.8]

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CHAPTER 306C

JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL

Referred to in §306D.4, 307.24

SUBCHAPTER I

JUNKYARD BEAUTIFICATION

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306C.2 Junkyards prohibited — exceptions.
306C.3 Junkyards lawfully in existence.
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306C.24 Compensation for sign removal.

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SUBCHAPTER I

JUNKYARD BEAUTIFICATION

306C.1 Definitions.

For the purposes of this subchapter unless the context otherwise requires:

1. *"Department"* means the state department of transportation.

2. *"Interstate highway"* includes *"interstate road"* and *"interstate system"* and means any highway of the national highway system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

3. *"Junk"* means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts of automobiles, or iron, steel, or other old or scrap ferrous or nonferrous material.

4. *"Junkyard"* means an establishment or place of business which is maintained, operated, or used primarily for storing, keeping, buying, or selling junk; and the term includes garbage dumps, sanitary fills, and automobile graveyards.

5. *"National highway system"* means the network designated by the federal highway administration in consultation with the state department of transportation, which consists of interconnected urban and rural principal arterials and highways that serve major population centers, ports, airports, public transportation facilities, other intermodal transportation facilities, and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel.

[C73, 75, 77, 79, 81, §306C.1]

2003 Acts, ch 8, §1; 2014 Acts, ch 1123, §2, 3; 2016 Acts, ch 1011, §121

Referred to in §555B.1

306C.2 Junkyards prohibited — exceptions.

A person shall not establish, operate, or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right-of-way of any highway on the national highway system, except:

1. Those which are screened by natural objects, plantings, fences, or other appropriate means obscuring them from view from the main-traveled portion of the highway.

2. Those located within areas which are zoned for industrial use under authority of law.

3. Those located within unzoned industrial areas which areas shall be determined from actual land uses and defined by regulations to be promulgated by the department under the provisions of chapter 17A in accordance with the standards, criteria, and rules and regulations promulgated under authority of Tit. 23, United States Code.

4. Those which are not visible from the main-traveled portion of the highway.

[C73, 75, 77, 79, 81, §306C.2]

2003 Acts, ch 8, §2; 2014 Acts, ch 1123, §4

Referred to in §306C.6

306C.3 Junkyards lawfully in existence.

1. Any junkyard located outside a zoned or unzoned industrial area lawfully in existence on July 1, 1972, which is within one thousand feet of the nearest edge of the right-of-way and visible from the main-traveled portion of any highway on the interstate system shall be screened, if feasible, by the department, or by the owner under rules and direction of the department, at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way in order to obscure the junkyard from the main-traveled way of such highways.

2. Any junkyard located outside a zoned or unzoned industrial area lawfully in existence on July 1, 2014, which is within one thousand feet of the nearest edge of the right-of-way and visible from the main-traveled portion of any noninterstate highway which is on the national highway system shall be screened, if feasible, by the department, or by the owner under rules and direction of the department, at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way in order to obscure the junkyard from the main-traveled way of such highways.

[C73, 75, 77, 79, 81, §306C.3]

2003 Acts, ch 8, §3; 2014 Acts, ch 1123, §5

Referred to in §306C.6

306C.4 Requirements as to screening.

The department may adopt rules pursuant to chapter 17A governing the location, planting, construction, and maintenance of screening or fencing required by this chapter including materials to be used. However, such rules shall be in accordance with the standards, criteria and rules promulgated under authority of Tit. 23, United States Code.

[C73, 75, 77, 79, 81, §306C.4]

306C.5 Acquisition of land for screening or removal.

When the department determines that it is in the best interests of the state, it may acquire by gift, purchase, exchange, or condemnation, as provided by law, such property or rights or interests in property as may be necessary to provide adequate screening for junkyards. When the department determines that the topography of the land adjoining the highway will not permit adequate screening, or screening would not be economically feasible, the department may acquire such property or rights or interests in property as may be necessary to secure the relocation, removal, or disposal of the junkyard, and shall pay the cost of such relocation, removal, or disposal, with federal participation. However, no plan for relocation, removal, or disposal which qualifies for federal participation shall be undertaken unless the department has received notification from the federal government that the federal share to be paid is immediately available for that purpose.

[C73, 75, 77, 79, 81, §306C.5]

306C.6 Nuisance — injunction.

Any junkyard which does not conform to the requirements of this subchapter and which is not excepted under section 306C.2 or 306C.3, is a public nuisance. The department may

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apply for an injunction to abate any nuisance arising from a violation of the provisions of this subchapter or rules adopted pursuant to this subchapter.

[C73, 75, 77, 79, 81, §306C.6]
2016 Acts, ch 1011, §121
Nuisances in general, chapter 657

306C.7 Interpretation.

Nothing in this chapter shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution, which are more restrictive than the provisions of this subchapter.

[C73, 75, 77, 79, 81, §306C.7]
2016 Acts, ch 1011, §121

306C.8 Agreements with the United States authorized.

The department may enter into agreements with the United States secretary of transportation as provided by Tit. 23, United States Code, relating to control of junkyards in areas adjacent to the interstate system, and take action in the name of the state to comply with the terms of such agreements.

[C73, 75, 77, 79, 81, §306C.8]
2003 Acts, ch 8, §4

306C.9 Compensation.

Nothing in this subchapter shall be construed as permitting the taking of private property or the restriction of the reasonable and existing uses of such property without just compensation and in accordance with the provisions of chapter 6B and Tit. 23, United States Code.

[C73, 75, 77, 79, 81, §306C.9]
2016 Acts, ch 1011, §121

SUBCHAPTER II

BILLBOARD CONTROL

Referred to in §321.252

306C.10 Definitions.

For the purposes of this subchapter, unless the context otherwise requires:

1. *"Adjacent area"* means an area which is contiguous to and within six hundred sixty feet of the nearest edge of the right-of-way of any primary highway.

2. *"Advertising device"* means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or inform, for which remuneration is paid or earned in exchange for its erection, display, or existence by any person, and which is visible from the traveled portion of any primary highway.

3. *"Bonus interstate highways"* includes all interstate highways except those interstate highways adjacent to areas excepted from control under chapter 306B by authority of section 306B.2.

4. *"Commercial or industrial activities"* means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

a. Outdoor advertising structures.

b. Agricultural, forestry, grazing, farming, and related activities, including but not limited to wayside fresh produce.

c. Activities in operation less than three months per year.

d. Activities conducted in a building principally used as a residence.

e. Railroad tracks and minor spurs.

f. Activities outside of adjacent areas, as defined by this subchapter and section 306B.5.

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g. Activities which have been used in defining and delineating an unzoned area but which have since been discontinued or abandoned.

h. Residential housing developments.

i. Manufactured home communities or mobile home parks.

j. Institutions of learning.

k. State, county, and charitable institutions.

l. State and county conservation and recreation areas, public parks, forests, playgrounds, or other areas of historic interest or areas designated as scenic beautification areas under section 313.67.

5. *"Commercial or industrial zone"* means those areas zoned commercial or industrial under authority of a law, regulation, or ordinance of this state, its subdivisions, or a municipality.

6. *"Department"* means the state department of transportation.

7. *"Erect"* means to construct, reconstruct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; however, it shall not include any of the foregoing activities when performed incidental to the customary maintenance of an advertising device.

8. *"Freeway primary highway"* means those primary highways which have been constructed as a fully controlled access facility with no access to the facility except at established interchanges.

9. *"Information center"* means a site, either with or without structures or buildings, established and maintained at a rest area for the purpose of providing "specific information of interest to the traveling public", as defined in subsection 19.

10. *"Interstate highway"* includes *"interstate road"* and *"interstate system"* and means any highway of the national highway system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

11. *"Maintain"* means to cause to remain in a state of good repair but does not include reconstruction.

12. *"Main-traveled way"* means the portion of the roadway for movement of vehicles on which through traffic is carried exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main-traveled way includes each of the separated roadways for traffic in opposite directions, exclusive of frontage roads, turning roadways, or parking areas.

13. *"National highway system"* means the network designated by the federal highway administration in consultation with the state department of transportation, which consists of interconnected urban and rural principal arterials and highways that serve major population centers, ports, airports, public transportation facilities, other intermodal transportation facilities, and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel.

14. *"Primary highways"* means all highways on the national highway system and all highways on the federal-aid primary system as it existed on June 1, 1991.

15. *"Reconstruction"* means any repair to the extent of sixty percent or more of the replacement cost of the structure, excluding buildings.

16. *"Remuneration"* means the exchange of anything of value, including but not limited to money, securities, real property interests, personal property interests, goods, services, future consideration, exchange of favor, or forbearance of debt.

17. *"Rest area"* means an area or site established and maintained under authority of section 313.67 within the right-of-way of an interstate, freeway primary, or primary highway under supervision and control of the department for the safety, recreation, and convenience of the traveling public.

18. *"Right-of-way"* means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances.

19. *"Specific information of interest to the traveling public"* means only information about public places for camping, lodging, eating, and motor fuel and associated services, including

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trade names, which have telephone facilities available when the public place is open for business and businesses engaged in selling motor fuel which have free air for tire inflation and restroom facilities available when the public place is open for business.

20. *"Structure"* means any sign supporting device including but not limited to buildings.

21. *"Unzoned commercial or industrial area"* means those areas not zoned by state or local law, regulation, or ordinance, which are occupied by one or more commercial or industrial activities, and the land along the primary highways for a distance of seven hundred fifty feet immediately adjacent to the activities. All measurements shall be from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be parallel to the edge of pavement of the highway. Measurements shall not be from the property line of the activities unless that property line coincides with the limits of the activities. Unzoned commercial or industrial areas shall not include land on the opposite side of the highway from the commercial or industrial activities.

22. *"Visible"* means capable of being read or comprehended without visual aid by a person of normal visual acuity.

[C73, 75, 77, 79, 81, §306C.10]

2001 Acts, ch 153, §16; 2003 Acts, ch 8, §5; 2009 Acts, ch 133, §111, 235; 2011 Acts, ch 25, §26; 2014 Acts, ch 1123, §6, 7; 2016 Acts, ch 1011, §121; 2021 Acts, ch 39, §4 – 6

Referred to in §314.27

306C.11 Advertising prohibited.

Subject to the provisions made in section 306C.13 regarding control of bonus interstate highways and section 306D.4 regarding scenic highways or byways, an advertising device shall not be erected or maintained within any adjacent area, or on the right-of-way of any primary highway, except the following:

1. *a.* Advertising devices within the adjacent area located in commercial or industrial zones or in unzoned commercial or industrial areas in compliance with the regulatory standards of this subchapter and rules promulgated by the department.

b. The rules shall be consistent with national standards promulgated pursuant to 23 U.S.C. §131 and shall include at least the following:

(1) Provision for a fee schedule to cover the direct and indirect costs related to issuing permits and control of outdoor advertising.

(2) Specific permit requirements.

(3) Provisions specifying the measurement of required spacing.

(4) Provisions specifying conforming sign configurations.

2. *a.* Signs, displays, and devices giving specific information of interest to the traveling public shall be erected by the department and maintained within the right-of-way in the areas, and at appropriate distances from interchanges on the interstate system and freeway primary highways as shall conform with the rules adopted by the department. The rules shall be consistent with national standards promulgated from time to time or as permitted by the appropriate authority of the federal government pursuant to 23 U.S.C. §131(f) except as provided in this section. The rules shall include but are not limited to the following:

(1) Criteria for eligibility for signing.

(2) Criteria for limiting or excluding businesses that maintain advertising devices that do not conform to the requirements of chapter 306B, this subchapter, or other statutes or administrative rules regulating outdoor advertising.

(3) Provisions for a fee schedule to cover the direct and indirect costs of sign erection and maintenance and related administrative costs.

(4) Provisions for specifying the maximum distance to eligible businesses.

(5) Provisions specifying the maximum number of signs permitted per panel and per interchange.

(6) Provisions for determining what businesses are signed when there are more applicants than the maximum number of signs permitted.

(7) Provisions for removing signs when businesses cease to meet minimum requirements for participation and related costs.

b. Business signs supplied to the department by commercial vendors shall be on panels,

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with dimensional and material specifications established by the department. A business sign included under the provisions of this section shall not be posted unless it is in compliance with these specifications. The commercial vendor shall pay to the department a fee based upon the schedule adopted under this subsection for each business sign supplied for posting. Upon furnishing the business signs to the department and payment of all fees, the department shall post the business signs on eligible specific information panels. Faded signs shall be replaced and the commercial vendor charged for the cost of replacement based upon the fee schedule adopted. There is created in the office of the treasurer of state a fund to be known as the highway beautification fund and all funds received for the posting on specific information panels shall be deposited in the highway beautification fund. Information on motor fuel and associated services may include vehicle service and repair where the same is available.

[C73, 75, 77, 79, 81, §306C.11; 82 Acts, ch 1240, §1]

90 Acts, ch 1183, §1, 2; 95 Acts, ch 135, §3; 97 Acts, ch 104, §2; 98 Acts, ch 1075, §19; 2006 Acts, ch 1068, §1; 2006 Acts, ch 1142, §83; 2007 Acts, ch 143, §1; 2009 Acts, ch 133, §112; 2016 Acts, ch 1011, §121; 2021 Acts, ch 39, §7 – 9

Referred to in §306C.13, 306C.18

306C.12 None visible from highway.

An advertising device shall not be constructed or reconstructed beyond the adjacent area in unincorporated areas of the state if it is visible from the main-traveled way of any primary highway. Any advertising device permitted beyond an adjacent area in unincorporated areas of the state shall be subject to the applicable permit provisions of section 306C.18.

[C73, 75, 77, 79, 81, §306C.12]

2006 Acts, ch 1068, §2; 2014 Acts, ch 1123, §8; 2021 Acts, ch 39, §10

306C.13 Control by department of transportation.

The department shall control the erection and maintenance of advertising devices authorized by section 306C.11, subsection 1, in accord with the following criteria, except that in the case of bonus interstate highways the department shall maintain the controls required under chapter 306B or the controls required by this subchapter, whichever controls are stricter:

1. Advertising devices located within the adjacent area of interstate highways and freeway primary highways shall not be erected or maintained closer to another advertising device facing in the same direction than five hundred feet outside of cities, and within two hundred fifty feet if inside of cities. An advertising device may not be located within two hundred fifty feet of an interchange, or rest area. The measurement shall be from the nearest widening constructed for the purpose of acceleration or deceleration of traffic movement to or from the main-traveled way to the advertising device.

2. Advertising devices located within the adjacent area of nonfreeway primary highways shall not be erected or maintained closer than one hundred feet to another advertising device facing in the same direction if inside the corporate limits of a municipality. An advertising device shall not be located within the triangular area formed by the line connecting two points each fifty feet back from the point where the street right-of-way lines of the main-traveled way and the intersecting street meet, or would meet, if extended.

3. Advertising devices located within the adjacent area of nonfreeway primary highways shall not be erected or maintained closer than three hundred feet to another advertising device facing in the same direction if outside the corporate limits of a municipality. An advertising device shall not be located within the triangular area formed by a line connecting two points each one hundred feet back from the point where the street right-of-way lines of the main-traveled way and the intersecting street meet, or would meet, if extended.

4. The distance spacing measurements fixed by subsections 2 and 3 shall not apply to advertising devices which are separated by a building in such a manner that only one advertising device located within the minimum spacing distance is visible from a highway at any one time.

5. Within a triangular area, as defined by subsections 2 and 3, occupied by a building or structure, no advertising device shall be erected or maintained closer to the intersection than

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the building or structure itself, except that a wall advertising device may be attached to said building or structure not to protrude more than twelve inches.

6. The minimum distance between two advertising devices facing the same direction shall apply without regard to the side of the highway on which the advertising devices may be located and shall be measured along the center line of the highway between points directly opposite the advertising devices.

7. Advertising devices shall not be erected, maintained, or illuminated:

a. In a manner to obscure or otherwise physically interfere with an official traffic sign, signal, or device, or to obstruct or physically interfere with any driver's view of approaching, merging, or intersecting traffic.

b. Unless effectively shielded to prevent light from being directed at any portion of the traveled highway with such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

c. Which contain, include, or are illuminated by any flashing, intermittent, or moving light.

d. Which imitate or resemble an official sign or signal or device or which are erected or maintained within or closer than three hundred feet from scenic areas, as defined and determined by the department, or which are located or maintained upon trees, or painted or drawn upon rocks or natural features, or which are structurally unsafe or in substantial disrepair.

e. Which exceed one thousand two hundred square feet in area or in the case of a back-to-back or V-type advertising device, with a maximum of two facings per advertising device, seven hundred fifty square feet in area, including border and trim but excluding base or apron, support, and other structural members.

f. Which do not comply with all applicable state or local laws, regulations and ordinances, including but not limited to zoning, building, and sign codes as locally interpreted and applied and enforced, or which violate chapter 318; however, nothing in this subchapter shall prevent or restrict county or local zoning authorities from making a determination of customary use concerning size, lighting, and spacing of advertising devices in zoned commercial or industrial adjacent areas, and such determinations will be accepted in lieu of the standards of this subchapter. The provisions of this subchapter shall not prevent or restrict county or local zoning authorities within their respective jurisdictions from establishing standards imposing controls stricter than those required by this subchapter.

g. The standards contained in this section pertaining to size, lighting, and spacing shall not apply to advertising devices erected or maintained within six hundred sixty feet of the right-of-way of those portions of the interstate highway system exempted from control under chapter 306B by authority of section 306B.2, nor to advertising devices erected and maintained within adjacent areas along noninterstate primary highways within zoned and unzoned commercial and industrial areas, unless said advertising devices were erected subsequent to July 1, 1972.

[C73, 75, 77, 79, 81, §306C.13]

2006 Acts, ch 1097, §15; 2014 Acts, ch 1123, §9, 10; 2016 Acts, ch 1011, §121; 2021 Acts, ch 39, §11 – 13

Referred to in §306C.11, 306C.24

306C.14 Existing signs — six-year limit.

Any advertising device lawfully in existence in an adjacent area on July 1, 1972, which does not conform with the provisions of this subchapter, shall be required to be brought into conformity or removed within six years after July 1, 1972. Any advertising device lawfully erected after said date which subsequently becomes nonconforming, shall be required to be brought into conformity or removed within five years after the date the nonconformity occurs. However, no advertising device shall be acquired or be required to be removed pursuant to this subchapter unless the department has received notification from the federal government that the federal share of just compensation to be paid is immediately available to contribute

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to the cost of acquisition or removal; this requirement shall not apply to the acquisition or removal of advertising devices for which no federal share is payable.

[C73, 75, 77, 79, 81, §306C.14]
2016 Acts, ch 1011, §121
Referred to in §306C.24

306C.15 Acquisition of signs.

The department shall acquire by purchase, gift, or condemnation, and shall pay just compensation upon the removal of any of the following advertising devices which are not in conformity with the provisions of this subchapter:

1. Advertising devices lawfully in existence on July 1, 1972.
2. Advertising devices lawfully in existence on land adjoining any highway made an interstate, freeway primary, or primary highway after July 1, 1972.
3. Advertising devices lawfully erected on or after July 1, 1972, but which subsequently become nonconforming.
4. Any advertising device erected on the mistaken or negligent advice of any official or employee of the state of Iowa as to the interpretation, effect, or operation of this subchapter, chapter 306B, or rules promulgated by the department.

[C73, 75, 77, 79, 81, §306C.15]
2016 Acts, ch 1011, §121
Referred to in §306C.16, 306C.18

306C.16 Compensation.

Compensation required by section 306C.15 or 306C.24 shall be paid for the following:

1. The taking from the owner of such advertising device of all right, title, leasehold, and interest in such advertising device.
2. The taking from the owner of real property on which an advertising device is located, of the right to erect and maintain such advertising devices upon that real property.

[C73, 75, 77, 79, 81, §306C.16]
89 Acts, ch 317, §24
Referred to in §306C.24

306C.17 Condemnation.

The provisions of chapters 6A and 6B shall be applicable to any such condemnation commenced pursuant to this subchapter, and the department may take immediate possession of and remove such advertising devices under the procedures of section 6B.25.

[C73, 75, 77, 79, 81, §306C.17]
2016 Acts, ch 1011, §121

306C.18 Permit required.

The owner of every advertising device regulated by section 306C.11, subsection 1, shall be required to make application to the department for a permit.

1. The application for a permit shall be on a form provided by the department and shall contain the name and address of the owner of the advertising device and the name and address of the owner of the real property on which it is located; the date of its erection; a description of its location; its dimensions; and such other information required by the department, together with a permit fee as provided in this section or rule adopted by the department.
2. After July 1, 1972, no new advertising device for which an application for a permit is required may be erected without first obtaining a permit from the department, except in the case of advertising devices lawfully in existence in areas adjacent to any highway made an interstate, freeway primary, or primary highway after July 1, 1972. The owner shall be required to make application for a permit as provided for in this section within thirty days after the date the said highway acquired said designation.
3. Upon receipt of an application containing all the required information in due form and properly executed together with the fee required, the department shall issue a permit to be affixed to the advertising device if the advertising device will not violate any provision of this

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subchapter or chapter 306B, or any rule promulgated by the department, provided that in the case of advertising devices to be acquired pursuant to section 306C.15, a provisional permit shall be issued.

4. The fee for both types of permits for calendar years 1997 and 1998 shall be one hundred dollars for the initial fee and fifteen dollars for each annual renewal for signs up to three hundred seventy-five square feet in area, twenty-five dollars for each annual renewal for signs at least three hundred seventy-six, but not more than nine hundred ninety-nine, square feet in area, and fifty dollars for each annual renewal for signs one thousand square feet or more in area. Beginning January 1, 1999, fees shall be as determined by rule by the department. The fees collected for the above permits shall be credited to the highway beautification fund created in section 306C.11, subsection 2, and all salaries and expenses incurred in administering this chapter shall be paid from this fund or from specific appropriations for this purpose, except that surveillance of, and removal of, advertising devices performed by regular maintenance personnel are not to be charged against the fund.

[C73, 75, 77, 79, 81, §306C.18]

91 Acts, ch 176, §1; 96 Acts, ch 1218, §34; 97 Acts, ch 104, §3; 2006 Acts, ch 1068, §3; 2013 Acts, ch 90, §74; 2016 Acts, ch 1011, §121; 2021 Acts, ch 39, §14

Referred to in §306C.12, 306C.24

306C.19 Removal after notice.

Any advertising device erected or maintained after July 1, 1972, in violation of this subchapter or the rules promulgated by the department, is a public nuisance and may be removed by the department upon thirty days' notice, by certified mail, to the owner of the advertising device and to the owner of the land on which the advertising device is located. The notice shall require such owners to remove the advertising device if it is prohibited, or to cause it to conform to this subchapter or rules promulgated by the department if it is not prohibited.

1. If the owner of the advertising device or the landowner fails to act within thirty days as required in the notice, the advertising device shall be deemed to be forfeited and the department may enter upon the land and remove the advertising device. Such entry after notice, shall not be deemed a trespass and the department may be aided by injunction to abate the nuisance and to insure peaceful entry.

2. The cost of removal, including fees, costs and expenses which arise out of an action brought by the department to insure peaceful entry and removal, may be assessed against the owner of the advertising device. If the owner of the advertising device fails to pay the fees, costs, or expenses within thirty days after assessment, the department may commence an action to collect the fees, costs, or expenses, which when collected shall be paid into the highway beautification fund.

[C73, 75, 77, 79, 81, §306C.19]

83 Acts, ch 186, §10068, 10201; 2016 Acts, ch 1011, §121

Nuisances in general, chapter 657

306C.20 Bonus funds agreements.

The department shall enter into agreements with the duly constituted federal authorities in order to secure for the state all bonus federal funds allotted and appropriations to the state and to avoid loss or reduction, under 23 U.S.C. §131, of federal aid funds apportioned or to be apportioned to the state under 23 U.S.C. §104. The department may accept funds from whatever source, including any allotment of funds by the United States, or any of its departments or agencies, appropriated to carry out the purposes of 23 U.S.C. §131. The department shall take such steps as may be necessary to obtain from the United States or any of its departments or agencies, funds allotted and appropriated for the purpose of paying the federal share of just compensation to be paid to advertising device owners and owners of the real property under the terms of this chapter and 23 U.S.C. §131(g). All moneys received

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pursuant to the provisions of this chapter shall be deposited in the highway beautification fund.

[C73, 75, 77, 79, 81, §306C.20]
2010 Acts, ch 1061, §51

306C.21 Information centers and rest areas.

1. The department may establish or enter into agreements with private persons, firms, or corporations for the establishment of information centers in rest areas on the interstate, freeway primary, and primary highways, subject to the approval of the appropriate authority of the federal government. After January 1, 1997, private persons, firms, or corporations entering into an agreement with the department under this section shall not develop, establish, or own any commercial business located on land adjacent to the rest area which is subject to the agreement.

2. An interstate rest area shall be located entirely on the interstate right-of-way, including, but not limited to, all entrance and exit ramps, all rest area buildings including information centers, and all parking facilities. Department money and resources shall not be used for any other type of interstate rest area. Whenever an interstate rest area is reconstructed, the area available for parking shall be equal to or more than the area available for parking prior to the reconstruction.

[C73, 75, 77, 79, 81, §306C.21]
97 Acts, ch 76, §1; 2021 Acts, ch 76, §150

306C.22 Political signs. Repealed by 2003 Acts, ch 8, §6.

306C.23 Special event signs. Repealed by 2021 Acts, ch 39, §15.

306C.24 Compensation for sign removal.

1. *Definition.* As used in this section, *"off-premises advertising device"* means an advertising device which does not qualify as an *"on-premises sign"* under rules adopted by the department pursuant to chapter 17A.

2. *Just compensation required.* Political subdivisions of this state shall not remove, take, alter, or cause to be removed, taken, or altered a lawfully erected off-premises advertising device without paying just compensation in cash to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16. The department shall not remove, take, alter or cause to be removed, taken, or altered a lawfully erected off-premises advertising device subject to control under chapter 306B or this chapter without paying just compensation when required under 23 U.S.C. §131(g) to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16. For the department, the sole intent of this section is to comply with 23 U.S.C. §131(g) and it is not the intent of this section to, in any manner, relinquish any powers of the department relating to the control and removal of advertising devices under police power.

3. *Exceptions.* This section does not apply to the removal, taking, or altering of an off-premises advertising device under any of the following conditions:

a. The device is unlawfully erected or is being maintained in violation of the provisions of section 306C.13, subsection 7, or section 306C.18.

b. The device has been abandoned or not used for a period of at least six months.

4. *Department authorization.* If required by 23 U.S.C. §131(g), the department may acquire through purchase or condemnation and shall pay just compensation as provided in section 306C.16 for off-premises advertising devices removed after July 1, 1989, through amortization by an ordinance of a political subdivision enacted prior to July 1, 1989. Notwithstanding the requirements of section 306C.14, the department may first pay just compensation from the highway beautification fund and then claim reimbursement for the federal share of the payment from the federal government.

5. *Savings clause.* If any provision of this section which relates to the department is inconsistent or conflicts with, or is not required by, 23 U.S.C. §131 to avoid the loss of federal

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funds, the provision shall be suspended but only to the extent necessary to eliminate the inconsistency, conflict, or requirement. If any part of this section is found to be invalid or unconstitutional, such judgment shall not affect the validity of the section as a whole or any provision or part of the section not found to be invalid or unconstitutional.

89 Acts, ch 317, §25; 2006 Acts, ch 1010, §83
Referred to in §306C.16

CHAPTER 306D

SCENIC ROUTES

Referred to in §307.26

306D.1 Statement of purpose — intent.
306D.2 Statewide scenic highways program — objectives and agency duties.
306D.3 Plan recommendations and pilot projects.
306D.4 Scenic highway advertising.

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306D.1 Statement of purpose — intent.

1. The general assembly finds that:

a. The state offers numerous regions through which people can drive for the pleasure of viewing unusually scenic and interesting landscapes; however, routes to and through these areas have not been adequately identified for Iowans and state visitors.

b. Among those things that attract motorists to the state's landscape are agricultural lands, forests, river basins, distinctive landforms, interesting architecture, metropolitan areas, small rural towns, and historic sites.

c. The landscape qualities of unusually scenic routes throughout the state have not been protected from visual and resource deterioration particularly along routes which pass near the state's nationally significant areas such as the bluffs of the Mississippi and Missouri rivers, the Amana colonies, the Herbert Hoover national historic site, federal reservoirs, communities surrounding the state's natural lakes, the Des Moines river greenbelt, the great river road, and many others.

d. A principal goal of economic development in this state is to increase the influence which travel and tourism have on the state's economic expansion.

e. Iowans and visitors should be encouraged to travel to and through unusually scenic areas of the state.

f. A program should be established, following a statewide plan, to identify and promote highways and secondary routes which pass through unusually scenic landscapes and to protect and enhance the scenic qualities of the landscape through which these routes pass.

2. In addition to other goals for the program, it is the intention of the general assembly that the scenic highways program be coordinated with the state's open space program under chapter 465A.

87 Acts, ch 175, §1; 2014 Acts, ch 1092, §64
Referred to in §306D.2

306D.2 Statewide scenic highways program — objectives and agency duties.

1. The state department of transportation shall prepare a statewide, long-range plan for the protection, enhancement, and identification of highways and secondary roads which pass through unusually scenic areas of the state as identified in section 306D.1. The department of natural resources, the economic development authority, private organizations, county conservation boards, city park and recreation departments, and the federal agencies having jurisdiction over land in the state shall be encouraged to assist in preparing the plan. The plan shall be coordinated with the state's open space plan if a state open space plan has been approved by the general assembly. The plan shall include, but is not limited to, the following elements:

a. Preparation of a statewide inventory of scenic routes and ranking of relative uniqueness

for each route. The degree to which these routes suffer from negative visual intrusions shall be documented.

b. Recommended techniques for preserving and enhancing the scenic qualities associated with each route.

c. Forecasts of significant changes in traffic volumes and environmental, social, and economic impacts if scenic routes are publicly identified and promoted as tourism attractions.

d. Recommended techniques for incorporating scenic highway routes in state and local tourism development and marketing programs.

e. Landscape management needs including maintenance, rehabilitation, and improvements to scenic areas.

f. Funding levels needed to accomplish the statewide scenic highway program.

g. Recommendations of how federal and state transportation programs can be modified or developed to assist the state's scenic highway program.

2. The preparation of the plan is subject to an appropriation by the general assembly for that purpose. The plan shall be submitted to the general assembly by January 15, 1988. Prior to submission of the plan to the general assembly, the department shall request comments on the proposed plan from state agencies, federal agencies, and private organizations with interests in scenic highways. The comments shall be submitted to the general assembly.

87 Acts, ch 175, §2; 2011 Acts, ch 118, §85, 89; 2012 Acts, ch 1021, §64; 2023 Acts, ch 19, §2111

306D.3 Plan recommendations and pilot projects.

1. The department's recommendations to the general assembly shall include proposed legislation for the state to acquire and protect scenic landscapes along public roads and highways.

2. Before January 1, 1989, the department shall identify four pilot scenic highway routes across two or more counties each for trial promotion in the state's tourism marketing program.

87 Acts, ch 175, §3

306D.4 Scenic highway advertising.

1. The department of transportation shall have the authority to adopt rules to control the erection of new advertising devices on a highway designated as a scenic highway or scenic byway in order to comply with federal requirements concerning the implementation of a scenic byways program.

2. Notwithstanding subsection 1, if an advertising device was lawfully erected along an interstate highway within the corporate limits of a city prior to designation of the highway as a scenic byway and, after such designation occurs, the advertising device is displaced due to the reconstruction, improvement, or relocation of the highway, the advertising device may be relocated to a location determined by the department to be substantially the same location, subject to approval by the federal highway administration, and shall not be considered an erection of a new advertising device, if all of the following apply:

a. The location conforms to the requirements of chapters 306B and 306C.

b. The materials, number and type of supports, lighting, face size, and height of the advertising device remain the same.

95 Acts, ch 135, §4; 2013 Acts, ch 140, §22

Referred to in §306C.11

CHAPTER 307

DEPARTMENT OF TRANSPORTATION (DOT)

Department to report annually regarding registered flexible fuel vehicles; see §452A.33

307.1 Definitions. 307.2 Department of transportation.

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307.3 through 307.7 Repealed by 2015 Acts, ch 123, §15.
307.8 Expenses.
307.9 and 307.10 Repealed by 2015 Acts, ch 123, §15.
307.11 Director of transportation — qualifications — salary.
307.12 Duties of the director.
307.13 Reassignment of personnel.
307.14 Official Iowa map.
307.15 through 307.18 Reserved.
307.19 Railway tracks overpass and underpass fund.
307.20 Biodiesel and biodiesel blended fuel revolving fund.
307.21 Operations and finances.
307.22 Planning and programming activities.
307.23 Legal counsel.
307.24 Administration of highway programs and activities.
307.25 Aeronautics and public transit. Repealed by 2015 Acts, ch 123, §15.
307.26 Modal programs and activities.
307.27 Motor vehicles, motor carriers, and drivers.
307.28 Prorating departmental costs.
307.29 Reserved.
307.30 Federal tax compliance.
307.31 Periodic review of revenues — evaluation of alternative funding sources.
307.32 Annual report — secondary road construction program — structurally deficient bridges.
307.33 and 307.34 Reserved.
307.35 Inspectors to perform several functions. Repealed by 2015 Acts, ch 123, §15.
307.36 Project needs — retention of property.
307.37 Motor vehicle fraud and odometer law enforcement.
307.38 Public transit loan. Repealed by 99 Acts, ch 114, §54.
307.39 Reserved.
307.40 Copies of contracts to legislative services agency.
307.41 and 307.42 Reserved.
307.43 Federal donations. Repealed by 2015 Acts, ch 123, §15.
307.44 Use of federal moneys — cooperation.
307.45 State-owned lands — assessment.
307.46 Use of reversions.
307.47 Materials and equipment revolving fund — annual purchase report.
307.48 Longevity pay.
307.49 Contract bids.

307.1 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Director"* means the director of transportation or the director's designee.
2. *"Department"* means the state department of transportation.
3. *"Commission"* means the state transportation commission established in section 307A.1A.

[C75, 77, 79, 81, §307.1; 81 Acts, ch 22, §2]
86 Acts, ch 1245, §1903; 2019 Acts, ch 24, §40

307.2 Department of transportation.

There is created a state department of transportation which shall be responsible for the planning, development, regulation and improvement of transportation in the state as provided by law.

[C75, 77, 79, 81, §307.2]
Referred to in §7E.5

307.3 through 307.7 Repealed by 2015 Acts, ch 123, §15. See chapter 307A.

307.8 Expenses.

The director and other employees of the department shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the department shall be subject to the budget requirements of chapter 8.

[C75, 77, 79, 81, §307.8]
2015 Acts, ch 123, §3

307.9 and 307.10 Repealed by 2015 Acts, ch 123, §15. See chapter 307A.

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307.11 Director of transportation — qualifications — salary.

1. The governor shall appoint a director of transportation, subject to confirmation by the senate, who shall serve at the pleasure of the governor and who shall not be a member of the commission. The director shall not hold any other office under the laws of the United States or of this or any other state or hold any other position for profit. The director shall not engage in any occupation, business, or profession interfering with or inconsistent with the director's duties, serve on or under a committee of a political party, or contribute to the campaign fund of any person or political party. The director shall be appointed on the basis of executive and administrative abilities and shall devote full time to the duties of the position.

2. The director shall receive a salary as fixed by the governor.

[C75, 77, 79, 81, §307.11]

86 Acts, ch 1245, §1907, 1908; 2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §2800, 2802

Confirmation, see §2.32

307.12 Duties of the director.

1. The director shall:

a. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department.

b. Employ personnel as necessary to carry out the duties and responsibilities of the department, consistent with chapter 8A, subchapter IV.

c. Assist the commission in developing state transportation policy and a state transportation plan.

d. Establish temporary advisory boards of a size the director deems appropriate to advise the department.

e. Prepare a budget for the department and prepare reports required by law.

f. Present the department's proposed budget to the commission prior to March 31 immediately preceding the applicable fiscal year.

g. Appoint the administrators within the department.

h. Review and submit legislative proposals necessary to maintain current state transportation laws.

i. Enter into reciprocal agreements relating to motor vehicle inspections with authorized officials of any other state, subject to approval by the commission. The director may exempt or impose requirements upon nonresident motor vehicles consistent with those imposed upon vehicles of Iowa residents operated in other states.

j. Adopt rules in accordance with chapter 17A as the director deems necessary for the administration of the department and the exercise of the director's and department's powers and duties.

k. Reorganize the administration of the department as needed to increase administrative efficiency.

l. Establish divisions within the department as necessary or desirable in addition to any departmental division required or established by law.

m. Provide for the receipt or disbursement of federal funds allocated to the state and its political subdivisions for transportation purposes.

n. Include in the department's annual budget all estimated federal funds to be received or allocated to the department.

o. Prepare and submit a report to the general assembly on or before January 15 of each fiscal year describing the prior fiscal year's highway construction program, actual expenditures of the program, and contractual obligations of the program.

p. Apply for, accept, and expend federal, state, or private funds for the improvement of transportation.

q. Coordinate the transportation research activities within the department.

2. If in the interest of the state, the director may allow a subsistence expense to an employee responsible for highway programs and activities for continuous stay in one location while on duty away from established headquarters and place of domicile for a period not to exceed forty-five days; and allow automobile expenses in accordance with section 8A.363, for moving an employee and the employee's family from place of present

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domicile to new domicile, and actual transportation expense for moving of household goods. The household goods for which transportation expense is allowed shall not include pets or animals.

[C75, 77, 79, 81, §307.12]

86 Acts, ch 1245, §1909; 91 Acts, ch 268, §510; 92 Acts, ch 1210, §1; 98 Acts, ch 1074, §19; 2003 Acts, ch 145, §239, 240; 2005 Acts, ch 35, §31; 2005 Acts, ch 179, §125; 2006 Acts, ch 1068, §5; 2010 Acts, ch 1061, §105; 2015 Acts, ch 123, §4 – 6; 2023 Acts, ch 85, §8; 2024 Acts, ch 1182, §17 – 19

Referred to in §307A.2

307.13 Reassignment of personnel.

The director may reassign personnel within the department among the various divisions of the department in order to properly coordinate the work of the divisions and perform the duties and responsibilities of the department efficiently and economically. However, any employee so transferred or transferred from one employment system to another, either administratively or legislatively, shall not be considered to be a probationary employee simply because of this action.

[C75, 77, 79, 81, §307.13]

2020 Acts, ch 1062, §42

307.14 Official Iowa map.

The department shall publish a map of the state of Iowa. At the request of a citizen of a particular city or town, the department shall add the city or town to the existing map of Iowa and identify the main road leading into the city or town if the city or town meets two or more of the following criteria:

1. Has a zip coded post office in the city or town.
2. Has a population of twenty-five or more.
3. Has a building on the national register of historic places in the city or town.
4. Has an association with a public recreation area managed by the department of natural resources in the city or town.
5. Has a high school, grade school, private school, church, or cemetery in the city or town.
6. Has a retail business in the city or town.
7. Has an annual festival or celebration.

91 Acts, ch 139, §1, 2

307.15 through 307.18 Reserved.

307.19 Railway tracks overpass and underpass fund.

1. A railway tracks overpass and underpass fund is created in the state treasury under the control of the department. The fund shall consist of all moneys appropriated to the fund.

2. Moneys in the fund are appropriated to the department to distribute in the form of grants to cities and counties to assist with the construction of highway overpasses and underpasses across railway tracks.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys in the fund shall not revert at the close of a fiscal year.

2026 Acts, ch 1163, §15

NEW section

307.20 Biodiesel and biodiesel blended fuel revolving fund.

1. A biodiesel and biodiesel blended fuel revolving fund is created in the state treasury. The biodiesel and biodiesel blended fuel revolving fund shall be administered by the department and shall consist of moneys received from the sale of EPAct credits banked by the department on April 19, 2001, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the department for deposit in the fund. Moneys in the fund are appropriated to and shall be used by the department for the purchase of biodiesel and biodiesel blended fuel for use in department vehicles. The department shall submit an

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annual report not later than January 31 to the members of the general assembly and the legislative services agency, of the expenditures made from the fund during the preceding fiscal year. Section 8.33 does not apply to any moneys in the fund and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the fund shall be credited to the fund.

2. A departmental motor vehicle operating using biodiesel or biodiesel blended fuel shall be affixed with a brightly visible sticker that notifies the traveling public that the motor vehicle uses biodiesel blended fuel.

3. For purposes of this section the following definitions apply:

a. *"Biodiesel"* and *"biodiesel blended fuel"* mean the same as defined in section 214A.1.

b. *"EPAct credit"* means a credit issued pursuant to the federal Energy Policy Act (EPAct), 42 U.S.C. §13201 et seq.

2001 Acts, ch 52, §1, 3; 2003 Acts, ch 35, §45, 49; 2006 Acts, ch 1142, §78

307.21 Operations and finances.

1. The department shall:

a. Provide for the proper maintenance and protection of the grounds, buildings, and equipment of the department, in cooperation with the department of administrative services.

b. Establish, supervise, and maintain a system of centralized electronic data processing for the department, in cooperation with the department of management.

c. Prepare the departmental budget.

d. Provide centralized purchasing services for the department, if authorized by the department of administrative services. The department shall, when the price is reasonably competitive and the quality as intended, purchase soybean-based inks and plastic products with recycled content, including but not limited to plastic garbage can liners, and shall purchase these items in accordance with the schedule established in section 8A.315. However, the department need not purchase garbage can liners in accordance with the schedule if the liners are utilized by a facility approved by the environmental protection commission created under section 455A.6, for purposes of recycling. For purposes of this section, *"recycled content"* means that the content of the product contains a minimum of thirty percent postconsumer material.

e. Employ the professional, technical, clerical, and secretarial staff for the department and maintain employee records, in cooperation with the department of administrative services and provide personnel services, including but not limited to training, safety education, and employee counseling.

f. Coordinate the responsibilities and duties of the various divisions within the department.

g. Carry out all other general administrative duties for the department.

h. Perform such other duties and responsibilities as may be assigned by the director.

2. When performing the duty of providing centralized purchasing services under subsection 1, the department shall do all of the following:

a. Purchase and use recycled printing and writing paper in accordance with the schedule established in section 8A.315.

b. Establish a wastepaper recycling program in accordance with recommendations made by the department of natural resources and the requirements of section 8A.329.

c. Require in accordance with section 8A.311 product content statements and compliance with requirements regarding procurement specifications.

d. Comply with the requirements for the purchase of lubricating oils, industrial oils, greases, and hydraulic fluids as established pursuant to section 8A.316.

e. Give preference to purchasing designated biobased products in the same manner as provided in section 8A.317.

3. The department shall report to the general assembly by February 1 of each year, the following:

a. A listing of plastic products which are regularly purchased by the board for which recycled content product alternatives are available, including the cost of the plastic products purchased and the cost of the recycled content product alternatives.

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b. Information relating to soybean-based inks and plastic garbage can liners with recycled content regularly purchased by the department, including the cost of purchasing soybean-based inks and plastic garbage can liners with recycled content and the percentages of soybean-based inks and plastic garbage can liners with recycled content that have been purchased.

4. The department shall provide for the purchase of qualified renewable fuels to power internal combustion engines that are used to operate motor vehicles and for the purchase of motor vehicles operating using engines powered by qualified renewable fuels in the same manner required for the director of the department of administrative services pursuant to section 8A.368. The department of transportation shall compile information regarding compliance with the provisions of this subsection in the same manner as the department of administrative services pursuant to section 8A.369. The department of transportation shall cooperate with the department of administrative services in preparing the annual state fleet qualified renewable fuels compliance report regarding compliance with this subsection as provided in section 8A.369.

5. *a.* Of all new passenger vehicles and light pickup trucks purchased by the department, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following:

(1) A flexible fuel which is any of the following:

(a) E-85 gasoline as provided in section 214A.2.

(b) B-20 biodiesel blended fuel as provided in section 214A.2.

(c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3.

(2) Compressed or liquefied natural gas.

(3) Propane gas.

(4) Solar energy.

(5) Electricity.

b. The provisions of this subsection do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work.

6. The department shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, *"packing material"* means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

7. The department may purchase items from the department of administrative services and may cooperate with the director of the department of administrative services by providing purchasing services for the department of administrative services.

[C75, 77, 79, 81, §307.21]

86 Acts, ch 1245, §1910, 1911; 88 Acts, ch 1185, §3; 89 Acts, ch 272, §24; 90 Acts, ch 1237, §4; 91 Acts, ch 97, §42; 91 Acts, ch 254, §18; 92 Acts, ch 1095, §3; 93 Acts, ch 26, §6; 93 Acts, ch 176, §40; 94 Acts, ch 1119, §28; 95 Acts, ch 44, §3; 95 Acts, ch 62, §4; 98 Acts, ch 1082, §6; 99 Acts, ch 114, §17; 99 Acts, ch 121, §10; 2000 Acts, ch 1109, §6; 2003 Acts, ch 145, §241, 242, 286; 2006 Acts, ch 1142, §66, 67; 2007 Acts, ch 22, §68; 2008 Acts, ch 1104, §6; 2008 Acts, ch 1169, §39, 42; 2009 Acts, ch 133, §113; 2010 Acts, ch 1031, §75; 2015 Acts, ch 123, §7, 8; 2022 Acts, ch 1067, §40; 2024 Acts, ch 1182, §20 – 24

Referred to in §8A.369

307.22 Planning and programming activities.

The department shall:

1. Plan all modes of transportation in order to develop an integrated transportation system providing adequate transportation services for all citizens of the state.

2. Develop and maintain transportation statistical data for the department.

3. Establish, analyze, and evaluate alternative transportation policies for the state.

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4. Coordinate planning duties and responsibilities with the planning functions carried on among the divisions of the department.

5. *a.* Annually report by July 1 of each year, for both secondary and farm-to-market systems, miles of earth, granular, and paved surface roads; the daily vehicle miles of travel; and lineal feet of bridge deck under the jurisdiction of each county's secondary road department, as of the preceding January 1, taking into account roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year. The annual report shall include those roads transferred to a county pursuant to section 306.8A.

b. Miles of secondary and farm-to-market roads shall not include those miles of farm-to-market extensions within cities under five hundred population that are placed under county secondary road jurisdiction pursuant to section 306.4.

c. The annual report of updated road and bridge data of both the secondary and farm-to-market roads shall be submitted to the Iowa county engineers association service bureau.

6. Study and develop highway transport economics to assure availability and productivity of highway transport services.

[C75, 77, 79, 81, §307.22]

86 Acts, ch 1245, §1912, 1913; 2002 Acts, ch 1063, §6, 16; 2003 Acts, ch 144, §4; 2005 Acts, ch 20, §2; 2005 Acts, ch 142, §1; 2010 Acts, ch 1061, §180; 2015 Acts, ch 123, §9; 2024 Acts, ch 1182, §25

307.23 Legal counsel.

1. It shall be the duty of the attorney general to do all of the following:

a. Act as legal advisor to the department, commission, and director.

b. Provide legal services for the department.

2. The attorney general shall appoint assistant attorneys general as necessary to carry out these duties.

[SS15, §1527-s, -s2; C24, 27, §307.8; C31, 35, §4630, 4630-c1; C39, §**4630, 4630.1;** C46, 50, 54, 58, 62, 66, 71, 73, §307.8, 307.9; C75, 77, 79, 81, §307.23]

86 Acts, ch 1245, §1914, 1915; 2014 Acts, ch 1092, §65; 2023 Acts, ch 19, §2065, 2073; 2024 Acts, ch 1182, §26

307.24 Administration of highway programs and activities.

The department shall be responsible for highway programs and activities, shall plan, design, construct, and maintain the state primary highways, and shall administer chapters 306 through 306C, chapters 309 through 314, chapters 316 through 318, and chapter 320. The department shall:

1. Be organized to provide assistance for urban systems and secondary roads, and to provide other categories of assistance as necessary.

2. Devise and adopt standard plans of highway construction and furnish the same to the counties and provide information to the counties on the maintenance practices and policies of the department.

3. Order the removal or alteration of any lights or light-reflecting devices, whether on public or private property, other than railroad signals or crossing lights, located adjacent to a primary road and within three hundred feet of a railroad crossing at grade, which in any way interfere with the vision of or may be confusing to a person operating a motor vehicle on such primary road in observing the approach of trains or in observing signs erected for the purpose of giving warning of such railroad crossing.

4. Order the removal or alteration of any lights or light-reflecting devices, whether on public or private property, located adjacent to a primary road and within three hundred feet of an intersection with another primary road, which in any way interfere with the vision of or may be confusing to a person operating a motor vehicle on such primary road in observing the approach of other vehicles or signs erected for the purpose of giving warning of such intersection.

5. Construct, reconstruct, improve, and maintain state institutional roads and state park

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roads which are part of the state park, state institution, and other state land road system as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as described in chapter 173, and the roads and bridges located on property of community colleges as defined in section 260C.2, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use tax fund for the purposes of this subsection shall be apportioned in the following manner and amounts:

a. For department of natural resources facility roads, forty-five and one-half percent.

b. For department of health and human services facility roads, six and one-half percent.

c. For department of corrections facility roads, five and one-half percent.

d. For national guard facility roads, four percent.

e. For state board of regents facility roads, thirty percent.

f. For state fair board facility roads, two percent.

g. For department of administrative services facility roads, one-half percent.

h. For department of education facility roads, six percent.

[C75, 77, 79, 81, §307.24]

86 Acts, ch 1245, §1916; 2009 Acts, ch 97, §8; 2015 Acts, ch 123, §10; 2016 Acts, ch 1073, §93; 2023 Acts, ch 19, §1054; 2024 Acts, ch 1182, §27

Referred to in §173.16, 312.2, 312.4, 313.4

307.25 Aeronautics and public transit. Repealed by 2015 Acts, ch 123, §15. See §307.22 and 307.26.

307.26 Modal programs and activities.

The department shall:

1. Develop aeronautics, including but not limited to the location of air terminals; accessibility of air terminals by other modes of public transportation; protective zoning provisions considering safety factors, noise, and air pollution; facilities for private and commercial aircraft; air freight facilities; and such other physical and technical aspects as may be necessary to meet present and future needs.

2. Study local and regional transportation of goods and people including intracity and intercity bus systems, dial-a-bus facilities, rural and urban bus and taxi systems, the collection of data from these systems, the study of the feasibility of increased government subsidy assistance and the allocation of such subsidies to each mass transportation system, the study of such other physical and technical aspects which may be necessary to meet present and future needs, and the application for, acceptance of, and expending of federal, state, or private funds for the improvement of mass transit.

3. Develop transportation systems and programs for improving passenger and freight services.

4. Develop programs in anticipation of railroad abandonment, including:

a. Developing and evaluating programs which will encourage improvement of rail freight and the upgrading of rail lines in order to improve freight service.

b. Determining when it may appear in the best interest of the state to assume the role of advocate in railroad abandonments and railroad rate schedules.

5. Develop and maintain a federal-state relationship of programs relating to railroad safety enforcement, track standards, rail equipment, operating rules, and transportation of hazardous materials.

6. Make surveys, plans, and estimates of cost for the elimination of danger at railroad crossings on highways and confer with local and railroad officials with reference to elimination of the danger.

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7. Conduct research on railroad-highway grade crossings and encourage and develop a safety program in order to reduce injuries or fatalities including but not limited to the following:

a. Establishing standards for warning devices for particularly hazardous crossings or for classes of crossings on highways, which standards shall be designed to reduce injuries, fatalities, and property damage. Such standards shall regulate the use of warning devices and signs, which shall be in addition to the requirements of section 327G.2. Implementation of such standards shall be the responsibility of the government agency or department or political subdivision having jurisdiction and control of the highway and such implementation shall be deemed adequate for the purposes of railroad grade crossing protection. The department, or the political subdivision having jurisdiction, may direct the installation of temporary protection while awaiting installation of permanent protection. A railroad crossing shall not be found to be particularly hazardous for any purpose unless the department has determined it to be particularly hazardous.

b. Developing and adopting classifications of crossings on public highways based upon their characteristics, conditions, and hazards, and standards for warning devices, signals, and signs of each crossing classification. The department shall recommend a schedule for implementation of the standards to the government agency, department, or political subdivision having jurisdiction of the highway and shall provide an annual report to the general assembly on the development and adoption of classifications and standards under this paragraph and their implementation, including information about financing installation of warning devices, signals, and signs. The department shall not be liable for the development or adoption of the classifications or standards. A government agency, department, or political subdivision shall not be liable for failure to implement the standards. A crossing warning or improvement installed or maintained pursuant to standards adopted by the department under this paragraph shall be deemed an adequate and appropriate warning for the crossing.

8. Assure availability, efficiency, and productivity of freight and passenger services and to promote the coordination of service between all transportation modes.

9. Study regulatory changes deemed necessary to effectuate economical and efficient railroad service.

10. Enter into agreements with railroad corporations for the restoration, conservation, or improvement of railroad as defined in section 327D.2, subsection 3, on such terms, conditions, rates, rentals, or subsidy levels as may be in the best interest of the state. The commission may enter into contracts and agreements which are binding only to the extent that appropriations have been or may subsequently be made by the legislature to effectuate the purposes of this subsection.

11. Administer chapters 324A, 327C through 327H, 327J, 328, 329, and 330.

12. Administer programs and activities in chapters 306D, 307C, 308A, and 315.

13. Promote river transportation and coordinate river programs with other transportation modes.

14. Develop river transportation and port facilities in the state.

[C75, 77, §307.26, 327H.19; C79, 81, §307.26]

86 Acts, ch 1245, §1920, 1921; 90 Acts, ch 1233, §13; 94 Acts, ch 1199, §50; 2006 Acts, ch 1010, §84; 2015 Acts, ch 123, §11; 2016 Acts, ch 1011, §45; 2024 Acts, ch 1182, §28

Referred to in §321.342

307.27 Motor vehicles, motor carriers, and drivers.

The department shall be responsible for the enforcement and regulation of motor carriers, registration of motor vehicles, and licensing of drivers, and shall:

1. Administer and supervise the registration of motor vehicles and the licensing of drivers pursuant to chapter 321.

2. Administer and supervise the licensing of motor vehicle manufacturers, distributors, and dealers pursuant to chapter 322.

3. Administer the inspection of motor vehicles pursuant to chapter 321.

4. Administer motor vehicle registration reciprocity pursuant to chapter 326.

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5. Administer the provisions of chapters 321A, 321E, 321F, and 321J relating to motor vehicle financial responsibility, the implied consent law, the movement of vehicles of excessive size and weight, and the leasing and renting of vehicles.

6. Administer the regulation of motor vehicle franchisers pursuant to chapter 322A.

7. Administer the regulation of motor carriers pursuant to chapters 325A, 326, and 327B.

8. Administer the registration of interstate authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. §14504a and United States department of transportation regulations.

9. Administer chapters 321C, 321D, 321H, 321L, 321M, and 322C.

[C75, 77, 79, 81, §307.27]

86 Acts, ch 1220, §27; 86 Acts, ch 1245, §1922; 90 Acts, ch 1233, §14; 98 Acts, ch 1100, §39, 40; 2003 Acts, ch 108, §53; 2011 Acts, ch 38, §1; 2015 Acts, ch 123, §12; 2024 Acts, ch 1182, §29

Referred to in §321.31

307.28 Prorating departmental costs.

The director shall, with the approval of the commission, prorate the costs of the department which will be expended for highways and such costs shall be paid from money appropriated from the road use tax fund. Prorated costs payable from the road use tax fund shall be based upon that portion of the department's duties related to the construction, maintenance, and supervision of the public highways within the state or for the payment of bonds issued for the construction of public highways and the payment of interest on such bonds. The general assembly shall appropriate from the general fund of the state the remaining necessary departmental costs.

[C75, 77, 79, 81, §307.28]

307.29 Reserved.

307.30 Federal tax compliance.

The department shall adopt rules under chapter 17A to provide for certification of federal heavy vehicle use tax collections required by the Surface Transportation Assistance Act of 1982.

83 Acts, ch 9, §2, 8

307.31 Periodic review of revenues — evaluation of alternative funding sources.

1. The department shall periodically review the current revenue levels of the road use tax fund and the sufficiency of those revenues for the projected construction and maintenance needs of city, county, and state governments in the future. The department shall submit a written report to the general assembly regarding its findings by December 31 every five years, beginning in 2011. The report may include recommendations concerning funding levels needed to support the future mobility and accessibility for users of Iowa's public road system.

2. The department shall evaluate alternative funding sources for road maintenance and construction and report to the general assembly at least every five years on the advantages and disadvantages and the viability of alternative funding mechanisms. The department's evaluation of alternative funding sources may be included in the report submitted to the general assembly under subsection 1.

2007 Acts, ch 200, §5

307.32 Annual report — secondary road construction program — structurally deficient bridges.

On or before February 15 of each year, the department, in collaboration with the Iowa county engineers association, shall compile the annual reports received from counties pursuant to sections 309.22 and 309.22A into a cumulative report and submit the cumulative

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report in electronic format to the chairpersons of the senate and house of representatives standing committees on transportation and the legislative services agency.

2016 Acts, ch 1072, §1; 2018 Acts, ch 1077, §1

307.33 and 307.34 Reserved.

307.35 Inspectors to perform several functions. Repealed by 2015 Acts, ch 123, §15.

307.36 Project needs — retention of property.

It is the intent of the general assembly that not later than July 1, 1992, the state department of transportation shall dispose of all right-of-way owned by the department and not needed for projects. In determining need, the department shall consider both its five-year program requirements and its long-range, statewide corridor development needs, including the development of the network of commercial and industrial highways. The department may also act to preserve right-of-way for improvements to the network of commercial and industrial highways by acquiring options, easements, rights of first refusal, or other property interests less than fee title. In determining need based upon long-range, statewide corridor development, the department shall give careful consideration to economically depressed urban areas not served directly by the national system of interstate and defense highways.

83 Acts, ch 114, §1; 89 Acts, ch 134, §3

307.37 Motor vehicle fraud and odometer law enforcement.

The department shall investigate and prosecute violators of the laws concerning motor vehicle fraud including, but not limited to, the state and federal odometer law. The department shall refer available evidence concerning a possible violation of the laws concerning motor vehicle fraud including, but not limited to, section 321.71 or the federal odometer law or a rule or order issued under section 321.71 or the federal odometer law, to the attorney general. The attorney general, with or without the referral, may institute appropriate criminal proceedings or may direct the case to the appropriate county attorney to institute appropriate criminal proceedings. The attorney general may use those funds available to the department of justice for this purpose and law enforcement agencies may be reimbursed for expenses incurred in the enforcement of those laws, rules, or orders with the approval of the attorney general.

84 Acts, ch 1305, §45; 88 Acts, ch 1089, §1

Referred to in §321.477

307.38 Public transit loan. Repealed by 99 Acts, ch 114, §54.

307.39 Reserved.

307.40 Copies of contracts to legislative services agency.

The department shall give a copy of each contract for construction or reconstruction of roads, streets, or bridges entered into by the department in which the contract price is for five million dollars or more to the legislative services agency.

88 Acts, ch 1278, §26; 2003 Acts, ch 35, §45, 49

307.41 and 307.42 Reserved.

307.43 Federal donations. Repealed by 2015 Acts, ch 123, §15.

307.44 Use of federal moneys — cooperation.

1. If funds are allotted or appropriated by the government of the United States for the improvement of transportation facilities and services in this state, the department may cooperate with the government of the United States, and any agency or department thereof, in the planning, acquisition, contract letting, construction, improvement, maintenance, and operation of transportation facilities and services in this state; may comply with the federal

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statutes and rules; and may cooperate with the federal government in the expenditure of the federal funds.

2. In order to avoid delays, payment for the street and highway projects or improvements constructed in cooperation with the federal government may be advanced from the primary road fund.

86 Acts, ch 1244, §39; 93 Acts, ch 87, §2; 2020 Acts, ch 1062, §94
Referred to in §263B.6

307.45 State-owned lands — assessment.

1. Cities and counties may assess the cost of a public improvement against the state when the improvement benefits property owned by the state and under the jurisdiction and control of the department. The director shall pay from the primary road fund the portion of the cost of the improvement which would be legally assessable against the land if privately owned.

2. Assessments against property under the jurisdiction of the department shall be made in the same manner as those made against private property, except that the city or county making the assessment shall cause a copy of the public notice of hearing to be mailed to the director by certified mail.

3. Assessments against property owned by the state and not under the jurisdiction and control of the department shall be made in the same manner as those made against private property and payment shall be subject to authorization by the executive council. There is appropriated from moneys in the general fund not otherwise appropriated an amount necessary to pay the expense authorized by the executive council.

86 Acts, ch 1244, §40; 91 Acts, ch 268, §511; 2009 Acts, ch 179, §77; 2011 Acts, ch 131, §33, 158; 2015 Acts, ch 123, §13
Referred to in §312.2, 312.4, 313.4, 384.56

307.46 Use of reversions.

1. Notwithstanding the provisions of section 8.33 or any other provision of law to the contrary, if on June 30 of a fiscal year a balance of an operational appropriation remains unexpended or unencumbered, not more than fifty percent of the balance may be encumbered by the department and used as provided in this section and the remaining balance shall be deposited in the fund from which the money was appropriated. The department shall not encumber an amount in excess of five hundred thousand dollars under this section in any fiscal year. Moneys encumbered under this section shall be used by the department during the succeeding fiscal year for employee training and for technology enhancement. Moneys which are encumbered under this section but not used shall revert to the fund from which the money was appropriated on June 30 of the succeeding fiscal year.

2. On or before June 30 of the fiscal year following the fiscal year in which funds were encumbered under this section, the department shall report to the joint transportation, infrastructure, and capitals appropriations subcommittee, the legislative services agency, the department of management, the general assembly's standing committees on government oversight, and the legislative fiscal committee of the legislative council detailing how the moneys were expended. Moneys shall not be encumbered under this section from an appropriation which received a transfer from another appropriation pursuant to section 8.39.

3. For purposes of this section, "*operational appropriation*" means an appropriation from the road use tax fund or primary road fund providing for salaries, support, maintenance, and miscellaneous purposes.

99 Acts, ch 120, §1, 5; 2003 Acts, ch 35, §45, 49; 2016 Acts, ch 1073, §94

307.47 Materials and equipment revolving fund — annual purchase report.

1. The highway materials and equipment revolving fund is created from moneys appropriated out of the primary road fund. From this fund shall be paid all costs for materials and supplies, inventoried stock supplies, maintenance and operational costs of equipment, and equipment replacements incurred in the operation of centralized purchasing. Direct salaries and expenses properly chargeable to direct salaries shall be paid from the fund. For each month, the department shall render a statement to each highway unit for the actual cost of materials and supplies, operational and maintenance costs of equipment, and equipment

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depreciation used. The expense shall be paid in the same manner as other interdepartmental billings are paid. The sum paid shall be credited to the highway materials and equipment revolving fund.

2. If surplus accrues to the revolving fund in excess of one hundred thousand dollars for which there is no anticipated need or use, the governor shall order that surplus reverted to the primary road fund.

3. When a highway unit shares equipment with another administrative unit of the department, the director shall prorate the costs of the equipment among the administrative units using the equipment.

4. The department shall present a purchase report to the legislative services agency prior to the beginning of each regular annual session of the general assembly. The report shall cover all equipment and vehicle purchases through the highway materials and equipment revolving fund during the preceding fiscal year.

86 Acts, ch 1244, §41; 88 Acts, ch 1278, §27; 2003 Acts, ch 35, §45, 49; 2015 Acts, ch 123, §14; 2024 Acts, ch 1182, §30

Referred to in §12.28

307.48 Longevity pay.

1. An employee of the department who was hired by the state highway commission on or before June 30, 1971, is entitled to longevity pay. An employee eligible for longevity pay under this section whose employment is terminated on or after July 1, 1971, if reemployed by the department, forfeits any right the employee may have had to longevity pay.

2. An employee who became an employee of the state department of transportation on July 1, 1974, retains all rights to longevity pay so long as the employee continues employment with the department.

3. An employee of the office of motor vehicle enforcement of the department of transportation on June 30, 2023, who is transferred to the department of public safety pursuant to 2023 Iowa Acts, ch. 85, retains all rights to longevity pay.

86 Acts, ch 1245, §1925; 88 Acts, ch 1158, §63; 2020 Acts, ch 1062, §94; 2020 Acts, ch 1063, §134; 2023 Acts, ch 85, §9; 2024 Acts, ch 1182, §31

Referred to in §8A.439

307.49 Contract bids.

1. A bidder awarded a contract with the department shall disclose the names of all subcontractors, who will work on the project being bid or who the bidder anticipates will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost. If a subcontractor is added by a bidder awarded a contract, the bidder shall disclose the name of the new subcontractor.

2. The department shall issue electronic project bid notices for distribution to the targeted small business internet site located at the economic development authority. The notices shall be provided to the targeted small business marketing manager forty-eight hours prior to the issuance of all project bid notices. The notices shall contain a description of the project, a point of contact for each project, and any subcontract goals included in the bid.

90 Acts, ch 1161, §3; 98 Acts, ch 1212, §5; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 90, §257

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CHAPTER 307A

TRANSPORTATION COMMISSION

Referred to in §461.11

307A.1	Definitions.	307A.5	Compensation — commission members.
307A.1A	Transportation commission.		
307A.2	Commission duties.	307A.6	Commission meetings.
307A.3	Conflict of interest.	307A.7	Expenses.
307A.4	Vacancies on commission.	307A.8	Removal from office.

307A.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commission"* means the state transportation commission of the state department of transportation.

2. *"Department"* means the state department of transportation.

[C75, 77, 79, 81, §307A.1]

307A.1A Transportation commission.

1. There is created a state transportation commission which shall consist of seven members, not more than four of whom shall be from the same political party. The governor shall appoint the members of the state transportation commission for a term of four years beginning at 12:01 a.m. on July 1 in the year of appointment and expiring at 12:00 midnight on June 30 in the year of expiration, subject to confirmation by the senate.

2. The commission shall meet in July of each year for the purpose of electing one of its members as chairperson.

2015 Acts, ch 123, §16; 2018 Acts, ch 1065, §2 – 4

Referred to in §69.19, 307.1

Confirmation, see §2.32

307A.2 Commission duties.

Said commission shall:

1. Develop, coordinate, and annually update a comprehensive transportation policy and plan for the state.

2. Promote the coordinated and efficient use of all available modes of transportation for the benefit of the state and its citizens including but not limited to the designation and development of multimodal public transfer facilities if carriers or other private businesses fail to develop such facilities.

3. Prepare, adopt, and cause to be published a long-range program for the primary road system, in conjunction with the state transportation plan adopted by the commission. Such program shall be prepared for a period of at least five years and shall be revised, brought up-to-date, and republished at least once every year in order to have a continuing five-year program. The program shall include, insofar as such estimates can be made, an estimate of the money expected to become available during the period covered by the program and a statement of the construction, maintenance, and other work planned to be performed during such period. The commission shall conduct periodic reinspections of the primary roads in order to revise, from time to time, its estimates of future needs to conform to the physical and service conditions of the primary roads. Before the last day of December of each year, the commission shall adopt and cause to be published from its long-range program, a plan of improvements to be accomplished during the next calendar year. However, in years when the federal government is reauthorizing federal highway funding, the commission shall not be required to adopt and publish the annual plan of improvements to be accomplished until at least ninety days from the enactment of the new federal funding formula. This annual program shall list definite projects in order of urgency and shall include a reasonable year's work with the funds estimated to be available. The annual program shall be final and followed by the commission in the next year except that deviations may be made in case of disaster or other unforeseen emergencies or difficulties. The relative urgency of the

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proposed improvements shall be determined by a consideration of the physical condition, safety, and service characteristics of the various primary roads.

4. Adopt rules pursuant to chapter 17A establishing the criteria to be used by the commission for allocating funds as a result of any long-range planning process. The commission shall adopt such rules and regulations in accordance with the provisions of chapter 17A as it may deem necessary to transact its business and for the administration and exercise of its powers and duties.

5. Identify, within the primary road system, a network of commercial and industrial highways in accordance with section 313.2A. The improvement of this network shall be considered in the development of the long-range program and plan of improvements under this section.

6. Approve all rules prior to their adoption by the director pursuant to section 307.12, subsection 1, paragraph *"j"*.

7. Establish and utilize such ad hoc advisory committees as determined necessary by the commission. The commission shall establish appointment provisions, membership terms, operating guidelines, and any other operational requirements for committees established pursuant to this subsection. Members of committees established pursuant to this subsection shall serve without compensation but may be reimbursed for actual expenses.

[C97, §1532; S13, §1532; SS15, §1527-s1, -s2; C24, 27, 31, 35, 39, §**4626, 4631, 4632, 4633;** C46, 50, 54, 58, §307.5, 308.1, 308.3, 308.4; C62, 66, 71, 73, §307.5; C75, 77, 79, 81, §307A.2]

84 Acts, ch 1043, §1; 86 Acts, ch 1245, §1926; 88 Acts, ch 1019, §1; 89 Acts, ch 134, §4; 90 Acts, ch 1253, §120; 92 Acts, ch 1100, §2; 96 Acts, ch 1064, §1; 96 Acts, ch 1126, §2; 98 Acts, ch 1075, §7; 2002 Acts, ch 1063, §7, 8, 16; 2005 Acts, ch 20, §3; 2015 Acts, ch 123, §17 – 20; 2016 Acts, ch 1073, §95; 2024 Acts, ch 1170, §74

307A.3 Conflict of interest.

A person shall not serve as a member of the commission if the person has an interest in a contract or job of work or material or the profits thereof or service to be performed for the department. Any member of the commission who accepts employment with or acquires any stock, bonds, or other interest in any company or corporation doing business with the department shall be disqualified from remaining a member of the commission.

2015 Acts, ch 123, §21

307A.4 Vacancies on commission.

Any vacancy in the membership of the commission shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. In the event the governor fails to make an appointment to fill a vacancy or fails to submit the appointment to the senate for confirmation as required by section 2.32, the senate may make the appointment prior to adjournment of the general assembly.

2015 Acts, ch 123, §22

307A.5 Compensation — commission members.

Each member of the commission shall be compensated as provided in section 7E.6.

2015 Acts, ch 123, §23

307A.6 Commission meetings.

The commission shall meet at the call of the chairperson or when any four members of the commission file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission. A majority of the commission members shall constitute a quorum.

2015 Acts, ch 123, §24

307A.7 Expenses.

Members of the commission shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations

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for such purposes and the commission shall be subject to the budget requirements of chapter 8.

2015 Acts, ch 123, §25

307A.8 Removal from office.

Any member of the commission may be removed for any of the causes and in the manner provided in chapter 66 and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state.

2015 Acts, ch 123, §26

CHAPTER 307B

RESERVED

CHAPTER 307C

MISSOURI RIVER BARGE COMPACT

Referred to in §307.26

COMPACT BETWEEN IOWA, KANSAS, MISSOURI, AND NEBRASKA FOR THE DEVELOPMENT OF THE MISSOURI RIVER FOR BARGE TRAFFIC

307C.1 Missouri river barge compact.

ADMINISTRATION AND INTERPRETATION OF COMPACT

307C.2 Jurisdiction and control.

307C.3 Duties of the state department of transportation.

307C.4 Liberal interpretation.

307C.5 No conflict of local functions.

COMPACT BETWEEN IOWA, KANSAS, MISSOURI, AND NEBRASKA FOR THE DEVELOPMENT OF THE MISSOURI RIVER FOR BARGE TRAFFIC

307C.1 Missouri river barge compact.

The Missouri river interstate barge compact is enacted into law and entered into with all other states which legally join in the compact in substantially the following form:

1. *Article I.* The purposes of this compact are to provide for planning for the most efficient use of the waters of the Missouri river, to increase the amount of barge traffic on that segment of the Missouri river below Sioux City, Iowa, to take necessary steps to develop the Missouri river and its banks to handle more barge traffic than is presently handled, to encourage barge use on that segment of the Missouri river for transporting bulk goods, especially farm commodities, to insure that the intended increase in barge traffic does not impose unacceptable damage on the Missouri river in all its various uses, including agriculture, wildlife management, and recreational opportunities, to consider the effects of diversion of the waters of the Missouri river on navigation, and to promote joint action between the compact parties to accomplish these purposes. The purposes of the compact do not include lobbying activities against user fees for barge traffic and such activities under this compact are prohibited.

2. *Article II.* It is the responsibility of the four states to accomplish the purposes in article I through the official in each state charged with the duty of administering the public waters and to collect and correlate through those officials the data necessary for the proper

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administration of the compact. Those officials may, by unanimous action, adopt rules and regulations to accomplish the purposes of this compact.

3. *Article III.* The states of Iowa, Missouri, Kansas, and Nebraska agree that within a reasonable time they shall fulfill the obligations of this compact and that each shall authorize the proper official or agency in its state to take the necessary steps to promote barge use and develop the Missouri river as it flows between and within the compact states for additional barge traffic.

4. *Article IV.* This compact does not limit the powers granted in any other act to enter into interstate or other agreements relating to the Missouri river flowing between and within the compact states, alter the relations between the respective internal responsibilities of the government of a party state and its subdivisions, or impair or affect any rights, powers, or jurisdiction of the United States, or those acting by or under its authority, in, over, and to those waters of the Missouri river. Adoption of this compact by the general assembly shall not require the signatory states to adopt any legislation or to appropriate funds for its implementation.

5. *Article V.*

a. Other states having an interest in the promotion of barge traffic on the Missouri river can join in this compact by unanimous consent of the member states.

b. Any member state can withdraw at any time by appropriate action of its legislature.

84 Acts, ch 1257, §1; 2008 Acts, ch 1032, §201

ADMINISTRATION AND INTERPRETATION OF COMPACT

307C.2 Jurisdiction and control.

The state department of transportation has jurisdiction and authority to implement the Missouri river barge compact.

84 Acts, ch 1257, §2

307C.3 Duties of the state department of transportation.

The state department of transportation shall, with the cooperation of the economic development authority, the department of natural resources, and the member states' officials or agencies, take the necessary steps to achieve the purposes set forth in this chapter.

84 Acts, ch 1257, §3; 2011 Acts, ch 118, §85, 89

307C.4 Liberal interpretation.

This compact shall be liberally construed so as to effectuate its purposes. The compact is severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability of the compact to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability of it to any government, agency, person or circumstance shall not be affected. If this compact is held to be contrary to the constitution of any state participating in the compact, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

84 Acts, ch 1257, §4

307C.5 No conflict of local functions.

The Missouri river barge compact does not supersede or limit the functions, powers, duties and discretions of counties, townships, school districts, cities, levee districts, drainage districts, levee and drainage districts, or any other governmental subdivisions or of their governing officials.

84 Acts, ch 1257, §5

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CHAPTER 307D

RESERVED

CHAPTER 308

MISSISSIPPI RIVER PARKWAY

Referred to in §15.108

308.1	Commission.	308.6	Transferring jurisdiction.
308.2	Assent to federal Act.	308.7	Duties of department of natural resources.
308.3	Definitions.	308.8	Agreements authorized.
308.4	Transportation commission duties.	308.9	Establishing locations for the highway.
308.5	Jurisdiction and control.		

308.1 Commission.

1. The Mississippi river parkway commission must be composed of ten members appointed by the governor, including one member each from Allamakee county, Clayton county, Clinton county, Des Moines county, Dubuque county, Jackson county, Lee county, Louisa county, Muscatine county, and Scott county, for four-year terms. In addition, there must be four advisory, ex officio members as follows:

a. One member from the state department of transportation.

b. One member from the natural resource commission.

c. One member from the economic development authority, whose primary responsibility includes tourism under section 15.108, subsection 5.

d. One member from the state historical society of Iowa.

2. The parkway commission shall submit a report regarding the economic impact of the great river road on this state on or before December 15 each year to the general assembly and to the governor.

3. The parkway commission may establish a technical committee to advise the commission. If established, members of the committee must include at least one employee each from the departments of transportation and agriculture and land stewardship, from the consumer protection division of the office of the attorney general, and from the economic development authority, designated by the applicable head of the entity. The commission may request any other state agency to designate an employee to serve on the committee.

4. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for that purpose.

[C62, 66, 71, 73, 75, 77, 79, 81, §308.1; 82 Acts, ch 1199, §61, 96]

2003 Acts, ch 108, §54; 2011 Acts, ch 118, §84, 89; 2017 Acts, ch 159, §54; 2018 Acts, ch 1041, §78; 2026 Acts, ch 1118, §33, 34

Subsection 1 amended

NEW subsections 2 and 3 and former subsection 2 renumbered as 4

308.2 Assent to federal Act.

The general assembly of the state of Iowa hereby declares that the intent of this chapter is to assent to any Act of the United States Congress authorizing the development of any national parkway located wholly or partly within the state of Iowa, to the full extent that is necessary to secure any benefits under such Act, provided that the hunting of migratory game birds and other game and fishing shall not be prohibited or otherwise restricted by the United States government or any of its designated agencies in control of said project, and to authorize the appropriate state boards, commissions, departments and the governing bodies of counties, cities and villages and especially the state transportation commission to cooperate in the planning and development of all national parkways that may be proposed for development in Iowa, with any agency or department of the government of the United States

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in which is vested the necessary authority to construct or otherwise develop such national parkways. Whenever authority shall exist for the planning and development of any national parkway, of which any portion shall be located in the state of Iowa, it shall be the duty of the state transportation commission to make such investigations and studies in cooperation with the appropriate federal agency, and such state boards, commissions, and departments as shall have an interest in such parkway development, to the extent that shall be desirable and necessary in order to provide that the state shall secure all advantages that may accrue through such parkway development and that the interests of the counties, cities, and villages along the route shall be served.

[C62, 66, 71, 73, 75, 77, 79, 81, §308.2]

98 Acts, ch 1199, §1, 27; 98 Acts, ch 1223, §30

308.3 Definitions.

As used in this chapter:

1. *"Conservation area"* means land in which the state department of transportation or the department of natural resources has acquired rights, other than that land necessary for a right-of-way.

2. *"Great river road"* means a scenic and recreational highway consisting of a designated system of roads and streets along the Mississippi river in this state.

3. *"National parkway"* has the same meaning as defined in Pub. L. No. 93-87, first session, Ninety-third Congress of the United States.

4. *"Right-of-way"* means land area dedicated to public use for a highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances.

5. *"A scenic and recreational highway"* means a public highway designated to allow enjoyment of aesthetic and scenic views, points of historical, archaeological and scientific interest, state parks and other recreational areas and includes both the right-of-way and conservation area.

6. *"Scenic easement"* means a servitude which is acquired by gift, purchase, exchange or condemnation and is designed to permit land to remain in private ownership for its normal agricultural, residential or other use and, at the same time, to restrict and control the future use of the land for the purpose of preserving, restoring or enhancing the natural and historic beauty of the land subject to the scenic easement.

7. *"Secretary"*, *"parkway"*, *"scenic landscape"*, *"sightly or safety easement"*, *"access"*, *"parkway road"*, *"parkway development"*, *"frontage"* and other similar terms have the same meaning as defined in any Act of the Congress of the United States related to a national parkway.

[C62, 66, 71, 73, 75, 77, 79, 81, §308.3]

86 Acts, ch 1245, §1928; 2006 Acts, ch 1010, §85; 2008 Acts, ch 1032, §44

308.4 Transportation commission duties.

1. The state transportation commission shall make such investigations, surveys, studies and plans in connection with any proposed national parkway or parkway development as it shall deem necessary or desirable to determine if the proposed development is under the terms of the Act of the United States Congress applicable to such parkway or any regulations under such Act and is advantageous to the state. Such parkway development may be any portion of the proposed parkway which is proposed to be constructed as a project under such Act.

2. The state transportation commission, with the cooperation of the department of natural resources, shall plan, designate, and establish the exact routing of the great river road, utilizing the general guidelines established in Tit. 23, United States Code.

3. The director of transportation, with the cooperation of the department of natural resources, shall:

a. Acquire all rights in land necessary for reconstruction or relocation of any portions of the great river road where reconstruction or relocation is imperative for the safety of the

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traveling public, or where the condition or location of existing segments of the highway is not in keeping with the intent of this chapter. Acquisitions of such rights in land shall be by gift, purchase, exchange, or by instituting and maintaining proceedings for condemnation. Gift, purchase, exchange, and condemnation include acquisition of a scenic easement. A scenic easement acquired under this chapter constitutes an easement both at law and in equity, and all legal and equitable remedies, including prohibitory and mandatory injunctions, are available to protect and enforce the state's interest in such scenic easements. A scenic easement acquired under this chapter is deemed to be appurtenant to the roadway to which it is adjacent or from which it is visible. The duties created by a scenic easement acquired under this chapter are binding upon and enforceable against the original owner of the land subject to the scenic easement and the original owner's heirs, successors, and assigns in perpetuity, unless the instrument creating the scenic easement expressly provides for a lesser duration. A court shall not declare a scenic easement acquired under this chapter to have been extinguished or to have become unenforceable by virtue of changed conditions or frustration of purpose.

b. Accept and administer state, federal, and any other public or private funds made available for the acquisition of rights in land and for the planning and construction or reconstruction of any segment of the great river road, and state and federal funds for the maintenance of that part of the great river road constituting the right-of-way.

[C62, 66, 71, 73, 75, 77, 79, 81, §308.4; 81 Acts, ch 14, §23]

83 Acts, ch 198, §17; 85 Acts, ch 108, §1; 86 Acts, ch 1245, §1929; 86 Acts, ch 1246, §28; 2008 Acts, ch 1032, §45

Referred to in §308.7

308.5 Jurisdiction and control.

Jurisdiction and control of the great river road is vested as provided in section 306.4.

[C75, 77, 79, 81, §308.5]

85 Acts, ch 108, §2

308.6 Transferring jurisdiction.

The director of transportation, with the concurrence of the department of natural resources, shall transfer jurisdiction of any adjacent conservation area to the department of natural resources upon completion of a new segment of the great river road.

[C75, 77, 79, 81, §308.6]

86 Acts, ch 1245, §1930

308.7 Duties of department of natural resources.

The department of natural resources, with the cooperation of the director of transportation, shall:

1. Control the conservation area acquired by the director of transportation.
2. Protect all scenic easements.
3. Maintain, improve, and beautify according to plans made under section 308.4, subsection 2, all conservation areas, including the establishment of off-road-vehicle trails, equestrian trails and hiking paths.
4. Accept and administer state, federal and any other public or private funds made available for the maintenance, improvement and beautification of conservation areas.

[C75, 77, 79, 81, §308.7]

86 Acts, ch 1245, §1931

308.8 Agreements authorized.

The director of transportation and the department of natural resources may enter into agreements with the United States secretary of transportation, as provided under the United States Code, Tit. 23 relating to the scenic and recreational highway system, and with any

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other agency and jurisdiction, and take action in the name of the state to comply with the terms of any agreement.

[C75, 77, 79, 81, §308.8]

86 Acts, ch 1245, §1932

308.9 Establishing locations for the highway.

1. *a.* When, as a result of its investigations and studies, the state transportation commission, in cooperation with the department of natural resources, finds that there may be a need in the future for the development and construction or reconstruction of segments of the great river road, and when the state transportation commission determines that in order to prevent conflicting costly economic development on areas of lands to be available for the great river road when needed for future development, there is need to establish and to inform the public of the approximate location and widths of new or improved segments of the great river road to be needed, the state transportation commission may proceed to establish the location and the approximate widths in the manner provided in this section.

b. The state transportation commission shall give notice and hold a public hearing on the matter in a convenient place in the area to be affected by the proposed improvement of the great river road. The state transportation commission shall consider and evaluate the testimony presented at the public hearing and shall make a study and prepare a map showing the location of the proposed new or reconstructed segment of the great river road and the approximate widths of right-of-way needed. The map shall show the existing roadway and the property lines and record owners of lands to be needed. The approval of the map shall be recorded by reference in the state transportation commission's minutes, and a notice of the action and a copy of the map showing the lands or interest in the lands needed in any county shall be filed in the office of the county recorder of that county. Notice of the action and of the filing shall be published once in a newspaper of general circulation in the county, and within sixty days following the filing, notice of the filing shall be served by registered mail on the owners of record on the date of filing. Using the same procedures for approval, notice and publications, and notice to the affected record owners, the state transportation commission may amend the map.

2. After such location is established, within the area of the great river road as shown on the map or in such proximity to it as to result in consequential damages when the rights in land for the great river road are acquired, a person shall not erect or move in any additional structure or rebuild, alter or add to any existing structure, without giving to the state transportation commission by registered mail sixty days' notice of such contemplated construction, alteration, or addition describing the same. However, this prohibition and requirement shall not apply to any normal or emergency repairs or replacements which are necessary to maintain an existing structure of a facility in approximately its previously existing functioning condition. When the rights in land for a segment of the great river road are acquired, damages shall not be allowed for any construction, alterations, or additions in violation of this subsection.

3. Without limiting any authority otherwise existing, rights in land needed for the great river road may be acquired at any time by the state, the county, or the municipality in which such segment of the great river road is located. If an owner's contiguous land is acquired to an extent which is less than the total amount shown on the map as needed, consequential damages to the land not acquired shall be allowed as found to exist.

[C62, 66, 71, 73, §308.5; C75, 77, 79, 81, §308.9]

88 Acts, ch 1158, §64; 98 Acts, ch 1075, §8; 2008 Acts, ch 1032, §46

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CHAPTER 308A

RECREATIONAL BIKEWAYS

Referred to in §307.26

308A.1 Department of natural resources and transportation commissions to cooperate.
308A.2 Funds.
308A.3 Certain elevated structures prohibited — exception.

308A.1 Department of natural resources and transportation commissions to cooperate.

1. The department of natural resources, in consultation with the state transportation commission, is hereby authorized to establish recreational bikeways within this state for the use, enjoyment, and participation of the public in bicycling, not including the use of motorized bicycles as defined in section 321.1. The routes established for such bikeways shall be designed to maximize the safety of cyclists and motorists and may utilize secondary roads when the normal flow of motor vehicle traffic will not be hindered, as well as other infrequently traveled roads, streets, parkways, and appropriate thoroughfares. Such bikeways shall be routed, wherever possible, to allow the enjoyment of scenic views and points of historical interest, and may connect state parks and other recreational areas throughout the state.

2. Bikeway routes shall be clearly marked with appropriate signs to guide cyclists and to alert motorists. Such signs shall be placed at intervals and designed in such form as prescribed by the department of natural resources in consultation with the state transportation commission.

3. The department of natural resources is hereby authorized to cooperate with county conservation boards, boards of supervisors, city councils, or any private organizations interested in the establishment of bikeways, and may consult with such groups in the planning of appropriate bikeway routes and related activities.

[C71, 73, 75, 77, 79, 81, §308A.1]
2017 Acts, ch 54, §76; 2021 Acts, ch 125, §1
Referred to in §308A.2

308A.2 Funds.

The department of natural resources may accept in the name of the state funds contributed by the groups specified in section 308A.1 and the funds shall be used exclusively in the establishment of bikeways as provided in this chapter. Additional funds as may be necessary in purchasing signs and otherwise carrying out the provisions of this chapter may be expended by the department of natural resources if authorized by the general assembly pursuant to appropriations for such purposes. The department shall be authorized to accept and expend federal funds made available for the purposes of aiding in the implementation of this chapter.

[C71, 73, 75, 77, 79, 81, §308A.2]
2019 Acts, ch 59, §86

308A.3 Certain elevated structures prohibited — exception.

Bikeways and walkways approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. §217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings unless the portion of project funds that is necessary to obtain federal funds is provided by private parties benefited by the facilities.

[C77, 79, 81, §308A.3]
2018 Acts, ch 1041, §79

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CHAPTER 309

SECONDARY ROADS

Referred to in §8A.311B, 307.24, 311.32, 331.362, 331.502

Subject to reciprocal resident bidder preference in §8A.311B

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SUBCHAPTER I

SECONDARY ROAD AND BRIDGE SYSTEMS IN GENERAL

309.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. *"Bridge"* includes any structure including supports, erected over a depression or an obstruction, such as water, a highway, or railway. A bridge has a track or passageway for carrying traffic or other moving loads and has an opening measured along the center of the roadway of more than twenty feet. The measurement shall be between the inside faces of abutments, the inside faces of the exterior walls of multiple box culverts, the spring lines of arches, and the horizontal measurement of circular or elliptical structures.

a. The length of a bridge is the overall measurement from back to back of backwalls and abutments measured along the center of the roadway.

b. Multiple pipes, where the distance between openings is less than half the smaller contiguous opening, may be included as a bridge, provided the pipes meet the other definitional requirements for bridges in this subsection.

3. *"Culvert"* includes any structure not classified as a bridge which provides an opening under any roadway, except that this term does not include tile crossing the road, or intakes thereto, where the tile are a part of a tile line or system designed to aid subsurface drainage.

4. *"Department"* means the state department of transportation.

5. *"Fiscal year"* means the period of twelve months beginning on July 1 and ending on June 30.

[C75, 77, 79, 81, §309.1]

84 Acts, ch 1102, §2; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §40, 200, 201

309.2 Reserved.

309.3 Secondary bridge system.

The secondary bridge system of a county shall embrace all bridges and culverts on secondary roads as defined in section 306.3.

[C24, 27, §4664, 4665; C31, 35, §4644-c3; C39, §**4644.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.3]

98 Acts, ch 1075, §9

309.4 through 309.9 Reserved.

309.10 Use of farm-to-market road fund.

1. Notwithstanding section 310.4, if the board of supervisors of a county does not plan to utilize its farm-to-market road fund allocation for the succeeding fiscal year for farm-to-market projects, the board may annually, by stipulation in the secondary road construction program and secondary road budget submitted to the department in accordance with sections 309.22 and 309.93, determine an amount of the unobligated portion of its allocation, up to a maximum of fifty percent of its anticipated total annual allocation, for the construction and reconstruction of local secondary roads. However, moneys from the farm-to-market road fund shall not be so used if the moneys are needed to match federal funds available for farm-to-market road projects.

2. A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant

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to section 331.429, subsection 1, paragraphs *"a"*, *"b"*, *"d"*, and *"e"*, are at least seventy-five percent of the sum of the following:

a. From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county.

b. From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

[C81, S81, §309.10; 81 Acts, ch 117, §1045]

83 Acts, ch 123, §108, 208, 209; 84 Acts, ch 1102, §3; 84 Acts, ch 1178, §4; 90 Acts, ch 1267, §29; 91 Acts, ch 258, §42; 2010 Acts, ch 1061, §180

Referred to in §331.401

309.11 Systems abolished. Repealed by 98 Acts, ch 1075, §17.

309.12 Construction of terms. Repealed by 2022 Acts, ch 1021, §186.

309.13 through 309.15 Reserved.

309.16 Duty of department.

The department shall when requested by the board of supervisors advise with said board as to the manner of constructing and maintaining the secondary roads.

[C31, 35, §4644-c18; C39, §**4644.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.16]

SUBCHAPTER II

COUNTY ENGINEER

309.17 Engineer — term.

The board of supervisors shall employ one or more licensed civil engineers as county engineers. The board shall fix the term of employment for county engineers, which shall not exceed three years, but the tenure of office may be terminated at any time by the board.

[C24, 27, §4641; C31, 35, §4644-c19; C39, §**4644.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.17]

2007 Acts, ch 126, §52; 2022 Acts, ch 1021, §57

Referred to in §331.321

309.18 Compensation.

1. The board of supervisors shall fix the compensation of the county engineers.

2. The county engineers shall, in the performance of their duties, work under the directions of the board and shall give bonds for the faithful performance of their duties in a sum not less than two thousand nor more than five thousand dollars, to be approved by the board.

[C24, 27, §4641; C31, 35, §4644-c20, -c21; C39, §**4644.18, 4644.19;** C46, 50, 54, 58, 62, 66, §309.18, 309.19; C71, 73, 75, 77, 79, 81, §309.18]

83 Acts, ch 123, §109, 209; 2023 Acts, ch 66, §63

Referred to in §331.321, 331.429

309.19 Counties joining in employment.

The boards of supervisors of two or more counties may enter into an agreement to jointly employ a county engineer, employ professional and clerical assistants for the engineer, and to provide such services as can be carried on jointly and will operate to their mutual benefit. Such agreement shall be written and entered in their respective minutes. The engineer employed under such agreement shall be the official county engineer for each of the respective boards and shall be employed for such term of years as shall be determined by the boards but in no event longer than the period of time the mutual agreement between

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the boards is to be in effect. The written agreement shall provide for the determination of the cost of such joint program and the manner of allocation of the cost to each board for inclusion in the respective budgets. The boards by mutual agreement shall designate one board to make payments for salaries and other costs of the joint program. The board shall be reimbursed by the other board or boards in accordance with the joint agreement. The provisions of chapter 28E shall be applicable to this section.

[C71, 73, 75, 77, 79, 81, §309.19]

2020 Acts, ch 1005, §1

Referred to in §331.321

309.20 Engineers — itemized account.

County engineers and their assistants shall file an itemized and verified account with the board of supervisors for the reimbursement of all expenses incurred. Mileage may be claimed as provided in section 70A.9.

[C24, 27, §4642; C31, 35, §4644-c22; C39, §**4644.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.20]

309.21 Supervision of construction and maintenance work.

All construction and maintenance work shall be performed under the direct and immediate supervision of the county engineer who shall be deemed responsible for the efficient, economical and good-faith performance of said work.

[C31, 35, §4644-c23; C39, §**4644.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.21]

Referred to in §309.67

SUBCHAPTER III

CONSTRUCTION PROGRAM

309.22 Construction project — progress report by engineer.

1. On or before May 15 of each year the board of supervisors, with the assistance of the county engineer, shall, subject to the approval of the department, adopt a secondary road construction program which shall include a project accomplishment list for the next fiscal year, and a project priority list for the succeeding four fiscal years based upon the construction funds, local secondary and farm-to-market, estimated to be available for the period. Subject to departmental approval, any project on the approved priority list may be advanced to and constructed in the accomplishment year and the project accomplishment list may be revised due to unforeseen conditions.

2. After the close of each fiscal year, and not later than September 15, the county engineer shall submit an annual report to the department. The annual report shall include a statement of the progress made toward the completion of each project contained in the approved project accomplishment list on which work was accomplished, a statement of the total amount expended on each project during the year, and a statement of what portion of the work on each project was done on contract and the amount expended on each contract for each project.

[C31, 35, §4644-c24; C39, §**4644.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.22]

84 Acts, ch 1102, §4; 2019 Acts, ch 24, §104; 2023 Acts, ch 71, §79, 98

Referred to in §307.32, 309.10, 309.22A, 309.27

2023 amendment to subsection 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

309.22A Annual report — replacement and repair of structurally deficient bridges.

On or before September 15 of each year, the county engineer of each county in the state shall certify and file a report with the department, as part of the annual report required under section 309.22, detailing the manner in which moneys received by the county that originated from the road use tax fund were used to replace or repair structurally deficient bridges in the county. The report shall include all of the following:

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1. The number of bridges under the county's jurisdiction that have been replaced or repaired to the point that they function at full capacity.

2. The number of bridges under the county's jurisdiction that have been partially replaced or partially repaired to alleviate some structural deficiencies, but not to the point that the bridges function at full capacity, and a brief description of the replacements or repairs necessary to allow them to function at full capacity.

3. The number of bridges under the county's jurisdiction that are in the process of being replaced or repaired and a description of the timeline of each replacement or repair project.

4. The number of bridges under the county's jurisdiction that remain structurally deficient and a description of the timeline for replacement or repair of each bridge, if any.

2016 Acts, ch 1072, §2; 2018 Acts, ch 1077, §2
Referred to in §307.32, 309.27

309.23 Review by department and operation of program.

The secondary road construction program is subject to review by the department under section 309.94 and subject to program operation requirements under section 309.96, subsection 2.

84 Acts, ch 1102, §5
Referred to in §309.27

309.24 Uniform and unified plan required.

The secondary road construction program or project shall be planned on the basis of one general, uniform, and unified plan for the complete and permanent construction of the roads embraced in the program or project as to bridge, culvert, tile, and grading or other improvements.

[C31, 35, §4644-c26; C39, §**4644.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.24]
2020 Acts, ch 1063, §135
Referred to in §309.27

309.25 Material considerations for farm-to-market roads.

In planning and in adopting the secondary road program or project by the board of supervisors, the board and the county engineer shall give due and careful consideration, to the location of primary roads, and of roads previously improved as county roads, to the market centers and main roads leading thereto, and to rural mail and school bus routes. It is the intent of this chapter that the secondary road program or project will, when finally executed, afford the highest possible systematic, intracounty and intercounty connections of all roads of the county.

[C31, 35, §4644-c27; C39, §**4644.25;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.25]
2021 Acts, ch 80, §160
Referred to in §309.27
Farm-to-market roads, chapter 310

309.26 Provisional selection of roads.

The board after due consultation with the county engineer, shall first select in a provisional way the roads which they then consider advisable to embrace in the secondary road program. The board shall direct the county engineer to make a reconnaissance survey and estimate of all of the roads selected, or of such part of the roads as, in view of the public necessity and convenience, present the most urgent need and necessity for early construction.

[C24, 27, §4643; C31, 35, §4644-c28; C39, §**4644.26;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.26]
2021 Acts, ch 80, §161
Referred to in §309.27

309.27 Report of engineer.

In addition to meeting the requirements of sections 309.22 through 309.26, the county engineer, when so ordered by the board, shall make a written report to the board designating,

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in the order of importance, the roads which, in the engineer's judgment, are most urgently in need of construction.

[C24, 27, §4643; C31, 35, §4644-c29; C39, §**4644.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.27]

2020 Acts, ch 1063, §136; 2022 Acts, ch 1021, §58

309.28 Recommendations.

The county engineer may in the engineer's report recommend that certain definitely described roads or parts of a road be omitted from or added to the provisional program or project. In such a case, the county engineer shall clearly enter on the report the reasons for the recommendations.

[C31, 35, §4644-c30; C39, §**4644.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.28]

2022 Acts, ch 1021, §59

309.29 Map required.

A map of the county showing the location of the proposed program or project shall accompany the report of the county engineer.

[C24, 27, §4644; C31, 35, §4644-c31; C39, §**4644.29;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.29]

2022 Acts, ch 1021, §60

309.30 Additional estimates.

Additional reconnaissance surveys and estimates may be ordered by the board when it deems the same necessary or advisable.

[C31, 35, §4644-c32; C39, §**4644.30;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.30]

309.31 through 309.33 Reserved.

309.34 Record required.

After the construction program or project is finally determined, the county auditor shall record the same at length in a county road book.

[C24, 27, §4646; C31, 35, §4644-c36; C39, §**4644.34;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.34]

309.35 When surveys required.

Before proceeding to the construction of any road or roads included in the secondary road construction program where the grading, exclusive of bridges and culverts, is estimated to cost over ten thousand dollars per mile, the county engineer shall cause detailed surveys and plans for the road or roads to be prepared.

[C24, 27, §4643; C31, 35, §4644-c37; C39, §**4644.35;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.35]

2001 Acts, ch 32, §2

309.36 Nature of survey.

The county engineer's survey shall be on the basis of the permanent improvement of said roads, as to bridge, culvert, tile, and road work.

[C24, 27, §4644; C31, 35, §4644-c38; C39, §**4644.36;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.36]

2023 Acts, ch 66, §64

309.37 Details of survey.

The county engineer's survey shall show all of the following:

1. A division into sections of all of the roads embraced in said provisional program, a designation of each section by some appropriate number, name, or letter, the starting point and terminus of each section, and the mileage of each section.
2. An accurate plan and profile of the roads surveyed, showing all of the following:

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a. Cuts and fills.
b. Outline of grades.
c. All existing permanent bridges, culverts and grades.
d. Proper bench marks on each bridge and culvert.

3. The drainage, both surface and subdrainage, necessary to prepare said roads for complete construction.

4. The location of all lines of tile and size thereof.

5. All necessary bridges and culverts, their length, height, and width and foundation soundings.

6. An estimate of the watershed having relation to each bridge and culvert.

7. An estimate of the construction cost of said roads on the basis of permanent bridges, culverts, tile, and road work.

[C24, 27, §4644; C31, 35, §4644-c39; C39, §**4644.37;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.37]

2011 Acts, ch 34, §76; 2020 Acts, ch 1063, §137; 2022 Acts, ch 1021, §61

309.38 Existing surveys.

The county engineer may adopt any existing survey of any road or part of a road which is embraced in the program or project, provided that the existing survey substantially complies, or is made to comply, with the requirements of this chapter.

[C31, 35, §4644-c40; C39, §**4644.38;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.38]

2022 Acts, ch 1021, §62

309.39 Contracts and specifications.

The various contracts for the carrying out of said construction program or project in the most efficient, practicable and economical manner shall, as far as possible, be accompanied by standard specifications, and no traveled roadway shall be less than twenty-two feet from shoulder to shoulder.

[C31, 35, §4644-c41; C39, §**4644.39;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.39]

309.40 Advertisement and letting.

All contracts for road or bridge construction work and materials for which the county engineer's estimate exceeds fifty thousand dollars, except surfacing materials obtained from local pits or quarries, shall be advertised and let at a public letting.

[C24, 27, §4647; C31, 35, §4644-c42; C39, §**4644.40;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.40]

91 Acts, ch 53, §1; 2023 Acts, ch 66, §65
Referred to in §309.40A, 309.41, 314.1, 314.1B, 331.341

309.40A Emergency highway and bridge projects.

Notwithstanding section 309.40, a county may contract for the emergency repair, restoration, or reconstruction of a highway or bridge under the county's jurisdiction without advertising for bids if all of the following conditions are met:

1. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss.

2. The county solicits written bids from three or more contractors engaged in the type of work needed.

3. The necessary work can be done for less than one hundred thousand dollars.

4. If possible, the county notifies the appropriate Iowa highway contractors' associations of the proposed work.

2001 Acts, ch 32, §3
Referred to in §309.41, 314.1, 331.341

309.41 Optional advertisement and letting.

1. Contracts not embraced within the provisions of section 309.40 or 309.40A shall be either advertised and let at a public letting or, where the cost does not exceed the county

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engineer's estimate, let through informal bid procedure by contacting at least three qualified bidders prior to letting the contract. The informal bids received together with a statement setting forth the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the board of supervisors meeting at which such action was taken.

2. Nothing contained in this section shall be deemed to prohibit the board of supervisors from purchasing material and using county equipment and regularly employed county road personnel on a project within their capability as determined by the county engineer.

[C24, 27, §4648; C31, 35, §4644-c43; C39, §**4644.41;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.41]

2002 Acts, ch 1119, §41; 2014 Acts, ch 1092, §66; 2023 Acts, ch 66, §66

Referred to in §331.341

309.42 Review of road, bridge or culvert contracts. Repealed by 99 Acts, ch 13, §28, 29.

309.43 Record of bids.

All bids received shall be publicly opened, at the time and place specified in the advertisement, and shall be recorded in detail in the road book by the county auditor. The county engineer shall in all instances of day labor and private or public contracts file a detailed cost accounting sheet with the county auditor. The road book and cost sheets shall at all times be open to public inspection.

[C24, 27, §4649; C31, 35, §4644-c45; C39, §**4644.43;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.43]

2014 Acts, ch 1092, §67

Referred to in §331.341

309.44 and 309.45 Reserved.

SUBCHAPTER IV

ANTICIPATION OF FUNDS

309.46 Construction fund anticipated.

The board before issuing anticipatory certificates shall seek the advice of the department and issue said certificates to an amount not exceeding fifty percent of the estimated funds which will accrue to the secondary road fund during any stated period of from one to two years.

[C31, 35, §4644-c48; C39, §**4644.46;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.46]

Referred to in §331.402, 331.478

309.47 Anticipatory resolution.

Certificates issued under this subchapter shall be authorized by a duly adopted resolution which shall specify all of the following:

1. The secondary road funds, specifying the year or years, which are to be anticipated.
2. The amount of certificates authorized.
3. The denomination of each certificate.
4. The rate of interest which each certificate shall bear which shall not exceed that permitted by chapter 74A, payable annually.
5. The authorization of the chairperson of the board of supervisors and of the county auditor, respectively, to sign and countersign such certificates.

[C31, 35, §4644-c49; C39, §**4644.47;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.47]

2020 Acts, ch 1063, §138

Referred to in §331.402, 331.478

309.48 Recitals.

Each certificate shall recite:

1. The annual accruing secondary road funds, naming the year, of which the certificate is anticipatory.

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2. That said certificate shall be payable on or before December 31 of said year.
3. That said certificate is payable solely from said accruing secondary road funds.

[C31, 35, §4644-c50; C39, §**4644.48;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.48]
2022 Acts, ch 1032, §51
Referred to in §331.402, 331.478

309.49 Consecutive numbering and payment.

The series of certificates which anticipate the accruing of funds during a given year shall be numbered consecutively and paid in the order of said numbering.

[C31, 35, §4644-c51; C39, §**4644.49;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.49]
Referred to in §331.402, 331.478

309.50 Execution.

Upon the signing of each of said certificates by the chairperson of the board, said certificates shall be delivered to the county auditor, who shall countersign the same, charge the county treasurer with the amount thereof, and deliver the same to such latter officer, who shall be responsible therefor on the county treasurer's bond.

[C31, 35, §4644-c52; C39, §**4644.50;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.50]
Referred to in §331.402, 331.478, 331.552

309.51 Taxation.

Certificates issued under this subchapter shall be exempt from taxation.

[C31, 35, §4644-c53; C39, §**4644.51;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.51]
2020 Acts, ch 1063, §139
Referred to in §331.402, 331.478, 331.552

309.52 Duty of treasurer.

The treasurer shall sell the certificates in accordance with chapter 75, or if unable to sell the certificates for par plus accrued interest, the treasurer may apply the certificates at par plus accrued interest in payment of any warrants duly authorized and issued for secondary road work.

[C31, 35, §4644-c54; C39, §**4644.52;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.52]
83 Acts, ch 123, §110, 209
Referred to in §331.402, 331.429, 331.478, 331.552

309.53 Registration of certificate holders.

The county treasurer shall enter on a record to be kept by the county treasurer the name and post office address of all persons to whom any of said certificates are issued, with a particular designation of the certificates delivered to each person.

[C31, 35, §4644-c55; C39, §**4644.53;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.53]
Referred to in §331.402, 331.478, 331.552

309.54 Registration of new holder.

Any subsequent holder may present certificates to the county treasurer and cause the subsequent holder's name and post office address to be entered in lieu of that of such former holder.

[C31, 35, §4644-c56; C39, §**4644.54;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.54]
Referred to in §331.402, 331.478, 331.552

309.55 Terminating interest.

When the accruing funds in the hands of the county treasurer, for a year covered by anticipatory certificates, are sufficient to pay the first retirable certificate or certificates, the county treasurer shall, by mail, as shown by the county treasurer's records, promptly notify the holder of such certificate of such fact, and ten days from and after the mailing of such letter all interest on such certificates shall cease.

[C31, 35, §4644-c57; C39, §**4644.55;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.55]
98 Acts, ch 1107, §3
Referred to in §331.402, 331.478, 331.552

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SUBCHAPTER V

MISCELLANEOUS PROVISIONS

309.56 Project plans. Repealed by 99 Acts, ch 13, §28, 29.

309.57 Area service classification.

1. The county board of supervisors, after consultation with the county engineer, and for purposes of specifying levels of maintenance effort and access, may classify the area service system into three classifications termed area service "A", area service "B", and area service "C".

a. Area service "A" classification roads shall be maintained in conformance with applicable statutes.

b. Area service "B" classification roads may have a lesser level of maintenance as specified by the county board of supervisors, after consultation with the county engineer.

c. Area service "C" classification roads may have restricted access and a minimal level of maintenance as specified by the county board of supervisors after consultation with the county engineer.

(1) Area service "C" classification roads shall adequately warn the public that access is limited.

(2) Roads may only be classified as area service "C" by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road. Access to the road shall be restricted by means of a gate or other barrier.

(3) An area service "C" classification shall apply to the entire portion of a road between the road's access points. The county board of supervisors shall not classify only part of a road between the road's access points, or only a bridge on the road, as area service "C". This subparagraph does not apply to a road that terminates in a dead end. For purposes of this subparagraph, *"access point"* includes but is not limited to a driveway as defined in section 306.19.

(4) Notwithstanding section 716.7, subsection 2, paragraph *"b"*, subparagraph (2), entering or remaining upon an area service "C" classification road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in section 716.7.

(5) A road with an area service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the board of supervisors. The petition shall be signed by one or more adjoining landowners. The board of supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition.

2. *a.* Roads within area service "B" and "C" classifications shall have appropriate signs, conforming to the manual of uniform traffic-control devices adopted by the department, installed and maintained by the county at all access points to roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads.

b. The county and officers, agents, and employees of the county are not liable for injury to any person or for damage to any vehicle or equipment, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as area service "B" or "C" if the road has been maintained to the level required for roads classified as area service "B" or "C".

[S81, §309.57; 81 Acts, ch 100, §1]

96 Acts, ch 1103, §1; 2002 Acts, ch 1063, §10; 2003 Acts, ch 144, §5; 2013 Acts, ch 90, §242; 2021 Acts, ch 144, §1, 2

Referred to in §314.30

All area service "C" classifications in effect on July 1, 2021, that are not in compliance with 2021 Acts, ch 144, shall be expanded or reclassified to meet such requirements on or before January 1, 2022; 2021 Acts, ch 144, §2

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309.58 Action on bond — limitation.
No provision in a contract shall be valid which seeks to limit the time to less than five years in which an action may be brought upon the bond covering concrete work nor to less than one year upon the bond covering other work.
[S13, §1527-s18; C24, 27, 31, 35, 39, §**4652;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.58]

309.59 and 309.60 Reserved.

309.61 Advance payment of payrolls.
The board of supervisors may authorize the county auditor to draw warrants for the amount of payrolls for labor furnished under the day labor system, when said payrolls are certified to by the engineer in charge of the work. Said bills shall be passed on by the board at the first meeting following said payment.
[SS15, §1527-s11; C24, 27, 31, 35, 39, §**4655;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.61]

309.62 Reserved.

309.63 Gravel beds.
The board of supervisors of any county may, within the limits of such county and outside the limits of any city, purchase or condemn any lands for the purpose of obtaining gravel or other suitable material with which to improve the secondary roads of such county, including a sufficient roadway to such land by the most reasonable route, or the board may purchase such material outside the limits of their county. In either case, the board may pay for the materials out of the secondary road funds.
[S13, §4024-i; C24, 27, 31, 35, 39, §**4657;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.63]
2022 Acts, ch 1021, §63

309.64 Reserved.

309.65 Sale of gravel bed property.
Notwithstanding section 309.66, after notice as provided in section 331.305 and a public hearing, the board of supervisors may sell all or part of the property acquired for gravel and other highway improvement materials if the property has been owned by the county for more than five years and the board finds that the property to be sold is not needed for highway improvement purposes or the property is not suitable for those purposes.
88 Acts, ch 1254, §1

309.66 Use of gravel beds.
The board of supervisors may permit private parties or municipal corporations to take materials from such acquired lands in order to improve any street or highway in the county, but it shall be a serious misdemeanor for any person to use or for the board of supervisors to dispose of any such material for any purpose other than for the improvement of such streets or highways.
[S13, §2024-i1, -i2; C24, 27, 31, 35, 39, §**4659;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.66]
Referred to in §309.65

309.67 Duties of county board of supervisors and the county engineer.
The county board of supervisors is charged with the duty of establishing policies and providing adequate funds to properly maintain the secondary road system. The county engineer, pursuant to section 309.21 and board policy, shall adopt such methods and

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recommend such personnel and equipment necessary to maintain continuously, in the best condition practicable, the entire mileage of said system.

[S13, §1527-s15; C24, 27, 31, 35, §4660; C39, §**4660, 4778;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.67]

Duty to remove obstruction, chapter 318

309.68 Intercounty highways.

Boards of supervisors of adjoining counties in this state shall:

1. Make proper connections between roads which cross county lines and which afford continuous lines of travel.

2. Adopt plans and specifications for road, bridge, and culvert construction, reconstruction, and repairs upon highways along and across county boundary lines, and make an equitable division between counties of the cost and work attending the execution of the plans and specifications.

3. Make joint agreements for the location, construction, and maintenance of roads under their jurisdiction wholly within one county to provide road access to lands in an adjoining county, when the location provides the most economical and practical method of providing road access. The expense of constructing and maintaining the road shall be equitably shared by the counties in a proportion as the boards may determine.

[C24, 27, 31, 35, 39, §**4661;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.68; 82 Acts, ch 1110, §3]

309.69 Enforcement of duty.

If the boards are unable to agree and one of the boards appeals to the department, the department shall notify the auditors of the interested counties that it will, within ten days of the notice, at a named time and place within any of the interested counties, hold a hearing to determine all matters relating to any anticipated duty. At the hearing, the department shall fully investigate all questions pertaining to the disputed matters, and shall, as soon as practicable, certify its decision to the different boards. The department's decision shall be final, and each of the boards shall immediately comply with the order in the same manner as though the work was located wholly within the county.

[C24, 27, 31, 35, 39, §**4662;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.69; 82 Acts, ch 1110, §4]

2022 Acts, ch 1021, §64

309.70 through 309.73 Reserved.

309.74 Width of bridges and culverts.

All culverts shall have a clear width of roadway of at least twenty feet. Bridges shall have a clear width of roadway of at least sixteen feet.

[C51, §517; R60, §822; C73, §1001; C97, §1572; S13, §1527-s7; C24, 27, 31, 35, 39, §**4667;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.74]

309.75 Definitions. Repealed by 2002 Acts, ch 1119, §110. See §309.1.

309.76 through 309.78 Reserved.

309.79 Bridge specifications.

Standard specifications for all bridges and culverts, railroad overhead crossings, or subways, shall be furnished without cost to the counties and railroad companies by the department, and work shall be done in accordance therewith.

[SS15, §1527-s11; C24, 27, 31, 35, 39, §**4671;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.79]

309.80 Reserved.

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309.81 Record of plans.

Before beginning the construction of a permanent bridge or culvert by day labor or by contract, the county engineer shall file the plans, specifications, estimate of drainage area, estimates of costs, and specific designation of the location of the bridge or culvert in the county engineer's office.

[SS15, §1527-s11; C24, 27, 31, 35, 39, §**4673;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.81]

2022 Acts, ch 1021, §65

309.82 Record of final cost.

On completion of a bridge or culvert, a detailed statement of cost, and of additions or alterations to the plans shall be filed by the county engineer, all of which shall be retained in the county engineer's office as permanent records.

[SS15, §1527-s11; C24, 27, 31, 35, 39, §**4674;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.82]

94 Acts, ch 1173, §13; 2022 Acts, ch 1021, §66

309.83 through 309.92 Reserved.

SUBCHAPTER VI

COUNTY SECONDARY ROAD BUDGETS

309.93 Itemized statement.

On or before April 30 of each year, the board of supervisors, with the assistance of the county engineer, shall adopt and submit to the department for approval the county secondary road budget for the next fiscal year. The budget shall include an itemized statement of:

1. Estimated revenues to be raised by property taxation for secondary road purposes.
2. Estimated revenues to be received from the state road use tax fund.
3. Estimated revenues from all other sources for secondary road purposes.
4. The proposed expenditures from the road fund during the next fiscal year. The estimates of proposed expenditures shall be itemized and classified in a manner prescribed by the department.
5. The actual expenditures for the preceding two fiscal years and the estimated expenditures for the current fiscal year. These shall be itemized and classified in the same manner as proposed expenditures.
6. The cash balance of the road fund at the end of the preceding fiscal year, an estimate of the cash balance at the end of the current fiscal year, and an estimate of the cash balance at the end of the next fiscal year.
7. A detailed cost accounting of all instances in the previous fiscal year of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system, in the manner prescribed by rule of the department under section 314.1A. The statement shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system during the previous fiscal year.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.93]

84 Acts, ch 1102, §6; 2001 Acts, ch 32, §4, 14; 2024 Acts, ch 1094, §36, 47, 48

Referred to in §309.10, 314.1A, 331.401, 331.478

2024 amendment to unnumbered paragraph 1 applies retroactively to January 1, 2024; 2024 Acts, ch 1094, §48

309.94 Review by department.

The department shall approve or disapprove the budget adopted by the board of supervisors. If the budget is not approved, the department shall state the reasons for disapproval when the budget is returned to the county. The department shall act upon a budget and return the budget to the county not later than June 1. Upon disapproval of any

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proposed expenditure in a budget, the county may submit a revised budget to the department for approval. The department shall act upon the revised budget within thirty days.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.94]

84 Acts, ch 1102, §7

Referred to in §309.23, 331.401

309.95 Amendments.

The budget shall be binding except that should bona fide unforeseen conditions arise, the board of supervisors may amend such budget during the year for which it was adopted. Such amendments shall be submitted to the department for approval with a statement of the reasons necessitating the amendment. The department shall approve or disapprove such amendments in the same manner as original budget estimates except that the department shall act upon and return such amendments within thirty days after their receipt by the department. The department acting upon budget amendments is directed to approve only such amendments as are actually necessitated by unforeseen conditions.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.95]

Referred to in §331.401

309.96 Operation of budgeted program.

1. No county shall expend from the secondary road fund an amount in excess of the total amount of the budget or amended budget as adopted by the board of supervisors, whether such budget is approved or disapproved by the department. In order to permit any county to adjust its secondary road income to changed needs that may occur after the budget has been approved by the department the expenditures for any individual item within the budget may exceed by not more than ten percent the amount budgeted for that item without department approval or the submission of an amended budget, provided, however, that the expenditures for one or more other individual items are less than budgeted and the total expenditures from the secondary road fund do not exceed the total secondary road budget.

2. In the event that a county secondary road budget or amended budget thereto is disapproved by the department, the county may elect either to revise such budget or amended budget so as to receive approval or the county may elect to operate with such disapproved budget or amended budget. In the event the county secondary road budget is disapproved in whole or in part, within twenty days after receipt of the department's report, the board of supervisors shall cause to be published in the official newspapers of the county, notice of a public hearing to be held within ten days of said publication, on the department's recommendations, and at said hearing the board of supervisors shall amend or adopt their original budget.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.96]

Referred to in §309.23, 331.401

309.97 Construction of law.

Nothing in this subchapter shall contravene or affect the provisions of chapter 24.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.97]

2019 Acts, ch 24, §41

Referred to in §331.401

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CHAPTER 310

FARM-TO-MARKET ROADS

Referred to in §8A.311B, 307.24, 331.362

Subject to reciprocal resident bidder preference in §8A.311B

310.1	Definitions.	310.16	Claims charged to county allotment.
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310.14	Bids — department or county supervisors.	310.35	Use of secondary road research fund.
310.15	Reserved.	310.36	Report to governor.

310.1 Definitions.

As used in this chapter, the following words, terms, or phrases shall be construed or defined as follows:

1. *"County's allotment of road use tax fund"* or *"allotment of road use tax fund"* means that part of the road use tax fund allotted to any county by the treasurer of state from the portion of the state road use tax fund which the treasurer has credited to the secondary road fund of the counties.
2. *"Department"* means the state department of transportation.
3. *"Farm-to-market road system"* means the farm-to-market road system as defined in section 306.3.
4. *"Federal aid"* or *"federal aid secondary road fund"* shall mean funds allotted to the state of Iowa by the federal government to aid in the construction of secondary roads and which funds must be matched with funds under the control of the department.

[C39, §**4686.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.1]
83 Acts, ch 123, §111, 209; 2024 Acts, ch 1043, §80

310.2 Supervisors agreement.

The county board of supervisors of any county is empowered, on behalf of the county, to enter into any arrangement or agreement with or required by the duly constituted federal or state authorities in order to secure the full cooperation of the government of the United States and of the state of Iowa, and the benefit of all present and future federal or state allotments in aid of secondary road construction, reconstruction or improvement.

[C39, §**4686.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.2]

310.3 Farm-to-market road fund.

There is hereby created a fund which shall be known as the farm-to-market road fund which shall be made up as follows:

1. All federal aid secondary road funds received by the state.
2. All road use tax funds by law credited to the farm-to-market road fund.

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3. All other funds which may, under the provisions of this chapter or any other law, be credited or appropriated for the use of the farm-to-market road fund.

[C39, §**4686.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.3]

Allocation of funds, §312.2

310.4 Use of fund.

The farm-to-market road fund is appropriated for and shall be used in the establishment, construction, reconstruction, or improvement of the farm-to-market road system, including drainage, grading, surfacing, resurfacing, the construction of bridges and culverts, the elimination, protection, or improvement of railroad crossings, the acquisition of additional right-of-way, and all other expenses incurred in the construction, reconstruction, or improvement of the farm-to-market road system under this chapter.

[C39, §**4686.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.4]

2024 Acts, ch 1043, §81

Referred to in §309.10

310.5 Reserved.

310.6 Accounts by department.

The department shall keep accounts in relation to the farm-to-market road fund and each county's allotment thereof, crediting each fund with all amounts by law creditable thereto, and charging each with all duly and finally approved vouchers for claims properly chargeable thereto.

[C39, §**4686.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.6]

310.7 Single fund.

The account of the farm-to-market road fund, kept by the director of the department of administrative services and the state treasurer, shall deal with said funds as a single fund with all credits thereto and disbursements therefrom.

[C39, §**4686.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.7]

2003 Acts, ch 145, §286

Treasurer's report to department of transportation, §312.4

310.8 Quarterly statement to county engineer.

The department shall, quarterly, advise each county engineer of the condition of said county's allotment of the farm-to-market road fund. Said statement shall show the balance in said county's allotment at the beginning of said period, the amount or amounts allotted to said county during said period, the amount disbursed from said county's allotment during said period, and the balance in said county's allotment at the end of the said period. Said statement shall also show the estimated outstanding obligations against the said county's allotment at the date of said statement.

[C39, §**4686.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.8]

310.9 Projects authorized by department.

Before authorizing for letting any farm-to-market road project, the department shall satisfy itself that the county engineer's office in that county is organized, equipped and financed to discharge satisfactorily the duties required in this chapter.

[C39, §**4686.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.9; 82 Acts, ch 1110, §6]

310.10 Farm-to-market road system defined. Repealed by 2024 Acts, ch 1043, §111.

310.11 Participating county — funds reserved.

Any county having complied with the provisions of this chapter may by its board of supervisors submit to the department for its approval project statements for the construction, reconstruction, or improvement of farm-to-market roads.

[C39, §**4686.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.11]

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310.12 Reserved.

310.13 Surveys, plans and estimates.
The county engineer shall make or cause to be made, the surveys, plans and estimates for any project, and submit them to the board of supervisors for approval and the department for authorization for letting. The construction work on a project shall be done in accordance with the plans, except insofar as they are modified to meet unforeseen or better understood conditions.
[C39, §**4686.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.13; 82 Acts, ch 1110, §7]

310.14 Bids — department or county supervisors.
When the plans and specifications for any farm-to-market funded project are filed with and authorized for letting by the department, it shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids and make a recommendation to award or reject a contract. The recommendation to award a contract shall be submitted to the board of supervisors of the county in which the project is located for its approval and award of contract. Upon receiving the approval of the county board on the recommended contract award, the department shall take final action to concur in the award of the contract. For a project without federal funds the above procedure may be reversed and the county board may be authorized to advertise for bids, and, subject to concurrence by the department, award a contract for the construction work.
[C39, §**4686.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.14; 82 Acts, ch 1110, §8]
Referred to in §314.1, 314.1B, 331.341

310.15 Reserved.

310.16 Claims charged to county allotment.
All claims for improving farm-to-market roads hereunder shall be paid from the farm-to-market road fund and charged to the allotment of said fund for the county in which said project is located.
[C39, §**4686.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.16]

310.17 Reserved.

310.18 Partial payments during construction.
Partial payments may be made on work in progress, but such partial payment shall not be deemed final acceptance of the work nor a waiver of any defect in the work. The board of supervisors, the county engineer, or the department may approve partial and final claims. Approval may be evidenced by the signature of the county engineer or chairperson of the board or department, or a majority of the members of the board or department, on the individual claims or on the abstract of a number of claims with the individual claims attached to the abstract.
[C39, §**4686.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.18]
97 Acts, ch 104, §4; 2025 Acts, ch 75, §1

310.19 Supervision and inspection of work.
The county engineer is charged with the duty of supervision, inspection and direction of the work of construction of farm-to-market road projects under this chapter. In this capacity, the county engineer is responsible for the efficient, economical, and good-faith performance of the work.
[C39, §**4686.19;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.19; 82 Acts, ch 1110, §9]

310.20 Supervisors resolution to state treasurer.
Any county may, in any year, by resolution of its board of supervisors, make available for improvement or construction of farm-to-market roads within the county any portion of its allotment of road use tax funds. Upon certification of such a resolution, the state treasurer

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shall place in the county's allotment of the farm-to-market road fund the amount authorized by such resolution.

[C39, §**4686.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.20]

Referred to in §312.5

310.21 Reserved.

310.22 Right-of-way — how acquired.

Right-of-way for farm-to-market road projects under this chapter shall be acquired by the county in accordance with chapter 306 and chapter 316.

[C39, §**4686.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.22; 82 Acts, ch 1110, §10]

310.23 through 310.26 Reserved.

310.27 Period of allocation — reversion — temporary transfers.

1. The farm-to-market road fund allotted to any county as provided in this chapter shall remain available for expenditure in said county for three years after the close of the fiscal year during which said sums respectively were allocated. Any sum remaining unexpended at the end of the period during which it is available for expenditure shall be reapportioned among all the counties as provided in section 312.5 for original allocations.

2. For the purposes of this section, any sums of the farm-to-market road fund allotted to any county shall be presumed to have been expended when a contract has been awarded obligating the sums. When projects and their estimated costs, which are proposed to be funded from the farm-to-market road fund, are submitted to the department for approval, the department shall estimate the total funding necessary and the period during which claims for the projects will be filed. After anticipating the funding necessary for approved projects, the department may temporarily allocate additional moneys from the farm-to-market road fund for use in any other farm-to-market projects. However, a county shall not be temporarily allocated funds for projects in excess of the county's anticipated farm-to-market road fund allocation for the current fiscal year plus the four succeeding fiscal years.

3. If in the judgment of the department the anticipated claims against the primary road fund for any month are in excess of moneys available, a temporary transfer for highway construction costs may be made from the farm-to-market road fund to the primary road fund provided that there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. All transfers shall be repaid from the primary road fund to the farm-to-market road fund within sixty days from the date of the transfer. A transfer shall be made only with the approval of the director of the department of management and shall comply with the director of the department of management's rules relating to the transfer of funds. Similar transfers may be made by the department from the primary road fund to the farm-to-market road fund and these transfers shall be subject to the same terms and conditions that transfers from the farm-to-market road fund to the primary road fund are subject.

[C39, §**4686.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.27]

85 Acts, ch 83, §1; 86 Acts, ch 1058, §1; 2015 Acts, ch 29, §45; 2016 Acts, ch 1011, §46

310.28 Engineering and other expense.

1. Engineering, inspection and administration expense in connection with any farm-to-market road project may be paid from the county's allotment of the farm-to-market road fund. Any such expense incurred by the department may in the first instance be advanced out of the primary road fund, and such expense amounts shall later be reimbursed to the primary road fund out of the farm-to-market road fund.

2. No part of the salary or expense of the county engineer, any member of the county board of supervisors, any member of the department, the chief engineer, or any department head or district engineer of the department shall be paid out of the farm-to-market road fund.

[C39, §**4686.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.28]

2016 Acts, ch 1073, §96

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310.29 Maintenance by county.

Any farm-to-market road constructed under this chapter shall be maintained by the county. If any county fails to satisfactorily maintain any road that is part of the federal aid secondary system, the department shall give the board of supervisors notice of that fact. If within sixty days after receipt of notice the highway has not been placed in proper condition of maintenance the department may withhold authorization for letting of any project using farm-to-market funds until a proper condition of maintenance has been restored.

[C39, §**4686.29;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.29; 82 Acts, ch 1110, §11]

310.30 through 310.33 Reserved.

310.34 Secondary road research fund.

Notwithstanding any law to the contrary, the department is hereby authorized to set aside each year not to exceed one and one-half percent of the receipts in the farm-to-market road fund in a fund to be known as the secondary road research fund.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.34]

310.35 Use of secondary road research fund.

The secondary road research fund shall be used by the department solely for the purpose of financing engineering studies and research projects which have as their objective the more efficient use of funds and materials that are available for the construction and maintenance of secondary roads, including bridges and culverts located thereon.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.35]

Referred to in §310.36

310.36 Report to governor.

The research projects and engineering studies authorized shall be conducted in cooperation with the county engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, county engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under section 310.35.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.36]

86 Acts, ch 1245, §1933

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CHAPTER 311

SECONDARY ROAD ASSESSMENT DISTRICTS

Referred to in §307.24, 331.362, 331.552

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311.25 Appeal docketed.
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311.28 Certificates anticipating assessments.
311.29 Sale of certificates.
311.30 Certificates registered — payment.
311.31 Reserved.
311.32 Administration and maintenance of roads.

311.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

311.1A Power to establish.

In order to provide for improvements such as grading, draining, bridging, aggregate surfacing, paving, or resurfacing of secondary roads, the board of supervisors may, on petition, establish secondary road assessment districts.

[C24, 27, 31, 35, 39, §**4746;** C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.1]

85 Acts, ch 143, §1

C2001, §311.1A

311.2 Width of district.

Any such secondary road assessment district shall be not more than one-half mile wide on each side of the road or roads to be improved by said district.

[C24, 27, 31, 35, 39, §**4746;** C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.2]

311.3 Amount of assessment.

Special assessments in the aggregate amount of not less than fifty percent of the total estimated cost of improvement of a road included in a secondary road assessment district project shall be apportioned and levied on the lands included in the secondary road assessment district.

[C24, 27, 31, 35, 39, §**4753;** C46, §311.10; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.3]

85 Acts, ch 143, §2

311.4 County line road.

When it is desired to improve a secondary road on a county line, as a secondary road assessment district project, the board of supervisors of any county may establish an assessment district in its county, and levy and collect special assessments for the payment of that portion of the estimated cost of the project assessable against lands in that county. Each

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county shall pay its share of the cost of the project as provided in this chapter, in the same manner as though the project were located wholly within that county.

[C24, 27, 31, 35, 39, §**4746;** C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.4]

85 Acts, ch 143, §3

311.5 Project in city.

A road or street which is a continuation of a secondary road within a city and which the county board desires to improve, may by resolution of the county board and concurrence by the council of the city be improved as a secondary road assessment district project or part of a project as provided in this chapter. The lands within the city abutting on or adjacent to the street or road may be included within the secondary road assessment district and assessed for the improvement upon the same basis and in the same manner as though the lands were located outside of a city.

[C24, §4754; C27, 31, 35, §4745-a1; C39, §**4745.1;** C46, §311.2; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.5]

85 Acts, ch 143, §4

311.6 Petition — information required.

1. The petition for a secondary road assessment district proposing to establish the district shall intelligibly describe the road or roads proposed to be improved, the nature of the proposed improvement, the percentage of the estimated cost of improving the road proposed to be assessed against the property in the district, and the lands proposed to be included in the district.

2. The petition shall be signed by fifty percent of the owners of the lands within the proposed district, or by fifty percent of the owners of the land within the proposed district who reside within the county.

[C24, 27, 31, 35, 39, §**4746;** C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.6]

85 Acts, ch 143, §5; 2020 Acts, ch 1062, §94

311.7 Improvement by private funds.

1. *a.* The owner or a group of owners of not less than seventy-five percent of the lands adjacent to, or abutting upon any secondary road may, on or before October 1 of any year, petition the board of supervisors of their county for the improvement of the road, and for the assessment of not less than fifty percent, or a greater portion as provided in the petition, of the cost of the improvement, to the lands adjacent to, or abutting upon the road. When the petition has been filed, the board of supervisors shall review the project proposed by the petition and may accept or reject the proposed project. If the board of supervisors accepts the petition, the board shall include the project in the secondary road construction program of the county and establish a priority for the completion of the project.

b. The board of supervisors shall proceed with the construction and completion of the project in accordance with its assigned priority and under the same procedure as is prescribed generally for the improvement of secondary roads by assessment, and shall establish a special secondary road assessment district and assess against the lands included in the district not less than fifty percent, or a greater portion as provided in the petition, of the engineer's estimated cost of the improvements of the road included in the project against all the lands adjacent to or abutting upon the road.

c. However, if the owners of all the lands included in any special secondary road assessment district under this section, subscribe and deposit with the county treasurer an amount not less than fifty percent, or a greater portion as provided in the petition, of the engineer's estimated cost of the improvement of the road included in the project, the board of supervisors shall not establish the special assessment district, but shall accept the donations in lieu of an assessment, and shall otherwise proceed to the improvement of the road.

2. The total expenditure of secondary road funds of the county in any year for or on account of special secondary road assessment district projects on local secondary roads under this section shall not exceed the total secondary road funds legally expendable for construction on local secondary roads in the county in the year.

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3. Upon the completion of the road, and the satisfaction of all claims in relation to the road, any balance then remaining of the funds provided by the sponsors shall be returned to them according to their respective interests, providing all guarantees made by the sponsors have been fulfilled.

[C24, 27, 31, 35, 39, §**4747, 4753;** C46, §311.4, 311.10; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.7]

83 Acts, ch 123, §112, 209; 85 Acts, ch 143, §6; 86 Acts, ch 1024, §1; 2010 Acts, ch 1061, §180
Referred to in §331.429

311.8 County engineer's report.

Upon the filing of the petition with the county engineer proposing the establishment of a secondary road assessment district, the county engineer shall prepare a report on the proposed district, which report shall include:

1. An estimate of the cost of the improvement proposed on the road included in the proposed district.
2. A plat of said proposed district which plat shall show the road or roads proposed to be improved, the various tracts and parcels of real estate included in said proposed district, and the ownership of such lands.
3. An approximately equitable apportionment of not less than fifty percent of the estimated cost of the improvement among the tracts and parcels of real estate included in the proposed district.
4. A statement whether all of the secondary roads to be improved in the proposed secondary road assessment district project have been built to permanent grade and properly drained.
5. Any information the county engineer may deem pertinent.

[C24, 27, 31, 35, 39, §**4746, 4748;** C46, §311.3, 311.5; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.8; 81 Acts, ch 117, §1211]

85 Acts, ch 143, §7
Referred to in §311.9

311.9 Publicly owned real estate.

In making the apportionment under section 311.8, real estate owned by the state, county, or any city, shall be treated as other real estate, but no other publicly owned real estate shall be included. In apportioning benefits to real estate owned by a city, the county, or the state, consideration shall not be given to the buildings located on that real estate.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §**4753.01;** C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.9]

2021 Acts, ch 80, §162

311.10 Estimate and apportionment — presumption.

Said estimated cost shall carry the presumption, in the absence of a contrary showing, that the same correctly represents the probable cost of said project as nearly as can be determined in advance of the actual doing and completion of the work. Said apportionment shall carry the presumption, in the absence of a contrary showing, that the same is fair, just, equitable, and in proportion to the benefits and not in excess thereof.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §**4753.01;** C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.10]

311.11 Hearing — notice.

The board of supervisors shall fix a time for hearing on the proposal for the establishment of the secondary road assessment district and on the apportionment of not less than fifty percent of the estimated cost of the proposed improvement, and shall cause the county engineer to publish notice of the hearing. The notice shall state:

1. The time and place of hearing,
2. The road or roads proposed to be improved,
3. The type of surfacing proposed,
4. The estimated cost of the proposed improvement,

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5. A description of the lands lying within said proposed district,
6. The ownership of said lands as shown by the transfer books in the auditor's office,
7. A statement of the amount apportioned to each tract or parcel of real estate as shown by the engineer's report,
8. That at said hearing the amount apportioned to any tract or parcel of land may be increased or decreased without further notice,
9. That all objections to the establishment of the district, to the apportionment report, or to the proceedings relating to the district or report must be specifically made in writing and filed with the county engineer on or before noon of the day set for the hearing, and
10. That a failure to make and file such objections will be deemed a conclusive waiver of all such objections.

[C24, §4707, 4750, 4751; C27, 31, 35, §4750, 4751, 4753-a1; C39, §**4750, 4751, 4753.01;** C46, §311.7, 311.8, 311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.11; 81 Acts, ch 117, §1212]

85 Acts, ch 143, §8

311.12 Publication of notice.

The notice shall be published as provided in section 331.305 in the county as near as practicable to the district. Proof of the publication shall be made by the publisher by affidavit filed with the county engineer.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §**4753.01;** C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.12; 81 Acts, ch 117, §1213]

87 Acts, ch 43, §8

311.13 Errors in notice or apportionment report.

Any omission or error in said apportionment report or notice with respect to any tract or parcel of real estate or the description thereof, or the name of the owner, or the amount of the assessment apportioned thereto, shall work no loss of jurisdiction on the part of the board over such proceeding. Such omission or error shall only affect the particular tract of real estate or person in question. If, before or after the board has entered its final order in the establishment of the said district or in the apportionment proceedings such omission or error is discovered, the board shall fix a time for a hearing as to such party or real estate and shall cause service of notice to be made upon them, either by publication as in this chapter provided, or by personal service in the time and manner required for service of original notices in the district court. After such hearing the board shall proceed as to such person or land as though such omission or error had not occurred.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §**4753.01;** C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.13]

311.14 Appearance.

The appearance of any interested party, either in writing or personally, or by authorized agent, before the board of supervisors at any stage of the pending proceedings for a secondary road assessment district shall be deemed a full appearance. Only interested parties shall have the right to appear in such proceedings. All persons so appearing shall state for whom they appear. The clerk of the board shall make definite entry accordingly in the minutes of the board.

[C24, §4707; C27, 31, 35, §4753-a1; C39, §**4753.01;** C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.14]

311.15 Hearing — adjournment — order.

1. Hearings on the proposed establishment of a secondary road assessment district may be adjourned from time to time without loss of jurisdiction by the board. On final hearing the board shall proceed to a determination of the matters raised in the proposal. The board may reject, approve, or modify and approve said proposal. The board may exclude lands from the district or may add lands or otherwise modify the proposal.
2. If the proposal is approved in whole or in part, the board shall establish the district. The

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order of the board establishing the district shall state the road or roads to be improved, the type of improvement, and the lands included in the district. The order shall be final and lands shall not be added to or excluded from the district after the order is entered by the board.

[C24, §4709; C27, 31, 35, §4753-a2; C39, §**4753.02;** C46, §311.12; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.15]

2020 Acts, ch 1062, §94; 2021 Acts, ch 80, §163

311.16 Final hearing — assessment levied.

1. On final hearing the board shall hear and determine all objections filed. The board may increase, diminish, annul, or affirm the apportionment made in said report, or any part thereof, as may appear to the board to be just and equitable.

2. On the final determination the board shall levy the assessments and all installments thereof upon the real estate within the district as finally established. The entire amount of the assessment shall be then due and payable, and bear interest at a rate not exceeding that permitted by chapter 74A commencing twenty days from the date of the levy, and shall be collected at the succeeding September semiannual payment of ordinary taxes.

[C24, §4710; C27, 31, 35, §4753-a3; C39, §**4753.03;** C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.16]

2020 Acts, ch 1062, §94

311.17 Assessments over five hundred dollars — waiver.

1. If an owner, other than the state or a county or city, of any tracts of land on which the assessment is more than five hundred dollars files a written agreement in the office of the county auditor within twenty days from the date of the assessment, that, in consideration of the owner having the right to pay the assessment in installments, the owner will not make any objection of illegality or irregularity as to the assessment upon the real estate and will pay the assessment plus interest, the assessment shall be payable in ten equal installments. The first installment shall be payable on the date of the agreement. The other installments shall be paid annually at the same time and in the same manner as the September semiannual payment of ordinary taxes with interest accruing as provided in section 384.65, subsection 3. The rate of interest shall be as established by the board, but not exceeding that permitted by chapter 74A.

2. An owner of land who has used the ten-year option may at any time discharge the assessment by paying the balance then due on all unpaid installments, with interest on the entire amount of the unpaid installments to the following December 1.

[C24, §4710; C27, 31, 35, §4753-a3; C39, §**4753.03;** C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.17]

98 Acts, ch 1107, §4; 2012 Acts, ch 1138, §95; 2021 Acts, ch 80, §164

311.18 Assessment delinquent — interest.

The assessed taxes shall become delinquent from October 1 after their maturity. However, when the last day of September is a Saturday or Sunday, the assessed taxes shall become delinquent from the second business day of October. Taxes assessed pursuant to this chapter which become delinquent shall bear the same interest, and be attended with the same rights and remedies for collection, as ordinary taxes.

[C24, §4710; C27, 31, 35, §4753-a3; C39, §**4753.03;** C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.18]

92 Acts, ch 1016, §3; 98 Acts, ch 1107, §5; 2005 Acts, ch 34, §1, 26

311.19 Assessment five hundred dollars or less.

1. Assessments of five hundred dollars or less against any tract of land, and assessments against lands owned by the state, county, or city, shall be due and payable from the date of levy by the board of supervisors, or in the case of any appeal, from the date of final confirmation of the levy by the court.

2. In case of assessments on lands owned by the county, the assessments shall be paid from the county treasury. In case of assessments on lands owned by the state, the assessments

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shall be paid out of any funds in the state treasury not otherwise appropriated. In case of assessments on lands owned by a city, the assessments shall be paid from any available city fund.

[C24, §4710; C27, 31, 35, §4753-a3; C39, §**4753.03;** C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.19]

83 Acts, ch 123, §113, 209; 98 Acts, ch 1107, §6; 2012 Acts, ch 1138, §96; 2020 Acts, ch 1062, §94

311.20 Variation between estimated and actual cost.

Any variation between the engineer's estimated cost and the actual cost of a secondary road assessment district project shall in no way affect the validity of the assessment. It is the intent of this chapter that the assessment shall be based on the estimated cost and not on the actual cost.

[C24, §4711; C27, 31, 35, §4753-a4; C39, §**4753.04;** C46, §311.14; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.20]

311.21 Procedures.

The preparation and approval of plans and specifications, the advertising for bids, the award and approval of contract, the supervision and inspection of construction work, and the approval and payment of claims on any secondary road assessment district project, shall be conducted in the manner provided in the laws for secondary road construction work generally.

[C24, 27, 31, 35, 39, §**4749, 4752;** C46, §311.6, 311.9; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.21]

311.22 Road graded and drained.

Any such secondary road shall be built to permanent grade and drained in a manner approved by the county engineer before being surfaced, as provided in this chapter.

[C27, 31, 35, 39, §**4746;** C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.22]

311.23 Payment of construction costs.

1. The total cost of any secondary road assessment district project shall in the first instance be paid out of the county treasury. Any assessments which are paid in cash, and in anticipation of which assessments no certificates have been issued, shall be transferred to the county treasury.

2. If no special assessment certificates are issued and sold on account of any particular secondary road assessment district, the special assessments on lands included in that district, and the interest on the assessments when collected, shall be transferred to the secondary road fund of the county. If certificates are issued and sold in anticipation of the special assessments levied on a district, the proceeds of the certificates shall be credited to the county treasury. In that event, the special assessments in anticipation of which certificates have been issued, and the interest on the assessments shall, when collected, be used to retire the certificates.

[C24, 27, 31, 35, 39, §**4752;** C46, §311.9; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.23]

83 Acts, ch 123, §114, 209; 2020 Acts, ch 1062, §94; 2021 Acts, ch 76, §58

Referred to in §331.429

311.24 Appeal from assessment.

Any owner of land in a secondary road assessment district may appeal to the district court from the order of the board of supervisors in levying the assessment against the owner's real estate, by filing with the county engineer within fifteen days of the date of the levy, a bond conditioned to pay all costs in case the appeal is not sustained, and a written notice of appeal where the owner shall, with particularity, point out the specific objection which the owner desires to lodge against the levy. The appeal has precedence over all other business pending before the court except criminal matters. The appeal shall be heard as in equity. The court may raise or lower the assessment in question and make an equitable assessment in the judgment of the court. The clerk of the district court shall, upon the entry of the final order of

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the court, certify the final order to the county engineer. The board of supervisors shall adjust the assessments to comply with the final order of the court.

[C24, §4713; C27, 31, 35, §4753-a5; C39, §**4753.05;** C46, §311.15; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.24; 81 Acts, ch 117, §1214]

Referred to in §602.8102(50)

311.25 Appeal docketed.

When an appeal is taken, the county engineer shall make a transcript of the notice of appeal and appeal bond and transmit them to the district court. The appellant shall, within twenty days after perfection of the appeal, docket the appeal and file a petition setting forth the order or decision of the board of supervisors appealed from, and the appellant's specific objections. A failure to comply with either of these requirements is a conclusive waiver of the appeal and the court shall dismiss the petition. Appellee need not file answer, but may do so.

[C24, §4714; C27, 31, 35, §4753-a6; C39, §**4753.06;** C46, §311.16; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.25; 81 Acts, ch 117, §1215]

311.26 Assessments certified to county treasurer.

1. When the board of supervisors has entered its final order as to the amounts of all special assessments on a given improvement, the county engineer shall at once certify a list of the assessments and a list of real estate upon which each assessment has been levied, with the specific designation of the district embracing the real estate, to the county treasurer, who shall enter each assessment on the tax books and continue the entry until the assessment is paid.

2. Each special assessment and all installments of the special assessments are a lien upon the real estate upon which levied from the date of the certificate by the county engineer to the same extent and in the same manner as taxes levied for state and county purposes. Changes in the amount of a special assessment by reason of a ruling of the district court on appeals shall be likewise certified and the county treasurer shall make the proper correction on the books.

[C24, §4715; C27, 31, 35, §4753-a7; C39, §**4753.07;** C46, §311.17; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.26; 81 Acts, ch 117, §1216]

2020 Acts, ch 1062, §94

311.27 Each district separate unit.

Each assessment district shall be considered a unit and all funds received by the county treasurer for or on behalf of such unit shall be carried as a distinct and separate account and under the same specific name as that used by the board in establishing such unit.

[C24, §4716; C27, 31, 35, §4753-a8; C39, §**4753.08;** C46, §311.18; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.27]

311.28 Certificates anticipating assessments.

In order to render immediately available that amount of the estimated cost of an improvement which has been specially assessed, the board may issue road certificates in the name of the county in an aggregate amount not exceeding the then unpaid amount of the special assessment levied in the district. Each issue of certificates shall be under, and in accordance with, a duly adopted resolution of the board which shall recite all of the following:

1. The name or designation of the road district on account of which the certificates are issued.
2. That a stated amount has been specially assessed against the lands within the district.
3. That a stated amount of the aggregate special assessment has not yet been paid.
4. That it is necessary to render the unpaid amount immediately available.
5. The number of road certificates authorized and the specific amount of each certificate.
6. The specific numbering or designation of the certificates.
7. The rate of interest which each certificate shall bear from date, not exceeding that permitted by chapter 74A.

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8. The fact that the certificates are payable solely from the proceeds of the special assessments which have been levied on the lands within the districts.

9. That each certificate shall be payable on or before January 1 of the first year following the maturity of the last installment of the special assessments, and that interest on the certificate shall be paid annually.

10. The authorization to the chairperson of the board, and to the county treasurer, to sign and countersign each of the certificates.

[C24, §4717; C27, 31, 35, §4753-a9; C39, §**4753.09;** C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.28; 81 Acts, ch 117, §1217]

311.29 Sale of certificates.

Upon the signing of each of the certificates by the chairperson of the board, the certificates shall be delivered to the county treasurer, who shall countersign them and who shall be responsible for them on the treasurer's bond. The treasurer may apply the certificates in payment of warrants duly authorized and issued for improving the roads within the district, or the treasurer may sell the certificates for the best attainable price and for not less than par, plus accrued interest. The certificates shall be retired in the order of their numbering.

[C24, §4717; C27, 31, 35, §4753-a9; C39, §**4753.09;** C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.29; 81 Acts, ch 117, §1218]

83 Acts, ch 123, §115, 209; 85 Acts, ch 143, §9

Referred to in §331.429

311.30 Certificates registered — payment.

The county treasurer shall, in connection with the road account for said district, enter the name and post office address of all persons to whom any of said certificates are issued, with a particular designation of the certificates delivered to each person. Any subsequent holder may present the certificate to the county treasurer and cause the subsequent holder's name and post office address to be entered in lieu of that of such former holder. Whenever the fund for such particular district has money to pay the first retirable certificate or certificates, the county treasurer shall, by mail, as shown by the county treasurer's records, promptly notify the holder of such certificate of such fact and that from and after ten days after the mailing of such letter all interest on such certificates will cease.

[C24, §4717; C27, 31, 35, §4753-a9; C39, §**4753.09;** C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.30]

311.31 Reserved.

311.32 Administration and maintenance of roads.

Any road established by petition and any road improved by petition under this chapter shall be administered and maintained by the county under chapters 306, 309, 314, 317, and 318. However, the fact that right-of-way is donated by property owners for the establishment of a road or a portion of the cost of a road improvement is paid by property owners under this chapter, does not preclude the board of supervisors from exercising its responsibility over these roads as secondary roads.

86 Acts, ch 1024, §2; 2006 Acts, ch 1097, §16

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CHAPTER 312

ROAD USE TAX FUND

Referred to in §307.24

312.1	Fund created.	312.4	Treasurer's report to the department of transportation.
312.2	Allocations from fund.	312.5	Division of farm-to-market road funds.
312.2A	Restrictions on use.	312.6	Limitation on use of funds.
312.3	Apportionment to counties and cities.	312.7	Balance maintained in fund.
312.3A	Street research fund.	312.8	Amana colonies.
312.3B	Iowa county engineers association service bureau support fund.	312.9	Fund not for personnel expense.
312.3C	Secondary road fund distribution committee. Repealed by 2024 Acts, ch 1170, §368.	312.10	Reserved.
312.3D	Street construction fund distribution advisory committee. Repealed by 2024 Acts, ch 1170, §368.	312.11	Accounts of expenditures.
		312.12	Program submitted. Repealed by 98 Acts, ch 1080, §11.
		312.13	Reserved.
		312.14	Cities to submit report.
		312.15	When funds not allocated.
		312.16	Definitions.

312.1 Fund created.

1. There is hereby created, in the state treasury, a road use tax fund. The road use tax fund shall include all of the following:

a. All the net proceeds of the registration of motor vehicles under chapter 321.

b. All the net proceeds of the motor fuel tax or license fees under chapter 452A.

c. Revenue derived from the excise tax imposed upon the rental of automobiles, under chapter 423C, to the extent provided by section 321.145, subsection 2.

d. Revenue derived from the use tax collected under sections 423.26 and 423.26A, to the extent provided under section 321.145, subsection 2.

e. Any other funds which may by law be credited to the road use tax fund.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the road use tax fund and the funds to which moneys from the road use tax fund are credited shall be credited to the road use tax fund.

[C50, §308A.1; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.1; 82 Acts, ch 1100, §17]

88 Acts, ch 1019, §2; 89 Acts, ch 293, §9; 90 Acts, ch 1235, §7; 92 Acts, ch 1006, §1; 92 Acts, 2nd Ex, ch 1001, §203; 2003 Acts, 1st Ex, ch 2, §161, 205; 2006 Acts, ch 1142, §83; 2008 Acts, ch 1113, §32; 2010 Acts, ch 1108, §2, 15

Referred to in §15E.208, 458A.28

312.2 Allocations from fund.

1. The treasurer of state shall, on the first day of each month, credit all road use tax funds which have been received by the treasurer, to the primary road fund, the secondary road fund of the counties, the farm-to-market road fund, and the street construction fund of cities in the following manner and amounts:

a. To the primary road fund, forty-seven and one-half percent.

b. To the secondary road fund of the counties, twenty-four and one-half percent.

c. To the farm-to-market road fund, eight percent.

d. To the street construction fund of the cities, twenty percent.

2. The treasurer of state shall before making the allotments in subsection 1 credit annually to the highway grade crossing safety fund the sum of seven hundred thousand dollars, credit annually from the road use tax fund the sum of nine hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty-five hundredths of one percent of all road use tax funds for the express purpose of carrying out section 307.24, subsection 5, section 313.4, subsection 2, and section 307.45, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All

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unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the extent they exceed five hundred thousand dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner:

a. Twenty percent of the project cost shall be paid by the railroad company.

b. Twenty percent of the project cost shall be paid by the highway authority having jurisdiction of the road crossing the railroad.

c. Sixty percent of the project cost shall be paid from the highway railroad grade crossing surface repair fund.

3. The treasurer of state shall before making the allotments provided for in this section credit monthly to the state department of transportation funds sufficient in amount to pay the costs of purchasing certificate of title and registration forms, and supplies and materials and for the cost of prison labor used in manufacturing motor vehicle registration plates, decalcomania emblems, and validation stickers at the prison industries.

4. The treasurer of state, before making the allotments provided in this section, shall credit annually to the primary road fund from the road use tax fund the sum of seven million one hundred thousand dollars.

5. *a.* The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs *"a"*, *"b"*, *"d"*, and *"e"*, are less than fifty-one percent of the sum of the following:

(1) From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county.

(2) From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county.

b. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state.

6. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred fifty thousand dollars from the road use tax fund.

7. The treasurer of state, before making the other allotments provided for in this section, shall credit annually to the primary road fund from the road use tax fund the sum of four million four hundred thousand dollars and to the farm-to-market road fund from the road use tax fund the sum of one million five hundred thousand dollars for partial compensation of allowing trucks to operate on the roads of this state as provided in section 321.463.

8. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred thousand dollars from the road use tax fund.

9. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the revitalize Iowa's sound economy fund, created under section 315.2, the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3 except aviation gasoline, the amount of excise tax collected from one and three-fourths cents per gallon.

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b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one and three-fourths cents per gallon.

c. From the excise tax on electric fuel imposed under the tax rate of section 452A.41, the amount of excise tax collected from fifteen hundredths of one cent per kilowatt hour.

10. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the secondary road fund the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following:

a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3, except aviation gasoline, the amount of excise tax collected from one-fourth cent per gallon.

b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one-fourth cent per gallon.

c. From the excise tax on electric fuel imposed under the tax rate of section 452A.41, the amount of excise tax collected from two hundredths of one cent per kilowatt hour.

11. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation for county, city, and state traffic safety improvement projects an amount equal to one-half of one percent of moneys credited to the road use tax fund.

12. *a.* The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction, reconstruction, replacement, or realignment based on needs in accordance with rules adopted by the department.

b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department.

13. The treasurer of state, before making the allotments provided for in this section, shall credit annually from the road use tax fund to the state department of transportation the sum of six hundred fifty thousand dollars for the purpose of providing county treasurers with automation and telecommunications equipment and support for vehicle registration and titling and driver licensing. Notwithstanding section 8.33, unobligated funds credited under this subsection remaining on June 30 of the fiscal year shall not revert but shall remain available for expenditure for purposes of this subsection in subsequent fiscal years.

14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the primary road fund an amount equal to ten percent of the revenues collected from the operation of section 321.105A, subsection 2, to be used for the commercial and industrial highway network.

15. *a.* The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2, an amount equal to ten dollars from each fee for issuance of a certificate of title collected pursuant to sections 321.20; 321.20A; 321.23; 321.42; 321.46, other than a title issued for a returned vehicle under section 322G.12; section 321.47; and section 321.109 and an amount equal to eight dollars from each fee collected for issuance of a certificate of title pursuant to section 321.46 for a returned vehicle under section 322G.12 and from each fee collected for issuance of a salvage certificate of title pursuant to section 321.52.

b. This subsection is repealed June 30, 2028.

16. *a.* The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2 the following amounts:

(1) One-half of the amount received by the treasurer from trailer registration fees pursuant to section 321.123, subsection 1, paragraph *"a"*, subparagraph (1).

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(2) Two-thirds of the amount received by the treasurer from trailer registration fees collected pursuant to section 321.123, subsection 1, paragraph *"a"*, subparagraph (2).

(3) One-third of the amount received by the treasurer from trailer registration fees collected pursuant to section 321.123, subsection 2.

b. This subsection is repealed June 30, 2028.

17. *a.* The treasurer of state, before making the allotments provided for in this section, shall credit annually to the TIME-21 fund created in section 312A.2, the revenue accruing to the road use tax fund from annual motor vehicle registration fees for passenger cars, multipurpose vehicles, and motor trucks in excess of three hundred ninety-two million dollars annually.

b. This subsection is repealed June 30, 2028.

18. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation seventy-five percent of the moneys deposited in the fund pursuant to section 321E.14, subsection 1, paragraph *"j"*. The department shall distribute such moneys to counties having jurisdiction over secondary roads on which vehicles issued a permit pursuant to section 321E.8, subsection 2, are authorized to operate, which moneys shall be used to inspect, maintain, repair, or construct bridges on the county's secondary roads. The department shall adopt rules pursuant to chapter 17A governing the distribution of moneys in accordance with this subsection.

[C50, §308A.2, 422.62; C54, 58, 62, 66, §312.2, 422.62; C71, 73, §312.2, 422.69(2); C75, 77, 79, 81, S81, §312.2; 81 Acts, ch 117, §1046]

83 Acts, ch 123, §116, 208, 209; 83 Acts, ch 198, §18, 19, 20; 84 Acts, ch 1178, §5; 84 Acts, ch 1305, §46; 84 Acts, ch 1309, §10; 85 Acts, ch 231, §1; 87 Acts, ch 115, §47; 87 Acts, ch 206, §1; 87 Acts, ch 232, §19, 20; 88 Acts, ch 1019, §3, 4; 88 Acts, ch 1089, §2; 88 Acts, ch 1134, §66; 88 Acts, ch 1205, §1; 88 Acts, ch 1278, §28 – 30; 89 Acts, ch 246, §1, 2; 89 Acts, ch 293, §10 – 13; 90 Acts, ch 1230, §5; 90 Acts, ch 1267, §30; 91 Acts, ch 258, §43; 91 Acts, ch 260, §1223, 1224; 91 Acts, ch 264, §906; 91 Acts, ch 268, §512, 513; 92 Acts, ch 1212, §28; 92 Acts, ch 1238, §26; 93 Acts, ch 131, §10, 11; 93 Acts, ch 180, §75; 94 Acts, ch 1023, §102; 94 Acts, ch 1107, §50; 96 Acts, ch 1218, §36; 98 Acts, ch 1073, §9; 98 Acts, ch 1075, §11; 98 Acts, ch 1212, §6; 99 Acts, ch 114, §18; 2001 Acts, ch 180, §5; 2002 Acts, 2nd Ex, ch 1002, §3, 4; 2003 Acts, 1st Ex, ch 2, §162, 205; 2007 Acts, ch 200, §6; 2008 Acts, ch 1113, §1, 11, 12, 21, 22, 25, 33, 34; 2009 Acts, ch 130, §19, 37; 2009 Acts, ch 133, §114; 2014 Acts, ch 1026, §76; 2015 Acts, ch 123, §28; 2019 Acts, ch 151, §18, 19, 46; 2022 Acts, ch 1076, §1, 8; 2026 Acts, ch 1115, §19, 22, 23

Referred to in §312.2A, 312A.2, 313.4, 314.21, 327G.30, 444.25

Legislative intent that moneys directed to be deposited in road use tax fund under §312.1 not be used for loans, grants, or other financial assistance for passenger rail service; 2000 Acts, ch 1168, §4

Legislative intent that one hundred percent of revenue produced as a result of the excise tax increase on motor fuel and certain special fuel in 2015 Acts, chapter 2, effective March 1, 2015, and credited to the secondary road fund or farm-to-market road fund be used for certain critical road and bridge construction projects; 2015 Acts, ch 2, §12, 15

2026 amendment to subsection 5, paragraph a, unnumbered paragraph 1 applies to fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §23

2026 amendment to subsection 5, paragraph a, unnumbered paragraph 1 effective January 1, 2027; 2026 Acts, ch 1115, §22

Subsection 5, paragraph a, unnumbered paragraph 1 amended

312.2A Restrictions on use.

Moneys credited pursuant to section 312.2, subsection 1, paragraphs *"b"* and *"c"*, and section 312.2, subsection 12, paragraph *"a"*, shall not be used for debt service or to otherwise pay principal and interest on bonds, loans, or other indebtedness issued or incurred on or after February 25, 2015, including refunding, reissuance, or other refinancing of such indebtedness, or refunding, reissuance, or other refinancing of indebtedness issued or incurred prior to February 25, 2015, if the term for repayment of the indebtedness as financed or refinanced would exceed the useful life of the asset being constructed, reconstructed, improved, repaired, equipped, or maintained.

2015 Acts, ch 2, §1, 14

Referred to in §331.443A

312.3 Apportionment to counties and cities.

The treasurer of state shall, on the first day of each month:

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1. Apportion among the counties the road use tax funds credited to the secondary road fund by using the distribution methodology adopted by the commission by rule.

2. *a.* Apportion among the cities of the state, in the ratio which the population of each city, as shown by the latest available federal census, bears to the total population of all such cities in the state, the percentage of the road use tax funds which is credited to the street construction fund of the cities, and shall remit to the city clerk of each such city the amount so apportioned to such city. A city may have one special federal census taken each decade, and the population figure thus obtained shall be used in apportioning amounts under this subsection beginning the calendar year following the year in which the special census is certified by the secretary of state.

b. The apportionment of moneys from the street construction fund of the cities to a city with a farm-to-market extension under county jurisdiction pursuant to section 306.4 shall be reduced in the proportion which the share of mileage of the farm-to-market extension bears to the total mileage of streets within the city. The amount of moneys by which the apportionment to the city is reduced shall be transferred to the secondary road fund of the respective county, to be used only for the maintenance or construction of roads under the county's jurisdiction, and all interest and earnings on the moneys transferred shall remain in the secondary road fund of the county, to be used for the same purposes.

c. For purposes of apportioning among the cities of the state the percentage of the road use tax fund to be credited to the street construction fund of the cities for each month beginning March 2011 and ending March 2021 pursuant to this subsection, the population of each city shall be determined by the greater of the population of the city as of the last preceding certified federal census or as of the April 1, 2010, population estimates base as determined by the United States census bureau.

3. In any case where a city has been incorporated since the latest available federal census the mayor and council shall certify to the state treasurer the actual population of such incorporated city as of the date of incorporation and its apportionment of funds under this section shall be based upon such certification until the next federal census enumeration. Any community which has dissolved its corporation shall not receive any apportionment of funds under this certificate for any period after said corporation has been dissolved.

4. In any case where a city has annexed any territory since the last available federal census or special federal census, the mayor and council shall certify to the treasurer of state the actual population of such annexed territory as determined by the last certified federal census of said territory and the apportionment of funds under this section shall be based upon the population of said city as modified by the certification of the population of the annexed territory until the next federal or special federal census enumeration.

5. In any case where two or more cities have consolidated, the apportionment of funds under this section shall be based upon the population of the city resulting from said consolidation and shall be determined by combining the population of all cities involved in the consolidation as determined by the last available federal or special federal census enumeration for said consolidating city.

[C50, §308A.3; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.3; 81 Acts, 2nd Ex, ch 2, §3]

84 Acts, ch 1219, §18; 90 Acts, ch 1267, §31; 91 Acts, ch 258, §44; 92 Acts, ch 1100, §3; 92 Acts, ch 1238, §27, 46; 94 Acts, ch 1023, §103; 2002 Acts, ch 1063, §9, 16; 2003 Acts, ch 144, §6; 2005 Acts, ch 142, §2; 2013 Acts, ch 140, §113, 115, 116; 2019 Acts, ch 59, §87; 2020 Acts, ch 1063, §140; 2024 Acts, ch 1170, §303

Referred to in §312.2, 312.3A, 312.3B, 312.8, 312A.3

312.3A Street research fund.

Prior to the allocation to the cities under section 312.3, subsection 2, the department is authorized to set aside each year two hundred thousand dollars from the street construction fund of the cities in a fund to be known as the street research fund. The street research fund shall be used by the department solely for the purpose of financing engineering studies and research projects which have as their objective the more efficient use of funds and materials that are available for the construction and maintenance of city streets, including city street bridges and culverts. The research projects and engineering studies authorized

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shall be conducted in cooperation with the city engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, city engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under this section.

89 Acts, ch 293, §14

312.3B Iowa county engineers association service bureau support fund.

1. Prior to the allocation to the counties under section 312.3, subsection 1, the department is authorized to set aside each year twenty-five hundredths of one percent from the secondary road fund for deposit in a fund to be known as the Iowa county engineers association service bureau support fund. The Iowa county engineers association service bureau support fund shall be used by the department solely for the purpose of supporting the Iowa county engineers association service bureau. Unobligated funds remaining in the Iowa county engineers association service bureau support fund on June 30 of the fiscal year shall revert to the secondary road fund. On or before January 31 of each year, the Iowa county engineers association service bureau shall file a report with the governor, state transportation commission, county engineers, chief clerk of the house of representatives, and secretary of the senate showing the activity accomplished under this section.

2. The Iowa county engineers association service bureau shall annually compute the secondary road fund and farm-to-market road fund distributions using the methodology determined by the commission. The Iowa county engineers association service bureau shall report the computations to the department, the treasurer of state, and the counties.

2002 Acts, ch 1063, §11, 16; 2005 Acts, ch 142, §3; 2006 Acts, ch 1010, §86; 2024 Acts, ch 1170, §304

312.3C Secondary road fund distribution committee. Repealed by 2024 Acts, ch 1170, §368.

312.3D Street construction fund distribution advisory committee. Repealed by 2024 Acts, ch 1170, §368.

312.4 Treasurer's report to the department of transportation.

The treasurer of state shall, each month, certify to the department:

1. The amount which the treasurer has received and credited to the road use tax fund from each source of revenue creditable to the said road use tax fund.
2. The amount of the road use tax fund which the treasurer has credited to the following:
a. The primary road fund.
b. The secondary road fund of the counties.
c. The farm-to-market road fund.
d. The street fund of the cities.
3. The amount of the federal aid primary and urban funds which the treasurer has received from the federal government and credited to the primary road fund.
4. The amount of federal aid secondary road funds which the treasurer has received from the federal government and credited to the farm-to-market road fund.
5. The amount of the road use tax fund which has been credited to carry out the provisions of section 307.24, subsection 5, section 313.4, subsection 2, and section 307.45.

[C24, §4693; C27, 31, 35, §4755-b7; C39, §**4686.07, 4755.07;** C46, §310.7, 313.7; C50, §308A.4; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.4]

2011 Acts, ch 34, §77; 2015 Acts, ch 123, §29

312.5 Division of farm-to-market road funds.

1. Each fiscal year, the treasurer of state shall apportion among the counties the road use tax funds credited to the farm-to-market road fund by using the distribution methodology adopted by the commission.
2. All farm-to-market road funds, except funds which under section 310.20 come from

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any county's allotment of the road use tax funds, shall be apportioned among the counties as provided by this section.

[C39, §**4686.05;** C46, §310.5; C50, §308A.5; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.5]

84 Acts, ch 1219, §19; 90 Acts, ch 1267, §32; 91 Acts, ch 258, §45; 92 Acts, ch 1100, §4; 92 Acts, ch 1238, §28, 46; 2002 Acts, ch 1063, §13, 16; 2005 Acts, ch 142, §5; 2024 Acts, ch 1170, §305

Referred to in §310.27

312.6 Limitation on use of funds.

Funds received by municipal corporations from the road use tax fund shall be used for any purpose relating to the construction, maintenance, and supervision of the public streets.

[C39, §**4686.21, 4686.25;** C46, §310.21, 310.25; C50, §308A.6; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.6]

Referred to in §423B.3

312.7 Balance maintained in fund.

1. The treasurer of state shall maintain in the road use tax fund in the state treasury, of the funds collected as provided in chapter 321 or as said chapter may be amended, a cash balance sufficient, when added to the cash balance of receipts in the road use tax fund from other sources, to pay the anticipated expenditures from the road use tax fund for the ensuing month.

2. When necessary to restore the balance in the road use tax fund in the state treasury, the treasurer of state shall draw upon the treasurer of each county of the state in proportion to the amounts in their possession, respectively, of the funds collected under the provisions of chapter 321 or as said chapter may be amended, and credited to the road use tax fund, a sum sufficient in the aggregate to restore the cash balance in the road use tax fund. Such drafts shall be honored by the treasurer of each county upon presentation.

[C24, 27, 31, 35, §4772, 5003; C39, §**4686.26, 4772, 5010.03;** C46, §310.26, 316.17, 321.147; C50, §308A.7; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.7]

312.8 Amana colonies.

1. Where a tract of land is owned by a corporation organized under the provisions of chapter 490 with assets of the value of one million dollars or more, and having one or more platted villages located within the territorial limits of said tract of land, all of the territory within the plats of said villages with their addition or subdivisions shall, for the purposes of this chapter, be deemed to be one incorporated city. All funds to become due to said villages so consolidated shall be paid to the county auditor of the county in which said tract of land and said villages are situated. Said fund shall, thereupon, be administered and expended by the county board of supervisors of said county for the construction, reconstruction, repair, and maintenance of roads and streets within the plats of such villages in the same manner and with the same powers and duties as city councils in cities. In the event the population of such villages shall not have been separately enumerated in the federal census, then said county board of supervisors shall cause a census of said villages to be taken as soon as may be after this chapter becomes effective, which census shall be used in lieu of the federal census provided for in section 312.3, subsection 2.

2. All payments made under this section prior to July 4, 1961, are hereby legalized.

[C50, §308A.8; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.8]

90 Acts, ch 1205, §10

Referred to in §9H.4, 331.362

312.9 Fund not for personnel expense.

Moneys credited to the road use tax fund shall not be appropriated for the payment of salaries, support, or maintenance of any personnel in the department of public safety.

[81 Acts 2d Ex, ch 2, §4]

312.10 Reserved.

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312.11 Accounts of expenditures.

Each city shall keep accounts showing the amount spent on street construction and reconstruction on extensions of rural systems and city streets. The amount spent shall be shown on the annual street report required by section 312.14.

[C62, 66, 71, 73, 75, 77, 79, 81, §312.11]

98 Acts, ch 1075, §12

Referred to in §312.15

312.12 Program submitted. Repealed by 98 Acts, ch 1080, §11.

312.13 Reserved.

312.14 Cities to submit report.

Cities in the state which receive allotments of funds from road use tax funds shall prepare and deliver on or before December 1 each year to the department an annual report showing all street receipts and expenditures for the city for the previous fiscal year. The report shall include a detailed cost accounting of all instances of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year, in the manner prescribed by rule of the department under section 314.1A. The report shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year.

[C62, 66, 71, 73, 75, 77, 79, 81, §312.14]

90 Acts, ch 1121, §2; 2001 Acts, ch 32, §5, 14; 2021 Acts, ch 42, §1

Referred to in §312.11, 312.15, 314.1A

312.15 When funds not allocated.

1. Funds shall not be allocated to any city until such city shall have complied with the provisions of sections 312.11 and 312.14.

2. If a city has not complied with the provisions of section 312.14, the treasurer of state shall withhold funds allocated to the city until the city complies. If a city has not complied with the provisions of section 312.14 by March 1 following the date the report was required, funds shall not be allocated to the city until the city has complied and all funds withheld under this subsection shall revert to the street construction fund of the cities.

3. The department shall notify the treasurer of state if any city fails to comply with the provisions of sections 312.11 and 312.14.

[C62, 66, 71, 73, 75, 77, 79, 81, §312.15]

90 Acts, ch 1121, §3; 98 Acts, ch 1080, §1; 2017 Acts, ch 54, §76; 2021 Acts, ch 42, §2

312.16 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commission"* means the state transportation commission.

2. *"Department"* means the state department of transportation.

3. *"Fiscal year"* means the period of twelve months beginning on July 1 and ending on June 30.

[C75, 77, 79, 81, §312.16]

89 Acts, ch 293, §15; 2024 Acts, ch 1170, §306

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CHAPTER 312A

TIME-21 FUND

Referred to in §307.24

Chapter to be repealed June 30, 2028; see §312A.4

312A.1 Definitions.
312A.2 Transportation investment moves the economy in the twenty-first century (TIME-21) fund.
312A.3 Allocation and use of funds.
312A.4 Future repeal.

312A.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the state department of transportation.

2. *"Fund"*, or *"TIME-21 fund"*, means the transportation investment moves the economy in the twenty-first century fund.

2007 Acts, ch 200, §1

312A.2 Transportation investment moves the economy in the twenty-first century (TIME-21) fund.

1. A transportation investment moves the economy in the twenty-first century fund is created in the state treasury under the control of the department. The fund shall be known and referred to as the TIME-21 fund. The fund shall consist of any moneys appropriated by the general assembly and any revenues credited by law to the TIME-21 fund. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. Notwithstanding subsection 1 and section 312.2, for the fiscal year beginning July 1, 2008, and for each fiscal year thereafter, not more than a total of two hundred twenty-five million dollars shall be deposited in the TIME-21 fund for any fiscal year. Any remaining moneys directed to be deposited in the TIME-21 fund for a fiscal year shall be deposited or retained in the road use tax fund.

2007 Acts, ch 200, §2; 2009 Acts, ch 130, §45, 46

Referred to in §312.2

312A.3 Allocation and use of funds.

Moneys in the TIME-21 fund shall be credited and used as follows:

1. Sixty percent for deposit in the primary road fund to be used exclusively for highway maintenance and construction, including purchase of right-of-way but not including project planning and design. The following projects are eligible for funding under this subsection and shall have funding priority in the order listed:

a. Completion of projects on highways designated as access Iowa highways pursuant to 2005 Iowa Acts, ch. 178, §41.*

b. Projects on highways in the commercial and industrial highway network that are included in the department's five-year plan, or in the long-range plan, for the primary road system. Priority shall be given to projects in areas of the state that have existing biodiesel, ethanol, or other biorefinery plants.

c. Projects on interstate highways.

2. Twenty percent for deposit in the secondary road fund, for apportionment according to the methodology adopted by the commission, to be used by counties for construction and maintenance projects on secondary road bridges and on highways in the farm-to-market road system. At least ten percent of the moneys allocated to a county under this subsection shall be used for bridge construction, repair, and maintenance, with priority given to projects that aid and support economic development and job creation.

3. Twenty percent for deposit in the street construction fund of the cities, apportioned on

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the basis of population in the manner provided in section 312.3, to be used to sustain and improve the municipal street system.

2007 Acts, ch 200, §3; 2014 Acts, ch 1026, §143; 2024 Acts, ch 1170, §307
*2005 Iowa Acts, ch 178, §41 to be repealed July 1, 2025; 2015 Acts, ch 2, §11

312A.4 Future repeal.

This chapter is repealed June 30, 2028.

2007 Acts, ch 200, §4

CHAPTER 313

PRIMARY ROADS

Referred to in §307.24, 315.9

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GENERAL PROVISIONS

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313.2 "Road systems" defined — roadside parks.
313.2A Commercial and industrial highways.
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SUBCHAPTER I

GENERAL PROVISIONS

313.1 Federal and state cooperation.

The department is empowered on behalf of the state to enter into any arrangement or contract with and required by the duly constituted federal authorities, in order to secure the full cooperation of the government of the United States, and the benefit of all present and future federal allotments in aid of highway construction, reconstruction, improvement or maintenance. The good faith of the state is hereby pledged to cause to be made available each year, sufficient funds to equal the total of any sums now or hereafter apportioned to the state for road purposes by the United States government for such year, and to maintain the roads constructed with said funds.

[C24, §4688; C27, 31, 35, §4755-b1; C39, §**4755.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.1]

313.2 "Road systems" defined — roadside parks.

1. The roads and streets of the state are, for the purpose of this chapter, those roads and streets established under chapter 306.

2. *a.* Whenever the board of supervisors of a county and the department mutually determine that a portion of a highway under the jurisdiction of either party should be transferred to the jurisdiction of the other party, the board and department may enter into an agreement to effect such transfer. Such agreement may provide that each party may undertake or share responsibility for improving said road with the costs of such improvement to be borne entirely by either the county or the department or equitably divided between the two jurisdictions. All such improvements shall be completed and all actual costs thereof paid or reimbursed prior to the time transfer of the road is made. In carrying out such agreement, the board of supervisors may expend secondary road funds of the county and the department may expend primary road funds.

b. However, prior to entering into the agreement, a notice of intent to execute such agreement shall be published in a newspaper of general circulation within the county and the cost of such notice shall be jointly borne by the department and the board of supervisors. If one hundred or more residents of the county request by petition or in writing that a hearing be held in regard to such agreement within ten days after the publication of the notice, the board of supervisors and the department shall hold such a hearing not more than seven days after receiving the petition or written instrument. Based upon evidence presented at the hearing, the board of supervisors and the department shall reexamine the merits of executing such agreement and make a decision in regard to it.

3. The department may, for the purpose of affording access to cities or state parks, or for the purpose of shortening the direct line of travel on important routes, or to effect connections with interstate roads at the state line, add such road or roads to the primary road system.

4. The department, either alone or in cooperation with any county, shall have the authority to utilize any land acquired incidental to the acquisition of land for highway right-of-way and to also accept by gift lands not exceeding two acres in area for roadside parks and parking areas. The department may furnish necessary maintenance. The department shall also have authority to accept by gift equipment or other installations incidental to the use of said parks and parking areas. The parks and parking areas shall be a part of the primary road system and the department may at its discretion sell or otherwise dispose of the lands.

5. Reasonable maintenance and surveillance of rest area sites and buildings located on the sites shall be provided by employees of the department within the limits of appropriations provided for such purpose.

[C24, §4689; C27, 31, 35, §4755-b2; C39, §**4755.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.2]

88 Acts, ch 1072, §1; 98 Acts, ch 1075, §13; 2014 Acts, ch 1092, §68; 2016 Acts, ch 1073, §97; 2017 Acts, ch 29, §86

Referred to in §306.42, 331.362

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313.2A Commercial and industrial highways.

1. *Purpose.* It is the purpose of this section to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network.

2. *Network selection.*

a. The commission shall identify, within the primary road system, a network of commercial and industrial highways. The commission shall consider all of the following factors in the identification of this network:

(1) The connection by the most direct routes feasible of major urban areas and regions of the state to each other and to the national system of interstate and defense highways and priority routes in adjacent states.

(2) The existence of high volumes of total traffic and commercial traffic.

(3) Long distance traffic movements.

(4) Area coverage and balance of spacing with service to major growth centers within the state.

(5) Metropolitan area bypasses consistent with metropolitan or regional area plans established through cooperation by the department and local officials.

b. The network of commercial and industrial highways shall not exceed two thousand six hundred miles including municipal extensions of these highways.

3. *Standards.* The department shall establish standards pertaining to the specific location, design, and access control for each segment of the commercial and industrial highways.

4. *Network development.* In establishing priorities for improvement projects, the department shall take into consideration the following additional criteria: urban area bypasses that improve urban or regional accessibility or improve corridor travel; projects consistent with regional or metropolitan transportation plans established through cooperation by the department and local officials; and the willingness of local officials to provide financial or other assistance for the development of projects.

89 Acts, ch 134, §5; 90 Acts, ch 1267, §34, 35; 91 Acts, ch 268, §514, 515; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1032, §1

Referred to in §307A.2

313.3 Primary road fund.

1. There is hereby created a primary road fund which shall include and embrace:

a. All road use tax funds which are by law credited to the primary road fund.

b. All federal aid primary and urban road funds received by the state.

c. All other funds which may by law be credited to the primary road fund.

d. All revenue accrued or accruing to the state of Iowa on or after January 26, 1949, from the sale of public lands within the state, under Acts of Congress approved March 3, 1845, supplemental to the Act for the Admission of the States of Iowa and Florida into the Union, chapters 75 and 76, 5 Stat. 788, 790, shall be placed in the primary road fund.

2. Unless otherwise provided, the primary road fund is hereby appropriated for highway construction.

[C24, §4690; C27, 31, 35, §4755-b3; C39, §**4755.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.3]

2010 Acts, ch 1061, §180; 2012 Acts, ch 1023, §41

Allocation of funds, §312.2, 312A.3

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313.4 Disbursement of fund.

1. *a.* The primary road fund is hereby appropriated for and shall be used in the establishment, construction, and maintenance of the primary road system, including the drainage, grading, surfacing, and construction of bridges and culverts; the elimination or improvement of railroad crossings; the acquiring of additional right-of-way; and all other expense incurred in the construction and maintenance of the primary road system and the maintenance and housing of the department.

b. The department may expend moneys from the fund for dust control on a secondary road or municipal street within a municipal street system when there is a notable increase in traffic on the secondary road or municipal street due to closure of a road by the department for purposes of establishing, constructing, or maintaining a primary road.

c. The commission may, after consultation with stakeholders including regional planning affiliations, metropolitan planning organizations, the Iowa state association of counties, and the Iowa league of cities, periodically allocate moneys from the fund for the establishment, construction, and maintenance of the secondary road system and the municipal street system in exchange for retaining all or a portion of federal aid road funds that would otherwise be allocated to counties and cities.

2. Such fund is also appropriated and shall be used for the construction, reconstruction, improvement, and maintenance of state institutional roads and state park roads and bridges on such roads and roads and bridges on community college property as provided in section 307.24, subsection 5, for restoration of secondary roads used as primary road detours and for compensation of counties for such use, for restoration of municipal streets so used and for compensation of cities for such use, and for the payments required in section 307.45.

3. There is appropriated from funds appropriated to the department which would otherwise revert to the primary road fund pursuant to the provisions of the Act appropriating the funds or chapter 8, an amount sufficient to pay the increase in salaries, which increase is not otherwise provided for by the general assembly in an appropriation bill, resulting from the annual review of the merit pay plan as provided in section 8A.413, subsection 3. The appropriation provided in this subsection shall be in effect from the effective date of the revised pay plan to the end of the fiscal biennium in which it becomes effective.

4. *a.* Such fund is appropriated and shall be used by the department to provide energy and for the operation and maintenance of those primary road freeway lighting systems within the corporate boundaries of cities including energy and maintenance costs associated with interchange conflict lighting on existing and future freeway and expressway segments constructed to interstate standards.

b. The costs of serving freeway lighting for each utility providing the service shall be determined by the utilities commission, and rates for such service shall be no higher than necessary to recover these costs. Funds received under the provisions of this subsection shall be used solely for the operation and maintenance of a freeway lighting system.

5. During the fiscal year beginning July 1, 1990, and ending June 30, 1991, and each subsequent fiscal year, the department shall spend from the primary road fund an amount of not less than thirty million dollars for the network of commercial and industrial highways.

6. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, and each subsequent fiscal year, there is transferred the following percentages of the moneys credited to the primary road fund pursuant to section 312.2, subsection 1, paragraph *"a"*, to the following funds:

a. One and five hundred seventy-five thousandths percent to the secondary road fund.

b. One hundred seventy-five thousandths of one percent to the street construction fund of the cities.

[C24, §4690; C27, 31, 35, §4755-b4; C39, §**4755.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.4]

88 Acts, ch 1019, §6; 90 Acts, ch 1253, §120; 92 Acts, ch 1163, §74; 92 Acts, ch 1238, §29; 99 Acts, ch 118, §1; 2000 Acts, ch 1017, §1; 2003 Acts, ch 144, §8; 2003 Acts, ch 145, §243; 2008 Acts, ch 1031, §110; 2009 Acts, ch 133, §236, 237; 2011 Acts, ch 25, §27; 2015 Acts, ch 123,

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§30; 2016 Acts, ch 1011, §47; 2017 Acts, ch 13, §1; 2019 Acts, ch 59, §88; 2020 Acts, ch 1063, §141; 2023 Acts, ch 19, §2661; 2024 Acts, ch 1170, §369
Referred to in §312.2, 312.4, 313.5

313.5 Biennial appropriation — budget.

1. The department shall submit to the department of management, as provided by chapter 8, a detailed estimate of the amount required by the department during each succeeding biennium for the support of the department and for engineering and administration of highway work and maintenance of the primary road system. Such estimate shall be in the same general form and detail as is required by chapter 8 and said chapter shall apply to the budgeting, appropriation, and expenditure of funds in the primary road fund in the same manner as such chapter applies to other departments. However, the amount of contracts for bituminous resurfacing, bridge painting and repair, pavement and shoulder repair, agreements with cities for maintenance on primary road extensions and agreements with counties, cities, and institutions for maintenance on state park, state institution, and other state land roads need not be included in the amount appropriated for maintenance.

2. The provisions of chapter 8 shall apply except that the provisions of section 8.39 shall not apply to funds appropriated to the department under section 313.4; however, section 8.39, subsection 1, shall apply to appropriations for support of the department and for engineering and administration of highway work and maintenance of the primary road system.

3. Any contingent fund appropriated to the department from the primary road fund shall be subject to the following conditions:

a. A written statement from the department of management shall be obtained, recommending expenditures from the fund for the purposes requested by the department.

b. The department of management and the governor shall determine that the expenditures contemplated are in the best interest of the state, and that the purpose or project for which funds are requested was not presented to the general assembly by way of a bill and which failed to become enacted into law.

[C39, §**4755.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.5]
2010 Acts, ch 1061, §180; 2017 Acts, ch 29, §87

313.6 Accounts and records required.

The department shall keep accounts in relation to the primary road fund, crediting said fund with all amounts by law creditable thereto and charging said fund with the amount of all duly and finally approved vouchers for claims properly chargeable thereto.

[C24, §4692; C27, 31, 35, §4755-b6; C39, §**4755.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.6]

313.7 Monthly certification of funds.

The account of the primary road fund kept by the department of administrative services and the state treasurer shall show the amount of the primary road fund with all credits thereto and disbursements therefrom.

[C24, §4693; C27, 31, 35, §4755-b7; C39, §**4755.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.7]
2003 Acts, ch 145, §286

313.8 Improvement of primary road system.

The department shall proceed to the improvement of the primary road system as rapidly as funds become available therefor until the entire mileage of the primary road system is built to established grade, bridged and surfaced with pavement or other surface suited to the traffic on such road. Improvements shall be made and carried out in such manner as to equalize the condition of the primary roads and accessibility for commercial and industrial economic development purposes, as nearly as possible, in all sections of the state.

[C27, 31, 35, §4755-b8; C39, §**4755.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.8]
88 Acts, ch 1019, §7

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313.9 Surveys, plans, and specifications.

Before proceeding with the improvement of any primary road, the department shall cause suitable surveys, plans and specifications for said proposed work to be prepared and filed in its office, and the work shall be done in accordance therewith, except insofar as the same may be modified to meet unforeseen or better understood conditions, and no such modification shall be deemed an invalidating matter.

[C24, §4699; C27, 31, 35, §4755-b9; C39, §**4755.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.9]

313.10 Bids — advertising.

1. As soon as the approved plans and specifications for any primary road construction project are filed with the department, the department shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids for the construction of the improvement.

2. The department may contract for the emergency repair, restoration, or reconstruction of a highway or bridge without advertising for bids if all of the following conditions are met:

a. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss.

b. The department solicits written bids from three or more contractors engaged in the type of work needed.

c. The necessary work can be done for less than one million dollars.

d. If possible, the department notifies the appropriate Iowa highway contractors' associations of the proposed work.

[C24, §4700; C27, 31, 35, §4755-b10; C39, §**4755.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.10]

2001 Acts, ch 32, §6; 2008 Acts, ch 1124, §2

Referred to in §313.11, 314.1

313.11 Bids — specialized construction.

The department may contract for specialized construction work for beam straightening, beam replacement, and beam repair on bridges, without advertising for bids as required under section 313.10, if all of the following conditions are met:

1. The work is of a specialized type in which fewer than five contractors engage.

2. The department solicits written bids from all available contractors engaged in the specialized type of work.

3. The work can be done for less than forty thousand dollars.

90 Acts, ch 1137, §1

313.12 Supervision and inspection.

The department is expressly charged with the duty of supervision, inspection, and direction of the work of construction of primary roads on behalf of the state, and of supervising the expenditure of all funds paid on account of such work by the state or the county on the primary road system and it shall do and perform all other matters and things necessary to the faithful completion of the work authorized in this section.

[C24, §4701; C27, 31, 35, §4755-b12; C39, §**4755.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.12]

2016 Acts, ch 1073, §98; 2017 Acts, ch 29, §88

313.13 Engineers — bonds.

All engineers having responsible charge of any improvements, shall give bonds for the faithful performance of their duties and for like accounting for all property entrusted to their custody. All bonds given by such engineers in the employ of the department shall be deemed to embrace any and all improvements of which they may be in charge.

[C24, §4701; C27, 31, 35, §4755-b13; C39, §**4755.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.13]

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313.14 Claims.
All claims for improving and maintaining the primary road system shall be paid from the primary road fund.
[C24, §4702; C27, 31, 35, §4755-b14; C39, §**4755.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.14]

313.15 Reserved.

313.16 Payment of awards or judgments.
There is hereby appropriated from the primary road fund to the department a sum sufficient for the purpose of paying any award or judgment to a claimant under chapters 25 and 669 on a claim arising out of activities of the department when such an award cannot be charged to a current appropriation.
[C71, 73, 75, 77, 79, 81, §313.16]

313.17 Contingent fund.
The state treasurer is hereby directed to set aside from the primary road fund the sum of five hundred thousand dollars to be known as the primary road contingent fund.
[C24, §4703; C27, 31, 35, §4755-b17; C39, §**4755.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.17]

313.18 Use of contingent fund.
When claims for labor, freight, or other items which must be paid promptly are presented to the said department for payment, the said department may direct that warrants in payment of said claims be drawn on said primary road contingent fund. Such warrants when so drawn and signed by the director of the department of administrative services, shall be honored by the treasurer of state for payment from said contingent fund. The primary road contingent fund shall be reimbursed for expenditures made by the state department of transportation from the fund to which the expenditure should be properly charged.
[C24, §4704; C27, 31, 35, §4755-b18; C39, §**4755.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.18]
2003 Acts, ch 145, §286

313.19 Audit of contingent claims.
The claims in payment of which warrants are drawn on the primary road contingent fund, shall be audited in the usual manner prescribed by law and shall have noted thereon that warrants in payment thereof have been drawn on the said contingent fund. After the final audit of such claims, the director of the department of administrative services shall draw warrants therefor payable to the treasurer of state and forward the same to the department for record. When such warrants have been recorded in the office of the said department, they shall be forwarded to the state treasurer who shall redeem the same, charge them to the proper fund and credit the primary road contingent fund with the amount thereof.
[C24, §4705; C27, 31, 35, §4755-b19; C39, §**4755.19;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.19]
2003 Acts, ch 145, §286

313.20 Auditor — appointment — bond — duties.
The director of the department of administrative services shall appoint the auditor of the department who shall give bond in the sum of fifty thousand dollars for the faithful performance of the auditor's duties. The premium on the bond shall be paid by the department from the primary road fund. The auditor shall check and audit all claims against the department before such claims are approved by the department, and shall keep all records and accounts relating to the expenditures of the department. The auditor shall, in the checking and auditing of claims against the department, and keeping the records and accounts of the department, be under the direction and supervision of the director of the department of administrative services, and act as an agent of the director. The department

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shall furnish the auditor with such help and assistants as may be necessary to properly perform the duties specified in this section. The auditor may be removed by the director of the department of administrative services.

[C24, §4706; C27, 31, 35, §4755-b20; C39, §**4755.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.20]

2003 Acts, ch 145, §286; 2020 Acts, ch 1063, §142

313.21 Primary extension improvements in cities.

1. The department, upon consultation with the council, may construct, reconstruct, improve, and maintain extensions of the primary road system within any city, including the construction, reconstruction, and improvement of storm sewers and electrical traffic control devices reasonably incident and necessary thereto. However, the improvement, exclusive of storm sewers, shall not exceed in width that of the primary road system and the amount of funds expended in any one year shall not exceed thirty-five percent of the primary road construction fund.

2. The department shall consult with the council to consider the proposed improvement in its relationship to municipal improvements such as sewers, water lines, sidewalks, and other public improvements, and the establishment or reestablishment of street grades. The location of the primary road extensions and the location, design, and degree of access control for improvements to them shall be determined by the department.

[C24, §4731; C27, 31, 35, §4755-b26; C39, §**4755.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.21]

89 Acts, ch 134, §6

Referred to in §384.76

For department maintenance limitations in cities, see §313.36

313.22 Paving of whole street by department.

Any city and the department may enter into an agreement with respect to any project for the paving of any portion of a primary road extension, and for the construction, reconstruction, and improvement of storm sewers and electrical traffic control devices reasonably incident and necessary thereto, within such city. Said agreement shall specify that the city shall pay for that portion of the cost of said project which is not payable out of primary road funds, and may authorize the department to advertise for bids, let contracts, and supervise the construction of that portion of said project to be paid for by the city. Such agreement shall be a valid and binding obligation on the parties thereto.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.22]

Referred to in §384.76

313.23 Reimbursement by city.

Payment for the work, including the city's portion thereof, may in the first instance be made out of the primary road fund. Upon completion of the project, the city shall reimburse the department for the amount so advanced out of the primary road fund, including the city's portion of the engineering and inspection costs.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.23]

Referred to in §384.76

313.24 Separated cities.

The department shall designate the street or streets which shall constitute the primary road extensions in any city of the state, which city is separated from the remainder of the state by a river more than five hundred feet in width from bank to bank. The laws of this state relating to the construction, reconstruction, or maintenance of the extensions of primary roads in cities, and to the purchase or condemnation of right-of-way for those primary roads, and to the expenditure of primary road funds thereon, shall apply to the roads or streets designated under this section, the same as though said community were not so separated from the rest of the state.

[C39, §**4755.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.24]

2020 Acts, ch 1063, §143

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313.25 and 313.26 Reserved.

313.27 Bridges, viaducts, and railroad crossings on municipal primary extensions.

The department may construct or aid in the construction, and may maintain bridges, viaducts, and railroad grade crossing eliminations on primary road extensions in cities.

[C31, 35, §4755-d1; C39, §**4755.25;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.27]

For department maintenance limitations in cities, see §313.36

313.28 Temporary primary road detours.

1. When the department, for the purpose of establishing, constructing, or maintaining any primary road, determines that any secondary road or portion thereof is necessary for a detour or haul road, the department, after consultation with the county board of supervisors having jurisdiction of the route, shall by order temporarily designate the secondary road or portion thereof as a temporary primary road detour or as a temporary primary road haul road, and the department shall maintain the same as a primary road until it shall revoke the temporary designation order. Prior to use of a secondary road as a primary road haul road or detour, the department shall designate a representative to inspect the secondary road with the county engineer to determine and note the condition of the road.

2. Prior to revoking the designation, the department shall:

a. Restore the secondary road or portion thereof to as good condition as it was prior to its designation as a temporary primary road, or

b. Determine such amount as will adequately compensate the county exercising exclusive or concurrent jurisdiction over the secondary road or portion thereof for excessive traffic upon the secondary road or portion thereof during the period of its designation as a temporary primary road. The department shall certify the amount determined to the director of the department of administrative services. The director of the department of administrative services shall credit the amount to the county.

3. If on examination of the route, it is determined that the road can be restored to its original condition only by reconstruction, the department shall cause plans to be drawn, award the necessary contracts for work and proceed to reconstruct and make payments for in the same manner as is prescribed for primary construction projects.

[C71, 73, 75, 77, 79, 81, §313.28]

83 Acts, ch 123, §117, 209; 2003 Acts, ch 145, §286; 2010 Acts, ch 1069, §84; 2014 Acts, ch 1092, §69

Referred to in §313.29, 331.429

313.29 Detours located in city.

When the temporary primary road detour or temporary primary road haul road, or any portion thereof, is located within the corporate limits of a city, then as to the portion so located, the provisions of section 313.28 as to consultation, designation, restoration, and payment by the department shall apply in like manner to the benefit of the city. Credits under section 313.28 shall be made to the general fund of the city. A city may designate the county engineer or city engineer to inspect such street so used jointly with the representative of the department.

[C71, 73, 75, 77, 79, 81, §313.29]

2020 Acts, ch 1063, §144

313.30 through 313.35 Reserved.

313.36 Maintenance — limitation in cities.

1. Primary roads shall be maintained by the department and the cost thereof paid out of the primary road fund. Extensions of primary roads in cities may be maintained by the department and the cost thereof paid out of the primary road fund.

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2. The total amount of funds expended in any one year on extensions of primary roads in cities shall not exceed thirty-five percent of the primary road fund.

[C24, §4736; C27, 31, 35, §4775-b29; C39, §**4755.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.36]

2018 Acts, ch 1041, §127

313.37 Road equipment.

The department is authorized to purchase road material or road machinery required in the improvement or maintenance of the primary roads, after receiving competitive bids, and to pay for the same out of the primary road fund, and is directed to purchase, rent or lease any machinery or other articles necessary for the use and most economical operation of the field engineering work, the testing of materials, the preparation of plans, and for all allied purposes, in order to enable the department to carry out the provisions of this chapter.

[C24, §4738; C27, 31, 35, §4755-b30; C39, §**4755.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.37]

313.38 through 313.41 Reserved.

313.42 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commission"* means the state transportation commission.
2. *"Department"* means the state department of transportation.

[C75, 77, 79, 81, §313.42]

89 Acts, ch 134, §7

SUBCHAPTER II

MARKINGS FOR MUNICIPALITIES

313.43 Lateral or detour routes in cities.

1. Any city located on the primary road system and in which the primary road extension as officially designated does not pass through the main part or business district of such city, may designate and mark a lateral or detour route in order to facilitate such primary road traffic as may desire to get into and out of such business district.
2. Lateral or detour routes shall be marked with standard markings adopted by the department for that purpose, which markings shall clearly indicate that the lateral route is not the official primary road extension but is in fact a lateral or detour extending to the business district.
3. The cost of the markings shall be without expense to the state.

[C31, 35, §4755-c2; C39, §**4755.34;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.43]

2013 Acts, ch 90, §75

313.44 and 313.45 Repealed by 2013 Acts, ch 90, §216. See §313.43.

313.46 through 313.58 Reserved.

SUBCHAPTER III

INTERSTATE BRIDGES — GIFT OR PURCHASE

313.59 Gift of bridge to state — acceptance.

Should the owner of any bridge, for highway traffic, over the Mississippi river or the Missouri river, on the boundary of the state of Iowa, and which bridge is a connecting link between a primary road or primary road extension in a city of this state and a corresponding road or extension thereof in an adjoining state, offer to give such bridge and approaches

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thereto, or any part thereof, to the state, the department is hereby authorized, in its discretion, to accept such offer in the name of the state of Iowa, and to enter into written agreements evidencing such acceptance.

[C46, §313.28; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.59]
Referred to in §313.64, 313.65

313.60 Indebtedness paid.

When all outstanding indebtedness or other obligations against such bridge and approaches thereto have been paid and discharged the department shall accept transfer of title thereof to the state and is thereafter authorized to take possession of, operate and maintain such bridge and approaches, or any part thereof, free of tolls, as a part of the primary road system.

[C46, §313.29; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.60]
Referred to in §313.64, 313.65

313.61 Taxes forgiven.

Any such bridge and approaches, which has been offered to the department and with respect to which the department has entered into a written agreement accepting such offer, shall after the date of such agreement, be free from state and local property and income taxes in this state.

[C46, §313.30; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.61]
Referred to in §313.64, 313.65

313.62 Department authority.

The authority herein given to the department to enter into agreements for, accept, take over, operate and maintain such bridges may be exercised by the said department independently or in cooperation with other governmental agencies within this state or in adjoining states.

[C46, §313.31; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.62]
Referred to in §313.64, 313.65

313.63 Action by adjoining state.

The department shall not enter into an agreement of acceptance until the adjoining state enters into an agreement to accept ownership of that portion of the bridge being within the adjoining state.

[C46, §313.32; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.63]
87 Acts, ch 232, §21
Referred to in §313.64, 313.65

313.64 Financial statement annually.

1. If the department accepts the offer of any bridge over a boundary stream and enters into a written agreement in relation to the bridge as provided in sections 313.59 through 313.63, this section, and section 313.65, the owner or operator of the bridge shall thereafter and until all indebtedness or other obligations against the bridge have been paid and discharged annually file with the department a sworn statement of its financial condition. The statement shall show funds on hand and indebtedness at the beginning and end of the year, receipts, disbursements, indebtedness retired during the year and any other information required by the department to show the true and complete condition of the finances with respect to the bridge and bridge approaches.

2. The annual budget of authorized operating and other expenditures for or on behalf of such bridge and approaches shall be approved by the department before becoming effective. Expenditures during the year shall not exceed the approved budget unless an increase in the annual budget be likewise approved by the department.

[C46, §313.33; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.64]
2013 Acts, ch 90, §76; 2016 Acts, ch 1073, §99
Referred to in §313.65

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313.65 Approval of taxing bodies.

Before any bridge owned by any individual or private corporation shall be accepted by the department under the provisions of sections 313.59 through 313.64, the proposal and acceptance shall first be approved by the following tax levying and tax certifying bodies located in the tax district:

1. The board of supervisors.
2. The city councils.
3. The school board or boards.

[C46, §313.34; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.65]
2014 Acts, ch 1092, §70; 2016 Acts, ch 1073, §100
Referred to in §313.64

313.66 Mississippi bridges purchased.

1. The department may purchase one-half of any bridge and its approaches for highway traffic over the Mississippi river on the boundary of the state and which is in receivership and is a connecting link between a primary road or primary road extension in a city of the state and a corresponding road or extension thereof in an adjoining state, providing proper approval is granted by the court having jurisdiction of such receivership.

2. The department is authorized to make payment for any such bridge and its approaches from the primary road fund provided however, that in no event shall the amount of such payment be more than one hundred thousand dollars for any one bridge and approaches thereto, and provided further that such purchase shall not be completed or payment made therefor until the adjoining state shall either have purchased or agreed to purchase ownership of the remaining one-half of said bridge and approaches, and agrees to pay the costs of repairing or maintaining such portion of the bridge and all approaches.

3. The department, after the purchase of any such bridge, is authorized to take possession thereof and maintain such portion of the bridge and its approaches thereto free of tolls as a part of the primary road system.

4. Before the purchase of any such bridge shall be completed by the department under the provisions of this section, the purchase thereof shall first be approved by the following tax levying and tax certifying bodies located in the district:

a. The board of supervisors.
b. The city councils.
c. The school board or boards.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.66]
2014 Acts, ch 1092, §71

SUBCHAPTER IV

SCENIC PRIMARY ROADS — IMPROVEMENT FUND

313.67 Scenic and improvement fund.

There is hereby created a primary road scenic and improvement fund which shall include and embrace all funds hereafter credited thereto. Said fund shall be administered by the department and shall be used for the construction, reconstruction, improvement and maintenance of roadside safety rest areas and scenic beautification areas along the primary roads of the state including the acquisition of such property and property rights needed to accomplish said purposes. Part or all of said fund may be used to match federal allotments made available to the state of Iowa for the purposes provided in this section and to this end, the department is empowered on behalf of the state to enter into any agreements or contracts with the duly constituted federal authorities in order to secure the benefit of all present and future federal allotments.

[C66, 71, 73, 75, 77, 79, 81, §313.67]
Referred to in §306C.10

313.68 Bridge safety fund. Repealed by 2010 Acts, ch 1184, §95.

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CHAPTER 313A

INTERSTATE BRIDGES

Referred to in §307.24

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313A.1 Definitions.

The following words or terms, as used in this chapter, shall have the respective meanings as stated:

1. *"Acquisition by purchase, gift, or condemnation"* as used in this chapter shall mean acquisition by the department, whether such terms "purchase, gift, or condemnation" are used singularly or in sequence.

2. *"Construct, constructing, construction or constructed"* shall include the completion, reconstruction, remodeling, repair, or improvement of any existing toll bridge or any partially constructed interstate bridge, as well as the construction of any new toll bridge.

3. *"Department"* shall mean the state department of transportation.

4. *"Federal bridge commission"* shall mean any bridge commission organized and operating pursuant to an Act of the Congress of the United States, even though such Act of Congress may declare the bridge commission not to be an agency of the federal government.

5. *"Toll bridge"* shall mean an interstate bridge constructed, purchased or acquired under the provisions of this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests therein used therefor, and buildings and improvements thereon.

[C71, 73, 75, 77, 79, 81, §313A.1]

313A.2 Bridge to be controlled by department.

The department shall have full charge of the construction and acquisition of all toll bridges constructed or acquired under the provisions of this chapter, the operation and maintenance thereof and the imposition and collection of tolls and charges for the use thereof. The department shall have full charge of the design of all toll bridges constructed under the provisions of this chapter. The department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department shall advertise for bids for the construction, reconstruction, improvement, repair or remodeling of any toll bridge by publication of a

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notice once each week for at least two consecutive weeks in a newspaper published and having a general circulation throughout the state of Iowa, the first publication to appear at least fifteen days prior to the date set for receiving bids. The department shall have the power to accept such offer or offers, propositions or bids, and enter into such contract or contracts as it shall deem to be to the best interest of the state.

[C71, 73, 75, 77, 79, 81, §313A.2]

313A.3 Toll bridges constructed over boundary rivers.

The department is hereby authorized to establish and construct toll bridges upon any public highway, together with approaches thereto, wherever it is considered necessary or advantageous and practical for crossing any navigable river between this state and an adjoining state. The necessity or advantage and practicality of any toll bridge shall be determined by the department. To obtain information for the consideration of the department upon the construction of any toll bridge or any other matter pertaining thereto, any officer or employee of the state, upon the request of the department, shall make reasonable examination, investigation, survey, or reconnaissance to determine material facts pertaining thereto and shall report such findings to the department. The cost thereof shall be borne by the department or office conducting it from funds provided for its functions.

[C71, 73, 75, 77, 79, 81, §313A.3]

313A.4 Investigation of feasibility.

The department is hereby authorized to enter into agreements with any federal bridge commission or any county or city of this state, and with an adjoining state or county, city, or town thereof, for the purpose of implementing an investigation of the feasibility of any toll bridge project for the bridging of a navigable river forming a portion of the boundary of this state and such adjoining state. The department may use any funds available for the purposes of this section. Such agreements may provide that in the event any such project is determined to be feasible and adopted, any advancement of funds by any state, county or city may be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived from such project.

[C71, 73, 75, 77, 79, 81, §313A.4]

313A.5 Acquiring existing bridge — bonds.

Whenever the department deems it necessary or advantageous and practical, it may acquire by gift, purchase, or condemnation any interstate bridge which connects with or may be connected with the public highways and the approaches thereto, except that the department may not condemn an existing interstate bridge used for interstate highway traffic and combined highway and railway traffic and presently owned by a municipality, or a person, firm, or corporation engaged in interstate commerce. The department may also acquire by gift or purchase two or more existing interstate bridges and any partially constructed interstate bridge, all located within ten miles of each other, complete the partially constructed bridge and dismantle the bridge which it is designed to replace. In connection with the acquisition of any such bridge, bridges, or partially constructed bridge, the department and any federal bridge commission or any city, county, or other political subdivision of the state are authorized to do all acts and things as in this chapter are provided for the establishing and constructing of toll bridges and operating, financing, and maintaining such bridges insofar as such powers and requirements are applicable to the acquisition of any toll bridge and its operation, financing, and maintenance. In so doing, they shall act in the same manner and under the same procedures as provided for establishing, constructing, operating, financing, and maintaining toll bridges insofar as such manner and procedures are applicable. Without limiting the generality of the above provisions, the department is hereby authorized to cause surveys to be made to determine the propriety of acquiring any such bridge and the rights-of-way necessary therefor, and other facilities necessary to carry out the provisions hereof; to issue, sell, redeem bonds or issue and exchange bonds with present holders of outstanding bonds of bridges being acquired under the provisions of this chapter and deposit and pay out of the proceeds of the bonds for the

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financing thereof, to impose, collect, deposit, and expend tolls therefrom; to secure and remit financial and other assistance in connection with the purchase thereof; and to carry insurance thereon.

[C71, 73, 75, 77, 79, 81, §313A.5]

313A.6 Rules adopted — financial statements.

The department, its officials, and all state officials are hereby authorized to perform such acts and make such agreements consistent with the law which are necessary and desirable in connection with the duties and powers conferred upon them regarding the construction, maintenance, and operation and insurance of toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The department shall adopt such rules and regulations in accordance with the provisions of chapter 17A as it may deem necessary for the administration and exercise of its powers and duties granted by this chapter, and shall prepare annual financial statements regarding the operation of such toll bridges which shall be made available for inspection by the public and by the holders of revenue bonds issued by the department under the provisions of this chapter at all reasonable times.

[C71, 73, 75, 77, 79, 81, §313A.6]

313A.7 Resolution of public interest and necessity — revenue bonds.

1. Whenever the department deems it to be in the best interest of the primary highway system that any new toll bridge be constructed upon any public highway and across any navigable river between this state and an adjoining state, the department shall adopt a resolution declaring that the public interest and necessity require the construction of such toll bridge and authorizing the issuance of revenue bonds in an amount sufficient for the purpose of obtaining funds for such construction. The issuance of bonds as provided in this chapter for the construction, purchase, or acquisition of more than one toll bridge may, at the discretion of the department, be included in the same authority and issue or issues of bonds, and the department is hereby authorized to pledge the gross revenues derived from the operation of any such toll bridge under its control and jurisdiction to pay the principal of and interest on bonds issued to pay the cost of purchasing, acquiring, or constructing any such toll bridge financed under the provisions of this chapter. The department is hereby granted wide discretion, in connection with the financing of the cost of any toll bridge, to pledge the gross revenues of a single toll bridge for the payment of bonds and interest thereon issued to pay the cost of such bridge and to pledge the gross revenues of two or more toll bridges to pay bonds issued to pay the cost of one or more toll bridges and interest thereon as long as the several bridges included herein are not more than ten miles apart.

2. In addition, if the department in its discretion determines that the construction of a toll bridge cannot be financed entirely through revenue bonds and that the construction of such toll bridge is necessary, the department may advance funds from the primary highway fund to pay for that part of the construction cost, including the cost of approaches and all incidental costs, which is not paid out of the proceeds of revenue bonds. However, said funds advanced from the primary highway fund shall be used only to pay the construction cost, including the cost of approaches and all incidental costs, with respect to that part of the bridge which is or will be located within the state of Iowa. After all revenue bonds and interest thereon issued and sold pursuant to this chapter and payable from the tolls and revenues of said bridge have been fully paid and redeemed or funds sufficient to pay said bonds and interest, including premium, if any, have been set aside and pledged for that purpose, then such amount advanced from the primary road fund shall be repaid to the primary road fund from the tolls and revenues of said bridge before said bridge is made a toll free bridge under the provisions of this chapter.

[C71, 73, 75, 77, 79, 81, §313A.7]

Referred to in §313A.16

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313A.8 Right-of-way secured.

Whenever the department shall authorize the construction of any toll bridge, the department is empowered to secure rights-of-way therefor and for approaches thereto by gift or purchase or by condemnation in the manner provided by law for the taking of private property for public purposes.

[C71, 73, 75, 77, 79, 81, §313A.8]

313A.9 Consent to cross state property.

The right-of-way is hereby given, dedicated, and set apart upon which to locate, construct, and maintain toll bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over or across any of the lands which are now or may be the property of this state, including highways; and through, over, or across the streets, alleys, lanes, and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as shall be agreed upon may be paid by the department to the particular county, city or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation.

[C71, 73, 75, 77, 79, 81, §313A.9]

313A.10 Resolution precedent to action.

Before the department shall proceed with any action to secure right-of-way or with the construction of any toll bridge under the provisions of this chapter, it shall first pass a resolution finding that public interest and necessity require the acquisition of right-of-way for and the construction of such toll bridge. Such resolution shall be conclusive evidence of the public necessity of such construction and that such property is necessary therefor. To aid the department in determining the public interest, a public hearing shall be held in the county or counties of this state in which any portion of a bridge is proposed to be located. Notice of such hearing shall be published at least once in a newspaper published and having a general circulation in the county or counties where such bridge is proposed to be located, not less than twenty days prior to the date of the hearing. When it becomes necessary for the department to condemn any real estate to be used in connection with any such bridge, or to condemn any existing bridge, such condemnation shall be carried out in a manner consistent with the provisions of chapters 6A and 6B. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any bridge, real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public or municipal corporation, county, city, district or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated, and any condemnation award may be paid from the proceeds of revenue bonds issued under the provisions of this chapter.

[C71, 73, 75, 77, 79, 81, §313A.10]

313A.11 Payment from available funds.

If the department determines that any toll bridge should be constructed or acquired under its authority, all costs thereof, including land, right-of-way, surveying, engineering, construction, legal and administrative expenses, and fees of any fiscal adviser, shall be paid out of any funds available for payment of the cost of the bridge.

[C71, 73, 75, 77, 79, 81, §313A.11]

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313A.12 Revenue bonds.

1. The department is hereby authorized and empowered to issue revenue bonds for the acquisition, purchase, or construction of any interstate bridge. Any and all bonds issued by the department for the acquisition, purchase, or construction of any interstate bridge under the authority of this chapter shall be issued in the name of the department and shall constitute obligations only of the department, shall be identified by some appropriate name, and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon are secured by a direct charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular bridge for the acquisition, purchase, or construction of which the bonds are issued and of such other bridge or bridges as may have been pledged therefor, and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability, or obligation of the state of Iowa. When it is determined by the department to be in the best public interest, any bonds issued under the provisions of this chapter may be refunded and refinanced at a lower rate, the same rate or a higher rate or rates of interest and from time to time as often as the department shall find it to be advisable and necessary so to do. Bonds issued to refund other bonds theretofore issued by the department under the provisions of this chapter may either be sold in the manner hereinafter provided and the proceeds thereof applied to the payment of the bonds being refunded, or the refunding bonds may be exchanged for and in payment and discharge of the bonds being refunded. The refunding bonds may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds may be exchanged in part or sold in part in installments at different times or at one time. The refunding bonds may be sold at any time on, before, or after the maturity of any of the outstanding bonds to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds, except that the principal amount of the refunding bonds may exceed the principal amount of the bonds to be refunded to the extent necessary to pay any premium due on the call of the bonds to be refunded or to fund interest in arrears or about to become due. The gross revenues of any toll bridge pledged to the payment of the bonds being refunded, together with the unpledged gross revenues of any other toll bridges located within ten miles of said bridge, may be pledged by the department to pay the principal of and interest on the refunding bonds and to create and maintain reserves therefor.

2. The department is empowered to receive and accept funds from the state of Iowa or the federal government or any other state upon a cooperative or other basis for the acquisition, purchase, or construction of any interstate bridge authorized under the provisions of this chapter and is empowered to enter into such agreements with the state of Iowa or any other state or the federal government as may be required for the securing of such funds.

3. The department is authorized and empowered to spend from annual primary road fund receipts sufficient moneys to pay the cost of operation, maintenance, insurance, collection of tolls and accounting therefor and all other charges incidental to the operation and maintenance of any toll bridge administered under the provisions of this chapter. However, said annual primary road fund receipts shall be used only to pay such costs and charges with respect to that part of the bridge which is located within the state of Iowa.

4. The department may also issue its revenue bonds to pay all or any part of the cost of acquiring two or more existing interstate bridges and any partially constructed interstate bridge, all located within ten miles of each other, of completing the partially constructed bridge and of dismantling the bridge which it is designed to replace, and to impose and collect tolls on all of such bridges and to pledge the revenues derived therefrom to the payment of the bonds issued to finance such project. The department may also issue its revenue bonds to pay all or any part of the cost of reconstructing, completing, improving, repairing, or remodeling any interstate bridge or partially constructed bridge, impose and collect tolls, and pledge the bridge revenues to the payment of said bonds.

[C71, 73, 75, 77, 79, 81, §313A.12]

2017 Acts, ch 54, §76

Referred to in §313A.16

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313A.13 Sale and exchange or retirement of bonds.

The revenue bonds may be issued and sold or exchanged by the department from time to time and in such amounts as it deems necessary to provide sufficient funds for the acquisition, purchase, or construction of any such bridge and to pay interest on bonds issued for the construction of any toll bridge during the period of actual construction and for six months after completion thereof. The department is hereby authorized to adopt all necessary resolutions prescribing the form, conditions, and denominations of the bonds, the maturity dates therefor, and the interest rate or rates which the bonds shall bear. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place or places within or without the state of Iowa as determined by the department, and the bonds may contain provisions for registration as to principal or interest, or both. Interest shall be payable at such times as determined by the department and the bonds shall mature at such times and in such amounts as the department prescribes. The department may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds and any coupons attached thereto shall be signed by such officials of the department as the department may direct. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the payment of the principal thereof and the payment of interest thereon. The department may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. All bonds issued under the provisions of this chapter shall have all the qualities of negotiable instruments under the laws of the state of Iowa. All bonds issued and sold hereunder shall be sold to the highest and best bidder on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the sale in a newspaper published in the state of Iowa and having a general circulation in said state. None of the provisions of chapter 75 shall apply to bonds issued under the provisions of this chapter but such bonds shall be sold upon terms of not less than par plus accrued interest. The department may reject any or all bids received at the public sale and may thereafter sell the bonds at private sale on such terms and conditions as it deems most advantageous to its own interests, but not at a price below that of the best bid received at the advertised sale. The department may enter into contracts and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except that any bonds issued hereunder to the United States or any agency thereof need not first be offered at public sale. The department may also provide for the private sale of bonds issued under the provisions of this chapter to the state treasurer of Iowa upon such terms and conditions as may be agreed upon, and in such event said bonds need not first be offered at public sale. Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by such official as the department may direct, may be issued and delivered until the definitive bonds are executed and available for delivery.

[C71, 73, 75, 77, 79, 81, §313A.13]

313A.14 Proceeds in trust fund.

The proceeds from the sale of all bonds authorized and issued under the provisions of this chapter shall be deposited by the department in a fund designated as the construction fund of the particular interstate bridge or bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the acquisition, purchase, or construction of such interstate bridge or bridges and expenses incident thereto, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor shall arise and the department may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for

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the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current construction costs of the interstate bridge or bridges for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged may be invested in obligations issued or guaranteed by the United States or by any person controlled by or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States; provided, however, that the department may provide in the proceedings authorizing the issuance of said bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the department and all officials having anything to do with such investment. Any surplus which may exist in said construction fund shall be applied to the retirement of bonds issued for the acquisition, purchase, or construction of any such interstate bridge by purchase or call and, in the event such bonds cannot be purchased at a price satisfactory to the department and are not by their terms callable prior to maturity, such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately canceled.

[C71, 73, 75, 77, 79, 81, §313A.14]

313A.15 Toll revenue fund.

All tolls or other revenues received from the operation of any toll bridge acquired, purchased, or constructed with the proceeds of bonds issued and sold hereunder shall be deposited by the department to the credit of a special trust fund to be designated as the toll revenue fund of the particular toll bridge or toll bridges producing such tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

[C71, 73, 75, 77, 79, 81, §313A.15]

313A.16 Funds transferred to place of payment.

From the money so deposited in each separate construction fund as hereinabove provided, at the direction of the department there shall be transferred to the place or places of payment named in said bonds such sums as may be required to pay the interest as it becomes due on all bonds issued and outstanding for the construction of such particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The department shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in the bonds for which said revenues have been pledged such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest and principal become due. All funds so transferred for the payment of principal of or interest on bonds issued for any particular toll bridge or toll bridges shall be segregated and applied solely for the payment of said principal or interest. The proceedings authorizing the issuance of the bonds may provide for the setting up of a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of such fund in a manner to be provided therein, and such proceedings may also require the immediate application of all surplus moneys in such toll revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of the department. The moneys remaining in each separate toll revenue fund after providing the amount required for the payment of principal of and interest on bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds. In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other

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purposes incidental to the construction, operation, and maintenance of any toll bridge as the department may determine and as permitted under sections 313A.7 and 313A.12.

[C71, 73, 75, 77, 79, 81, §313A.16]

313A.17 Warrants for payment.

Warrants for payments to be made on account of such bonds shall be drawn by the department on duly approved vouchers. Moneys required to meet the costs of purchase or construction and all expenses and costs incidental to the acquisition, purchase, or construction of any particular interstate bridge or to meet the costs of operating, maintaining, and repairing the same, shall be paid by the department from the proper fund therefor upon duly approved vouchers. All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues.

[C71, 73, 75, 77, 79, 81, §313A.17]

313A.18 Depositaries or paying agents.

The department may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the construction fund and the toll revenue fund and provide for the deposit of such money at such times and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds.

[C71, 73, 75, 77, 79, 81, §313A.18]

313A.19 Expenses of department.

Notwithstanding any provision contained in this chapter, the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge may be used to defray any expenses incurred by the department in connection with and incidental to the issuance and sale of bonds for the acquisition, purchase, or construction of any such toll bridge including expenses for the preparation of surveys and estimates, legal, fiscal and administrative expenses, and the making of such inspections and examinations as may be required by the purchasers of such bonds; provided, that the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and toll or other revenues for the purposes herein specified.

[C71, 73, 75, 77, 79, 81, §313A.19]

313A.20 No diminution of duties while bonds outstanding.

While any bonds issued by the department remain outstanding, the powers, duties or existence of the department or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official, or employee or imposed upon the department or its officers, agents, and employees in connection with the acquisition, purchase, construction, maintenance, operation, and insurance of any bridge and in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment, and disbursement of the proceeds received from the issuance of bonds; provided, that the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

[C71, 73, 75, 77, 79, 81, §313A.20]

313A.21 Insurance or indemnity bond.

When any toll bridge authorized hereunder is being built by the department it may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as it may deem proper. The department is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in

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whole to any toll bridge. All moneys collected on any indemnity bond or insurance policy as the result of any damage or injury to any such toll bridge shall be used for the purpose of repairing or rebuilding of any such toll bridge as long as there are revenue bonds against any such structure outstanding and unredeemed. The department is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge by reason of any interruption in the use of such toll bridge from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of such toll bridge during any period of time that may be determined upon by the department and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in said proceedings. The department may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter and the purchase and carrying of insurance as authorized by this chapter shall thereupon be obligatory upon the department and be paid for out of the toll revenue fund as may be specified in said proceedings.

[C71, 73, 75, 77, 79, 81, §313A.21]

313A.22 Toll charges fixed by department.

The department is hereby empowered to fix the rates of toll and other charges for all interstate bridges acquired, purchased, or constructed under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions may warrant. The department in establishing toll charges shall give due consideration to the amount required annually to pay the principal of and interest on bonds payable from the revenues thereof. The tolls and charges shall be at all times fixed at rates sufficient to pay the bonds and interest as they mature, together with the creation and maintenance of bond reserve funds and other funds as established in the proceedings authorizing the issuance of the bonds, for any particular toll bridge. The amounts required to pay the principal of and interest on bonds shall constitute a charge and lien on all such tolls and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of said toll bridge, and the department is hereby authorized to pledge a sufficient amount of said tolls and revenues for the payment of bonds issued under the provisions of this chapter and interest thereon and to create and maintain a reserve therefor. Such tolls and revenues, together with the interest earned thereon, shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

[C71, 73, 75, 77, 79, 81, §313A.22]

313A.23 Political subdivision may aid.

Whenever a proposed interstate bridge is to be acquired, purchased or constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the department advance or contribute money, rights-of-way, labor, materials, and other property toward the expense of acquiring, purchasing or constructing the bridge, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the department advance or contribute money for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the department to finance the bridge. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. Money or property so advanced or contributed may be immediately transferred or delivered to the department to be used for the purpose for which contribution was made. The department may enter into an agreement with a city, county, or other political subdivision to repay any money

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or the value of a right-of-way, labor, materials or other property so advanced or contributed. The department may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the bridge out of tolls and other revenues for the use of the bridge.

[C71, 73, 75, 77, 79, 81, §313A.23]
Referred to in §331.429

313A.24 Sale of excess land to political subdivisions.

If the department deems that any land, including improvements thereon, is no longer required for toll bridge purposes and that it is in the public interest, it may negotiate for the sale of such land to the state or to any city, county, or other political subdivision or municipal corporation of the state. The department shall certify the agreement for the sale to the state executive council, with a description of the land and the terms of the sale and the state executive council may execute the deed and deliver it to the grantee.

[C71, 73, 75, 77, 79, 81, §313A.24]
Referred to in §313A.28

313A.25 Sale to public.

If the department is of the opinion that any land, including improvements thereon, is no longer required for toll bridge purposes, it may be offered for sale upon publication of a notice once each week for two consecutive weeks in a newspaper published and having a general circulation throughout the state of Iowa, specifying the time and place fixed for the receipt of bids.

[C71, 73, 75, 77, 79, 81, §313A.25]
Referred to in §313A.28

313A.26 Acceptance or rejection of bids.

The department may reject all such bids if the highest bid does not equal the reasonable fair market value of the real property, plus the value of the improvements thereon, computed on the basis of the reproduction value less depreciation. The department may accept the highest and best bid, and certify the agreement for the sale to the state executive council, with a description of the land and the terms of the sale and the state executive council shall execute the deed and deliver it to the grantee.

[C71, 73, 75, 77, 79, 81, §313A.26]
Referred to in §313A.28

313A.27 Franchises for use of bridge.

If the department deems it consistent with the use and operation of any toll bridge, the department may grant franchises to persons, firms, associations, private or municipal corporations, the United States government or any agency thereof, to use any portion of the property of any toll bridge, including approaches thereto, for the construction and maintenance of water pipes, flumes, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities in the manner of granting franchises on state highways.

[C71, 73, 75, 77, 79, 81, §313A.27]
Referred to in §313A.28

313A.28 Deposit of proceeds.

Any moneys received pursuant to the provisions of sections 313A.24 through 313A.27 shall be deposited by the department into the separate and proper trust fund established for the bridge.

[C71, 73, 75, 77, 79, 81, §313A.28]

313A.29 Tolls imposed for improving other bridges.

The department shall have the right to impose and reimpose tolls for pedestrian or vehicular traffic over any interstate bridges under its control and jurisdiction for the purpose of paying the cost of reconstructing and improving existing bridges and their approaches, purchasing existing bridges, and constructing new bridges and approaches, provided that

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any such existing bridge or new bridge is located within ten miles of the bridge on which tolls are so imposed or reimposed, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for the account of such projects and to pay any and all costs and expenses incurred by the department in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter.

[C71, 73, 75, 77, 79, 81, §313A.29]
Referred to in §313A.30

313A.30 Bridges as part of primary roads.

The bridges herein provided for may be incorporated into the primary road system as toll free bridges whenever the costs of the construction of the bridges and the approaches thereto and the reconstruction and improvement of existing bridges and approaches thereto, including all incidental costs, have been paid and when all revenue bonds and interest thereon issued and sold pursuant to this chapter and payable from the tolls and revenues thereof shall have been fully paid and redeemed or funds sufficient to pay said bonds and interest, including premium, if any, have been set aside and pledged for that purpose. However, tolls may again be imposed as provided in section 313A.29.

[C71, 73, 75, 77, 79, 81, §313A.30]

313A.31 Revenue bonds.

1. The department shall have the power and is hereby authorized by resolution to issue, sell, or pledge its revenue bonds in an amount sufficient to provide funds to pay all or any part of the costs of construction of a new bridge and approaches thereto and the reconstruction, improvement, and maintaining of an existing bridge and approaches thereto, including all costs of survey, acquisition of right-of-way, engineering, legal, fiscal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users of said bridges, and all costs incidental to the issuance and sale of the bonds.

2. Except as may be otherwise specifically provided by statute, all of the other provisions of this chapter shall govern the issuance and sale of revenue bonds issued under this section, the execution thereof, the disbursement of the proceeds of issuance thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

3. Such bonds shall include a covenant that the payment of the principal thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other gross revenues received from the operation of said toll bridges and from any interest which may be earned from the deposit or investment of any such revenues.

4. The tolls and charges shall be at all times fixed at rates sufficient to pay the bonds and interest as they mature, together with the creation and maintenance of bond reserve funds and other funds as established in the proceedings authorizing the issuance of the bonds.

[C71, 73, 75, 77, 79, 81, §313A.31]
2017 Acts, ch 54, §76

313A.32 Operation and control of bridge.

The department is hereby authorized to operate and to assume the full control of said toll bridges and each portion thereof whether within or without the borders of the state of Iowa, with full power to impose and collect tolls from the users of such bridges for the purpose of providing revenues at least sufficient to pay the cost and incidental expenses of construction and acquisition of said bridges and approaches in both states in which located and for the payment of the principal of and interest on its revenue bonds as authorized by this chapter.

[C71, 73, 75, 77, 79, 81, §313A.32]

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313A.33 No obligation of state.

Under no circumstances shall any bonds issued under the terms of this chapter be or become or be construed to constitute a debt of or charge against the state of Iowa within the purview of any constitutional or statutory limitation or provision. No taxes, appropriations or other funds of the state of Iowa may be pledged for or used to pay such bonds or the interest thereon, but any such bonds shall be payable solely and only as to both principal and interest from the tolls and revenues derived from the operation of any toll bridge or toll bridges acquired, purchased, or constructed under this chapter, and the sole remedy for any breach or default of the terms of any such bonds or proceedings for their issuance shall be a proceeding either in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by this chapter and the terms of the resolution under which such bonds are issued.

[C71, 73, 75, 77, 79, 81, §313A.33]

313A.34 Agreements with other states.

The director of transportation may, subject to the approval of the state transportation commission, enter into such agreement or agreements with other state highway commissions and the governmental agencies or subdivisions of the state of Iowa or other states and with federal bridge commissions as they shall find necessary or convenient to carry out the purposes of this chapter, and is authorized to do any and all acts contained in such agreement or agreements that are necessary or convenient to carry out the purposes of this chapter. Such agreements may include, but shall not be restricted to, the following provisions:

1. A provision that the department shall assume and have complete responsibility for the operation of such bridges and approaches thereto, and with full power to impose and collect all toll charges from the users of such bridges and to disburse the revenue derived therefrom for the payment of principal and interest on any revenue bonds herein provided for and to carry out the purposes of this chapter.

2. A provision that the department shall provide for the issuance, sale, exchange or pledge, and payment of revenue bonds payable solely from the revenues derived from the imposition and collection of tolls upon such toll bridges.

3. A provision that the department, after consultation with the other governmental agencies or subdivisions who are parties to such agreements, shall fix and revise the classifications and amounts of tolls to be charged and collected from the users of the toll bridges, with the further provision that such toll charges shall be removed after all costs of planning, designing, and construction of such toll bridges and approaches thereto and all incidental costs shall have been paid, and all of said revenue bonds, and interest thereon, issued pursuant to this chapter shall have been fully paid and redeemed or funds sufficient therefor have been set aside and pledged for that purpose.

4. A provision that all acts pertaining to the design and construction of such toll bridges may be done and performed by the department and that any and all contracts for the construction of such toll bridges shall be awarded in the name of the department.

5. A provision that the state of Iowa and adjoining state and all governmental agencies or subdivisions party to such agreement shall be reimbursed out of the proceeds of the sale of such bonds or out of tolls and revenues as herein allowed for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified itemized statements of such advances and expenses have been submitted to and been approved by all parties to such agreement.

6. A provision for the division of ownership with the adjoining state and for a proportional division of the maintenance costs of the bridge when all outstanding indebtedness or other obligations payable from the revenues of the bridge have been paid.

[C71, 73, 75, 77, 79, 81, §313A.34]

87 Acts, ch 232, §22

313A.35 Reserved.

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313A.36 Purposes of powers granted.

The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the state of Iowa, for the increase of their commerce and prosperity and for the improvement of their health and living conditions, and as the acquisition, construction, operation, and maintenance by the department of the projects herein defined will constitute the performance of essential governmental functions, the department shall not be required to pay any taxes or assessments upon such projects or upon any property acquired or used by the department under the provisions of this chapter or upon the income from such projects, and the bonds issued under the provisions of this chapter, their transfer and the income therefrom including any profit made on the sale thereof shall at all times be free from taxation by or within the state of Iowa.

[C71, 73, 75, 77, 79, 81, §313A.36]

Referred to in §422.7(2)(o)

313A.37 Failure to pay toll — penalty.

Any person who uses any toll bridge and fails or refuses to pay the toll provided therefor shall be guilty of a simple misdemeanor.

[C71, 73, 75, 77, 79, 81, §313A.37]

313A.38 Independent of any other law.

This chapter shall be construed as providing an alternative and independent method for the acquisition, purchase, or construction of interstate bridges, for the issuance and sale or exchange of bonds in connection therewith and for refunding bonds pertinent thereto, and for the imposition, collection, and application of the proceeds of tolls and charges for the use of interstate bridges, without reference to any other statute, and shall not be construed as an amendment of or subject to the provisions of any other law, and no publication of any notice, and no other or further proceeding in respect to the issuance or sale or exchange of bonds under this chapter shall be required except such as are prescribed by this chapter, any provisions of other statutes of the state to the contrary notwithstanding.

[C71, 73, 75, 77, 79, 81, §313A.38]

313A.39 Construction.

This chapter, being necessary for the public safety and welfare, shall be liberally construed to effectuate the purposes thereof.

[C71, 73, 75, 77, 79, 81, §313A.39]

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CHAPTER 314

ADMINISTRATIVE PROVISIONS FOR HIGHWAYS

Referred to in §307.24, 311.32, 331.362

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314.1 Bidding procedures — basis for awarding contracts.

1. The agency having charge of the receipt of bids and the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of a highway, bridge, or culvert may require, for any highway, bridge, or culvert contract letting, that each bidder file with the agency a statement showing the bidder's financial standing, equipment, and experience in the execution of like or similar work. The statements shall be on standard forms prepared by the department and shall be filed with the agency prior to the letting at which the bidder expects to bid. The agency may, in advance of the letting, notify the bidder as to the amount and the nature of the work for which the bidder is deemed qualified to bid. A bidder who is prequalified under this subsection by the department shall be deemed qualified for a highway, bridge, or culvert contract letting by any other agency and shall submit proof of the prequalification in a manner determined by the department if required to do so by the agency.

2. Notwithstanding any other provision of law to the contrary, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert and that has a cost in excess of the applicable threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or 313.10, as modified by the director pursuant to section 314.1B, shall be advertised and let for bid, except such public improvements that involve emergency work pursuant to section 309.40A, 313.10, or 384.103, subsection 2. For a city having a population of fifty thousand or less, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that has a cost in excess of twenty-five thousand dollars, as modified by the director pursuant to section 314.1B, shall be advertised and let for bid, excluding emergency work. However, a public improvement that has an estimated total cost to a city in excess of a threshold of fifty thousand dollars, as modified by the director pursuant to section 314.1B, and that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that is under the jurisdiction of a city with a population of more than fifty thousand, shall be advertised and let for bid. Cities required

to competitively bid highway, bridge, or culvert work shall do so in compliance with the contract letting procedures of sections 26.3 through 26.12.

3. *a.* In the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of a highway, bridge, or culvert, the agency having charge of awarding such contracts shall give due consideration not only to the prices bid but also to the mechanical or other equipment and the financial responsibility and experience in the performance of like or similar contracts. The agency may reject any or all bids. The agency may readvertise and relet the project without conducting an additional public hearing if no substantial changes are made to the project's plans or specifications. The agency may let by private contract or build by day labor, at a cost not in excess of the lowest bid received.

b. Upon the completion of any contract or project on either the farm-to-market or secondary road system, the county engineer shall file with the county auditor a statement showing the total cost thereof with certificate that the work has been done in accordance with the plans and specifications. Upon completion of a contract or project on the municipal street system, the city public works department or city engineer shall file with the city clerk a statement showing the total cost of the contract or project with a certificate that the work has been done in accordance with the plans and specifications. All contracts shall be in writing and shall be secured by a bond for the faithful performance thereof as provided by law.

[S13, §1527-s18; C24, §4651, 4700; C27, 31, 35, §4644-c41, 4651, 4755-b11; C39, §**4644.39, 4651, 4686.15, 4755.11;** C46, §309.57, 310.15, 313.11; C50, §308A.10, 309.39; C54, §309.39, 314.1; C58, 62, 66, 71, 73, 75, 77, 79, 81, §314.1]

2001 Acts, ch 32, §7, 14; 2006 Acts, ch 1017, §27, 42, 43; 2006 Acts, ch 1185, §80; 2010 Acts, ch 1061, §106; 2018 Acts, ch 1097, §2; 2024 Acts, ch 1170, §308

Referred to in §26A.3, 91C.2, 314.1B, 314.2, 314.14, 331.341

314.1A Detailed cost accountings by cities and counties — rules.

1. The department shall adopt rules prescribing the manner by which cities and counties shall provide a detailed cost accounting under section 309.93 or 312.14, of all instances of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects of a highway, bridge, or culvert within their jurisdiction.

2. The department shall adopt rules prescribing the manner by which governmental entities, as defined in section 26.2, shall administer section 26.14 concerning public improvement quotations.

3. The rules shall include definitions concerning types of projects and uniform requirements and definitions that cities and counties under subsection 1 and governmental entities under subsection 2 shall use in determining costs for such projects. The department shall establish horizontal and vertical infrastructure advisory committees composed of representatives of public sector agencies, private sector vertical and horizontal contractor organizations, and certified public employee collective bargaining organizations to make recommendations for such rules.

2001 Acts, ch 32, §8; 2006 Acts, ch 1017, §28, 42, 43

Referred to in §309.93, 312.14

314.1B Adjustments — notice.

1. *Horizontal infrastructure.*

a. The director, in consultation with industry and subject matter experts, shall review the competitive bid thresholds applicable to city and county highway, bridge, and culvert projects. The director shall review price adjustments for all types of city and county highway, bridge, and culvert construction, reconstruction, and improvement projects, based on changes in the construction price index from the preceding year. Upon completion of the review the director may make adjustments in the applicable bid thresholds for types of work based on the price adjustments.

b. A bid threshold, under this subsection, shall not be adjusted to an amount that is less than the bid threshold applicable to a city or county on July 1, 2006, as provided in section 73A.18, 309.40, 310.14, or 314.1. An adjusted bid threshold shall take effect as provided in

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subsection 3, and shall remain in effect until a new adjusted bid threshold is established and becomes effective as provided in this section.

2. *Vertical infrastructure.*

a. The director, in consultation with industry and subject matter experts, shall review the competitive bid thresholds applicable to governmental entities under chapter 26. The director shall review price adjustments for all types of construction, reconstruction, and public improvement projects based on the changes in the construction price index, building cost index, and material cost index from the preceding adjustment. Upon completion of the review the director may make adjustments in the applicable bid thresholds for types of work based on the price adjustments.

b. The director shall adjust the bid threshold amount in accordance with subsection 3 but shall not adjust the bid threshold to an amount less than the bid threshold applicable to a governmental entity on January 1, 2007.

c. Beginning July 1, 2024, the director shall make adjustments to the competitive quotation threshold amounts in section 26.14 for vertical infrastructure in accordance with the methodology of paragraph *"a"*.

d. The director shall adjust the competitive quotation threshold amounts in section 26.14 at the same time and by the same percentage as adjustments are made to the competitive bid threshold.

3. *Review — publication.* The director shall make the adjustments described in this section on or before August 1 of every other year, or of every year if determined necessary by the director. By September 1 of each year in which a director makes adjustments in the bid or quotation thresholds, the director shall cause an advisory notice to be published in the Iowa administrative bulletin and in a newspaper of general circulation in this state, stating the adjusted bid and quotation thresholds to be in effect on January 1 of the following year, as established by the director under this section.

2001 Acts, ch 32, §9, 14; 2006 Acts, ch 1017, §29, 42, 43; 2007 Acts, ch 144, §11, 12; 2024 Acts, ch 1170, §309 – 313

Referred to in §8A.311, 26.3, 26.5, 26.12, 26.14, 26.15, 26A.3, 28J.9, 35A.10, 73A.2, 73A.18, 161C.2, 218.58, 273.14, 297.8, 314.1, 330A.12, 331.341, 357.14, 468.3, 904.314, 904.315

314.2 Conflicts of interest.

A state or county official who is a voting member of a governmental entity responsible for awarding a contract pursuant to section 314.1 and is the apparent low bidder for the contract shall not participate in a vote to award the contract and shall include an explanation of the official's conflict in the resolution entered pursuant to section 26.12.

[S13, §1527-s15; C24, §4685, 4700; C27, 31, 35, §4685, 4755-b10; C39, §**4685, 4686.14, 4755.10;** C46, §309.92, 310.14, 313.10; C50, §308A.11; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.2]

2009 Acts, ch 133, §115; 2019 Acts, ch 148, §46, 47

Referred to in §331.341, 331.342

314.3 Claims — approval and payment.

1. All claims for construction, reconstruction, improvement, repair, or maintenance on any highway shall be itemized on voucher forms prepared for that purpose, certified to by the claimants and by the engineer in charge, and then forwarded to the agency in control of that highway for final audit and approval. Claims payable from the farm-to-market road fund shall be approved by both the board of supervisors and the department. Upon approval by the department of vouchers which are payable from the farm-to-market road fund, or from the primary road fund, as the case may be, such vouchers shall be forwarded to the director of the department of administrative services, who shall draw warrants therefor and said warrants shall be paid by the treasurer of the state from the farm-to-market road fund or from the primary road fund, as the case may be.

2. If the engineer makes such certificate or a member of the agency approves such claim when said work has not been done in accordance with the plans and specifications, and said

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work be not promptly made good without additional cost, the engineer or member shall be liable on the person's bond for the amount of such claim.

[SS15, §1527-s10; C24, §4653, 4702; C27, 31, 35, §4653, 4755-b15; C39, §**4653, 4686.17, 4755.15;** C46, §309.59, 310.17, 313.15; C50, §308A.12; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.3]

2003 Acts, ch 145, §286

314.4 Partial payments.

Partial payments may be made on highway contract work during the progress thereof, but no such partial payment shall be deemed final acceptance of the work nor a waiver of any defect therein. The approval of any claim by the agency in control of the work, or highway on which the work is located, may be evidenced by the signature of the chairperson of said agency, or of a majority of the members of said agency, on the individual claims or on the abstract of a number of claims with the individual claims attached to said abstract.

[SS15, §1527-s10; C24, §4654, 4702; C27, 31, 35, §4654, 4755-b16; C39, §**4654, 4755.16;** C46, §309.60, 313.16; C50, §308A.13; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.4]

314.5 Extensions in certain cities.

1. The agency in control of a secondary road, subject to approval of the council, may eliminate danger at railroad crossings and construct, reconstruct, improve, repair, and maintain any road or street which is an extension of the secondary road within a city. However, this authority does not apply to the extensions of secondary roads located in cities over twenty-five hundred population, where the houses or business houses average less than two hundred feet apart.

2. The phrase *"subject to the approval of the council"* as it appears in this section, shall be construed as authorizing the council to consider said proposed improvement only in its relationship to municipal improvements such as sewers, water lines, establishing grades, change of established street grades, sidewalks and other public improvements. The locations of such road extensions shall be determined by the agency in control of such road or road system.

[C31, 35, §4644-c47; C39, §**4644.45, 4686.21;** C46, §309.45, 310.21; C50, §308A.14; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.5]

89 Acts, ch 134, §8

314.6 Highways along city limits.

Whenever any public highway located along the corporate line of any city is an extension of a farm-to-market road, or of a primary road, it may be included in the farm-to-market road system or the primary road system, as the case may be, and may be constructed, reconstructed, improved, repaired, and maintained as a part of said road system.

[C24, §4735; C27, 31, 35, §4755-b28; C39, §**4686.25, 4755.26;** C46, §310.25, 313.35; C50, §308A.15; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.6]

314.7 Trees — ingress or egress — drainage.

Officers, employees, and contractors in charge of improvement or maintenance work on any highway shall not cut down or injure any tree growing by the wayside which does not materially obstruct the highway, or tile drains, or interfere with the improvement or maintenance of the road, and which stands in front of any city lot, farmyard orchard or feed lot, or any ground reserved for any public use. Nor shall they destroy or injure reasonable ingress or egress to any property, or turn the natural drainage of the surface water to the injury of adjoining owners. It shall be their duty to use strict diligence in draining the surface water from the public road in its natural channel. To this end they may enter upon the adjoining lands for the purpose of removing from such natural channel obstructions that impede the flow of such water.

[C24, 27, §4791; C31, 35, §4644-c46; C39, §**4644.44;** C46, §309.44; C50, §308A.16; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.7]

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314.8 Government markers preserved.

1. If it is necessary in grading a highway to make a cut that will disturb, or fill that will cover up, a government or other established corner or land monument, the engineer in charge of the project shall establish permanent witness corners or monuments, and make a record of the same, that show the distance and direction the witness corner is from the corner disturbed or covered up. When the construction work is completed the engineer shall permanently reestablish the corner or monument.

2. If the duties in subsection 1 are not performed, the agency in control of the highway on which a project described in subsection 1 has been or is being completed shall pay the costs of restoring the original position of the established corner or land monument.

[S13, §1527-s7; C24, 27, 31, 35, 39, §**4656;** C46, §309.62; C50, §308A.17; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.8]

2002 Acts, ch 1063, §14

Referred to in §542B.2, 716.6

314.9 Entering private property.

1. The agency in control of a highway may after thirty days' written notice by restricted certified mail addressed to the owner and also to the occupant, enter upon private property for the purpose of making surveys, soundings, drillings, appraisals, and examinations as the agency deems appropriate or necessary to determine the advisability or practicability of locating and constructing a highway on the property or for the purpose of determining whether gravel or other material exists on the property of suitable quality and in sufficient quantity to warrant the purchase or condemnation of the property. The entry shall not be deemed a trespass, and the agency may be aided by injunction to insure peaceful entry. The agency shall pay actual damages caused by the entry, surveys, soundings, drillings, appraisals, or examinations.

2. Any damage caused by the entry, surveys, soundings, drillings, appraisals, or examinations shall be determined by agreement or in the manner provided for the award of damages in condemnation of the property for highway purposes. Soundings or drillings shall not be done within one hundred fifty feet of the dwelling house or within fifty feet of other buildings without written consent of the owner.

[C27, 31, 35, §4658-a1; C39, §**4658.1;** C46, §309.65; C50, §308A.18; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.9]

96 Acts, ch 1126, §3

314.10 State-line highways.

The agency in control of any highway or bridge bordering on or crossing a state line is authorized to confer and agree with the agency or official of such border state, or subdivision of such state, having control of such highway or bridge relative to the interstate connection, the plans for the improvement, and maintenance, the division of work and the apportionment of cost of such highway or bridge.

[S13, §1570-a; SS15, §1527-s3; C24, 27, 31, 35, 39, §**4663;** C46, §309.72; C50, §308A.19; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.10]

314.11 Use of bridges by utility companies.

Telephone, telegraph, electric transmission, and pipelines may be permitted to use any highway bridge on or across a state line on such terms and conditions as the agency or officials jointly constructing, maintaining, or operating such bridge may jointly determine. No discrimination shall be made in the use of such bridge as between such utilities. Joint use of telephone, telegraph, electric transmission, or pipelines may not be required. No grant to any public utility to use such bridge shall in any way interfere with the use of such bridge by the public for highway purposes.

[S13, §424-e; C24, 27, 31, 35, 39, §**4683;** C46, §309.90; C50, §308A.20; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.11]

2023 Acts, ch 64, §47

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314.12 Borrow pits — topsoil preserved.

In the award of contracts for the construction, reconstruction, improvement, repair or maintenance of any highway, the agency having charge of awarding such contracts shall require that when fill dirt, soil or other materials are to be removed from borrow pits acquired by title or easement, whether by agreement or condemnation, for use in the project, adequate provision shall be made for the restoration of the borrow pit area, either by removal and replacement of a minimum of eight inches of topsoil, or by fertilizing, mulching, reseeding or other appropriate measures to provide vegetative cover or prevent erosion, except where a lake or subwater table conditions are designed, or where the area is zoned for commercial, industrial, or residential use, or where the borrow is in locations of white oak, sand, loess or undrainable clays. When the borrow pit is acquired by easement, the restoration method shall be determined by agreement with the landowner.

[C71, 73, 75, 77, 79, 81, §314.12]

Referred to in §314.12A

314.12A Preservation of topsoil in highway construction.

In the award of contracts for the construction, reconstruction, improvement, and repair, except for minor maintenance, of a highway, the state department of transportation shall require that when fill dirt, soil, or other materials are to be removed from an area acquired by title or easement, whether by agreement or condemnation, for use in the project, adequate provision shall be made for the salvage of topsoil from the area for use in the restoration of the specified critical areas of the project by replacement of salvaged topsoil, by fertilizing and mulching if necessary, or by other appropriate measures to provide vegetative cover to prevent erosion, including filling or covering the area with compost, except where a lake or subwater table conditions exist, where deep loess is present, or where outside ditch bottoms and backslopes are present in rock cut areas. This section shall not apply to borrow pits covered by section 314.12.

2002 Acts, ch 1103, §1

314.13 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Agency"* means any governmental body which exercises jurisdiction over any road as provided by law.
2. *"Coordinator"* means the integrated roadside vegetation management coordinator.
3. *"Department"* means the state department of transportation.
4. *"Director"* means the director of transportation.
5. *"Disadvantaged business enterprise"* means a small business which meets both of the following:

a. The business is at least fifty-one percent owned by one or more socially and economically disadvantaged individuals.

b. The management and daily business operations of the business are controlled by one or more of the socially and economically disadvantaged individuals who own the business.

6. *"Highway"* or *"street"* means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
7. *"Prequalified"* means that a small business has been approved by the department as a small business, is a recognized contractor engaged in the class of work provided for in the plans and specifications, possesses sufficient resources to complete the work, and is able to furnish a performance bond for one hundred percent of the contract.
8. *"Small business"* means any enterprise, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than four million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law.
9. *"Socially and economically disadvantaged individual"* means an individual who is

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a citizen of the United States or who is a lawfully admitted permanent resident of the United States and who is a woman, Black American, Hispanic American, Native American, Asian-Pacific American, Asian-Indian American, or any other minority person or individual found to be disadvantaged by the United States small business administration. However, the department may also determine, on a case-by-case basis, that an individual who is not a member of one of the enumerated groups is a socially and economically disadvantaged individual. A rebuttable presumption exists that individuals in the following groups are socially and economically disadvantaged:

a. "Asian-Indian Americans", which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka.

b. "Asian-Pacific Americans", which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia, Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the United States trust territories of the Pacific Islands, and the Northern Marianas, Macao, Fiji, Tonga, Kirbati, Juvalu, Nauru, Micronesia, or Hong Kong.

c. "Black Americans", which includes persons having origins in any of the black racial groups of Africa.

d. "Hispanic Americans", which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.

e. "Native Americans", which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians.

[C75, 77, 79, 81, §314.13]

89 Acts, ch 246, §3; 2001 Acts, ch 32, §10; 2010 Acts, ch 1098, §1; 2024 Acts, ch 1170, §314, 315

314.13A Contract assessment — socially and economically disadvantaged individuals.

1. The department shall annually assess the impact of federal and nonfederal awarded contracts on socially and economically disadvantaged individuals, including women and persons with a disability, as defined in section 15.102, in the state.

2. The assessment shall include the following:

a. Any disproportionate or unique impact the contract may have on socially and economically disadvantaged individuals in the state.

b. A rationale for the contract having an impact on socially and economically disadvantaged individuals in the state.

c. Consultation with representatives of socially and economically disadvantaged individuals in cases where the contract has an identifiable impact on socially and economically disadvantaged individuals in the state.

3. This section shall be carried out to the extent consistent with federal law.

4. The assessment shall be used for informational purposes.

2010 Acts, ch 1098, §2

314.14 Contracts set aside for small businesses.

Notwithstanding section 314.1, there may be set aside contracts for bidding by prequalified small businesses a percentage of the total annual dollar amount of public contracts let by the department. The annual dollar amount set aside for bidding by prequalified small businesses shall not exceed ten percent of the total dollar amount of highway construction contracts let by the department and transit dollars administered by the department. The director may estimate the set-aside amount at the beginning of each fiscal year and a suit shall not be brought by any party as a result of this estimate. Set-aside contracts will be awarded to the lowest responsible prequalified small business. This section shall not be construed as limiting the department's right to refuse any or all small business bids.

84 Acts, ch 1229, §1; 2009 Acts, ch 41, §111, 112; 2010 Acts, ch 1098, §3

Disadvantaged business enterprise funding reauthorized in section 11101(e) of the federal Infrastructure Investment and Jobs Act, approved November 15, 2021, Pub. L. No. 117-58; see also 49 C.F.R. pt. 26

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314.15 Disadvantaged business enterprises — rules.

The department of transportation shall promulgate rules establishing affirmative action requirements to encourage and increase participation of disadvantaged individuals in business enterprises in all federal aid projects made available by and through the department.

90 Acts, ch 1161, §4

314.16 Interstate 80 — route designation.

The interstate which runs from Council Bluffs on the western border through Des Moines to Davenport on the eastern border shall be known as interstate 80. The state transportation commission shall be prohibited from changing the route of interstate 80 as designated on January 1, 1992.

92 Acts, ch 1010, §1

314.16A Interstate road designation — prohibition.

The department of transportation and the state transportation commission shall not pursue an interstate road designation for the segment of highway that is a controlled-access facility, as defined in section 306A.2, designated as state highway 5 and United States highway 65, including where the highway designations overlap, between interstate 35 and interstate 80, unless the United States government provides an exemption to federal regulations regarding vehicle weight and size on that segment. The federal exemption must authorize any vehicle that is not prohibited from being operated on the segment prior to the date of designation as an interstate road to continue to be operated on the segment after designation as an interstate road.

2025 Acts, ch 118, §1, 4

Section applies to the segment of the highway known as United States highway 65, and state highway 5, including where the highway designations overlap, on July 1, 2025, and shall apply to that segment of the highway thereafter regardless of whether the highway's designation is subsequently changed; 2025 Acts, ch 118, §4

314.17 Mowing on interstates, primary highways, and secondary roads.

Mowing roadside vegetation on the rights-of-way or medians on any primary highway, interstate highway, or secondary road prior to July 15 is prohibited, except as follows:

1. Within two hundred yards of an inhabited dwelling.
2. On rights-of-way within one mile of the corporate limits of a city.
3. To promote native species of vegetation or other long-lived and adaptable vegetation.
4. To establish control of damaging insect populations, noxious weeds, and invasive plant species.
5. For visibility and safety reasons.
6. Within rest areas, weigh stations, and wayside parks.
7. Within fifty feet of a drainage tile or tile intake.
8. For access to a mailbox or for other accessibility purposes.
9. On rights-of-way adjacent to agricultural demonstration or research plots.

98 Acts, ch 1212, §7; 2010 Acts, ch 1164, §1; 2010 Acts, ch 1193, §121

Referred to in §317.19

For control and eradication of noxious weeds, see chapter 317

314.18 Responsibility for bridge inspection.

The department, counties, cities, and other public entities shall be responsible for the safety inspection and evaluation of all highway bridges under their jurisdiction which are located on public roads, in accordance with the national bridge inspection standards. These responsibilities include inspection policies and procedures, inspections, reports, load ratings, quality control and quality assurance, maintaining a bridge inventory, and other requirements of the national bridge inspection standards.

2006 Acts, ch 1068, §4

314.19 Reseeding open ditches.

The department shall have the topsoil of each open ditch along the side of a highway reseeded with prairie grass seed and the seed of other adapted grass and legumes including

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native grass species after the construction, reconstruction, improvement, repair, or maintenance of a highway whenever feasible.

84 Acts, ch 1114, §1

314.20 Utility easements on highway right-of-way.

The department shall develop an accommodation plan for the longitudinal utility use of freeway right-of-way, in consultation with the utilities commission. The plan shall be consistent with the rules of the federal highway administration of the United States department of transportation and shall be submitted to the federal highway administration for its approval by January 1, 1989. In developing the plan, the department shall provide for extended payment and lease agreements to provide continuous funding for the living roadway trust fund. The plan shall provide for charges for the use of the right-of-way and all moneys collected shall be credited to the living roadway trust fund established under section 314.21.

88 Acts, ch 1019, §9; 89 Acts, ch 246, §4; 2024 Acts, ch 1170, §369

314.21 Living roadway trust fund.

1. *a.* The living roadway trust fund is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development and implementation of integrated roadside vegetation plans. Except as provided in subsections 2 and 3, the moneys shall only be expended for areas on or adjacent to road, street, and highway right-of-ways. The state department of transportation in consultation with the department of natural resources shall establish standards relating to the type of projects available for assistance.

b. A city or county which has a project which qualifies for the use of these funds shall submit a request for the funds to the state department of transportation. A city or county may, at its option, apply moneys allocated for use on city or county projects under this subsection toward qualifying projects on the primary road system. The state department of transportation in consultation with the department of natural resources shall determine which projects qualify for the funds and which projects shall be funded if the requests for the funds exceed the availability of the funds. In ranking applications for funds, the department shall consider the proportion of political subdivision matching funds to be provided, if any, and the proportion of private contributions to be provided, if any. In considering the proportion of political subdivision matching funds provided, the department shall consider only those moneys which are in addition to those which the political subdivision has historically provided toward such projects. Funds allocated to the cities, the counties, and the department which are not programmed by the end of each fiscal year shall be available for redistribution to any eligible applicant regardless of the original allocation of funds. Such funds shall be awarded for eligible projects based upon their merit in meeting the program objectives established by the department under section 314.22. The department shall submit a report of all projects funded in the previous fiscal year to the governor and to the general assembly on January 15 of each year.

c. Beginning April 1, 1990, the moneys in the living roadway trust fund shall be allocated between the state, counties, and cities in the same proportion that the road use tax funds are allocated under section 312.2, subsection 1, paragraphs "*a*", "*b*", "*c*", and "*d*". However, after April 1, 1990, a city or county shall not be eligible to receive moneys from the living roadway trust fund unless the city or county has an integrated roadside vegetation management plan in place consistent with the objectives in section 314.22.

2. *a.* The department may authorize projects which provide grants or loans to local governments and organizations which are developing community entryway enhancement and other planting demonstration projects. Planning, public education, installation, and initial maintenance planning and development may be determined by the department to be eligible activities for funding under this paragraph. Projects approved under this paragraph require a local match or contribution toward the overall project cost.

b. The department may authorize projects which provide grants or loans to local governments for the purchase of specialized equipment and special staff training for the

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establishment of alternative forms of roadside vegetation. Projects approved under this paragraph require a local match or contribution toward the overall project cost.

c. The department, in order to create greater visual effect, shall investigate alternatives for concentrating plantings at strategic locations to gain a greater visual impact and appeal as well as stronger scenic value. Equal attention shall be given to providing safe and effective habitats for wildlife which can coexist with highways.

d. The department may authorize projects which provide grants or loans to local jurisdictions for increased protection through the use of easements, fee title acquisition, covenants, zoning ordinances, or other provisions for protection of vegetation and desirable environment adjacent to the right-of-way. Off-right-of-way projects shall emphasize vegetation protection or enhancement, scenic and wildlife values, erosion control and enhancement of vegetation management projects within the right-of-ways.

3. *a.* Moneys allocated to the state under subsection 1 shall be expended as follows:

(1) Fifty thousand dollars annually to the department for the services of the integrated roadside vegetation management coordinator and support.

(2) One hundred thousand dollars annually for education programs, research and demonstration projects, and vegetation inventories and strategies, under section 314.22, subsections 5, 6, and 8.

(3) All remaining moneys for the gateways program under section 314.22, subsection 7.

b. Moneys allocated to the counties under subsection 1 shall be expended as follows:

(1) For the fiscal year beginning July 1, 1995, and ending June 30, 1996, and each subsequent fiscal year, seventy-five thousand dollars to the university of northern Iowa to maintain the position of the state roadside specialist and to continue its integrated roadside vegetation management program providing research, education, training, and technical assistance.

(2) All remaining money for grants or loans under subsection 2, paragraph *"a"*.

c. Moneys allocated to the cities shall be expended for grants or loans under subsection 2, paragraph *"a"*.

88 Acts, ch 1019, §5; 89 Acts, ch 246, §5; 89 Acts, ch 317, §28; 91 Acts, ch 268, §516; 93 Acts, ch 169, §16; 95 Acts, ch 220, §26; 2009 Acts, ch 133, §238; 2017 Acts, ch 29, §89; 2018 Acts, ch 1026, §108

Referred to in §312.2, 314.20, 455A.19

314.22 Integrated roadside vegetation management.

1. *Objectives.* It is declared to be in the general public welfare of Iowa and a highway purpose for the vegetation of Iowa's roadsides to be preserved, planted, and maintained to be safe, visually interesting, ecologically integrated, and useful for many purposes. The state department of transportation shall provide an integrated roadside vegetation management plan and program which shall be designed to accomplish all of the following:

a. Maintain a safe travel environment.

b. Serve a variety of public purposes including erosion control, wildlife habitat, climate control, scenic qualities, weed control, utility easements, recreation uses, and sustenance of water quality.

c. Be based on a systematic assessment of conditions existing in roadsides, preservation of valuable vegetation and habitats in the area, and the adoption of a comprehensive plan and strategies for cost-effective maintenance and vegetation planting.

d. Emphasize the establishment of adaptable and long-lived vegetation, often native species, matched to the unique environment found in and adjacent to the roadside.

e. Incorporate integrated management practices for the long-term control of damaging insect populations, weeds, and invasive plant species.

f. Build upon a public education program allowing input from adjacent landowners and the general public.

g. Accelerate efforts toward increasing and expanding the effectiveness of plantings to reduce wind-induced and water-induced soil erosion and to increase deposition of snow in desired locations.

h. Incorporate integrated roadside vegetation management with other state agency

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planning and program activities including the recreation trails program, scenic highways, open space, and tourism development efforts. Agencies should annually report their progress in this area to the general assembly.

2. *Counties may adopt plans.* A county may adopt an integrated roadside vegetation management plan consistent with the integrated roadside vegetation management plan adopted by the department under subsection 1.

3. *Report.* The department shall report annually in January to the general assembly regarding its activities under this section.

4. *Integrated roadside vegetation management coordinator.* The integrated roadside vegetation management coordinator shall administer the department's integrated roadside vegetation management plan and program. The department may create the position of integrated roadside vegetation management coordinator within the department or may contract for the services of the coordinator. The duties of the coordinator include but are not limited to the following:

a. Conducting education and awareness programs.

b. Providing technical advice to the department and the department of natural resources, counties, and cities.

c. Conducting demonstration projects.

d. Coordinating inventory and implementation activities.

e. Providing assistance to local community-based groups for undertaking community entryway projects.

f. Being a clearinghouse for information from Iowa projects as well as from other states.

g. Periodically distributing information related to integrated roadside vegetation management.

h. General coordination of research efforts.

i. Other duties assigned by the director of transportation.

5. *Education programs.* The department shall develop educational programs and provide educational materials for the general public, landowners, governmental employees, and board members as part of its program for integrated roadside vegetation management. The educational program shall provide all of the following:

a. The development of public service announcements and television programs about the importance of roadside vegetation in Iowa.

b. The expansion of existing training sessions and educational curriculum materials for county weed commissioners, government contract sprayers, maintenance staff, and others to include coverage of integrated roadside management topics such as basic plant species identification, vegetation preservation, vegetation inventory techniques, vegetation management and planning procedures, planting techniques, maintenance, communication, and public relations. County and municipal engineers, public works staffs, planning and zoning representatives, parks and habitat managers, and others should be encouraged to participate.

c. The conducting of statewide and regional conferences and seminars about integrated roadside vegetation management, community entryways, scenic values of land adjoining roadsides, and other topics relating to roadside vegetation.

d. The preparation, display, and distribution of a variety of public relations material, in order to better inform and educate the traveling public on roadside vegetation management activities. The public relations material shall inform motorists of a variety of roadside vegetation issues including all of the following:

(1) Benefits of various types of roadside vegetation.

(2) Long-term results expected from planting and maintenance practices.

(3) Purposes for short-term disturbances in the roadside landscapes.

(4) Interesting aspects of the Iowa landscape and individual landscape regions.

(5) Other aspects relating to wildlife and soil erosion.

e. Preparation and distribution of educational material designed to inform adjoining property owners, farm operators, and others of the importance of roadside vegetation and their responsibilities of proper stewardship of that vegetation resource.

6. *Research and demonstration projects.* The department, as part of its plan to provide

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integrated roadside vegetation management, shall conduct research and feasibility studies including demonstration projects of different kinds at a variety of locations around the state. The research and feasibility studies may be conducted in, but are not limited to, any of the following areas:

a. Cost effectiveness or comparison of planting, establishing and maintaining alternative or warm-season, native grass and forb roadside vegetation and traditional cool-season nonnative vegetation.

b. Identification of the relationship that roadsides and roadside vegetation have to maintaining water quality, through drainage wells, sediment and pollutant collection and filtration, and other means.

c. Impacts of burning as an alternative vegetation management tool on all categories of roads.

d. Techniques for more quickly establishing erosion control and permanent vegetative cover on recently disturbed ground as well as interplanting native species in existing vegetative cover.

e. Effectiveness of techniques for reduced or selected use of herbicides to control weeds.

f. Identification of cross section and slope steepness design standards which provide for motorist safety as well as for improved establishment, maintenance, and replacement of different types of vegetation.

g. Identification of a uniform inventory and assessment technique which could be used by many counties in establishing integrated roadside management programs.

h. Equipment innovations for seeding and harvesting grasses in difficult terrain settings, roadway ditches, and fore-slopes and back-slopes.

i. Identification of the perceptions of motorists and landowners to various types of roadside vegetation and configuration of plantings.

j. Market or economic feasibility studies for native seed, forb, and woody plant production and propagation.

k. Impacts of vegetation modifications on increasing or decreasing wildlife populations in rural and urban areas.

l. Effects of vegetation on the number and location of wildlife road-kills in rural and urban areas.

m. Costs to the public for improper off-site resource management adjacent to roadsides.

n. Advantages, disadvantages, and techniques of establishing pedestrian access adjacent to highways and their impacts on vegetation management.

o. Identification of alternative techniques for snow catchment on farmland adjacent to roadsides.

7. *Gateways program.* The department shall develop a gateways program to provide meaningful visual impacts including major new plantings at the important highway entry points to the state and its communities. Substantial and distinctive plantings shall also be designed and installed at these points. Creative and artistic design solutions shall be sought for these improvements. Communications about these projects shall be provided to local groups in order to build community involvement, support, and understanding of their importance. Consideration shall be given to a requirement that gateways projects produce a local match or contribution toward the overall project cost.

8. *Vegetation inventories and strategies.*

a. The department shall coordinate and compile integrated roadside vegetation inventories, classification systems, plans, and implementation strategies for roadsides. Areas of increased program and project emphasis may include but are not limited to all of the following:

(1) Additional development and funding of state gateways projects.

(2) Accelerated replacement of dead and unhealthy plants with native and hardy trees and shrubs.

(3) Special interest plantings at selected highly visible locations along primary and interstate highways.

(4) Pilot and demonstration projects.

(5) Additional snow and erosion control plantings.

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(6) Welcome center and rest area plantings with native and aesthetically interesting species to create mini-arboretums around the state.

b. The department shall coordinate and compile a reconnaissance of lands to develop an inventory of sites having the potential of being harvested for native grass, forb, and woody plant material seed and growing stock. Highway right-of-ways, parks and recreation areas, converted railroad right-of-ways, state board of regents' property, lands owned by counties, and other types of public property shall be surveyed and documented for seed source potential. Sites volunteered by private organizations may also be included in the inventory. Inventory information shall be made available to state agencies' staffs, county engineers, county conservation board directors, and others.

89 Acts, ch 246, §6; 95 Acts, ch 3, §2; 2010 Acts, ch 1061, §107; 2019 Acts, ch 24, §42; 2023 Acts, ch 64, §48 – 50; 2024 Acts, ch 1004, §39; 2024 Acts, ch 1170, §316

Referred to in §314.21, 317.11

For control and eradication of noxious weeds, see chapter 317

314.23 Environmental protection.

It is declared to be in the general public welfare of Iowa and a highway purpose that highway maintenance, construction, reconstruction, and repair shall protect and preserve, by not causing unnecessary destruction, the natural or historic heritage of the state. In order to provide for the protection and preservation, the following shall be accomplished in the design, construction, reconstruction, relocation, repair, or maintenance of roads, streets, and highways:

1. *Woodlands.* Woodland removed shall be replaced by plantings as close as possible to the initial site, or by acquisition of an equal amount of woodland in the general vicinity for public ownership and preservation, or by other mitigation deemed to be comparable to the woodland removed, including, but not limited to, the improvement, development, or preservation of woodland under public ownership.

2. *Wetlands.* Wetland removed shall be replaced by acquisition of wetland, in the same general vicinity if possible, for public ownership and preservation, or by other mitigation deemed to be comparable to the wetland removed, including, but not limited to, the improvement, development, or preservation of wetland under public ownership.

3. *Public parks.* Highways, streets, and roads constructed on or through publicly owned lands comprising parks, preserves, or recreation areas, shall be located and designed, in consultation with the public entity owning the land, so as to blend aesthetically with the areas and to minimize noise. When land is taken from the areas for highway construction and if, in consultation with the public entity owning the land, mitigation is deemed necessary, the land shall be replaced by an equal or greater amount for public use, or by other mitigation, undertaken in consultation with the public entity owning the land, and deemed to be appropriate to the amount of land taken, including, but not limited to, the improvement, development, or preservation of the areas.

4. *Prime agricultural lands.* Topsoil removed may be utilized for landscaping and other necessary construction. Excess topsoil shall be made available to the former landowner or other landowners whose land was purchased for the construction or others, and if not acquired by one of these parties, it may be disposed of.

89 Acts, ch 311, §26; 2019 Acts, ch 24, §43

314.24 Natural and historic preservation.

Cities, counties, and the department shall to the extent practicable preserve and protect the natural and historic heritage of the state in the design, construction, reconstruction, relocation, repair, or maintenance of roads, streets, or highways. Destruction or damage to natural areas, including but not limited to prime agricultural land, parks, preserves, woodlands, wetlands, recreation areas, greenbelts, historical sites, or archaeological sites shall be avoided, if reasonable alternatives are available for the location of roads, streets, or highways at no significantly greater cost. In implementing this section, cities, counties, and

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the department shall make a diligent effort to identify and examine the comparative cost of utilizing alternative locations for roads, streets, or highways.

89 Acts, ch 317, §30

314.25 Green space provided.

The department shall use the property owned by it in the city of Council Bluffs which is bounded by Broadway, Seventh street, Kanesville boulevard, and Sixth street, exclusively for green space, and, if sold by the department, the department shall sell the property with the restricted covenant that the property shall be used exclusively for green space or else revert to the department.

89 Acts, ch 317, §29

314.26 Schwengel Bridge.

The interstate 80 bridge crossing the Mississippi river between the states of Iowa and Illinois shall be known as the "Schwengel Bridge" in honor of Fred Schwengel, who served for five terms as a member of the general assembly of the state of Iowa and was elected to the Congress of the United States in 1954, 1956, 1958, 1960, 1962, 1966, 1968, and 1970.

93 Acts, ch 133, §1

314.27 Refreshments at rest areas on certain holidays.

1. As used in this section, unless the context otherwise requires:

a. "Free refreshments" means water, coffee, cookies, any nonintoxicating, noncarbonated beverage which is not already bottled or canned, doughnuts, or baked dessert goods dispensed by a nonprofit organization, provided that the refreshments are furnished to motorists by a nonprofit organization without charge.

b. "Holiday periods" means the Memorial Day and Labor Day weekends, commencing at noon on the preceding Friday and ending at midnight between the Monday and Tuesday of the holiday weekend, and the period surrounding Independence Day, commencing at noon on July 1 and ending at midnight between July 6 and July 7.

2. Nonprofit organizations shall be allowed to provide free refreshments to motorists and to accept, without active solicitation, voluntary donations from motorists during holiday periods at rest areas, as defined in section 306C.10, subject to approval by the department. The department shall approve or disapprove applications by nonprofit organizations, and notify those nonprofit organizations, at least sixty days prior to the holiday period.

3. The department shall adopt rules governing the provision of refreshments at rest areas in accordance with this section.

95 Acts, ch 18, §1

314.28 Keep Iowa beautiful fund.

1. A keep Iowa beautiful fund is created in the office of the treasurer of state. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. All interest earned on moneys in the fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund.

2. Moneys in the fund that are authorized by the department for expenditure are appropriated, and shall be used, to educate and encourage Iowans to take greater responsibility for improving their community environment and enhancing the beauty of the state through litter prevention, improving waste management and recycling efforts, and beautification projects.

3. The department may authorize payment of moneys from the fund upon approval of an application from a private or public organization. The applicant shall submit a plan for litter prevention, improving waste management and recycling efforts, or a beautification project along with its application. The department shall establish standards relating to the type of projects available for assistance.

2001 Acts, ch 160, §1; 2004 Acts, ch 1175, §435; 2004 Acts, ch 1177, §3; 2006 Acts, ch 1182, §60; 2011 Acts, ch 34, §78

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314.29 Dick Drake Way.

The highway currently known as the industrial connector in Muscatine shall be renamed "Dick Drake Way" in honor of Richard Drake, who served for thirty-six years as a member of the general assembly of the state of Iowa.

2008 Acts, ch 1124, §3

314.30 Cattle guards.

Notwithstanding chapter 169C or 318, or any other provision of law to the contrary:

1. A landowner may install a cattle guard on a street or highway if all of the following apply:

a. The street or highway is classified as area service "B" or area service "C" as described in section 309.57.

b. The street or highway terminates in a dead end, is completely or partially located in a floodplain, serves no residence, and exits to a secondary road.

c. The landowner owns property on both sides of the street or highway and owns property on both sides of any access to the street or highway.

d. The effective purpose of restraining livestock using a fence along the street or highway is continually impaired by flooding or other natural forces.

e. Flooding or other natural forces have and will, with a reasonable probability, continue to create liability for the landowner and risk of injury to the public from livestock straying on to the secondary road to which the street or highway exits.

2. A cattle guard installed pursuant to this section shall be installed on the street or highway at the landowner's expense at a distance of not less than sixty-six feet from the secondary road to which the street or highway exits.

3. After a landowner installs a cattle guard pursuant to this section, the landowner and each successive landowner shall not be required to install or maintain a fence along the street or highway between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end. All of the following shall apply to a landowner who is not required to install or maintain a fence along the street or highway pursuant to this subsection:

a. The landowner shall not be liable to a local authority as provided in section 169C.4, subsection 1, paragraph "*c*", for livestock straying on to the street or highway.

b. A local authority shall not take custody of the landowner's livestock on the street or highway as provided in section 169C.2.

c. The landowner shall not be subject to section 169C.6 for livestock straying on to the street or highway.

4. *a.* A landowner who installs a cattle guard pursuant to this section and each successive landowner shall be liable for injury to any person, for damage to any vehicle or equipment, and for damage to the contents of any vehicle or equipment, which occurs proximately as a result of the construction, installation, or maintenance of the cattle guard or as a result of livestock straying on to the street or highway between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end.

b. Upon the installation of a cattle guard pursuant to this section, and before July 1 of each year thereafter, the landowner who installed the cattle guard or a successive landowner shall submit to the appropriate county office of the county having jurisdiction over the street or highway on which the cattle guard is installed, as designated by the county, proof of liability coverage in effect for the following one-year period which covers any injury or loss arising from the landowner's liability as set forth in paragraph "*a*".

c. This section shall not be construed to alter, limit, or nullify the maintenance requirements assigned to a county, and a county's liability relating to such maintenance requirements, pursuant to section 309.57 for the street or highway on which the cattle guard is installed.

5. As used in this section:

a. *"Cattle guard"* means a structure consisting of parallel bars placed over a shallow ditch that allows motor vehicles to pass over the ditch, but prevents cattle and other livestock from passing over the ditch.

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b. *"Fence"* means as defined in section 169C.1.
c. *"Landowner"* means as defined in section 169C.1.
d. *"Local authority"* means as defined in section 169C.1.
e. *"Secondary road"* means as defined in section 306.3.
2018 Acts, ch 1118, §1, 3; 2018 Acts, ch 1172, §47, 49, 50
Referred to in §321.285

314.31 Iowa medal of honor highway — signs purchased and installed by private entities.
1. The segment of the highway known as United States highway 20 which crosses this state from Sioux City to Dubuque shall be designated as the "Iowa Medal of Honor Highway".
2. The department shall adopt rules pursuant to chapter 17A to provide for an application, approval, and inspection process for the purchase and installation of signs indicating the "Iowa Medal of Honor Highway" designation by private entities. The department shall approve applications for sign purchase and installation that meet its rule requirements. All costs and expenses of the purchase and installation of the signs shall be paid by the private entity whose application is approved. The department may approve more than one application to purchase and install the signs. The department shall require that any signs placed pursuant to this subsection include a graphic depiction of the three versions of the medal of honor for the army, navy, and air force.
2020 Acts, ch 1038, §1, 2

CHAPTER 315

REVITALIZE IOWA'S SOUND ECONOMY (RISE) FUND

Referred to in §307.26

315.1 Definitions.
315.2 Revitalize Iowa's sound economy (RISE) fund.
315.3 Use of fund.
315.4 Allocation of fund.
315.4A Restrictions on use.
315.5 Administration of fund.
315.6 Funding of projects.
315.7 Accounting and disbursements.
315.8 Accounts and records required.
315.9 Project development.
315.10 Rules.
315.11 Additional factors and requirements.

315.1 Definitions.
As used in this chapter, unless the context otherwise requires:
1. *"Department"* means the state department of transportation.
2. *"Fund"* or *"RISE fund"* means the revitalize Iowa's sound economy fund.
85 Acts, ch 231, §2

315.2 Revitalize Iowa's sound economy (RISE) fund.
A revitalize Iowa's sound economy fund is created, which includes:
1. All motor fuel and special fuel excise taxes credited by law to the RISE fund.
2. All other funds by law credited to the RISE fund.
85 Acts, ch 231, §3
Referred to in §312.2

315.3 Use of fund.
1. The fund is appropriated for and shall be used in the establishment, construction, improvement and maintenance of roads and streets which promote economic development in the state by having any of the following effects:
a. Improving or maintaining highway access to specific development sites, including existing and future industrial locations.
b. Improving or maintaining highway access between urban centers or between urban centers and the interstate road system as defined in section 306.3.
c. Improving or maintaining highway access to economically depressed areas of the state.

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d. Improving or maintaining highway access to points of shipment or processing of products.

e. Improving or maintaining highway access to trucking terminals and places of embarkation or shipment by other transportation modes.

f. Improving or maintaining highway access to scenic, recreational, historic and cultural sites or other locations identified as tourist attractions.

2. The fund is also appropriated and shall be used for the reimbursement or payment to cities or counties of all or part of the interest and principal on general obligation bonds issued by cities or counties for the purpose of financing approved road and street projects meeting the requirements of subsection 1.

3. *a.* If the state transportation commission receives and files a letter from the director of transportation certifying that federal funding is not forthcoming due to the failure of the United States Congress to pass and the president of the United States to approve legislation providing long-term federal transportation funding to the state of Iowa, the commission may authorize the temporary transfer of funds from the RISE fund to the primary road fund. Transferred funds shall be repaid to the RISE fund within three months of transfer.

b. If the state transportation commission receives and files a letter from the director of transportation certifying that the cash flow funding of the department may be inadequate to meet anticipated road construction costs, the commission may authorize the temporary transfer of funds from the RISE fund to the primary road fund. Funds transferred under this paragraph shall be repaid to the RISE fund within six months of transfer.

c. The commission shall manage the RISE fund to ensure that funds will be available to meet contract obligations on approved RISE projects.

85 Acts, ch 231, §4; 88 Acts, ch 1019, §10; 98 Acts, ch 1001, §1, 2; 2001 Acts, ch 180, §6
Referred to in §315.5

315.4 Allocation of fund.

1. Moneys credited to the RISE fund shall be allocated as follows:

a. Four-sevenths for deposit in the primary road fund for the use of the department on primary road projects as follows:

(1) Fifty percent for highways that support the production or transport of renewable fuels, including primary highways that connect biofuel facilities to highways in the commercial and industrial highway network.

(2) Fifty percent for highways that have been designated by the state transportation commission as access Iowa highways pursuant to 2005 Iowa Acts, ch. 178, §41.*

b. One-seventh for the use of counties on secondary road projects, including secondary roads that connect biofuel facilities to highways in the commercial and industrial highway network.

c. Two-sevenths for the use of cities on city street projects.

2. Commencing June 30, 1990, all uncommitted moneys in the RISE fund on June 30 of each year which are allocated under this section for the use of counties on secondary road projects shall be credited to the secondary road fund.

85 Acts, ch 231, §5; 89 Acts, ch 293, §16; 92 Acts, ch 1238, §30; 2007 Acts, ch 200, §7; 2014 Acts, ch 1026, §143
Referred to in §315.4A, 315.6
*2005 Iowa Acts, ch 178, §41 is repealed July 1, 2025; 2015 Acts, ch 2, §11

315.4A Restrictions on use.

Moneys allocated pursuant to section 315.4, subsection 1, paragraph *"b"*, and section 315.4, subsection 2, shall not be used for debt service or to otherwise pay principal and interest on bonds, loans, or other indebtedness issued or incurred on or after February 25, 2015, including refunding, reissuance, or other refinancing of such indebtedness, or refunding, reissuance, or other refinancing of indebtedness issued or incurred prior to February 25, 2015, if the term for repayment of the indebtedness as financed or refinanced would exceed

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the useful life of the asset being constructed, reconstructed, improved, repaired, equipped, or maintained.

2015 Acts, ch 2, §2, 14
Referred to in §331.443A

315.5 Administration of fund.

Qualifying road and street projects shall be selected by the state transportation commission for full or partial financing from the fund after consultation with organizations representing interests of counties and cities. Counties and cities may make application for qualifying road and street projects with the department. In ranking applications for funds, the department shall, in addition to effects listed in section 315.3, subsection 1, consider the proportion of political subdivision matching funds to be provided, if any, the proportion of private contributions to be provided, if any, the total number of jobs to be created, the level of need, the impact of the proposed project on the economy of the area affected, and the factors and requirements in section 315.11. The proportion of funding shall be determined by the department or, in the case of cooperative projects, by agreement between the department and the city councils of participating cities, or boards of supervisors of participating counties, or other participating public agencies or private parties.

85 Acts, ch 231, §6; 86 Acts, ch 1245, §1934; 88 Acts, ch 1257, §2
Referred to in §315.11

315.6 Funding of projects.

1. Qualifying projects may be funded as follows:

a. Primary road and state park road projects may be financed entirely by the fund, or by combining money from the fund with money from the primary road fund, federal aid primary funds received by the state, money from cities or counties raised through the sale of general obligation bonds of the cities or counties, other city or county revenues, or money from participating private parties.

b. Secondary road, state park road, and county conservation parkway projects may be funded entirely by the fund or by combining money from the fund with money from the county's portion of road use tax funds, federal aid secondary funds, other county revenues, money raised through the sale of general obligation bonds of the county, or money from participating private parties.

c. City street and state park road projects may be funded entirely by the fund, or by combining money from the fund with money from the city's portion of road use tax funds, federal aid urban system funds, other municipal revenues, money raised through the sale of general obligation bonds of the city, or money from participating private parties.

2. A county or city may, at its option, apply moneys allocated for use on secondary road or city street projects under section 315.4, subsection 1, paragraph *"b"* or *"c"*, toward qualifying primary road, state park road, and county conservation parkway projects.

85 Acts, ch 231, §7; 87 Acts, ch 172, §1

315.7 Accounting and disbursements.

The account of the fund shall be kept by the director of the department of administrative services and the treasurer of state and shall show the amount of the fund including all credits to the fund and disbursements. Upon certification by the department in accordance with rules adopted by the director of the department of administrative services, the director of the department of administrative services shall issue warrants for disbursements from the fund.

85 Acts, ch 231, §8; 2003 Acts, ch 145, §286; 2021 Acts, ch 51, §4

315.8 Accounts and records required.

The department shall keep accounts in relation to the allocation of moneys to the fund including all amounts credited to the fund and all amounts of duly and finally approved vouchers for claims chargeable to the fund. The department shall also keep accounts in relation to agreements with counties and cities for the reimbursement of interest and

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principal costs for general obligation bonds of counties or cities issued for the purpose of financing road or street projects under this chapter.

85 Acts, ch 231, §9

315.9 Project development.

The department shall be responsible for the development of qualifying projects under this chapter in the same manner as prescribed for primary road system improvements under chapter 313, including surveys, plans, specifications, bids, contracts, supervision and inspection. The department may delegate responsibility for project development to another participating governmental unit.

85 Acts, ch 231, §10

315.10 Rules.

The department shall adopt rules pursuant to chapter 17A as necessary for the administration of this chapter.

85 Acts, ch 231, §11

315.11 Additional factors and requirements.

In addition to other effects and factors to be considered under section 315.5, for applications submitted after July 1, 1988, the following factors and requirements shall be considered or applied:

1. The impact of the proposed project on other businesses in competition with the business being considered for assistance. The department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for assistance. The department shall make a good faith effort to determine the probability that the proposed financial assistance will displace employees of the existing businesses. In determining the impact on businesses in competition with the business being considered for assistance, jobs created as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created.

2. The economic impact to the state of the proposed project. In measuring the economic impact the department shall award more points for the following:

a. A business with a greater percentage of sales out-of-state or of import substitution.

b. A business with a higher proportion of in-state suppliers.

c. A project which would provide greater diversification of the state economy.

d. A business with fewer in-state competitors.

e. A potential for future job growth.

f. A project which is not a retail operation.

3. The quality of jobs to be provided. Jobs that have a higher wage scale, have a lower turnover rate, are full-time, or are career-type positions are considered higher in quality. Businesses that have wage scales substantially below that of existing Iowa businesses in that area should be rated as providing the lowest quality of jobs and should therefore be given the lowest ranking for providing such assistance.

4. If the business has a record of violations of the law over a period of time that tends to show a consistent pattern, the business shall be given the lowest ranking for providing assistance. The department shall make a good faith effort to compile this information.

5. If a business has, within three years of application for assistance, acquired or merged with an Iowa corporation or company, the business shall make a good faith effort to hire the workers of the merged or acquired company.

6. To be eligible for assistance a business shall provide for a preference for hiring residents of the state or the economic development area, except for out-of-state employees offered a transfer to Iowa or the economic development area.

7. All known required environmental permits must be granted and regulations met before moneys are released.

88 Acts, ch 1257, §3; 2009 Acts, ch 82, §16

Referred to in §315.5

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CHAPTER 316

RELOCATION OF PERSONS DISPLACED BY HIGHWAYS

Referred to in §6B.42, 307.24, 310.22, 331.382

316.1 Definitions.
316.2 Effect on acquisitions and condemnations.
316.3 Declaration of policy — authorization — divisibility of application.
316.4 Moving and related expenses.
316.5 Replacement housing for homeowner.
316.6 Replacement housing for tenants and certain others.
316.7 Relocation assistance advisory services.
316.8 Housing replacement by the displacing agency.
316.9 Rules.
316.10 and 316.11 Reserved.
316.12 Payments to displaced persons not to be considered as income.
316.13 Administration.
316.14 Funding.
316.15 Federal grants — payment of right-of-way and relocation assistance benefits.

316.1 Definitions.

As used in this chapter the term:

1. *"Administrative rules"* means all rules subject to the provisions of chapter 17A.

2. *"Business"* means any lawful activity, excepting a farm operation, conducted primarily:

a. For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

b. For the sale of services to the public;

c. By a nonprofit organization; or

d. Solely for the purposes of section 316.4, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not the display or displays are located on the premises on which any of the above activities are conducted.

3. *"Comparable replacement dwelling"* means any single family residential unit that is all of the following:

a. Decent, safe, and sanitary.

b. Adequate in size to accommodate the occupants.

c. Within the financial means of the displaced person.

d. Functionally equivalent to the displaced person's dwelling.

e. In an area not subject to unreasonably adverse environmental conditions.

f. In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

4. *"Department"* means the state department of transportation.

5. *"Displaced person"* means:

a. A person who moves from real property or moves the person's personal property from real property in any of the following circumstances:

(1) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, the real property in whole or in part for a program or project undertaken with federal financial assistance.

(2) The person moved or moved the person's personal property from real property on which the person is either a residential tenant or conducts a small business, a farm operation, or a business as defined in subsection 2, paragraph *"d"*, as a direct result of rehabilitation or demolition for a program or project undertaken with federal financial assistance in a case in which the head of the displacing agency determines that the displacement is permanent.

(3) As a direct result of a written notice of intent to acquire by condemnation, the initiation of negotiations for, or the acquisition of, the real property in whole or in part by the state of Iowa or by an entity or person conferred the right to condemn private property.

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b. For purposes of section 316.4, subsections 1 and 2, and section 316.7, a person who moves from real property, or moves the person's personal property from real property in any of the following circumstances:

(1) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, other real property in whole or in part if the person conducts a business or farm operation on the other real property for a program or project undertaken with federal financial assistance.

(2) As a direct result of rehabilitation or demolition of other real property on which the person conducts a business or a farm operation for a program or project undertaken with federal financial assistance in a case in which the head of the displacing agency determines that the displacement is permanent.

(3) As a direct result of a written notice of intent to acquire by condemnation, the initiation of negotiations for, or the acquisition of, other real property in whole or in part by the state of Iowa or by an entity or person conferred the right to condemn private property if the person conducts a business or farm operation on the other real property.

c. The term *"displaced person"* does not include any of the following:

(1) A person who has been determined to be either in unlawful occupancy of the real property or who has occupied the real property for the purpose of obtaining assistance under this chapter.

(2) A person, other than the person who was the occupant of the real property at the time it was acquired, who occupies the real property on a rental basis for a short term or a period subject to termination when the real property is needed for the program or project.

(3) An owner-occupant who voluntarily sells the owner-occupant's property, after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached the state agency will not acquire the property.

(4) A person who retains the right of use and occupancy of the real property for life following its acquisition by a state agency.

6. *"Displacing agency"* means the state or a state agency carrying out a program or project, or any person carrying out a program or project with federal financial assistance, which causes a person to be a displaced person.

7. *"Farm operation"* means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

8. *"Federal financial assistance"* means a grant, loan, or contribution provided by the United States; however, *"federal financial assistance"* does not include any federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

9. *"Federal Uniform Relocation Act"* means the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, as amended by the Uniform Relocation Act Amendments of 1987, Tit. IV, Pub. L. No. 100-17.

10. *"Mortgage"* means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of this state, together with the credit instruments, if any, secured thereby.

11. *"Person"* means any individual, partnership, corporation, or association.

12. *"State agency"* means any of the following:

a. A department, agency, or instrumentality of the state or of a political subdivision of the state.

b. A department, agency, or instrumentality of two or more political subdivisions of the state, or states.

c. A person who has the authority to acquire property by eminent domain under state law.

[C71, 73, 75, 77, 79, 81, §316.1]

89 Acts, ch 20, §1 – 5; 99 Acts, ch 171, §32, 42

Referred to in §6B.42, 316.4

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316.2 Effect on acquisitions and condemnations.

1. The provisions of this chapter shall not affect the validity of any property acquisitions by purchase or condemnation.

2. Nothing in this chapter shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to the date of this chapter.

3. *a.* A payment made or to be made under the authority granted in this chapter shall be for compensating or reimbursing the displaced person or owner of real property in accordance with the requirements of the federal Uniform Relocation Act and this chapter and the payments shall not for any purpose be deemed or considered compensation for real property acquired or compensation for damages to remaining property.

b. Payments authorized to be made by the federal Uniform Relocation Act and this chapter shall be made as relocation payments, and in order to prevent unjust enrichment or a duplication of payments to any condemnee in any condemnation proceeding or appeal from any condemnation proceeding, an allowance shall not be made in determining just compensation in a condemnation proceeding for any damages, for any item of damage, or any cost, which is authorized to be paid as a relocation payment.

c. Moving cost payments and allowances for personal property which is damaged or destroyed or reduced in value by an acquisition of property authorized under section 6B.14 or any other provision of the Code under the powers of eminent domain on projects where relocation assistance payments are paid under this chapter shall be those payments and allowances authorized by this chapter and shall not be made or included as part of an award of damages in any condemnation proceeding or appeal from any condemnation proceeding.

[C71, §316.8; C73, 75, 77, 79, 81, §316.2]

89 Acts, ch 20, §6; 2010 Acts, ch 1061, §180

316.3 Declaration of policy — authorization — divisibility of application.

1. The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of federally assisted programs or projects in order that the persons shall not suffer disproportionate injuries as a result of programs or projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on the persons. The general assembly declares that relocation assistance for persons displaced by programs and projects is a necessary and essential part of the programs and projects. This chapter shall be known and may be cited as the *"Relocation Assistance Law."*

2. If a displacing agency subject to the provisions of the federal Uniform Relocation Act, or if another entity required or electing to provide any of the programs or payments authorized by this chapter, undertakes a project which results in the acquisition of real property or in a person being displaced from the person's home, business, or farm, the displacing agency or other entity may provide relocation assistance, and make relocation payments to the displaced person and do the other acts and follow the procedures and practices as may be necessary to comply with the provisions of the federal Uniform Relocation Act and this chapter. Displacing agencies may provide all or a part of the program and payments authorized under this chapter to persons displaced by any program or project regardless of the funding source. However, to the extent a program or a payment is provided, the program or payment shall be provided on a uniform basis to all displaced persons.

3. If a provision, clause, or phrase of this chapter, or application of this chapter to a person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall not invalidate the remainder of the chapter, and the application of the chapter to other persons or circumstances shall not be affected by the adjudication.

[C73, 75, 77, 79, 81, §316.3]

89 Acts, ch 20, §7

316.4 Moving and related expenses.

1. If a program or project undertaken by a displacing agency will result in the displacement of a person, the displacing agency shall make a payment to the displaced

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person, upon proper application as approved by the displacing agency, for actual reasonable and necessary expenses incurred in moving the person, the person's family, business, farm operation, or other personal property subject to rules and limits established by the department. The payment may also provide for actual direct losses of tangible personal property, purchase of substitute personal property, business reestablishment expenses, storage expenses, and expenses incurred in searching for a replacement business or farm.

2. A displaced person eligible for payments under subsection 1, who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection 1, may receive a moving expense and dislocation allowance determined according to a schedule established by the department.

3. A displaced person, as defined in section 316.1, subsection 2, paragraph "*a*", eligible for payments under subsection 1, who is displaced from the person's place of business or farm operation and who is eligible, may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection 1. The payment shall consist of a fixed payment in an amount to be determined according to criteria established by the department. A person whose sole business at the displaced dwelling is the rental of the real property does not qualify for a payment under this subsection.

[C71, §316.3; C73, 75, 77, 79, 81, §316.4]
89 Acts, ch 20, §8
Referred to in §316.1

316.5 Replacement housing for homeowner.

1. In addition to payments otherwise authorized by this chapter, the displacing agency shall make an additional payment to a displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred eighty days immediately prior to the initiation of negotiations for the acquisition of the property. All determinations to carry out this section shall be made in accordance with administrative rules adopted by the department. The additional payment shall include the following elements:

a. The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.

b. The amount, if any, which will compensate the displaced person for any increased interest costs and other debt service costs which the displaced person is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of the dwelling.

c. Actual, reasonable, and necessary expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of a replacement dwelling, but not including prepaid expenses.

2. The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which the person receives final payment from the displacing agency of all costs of the acquired dwelling, or on the date on which the obligation of the displacing agency under section 316.8 is met, whichever is the later, except that the displacing agency may extend the eligibility period for good cause. If the period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of the applicable date.

[C71, §316.4(1), 316.5; C73, 75, 77, 79, 81, §316.5]
89 Acts, ch 20, §9
Referred to in §316.6, 316.8

316.6 Replacement housing for tenants and certain others.

In addition to amounts otherwise authorized by this chapter, the displacing agency shall make a payment to or for a displaced person, displaced from a dwelling, not eligible to receive a payment under section 316.5, which dwelling was actually and lawfully occupied by the displaced person for not less than ninety days immediately prior to the initiation

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of negotiations for acquisition of the dwelling, or as a result of the written order of the displacing agency to vacate the real property. All determinations to carry out this section shall be made in accordance with administrative rules adopted by the department. The displaced person may elect either of the following:

1. The amount necessary to enable the displaced person to lease or rent a comparable replacement dwelling. At the discretion of the displacing agency, a payment under this subsection may be made in periodic installments. Computations of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account the person's income.

2. The amount necessary to enable the person to make a down payment, including incidental expenses described in section 316.5, subsection 1, paragraph "c", on the purchase of a decent, safe, and sanitary dwelling. The person may, at the discretion of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection 1, except that, in the case of a displaced homeowner who has owned and occupied the displaced dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of the dwelling, the payment shall not exceed the payment the person would otherwise have received under section 316.5, subsection 1, had the person owned and occupied the displaced dwelling for one hundred and eighty days immediately prior to the initiation of the negotiations.

[C71, §316.4(2), 316.5; C73, 75, 77, 79, 81, §316.6]
89 Acts, ch 20, §10
Referred to in §316.8

316.7 Relocation assistance advisory services.

1. A displacing agency shall ensure that relocation assistance advisory services are made available to all persons displaced by the displacing agency. If the displacing agency determines that a person occupying property adjacent to the real property where the displacing activity occurs, is caused substantial economic injury as a result of the displacing activity, the displacing agency may offer the person relocation assistance advisory services.

2. The displacing agency shall cooperate to the maximum extent feasible with federal, state, or local agencies to ensure that the displaced persons receive the maximum assistance available to them.

3. Each relocation assistance advisory program required by subsection 1 shall include such measures, facilities, or services as may be necessary or appropriate in order to comply with the provisions of the federal Uniform Relocation Act and this chapter.

4. The displacing agency shall provide other advisory services to displaced persons in order to minimize hardships to the displaced persons in adjusting to relocation.

5. The displacing agency shall coordinate relocation activities with project work, and other planned or proposed governmental actions or displacing activities in the community or nearby areas which may affect the carrying out of relocation assistance programs.

[C71, §316.2; C73, 75, 77, 79, 81, §316.7]
89 Acts, ch 20, §11
Referred to in §316.1

316.8 Housing replacement by the displacing agency.

1. If a project cannot proceed on a timely basis because comparable replacement dwellings are not available, and the displacing agency determines that such dwellings cannot otherwise be made available, the displacing agency may take such action as is necessary or appropriate to provide the dwellings by use of funds authorized for the program or project. The displacing agency may let contracts for the construction of the dwellings, approve plans and specifications for the building of the dwellings, and supervise, inspect, and approve the dwellings once constructed in order that the dwellings so constructed comply with the terms and conditions of this chapter. The displacing agency may under this section exceed the maximum amounts which may be paid under sections 316.5 and 316.6 on a case-by-case basis for good cause as determined in accordance with administrative rules adopted by the department.

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2. A person shall not be required to move from the person's dwelling on or after July 1, 1971, on account of any program or project, unless the displacing agency is satisfied that a comparable replacement dwelling is available to the person.

[C73, 75, 77, 79, 81, §316.8]

89 Acts, ch 20, §12

Referred to in §316.5

316.9 Rules.

1. The department shall adopt administrative rules pursuant to chapter 17A as necessary to effect the provisions of this chapter and to assure:

a. Compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, as amended by the Uniform Relocation Act Amendments of 1987, Tit. IV, Pub. L. No. 100-17.

b. The payments authorized by this chapter are fair and reasonable and as uniform as practicable.

c. A displaced person who makes proper application for a payment authorized by this chapter is paid promptly after a move or, in hardship cases, is paid in advance.

2. A person aggrieved by a determination as to eligibility for assistance or a payment authorized by this chapter, or the amount of a payment, upon application may have the matter reviewed.

3. Rules governing reviews shall provide for a prompt one-step uncomplicated fact-finding process. Such a review is an appeal of an agency action as defined in section 17A.2, subsection 2, and is not a contested case. The decision rendered shall be the displacing agency's final agency action.

[C71, 73, 75, 77, 79, 81, §316.9]

88 Acts, ch 1209, §1; 89 Acts, ch 20, §13; 2010 Acts, ch 1069, §85

Referred to in §6B.54

316.10 and 316.11 Reserved.

316.12 Payments to displaced persons not to be considered as income.

Except for any federal or state law providing low-income housing assistance, a payment received by a displaced person under this chapter shall not be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any federal or state law or for the purposes of chapter 422.

[C73, 75, 77, 79, 81, §316.12]

89 Acts, ch 20, §14

316.13 Administration.

In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the displacing agency may enter into contracts with any individual, firm, association, or corporation for services in connection with the programs, or may carry out its functions through any governmental agency, political subdivision, or instrumentality having an established organization for conducting relocation assistance programs. If practicable, the services of state or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities shall be used.

[C73, 75, 77, 79, 81, §316.13]

89 Acts, ch 20, §15

316.14 Funding.

1. Funds appropriated or otherwise available to any state agency for a program or project shall also be available to carry out the provisions of this chapter.

2. Payments and expenditures under this chapter for highway projects are incident to and arise out of the construction, maintenance, and supervision of public highways and streets, and, in the case of any federal-aid highway project, may be made by the department from the primary road fund and funds made available by the federal government for the purpose of

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carrying out this chapter. Payments made under this chapter may be made from the primary road fund in case of a primary road project only, and in other cases may be made from appropriate funds under the control of a political subdivision.

[C71, §316.6; C73, 75, 77, 79, 81, §316.14]

83 Acts, ch 123, §118, 209; 89 Acts, ch 20, §16; 2021 Acts, ch 76, §150

Referred to in §331.429

316.15 Federal grants — payment of right-of-way and relocation assistance benefits.

The department may do all things necessary to carry out the provisions of this chapter and to secure federal grants to make the payments required by this chapter, but the absence of federal aid to make such payments shall not discharge the obligation to make the payments. The department is authorized to pay all right-of-way and relocation assistance benefits in the full amount authorized by federal standards and rules. In order to avoid delays, payment for such benefits made in cooperation with the federal government may be advanced from the primary road fund.

[C71, §316.7; C73, 75, 77, 79, 81, §316.15]

87 Acts, ch 232, §23

CHAPTER 317

WEEDS

Referred to in §307.24, 311.32, 327F.13, 327F.27, 327G.81, 331.362, 331.428

For provisions relating to roadside weed control and integrated roadside vegetation management, see chapter 314

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317.12	Weeds on railroad or public lands and gravel pits.	317.26	Alternative remediation practices.

317.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. *"Commissioner"* means the county weed commissioner or the commissioner's deputy within each county.

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3. *"Department"* means the department of agriculture and land stewardship.

2000 Acts, ch 1148, §1; 2010 Acts, ch 1069, §86; 2010 Acts, ch 1193, §49; 2018 Acts, ch 1047, §1

317.1A Noxious weeds.

1. The following weeds are hereby declared to be noxious and shall be divided into two classes, as follows:

a. Primary noxious weeds, which shall include:

(1) Quack grass (Elymus repens).
(2) Perennial sow thistle (Sonchus arvensis).
(3) Canada thistle (Cirsium arvense).
(4) Bull thistle (Cirsium vulgare).
(5) European morning glory or field bindweed (Convolvulus arvensis).
(6) Horse nettle (Solanum carolinense).
(7) Leafy spurge (Euphorbia esula).
(8) Perennial pepper-grass (Cardaria draba).
(9) Russian knapweed (Acroptilon repens).
(10) Buckthorn (Rhamnus spp., not to include Frangula alnus, syn. Rhamnus frangula).
(11) All other species of thistles belonging in the genera of Cirsium and Carduus.
(12) Palmer amaranth (Amaranthus palmeri).
(13) Japanese knotweed (Fallopia japonica).

b. Secondary noxious weeds, which shall include:

(1) Butterprint (Abutilon theophrasti) annual.
(2) Cocklebur (Xanthium strumarium) annual.
(3) Wild mustard (Sinapis arvensis) annual.
(4) Wild carrot (Daucus carota) biennial.
(5) Buckhorn (Plantago lanceolata) perennial.
(6) Sheep sorrel (Rumex acetosella) perennial.
(7) Sour dock (Rumex crispus) perennial.
(8) Smooth dock (Rumex altissimus) perennial.
(9) Poison hemlock (Conium maculatum).
(10) Multiflora rose (Rosa multiflora).
(11) Wild sunflower (wild strain of Helianthus annuus L.) annual.
(12) Puncture vine (Tribulus terrestris) annual.
(13) Teasel (Dipsacus spp.) biennial.
(14) Shattercane (Sorghum bicolor) annual.

2. *a.* The multiflora rose (Rosa multiflora) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

b. Shattercane (Sorghum bicolor) shall not be considered a secondary noxious weed when cultivated or in any county whose board of supervisors has by resolution declared it not to be a noxious weed.

3. A plant is also declared to be a noxious weed as provided in rules adopted by the department pursuant to chapter 17A. The department's determination shall be based on a finding that the plant is competitive, persistent, or pernicious, and may directly or indirectly injure or cause damage to crops, other useful plants, livestock, or poultry; irrigation, land, public roads, fish or wildlife resources; or the public health.

[S13, §1565-b; C24, 27, 31, 35, §4818; C39, §**4829.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.1]

85 Acts, ch 171, §1; 2000 Acts, ch 1154, §20

C2001, §317.1A

2010 Acts, ch 1061, §108; 2011 Acts, ch 34, §79; 2017 Acts, ch 101, §2; 2018 Acts, ch 1047, §2; 2026 Acts, ch 1200, §42

Referred to in §317.1C, 716.14
Noxious weed seed defined, see §199.1
Subsection 1, paragraph a, NEW subparagraph (13)

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317.1B State weed commissioner.

The secretary of agriculture may appoint a state weed commissioner to aid in the administration of this chapter and carry out other duties as assigned by the secretary of agriculture relating to the control or eradication of weeds.

2018 Acts, ch 1047, §3

317.1C Department — powers and duties.

1. The department shall assist commissioners, boards of supervisors, and cities in the interpretation of this chapter and the administration and enforcement of this chapter.

2. *a.* The department may adopt administrative rules, pursuant to chapter 17A, providing a list of plants that it determines is noxious in the manner provided in section 317.1A.

b. The department may establish priorities from the list of noxious weeds described in section 317.1A for control or eradication. The priorities may be published annually and made available to the state department of transportation, counties, commissioners, and to the public on the internet site controlled by the department of agriculture and land stewardship. The state department of transportation, boards of supervisors, and weed commissioners shall consider the priorities when establishing programs of weed control or eradication pursuant to section 317.13.

3. The department may adopt rules, pursuant to chapter 17A, providing a list of recommended methods for control or eradication of noxious weeds.

2018 Acts, ch 1047, §4

317.1D Exemption — Iowa hemp Act.

This chapter does not apply to a plant or any part of the plant qualifying as hemp, if the hemp is produced on the USDA licensee's lot in accordance with the federal hemp law, as those terms are defined in chapter 204A.

2019 Acts, ch 130, §30, 33; 2024 Acts, ch 1177, §51, 55

317.2 State botanist. Repealed by 2018 Acts, ch 1047, §9.

317.3 Weed commissioner — standards for noxious weed control.

1. The board of supervisors of each county may annually appoint a county weed commissioner who may be a person otherwise employed by the county and who passes minimum standards established by the department of agriculture and land stewardship for noxious weed identification and the recognized methods for noxious weed control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term at the discretion of the board of supervisors unless the commissioner is removed from office as provided for by law. The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment.

2. The board of supervisors shall fix the compensation of the county weed commissioner and deputies. Compensation shall be for the period of actual work only, although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day, or month and the rate of pay for the employment time. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses.

3. At the discretion of the board of supervisors, the weed commissioner shall attend a seminar or school conducted or approved by the department of agriculture and land stewardship relating to the identification, control, and elimination of noxious weeds. The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship.

4. The board of supervisors shall prescribe the time of year the weed commissioner shall

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perform the powers and duties of county weed commissioner under this chapter which may be during that time of year when noxious weeds can effectively be killed.

[S13, §1565-c, -d, -f; C24, 27, §4817; C31, 35, §4817, 4817-d1; C39, §**4829.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.3]

83 Acts, ch 123, §119, 209; 85 Acts, ch 160, §1; 94 Acts, ch 1173, §14; 2018 Acts, ch 1041, §80

Referred to in §331.321

317.4 Direction and control.

Each commissioner, subject to direction and control by the county board of supervisors, shall supervise the control and destruction of all noxious weeds in the county, including those growing within the limits of cities, within the confines of abandoned cemeteries, and along streets and highways unless otherwise provided. A commissioner shall notify the department of public safety of the location of marijuana plants found growing on public or private property. A commissioner may enter upon any land in the county at any time for the performance of the commissioner's duties, and shall hire the labor and equipment necessary subject to the approval of the board of supervisors.

[S13, §1565-c, -d, -f; C24, 27, 31, 35, §4817; C39, §**4829.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §317.4; 81 Acts, ch 117, §1047]

83 Acts, ch 123, §120, 209; 90 Acts, ch 1179, §2; 2010 Acts, ch 1069, §87

317.5 Weeds in abandoned cemeteries. Repealed by 2018 Acts, ch 1047, §9.

317.6 Entering land to destroy weeds — notice.

1. If there is a substantial failure by the owner or person in possession or control of any land to comply with any order of destruction pursuant to the provisions of this chapter, the county weed commissioner, including the weed commissioner's deputies, or employees acting under the weed commissioner's direction may enter upon any land within the commissioner's county for the purpose of destroying noxious weeds.

2. The entry may be made without the consent of the landowner or person in possession or control of the land. However, the actual work of destruction shall not be commenced until five days after the landowner and the person in possession or control of the land have been notified.

3. The notice shall state the facts relating to failure of compliance with the county program of weed destruction order or orders made by the board of supervisors. The notice shall be delivered by personal service on the owner and persons in possession and control of the land. The personal service may be served by the weed commissioner or any person designated in writing by the weed commissioner. However, in lieu of personal service, the weed commissioner may provide that the notice be delivered by certified mail. A copy of the notice shall be filed in the office of the county auditor. The last known address of the owner or person in possession or control of the land may be ascertained, if necessary, from the last tax list in the county treasurer's office. Where any person owning land within the county has filed a written instrument in the office of the county auditor designating the name and address of its agent, the notice may be delivered to that agent. In computing time for notice, it shall be from the date of service as evidenced on the return of service. If delivery is made by certified mail, it shall be from the date of mailing.

[S13, §1565-c, -d, -f; C24, §4817; C27, 31, 35, §4817, 4823-b1; C39, §**4829.05, 4829.06;** C46, §317.5, 317.6; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.6]

2005 Acts, ch 39, §1; 2010 Acts, ch 1061, §109

Referred to in §317.16

317.7 Report to board.

Each weed commissioner shall for the territory under the commissioner's jurisdiction on or before the first day of November of each year make a written report to the board of supervisors. Said report shall state:

1. The name and location of all primary noxious weeds, and any new weed which appears to be a serious pest.

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2. A detailed statement of the treatment used, and future plans, for eradication of weeds on each infested tract on which the commissioner has attempted to exterminate weeds, together with the costs and results obtained.

3. A summary of the weed situation within the jurisdiction, together with suggestions and recommendations which may be proper and useful, a copy of which shall be forwarded to the state secretary of agriculture.

[S13, §1565-c, -d, -f; C24, 27, 31, 35, §4817; C39, §**4829.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.7]

317.8 Duty of secretary of agriculture or secretary's designee. Repealed by 2018 Acts, ch 1047, §9. See §317.1B.

317.9 Duty of board to enforce.

Unless otherwise provided, responsibility for the enforcement of the provisions of this chapter shall be vested in the board of supervisors as to all of the following:

1. Farm lands.
2. Railroad lands.
3. Abandoned cemeteries.
4. State lands and state parks.
5. Primary and secondary roads.
6. Roads, streets, and other lands within cities.

[S13, §1565-c, -d, -f; C24, 27, 31, 35, §4817; C39, §**4829.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.9]

2019 Acts, ch 59, §89

317.10 Duty of owner or tenant.

Each owner and each person in the possession or control of any lands shall cut, burn, or otherwise destroy, in whatever manner may be prescribed by the board of supervisors, all noxious weeds thereon as defined in this chapter at such times in each year and in such manner as shall be prescribed in the program of weed destruction order or orders made by the board of supervisors, and shall keep said lands free from such growth of any other weeds, as shall render the streets or highways adjoining said land unsafe for public travel.

[SS15, §1565-a; C24, 27, 31, 35, §4819; C39, §**4829.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.10]

317.11 Weeds on roads — harvesting of grass.

1. The county boards of supervisors and the state department of transportation shall control or eradicate noxious weeds growing on the roads under their jurisdiction.

2. Nothing under this chapter shall prevent the landowner from harvesting, in proper season on or after July 15, the grass grown on the road along the landowner's land except for vegetation maintained for highway purposes as part of an integrated roadside vegetation management plan which is consistent with the objectives in section 314.22.

[S13, §1565-c, -d, -f; SS15, §1565-a; C24, 27, 31, 35, §4817, 4819; C39, §**4829.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.11]

89 Acts, ch 246, §8; 2010 Acts, ch 1164, §2; 2018 Acts, ch 1047, §5

317.12 Weeds on railroad or public lands and gravel pits.

All noxious weeds on railroad lands, public lands and within incorporated cities shall be treated in such manner, approved by the board of supervisors, as shall prevent seed production and either destroy or prevent the spread of noxious weeds to adjoining lands. Gravel pits infested with noxious weeds shall not be used as sources of gravel for public highways without previous treatment approved by board of supervisors.

[S13, §1565-c, -d, -f; SS15, §1565-a; C24, 27, 31, 35, §4817, 4819; C39, §**4829.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.12]

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317.13 Program of control or eradication.

1. The board of supervisors of each county may each year, upon recommendation of the county weed commissioner by resolution prescribe and order a program of weed control or eradication for purposes of complying with all sections of this chapter. The county board of supervisors of each county may also adopt an integrated roadside vegetation management plan as part of a program of weed control or eradication for purposes of complying with all sections of this chapter.

2. The program of weed control or eradication shall include issuing permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This subsection applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan.

[S13, §1565-c, -d; C24, 27, 31, 35, §4821; C39, §**4829.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.13]

85 Acts, ch 171, §3; 89 Acts, ch 246, §9; 90 Acts, ch 1267, §36; 2018 Acts, ch 1041, §81; 2018 Acts, ch 1047, §6

Referred to in §317.1C, 317.14, 317.14A, 317.19

317.14 Notice of program.

1. Notice of any order made pursuant to section 317.13 shall be given by one publication in the official newspapers of the county and shall be directed to all property owners.

2. The notice shall state:

a. The time for destruction.

b. The manner of destruction, if other than cutting above the surface of the ground.

c. That, unless the order is complied with, the weed commissioner shall cause the weeds to be destroyed and the cost of destroying the weeds will be taxed against the real estate on which the noxious weeds are destroyed.

[S13, §1565-c, -d; C24, 27, 31, 35, §4822; C39, §**4829.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.14]

2010 Acts, ch 1061, §110

317.14A Special requirements for the control or elimination of Palmer amaranth on conservation reserve program land.

The program for weed control established pursuant to section 317.13, and any order issued under that program, shall not apply to the control or elimination of Palmer amaranth (Amaranthus palmeri) on land enrolled in the conservation reserve program as described in 7 C.F.R. pt. 1410, unless the control or elimination measures comply with the conservation reserve program requirements for that land including contract requirements. The board of supervisors in adopting the program for weed control, or the commissioner in administering the program, shall seek cooperation with the United States department of agriculture, which may include the department's farm service agency office for that county, the farm service agency's state office, or any other office or official designated by the department.

2017 Acts, ch 101, §3

317.15 Loss or damage to crops.

The loss or damage to crops or property incurred by reason of such destruction shall be borne by the titleholder of said real estate, unless said real estate shall be sold under contract whereby possession has been delivered to the purchaser, in which event such purchaser shall bear such loss or damage, excepting where a contract has been entered into providing a different adjustment for such loss or damage.

[S13, §1565-c, -d; C24, 27, 31, 35, §4822; C39, §**4829.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.15]

317.16 Failure to comply.

1. In case of a substantial failure to comply by the date prescribed in any order of

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destruction of weeds made pursuant to this chapter, the weed commissioner may do any of the following:

a. Enter upon the land as provided in section 317.6 and provide for the destruction of the weeds as provided in section 317.6.

b. Impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the owner or person in possession or control of the land fails to comply. If a penalty is imposed and the owner or person in possession or control of the land fails to comply, the weed commissioner shall cause the weeds to be destroyed.

2. If the weed commissioner enters the land and causes the weeds to be destroyed, the actual cost and expense of cutting, burning, or otherwise destroying the weeds, along with the cost of providing notice and special meetings or proceedings, if any, shall be paid by the county and, together with the additional assessment to apply toward costs of supervision and administration, be recovered by an assessment against the tract of real estate on which the weeds were growing, as provided in section 317.21. Any fine imposed under this section shall be recovered by a similar assessment.

[S13, §1565-c, -d; C24, 27, 31, 35, §4823; C39, §**4829.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.16]

83 Acts, ch 123, §121, 209; 85 Acts, ch 171, §4; 2005 Acts, ch 39, §2

Referred to in §317.21

317.17 Additional noxious weeds. Repealed by 2018 Acts, ch 1047, §9.

317.18 Order for weed control or eradication on roads.

A county board of supervisors and the state department of transportation shall control or eradicate noxious weeds growing on the roads under their jurisdiction. A board of supervisors may order all noxious weeds, within the right-of-way of all roads under county jurisdiction be controlled or eradicated, either upon its own motion or upon receipt of written notice requesting the action from any residents of the township in which the roads are located, or any person regularly using the roads. The order shall be consistent with the county integrated roadside vegetation management plan, if the county has adopted such a plan. The order shall define the roads along which noxious weeds are required to be controlled or eradicated and shall require the weeds to be controlled or eradicated within fifteen days after the publication of the order in the official newspapers of the county or as prescribed in the county's integrated roadside vegetation management plan.

[C39, §**4829.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.18]

83 Acts, ch 123, §122, 209; 85 Acts, ch 171, §5; 89 Acts, ch 246, §10; 98 Acts, ch 1075, §14; 2018 Acts, ch 1047, §7

317.19 Road clearing appropriation.

1. The board of supervisors may appropriate moneys to be used for the purposes of controlling or eradicating weeds or brush within the right-of-way of roads under county jurisdiction in a manner consistent with the county's program of weed control or eradication pursuant to section 317.13, except as provided in section 314.17.

2. The board of supervisors may purchase or hire necessary equipment or contract with the adjoining landowner to carry out this section.

83 Acts, ch 123, §123, 209; 84 Acts, ch 1219, §20; 85 Acts, ch 171, §6; 89 Acts, ch 246, §11; 98 Acts, ch 1075, §15; 2010 Acts, ch 1164, §3; 2018 Acts, ch 1047, §8

317.20 Equipment and materials — use on private property.

The board of supervisors may appropriate moneys for the purpose of purchasing weed eradicating equipment and materials to carry out the duties of the commissioner for use on all lands in the county, public or private, and for the payment of the necessary expenses and compensation of the commissioner, and the commissioner's deputies, if any. When equipment or materials so purchased are used on private property within the corporate limits of cities by the commissioner, the cost of materials used and an amount to be fixed by the board of supervisors for the use of the equipment shall be returned by the county treasurer

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upon the collection of the special assessment taxed against the property. In the certification to the county treasurer by the county auditor this apportionment shall be designated along with the special tax assessed under section 317.21. The equipment and its use are subject to the authorization and direction of the county board of supervisors.

83 Acts, ch 123, §124, 209
Referred to in §331.559

317.21 Cost of weed destruction.

When the commissioner destroys any weeds under the authority of section 317.16, after failure of the landowner responsible to destroy such weeds pursuant to the order of the board of supervisors, the cost of the destruction shall be assessed against the land and collected from the landowner responsible in the following manner:

1. Annually, after the weed commissioner has completed the program of destruction of weeds by reason of noncompliance by persons responsible for the destruction, the board of supervisors shall determine as to each tract of real estate the actual cost of labor and materials used by the commissioner in cutting, burning, or otherwise destroying the weeds, the cost of serving notice, and of special meetings or proceedings, if any. To the total of all sums expended, the board shall add an amount equal to twenty-five percent of that total to compensate for the cost of supervision and administration and assess the resulting sum against the tract of real estate by a special tax, which shall be certified to the county auditor and county treasurer by the clerk of the board of supervisors, and shall be placed upon the tax books, and collected, with interest after delinquent, in the same manner as other unpaid taxes. The tax shall be due on March 1 after assessment, and shall be delinquent from April 1 after due. However, when the last day of March is a Saturday or Sunday, such amount shall be delinquent from the second business day of April. When collected, the moneys shall be paid into the fund from which the costs were originally paid.

2. Before making any such assessment, the board of supervisors shall prepare a plat or schedule showing the several lots, tracts of land or parcels of ground to be assessed which shall be in accord with the assessor's records and the amount proposed to be assessed against each of the same for destroying or controlling weeds during the fiscal year.

3. Such board shall thereupon fix a time for the hearing on such proposed assessments, which time shall not be later than December 15 of the year, and at least twenty days prior to the time thus fixed for such hearing shall give notice thereof to all concerned that such plat or schedule is on file, and that the amounts as shown therein will be assessed against the several lots, tracts of land or parcels of ground described in said plat or schedule at the time fixed for such hearing, unless objection is made thereto. Notice of such hearing shall be given by one publication in official county newspapers in the county in which the property to be assessed is situated; or by posting a copy of such notice on the premises affected and by mailing a copy by certified mail to the last known address of the person owning or controlling said premises. At such time and place the owner of said premises or anyone liable to pay such assessment, may appear with the same rights given by law before boards of review, in reference to assessments for general taxation.

[S13, §1565-c, -d; C24, 27, §4824, 4825; C31, 35, §4824, 4825, 4825-c1, -c2; C39, §**4829.19;** C46, §317.20; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.21]

85 Acts, ch 171, §7; 92 Acts, ch 1016, §4; 98 Acts, ch 1107, §7; 2005 Acts, ch 34, §2, 26
Referred to in §317.16, 317.20, 331.502, 331.559

317.22 Duty of highway maintenance personnel.

All officers directly responsible for the care of public highways shall make a complaint to the weed commissioners or board of supervisors, if it appears that the provisions of this chapter may not be complied with in time to prevent the blooming and maturity of noxious weeds or the unlawful growth of weeds or marijuana, whether in the streets or highways for which they are responsible or upon lands adjacent to the same.

[S13, §1565-c, -e; C24, 27, 31, 35, §4826; C39, §**4829.20;** C46, §317.21; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.22]

90 Acts, ch 1179, §3

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317.23 Duty of county attorney.

It shall be the duty of the county attorney upon complaint of any citizen that any officer charged with the enforcement of the provisions of this chapter has neglected or failed to perform the officer's duty, to enforce the performance of such duty.

[C24, 27, 31, 35, §4828; C39, §**4829.21;** C46, §317.22; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.23]

Referred to in §331.756(47)

317.24 Punishment of officer.

Any officer referred to in this chapter who neglects or fails to perform the duties incumbent upon the officer under the provisions of this chapter shall be guilty of a simple misdemeanor.

[S13, §1565-i; C24, 27, 31, 35, §4829; C39, §**4829.22;** C46, §317.23; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.24]

317.25 Invasive plants prohibited — exception — penalty.

1. *a.* A person shall not import, sell, offer for sale, or distribute in this state in any form, including the seeds, any of the following plants:

(1) Teasel (Dipsacus) biennial.
(2) Multiflora rose (Rosa multiflora).
(3) Purple loosestrife (Lythrum salicaria).
(4) Purple loosestrife (Lythrum virgatum).
(5) Garlic mustard (Alliaria petiolata).
(6) Oriental bittersweet (Celastrus orbiculatus).
(7) Japanese knotweed (Fallopia japonica).
(8) Japanese hop (Humulus japonicus).
(9) Palmer amaranth (Amaranthus palmeri).

b. However, paragraph *"a"* does not prohibit the sale, offer for sale, or distribution of the multiflora rose (Rosa multiflora) used for understock for either cultivated roses or ornamental shrubs in gardens.

2. Any person violating subsection 1 commits a public offense and is subject to a fine not to exceed one hundred dollars.

[C75, 77, 79, 81, §317.25]

89 Acts, ch 193, §1; 90 Acts, ch 1111, §1; 91 Acts, ch 5, §1; 91 Acts, ch 258, §46; 2001 Acts, ch 91, §1; 2002 Acts, ch 1050, §31; 2013 Acts, ch 74, §1; 2014 Acts, ch 1092, §72; 2017 Acts, ch 29, §90; 2017 Acts, ch 101, §4

317.26 Alternative remediation practices.

The director of the department of natural resources, in cooperation with the secretary of agriculture and county conservation boards or the board of supervisors, shall develop and implement projects which utilize alternative practices in the remediation of noxious weeds and other vegetation within highway rights-of-way.

87 Acts, ch 225, §231

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CHAPTER 318

OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY

Referred to in §306C.13, 307.24, 311.32, 314.30, 331.362

318.1	Definitions.	318.7	Injunction to restrain obstructions.
318.2	Purpose.	318.8	Permit required.
318.3	Obstructions in highway right-of-way.	318.9	Utility structures.
318.4	Duty of highway authorities.	318.10	Fences.
318.5	Removal and cost.	318.11	Billboards and signs.
318.6	Public nuisance.	318.12	Enforcement.

318.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the state department of transportation.

2. *"Highway authority"* means the county board of supervisors, in the case of secondary roads, and the department, in the case of primary roads.

3. *"Highway right-of-way"* means the total area of land, whether reserved by public ownership or easement, that is reserved for the operation and maintenance of a legally established public roadway. This area shall be deemed to consist of two portions, a central traveled way including the shoulders and that remainder on both sides of the road, between the outside shoulder edges and the outer boundaries of the right-of-way.

4. *"Obstruction"* means an obstacle in the highway right-of-way, or an impediment or hindrance which impedes, opposes, or interferes with free passage along the highway right-of-way, not including utility structures installed in accordance with an approved permit.

5. *"Officer"* means any department employee, county employee, or elected county official.

6. *"Traveled portion of the right-of-way"* means that area of the highway right-of-way, not including the shoulders, on which vehicles normally travel.

7. *"Utility"* means all private, public, municipal, or cooperative owned systems for water, sewer, natural gas, electric, telegraph, telephone, transit, pipeline, heating plants, railroads, bridges, street lights, or traffic control signals.

8. *"Utility structures"* means the aboveground devices, required by a utility, including poles, lines, and wires, used for telephone, electric, natural gas, and other distribution or transmission purposes, and natural gas and electrical substations.

2006 Acts, ch 1097, §1

318.2 Purpose.

The purpose of this chapter is to enhance public safety for those traveling the public roads and allow economical maintenance of highway rights-of-way.

2006 Acts, ch 1097, §2

318.3 Obstructions in highway right-of-way.

A person shall not place, or cause to be placed, an obstruction within any highway right-of-way. This prohibition includes, but is not limited to, the following actions:

1. The excavation, filling, or making of any physical changes to any part of the highway right-of-way, except as provided under section 318.8.

2. The cultivation or growing of crops within the highway right-of-way.

3. The destruction of plants placed within the highway right-of-way.

4. The placing of fences or ditches within the highway right-of-way.

5. The alteration of ditches, water breaks, or drainage tiles within the highway right-of-way.

6. The placement of trash, litter, debris, waste material, manure, rocks, crops or crop residue, brush, vehicles, machinery, or other items within the highway right-of-way.

7. The placement of billboards, signs, or advertising devices within the highway right-of-way.

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8. The placement of any red reflector, or any object or other device which shall cause the effect of a red reflector on the highway right-of-way which is visible to passing motorists.

2006 Acts, ch 1097, §3
Referred to in §318.6, 318.8

318.4 Duty of highway authorities.

The highway authority shall cause all obstructions in a highway right-of-way under its jurisdiction to be removed.

2006 Acts, ch 1097, §4

318.5 Removal and cost.

1. An obstruction in a highway right-of-way which constitutes an immediate and dangerous hazard shall, without notice or liability in damages, be removed by the highway authority.

2. An obstruction not constituting an immediate and dangerous hazard shall be removed by the highway authority without liability after forty-eight-hour notice served in the same manner in which an original notice is served, or in writing by certified mail, or in any other manner reasonably calculated to apprise the person responsible for the obstruction that the obstruction will be removed at the person's expense. The highway authority shall assess the removal cost.

3. Upon removal of the obstruction, the highway authority may immediately send a statement of the cost to the person responsible for the obstruction. If within ten days after sending the statement the cost is not paid, the highway authority may institute legal proceedings to collect the cost of removal. The removal costs shall be assessed against the following persons, as applicable:

a. The vehicle owner in the case of an abandoned vehicle.

b. The abutting property owner in the case of a fence, other than a right-of-way line fence, or other temporary obstruction placed within the highway right-of-way by the owner or tenant of the abutting property.

c. The owner or person responsible for placement of any other obstruction.

4. All removals shall be without liability on the part of any officer ordering or effecting such removal.

2006 Acts, ch 1097, §5
Referred to in §68A.406, 318.9, 318.10
Manner of service, R.C.P. 1.302 – 1.315

318.6 Public nuisance.

1. Any person who places, or causes to be placed, any obstruction in a highway right-of-way as prohibited under section 318.3 is deemed to have created a public nuisance punishable as provided in chapter 657.

2. If a person is found guilty of placing an obstruction within a highway right-of-way, the court may, in addition to any fine imposed, or judgment for damages or costs for which a separate execution may issue, order that the obstruction be abated or removed at the expense of the defendant. The costs for abatement or removal of the obstruction may be entered as a personal judgment against the defendant or assessed against the property where the obstruction occurred, or both.

2006 Acts, ch 1097, §6

318.7 Injunction to restrain obstructions.

A highway authority may maintain a suit in equity aided by injunction to restrain an obstruction in a highway right-of-way. In such actions, the highway authority may cause the legal boundary lines of the highway to be adjudicated provided all interested parties are impleaded.

2006 Acts, ch 1097, §7

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318.8 Permit required.

A person shall not excavate, fill, or make a physical change within a highway right-of-way without obtaining a permit from the applicable highway authority. At the request of a permittee, a modification may be granted in the discretion of the highway authority. Work performed under the permit shall be performed in conformity with the specifications prescribed by the highway authority. If the work does not conform to permit specifications, the person shall be notified to make the conforming changes. If after twenty days the changes have not been made, the highway authority may make the necessary changes and immediately send a statement of the cost to the responsible person. If within thirty days after sending the statement the cost is not paid, the highway authority may institute legal proceedings to collect the cost of correction. A violation of the permit specifications shall be considered a violation of section 318.3. A public utility subject to section 306A.3 is exempt from this section.

2006 Acts, ch 1097, §8
Referred to in §318.3

318.9 Utility structures.

1. *a.* A utility structure in a highway right-of-way used for telephone, electric, natural gas, or other distribution or transmission purposes shall be removed by the owner or operator of the transmission lines upon written notice from the highway authority of not less than ninety days, to the owner and operator. The notice shall, with reasonable certainty, specify the utility structure to be removed and shall be served in the same manner that original notices are required to be served. If the owner or operator of the transmission line is unable to remove the utility structure within the required time due to circumstances beyond the control of the owner or operator, the owner or operator shall file a request with the highway authority for an extension of time to complete the work.

b. If the owner or operator of a transmission line needs authorization from the utilities commission or other governmental authority to relocate a utility structure or to obtain a new private easement right for relocation of the utility structure, the owner or operator shall request an extension of time within which to remove the utility structure. The highway authority shall grant an extension of time for at least ninety days following the date authorization is granted or the easement right is obtained.

2. Upon written application, the highway authority shall locate the construction of new telephone, electric, or transmission lines or parts of lines, including natural gas pipeline, for the roads within the highway authority's jurisdiction, subject to the jurisdiction of the utilities commission under chapters 476, 478, and 479, as follows:

a. The county engineer, or the board of supervisors if a county engineer is not available, shall locate the lines for secondary roads.

b. The department shall locate the lines for primary roads.

3. The department and the county engineer, or the board of supervisors if a county engineer is not available, may designate the location of a utility structure within a highway right-of-way. A utility structure that is not properly located within the highway right-of-way shall be removed within a time prescribed to a designated location. If not so removed, the highway authority may remove the utility structure and recover costs as provided in section 318.5.

2006 Acts, ch 1097, §9; 2024 Acts, ch 1170, §369
Referred to in §306.46
Manner of service, R.C.P. 1.302 – 1.315

318.10 Fences.

1. A fence which constitutes an immediate and dangerous hazard shall, without notice or liability in damages, be removed by the highway authority. In all other cases where a fence is an obstruction in a highway right-of-way, notice in writing of not less than thirty days shall be given to the owner, occupant, or agent of the land enclosed by the fence.

2. The notice shall, with reasonable certainty, specify the line to which the fences shall be removed and shall be served in the same manner that original notices are required to be

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served, or in writing by certified mail, or in any other manner reasonably calculated to apprise the person responsible for the fence.

3. The department and the county engineer, or the board of supervisors if a county engineer is not available, may designate the location of a fence within a highway right-of-way. A fence that is not properly located within the highway right-of-way shall be removed within a time prescribed to a designated location. If not so removed, the highway authority may remove the fences and recover costs as provided in section 318.5.

2006 Acts, ch 1097, §10
Manner of service. R.C.P. 1.302 – 1.315

318.11 Billboards and signs.

1. No billboard or advertising sign or device, except a sign or device authorized by law or approved by the highway authority, shall be placed or erected upon a highway right-of-way.

2. A billboard or advertising sign, whether on public or private property, that obstructs the view of any portion of a public highway or of a railway track making the use of the traveled portion of the right-of-way dangerous is a public nuisance and shall be abated. The person responsible for the erection and maintenance of the billboard or sign may be punished as provided in chapter 657.

2006 Acts, ch 1097, §11
Referred to in §331.756(48)

318.12 Enforcement.

A highway authority shall enforce the provisions of this chapter by appropriate civil or criminal proceeding or by both such proceedings.

2006 Acts, ch 1097, §12

CHAPTER 319

OBSTRUCTIONS IN HIGHWAYS

Repealed by 2006 Acts, ch 1097, §19; see chapter 318

CHAPTER 320

USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS

Referred to in §307.24

320.1	Construction of sidewalks in certain school districts.	320.5	Term of grant.
320.2	Assessment of costs.	320.6	Conditions — damages.
320.3	Repairs.	320.7	Failure to maintain.
320.4	Water and gas mains, sidewalks, and cattleways.	320.8	Penalty.

320.1 Construction of sidewalks in certain school districts.

Where an independent or community school district has within its limits a city of one hundred twenty-five thousand population or more, and has a schoolhouse located outside the city limits of such city and outside the limits of any city, the board of supervisors of the county in which such school district is located shall upon the filing of a petition signed by the owners of at least seventy-five percent of the property which will be assessed, order the construction or reconstruction of a permanent sidewalk not less than four feet in width along the highway adjacent to the property described and leading to such schoolhouse.

[C27, 31, 35, §4857-b1; C39, §**4857.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.1]
Referred to in §331.362

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320.2 Assessment of costs.

Said work shall be undertaken and consummated and the cost thereof assessed to the abutting property in the manner and method and with the same effect as provided for the construction of sidewalks and the assessment of the costs thereof against benefited property by city councils within the limits of a city.

[C27, 31, 35, §4857-b2; C39, §**4857.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.2]

Referred to in §331.362

320.3 Repairs.

After the construction of such sidewalk the board of supervisors shall keep the same in repair and assess and certify the cost thereof in the same manner and to the same extent in which like repairs are assessed and certified by city councils.

[C27, 31, 35, §4857-b3; C39, §**4857.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.3]

Referred to in §331.362

320.4 Water and gas mains, sidewalks, and cattleways.

The state department of transportation in case of primary roads, and the board of supervisors in case of secondary roads, on written application designating the particular highway and part of the highway, the use of which is desired, may grant permission:

1. To lay gas mains in highways outside cities to local municipal distributing plants or companies, but not to pipeline companies. This section shall not apply to or include pipeline companies required to obtain a license from the utilities commission.
2. To construct and maintain cattleways over or under such highways.
3. To construct sidewalks on and along such highways.
4. To lay water mains in, under, or along highways.

[C97, §1524; S13, §1527-e; SS15, §1527-b; C24, 27, 31, 35, 39, §**4858;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.4]

2023 Acts, ch 19, §2662; 2024 Acts, ch 1170, §369

Referred to in §320.5, 331.362, 589.29

320.5 Term of grant.

A grant made under section 320.4 shall be on such reasonable conditions as the state department of transportation or the board of supervisors may exact, and on such conditions as the general assembly may prescribe.

[C97, §1524; S13, §1527-e; C24, 27, 31, 35, 39, §**4859;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.5]

2001 Acts, ch 32, §11

Referred to in §331.362

320.6 Conditions — damages.

1. Mains, pipes, and cattleways erected and maintained under this chapter shall not interfere with public travel or with the future improvement of the highway. The owner of the mains, pipes, and cattleways shall be responsible for all damages arising from laying, maintaining, or erecting the mains, pipes, or cattleways or from the mains, pipes, or cattleways not being kept in a proper state of repair.
2. The location of mains or pipes may be changed, on reasonable notice, when change is necessary due to the improvement or maintenance of the highway.

[C97, §1524; S13, §1527-e; SS15, §1527-b; C24, 27, 31, 35, 39, §**4860;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.6]

2021 Acts, ch 80, §165

Referred to in §331.362

320.7 Failure to maintain.

Failure of the grantee to comply with the terms of the grant shall be grounds for forfeiture of the grant.

[C24, 27, 31, 35, 39, §**4861;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.7]

2023 Acts, ch 64, §51

Referred to in §331.362

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320.8 Penalty.

Failure to comply with any of the conditions of said grant, whether made such by statute or by agreement, or the laying of any such mains, or the constructing of any such cattleways, without having secured the grant of permission as provided by law shall be deemed a simple misdemeanor. It shall be the duty of the state department of transportation and of the board of supervisors, as regards the highways under their respective jurisdictions, to enforce the provisions of this section and the laws relating thereto.

[S13, §1527-d; C24, 27, 31, 35, 39, §**4862;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.8]

Referred to in §331.362

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SUBTITLE 2

VEHICLES

CHAPTER 321

MOTOR VEHICLES AND LAW OF THE ROAD

Referred to in §7.10, 27A.1, 81.1, 103A.55, 123.46, 123.47, 135C.33, 232.8, 307.27, 312.1, 312.7, 321A.3, 321E.29, 321F.8, 321H.2, 321H.4A, 321I.1, 321I.10, 321I.31, 321J.4B, 321J.20, 321M.1, 321M.2, 321M.6, 321O.4, 322.2, 322.4, 322.9, 322.29, 322A.1, 322C.2, 322C.4, 322C.6, 326.5, 326.6, 326.11, 326.12, 326.22, 326.30, 331.362, 423.1, 423B.4, 435.26A, 462A.33, 523C.1, 535.2, 537C.2, 554.9311, 554.9503, 554.13104, 578A.7, 602.8106, 692.1, 692A.101, 692A.128, 707.6A, 714.2, 716.13, 725.1, 805.6, 805.8A(14)(i), 805.9, 805.16, 809.1, 809A.3, 811.9, 903.1, 910.1

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GENERAL PROVISIONS

321.1 Definitions of words and phrases.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them.

1. *a. "Agricultural hazardous material"* means a hazardous material, other than hazardous waste, whose end use directly supports the production of an agricultural commodity, including but not limited to a fertilizer, pesticide, beneficial substance, or fuel.

b. "Agricultural hazardous material" is limited to material in class 3, 8, or 9, division 2.1, 2.2, 5.1, or 6.1, or an ORM-D material as defined in 49 C.F.R. §171.8.

1A. *"Air bag"* means a motor vehicle inflatable occupant restraint system that operates in the event of a crash and is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed. *"Air bag"* includes all component parts to a motor vehicle inflatable occupant restraint system, including but not limited to the cover, sensors, controllers, inflators, wiring, and seat belt systems.

1B. *"Alcohol concentration"* means the number of grams of alcohol per any of the following:

a. One hundred milliliters of blood.

b. Two hundred ten liters of breath.

c. Sixty-seven milliliters of urine.

2. *"Alcoholic beverage"* includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.

3. *"Alley"* means a thoroughfare laid out, established, and platted as such, by constituted authority.

4. *"All-terrain vehicle"* means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. *"All-terrain vehicle"* includes off-road utility vehicles, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

5. *"Ambulance"* means a motor vehicle which is equipped with life support systems and used to transport sick and injured persons who require emergency medical care to medical facilities.

6. *"Authorized emergency vehicle"* means vehicles of the fire department, police vehicles, ambulances, and emergency vehicles owned by the United States, this state, any subdivision of this state, or any municipality of this state, and privately owned vehicles as are designated or authorized by the director of transportation under section 321.451.

6A. *"Autocycle"* means a three-wheeled motor vehicle originally designed with two front wheels and one rear wheel, a steering wheel rather than handlebars, no more than two permanent seats that do not require the operator or a passenger to straddle or sit astride the vehicle, and foot pedals that control the brakes, acceleration, and clutch, where applicable. A motor vehicle meeting the definition of *"autocycle"* is an autocycle even if the vehicle bears a vehicle identification number, or is accompanied by a manufacturer's certificate of origin, that identifies the vehicle as a motorcycle.

6B. *"Bona fide business address"* means the current street or highway address of a firm, association, or corporation.

6C. *"Bona fide residence"* or *"bona fide address"* means the current street or highway address of an individual's residence. The bona fide residence of a person with more than one dwelling is the dwelling for which the person claims a homestead tax credit or exemption under chapter 425, subchapter I, if applicable. The bona fide residence of a homeless person is a primary nighttime residence meeting one of the criteria listed in section 48A.2, subsection 3.

7. *"Business district"* means the territory contiguous to and including a highway when

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fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

7A. *"Business-trade truck"* means a model year 2010 or newer motor truck with an unladen weight of ten thousand pounds or less which is owned by a corporation, limited liability company, or partnership or by a person who files a schedule C or schedule F form with the federal internal revenue service and which is eligible for depreciation under §167 of the Internal Revenue Code. If the motor truck is a leased vehicle, the motor truck is a business-trade truck only if the lessee is a corporation, limited liability company, or partnership and the truck is used primarily for purposes of the business operations of the corporation, limited liability company, or partnership or the lessee is a person who files a schedule C or schedule F form with the federal internal revenue service and the truck is used primarily for purposes of the person's own business or farming operation.

8. *"Chauffeur"* means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation, or hire.

a. A person is not a chauffeur when the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner's or operator's principal business.

b. A fire fighter is not a chauffeur when operating a fire apparatus.

c. An ambulance or rescue squad attendant is not a chauffeur when operating an ambulance or rescue squad apparatus.

d. If authorized to transport inmates, probationers, parolees, or work releasees by the director of the Iowa department of corrections or the director's designee, an employee of the Iowa department of corrections or a district department of correctional services is not a chauffeur when transporting the inmates, probationers, parolees, or work releasees.

e. A farmer or the farmer's hired help is not a chauffeur when operating a truck, other than a truck tractor, owned by the farmer and used exclusively in connection with the transportation of the farmer's own products or property.

f. A farmer or the farmer's hired help, who is eighteen years of age or older, is not a chauffeur when operating a special truck owned by the farmer and used exclusively to transport the farmer's own products or property to a destination no more than one hundred miles from farmland owned or rented by the farmer as measured by calculating the straight-line distance between the farmland and the destination.

g. If authorized to transport patients or clients by the director of health and human services or the director's designee, an employee of the department of health and human services is not a chauffeur when transporting the patients or clients in an automobile.

h. A person is not a chauffeur when the operation is by a home care aide in the course of the home care aide's duties.

i. If authorized to transport students or clients by the superintendent of the Iowa school for the deaf, or the superintendent's respective designee, an employee of the Iowa school for the deaf is not a chauffeur when transporting the students or clients.

j. If authorized to transport patients or residents of the Iowa veterans home by the commandant or the commandant's designee, an employee of or volunteer at the Iowa veterans home is not a chauffeur when transporting the patients or residents in an automobile in the course of the employee's or volunteer's normal duties.

k. A person operating a motorsports recreational vehicle is not a chauffeur.

l. A transportation network company driver, as defined in section 321N.1, is not a chauffeur.

m. A person operating a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points is not a chauffeur.

9. *"Combination"* or *"combination of vehicles"* shall be construed to mean a group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semitrailers or vehicles, which are coupled or fastened together for the purpose of being moved on the highways as a unit.

10. *a. "Combined gross weight"* means the gross weight of a combination of vehicles.

b. "Gross combination weight rating" means the combined gross vehicle weight ratings for each vehicle in a combination of vehicles. In the absence of a weight specified by the

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manufacturer for a towed vehicle, the gross vehicle weight rating of the towed vehicle is its gross weight.

11. For purposes of administering and enforcing the commercial driver's license provisions:

a. "Commercial driver" means the operator of a commercial motor vehicle.

b. "Commercial driver's license" means commercial driver's license as defined in 49 C.F.R. §383.5.

c. "Commercial driver's license information system" means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

d. "Commercial learner's permit" means commercial learner's permit as defined in 49 C.F.R. §383.5.

e. "Commercial motor carrier" means a person responsible for the safe operation of a commercial motor vehicle.

f. "Commercial motor vehicle" means a motor vehicle or combination of vehicles used to transport passengers or property if any of the following apply:

(1) The combination of vehicles has a gross combination weight rating or combined gross weight, whichever is greater, of twenty-six thousand one or more pounds, including a towed vehicle or vehicles having a gross vehicle weight rating or gross weight, whichever is greater, of ten thousand one or more pounds.

(2) The motor vehicle has a gross vehicle weight rating or gross weight, whichever is greater, of twenty-six thousand one or more pounds.

(3) The motor vehicle is designed to transport sixteen or more persons, including the operator, or is of a size and design to transport sixteen or more persons, including the operator, but is redesigned or modified to transport less than sixteen persons with disabilities.

(4) The motor vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.

g. "Employer" means any person, including the United States, a state, the District of Columbia, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns an employee to operate such a vehicle.

h. "Foreign jurisdiction" means a jurisdiction outside the fifty United States and the District of Columbia.

i. "Nonresident commercial driver's license" means a commercial driver's license issued to a person domiciled in a foreign jurisdiction meeting the requirements of 49 C.F.R. §383.23(b)(1), or to a person domiciled in another state meeting the requirements of 49 C.F.R. §383.23(b)(2).

j. "Nonresident commercial learner's permit" means a commercial learner's permit issued to a person domiciled in a foreign jurisdiction meeting the requirements of 49 C.F.R. §383.23(b)(1), or to a person domiciled in another state meeting the requirements of 49 C.F.R. §383.23(b)(2).

k. "Tank vehicle" means a commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or chassis. A commercial motor vehicle transporting an empty storage container tank not designed for transportation with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

12. *"Commercial vehicle"* means a vehicle or combination of vehicles designed principally to transport passengers or property of any kind if any of the following apply:

a. The vehicle or any combination of vehicles has a gross weight or combined gross weight of ten thousand one or more pounds.

b. The vehicle or any combination of vehicles has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds.

c. The vehicle is designed to transport sixteen or more persons, including the driver.

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d. The vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.

12A. *"Completed motor vehicle"* means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. *"Completed motor vehicle"* also includes a glider kit vehicle.

13. *"Component part"* means any part of a vehicle, other than a tire, having a component part number.

14. *"Component part number"* means the vehicle identification derivative consisting of numerical and alphabetical designations affixed to a component part by the manufacturer or the department or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department as a means of identifying the component part.

15. *"Conviction"* means a final conviction, including but not limited to a plea of guilty or nolo contendere accepted by the court; a final administrative ruling or determination; or an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court.

15A. *"Crane"* means a machine for raising, shifting, and lowering heavy weights by means of a projecting swinging arm.

16. *"Crosswalk"* means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

17. *"Dealer"* means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this state. *"Dealer"* includes those persons required to be licensed as dealers under chapters 322 and 322C.

18. *"Demolisher"* means any agency or person whose business is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck or dismantle vehicles.

19. *"Department"* means the state department of transportation. *"Commission"* means the state transportation commission.

20. *"Director"* means the director of transportation or the director's designee.

20A. *"Driver's license"* means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a restricted work, special minor's restricted, temporary restricted, or temporary license and an instruction, commercial learner's, or temporary permit. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, *"driver's license"* includes any privilege to operate a motor vehicle.

20B. *"Electric personal assistive mobility device"* means a self-balancing, nontandem two-wheeled device powered by an electric propulsion system that averages seven hundred fifty watts and is designed to transport one person, with a maximum speed on a paved level surface of less than twenty miles per hour. The maximum speed shall be calculated based on operation of the device by a person who weighs one hundred seventy pounds when the device is powered solely by the electric propulsion system. For purposes of this chapter, *"electric personal assistive mobility device"* does not include an assistive device as defined in section 216E.1.

21. *"Endorsement"* means an authorization to a person's driver's license required to permit the person to operate certain types of motor vehicles or to transport certain types or quantities of hazardous materials.

22. *"Essential parts"* mean all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

23. *"Established place of business"* means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the dealer's or manufacturer's books and records are kept and a large share of the dealer's or manufacturer's business is transacted. If a dealer has designated one established place of business for purposes of keeping all the dealer's books and records pursuant to section 321.63, *"established place of*

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business" also includes any place actually occupied either continuously or at regular periods by the dealer where a large share of the dealer's business is transacted but not where the dealer's books and records are kept.

24. *"Farm tractor"* means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

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

24B. *"Financial liability coverage"* means any of the following:

a. An owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in Iowa to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle within the United States of America or Canada, but subject to minimum limits, exclusive of interest and costs, in the amounts specified in section 321A.21 or specified in another provision of the Code, whichever is greater.

b. A bond filed with the department pursuant to section 321A.24.

c. A certificate of deposit filed with the department as provided in section 321A.25.

d. A valid certificate of self-insurance issued by the department pursuant to section 321A.34.

25. *"Fire vehicle"* means a motor vehicle which is equipped with pumps, tanks, hoses, nozzles, ladders, generators, or other fire apparatus used to transport fire personnel, fight fires, and respond to emergencies.

26. *"Foreign vehicle"* means every vehicle of a type required to be registered under this chapter brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

27. The linear measure of the plot of ground upon which the building is located abutting upon the highway shall be deemed *"frontage occupied by the building"*, and the phrase *"frontage on such highway for a distance of three hundred feet or more"* shall mean the total frontage on both sides of the highway for such distance.

28. *"Garage"* means every place of business where motor vehicles are received for housing, storage, or repair for compensation.

28A. *"Glider kit vehicle"* means a commercial motor vehicle, as defined in subsection 11, that is a combination of a new cab and a new frame with an engine, transmission, and drive axle that are not new such that the resulting vehicle is not a newly manufactured vehicle pursuant to 49 C.F.R. §571.7(e).

28B. *"Grain cart"* means a vehicle with a nonsteerable single or tandem axle designed to move grain.

29. *a. "Gross weight"* means the empty weight of a vehicle plus the maximum load to be carried by the vehicle. The maximum load to be carried by a passenger-carrying vehicle shall be determined by multiplying one hundred fifty pounds by the number of passenger seats carried by such vehicle.

b. "Unladen weight" means the weight of a vehicle or vehicle combination without load.

c. "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

30. *"Guaranteed arrest bond certificate"* means any printed, unexpired certificate issued by an automobile club or association to any of its members, or any printed, unexpired certificate issued by an insurance company authorized to write automobile liability insurance within this state, which certificate is signed by such member or insured and contains a printed statement that such automobile club, association, or insurance company and a surety company which is doing business in this state under the provisions of section 515.48, subsection 2, guarantee the appearance of the person whose signature appears on the certificate and that they will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed one thousand dollars. If such insurance company is itself qualified under the provisions of

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section 515.48, subsection 2, the insurance company may be its own surety. Bail in this form shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as provided by law.

31. *"Hazardous material"* means a substance or material which has been determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

32. *"Implement of husbandry"* means a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. *"Implements of husbandry"* includes all-terrain vehicles operated in compliance with section 321.234A, subsection 1, paragraph *"a"*, fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less. *"Reconstructed"* as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used.

A vehicle covered under this subsection, if it otherwise qualifies, may be operated as special mobile equipment and under such circumstances this subsection shall not be applicable to such vehicle, and such vehicle shall not be required to comply with sections 321.384 through 321.423, when such vehicle is moved during daylight hours; however, the provisions of section 321.383 shall remain applicable to such vehicle.

33. *"Intersection"* means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

34. *"Laned highway"* means a highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.

35. *"Light delivery truck"*, *"panel delivery truck"*, or *"pickup"* means any motor vehicle designed to carry merchandise or freight of any kind, not to exceed two thousand pounds.

36. *"Local authorities"* means every county, municipal, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this state.

36A. *"Low-speed electric bicycle"* means a device equipped with a saddle or seat for the use of a rider, two or three wheels, fully operable pedals, and an electric motor that produces not more than seven hundred fifty watts, and is classified in accordance with the following requirements:

a. "Class 1 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour or more.

b. "Class 2 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of twenty miles per hour or more.

c. "Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour or more.

36B. *"Low-speed vehicle"* means a motor vehicle manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. §571.500. A low-speed vehicle which is in compliance with the equipment requirements in 49 C.F.R. §571.500 shall be deemed to be in compliance with all equipment requirements of this chapter.

36C. *"Manufactured home"* is a factory-built structure constructed under authority of 42 U.S.C. §5403, which is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.

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36D. *a. "Manufactured or mobile home"* means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.

b. "Travel trailer" means a vehicle without motive power used, manufactured, or constructed to permit its use as a conveyance upon the public streets and highways and designed to permit its use as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed forty-five feet. The vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If the vehicle is used in this state as a place of human habitation for more than one hundred eighty consecutive days in one location it shall be classed as a manufactured or mobile home regardless of the size limitations provided in this paragraph.

c. "Fifth-wheel travel trailer" means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed forty-five feet.

d. "Motor home" means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four, two of which shall be systems specified in subparagraphs (1), (4), or (5) of this paragraph, of the following permanently installed systems which meet American national standards institute and national fire protection association standards in effect on the date of manufacture:

(1) Cooking facilities.

(2) Ice box or mechanical refrigerator.

(3) Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both.

(4) Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.

(5) Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system.

(6) A one hundred ten – one hundred fifteen volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

e. "Motorsports recreational vehicle" means a modified motor vehicle used for the purpose of participating in motorsports competitions and consisting of a conversion unit mounted on a truck tractor or motor truck chassis such that the motor vehicle can be used as a conveyance on the highway and as a temporary or recreational dwelling. The motor vehicle must have at least four of the permanently installed systems listed in paragraph *"d"*, two of which shall be systems specified in paragraph *"d"*, subparagraph (1), (4), or (5).

37. *"Manufacturer"* means every person engaged in the business of fabricating or assembling vehicles of a type required to be registered. *"Manufacturer"* does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle. *"Manufacturer"* includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section 321.124. *"Manufacturer"* also includes a final-stage manufacturer as defined in section 322.2.

38. *"Metal tire"* means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

39. Reserved.

40. *a. "Motorcycle"* means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter but excluding a tractor, an autocycle, a low-speed electric bicycle, and a motorized bicycle.

b. "Motorized bicycle" means a motor vehicle having a saddle or seat for the use of a rider, designed to travel on not more than three wheels in contact with the ground, and not capable

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of operating at a speed in excess of thirty-nine miles per hour on level ground unassisted by human power, but excluding a low-speed electric bicycle.

c. *"Bicycle"* means either of the following:

(1) A device having two or three wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

(2) A low-speed electric bicycle.

41. *"Motor truck"* means every motor vehicle designed primarily for carrying livestock, merchandise, freight of any kind, or over nine persons as passengers.

42. *a.* *"Motor vehicle"* means a vehicle which is self-propelled and not operated upon rails.

b. *"Used motor vehicle"* or *"secondhand motor vehicle"* or *"used car"* means a motor vehicle of a type subject to registration under the laws of this state which has been sold *"at retail"* as defined in chapter 322 and previously registered in this or any other state.

c. *"New motor vehicle or new car"* means a motor vehicle subject to registration which has not been sold "at retail" as defined in chapter 322.

d. *"Car"* or *"automobile"* means a motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles and motorized bicycles.

43. Reserved.

44. *"Multipurpose vehicle"* means a motor vehicle designed to carry not more than ten people, and constructed either on a truck chassis or with special features for occasional off-road operation.

45. *"Nonresident"* means every person who is not a resident of this state.

46. *"Official traffic-control devices"* means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

47. *"Official traffic-control signal"* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

47A. *"Off-road utility vehicle"* means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

48. *"Operator"* or *"driver"* means every person who is in actual physical control of a motor vehicle upon a highway.

49. *"Owner"* means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, then such debtor shall be deemed the owner for the purpose of this chapter.

50. *"Peace officer"* means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in section 801.4.

51. *"Pedestrian"* means a person afoot or a person using a pedestrian conveyance.

51A. *"Pedestrian conveyance"* means any human-powered device by which a pedestrian may move other than by walking or by which a pedestrian may move another person, including but not limited to a wheelchair, stroller, skateboard, scooter, or other similar device. *"Pedestrian conveyance"* also includes an electric personal assistive mobility device and any other device used to move a person sitting or standing on the device regardless of whether the device is powered by an electric motor, so long as the electric motor produces not more than seven hundred fifty watts. *"Pedestrian conveyance"* does not include a bicycle.

52. *"Person"* means every natural person, firm, partnership, association, or corporation. Where the term "person" is used in connection with the registration of a motor vehicle, it shall include any corporation, association, partnership, company, firm, or other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesperson, or otherwise.

53. *"Pneumatic tire"* means every tire in which compressed air is designed to support the load.

54. *"Private road"* or *"driveway"* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

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54A. *"Product identification number"* or the acronym PIN means a group of unique numerical or alphabetical designations assigned to a complete fence-line feeder, grain cart, or tank wagon by the manufacturer or by the department and affixed to the vehicle, pursuant to rules adopted by the department, as a means of identifying the vehicle or the year of manufacture.

54B. *"Proof of financial liability coverage card"* means either a liability insurance card issued under section 321.20B, a bond insurance card issued under section 321A.24, a security insurance card issued under section 321A.25, or a self-insurance card issued under section 321A.34.

55. *"Railroad"* means a carrier of persons or property upon cars operated upon stationary rails.

56. *"Railroad corporation"* means any corporation organized under the laws of this state or any other state for the purpose of operating the railroad within this state.

57. *"Railroad sign"* or *"signal"* means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

58. *"Railroad train"* means an engine or locomotive with or without cars coupled thereto, operated upon rails.

59. *"Reconstructed vehicle"* means every vehicle of a type required to be registered under this chapter materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used. *"Reconstructed vehicle"* does not include a street rod, replica vehicle, or glider kit vehicle.

59A. *"Records system"* means the records system described in section 321.31.

59B. *"Registration fees"*, unless otherwise specified, means both the annual vehicle registration fee and the fee for new registration, to the extent applicable, for purposes of administering the provisions of this chapter concerning vehicle registration fees.

60. *"Registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month of the birth of the owner of the vehicle for vehicles registered by the county treasurer, except that *"registration year"* means the calendar year for motor trucks and truck tractors which are registered by the county treasurer in two equal semiannual installments pursuant to sections 321.120, 321.121, and 321.122, and *"registration year"* means the period of twelve consecutive months, as determined by the owner, for motor trucks and truck tractors that are registered by the county treasurer on an annual basis pursuant to sections 321.120, 321.121, and 321.122. For leased vehicles registered by the county treasurer, except for motor trucks and truck tractors registered pursuant to sections 321.120, 321.121, and 321.122, *"registration year"* means the period of twelve consecutive months beginning on the first day of the month following the month in which the lease expires. For vehicles registered under chapter 326, *"registration year"* means the twelve-month period determined by the department pursuant to section 326.14.

61. *"Replica vehicle"* means any completed motor vehicle other than a motorcycle or motorized bicycle with a gross vehicle weight rating of less than ten thousand pounds consisting of a body, frame, and other essential parts, assembled as a reproduction of a vehicle originally manufactured by a generally recognized manufacturer of motor vehicles with the substitution or addition of essential parts to update the vehicle for purposes of safety, performance, or reliability. For purposes of vehicle registration, the model year of a replica vehicle shall be the same as the model year of the motor vehicle that it is designed to resemble.

62. *"Rescue vehicle"* means a motor vehicle which is equipped with rescue, fire, life support, hazardous material, or emergency management equipment used to assist and rescue persons in emergencies or support emergency personnel in the performance of their duties.

63. *"Residence district"* means the territory within a city contiguous to and including a highway, not comprising a business, suburban, or school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business.

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63A. *"Retractable axle"* means an axle designed with the capability of manipulation or adjustment of the weight on the axle.

64. *"Right-of-way"* means the privilege of the immediate use of the highway.

64A. *"Road tractor"* means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

65. *"Roadway"* means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

66. *"Road work zone"* means the portion of a highway which is identified by posted or moving signs as the site of construction, maintenance, survey, or utility work. The zone starts upon meeting the first sign identifying the zone and continues until a posted or moving sign indicates that the work zone has ended.

67. *"Rural residence district"* means an unincorporated area established by a county board of supervisors which is contiguous to and including a secondary highway, not comprising a business district, where forty percent or more of the frontage of the highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business. For purposes of this subsection, farm houses and farm buildings are not to be considered.

68. *"Safety zone"* means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

68A. *"Salvage pool"* means the business of selling at auction wrecked or salvage vehicles, as defined in section 321.52.

69. *"School bus"* means every vehicle operated for the transportation of children to or from school, except vehicles which are:

a. Privately owned and not operated for compensation;

b. Used exclusively in the transportation of the children in the immediate family of the driver;

c. Operated by a municipally or privately owned urban transit company or a regional transit system as defined in section 324A.1 for the transportation of children as part of or in addition to their regularly scheduled service; or

d. New or used motor vehicles designed to carry not more than ten persons as passengers, including the driver, or used passenger vans designed to carry not more than twelve persons as passengers, including the driver, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of this paragraph shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

70. *"School district"* means the territory contiguous to and including a highway for a distance of two hundred feet in either direction from a schoolhouse in a city.

71. *"Semitrailer"* means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Wherever the word *"trailer"* is used in this chapter, same shall be construed to also include *"semitrailer"*.

A *"semitrailer"* shall be considered in this chapter separately from its power unit.

72. *"Sidewalk"* means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

73. *"Solid rubber tire"* means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

74. *"Special mobile equipment"* means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery and ditch-digging apparatus. This description does not exclude other vehicles which are within the general terms of this subsection.

75. *"Special truck"* means a motor truck or truck tractor not used for hire with a gross

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

76. *"Specially constructed vehicle"* means every vehicle of a type required to be registered under this chapter not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. *"Specially constructed vehicle"* does not include a street rod, replica vehicle, or glider kit vehicle.

77. *"Stinger-steered automobile transporter"* means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, recreational vehicles, or boats in which the fifth wheel is located on a drop frame located below and behind the rearmost axle of the power unit.

78. *"Street"* or *"highway"* means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

78A. *"Street rod"* means any car or motor truck with a gross vehicle weight rating of less than ten thousand pounds required to be registered under this chapter, manufactured by a generally recognized manufacturer of motor vehicles prior to the year 1949, which may contain a body or frame not manufactured by the original manufacturer, or any motor vehicle designed and manufactured to resemble a motor vehicle manufactured prior to the year 1949. For purposes of vehicle registration, the model year of a street rod shall be the same as the model year of the motor vehicle that it is designed to resemble.

79. *"Suburban district"* means all other parts of a city not included in the business, school, or residence districts.

80. *"Tandem axle"* means any two or more consecutive axles whose centers are more than forty inches but not more than ninety-six inches apart.

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

81. *"Through (or thru) highway"* means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter or such entrances are controlled by a peace officer or traffic-control signal. The term *"arterial"* is synonymous with *"through"* or *"thru"* when applied to highways of this state.

82. *"Tourist attraction"* means a business, activity, service, or site where a major portion of the product or service provided is tourist oriented.

83. *"Tourist-oriented directional sign"* means a sign providing identification and directional information for a tourist attraction.

83A. *"Towing or recovery vehicle"* means a motor vehicle equipped with booms, winches, slings, or wheel lifts used to tow, recover, or transport other motor vehicles.

83B. *"Tracked implement of husbandry"* means a fence-line feeder, grain cart, or tank wagon that is mounted on a chassis attached to a pair of tracks that transfer the weight of the implement to the ground or the roadway surface.

84. *"Traffic"* means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.

85. *"Trailer"* means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

86. Reserved.

87. *"Transporter"* means a person engaged in the business of delivering vehicles of a type required to be registered or titled in this state who has received authority to make delivery as specified by rules adopted by the department.

88. *"Truck tractor"* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of

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the vehicle and load so drawn. However, a truck tractor may have a box, deck, or plate for carrying freight, mounted on the frame behind the cab, and forward of the fifth-wheel connection point.

89. *"Used vehicle parts dealer"* means a person engaged in, or advertising as being engaged in, the business of selling bodies, parts of bodies, frames, or component parts of used vehicles subject to registration under this chapter.

89A. *"Utility maintenance vehicle"* means a motor vehicle operated by an employee or contractor of an entity, including but not limited to the state, a political subdivision of the state, or any commission, department, or agency thereof, an electric cooperative association, or a public or private corporation, in connection with the provision of utility services.

89B. *"Utility services"* means cable, electric, natural gas, telephone, telecommunication, water, and wastewater treatment services and includes but is not limited to the improvement, installation, maintenance, relocation, or repair of cables, fibers, pipes, utility poles, utility structures, wires, and associated right-of-way and other infrastructure associated with such services.

90. *"Vehicle"* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. *"Vehicle"* does not include:

a. Any device moved by human power, including a low-speed electric bicycle and a pedestrian conveyance.

b. Any device used exclusively upon stationary rails or tracks.

c. Any personal delivery device operated pursuant to chapter 321O.

d. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.

e. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

91. *"Vehicle identification number"* or the initials VIN mean the numerical and alphabetical designations affixed to a vehicle or a component part of a vehicle by the manufacturer or the department or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department as a means of identifying the vehicle.

92. *"Vehicle rebuilder"* means a person engaged in, or advertising as being engaged in, the business of rebuilding or restoring to operating condition vehicles subject to registration under this chapter, which have been damaged or wrecked.

93. *"Vehicle salvager"* means a person engaged in, or advertising as being engaged in, the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under this chapter.

94. *"Where a vehicle is kept"* shall refer to the county of residence of the owner or to the county where the vehicle is mainly kept if said owner is a nonresident of the state.

[S13, §1571-m1, -m20; C24, 27, §4863, 5030, 13012; C31, 35, §4863, 4960-d1, 5030, 13012; C39, §**5000.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.1; 81 Acts, ch 101, §1; 81 Acts 2d Ex, ch 2, §5; 82 Acts, ch 1056, §1, ch 1122, §1, ch 1254, §1]

82 Acts, ch 1062, §1, 2, 38; 83 Acts, ch 9, §3, 8; 83 Acts, ch 24, §1, 12; 84 Acts, ch 1219, §21; 84 Acts, ch 1252, §1; 84 Acts, ch 1292, §2; 85 Acts, ch 21, §41; 85 Acts, ch 35, §1, 2; 85 Acts, ch 37, §1; 85 Acts, ch 40, §1; 86 Acts, ch 1056, §1; 86 Acts, ch 1071, §1; 86 Acts, ch 1210, §1, 2; 86 Acts, ch 1237, §19; 86 Acts, ch 1238, §13; 87 Acts, ch 170, §2 – 4; 87 Acts, ch 186, §1, 2; 87 Acts, ch 189, §1; 88 Acts, ch 1047, §1; 88 Acts, ch 1083, §1, 2; 89 Acts, ch 34, §1; 89 Acts, ch 83, §40, 41; 89 Acts, ch 118, §1; 90 Acts, ch 1183, §3; 90 Acts, ch 1230, §6 – 14; 91 Acts, ch 56, §1; 91 Acts, ch 219, §14; 92 Acts, ch 1048, §1; 92 Acts, ch 1104, §1; 92 Acts, ch 1175, §19, 28; 93 Acts, ch 114, §1; 93 Acts, ch 139, §7; 94 Acts, ch 1087, §1; 95 Acts, ch 10, §1; 95 Acts, ch 55, §1, 2; 95 Acts, ch 56, §1; 95 Acts, ch 118, §1, 2; 96 Acts, ch 1005, §1; 96 Acts, ch 1129, §113; 97 Acts, ch 100, §1; 97 Acts, ch 104, §5; 97 Acts, ch 108, §1, 2; 97 Acts, ch 139, §1, 17, 18; 97 Acts, ch 148, §7, 9; 98 Acts, ch 1073, §1 – 4; 98 Acts, ch 1075, §20; 98 Acts, ch 1121, §8; 99 Acts, ch 13, §1 – 3, 29; 99 Acts, ch 108, §1 – 3; 99 Acts, ch 188, §1; 2000 Acts, ch 1005,

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§1; 2000 Acts, ch 1016, §1; 2000 Acts, ch 1025, §1, 6; 2000 Acts, ch 1133, §1; 2001 Acts, ch 32, §15; 2001 Acts, ch 132, §1; 2001 Acts, ch 153, §15, 17; 2001 Acts, ch 176, §80; 2002 Acts, ch 1063, §17, 18; 2003 Acts, ch 6, §1; 2003 Acts, ch 24, §2; 2004 Acts, ch 1013, §1, 35; 2004 Acts, ch 1132, §80; 2004 Acts, ch 1175, §397, 400; 2005 Acts, ch 8, §2, 3; 2005 Acts, ch 20, §4; 2006 Acts, ch 1068, §6, 7, 41; 2008 Acts, ch 1018, §1 – 3; 2008 Acts, ch 1021, §1 – 4; 2008 Acts, ch 1032, §106; 2008 Acts, ch 1044, §1 – 4, 8; 2008 Acts, ch 1113, §2, 11, 38; 2009 Acts, ch 90, §1; 2009 Acts, ch 130, §20; 2010 Acts, ch 1035, §1; 2010 Acts, ch 1061, §111; 2010 Acts, ch 1186, §3; 2011 Acts, ch 38, §2; 2012 Acts, ch 1013, §1, 2; 2012 Acts, ch 1093, §1; 2013 Acts, ch 37, §1; 2013 Acts, ch 103, §2 – 4, 21; 2014 Acts, ch 1023, §1; 2014 Acts, ch 1027, §1; 2014 Acts, ch 1127, §4, 5; 2015 Acts, ch 29, §114; 2015 Acts, ch 72, §1, 4; 2015 Acts, ch 123, §31, 44; 2016 Acts, ch 1073, §101; 2016 Acts, ch 1098, §1, 2; 2016 Acts, ch 1101, §1, 24; 2017 Acts, ch 84, §1; 2018 Acts, ch 1010, §1; 2018 Acts, ch 1022, §1; 2018 Acts, ch 1095, §1; 2019 Acts, ch 59, §90; 2019 Acts, ch 67, §1, 20; 2019 Acts, ch 138, §1; 2019 Acts, ch 146, §1; 2020 Acts, ch 1063, §145; 2020 Acts, ch 1089, §3; 2021 Acts, ch 33, §1 – 3; 2021 Acts, ch 119, §1; 2021 Acts, ch 125, §2 – 4; 2023 Acts, ch 19, §1055, 2507; 2023 Acts, ch 66, §67; 2024 Acts, ch 1137, §1 – 3; 2024 Acts, ch 1166, §2; 2025 Acts, ch 134, §22; 2026 Acts, ch 1053, §1, 2; 2026 Acts, ch 1115, §127, 148; 2026 Acts, ch 1118, §1, 18, 29

Referred to in §123.48, 142D.2, 159A.11, 214A.32, 308A.1, 321.20B, 321.24, 321.56, 321.105A, 321.121, 321.126, 321.234A, 321.235A, 321.235B, 321.260, 321.285, 321.373, 321.471, 321.474, 321.486, 321A.1, 321A.32, 321E.7, 321E.14, 321E.34, 321G.9, 321G.20, 321G.24, 321I.7, 321I.21, 321J.6, 321J.8, 321N.3, 321O.1, 321O.2, 321O.4, 321O.7, 321P6, 322.2, 322.3, 322.4, 322.27A, 322.35, 322C.2, 322D.1, 325A.2, 326.2, 327F.39, 423.1, 423.6, 423B.2, 452A.74A, 452A.76, 453A.4, 455B.301, 461C.2, 462A.34A, 476.27, 481A.54, 522A.2, 537.3604, 537B.2, 537B.4, 668.12A, 668.15A, 669.14, 670.4, 707.6A, 713.6A, 713.6B, 714.2, 714.8, 805.8A(14)(i), 805.9, 805.16, 811.9

2026 amendment to subsection 6C applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148

Subsection 59A applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Subsection 6C amended

Subsection 20A amended

Subsection 36A, unnumbered paragraph 1 amended

Subsection 51A amended

NEW subsection 59A and former subsection 59A renumbered as 59B

321.1A Presumption of residency.

1. For purposes of this chapter there is a rebuttable presumption that a natural person is a resident of this state if any of the following elements exist:

a. The person has filed for a homestead tax exemption on property in this state.

b. The person is a veteran who has filed for a military tax exemption on property in this state.

c. The person is registered to vote in this state.

d. The person enrolls the person's child to be educated in a public elementary or secondary school in this state.

e. The person is receiving public assistance from this state.

f. The person resides or has continuously remained in this state for a period exceeding thirty days except for infrequent or brief absences.

g. The person has accepted employment or engages in any trade, profession, or occupation within this state, except as provided in section 321.55.

2. *a.* For purposes of issuing commercial learner's permits and commercial driver's licenses under this chapter, there is a rebuttable presumption that a natural person is a resident of this state if all of the following conditions exist:

(1) The person is enrolled in a commercial driver's license training program administered by an Iowa-based motor carrier, or its subsidiary, designated by the department as a third-party tester pursuant to section 321.187.

(2) The person is in the process of applying for a commercial learner's permit for the purpose of completing the training program.

(3) The person is residing in this state for the duration of the training program.

b. This subsection shall not apply if such application results in noncompliance with 49 C.F.R. pt. 384.

3. *"Resident"* does not include either of the following:

a. A person who is attending a college or university in this state, if the person has a domicile in another state and has a valid driver's license issued by the state of domicile.

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b. A member of the armed forces who is stationed in Iowa, provided that the member's vehicles are properly registered in the member's state of residency.

4. A corporation, association, partnership, company, firm, or other aggregation of individuals whose principal place of business is located within this state is a resident of this state.

83 Acts, ch 125, §1; 90 Acts, ch 1230, §15; 98 Acts, ch 1073, §9; 2010 Acts, ch 1069, §88; 2015 Acts, ch 123, §45; 2024 Acts, ch 1043, §82

Referred to in §321.182

321.2 Administration and enforcement.

1. Except as otherwise provided by law, the state department of transportation shall administer and enforce the provisions of this chapter.

2. The division of state patrol of the department of public safety shall enforce the provisions of this chapter relating to traffic on the public highways of the state, including those relating to the safe and legal operation of passenger cars, motorcycles, motor trucks, buses, and other commercial motor vehicles, and to see that proper safety rules are observed.

3. The state department of transportation and the department of public safety shall cooperate to ensure the proper and adequate enforcement of the provisions of this chapter.

4. The director of revenue shall administer and enforce the collection of the fee for new registration as provided in section 321.105A.

[C24, 27, 31, 35, §4863; C39, §**5000.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.2]

98 Acts, ch 1074, §20; 2005 Acts, ch 35, §31; 2008 Acts, ch 1113, §39; 2023 Acts, ch 85, §10; 2024 Acts, ch 1043, §83

321.3 Powers and duties of director.

The director is hereby vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this chapter.

[C39, §**5000.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.3]

321.4 Rules.

The commissioner of public safety is authorized to adopt and promulgate administrative rules governing procedures as may be necessary to carry out the provisions of this chapter; and to carry out any other laws the enforcement of which is vested in the department of public safety.

[C24, 27, 31, 35, §5004; C39, §**5000.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.4]

321.5 Duty to obey.

All local officials charged with the administration and enforcement of this chapter shall be governed in their official acts by the rules promulgated by the department.

[C24, 27, 31, 35, §5005; C39, §**5000.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.5]

Referred to in §331.653

321.6 Reciprocal enforcement — patrol beats.

There shall be reciprocal cooperation between the members of the department, the state department of public safety and local authorities in the enforcing of local and state traffic laws and in making inspections, although this section shall not be construed to give the state department of public safety any right to establish regular patrol beats inside municipal limits unless requested for a special occasion or emergency by the mayor of such city or the sheriff of the county.

[C24, 27, 31, 35, §5017; C39, §**5000.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.6]

2012 Acts, ch 1023, §157

Referred to in §331.653

321.7 Seal of department.

The department may adopt an official seal.

[C39, §**5000.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.7]

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321.8 Director to prescribe forms.

The director shall prescribe and provide suitable forms of applications, registration cards, certificates of title and all other forms requisite or deemed necessary to carry out the provisions of this chapter and any other laws, the enforcement and administration of which are vested in the department except manufacturer's or importer's certificates. Manufacturer's and importer's certificates shall be provided by the manufacturer or importer and be in the form prescribed by the department.

[C39, §**5000.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.8]
83 Acts, ch 41, §1

321.9 Authority to administer oaths and acknowledge signatures.

Officers and employees of the department designated by the director, county officials authorized under this chapter to issue motor vehicle registrations and titles, and county officials authorized under chapter 321M to issue driver's licenses are authorized, for the purpose of administering the motor vehicle laws, to administer oaths and acknowledge signatures, and shall do so without fee.

[C39, §**5000.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.9]
2005 Acts, ch 8, §4

321.10 Certified copies of records.

1. The director and officers of the department designated by the director are authorized to prepare under the seal of the department and provide upon request a certified copy of any record of the department, charging a fee of fifty cents for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original and shall be considered to be true and accurate unless shown otherwise by an objecting party. The seal of the department may be applied electronically on certified copies of records.

2. Any records or certified copies of records prepared pursuant to this section and any certified abstract, or a copy of a certified abstract, of the operating record of a driver or a motor vehicle owner prepared pursuant to this chapter, chapter 321A, or chapter 321J shall be received in evidence if determined to be relevant, in any court, preliminary hearing, grand jury proceeding, civil proceeding, administrative hearing, or forfeiture proceeding in the same manner and with the same force and effect as if the director or the director's designee had testified in person.

[C39, §**5000.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.10]
98 Acts, ch 1075, §21; 2006 Acts, ch 1010, §87; 2008 Acts, ch 1018, §4
Referred to in §321.11

321.11 Records of department.

1. All records of the department, other than those made confidential or not permitted to be open in accordance with 18 U.S.C. §2721 et seq., adopted as of a specific date by rule of the department, shall be open to public inspection during office hours.

2. Notwithstanding subsection 1, personal information shall not be disclosed to a requester, except as provided in 18 U.S.C. §2721, unless the person whose personal information is requested has provided express written consent allowing disclosure of the person's personal information. As used in this section, "*personal information*" means information that identifies a person, including a person's photograph, social security number, driver's license number, name, address, telephone number, electronic mail address, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status or a person's zip code.

3. Notwithstanding other provisions of this section to the contrary, the department shall not release personal information to a person, other than to an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections, appeals, and licensing in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, if the

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information is requested by the presentation of a registration plate number. In addition, an officer or employee of a law enforcement agency may release the name, address, and telephone number of a motor vehicle registrant to a person requesting the information by the presentation of a registration plate number if the officer or employee of the law enforcement agency believes that the release of the information is necessary in the performance of the officer's or employee's duties.

4. The department shall not release personal information that is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph, or the person's telephone number or electronic mail address, to a person other than an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections, appeals, and licensing in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, regardless of whether a person has provided express written consent to disclosure of the information. The department may collect reasonable fees for copies of records or other services provided pursuant to this section or section 22.3, 321.10, or 622.46.

[C39, §**5000.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.11]

96 Acts, ch 1102, §1, 3; 97 Acts, ch 108, §3; 98 Acts, ch 1035, §1; 99 Acts, ch 198, §4; 2000 Acts, ch 1133, §2, 18; 2001 Acts, ch 90, §1; 2023 Acts, ch 19, §1964; 2026 Acts, ch 1118, §30, 32

Referred to in §321.11A, 321.16A, 321.183, 321A.3, 692.3

2026 amendment to subsections 2 and 4 applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the department of transportation's electronic communications system is implemented, whichever is earlier; 2026 Acts, ch 1118, §32

Subsections 2 and 4 amended

321.11A Personal information disclosure — exception.

1. Notwithstanding section 321.11, the department, upon request, shall provide personal information that identifies a person by the social security number of the person to the following:

a. The department of revenue for the purposes of collecting debt and administering the setoff program pursuant to section 421.65.

b. The judicial branch for the purpose of collecting court debt pursuant to section 602.8107.

2. The social security number obtained by the department of revenue or the judicial branch shall retain its confidentiality and shall only be used for the purposes provided in this section.

2008 Acts, ch 1172, §17; 2020 Acts, ch 1064, §13, 28; 2020 Acts, ch 1118, §73, 74

321.12 Destruction of records.

1. The director may destroy any records of the department which have been maintained on file for three years and which the director deems obsolete and of no further service in carrying out the powers and duties of the department, except as otherwise provided in this section.

2. Operating records relating to a person who has been issued a commercial driver's license or commercial learner's permit shall be maintained on file in accordance with rules adopted by the department.

3. The following records may be destroyed according to the following requirements:

a. Records concerning suspensions authorized under section 321.210, subsection 1, paragraph *"a"*, subparagraph (7), and section 321.210A may be destroyed six months after the suspension is terminated and the requirements of section 321.191 have been satisfied.

b. Records concerning suspensions and surrender of licenses or registrations required under section 321A.31 for failing to maintain proof of financial responsibility, as defined in section 321A.1, may be destroyed six months after the requirements of sections 321.191 and 321A.29 have been satisfied.

4. The director shall not destroy any operating records pertaining to arrests or convictions for operating while intoxicated, in violation of section 321J.2 or operating records pertaining to revocations for violations of section 321J.2A, except that a conviction or revocation under

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section 321J.2 or 321J.2A that is not subject to 49 C.F.R. pt. 383 shall be deleted from the operating records twelve years after the date of conviction or the effective date of revocation. Convictions or revocations that are retained in the operating records for more than twelve years under this subsection shall be considered only for purposes of disqualification actions under 49 C.F.R. pt. 383.

[C39, §**5000.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.12]

90 Acts, ch 1230, §16; 94 Acts, ch 1164, §1, 2; 95 Acts, ch 48, §2; 95 Acts, ch 55, §3; 97 Acts, ch 177, §1; 98 Acts, ch 1138, §1, 37; 2005 Acts, ch 8, §5; 2010 Acts, ch 1061, §169; 2014 Acts, ch 1092, §176; 2015 Acts, ch 123, §46; 2016 Acts, ch 1073, §102

Referred to in §321J.2

321.13 Authority to grant or refuse applications.

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

[C39, §**5000.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.13]

95 Acts, ch 118, §3

321.14 Seizure of documents and plates.

The department is authorized to take possession of any registration card, certificate of title, permit, or registration plate, certificate of inspection or any inspection document or form, upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued.

[C39, §**5000.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.14]

2022 Acts, ch 1032, §52

321.15 Publication of law.

The department shall issue, in pamphlet or electronic form, such parts of this chapter together with such rules, instructions, and explanatory matter as may seem advisable. Such information shall be distributed as determined by the department and shall be furnished to each county treasurer.

[C24, 27, 31, 35, §5018; C39, §**5000.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.15]

2004 Acts, ch 1013, §2, 35

Referred to in §321J.1A

321.16 Giving of notices.

1. When the department is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is expressly prescribed, notice shall be given either by personal delivery to the person to be so notified or by personal service in the manner of original notice by rule of civil procedure 1.305(1), or by first class mail addressed to the person at the address shown in the records of the department, notwithstanding chapter 17A. The department shall adopt rules regarding the giving of notice by first class mail, the updating of addresses in department records, and the development of affidavits verifying the mailing of notices under this chapter and chapter 321J. A person's refusal to accept or a claim of failure to receive a notice of revocation, suspension, or bar mailed by first class mail to the person's last known address shall not be a defense to a charge of driving while suspended, revoked, denied, or barred.

2. Proof of the giving of notice by personal service may be made by the certificate of any officer or employee of the department or affidavit of any person over eighteen years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof.

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3. If a peace officer serves notice of immediate suspension or revocation of a driver's license as provided in this chapter or any other chapter, the peace officer may destroy the license or send the license to the department.

[C39, §**5000.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.16]
85 Acts, ch 121, §1; 2001 Acts, ch 32, §41; 2007 Acts, ch 143, §7
Referred to in §321.16A, 321.211A, 321.556

321.16A Electronic communications.

1. As used in this section:

a. "Document" means information that the department is required or authorized to provide to a person, and that is eligible, as determined by the department, to be delivered by electronic communication. *"Document"* includes but is not limited to a notification, reminder, or other piece of correspondence, other than a notice of a sanction.

b. "Electronic communication" means a document provided electronically by the department and includes any of the following:

(1) Sending a document to an electronic mail address or telephone number at which the recipient has specifically given consent to receive documents.

(2) Posting a document on an electronic network provided by the department that is accessible via the internet, a mobile application, computer, mobile device, tablet, or any other electronic device, or on the department's internet site, along with a separate electronic mail notification of the posting sent to the address at which the recipient has consented to receive notification or by any other delivery method to which the recipient has given consent.

c. "Notice of a sanction" means notice of bar, cancellation, denial, disqualification, downgrade, revocation, or suspension delivered by the department under section 252J.8, this chapter, or chapter 321A, 321E, 321F, 321H, 321J, 321L, 321N, 322, 322A, 322C, 325A, 326, 327B, or 452A.

d. "Recipient" means a person who receives electronic communication from the department under section 252J.8, this chapter, or chapter 321A, 321E, 321F, 321H, 321J, 321L, 321N, 322, 322A, 322C, 325A, 326, 327B, or 452A.

2. *a.* Subject to the requirements and limitations of this section and except as expressly prohibited by law, the department may use electronic communication to deliver a document, other than a notice of a sanction, to a recipient. The department may also use electronic means to store and present a document delivered by electronic communication.

b. The department may use electronic communication to deliver a document to a recipient if all of the following occur:

(1) The recipient has affirmatively consented to such method of delivery and has not withdrawn the consent.

(2) The recipient, before giving consent, is provided with clear and conspicuous information concerning the rights of the recipient and additional information, in accordance with rules adopted by the department pursuant to chapter 17A, including the use and protection of the recipient's personal information, as defined in section 321.11.

(3) The recipient consents, or confirms consent, to receive electronic communication in a manner that reasonably demonstrates that the recipient can access electronic communications in the method that the department will use for electronic communications.

3. The department shall not use electronic communication to deliver notice of a sanction. Notice of a sanction must be delivered in accordance with section 321.16. This subsection does not prohibit the department from using electronic communication to send a courtesy copy of a notice of a sanction by electronic means if the recipient has consented to receive courtesy copies of a notice of a sanction, and if the copy is available for electronic communication.

4. This section does not affect requirements of content or timing of any notice or document required under applicable law.

5. *a.* A withdrawal of consent by a recipient does not affect the legal effectiveness, validity, or enforceability of a document delivered by electronic communication to the recipient prior to the withdrawal of consent.

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b. A withdrawal of consent is effective within a reasonable period of time after the department receives notice of the withdrawal.

6. This section does not apply to a document electronically delivered by the department prior to July 1, 2026, if, before July 1, 2026, the recipient received or consented to receive a document in an electronic form otherwise allowed by law.

7. The department may deliver a document by any other delivery method permitted by law other than by electronic communication if either of the following occurs:

a. The department attempted to use electronic communication to deliver a document to a recipient and has a reasonable basis for believing that the document has not been received.

b. The department becomes aware that the electronic mail address or telephone number provided by the recipient is no longer valid.

8. The department is authorized to collect telephone numbers and electronic mail addresses on any department application. Telephone numbers and electronic mail addresses collected pursuant to this subsection shall be used and disclosed only as authorized under this section or section 321.11.

9. The department's use of a recipient's telephone number or electronic mail address for electronic communication shall not constitute a disclosure under section 321.11.

10. The department shall adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1118, §31, 32

Section applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the department of transportation's electronic communications system is implemented, whichever is earlier; 2026 Acts, ch 1118, §32

NEW section

REGISTRATION, CERTIFICATE OF TITLE, AND PROOF OF SECURITY AGAINST FINANCIAL LIABILITY

321.17 Misdemeanor to violate registration provisions.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, for any person to drive or move or for an owner knowingly to permit to be driven or moved upon the highway a vehicle of a type required to be registered under this chapter which is not registered, or for which the appropriate fees have not been paid, except as provided in section 321.109, subsection 3.

[C24, 27, 31, 35, §5085; C39, §**5001.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.17]

96 Acts, ch 1152, §1; 2001 Acts, ch 176, §49, 59; 2008 Acts, ch 1113, §48; 2010 Acts, ch 1190, §32

Referred to in §331.557, 805.8A(2)(a)

321.18 Vehicles subject to registration — exception.

Every motor vehicle, trailer, and semitrailer when driven or moved upon a highway shall be subject to the registration provisions of this chapter except:

1. Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, or nonresidents as contemplated by section 321.53 and chapter 326, or under a temporary registration permit issued by the department as hereinafter authorized.

2. Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another.

3. Any implement of husbandry.

4. Any special mobile equipment as defined in this chapter.

5. Any vehicle which is used exclusively for interplant purposes, in the operation of an industrial or manufacturing plant, consisting of a single unit comprising a group of buildings separated by streets, alleys, or railroad tracks, and which vehicle is used solely to transport materials from one part of the plant to another or from an adjacent railroad track to the plant and in so doing incidentally using said streets or alleys for not more than one thousand feet.

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6. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

7. Any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in section 285.1, subsection 1, and section 285.10, subsection 9, or used exclusively for the transportation of children enrolled in a federal head start program. Upon application the department shall, without charge, issue a registration certificate and registration plates. The plates shall be attached to the front and rear of each bus exempt from registration under this subsection.

8. Any mobile home or manufactured home and any temporary undercarriage used solely for transporting manufactured homes, modular homes, or other portable buildings used or intended to be used for human occupancy.

9. Any trailer that is used exclusively for the transportation, display, and distribution of flags honoring deceased veterans in parades or ceremonies held on Memorial Day, Veterans Day, or other patriotic occasions as authorized by resolution of the local government of the community where the parade or ceremony takes place. A trailer exempt from registration under this subsection shall only be used on city streets or secondary roads on the day of a parade or ceremony specified in the local government's resolution, and a copy of the resolution shall be carried at all times in the vehicle pulling the trailer.

[C24, 27, 31, 35, §4864; C39, §**5001.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.18; 82 Acts, ch 1251, §4]

95 Acts, ch 118, §4; 99 Acts, ch 188, §2; 2001 Acts, ch 153, §17; 2006 Acts, ch 1068, §8; 2007 Acts, ch 131, §1, 6; 2009 Acts, ch 130, §21; 2010 Acts, ch 1193, §122; 2012 Acts, ch 1021, §65, 142; 2023 Acts, ch 66, §68

Referred to in §321.20B, 331.557, 423.1, 423B.2, 452A.17

321.18A Records of implements of husbandry.

A person selling at retail new implements of husbandry with a retail list price in excess of five thousand dollars upon which the manufacturer has affixed a vehicle identification number, shall maintain for ten years a record of the number, the name and address of the purchaser, and the date of sale.

91 Acts, ch 97, §43

Referred to in §331.557

321.19 Exemptions — distinguishing plates — definitions of urban transit company and regional transit system.

1. *a.* The following vehicles are exempted from the payment of the registration fees imposed by this chapter, except as provided for urban transit companies in subsection 2, but are not exempt from the penalties provided in this chapter:

(1) All vehicles owned or leased for a period of sixty days or more by the government and used in the transaction of official business by the representatives of foreign governments or by officers, boards, or departments of the government of the United States, and by the state, counties, municipalities and other political subdivisions of the state including vehicles used by an urban transit company operated by a municipality or a regional transit system, and self-propelling vehicles used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality or a regional transit system.

(2) All fire trucks, providing they are not owned and operated for a pecuniary profit.

(3) Authorized emergency vehicles used only in disaster relief owned and operated by an organization not operated for pecuniary profit.

b. (1) The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on state patrol vehicles shall bear the word "official" and the department shall keep a separate record.

(2) Registration plates issued for state patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number.

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(3) Registration plates issued for county sheriff's patrol vehicles shall display one seven-pointed gold star followed by the letter "S" and the call number of the vehicle.

c. However, the director of the department of administrative services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by any of the following:

(1) Peace officers or federal law enforcement officers in the enforcement of the law.

(2) Persons enforcing chapter 124 and other laws relating to controlled substances.

(3) Persons in the department of justice, disease investigators of the department of health and human services, the department of inspections, appeals, and licensing, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates.

(4) Persons who are federal agents or officers regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" registration plates.

(5) Persons in the Iowa lottery authority whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates.

(6) Persons in the economic development authority who are regularly assigned duties relating to existing industry expansion or business attraction, and mental health professionals or health care professionals who provide off-site or in-home medical or mental health services to clients of publicly funded programs.

d. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

2. *a.* "*Urban transit company*" means any person, firm, corporation, company, or municipality which operates buses or trolley cars or both, primarily upon the streets of cities over well-defined routes between certain termini, for the transportation of passengers for a uniform fare, and which accepts for passengers all who present themselves for transportation without discrimination up to the limit of the capacity of each vehicle. Included are street railways, plants, equipment, property, and rights, used and useful in the transportation of passengers. Motor carriers and interurbans subject to the jurisdiction of the state department of transportation, and taxicabs, are not included.

b. The department, in accordance with subsection 1, shall furnish distinguishing plates for vehicles used by urban transit companies operated by a municipality. No other provision of law providing for the payment of taxes, registration, or license fees for vehicles shall be applicable to any bus, car, or vehicle for the transportation of passengers owned and operated by any urban transit company.

c. Chapter 326 is not applicable to urban transit companies or systems.

3. *a.* *"Regional transit system"* means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor, except as agreed upon by the department. Privately chartered bus services and uses other than providing services that are open and public on a shared ride basis shall not be construed to be a regional transit system.

b. Each county board of supervisors within the region is responsible for determining the service and funding within its county. However, the administration and overhead support services for the overall regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members.

[C24, 27, 31, 35, §4867, 4922; C39, §**5001.03;** C46, 50, 54, 58, 62, §321.19; C66, 71, 73, §321.19, 386C.1 – 386C.3; C75, 77, 79, 81, §321.19]

83 Acts, ch 40, §1; 84 Acts, ch 1253, §1 – 3; 85 Acts, ch 67, §34; 85 Acts, ch 115, §2; 86 Acts, ch 1042, §10; 92 Acts, ch 1244, §41; 95 Acts, ch 118, §5; 96 Acts, ch 1034, §19; 96 Acts, ch 1066, §1; 96 Acts, ch 1211, §33; 97 Acts, ch 104, §6; 97 Acts, ch 158, §1; 98 Acts, ch 1028, §1; 98 Acts, ch 1074, §21; 99 Acts, ch 141, §37; 2003 Acts, ch 145, §244; 2003 Acts, ch 178, §109,

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121; 2003 Acts, ch 179, §142; 2005 Acts, ch 35, §31; 2006 Acts, ch 1022, §1; 2008 Acts, ch 1113, §49; 2011 Acts, ch 118, §85, 89; 2015 Acts, ch 30, §97; 2015 Acts, ch 123, §32; 2023 Acts, ch 19, §1056, 1965, 2460

Referred to in §8A.362, 321.39, 321.166, 331.557, 721.8
Plates, see §321.22, 321.170

321.20 Application for registration and certificate of title.

1. Except as provided in this chapter, an owner of a vehicle, or a lessor of a vehicle pursuant to chapter 321F which has a gross vehicle weight of less than ten thousand pounds, which is subject to registration, shall make application to any county treasurer for the initial registration and issuance of a certificate of title for the vehicle upon the appropriate form furnished by the department. However, upon the transfer of ownership, the owner of a vehicle subject to the apportioned registration provisions of chapter 326 shall make application for issuance of a certificate of title to either the department or any county treasurer. The owner of a vehicle purchased pursuant to section 578A.7 shall present documentation that such sale was completed in compliance with that section. The application shall be accompanied by a fee of thirty dollars, and shall bear the owner's signature. A nonresident owner of two or more vehicles subject to registration may make application for initial registration and issuance of a certificate of title for all vehicles subject to registration to any county treasurer. The owner of a mobile home or manufactured home shall make application for a certificate of title under this section from the county treasurer of the county where the mobile home or manufactured home is located. The application shall contain:

a. The full legal name; social security number or Iowa driver's license number or Iowa nonoperator's identification card number; date of birth; bona fide residence; and mailing address of the owner and of the lessee if the vehicle is being leased. If the owner or lessee is a firm, association, or corporation, the application shall contain the bona fide business address and federal employer identification number of the owner or lessee. Up to three owners' names may be listed on the application. If the vehicle is a leased vehicle, the application shall state whether the notice of registration renewal shall be sent to the lessor or to the lessee and whether the lessor or the lessee shall receive the refund of the annual registration fee, if any. Information relating to the lessee of a vehicle shall not be required on an application for registration and a certificate of title for a vehicle with a gross vehicle weight rating of ten thousand pounds or more.

b. A description of the vehicle including, insofar as the specified data may exist with respect to a given vehicle, the make, model, type of body, the number of cylinders, the type of motor fuel used, the vehicle identification number or other assigned number, and whether new or used and, if a new vehicle, the date of sale by the manufacturer or dealer to the person intending to operate the vehicle. If the vehicle is a new low-speed vehicle, the manufacturer's or importer's certificate required to accompany the application under paragraph *"d"* shall certify that the vehicle was manufactured in compliance with the national highway traffic safety administration standards for low-speed vehicles in 49 C.F.R. §571.500.

c. Such further information as may reasonably be required by the department.

d. A statement of the applicant's title and of all liens or encumbrances upon the vehicle and the names and mailing addresses of all persons having any interest in the vehicle and the nature of every such interest. When the application refers to a new vehicle, it shall be accompanied by a manufacturer's or importer's certificate duly assigned as provided in section 321.45.

e. The amount of the fee for new registration to be paid under section 321.105A, the amount of tax to be paid under section 423.26, subsection 1, or the amount of tax to be paid under section 423.26A.

f. (1) Except as provided in subparagraph (2), if the vehicle is owned by a nonresident but is subject to issuance of an Iowa certificate of title or registration, the application must also contain the full legal name, Iowa driver's license number or Iowa nonoperator's identification card number, date of birth, bona fide residence, and mailing address of the primary user of the vehicle. If the primary user is a firm, association, or corporation, the application must

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contain the bona fide business address and federal employer identification number of the primary user. The primary user's name and address shall not be printed on the registration receipt or the certificate of title.

(2) If the vehicle is owned by a nonresident who owns real property in this state, the vehicle is used primarily at the Iowa property, and the vehicle is subject to issuance of an Iowa certificate of title or registration, the application must include reasonable proof, as determined by the department, that the nonresident owns the property, and may contain the owner's driver's license number or nonoperator's identification card number issued by another state in lieu of both the primary user's information required under subparagraph (1) and the owner's Iowa driver's license number or Iowa nonoperator's identification card number required under paragraph "*a*". The department shall adopt rules regarding acceptable proof of ownership of the property required under this subparagraph.

2. Notwithstanding contrary provisions of this chapter or chapter 326 regarding titling and registration by means other than electronic means, the department shall develop and implement a program to allow for electronic applications, titling, initial registrations, and funds transfers for vehicles subject to registration in order to improve the efficiency and timeliness of the processes and to reduce costs for all parties involved. The program shall also provide for the electronic submission of any statement required by this section, except where prohibited by federal law.

3. The department shall adopt rules pursuant to chapter 17A to administer this section, including rules relating to the method for providing signatures for applications and statements required by this section that are made by electronic means.

[S13, SS15, §1571-m2; C24, 27, 31, 35, §4869, 5008, 5009; C39, §**5001.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.20; 82 Acts, ch 1251, §5]

84 Acts, ch 1305, §47; 87 Acts, ch 46, §1; 87 Acts, ch 108, §1; 95 Acts, ch 194, §1, 12; 97 Acts, ch 104, §7; 98 Acts, ch 1073, §9; 99 Acts, ch 8, §1; 99 Acts, ch 188, §3; 2000 Acts, ch 1005, §2; 2000 Acts, ch 1016, §39 – 41, 47; 2000 Acts, ch 1134, §1; 2001 Acts, ch 153, §17; 2003 Acts, 1st Ex, ch 2, §163, 205; 2004 Acts, ch 1013, §3, 35; 2005 Acts, ch 34, §3, 26; 2006 Acts, ch 1068, §9; 2006 Acts, ch 1070, §2; 2008 Acts, ch 1018, §5; 2008 Acts, ch 1113, §13, 21, 50, 51; 2010 Acts, ch 1108, §3, 15; 2012 Acts, ch 1093, §2; 2016 Acts, ch 1083, §1, 2; 2018 Acts, ch 1095, §2; 2019 Acts, ch 50, §12; 2024 Acts, ch 1145, §1, 2, 26; 2026 Acts, ch 1135, §1

Referred to in §312.2, 321.29, 321.47, 321.50, 321.52A, 321.109, 321.126, 322.3, 331.557, 435.27
Surcharge imposed; §321.52A
Subsection 1, paragraph f amended

321.20A Certificate of title and registration fees — commercial vehicles.

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the apportioned registration provisions of chapter 326 may make application to the department or any county treasurer for a certificate of title. The owner of a commercial vehicle purchased pursuant to section 578A.7 shall present documentation that such sale was completed in compliance with that section. The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by a thirty-dollar title fee and the appropriate fee for new registration. The department or the county treasurer shall deliver the certificate of title to the owner if there is no security interest. If there is a security interest, the title, when issued, shall be delivered to the first secured party. Delivery may be made using electronic means.

2. An owner of more than fifty commercial vehicles subject to the apportioned registration provisions of chapter 326 who is issued a certificate of title under this section shall not be subject to annual registration fees until the commercial vehicle is driven or moved upon the highways. The annual registration fee due shall be prorated for the remaining unexpired months of the registration year. Ownership of the commercial vehicle shall not be transferred until annual registration fees have been paid to the department.

95 Acts, ch 118, §6; 96 Acts, ch 1089, §1; 96 Acts, ch 1152, §2; 2000 Acts, ch 1016, §2; 2001 Acts, ch 132, §2; 2004 Acts, ch 1013, §4, 35; 2006 Acts, ch 1070, §3; 2008 Acts, ch 1113, §14, 21, 52; 2012 Acts, ch 1093, §3; 2019 Acts, ch 50, §13; 2024 Acts, ch 1145, §3, 26

Referred to in §312.2, 321.47, 321.52A, 331.557
Surcharge imposed, §321.52A

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321.20B Financial liability coverage — proof required — violations — penalties — exceptions.

1. *a.* Notwithstanding chapter 321A, which requires certain persons to maintain proof of financial responsibility, a person shall not drive a motor vehicle on the highways of this state unless financial liability coverage, as defined in section 321.1, subsection 24B, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of financial liability coverage card issued for the motor vehicle, or if the vehicle is registered in another state, other evidence that financial liability coverage is in effect for the motor vehicle. A proof of financial liability coverage card may be produced in paper or electronic format. Acceptable electronic formats include electronic images displayed on a cellular telephone or any other portable electronic device that has a display screen with touch input or a miniature keyboard.

b. It shall be conclusively presumed that a motor vehicle driven upon a parking lot which is available to the public without charge or which is available to customers or invitees of a business or facility without charge was driven on the highways of this state in order to enter the parking lot, and this section shall be applicable to such a motor vehicle. As used in this section, *"parking lot"* includes access roads, drives, lanes, aisles, entrances, and exits to and from a parking lot described in this paragraph.

c. This subsection does not apply to the operator of a motor vehicle owned by or leased to the United States, this state or another state, or any political subdivision of this state or of another state, or to a motor vehicle which is subject to section 325A.6.

2. *a.* An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a financial liability coverage card for each motor vehicle insured. Each financial liability coverage card shall identify the registration number or vehicle identification number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The financial liability coverage card shall also contain the name and address of the insurer or the name of the insurer and the name and address of the insurance agency, the name of the insured, and an emergency telephone number of the insurer or emergency telephone number of the insurance agency. An insurance company may issue a financial liability coverage card in either paper format or, if requested by the insured, electronic format.

b. The department shall adopt rules regarding the contents of a financial liability coverage card to be issued pursuant to this section.

(1) Notwithstanding the provisions of this section, a fleet owner who is issued a certificate of self-insurance pursuant to section 321A.34, subsection 1, is not required to maintain in each vehicle a financial liability coverage card with the individual registration number or the vehicle identification number of the vehicle included on the card. Such fleet owner shall be required to maintain a financial liability coverage card in each vehicle in the fleet including information deemed appropriate by the director.

(2) An association of individual members that is issued a certificate of self-insurance pursuant to section 321A.34, subsection 2, is required to maintain in each vehicle of an individual member a financial liability coverage card that complies with the provisions of this section and in addition contains information relating to the association and the association's certificate of self-insurance as is deemed appropriate by the director.

3. If the financial liability coverage for a motor vehicle which is registered in this state is canceled or terminated effective prior to the expiration date indicated on the financial liability coverage card issued for the vehicle, the person to whom the financial liability coverage card was issued shall destroy the card.

4. *a.* If a peace officer stops a motor vehicle registered in this state and the driver is unable to provide proof of financial liability coverage, the peace officer shall do one of the following:

(1) Issue a warning memorandum to the driver.

(2) Issue a citation to the driver.

(3) Issue a citation and remove the motor vehicle's license plates and registration receipt.

(a) Upon removing the license plates and registration receipt, the peace officer shall deliver the plates for destruction, as appropriate, and forward the registration receipt and evidence of the violation, as determined by the department, to the county treasurer of the county in which the motor vehicle is registered.

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(b) The motor vehicle may be driven for a time period of up to forty-eight hours after receiving the citation solely for the purpose of removing the motor vehicle from the highways of this state, unless the driver's operating privileges are otherwise suspended. After receiving the citation, the driver shall keep the citation in the motor vehicle at all times while driving the motor vehicle as provided in this subparagraph, as proof of the driver's privilege to drive the motor vehicle for such limited time and purpose.

(4) (a) Issue a citation, remove the motor vehicle's license plates and registration receipt, and impound the motor vehicle. The peace officer shall deliver the plates for destruction, as appropriate, and forward the registration receipt and evidence of the violation, as determined by the department, to the county treasurer of the county in which the motor vehicle is registered.

(b) A motor vehicle which is impounded may be claimed by a person if the owner provides proof of financial liability coverage and proof of payment of any applicable fine and the costs of towing and storage for the motor vehicle. If the motor vehicle is not claimed within thirty days after impoundment, the motor vehicle may be treated as an abandoned vehicle pursuant to section 321.89.

(c) The holder of a security interest in a motor vehicle which is impounded pursuant to this subparagraph shall be notified of the impoundment within seventy-two hours of the impoundment of the motor vehicle and shall have the right to claim the motor vehicle upon the payment of all fees. However, if the value of the vehicle is less than the security interest, all fees shall be divided equally between the lienholder and the political subdivision impounding the vehicle.

b. An owner or driver of a motor vehicle who is charged with a violation of subsection 1 and issued a citation under paragraph "*a*", subparagraph (3) or (4), is subject to the following:

(1) An owner or driver who produces to the clerk of court, prior to the date of the individual's court appearance as indicated on the citation, proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, or, if the driver is not the owner of the motor vehicle, proof that liability coverage was in effect for the driver with respect to the motor vehicle being driven at the time the driver was stopped and cited, in the same manner as if the motor vehicle were owned by the driver, shall be given a receipt indicating that such proof was provided and be subject to one of the following:

(a) If the person was cited pursuant to paragraph "*a*", subparagraph (3), the owner or driver shall provide a copy of the receipt to the county treasurer of the county in which the motor vehicle is registered and the owner shall be assessed a fifteen dollar administrative fee by the county treasurer who shall issue new license plates and registration to the person after payment of the fee.

(b) If the person was cited pursuant to paragraph "*a*", subparagraph (4), the owner or driver, after the owner provides proof of financial liability coverage to the clerk of court, may claim the motor vehicle after such person pays any applicable fine and the costs of towing and storage for the motor vehicle, and the owner or driver provides a copy of the receipt and the owner pays to the county treasurer of the county in which the motor vehicle is registered a fifteen dollar administrative fee, and the county treasurer shall issue new license plates and registration to the person.

(2) An owner or driver who is charged with a violation of subsection 1 and is unable to show that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited may do either of the following:

(a) Sign an admission of violation on the citation and remit to the clerk of court a scheduled fine as provided in section 805.8A, subsection 14, paragraph "*f*", for a violation of subsection 1. Upon payment of the fine to the clerk of court of the county where the citation was issued, payment of a fifteen dollar administrative fee to the county treasurer of the county in which the motor vehicle is registered, and providing proof of payment of any applicable fine and proof of financial liability coverages to the county treasurer of the county in which the motor vehicle is registered, the treasurer shall issue new license plates and registration to the owner.

(b) Request an appearance before the court on the matter. If the matter goes before the

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court, and the owner or driver is found guilty of a violation of subsection 1, the court may impose a fine as provided in section 805.8A, subsection 14, paragraph *"f"*, for a violation of subsection 1, or the court may order the person to perform unpaid community service instead of the fine. Upon the payment of the fine or the entry of the order for unpaid community service, the person shall provide proof of payment or entry of such order and the county treasurer of the county in which the motor vehicle is registered shall issue new license plates and registration to the owner upon the owner providing proof of financial liability coverage and paying a fifteen dollar administrative fee to the county treasurer.

c. An owner or driver cited for a violation of subsection 1, who produces to the clerk of court prior to the date of the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

5. If the motor vehicle is not registered in this state and the driver is a nonresident, the peace officer shall do one of the following:

a. Issue a warning memorandum to the driver.

b. Issue a citation. An owner or driver who produces to the clerk of court prior to the date of the person's court appearance as indicated on the citation proof that the financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, or if the driver is not the owner of the motor vehicle, proof that liability coverage was in effect for the driver with respect to the motor vehicle being driven at the time the driver was stopped and cited in the same manner as if the motor vehicle were owned by the driver, shall be given a receipt indicating that proof was provided, and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

6. This section does not apply to a motor vehicle identified in section 321.18, subsection 1, 2, 3, 4, 5, 6, or 8.

7. This section does not apply to a lienholder who has a security interest in a motor vehicle subject to the registration requirements of this chapter, so long as such lienholder maintains financial liability coverage for any motor vehicle driven or moved by the lienholder in which the lienholder has an interest.

8. This section does not apply to a motor vehicle owned by a motor vehicle dealer or wholesaler licensed pursuant to chapter 322.

9. The director of transportation and the commissioner of insurance shall adopt rules pursuant to chapter 17A to administer this section.

97 Acts, ch 139, §2, 17, 18; 98 Acts, ch 1100, §41; 98 Acts, ch 1121, §1 – 4, 8, 9; 99 Acts, ch 110, §1; 99 Acts, ch 114, §19; 2001 Acts, ch 32, §16; 2002 Acts, ch 1050, §32; 2003 Acts, ch 151, §23 – 25; 2006 Acts, ch 1144, §1 – 3; 2007 Acts, ch 215, §105; 2008 Acts, ch 1031, §111; 2012 Acts, ch 1138, §29; 2013 Acts, ch 103, §5, 6

Referred to in §321.1, 321.54, 321.55, 321.89, 321.234A, 321.515, 321.516, 321A.34, 321K.1, 321N.4, 322.7B, 326.25, 331.557, 805.8A(14)(f)

321.21 Special mobile equipment plates. Repealed by 99 Acts, ch 13, §28, 29; 2000 Acts, ch 1154, §46, 50.

321.22 Urban and regional transit equipment certificates and plates.

1. An urban transit company or system having a franchise to operate in any city and any regional transit system may make application to the department, upon forms furnished by the department, for a certificate containing a distinguishing number and for one or more pairs of registration plates to be attached to the front and rear of buses owned or operated by the transit company or system.

2. The department shall issue to the applicant a certificate, or certificates, containing but not limited to the applicant's name and address, the distinguishing number assigned to the applicant, and such other information deemed necessary by the department for proper identification of the buses.

3. The department shall issue registration plates to the applicant.

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4. The department shall issue the certificates and plates without fee.

[C66, 71, 73, 75, 77, 79, 81, §321.22]

84 Acts, ch 1253, §4; 85 Acts, ch 195, §31; 92 Acts, ch 1244, §42; 2009 Acts, ch 130, §22

Referred to in §331.557

321.23 Titles to specially constructed and reconstructed vehicles, street rods, replica vehicles, and foreign vehicles.

1. *a.* If the vehicle to be registered is a specially constructed vehicle, reconstructed vehicle, street rod, replica vehicle, or foreign vehicle, such fact shall be stated in the application. A fee of thirty dollars shall be paid by the person making the application upon issuance of a certificate of title by any county treasurer. For a specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle subject to registration, the application shall be accompanied by a statement from the department authorizing the motor vehicle to be titled and registered in this state. The owner of a specially constructed vehicle, reconstructed vehicle, street rod, replica vehicle, or foreign vehicle purchased pursuant to section 578A.7 shall present documentation that such sale was completed in compliance with that section.

b. The department shall cause a physical inspection to be made of all specially constructed vehicles, reconstructed vehicles, street rods, and replica vehicles upon application for a certificate of title by the owner, to determine whether the motor vehicle complies with the definition of specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle in this chapter and to determine that the integral component parts are properly identified and that the rightful ownership is established before issuing the owner the authority to have the motor vehicle registered and titled. The purpose of the physical inspection under this section is not to determine whether the motor vehicle is in a condition safe to operate.

c. The owner of a specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of the inspection. For a foreign vehicle which has been registered outside this state, the owner shall surrender to the treasurer all registration plates, registration cards, and certificates of title, or if the vehicle to be registered is from a nontitle state, the evidence of foreign registration and ownership as may be prescribed by the department except as provided in subsection 2.

d. Upon completion of every specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle, the owner shall certify on a form prescribed by the department that such vehicle is in compliance with all equipment specifications required under this chapter.

2. Where in the course of operation of a vehicle registered in another state it is desirable to retain registration of said vehicle in such other state, such applicant need not surrender but shall submit for inspection said evidence of such foreign registration and the treasurer upon a proper showing shall register said vehicle in this state but shall not issue a certificate of title for such vehicle.

3. In the event an applicant for initial registration of a foreign vehicle for which a certificate of title has been issued is able to furnish evidence of being the registered owner of the vehicle to any county treasurer, although unable to surrender such certificate of title, the county treasurer may issue a registration receipt and plates upon receipt of the required annual registration fee and the fee for new registration but shall not issue a certificate of title thereto. Upon surrender of the certificate of title from the foreign state, the county treasurer shall issue a certificate of title to the owner, or person entitled thereto, of such vehicle as provided in this chapter. The owner of a vehicle registered under this subsection shall not be required to obtain a certificate of title in this state and may transfer ownership of the vehicle to a motor vehicle dealer licensed under chapter 322 or an insurance carrier authorized to do business in this state if, at the time of the transfer, the certificate of title is held by a secured party and the dealer or insurance carrier, as applicable, has forwarded to the secured party the sum necessary to discharge the security interest pursuant to section 321.48, subsection 1.

4. A vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the

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vehicle is not in an unsafe condition. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of thirty dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that the vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection does not apply to snowmobiles as defined in section 321G.1. Section 321.382 does not apply to a vehicle registered under this subsection which is operated exclusively by a person with a disability who has obtained a persons with disabilities parking permit as provided in section 321L.2, if the persons with disabilities parking permit is carried in or on the vehicle and shown to a peace officer on request.

[C39, §**5001.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.23]

83 Acts, ch 9, §4, 8; 84 Acts, ch 1305, §48; 88 Acts, ch 1158, §65; 89 Acts, ch 247, §3; 96 Acts, ch 1171, §1; 97 Acts, ch 70, §2; 98 Acts, ch 1073, §5; 99 Acts, ch 13, §4; 2005 Acts, ch 8, §6; 2008 Acts, ch 1044, §5, 8; 2008 Acts, ch 1113, §15, 21, 53; 2008 Acts, ch 1191, §127

[A change in fee amount in subsection 1, paragraph a, by 2008 Acts, ch 1113, §15, inadvertently overwritten and omitted beginning with the 2009 Code Supplement through Code 2023]

2019 Acts, ch 50, §14; 2022 Acts, ch 1027, §1; 2024 Acts, ch 1145, §4, 5, 26

Referred to in §312.2, 321.30, 321.47, 321.52A, 321.67, 331.557

Surcharge imposed; §321.52A

321.23A Affidavit of correction.

When information is printed incorrectly on a certificate of title, application for certificate of title, damage disclosure statement, or other document required for a title transfer or when these documents contain an alteration or erasure, the county treasurer may accept a notarized affidavit of correction. This section does not apply to an odometer certification statement. The department shall consult with a representative of the Iowa state county treasurer's association and shall promulgate rules and adopt a standard affidavit form or forms to administer this section.

2004 Acts, ch 1092, §1

Referred to in §331.557

321.24 Issuance of registration and certificate of title.

1. Upon receipt of the application for title and payment of the required fees for a motor vehicle, trailer, or semitrailer, the county treasurer or the department shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home or manufactured home, that taxes are not owing under chapter 423 or 435, issue a certificate of title and, except for a mobile home or manufactured home, a registration receipt, and shall file the application, the manufacturer's or importer's certificate, the certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, the amount of the fee paid, the type of fuel used, a description of the vehicle as determined by the department, and a form for notice of transfer of the vehicle. The name and address of any lessee of the vehicle shall not be printed on the registration receipt or certificate of title. Up to three owners may be listed on the registration receipt and certificate of title.

2. The county treasurer shall maintain in the records system information contained on the registration receipt. The information shall be accessible by registration number and shall be open for public inspection during reasonable business hours. Information the department requires shall be sent to the department in the manner and at the time the department directs.

3. The certificate of title must contain upon its face the identical information required upon the face of the registration receipt. In addition, the certificate of title must contain a statement of the owner's title, the title number assigned to the owner or owners of the vehicle, and a statement of all security interests and encumbrances as shown in the application, upon the vehicle described, including the nature of the security interest, date of perfection, and name and mailing address of the secured party.

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4. If the prior certificate of title is from another state and indicates that the vehicle was rebuilt, the new certificate of title and registration receipt shall contain the designation "REBUILT" printed on its face together with the name of the state issuing the prior title. The designation shall be retained on the face of all subsequent certificates of title and registration receipts for the vehicle.

5. If the prior certificate of title is from another state and indicates that the vehicle was junked, an Iowa junking certificate shall be issued according to section 321.52, subsections 2 and 3. If the prior certificate of title from another state indicates that the vehicle is salvaged and not rebuilt or is a salvage certificate of title, an Iowa salvage certificate of title shall be issued and a "SALVAGE" designation shall be retained on all subsequent Iowa certificates of title and registration receipts for the vehicle, unless the owner has surrendered the prior certificate of title and a salvage theft examination certificate, as provided under section 321.52, subsection 4, paragraph *"c"*, and the salvage theft examination certificate was properly executed within thirty days of the date the owner was assigned the prior certificate of title. The department may require that subsequent Iowa certificates of title retain other states' designations which indicate that a vehicle had incurred prior damage. The department shall determine the manner in which other states' rebuilt, salvage, or other designations are to be indicated on Iowa titles.

6. If the prior certificate of title is from another state and indicates that the vehicle was returned to the manufacturer pursuant to a law of another state similar to chapter 322G, the new registration receipt and certificate of title, and all subsequent registration receipts and certificates of title issued for the vehicle, shall contain a designation indicating the vehicle was returned to the manufacturer. The department shall determine the manner in which other states' designations are to be indicated on Iowa registration receipts and certificates of title. The department may determine that a "REBUILT" or "SALVAGE" designation supersedes the designation required by this subsection and include the "REBUILT" or "SALVAGE" designation on the registration receipt and certificate of title in lieu of the designation required by this subsection.

7. The certificate shall contain the name of the county treasurer or of the department and, if the certificate of title is printed, the signature of the county treasurer, the deputy county treasurer, or the department director or deputy designee. The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty by the owner, for reassignments by a dealer licensed in this state or in another state if the state in which the dealer is licensed permits Iowa licensed dealers to similarly reassign certificates of title. However, titles for mobile homes or manufactured homes shall not be reassigned by licensed dealers. Notwithstanding section 321.1, subsection 17, as used in this subsection,*"dealer"* means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under this chapter.

8. The original certificate of title shall be delivered to the owner if there is no security interest. Otherwise the certificate of title shall be delivered by the county treasurer or the department to the person holding the first security interest. Delivery may be made using electronic means.

9. The county treasurer or the department, as applicable, shall maintain in the records system the information contained on the certificate of title and the name and address of the previous owner. The information must be accessible by title certificate number for a period of three years from the date of notification of cancellation of title or date that a new title has been issued as provided in this chapter. Information the department requires shall be sent to the department in the manner and at the time the department directs. The department shall designate a uniform system of title numbers to indicate the county of issuance.

10. A vehicle shall be registered for the registration year. A vehicle registered for the first time in this state shall be registered for the remaining unexpired months of the registration year and pay an annual registration fee prorated for the remaining unexpired months of the registration year plus a fee for new registration if applicable pursuant to section 321.105A. Except for a vehicle registered under chapter 326, a vehicle registered for the first time during the eleventh month of the owner's registration year may be registered for the remaining unexpired months of the registration year as provided in this subsection or for the remaining

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unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or if a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the applicant to first receive approval by the department.

a. If the department determines the value of the vehicle is one thousand dollars or less and the vehicle is twelve model years old or older, the department shall notify the applicant, and the department or county treasurer may issue a certificate of title and registration receipt. The applicant shall apply for a certificate of title and registration within thirty days of the department's notification of determination.

b. If the department determines the value of the vehicle is more than one thousand dollars or the vehicle is less than twelve model years old, the applicant shall file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The owner of a vehicle subject to the bond requirements of this subsection shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of issuance of written authorization from the department. The bond shall be in an amount equal to one and one-half times the current value of the vehicle, as determined by the department, and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title for the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or earlier if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished or that the holder of the security interest cannot be located to release the security interest as provided in section 321.50.

c. The department may adopt rules pursuant to chapter 17A to implement and administer this subsection.

12. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, paragraph *"b"*.

[C24, 27, 31, 35, §4873; C39, §**5001.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.24; 82 Acts, ch 1251, §8]

82 Acts, ch 1062, §3, 38; 87 Acts, ch 108, §2; 87 Acts, ch 130, §1; 88 Acts, ch 1089, §3; 89 Acts, ch 185, §1; 90 Acts, ch 1116, §1; 91 Acts, ch 142, §1; 92 Acts, ch 1104, §2; 94 Acts, ch 1199, §77; 95 Acts, ch 45, §1; 99 Acts, ch 188, §4; 2000 Acts, ch 1016, §42, 47; 2000 Acts, ch 1028, §1, 4; 2000 Acts, ch 1047, §1, 4; 2001 Acts, ch 153, §17; 2003 Acts, 1st Ex, ch 2, §164, 205; 2004 Acts, ch 1013, §5, 35; 2005 Acts, ch 8, §7, 8; 2006 Acts, ch 1070, §4; 2007 Acts, ch 143, §8; 2008 Acts, ch 1018, §6; 2008 Acts, ch 1113, §54; 2009 Acts, ch 41, §113; 2010 Acts, ch 1140, §1; 2014 Acts, ch 1092, §73; 2016 Acts, ch 1098, §31; 2020 Acts, ch 1074, §31, 93; 2024 Acts, ch 1036, §1; 2024 Acts, ch 1059, §1; 2026 Acts, ch 1118, §19, 29

Referred to in §321.52, 321.69, 321.152, 331.557, 805.8A(2)(b)

Certain trailers exempt, see §321.123

2026 amendment to subsections 2 and 9 applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Subsections 2 and 9 amended

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321.25 Application for registration and title — cards attached.

1. A vehicle may be operated upon the highways of this state without registration plates for a period of forty-five days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. In addition, a dealer licensed to sell new motor vehicles may attach the card to a new motor vehicle delivered by the dealer to the purchaser even if the vehicle was purchased from an out-of-state dealer and the card shall bear the registration number of the dealer that delivered the vehicle. A dealer shall not issue a card to a person known to the dealer to be in possession of registration plates which may be attached to the vehicle. A dealer shall not issue a card unless an application for initial registration and certificate of title has been made by the purchaser and a receipt issued to the purchaser of the vehicle showing the fee paid by the person making the application. Dealers' records shall indicate the agency to which the fee is sent and the date the fee is sent. The dealer shall forward the application by the purchaser to the county treasurer or state office within thirty calendar days from the date of delivery of the vehicle. However, if the vehicle is subject to a security interest and has been offered for sale pursuant to section 321.48, subsection 1, the dealer shall forward the application by the purchaser to the county treasurer or state office within thirty calendar days from the date of the delivery of the vehicle to the purchaser.

2. The department shall, upon request by any dealer, furnish "registration applied for" cards free of charge. Only cards furnished by the department shall be used. Only one card shall be issued in accordance with this subsection for each vehicle purchased.

[S13, §1571-m10; C24, 27, 31, 35, §4880; C39, §**5001.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.25; C77, §321.25 – 321.27; C79, 81, §321.25]

83 Acts, ch 82, §1; 93 Acts, ch 47, §1; 97 Acts, ch 108, §4; 99 Acts, ch 13, §5; 2000 Acts, ch 1016, §3; 2024 Acts, ch 1145, §6, 26

Referred to in §321.46, 331.557, 805.8A(2)(c)
For applicable scheduled fine, see §805.8A, subsection 2

321.26 Multiple registration periods and adjustments.

1. There are established twelve registration periods for the registration of vehicles by the county treasurer. Each registration period shall commence on the first day of each calendar month following the month of the birth of the owner of the vehicle and end on the last day of the twelfth month.

2. The county treasurer may adjust the registration renewal or expiration date of vehicles for which the county treasurer is responsible for renewal under section 321.40 when deemed necessary to equalize the number of vehicles registered in each twelve-month period or for the administrative efficiency of the county treasurer's office. The adjustment shall be accomplished by delivery of a written notice to the vehicle owner of the adjustment and allowance of a credit for the remaining months of the unused portion of the annual registration fee, rounded to the nearest whole dollar, which amount shall be deducted from the annual registration fee due at the time of registration. Upon receipt of the notification the owner shall, within thirty days, surrender the registration card and registration plates to any county treasurer, except that the registration plates shall not be surrendered if validation stickers or other emblems are used to designate the month and year of expiration of registration. Upon payment of the annual registration fee, less the credit allowed for the remaining months of the unused portion of the annual registration fee, the county treasurer that adjusted the registration renewal or expiration date of the vehicle shall issue a new registration card and registration plates, validation stickers, or emblems which indicate the month and year of expiration of registration.

3. Except for motor trucks or truck tractors registered by the county treasurer pursuant to sections 321.120, 321.121, and 321.122, vehicles subject to registration which are owned by

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a person other than a natural person shall be registered for a registration year as determined by the county treasurer.

82 Acts, ch 1062, §34, 38; 83 Acts, ch 24, §8, 12; 2008 Acts, ch 1113, §55; 2013 Acts, ch 103, §7; 2021 Acts, ch 38, §1; 2024 Acts, ch 1145, §7, 26

Referred to in §331.557

321.27 Implementation of twelve-month registration period. Repealed by 97 Acts, ch 108, §49.

321.28 Failure to register.

If the owner of a vehicle fails to register the vehicle under the provisions of this chapter, the treasurer shall withhold the registration of the vehicle for any period or periods for which it appears that registration should have been made, until the fee for the period or periods is paid.

[C24, 27, 31, 35, §4870; C39, §**5001.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.28]

2023 Acts, ch 66, §69

Referred to in §321.101, 331.557

321.29 Renewal not permitted.

Any vehicle that was once registered in the state, but which was removed from and no longer subject to registration in this state, shall, upon being returned to this state and becoming again subject to registration, be initially registered again in accordance with section 321.20.

[C24, 27, 31, 35, §4876; C39, §**5001.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.29]

2023 Acts, ch 66, §70; 2024 Acts, ch 1145, §8, 26

Referred to in §331.557

321.30 Grounds for refusing registration or title.

1. The department or the county treasurer shall refuse registration and issuance of a certificate of title or any transfer of title and registration upon any of the following grounds:

a. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to registration and issuance of a certificate of title of the vehicle under this chapter.

b. That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways, providing such condition is revealed by a member of this department, or any peace officer.

c. That the department or the county treasurer has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration and issuance of a certificate of title would constitute a fraud against the rightful owner.

d. That the registration of the vehicle stands suspended or revoked, or the person applying for registration is prohibited from registering a motor vehicle, for any reason as provided in the motor vehicle laws of this state, except that the department and the county treasurer shall not refuse registration and issuance of a certificate of title or transfer of title as provided in section 321A.5 or 321A.17, or in accordance with rules adopted by the department.

e. That the required registration fees have not been paid except as provided in section 321.48.

f. For a vehicle subject only to a certificate of title or a manufactured home, that the required use tax has not been paid.

g. If application for registration and certificate of title for a new vehicle is not accompanied by a manufacturer's or importer's certificate duly assigned.

h. If application for a transfer of registration and issuance of a certificate of title for a used vehicle registered in this state is not accompanied by a certificate of title duly assigned.

i. If application and supporting documents are insufficient to authorize the issuance of a certificate of title as provided by this chapter, except that an initial registration or transfer of registration may be issued as provided in section 321.23.

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j. In the case of a mobile home or manufactured home, that taxes are owing under chapter 435 for a previous year.

k. In the case of a mobile home or manufactured home converted from real estate, real estate taxes which are delinquent.

l. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

m. If the applicant is under eighteen years of age, unless the applicant has an Iowa driver's license or the application is being made by more than one applicant and one of the applicants is at least eighteen years of age.

2. *a.* Unless otherwise provided for in this chapter, the department or the county treasurer shall refuse registration and issuance of a certificate of title unless the vehicle bears a manufacturer's label pursuant to 49 C.F.R. pt. 567 certifying that the vehicle meets federal motor vehicle safety standards.

b. A military vehicle, other than a vehicle that runs on continuous tracks or wheels and tracks, that was originally manufactured for and sold directly to the armed forces of the United States in conformity with contractual specifications, as provided in 49 C.F.R. §571.7, may be registered and issued a certificate of title if the owner provides satisfactory evidence to the department that the vehicle is substantially in compliance with federal motor vehicle safety standards. The department may adopt rules as necessary concerning the registration and titling of military vehicles in accordance with this chapter.

3. The department or the county treasurer shall refuse registration of a vehicle if the applicant for registration of the vehicle has failed to pay the required annual registration fee or the fee for new registration of any vehicle owned or previously owned when the fee was required to be paid by the applicant, and for which vehicle the registration was suspended or revoked under section 321.101, subsection 1, paragraph "*d*", or section 321.101A, until the fee is paid together with any accrued penalties.

[C39, §**5001.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.30; 82 Acts, ch 1164, §1, ch 1251, §9]

85 Acts, ch 98, §3; 87 Acts, ch 108, §3 – 5; 95 Acts, ch 55, §4; 95 Acts, ch 194, §2, 12; 99 Acts, ch 188, §5; 2000 Acts, ch 1016, §4, 5; 2001 Acts, ch 153, §17; 2003 Acts, ch 145, §245; 2006 Acts, ch 1068, §10, 41; 2007 Acts, ch 126, §53; 2008 Acts, ch 1018, §7, 8; 2008 Acts, ch 1113, §56, 57; 2012 Acts, ch 1091, §1; 2023 Acts, ch 67, §1

Referred to in §321.101, 331.557
Refusal to renew, see §321.40

321.31 Records system.

1. The department shall install and maintain a records system for use by the department and county treasurers. The records system must contain records of vehicle registrations and certificates of title, and information from those documents, including the registration certificate number, the dates of perfection and cancellation of security interests, as applicable, information from the registration receipt, any supporting documents, the name and address of the vehicle owner, current and previous registration number, vehicle identification number, make, model, style, date of purchase, maximum gross weight, weight, list price or value of the vehicle as fixed by the department, fees paid, date of payment, and the name and address of the previous owner. The records system must contain records relating to the department's duties under section 307.27. The records system may also contain other information as the department deems necessary. The information to be kept in the records system shall be entered within forty-eight hours after receipt insofar as is practicable. The records system constitutes the permanent record of ownership of each vehicle titled under the laws of this state.

2. The department may make copies, including electronic copies, of certificates of title, registration receipts, or other records, reports, or documents which are required to be retained by the department. When copies have been made, the department may destroy the original records in such manner as prescribed by the director. The copies, when no longer of use, may be destroyed in the manner prescribed by the director, subject to the approval of the state records commission. Copies of records shall be admissible in evidence when

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duly certified and authenticated by the officer having custody and control of the copies of records. Records of vehicle certificates of title may be destroyed seven years after the date of issue or five years after the date of issuance if the vehicle's registration has been delinquent for five or more consecutive years.

3. The director shall maintain in the records system a record of delinquent accounts owed to the state using information provided through the computerized data bank established in section 421.17. The department and county treasurers shall use the information maintained in the records system to determine if applicants for renewal of registration have delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by the state as provided pursuant to section 421.65. The director and the director of revenue shall establish procedures for updating the delinquent accounts records to add and remove accounts, as applicable.

[S13, §1571-m2; C24, 27, 31, 35, §5010; C39, §**5001.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.31]

89 Acts, ch 185, §2; 95 Acts, ch 194, §3, 12; 2003 Acts, ch 145, §246; 2004 Acts, ch 1013, §6, 35; 2010 Acts, ch 1061, §180; 2020 Acts, ch 1064, §14, 28; 2020 Acts, ch 1118, §73, 74; 2024 Acts, ch 1059, §2, 3; 2026 Acts, ch 1118, §20, 29

Referred to in §321.1, 321.52, 331.553, 331.557

2026 amendment applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Section amended

321.32 Registration card carried and exhibited — exception.

1. A vehicle's registration card shall at all times be carried in the vehicle to which it refers and shall be shown to any peace officer upon the officer's request.

2. This section shall not apply when the registration card is being used for the purpose of making application for renewal of registration or upon a transfer of registration for that vehicle.

[S13, §1571-m11; C24, 27, 31, 35, §4879; C39, §**5001.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.32]

91 Acts, ch 27, §1; 2010 Acts, ch 1069, §89

Referred to in §331.557, 805.8A(2)(d)

For applicable scheduled fine, see §805.8A, subsection 2

321.33 Exception. Repealed by 2010 Acts, ch 1069, §140. See §321.32.

321.34 Plates or validation sticker furnished — retained by owner — special plates.

1. *Plates issued.* The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, autocycle, truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. When the owner of a registered vehicle transfers or assigns ownership of the vehicle to another person, the owner shall remove the registration plates from the vehicle. The owner shall forward the plates to any county treasurer or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by the owner, providing the owner complies with section 321.46. The department shall adopt rules providing for the assignment of registration plates to the transferee of a vehicle for which a credit is allowed under section 321.46, subsection 6.

2. *Validation stickers.*

a. In lieu of issuing new registration plates each registration year for a vehicle renewing registration, the department may reassign the registration plates previously issued to the vehicle and may adopt and prescribe an annual validation sticker indicating payment of annual registration fees. The department shall issue one validation sticker for each set of registration plates. The sticker must specify the month and year of expiration of the registration plates. The sticker shall be displayed only on the rear registration plate, except

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that the sticker shall be displayed on the front registration plate of a truck tractor. A validation sticker issued for the upcoming registration year prior to the expiration of the applicable current registration year does not invalidate the registration, and is not required to be displayed on the registered vehicle's registration plate until the owner would be considered to be driving a motor vehicle with an expired registration under section 321.39.

b. The state department of transportation shall adopt rules to provide for the placement of the motor vehicle registration validation sticker.

3. *Radio operators plates.* The owner of an automobile, motorcycle, trailer, or motor truck who holds an amateur radio license issued by the federal communications commission may, upon written application to the county treasurer accompanied by a fee of five dollars, order special registration plates bearing the call letters authorized the radio station covered by the person's amateur radio license. When received by the county treasurer, such special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. Not more than one set of special registration plates may be issued to an applicant. Said fee shall be in addition to and not in lieu of the fee for regular registration plates. Special registration plates must be surrendered upon expiration of the owner's amateur radio license and the owner shall thereupon be entitled to the owner's regular registration plates. The county treasurer shall validate special plates in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee.

4. *Permanent plates.* In lieu of issuing annual registration plates for trailers, semitrailers, motor trucks, and truck tractors, the department may issue a permanent registration plate for trailers, semitrailers, motor trucks, and truck tractors licensed under chapter 326, upon payment of the appropriate registration fee. Payment of fees for trailers and semitrailers for a permanent registration plate shall, at the option of the registrant, be made at five-year intervals or on an annual basis. Fees from five-year payments shall not be reduced or prorated. Payment of fees for motor trucks and truck tractors shall be made on an annual basis.

4A. *Permanent noncommercial fleet vehicle plates.* The department shall, by December 1, 2028, do all of the following:

a. Develop and implement a program to allow for a person to register and renew the registration of a noncommercial fleet vehicle.

b. Design a special noncommercial fleet vehicle registration plate that indicates a noncommercial vehicle is a fleet vehicle, may be reassigned by the department for a registration year, and is exempt from the annual validation sticker requirements under subsection 2, paragraph *"a"*.

c. Adopt rules pursuant to chapter 17A to administer this subsection.

d. For purposes of this subsection, *"noncommercial fleet vehicle"* means a vehicle that is part of a group of two or more motor vehicles registered in this state under common ownership or control that is used for business purposes and is not subject to chapter 326.

5. *Personalized registration plates.*

a. Upon application and the payment of a fee of twenty-five dollars, the director may issue to the owner of a motor vehicle registered in this state or a trailer or travel trailer registered in this state, personalized registration plates marked with up to seven initials, letters, or combination of numerals and letters requested by the owner. However, personalized registration plates for autocycles, motorcycles, and motorized bicycles shall be marked with no more than six initials, letters, or combinations of numerals and letters. Upon receipt of the personalized registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee for issuance of the personalized registration plates shall be in addition to the regular annual registration fee.

b. The county treasurer shall validate personalized registration plates in the same manner as regular registration plates are validated under this section at an annual fee of five dollars in addition to the regular annual registration fee. A person renewing a personalized registration plate within one month following the time requirements under section 321.40 may renew the personalized plate without paying the additional registration fee under paragraph *"a"* but

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shall pay the five-dollar fee in addition to the regular annual registration fee and any penalties subject to regular registration plate holders for late renewal.

c. The fees collected by the director under this subsection shall be paid to the treasurer of state and credited by the treasurer of state as provided in section 321.145.

6. *Sample vehicle registration plates.* Vehicle registration plates displaying the general design of regular registration plates, with the word "sample" displayed on the plate, may be furnished to any person upon payment of a fee of three dollars, except that such plates may be furnished to governmental agencies without cost. Sample registration plates shall not be attached to a vehicle moved on the highways of this state.

7. *Collegiate plates.*

a. Upon application and payment of the proper fees, the director may issue to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, motor truck, motor home, multipurpose vehicle, trailer over two thousand pounds, or travel trailer registered in this state, collegiate registration plates created pursuant to this subsection. Upon receipt of the collegiate registration plates, the applicant shall surrender the regular registration plates to the county treasurer.

b. Collegiate registration plates shall be designed for each of the three state universities. The collegiate registration plates shall be designated as follows:

(1) The letters "ISU" followed by a four-digit number all in cardinal on a gold background for Iowa state university of science and technology.

(2) The letters "UNI" followed by a four-digit number all in purple on a gold background for the university of northern Iowa.

(3) The letters "UI" followed by a four-digit number all in black on a gold background for the state university of Iowa.

(4) In lieu of the letter-number designation provided under subparagraphs (1) through (3), the collegiate registration plates may be designated in the manner provided for personalized registration plates under subsection 5, paragraph *"a"*, in the colors designated for the respective universities under subparagraphs (1) through (3).

c. (1) The fees for a collegiate registration plate are as follows:

(a) A registration fee of twenty-five dollars.

(b) A special collegiate registration fee of twenty-five dollars.

(2) These fees are in addition to the regular annual registration fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to Iowa state university of science and technology, the university of northern Iowa, and the state university of Iowa respectively, the amount of the special collegiate registration fees collected in the previous month for collegiate registration plates designed for the university. The moneys credited are appropriated to the respective universities to be used for scholarships for students attending the universities.

d. The county treasurer shall validate collegiate registration plates in the same manner as regular registration plates are validated under this section at an annual fee of five dollars in addition to the regular annual registration fee.

e. A collegiate registration plate shall not be issued if its combination of alphanumeric characters are identical to those contained on a current personalized registration plate issued under subsection 5. However, the owner of a motor vehicle who has a personalized registration plate issued for the motor vehicle may, after proper application and payment of fees, be issued a collegiate registration plate containing the same alphanumeric characters as those on the personalized plate. Upon receipt of the collegiate registration plates, the owner shall surrender the personalized registration plates to the county treasurer.

7A. *Collegiate plates — Private four-year colleges and universities.*

a. Upon application by a private four-year college or university located in this state and payment of the initial set-up costs for establishing the collegiate plate, the department, in consultation with the college or university, may design a special collegiate registration plate displaying the colors associated with the college or university.

b. Upon application and payment of the proper fees, the director may issue to the owner of

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a motor vehicle subject to registration under section 321.109, subsection 1, motor truck, motor home, multipurpose vehicle, trailer over two thousand pounds, or travel trailer registered in this state, collegiate registration plates created pursuant to this subsection. The fee for the issuance of collegiate registration plates is twenty-five dollars, which fee is in addition to the regular annual registration fee for the vehicle. An applicant may obtain a personalized collegiate registration plate upon payment of the additional fee for a personalized plate as provided in subsection 5 in addition to the collegiate plate fee and the regular registration fee. The county treasurer shall validate collegiate registration plates issued under this subsection in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee. Upon receipt of the collegiate registration plates, the applicant shall surrender the regular registration plates to the county treasurer.

c. A personalized collegiate registration plate shall not be issued if its combination of alphanumeric characters are identical to those contained on a current personalized registration plate issued under subsection 5. However, the owner of a motor vehicle who has a personalized registration plate issued for the motor vehicle may, after proper application and payment of fees, be issued a collegiate registration plate containing the same alphanumeric characters as those on the personalized plate. Upon receipt of the collegiate registration plates, the owner shall surrender the personalized registration plates to the county treasurer.

8. *Medal of honor plates.*

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who has been awarded the medal of honor may, upon written application to the department, order special registration plates which shall be red, white, and blue in color and shall bear an emblem of the medal of honor and an identifying number. Each applicant applying for special registration plates under this subsection may order only one set of registration plates under this subsection. The application is subject to approval by the department and the special registration plates shall be issued at no charge to the applicant in exchange for the registration plates previously issued to the person. A person who is issued special plates under this subsection is exempt from payment of any annual registration fee for the motor vehicle bearing the special plates. The department shall validate the special plates in the same manner as regular registration plates are validated under this section. The department shall not issue special registration plates until service organizations in the state have furnished the department either the special dies or the cost of the special dies necessary for the manufacture of the special registration plate.

b. The surviving spouse of a person who was issued special plates under this subsection may continue to use the special plates subject to registration of the special plates in the surviving spouse's name. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

8A. *Ex-prisoner of war special plates.*

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who was a prisoner of war during a time of military conflict may, upon written application to the department, order only one set of special registration plates with an ex-prisoner of war processed emblem. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was a prisoner of war as described in this subsection. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

b. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual registration fee. If the surviving spouse remarries, the surviving spouse shall return the special plates

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to the department and the department shall issue regular registration plates to the surviving spouse.

9. *Leased vehicles.* Registration plates under this section, including disabled veteran plates specified in section 321.105, may be issued to the lessee of a motor vehicle if the lessee provides evidence of a lease for a period of more than sixty days and if the lessee complies with the requirements, under this section, for issuance of the specific registration plates.

10. *Fire fighter plates.*

a. Upon application and payment of the proper fees, the director may issue fire fighter plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer if the owner is a current or retired member of a paid or volunteer fire department. The special registration plates, designed by the department in cooperation with representatives designated by the Iowa fire fighters' associations, signify that the applicant is a current or retired member of a paid or volunteer fire department.

b. The application shall be approved by the department in consultation with representatives designated by the Iowa fire fighters' associations, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. An applicant who is the owner of a business-trade truck or special truck shall not be issued special fire fighter registration plates for more than one vehicle. The fee for the special plates is twenty-five dollars which shall be paid in addition to the regular annual registration fee. An applicant may obtain personalized fire fighter plates upon payment of the additional fee for personalized plates as provided in subsection 5 in addition to the special fire fighter fee and the regular registration fee. Personalized plates authorized by this subsection shall be limited to no more than five initials, letters, or combinations of numerals and letters. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee.

c. The special fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the Paul Ryan memorial fire fighter safety training fund created pursuant to section 100B.12 the amount of the special fees collected in the previous month for the fire fighter plates.

d. For purposes of this subsection, a person is considered to be retired if the person is recognized by the chief of the fire department where the individual served, and on record, as officially retired from the fire department. Special fire fighter registration plates shall be surrendered in exchange for regular registration plates upon termination of the motor vehicle owner's membership in the paid or volunteer fire department, unless the person is a retired member in good standing.

10A. *Emergency medical services plates.*

a. The owner of a motor vehicle referred to in subsection 12 who is a current member of a paid or volunteer emergency medical services agency may, upon written application to the department, order special registration plates with an emergency medical services distinguishing processed emblem, designed by the department in cooperation with representatives designated by the Iowa emergency medical services association, which emblem signifies that the applicant is a current member of a paid or volunteer emergency medical services agency. The application shall be approved by the department, in consultation with representatives designated by the Iowa emergency medical services association.

b. The special plate fees collected by the director under subsection 12, paragraph "*a*", from the annual validation of letter-number designated emergency medical services plates, and subsection 12, paragraph "*c*", from the issuance and annual validation of personalized emergency medical services plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the emergency

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medical services fund created in section 135.25 the amount of the special fees collected in the previous month for issuance of emergency medical services plates.

11. *Natural resources plates.*

a. Upon application and payment of the proper fees, the director may issue natural resources plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

b. Natural resources plates shall be designed by the department in cooperation with the department of natural resources which design shall include on the plate the name of the county where the vehicle is registered.

c. (1) The special natural resources fee for letter-number designated natural resources plates is forty-five dollars. The fee for personalized natural resources plates is forty-five dollars which shall be paid in addition to the special natural resources fee of forty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to the Iowa resources enhancement and protection fund created pursuant to section 455A.18, the amount of the special natural resources fees collected in the previous month for the natural resources plates.

(2) From the moneys credited to the Iowa resources enhancement and protection fund under subparagraph (1), ten dollars of the fee collected for each natural resources plate issued, and fifteen dollars from each renewal fee, shall be allocated to the department of natural resources wildlife bureau to be used for nongame wildlife programs.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special natural resources fee for letter-number designated plates is twenty-five dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized natural resources plates is five dollars which shall be paid in addition to the annual special natural resources fee and the regular annual registration fee. The annual special natural resources fee shall be credited as provided under paragraph *"c"*.

11A. *Love our kids plates.*

a. Upon application and payment of the proper fees, the director may issue "love our kids" plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

b. Love our kids plates shall be designed by the department in cooperation with the department of health and human services.

c. The special fee for letter-number designated love our kids plates is thirty-five dollars. The fee for personalized love our kids plates is twenty-five dollars, which shall be paid in addition to the special love our kids fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of health and human services the amount of the special fees collected in the previous month for the love our kids plates. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special love our kids fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual fee for personalized love our kids plates is five dollars, which shall be paid in addition to the annual special love our kids fee and the regular annual registration fee. The annual love our kids fee shall be credited as provided under paragraph *"c"*.

11B. *Motorcycle rider education plates.*

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a. Upon application and payment of the proper fees, the director may issue "motorcycle rider education" plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

b. Motorcycle rider education plates shall be designed by the department.

c. The special fee for letter-number designated motorcycle rider education plates is thirty-five dollars. The fee for personalized motorcycle rider education plates is twenty-five dollars, which shall be paid in addition to the special motorcycle rider education fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department for use in accordance with section 321.179, the amount of the special fees collected in the previous month for the motorcycle rider education plates.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special motorcycle rider education fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual fee for personalized motorcycle rider education plates is five dollars, which shall be paid in addition to the annual special motorcycle rider education fee and the regular annual registration fee. The annual motorcycle rider education fee shall be credited as provided under paragraph *"c"*.

11C. *Blackout plates.*

a. Upon application and payment of the proper fees, the director may issue blackout plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

b. Blackout plates shall be designed by the department. A blackout plate's background shall be black, and the plate's letters and numbers shall be white.

c. The special blackout fee for letter-number designated blackout plates is thirty-five dollars. An applicant may obtain personalized blackout plates upon payment of the fee for personalized plates as provided in subsection 5, which is in addition to the special blackout fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special blackout fee for letter-number designated plates is ten dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized blackout plates is five dollars which shall be paid in addition to the annual special blackout fee and the regular annual registration fee. The annual special blackout fee shall be credited as provided under paragraph *"c"*.

e. The department shall not condition the issuance of blackout plates on the receipt of any number of orders for blackout plates.

11D. *Flying our colors plates.*

a. Upon application and payment of the proper fees, the director may issue flying our colors plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

b. Flying our colors plates shall be designed by the department. Flying our colors plates shall be navy along the top and red along the bottom, and contain a white space in the middle of the plate which shall include the plate's letters and numbers in black and a gray image of a bald eagle behind the plate's letters and numbers.

c. (1) The special flying our colors fee for letter-number designated flying our colors plates is thirty-five dollars. An applicant may obtain personalized flying our colors plates

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upon payment of the fee for personalized plates as provided in subsection 5, which is in addition to the special fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

(2) The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to the flood mitigation fund created under section 418.10, the amount of the special fees collected in the previous month for flying our colors plates.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special flying our colors fee for letter-number designated flying our colors plates is ten dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized flying our colors plates is five dollars which shall be paid in addition to the annual special flying our colors fee and the regular annual registration fee. The annual special flying our colors fee shall be credited as provided under paragraph *"c"*.

12. *Special registration plates — general provisions.*

a. The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer may, upon written application to the department, order special registration plates with a distinguishing processed emblem as authorized by this section or as approved by the department. The fee for the issuance of special registration plates is twenty-five dollars for each vehicle, unless otherwise provided by this section, which fee is in addition to the regular annual registration fee. The county treasurer shall validate special registration plates with a distinguishing processed emblem in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee.

b. Upon receipt of a special registration plate with a distinguishing processed emblem as authorized by this section or as approved by the department, the applicant shall surrender the regular registration plates to the county treasurer. An applicant no longer eligible for a special registration plate shall surrender the special vehicle registration plates to the county treasurer for issuance of regular registration plates.

c. An applicant may, upon payment of the additional fee for a personalized plate as provided in subsection 5, obtain a personalized special registration plate with a processed emblem. Personalized plates authorized by this section with the processed emblem shall be limited to no more than five initials, letters, or combinations of numerals and letters.

d. A special registration plate issued for a motorcycle, autocycle, or motorized bicycle under this section shall be designated in the manner provided for personalized registration plates under subsection 5, paragraph *"a"*.

12A. *Special registration plates — armed forces services.*

a. An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge, but shall be subject to the annual registration fee of fifteen dollars, if the owner is eligible for, but has relinquished to the department or the county treasurer or has not been issued, ex-prisoner of war or legion of merit special registration plates under this section.

b. An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge and subject to no annual registration fee if the owner is eligible for, but has relinquished to the department or the county treasurer or has not been issued, medal of honor registration plates under subsection 8 or disabled veteran registration plates under section 321.105.

c. The owner shall provide the appropriate information regarding the owner's eligibility for any of the special registration plates described in paragraph *"a"* or *"b"*, and regarding the owner's eligibility for the special registration plates for which the owner has applied, as required by the department.

d. The surviving spouse of a person who was issued special plates under this subsection may continue to use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the same annual registration fee, if applicable.

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If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

13. *Special plates displaying organization decal.*

a. (1) The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer may upon request be issued special registration plates that contain a space reserved for the placement of an organization decal. If the special plates are requested at the time of initial application for registration and certificate of title for the vehicle, no special plate fee is required other than the regular annual registration fee for the vehicle. If the special plates are requested as replacement plates, the owner shall surrender the current regular or special registration plates in exchange for the special plates and shall pay a replacement plate fee of five dollars. The county treasurer shall validate special plates with an organization decal in the same manner as regular plates, upon payment of the annual registration fee.

(2) An applicant may obtain a personalized special registration plate with space reserved for an organization decal, subject to the additional fees for a personalized plate as provided in subsection 5. Personalized plates with space reserved for an organization decal shall be limited to no more than five initials, letters, or combinations of numerals and letters.

b. (1) An organization may apply to the department for approval to issue a decal to be displayed on vehicle registration plates. To qualify for such approval, an organization shall meet the following requirements:

(a) The primary activity or interest of the organization serves the community, contributes to the welfare of others, and is not discriminatory in its purpose, nature, activity, or name.

(b) The name and purpose of the organization do not promote any specific product or brand name that is provided for sale.

(c) The organization is a nonprofit corporation which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and is organized under the laws of this state or authorized to do business within this state.

(2) The department may accept an application for a decal design from a group of nonprofit organizations with a common purpose, provided that each organization within the group meets the requirements for a qualifying organization established by the department under this subsection.

c. An organization desiring to issue a decal shall submit an application to the department on a form to be provided by the department. Along with the application, the organization shall furnish to the department all of the following:

(1) A copy of the articles of incorporation for the organization.

(2) A copy of the charter or by-laws for the organization.

(3) Any Internal Revenue Service rulings concerning the organization's nonprofit tax exemption status.

(4) A color copy of the completed decal design.

(5) A clear and concise explanation of the purpose of the decal, all eligibility requirements for purchasing the decal, and fees to be charged for the decal.

(6) Certification by the person who has legal rights to the decal design allowing use of the design.

(7) Any other information required by the department.

d. The department shall consider a proposed decal design based upon criteria established by the department, which shall include but not be limited to the following:

(1) A decal shall not promote a specific religion, faith, or anti-religious sentiment.

(2) A decal shall not have any sexual connotation and shall not be vulgar, prejudiced, hostile, insulting, or racially or ethnically degrading.

e. Upon approval by the department of an organization's application to issue a decal and approval of the design of the decal, the organization is responsible for the production, administration, and issuance of the decal. An organization shall not issue a decal that has not been approved by the department or alter the approved design of a decal without the department's approval.

f. A person shall not display a decal on a vehicle registration plate other than a decal approved by the department.

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g. The department may adopt rules pursuant to chapter 17A as necessary to implement this subsection.

14. *Persons with disabilities special plates.* An owner referred to in subsection 12 or an owner of a trailer used to transport a wheelchair who is a person with a disability, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a person with a disability, as defined in section 321L.1, may, upon written application to the department, order special registration plates with a persons with disabilities processed emblem designed by the department bearing the international symbol of accessibility. The special registration plates with a persons with disabilities processed emblem shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148 or 149, a physician associate licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, a chiropractor licensed under chapter 151, an occupational therapist licensed under chapter 148B, or a physical therapist licensed under chapter 148A, written on the physician's, physician associate's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's stationery, stating the nature of the applicant's or the applicant's child's disability and such additional information as required by rules adopted by the department, including proof of residency of a child who is a person with a disability. If the application is approved by the department, the special registration plates with a persons with disabilities processed emblem shall be issued to the applicant. There shall be no fee in addition to the regular annual registration fee for the special registration plates with a persons with disabilities processed emblem. The authorization for special registration plates with a persons with disabilities processed emblem shall not be renewed without the applicant furnishing evidence to the department that the owner of the vehicle or the owner's child is still a person with a disability as defined in section 321L.1. An owner who has a child who is a person with a disability shall provide satisfactory evidence to the department that the child with a disability continues to reside with the owner. The registration plates with a persons with disabilities processed emblem shall be surrendered in exchange for regular registration plates as provided in subsection 12 when the owner of the vehicle or the owner's child no longer qualifies as a person with a disability as defined in section 321L.1 or when the owner's child who is a person with a disability no longer resides with the owner.

15. *Legion of merit special plates.*

a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who has been awarded the legion of merit shall be issued one set of special registration plates with a legion of merit processed emblem, upon written application to the department and presentation of satisfactory proof of the award of the legion of merit as established by the Congress of the United States. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was awarded the legion of merit. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section.

b. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual registration fee. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

16. *National guard special plates.*

a. An owner referred to in subsection 12 who is a member of the national guard, as defined in chapter 29A, may, upon written application to the department, order special registration plates with a national guard processed emblem with the emblem designed by the department in cooperation with the adjutant general which emblem signifies that the applicant is a member of the national guard. The application shall be approved by the department in consultation with the adjutant general. The special plate fees collected by the

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director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated national guard plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized national guard plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for national guard plates. Special registration plates with a national guard processed emblem shall be surrendered, as provided in subsection 12, in exchange for regular registration plates upon termination of the owner's membership in the active national guard.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a national guard processed emblem at no charge.

c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

17. *Pearl Harbor special plates.*

a. An owner referred to in subsection 12 who was at Pearl Harbor, Hawaii, as a member of the armed services of the United States on December 7, 1941, may, upon written application to the department, order special registration plates with a Pearl Harbor processed emblem. The emblem shall be designed by the department in consultation with service organizations. The application is subject to approval by the department. The special plate fees collected by the director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated Pearl Harbor plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized Pearl Harbor plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for Pearl Harbor plates.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a Pearl Harbor processed emblem at no charge.

c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

18. *Purple heart special plates.*

a. An owner referred to in subsection 12 who was awarded a purple heart medal by the United States government for wounds received in military or naval combat against an armed enemy of the United States may, upon written application to the department and presentation of satisfactory proof of the award of the purple heart medal, order special registration plates with a purple heart processed emblem. The design of the emblem shall include a representation of a purple heart medal and ribbon. The application is subject to approval by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated purple heart plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized purple heart plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the

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special fees collected under subsection 12, paragraph *"a"*, in the previous month for purple heart plates.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a purple heart processed emblem at no charge.

c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

19. *United States armed forces retired special plates.*

a. An owner referred to in subsection 12 who is a retired member of the United States armed forces may, upon written application to the department and upon presentation of satisfactory proof of membership, order special registration plates with a United States armed forces retired processed emblem. The emblem shall be designed by the department in consultation with service organizations. The application is subject to approval by the department. For purposes of this subsection, a person is considered to be retired if the person is recognized by the United States armed forces as retired from the United States armed forces. The special plate fees collected by the director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated armed forces retired plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized armed forces retired plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for armed forces retired plates.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with an armed forces retired processed emblem at no charge.

c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

20. *Silver or bronze star plates.*

a. An owner referred to in subsection 12 who was awarded a silver or a bronze star by the United States government, may, upon written application to the department and presentation of satisfactory proof of the award of the silver or bronze star, order special registration plates with a silver or bronze star processed emblem. The emblem shall be designed by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated silver star and bronze star plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized silver star and bronze star plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for silver star and bronze star plates.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a silver star or bronze star processed emblem at no charge.

c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate

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fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

20A. *Distinguished service, navy, or air force cross plates.*

a. An owner referred to in subsection 12 who was awarded a distinguished service cross, a navy cross, or an air force cross by the United States government may, upon written application to the department and presentation of satisfactory proof of the award, order special registration plates with a distinguished service cross, navy cross, or air force cross processed emblem. The emblem shall be designed by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated distinguished service cross, navy cross, and air force cross plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized distinguished service cross, navy cross, and air force cross plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for distinguished service cross, navy cross, and air force cross plates.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a distinguished service cross, navy cross, or air force cross processed emblem at no charge.

c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

20B. *Soldier's, navy and marine corps, or airman's medal plates.*

a. An owner referred to in subsection 12 who was awarded a soldier's medal, a navy and marine corps medal, or an airman's medal by the United States government may, upon written application to the department and presentation of satisfactory proof of the award, order special registration plates with a soldier's medal, navy and marine corps medal, or airman's medal processed emblem. The emblem shall be designed by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated soldier's medal, navy and marine corps medal, and airman's medal plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized soldier's medal, navy and marine corps medal, and airman's medal plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for soldier's medal, navy and marine corps medal, and airman's medal plates.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a soldier's medal, navy and marine corps medal, or airman's medal processed emblem at no charge.

c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

20C. *Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates.*

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a. The department, in consultation with the adjutant general, shall design combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge distinguishing processed emblems. Upon receipt of two hundred fifty orders for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with the applicable distinguishing processed emblem as provided in paragraphs *"b"*, *"c"*, and *"d"*. The minimum order requirement shall apply separately to each of the special registration plates created under this subsection.

b. An owner referred to in subsection 12 who was awarded a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge by the United States government may, upon written application to the department and presentation of satisfactory proof of the award, order special registration plates with a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge processed emblem. The special plate fees collected by the director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates.

c. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge distinguishing processed emblem at no charge.

d. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

21. *Iowa heritage special plates.*

a. An owner referred to in subsection 12 may, upon written application to the department, order special registration plates with an Iowa heritage emblem. The emblem shall contain a picture of the American gothic house and the words "Iowa Heritage" and shall be designed by the department in consultation with the state historical society of Iowa.

b. The special Iowa heritage fee for letter-number designated plates is thirty-five dollars. The special fee for personalized Iowa heritage plates is twenty-five dollars which shall be paid in addition to the special fee of thirty-five dollars. The annual special Iowa heritage fee is ten dollars for letter-number designated registration plates and is fifteen dollars for personalized registration plates which shall be paid in addition to the regular annual registration fee.

c. The special fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to the Iowa heritage fund created under section 8A.709 the amount of the special fees collected in the previous month for the Iowa heritage plates.

22. *Education plates.*

a. An owner referred to in subsection 12, upon written application to the department, may order special registration plates with an education emblem. The education emblem shall be designed by the department in cooperation with the department of education.

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b. The special school transportation fee for letter-number designated education plates is thirty-five dollars. The fee for personalized education plates is twenty-five dollars, which shall be paid in addition to the special school transportation fee of thirty-five dollars. The annual special school transportation fee is ten dollars for letter-number designated registration plates and is fifteen dollars for personalized registration plates which shall be paid in addition to the regular annual registration fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the school budget review committee in accordance with section 257.31, subsection 17, the amount of the special school transportation fees collected in the previous month for the education plates.

23. *Breast cancer awareness plates.*

a. Upon application and payment of the proper fees, the director may issue breast cancer awareness plates to an owner of a motor vehicle referred to in subsection 12.

b. Breast cancer awareness plates shall contain an image of a pink ribbon and shall be designed by the department in consultation with the Susan G. Komen foundation.

c. The special fee for letter-number designated breast cancer awareness plates is thirty-five dollars. The fee for personalized breast cancer awareness plates is twenty-five dollars, which shall be paid in addition to the special breast cancer awareness fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of health and human services the amount of the special fees collected in the previous month for the breast cancer awareness plates and such funds are appropriated to the department of health and human services. The department of health and human services shall distribute one hundred percent of the funds received monthly in the form of grants to support breast cancer screenings for both men and women who meet eligibility requirements like those established by the Susan G. Komen foundation. In the awarding of grants, the department of health and human services shall give first consideration to affiliates of the Susan G. Komen foundation and similar nonprofit organizations providing for breast cancer screenings at no cost in Iowa. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special breast cancer awareness fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual special fee for personalized breast cancer awareness plates is five dollars, which shall be paid in addition to the annual special breast cancer awareness fee and the regular annual registration fee. The annual special breast cancer awareness fee shall be credited and transferred as provided under paragraph "*c*".

24. *Gold star plates.*

a. An owner referred to in subsection 12 who is the surviving spouse, parent, child, or sibling of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service may order special registration plates bearing a gold star emblem upon written application to the department accompanied by satisfactory supporting documentation as determined by the department. The gold star emblem shall be designed by the department in cooperation with the commission of veterans affairs. The special plate fees collected by the director under subsection 12, paragraph "*a*", from the annual validation of letter-number designated gold star plates, and subsection 12, paragraph "*c*", from the issuance and annual validation of personalized gold star plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee

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fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for gold star plates.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates bearing a gold star emblem at no charge.

25. *Civil war sesquicentennial plates.*

a. The department, in consultation with the adjutant general, shall design a civil war sesquicentennial distinguishing processed emblem. Upon receipt of two hundred fifty orders for civil war sesquicentennial special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with a civil war sesquicentennial processed emblem as provided in paragraph *"b"*.

b. An owner referred to in subsection 12, upon written application to the department, may order special registration plates with a civil war sesquicentennial processed emblem. The special plate fees collected by the director under subsection 12, paragraphs *"a"* and *"c"*, from the issuance and annual validation of letter-number designated and personalized civil war sesquicentennial plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of administrative services the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for civil war sesquicentennial plates, and such funds are appropriated to the department of administrative services to be used for the Iowa battle flag project.

26. *Fallen peace officers plates.*

a. The department, in consultation with the department of public safety and concerns of police survivors, inc., shall design a fallen peace officers distinguishing processed emblem. Upon receipt of two hundred fifty orders for fallen peace officers special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with a fallen peace officers processed emblem as provided in paragraphs *"b"* and *"c"*.

b. An owner of a motor vehicle referred to in subsection 12, upon written application to the department, may order special registration plates with a fallen peace officers processed emblem. The special fee for letter-number designated fallen peace officers plates is thirty-five dollars. The fee for personalized fallen peace officers plates is twenty-five dollars, which shall be paid in addition to the special fallen peace officers fee of thirty-five dollars. The fees collected by the director under this paragraph shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of public safety the amount of the special fees collected in the previous month for the fallen peace officers plates and such funds are appropriated to the department of public safety. The department of public safety shall distribute one hundred percent of the funds received monthly in the form of grants to nonprofit organizations that provide resources to assist in the rebuilding of the lives of surviving families and affected coworkers of law enforcement officers killed in the line of duty. In the awarding of grants, the department of public safety shall give first consideration to concerns of police survivors, inc., and similar nonprofit organizations providing such resources. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state.

c. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special fallen peace officers fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual special fee for personalized fallen peace officers plates is five dollars, which shall be paid in addition to the annual special fallen peace officers fee and the regular annual registration fee. The annual special fallen peace officers fee shall be credited and transferred as provided under paragraph *"b"*.

27. *United States veteran plates.*

a. An owner referred to in subsection 12 who served in the armed forces of the United

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States and was discharged under honorable conditions may, upon written application to the department and upon presentation of satisfactory proof of military service and discharge under honorable conditions, order special registration plates bearing a distinguishing processed emblem depicting the word "veteran" below an image of the American flag. The application is subject to approval by the department. The special plate fees collected by the director under subsection 12, paragraph *"a"*, from the annual validation of letter-number designated United States veteran plates, and subsection 12, paragraph *"c"*, from the issuance and annual validation of personalized United States veteran plates, shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph *"a"*, in the previous month for United States veteran plates.

b. Notwithstanding subsection 12, paragraph *"a"*, an owner who is approved for a special registration plate under this subsection shall be issued one set of special registration plates bearing a distinguishing processed emblem depicting the word "veteran" below an image of the American flag at no charge.

[SS15, §1571-m5; C24, 27, 31, 35, §4874; C39, §**5001.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.34]

82 Acts, ch 1032, §2, 4; 82 Acts, ch 1062, §4, 38; 84 Acts, ch 1027, §1; 84 Acts, ch 1250, §1; 84 Acts, ch 1305, §49; 85 Acts, ch 67, §35; 85 Acts, ch 87, §1; 86 Acts, ch 1182, §1; 86 Acts, ch 1225, §1; 87 Acts, ch 77, §1; 88 Acts, ch 1215, §1 – 4; 88 Acts, ch 1222, §1; 89 Acts, ch 17, §1; 89 Acts, ch 27, §1; 89 Acts, ch 247, §4; 89 Acts, ch 296, §27; 89 Acts, ch 317, §31; 90 Acts, ch 1128, §1; 90 Acts, ch 1151, §1; 91 Acts, ch 49, §1, 2; 91 Acts, ch 58, §1; 91 Acts, ch 259, §3; 92 Acts, ch 1175, §29; 92 Acts, 2nd Ex, ch 1001, §204, 205; 93 Acts, ch 2, §1; 94 Acts, ch 1104, §1; 95 Acts, ch 118, §7 – 9, 40; 96 Acts, ch 1065, §1; 96 Acts, ch 1088, §3, 4, 8; 96 Acts, ch 1171, §2; 96 Acts, ch 1219, §21 – 24; 97 Acts, ch 2, §1, 2; 97 Acts, ch 70, §3, 15; 97 Acts, ch 104, §8 – 10; 97 Acts, ch 108, §5; 97 Acts, ch 123, §1; 97 Acts, ch 212, §33; 98 Acts, ch 1079, §1 – 3; 99 Acts, ch 7, §1 – 9; 99 Acts, ch 114, §20; 99 Acts, ch 141, §38; 99 Acts, ch 180, §15; 2000 Acts, ch 1154, §21; 2000 Acts, ch 1157, §1; 2000 Acts, ch 1206, §1; 2001 Acts, ch 24, §73, 74; 2001 Acts, ch 32, §17; 2001 Acts, ch 144, §2, 3; 2002 Acts, ch 1119, §42; 2003 Acts, ch 3, §1; 2003 Acts, ch 7, §1 – 9; 2003 Acts, ch 105, §2; 2003 Acts, 1st Ex, ch 2, §165 – 171, 205; 2004 Acts, ch 1013, §7 – 10, 35; 2004 Acts, ch 1175, §333, 347; 2005 Acts, ch 8, §9; 2007 Acts, ch 143, §9; 2007 Acts, ch 178, §2, 3; 2007 Acts, ch 184, §2 – 5, 7; 2007 Acts, ch 215, §106, 107, 130; 2008 Acts, ch 1018, §9 – 16; 2008 Acts, ch 1088, §118; 2008 Acts, ch 1113, §58 – 77; 2008 Acts, ch 1124, §4, 5; 2008 Acts, ch 1130, §8, 10; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §142; 2011 Acts, ch 68, §1, 5; 2011 Acts, ch 114, §2; 2011 Acts, ch 131, §59, 60, 158; 2012 Acts, ch 1093, §4; 2014 Acts, ch 1116, §11 – 28; 2015 Acts, ch 30, §98, 99, 205, 209; 2016 Acts, ch 1068, §1, 4; 2016 Acts, ch 1098, §3 – 11; 2017 Acts, ch 29, §91; 2019 Acts, ch 89, §35; 2020 Acts, ch 1118, §155; 2021 Acts, ch 38, §2; 2022 Acts, ch 1080, §1; 2023 Acts, ch 19, §1057, 1058, 1418; 2023 Acts, ch 144, §1; 2024 Acts, ch 1083, §1, 2; 2024 Acts, ch 1145, §9, 26; 2025 Acts, ch 51, §1; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1102, §1

Referred to in §8A.709, 35A.11, 100B.12, 257.31, 321.105, 321.145, 321.166, 321.231C, 321L.1, 321L.2, 321L.2A, 331.557, 364.3, 805.8A(2)(e)

For applicable scheduled fines, see §805.8A, subsection 2

Code editor directive applied

NEW subsection 4A

321.35 Plates — reflective material — bidding procedures.

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

2. The department shall not enter into any contract requiring an expenditure of at least five hundred thousand dollars for the manufacture of motor vehicle registration plates to be reissued to owners under this chapter unless competitive bidding procedures as provided in chapter 8A, subchapter III, are followed.

[C62, 66, 71, 73, 75, 77, 79, 81, §321.35]

95 Acts, ch 118, §10; 2003 Acts, ch 145, §247

Referred to in §331.557

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321.36 Reserved.

321.37 Display of plates.

1. Registration plates issued for a motor vehicle other than an autocycle, motorcycle, motorized bicycle, or truck tractor shall be attached to the motor vehicle, one in the front and the other in the rear. The registration plate issued for an autocycle, motorcycle, or other vehicle required to be registered under this chapter shall be attached to the rear of the vehicle. The registration plate issued for a truck tractor shall be attached to the front of the truck tractor. The special plate issued to a dealer shall be attached on the rear of the vehicle when operated on the highways of this state.

2. A motor vehicle, other than a truck registered for more than five tons, autocycle, motorcycle, or truck tractor, which is model year 1948 or older, and a reconstructed or specially constructed vehicle built to resemble a model year 1948 vehicle or older, may display one registration plate on the rear of the vehicle if the other registration plate issued to the vehicle is carried in the vehicle at all times when the vehicle is operated on a public highway.

3. It is unlawful for the owner of a vehicle to place any frame around or over the registration plate which does not permit full view of all numerals and letters printed on the registration plate.

[S13, §1571-m11; C24, 27, 31, 35, §4877; C39, §**5001.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.37]

84 Acts, ch 1305, §50; 90 Acts, ch 1233, §16; 97 Acts, ch 104, §11; 2016 Acts, ch 1098, §12; 2025 Acts, ch 30, §56

Referred to in §321.57, 331.557, 805.8A(2)(f)
For applicable scheduled fine, see §805.8A, subsection 2

321.38 Plates — method of attaching — imitations prohibited.

Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of the plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible. An imitation plate or plates imitating or purporting to imitate the official registration plate of any other state or territory of the United States or of any foreign government shall not be fastened to the vehicle.

[S13, §1571-m11; C24, 27, 31, 35, §4877; C39, §**5001.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.38]

85 Acts, ch 195, §32

Referred to in §321.57, 331.557, 805.8A(2)(g)
For applicable scheduled fine, see §805.8A, subsection 2

321.39 Expiration of registration.

Except as provided in this chapter every vehicle registration, registration card, and registration plate shall expire as follows:

1. For vehicles registered by the county treasurer, at midnight on the last day of the registration year. A person shall not be considered to be driving a motor vehicle with an expired registration for a period of one month following the expiration date of the vehicle registration. The one-month period shall be the same as the period defined in section 321.134, subsection 1.

2. For vehicles on which the first installment of an annual registration fee has been paid, at midnight on the last day of June or the first business day of July when June 30 falls on Saturday, Sunday, or a holiday; for vehicles on which the second installment of an annual registration fee has been paid, at midnight on the last day of December or the first business day of January when December 31 falls on Saturday, Sunday, or a holiday.

3. For vehicles registered without payment of annual registration fees as provided in section 321.19, when designated by the department.

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4. Registration for every vehicle registered by the county treasurer shall expire upon transfer of ownership.

[S13, §1571-m16; C24, 27, 31, 35, §4868; C39, §**5001.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.39]

82 Acts, ch 1062, §5, 38; 89 Acts, ch 83, §42; 2003 Acts, ch 24, §3; 2008 Acts, ch 1113, §78; 2012 Acts, ch 1093, §5

Referred to in §321.34, 331.557

321.40 Application for renewal — notification — reasons for refusal.

1. Application for renewal for a vehicle registered under this chapter shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month following the month of expiration of registration. The application for renewal shall be submitted to the county treasurer of the county of the owner's residence; or if a nonresident, to the county treasurer of the county where the primary users of the vehicle are located; or if a lessor of the vehicle pursuant to chapter 321F which has a gross vehicle weight of less than ten thousand pounds, to the county treasurer of the county of the lessee's residence; or if a firm, association, or corporation with vehicles in multiple counties, to the county treasurer of the county where the primary user of the vehicle is located. The registration shall be renewed upon payment of the appropriate annual registration fee. Application for renewal for a vehicle registered under chapter 326 shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month of expiration of registration.

2. On or before the fifteenth day of the eleventh month of a vehicle's registration year, the department shall create an electronic file and the county treasurer shall send a statement of fees due to the appropriate owner of record. After the department has generated the electronic file used to produce statements for a registration month, and before the fifteenth day of the month following expiration of a vehicle's registration year, the department shall create a subsequent electronic file and the county treasurer shall send a statement of fees due to the appropriate owner of record for any vehicle subsequently registered for that registration month. The statement shall be mailed or electronically transmitted to the most current address of record, showing information sufficient to identify the vehicle and a listing of the various fees as appropriate. Failure to receive a statement shall have no effect upon the accrual of penalty at the appropriate date.

3. Registration receipts issued for renewals shall have the word "renewal" imprinted thereon and, if the owner making a renewal application has been issued a certificate of title, the title number shall appear on the registration receipt. All registration receipts for renewals shall be typewritten or printed by other mechanical means. The applicant shall receive a registration receipt.

4. The county treasurer shall refuse to renew the registration of a vehicle registered to a person when notified by the department through the records system that the person has not paid restitution as defined under section 910.1, subsection 10, to a clerk of the court located within the state. Each clerk of court shall, on a daily basis, notify the department through the Iowa court information system of the full name and social security number of all persons who owe delinquent restitution and whose restitution obligation has been satisfied or canceled. This subsection does not apply to the transfer of a registration or the issuance of a new registration.

5. The county treasurer shall refuse to renew the registration of a vehicle registered to the applicant for renewal of registration if the applicant has failed to pay any local vehicle taxes due in that county on that vehicle or any other vehicle owned or previously owned by the applicant until such local vehicle taxes are paid.

6. *a.* The department or the county treasurer shall refuse to renew the registration of a vehicle registered to the applicant if the department or the county treasurer knows that the applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information provided pursuant to sections 421.17 and 421.65. An applicant may contest this action by initiating a contested case proceeding with the agency that referred the debt for collection pursuant to section 421.65. The department

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of revenue and the department of transportation shall notify the county treasurers through the records system of persons who owe such a delinquent account, charge, fee, loan, taxes, or other indebtedness.

b. A county treasurer, in cooperation with the department of revenue, may collect from a person applying for renewal of a vehicle registration delinquent taxes, including penalties and interest owed to the state, and nontax liabilities being collected by the central collection unit of the department of revenue pursuant to section 421.17, subsection 27. The applicant may remit full payment of the balance owed including applicable penalties and interest, along with a processing fee of five dollars, to the county treasurer at the time of registration renewal. Upon full payment of the required balance owed including applicable penalties and interest, the processing fee, and the vehicle registration fee, the county treasurer shall issue the registration to the person. A county treasurer collecting on behalf of the department of revenue shall update the vehicle registration records through the records system on a daily basis for all persons who have paid taxes or other balances owed pursuant to this subsection. A county treasurer shall forward all funds collected for the department of revenue to the department of revenue.

7. *a.* The department or the county treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the department or the county treasurer knows that the applicant has not paid a civil penalty imposed on the applicant pursuant to section 321N.3, subsection 3. An applicant may contest this action by initiating a contested case proceeding with the department. The department shall notify the county treasurers through the records system of persons who have not paid such civil penalties.

b. The county treasurer of the county of an applicant's residence and in which the applicant's vehicle is registered, in cooperation with the department, may collect a civil penalty imposed on the applicant pursuant to section 321N.3, subsection 3, when the applicant applies for renewal of a vehicle registration. The applicant may remit full payment of the civil penalty, along with a processing fee of five dollars, to the county treasurer at the time of registration renewal. Upon full payment of the civil penalty, the processing fee, and the vehicle registration fee, the county treasurer shall issue the registration to the applicant. A county treasurer collecting a civil penalty on behalf of the department pursuant to this subsection shall update the vehicle registration records through the records system on a daily basis for all applicants who have paid civil penalties pursuant to this subsection. A county treasurer shall forward all funds collected on behalf of the department to the department.

8. The county treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the county treasurer knows that the applicant has one or more uncontested, delinquent parking tickets issued pursuant to section 321.236, subsection 1, paragraph "*b*", owing to the county, or owing to a city with which the county has an agreement authorized under section 331.553. However, a county treasurer may renew the registration if the treasurer determines that an error was made by the county or city in identifying the vehicle involved in the parking violation or if the citation has been dismissed as against the owner of the vehicle pursuant to section 321.484. This subsection does not apply to the transfer of a registration or the issuance of a new registration. Notwithstanding section 28E.10, a county treasurer shall utilize the records system to facilitate the purposes of this subsection.

9. When application is made for the renewal of a motor vehicle registration on or after December 1, 1982, the person in whose name the registration is recorded shall notify the county treasurer of the type of fuel used by the vehicle if the type of fuel used is different from that which is shown on the registration receipt. If a motor vehicle registration indicates that the vehicle uses or may use a special fuel as defined in chapter 452A the county treasurer shall issue a special fuel user identification sticker. The person who owns or controls the vehicle shall affix the sticker in a prominent place on the vehicle adjacent to the place where the special fuel is delivered into the motor vehicle fuel supply tank.

10. *a.* The clerk of the district court shall notify the county treasurer of any delinquent court debt, as defined in section 602.8107, which is being collected by the department of revenue pursuant to section 602.8107, subsection 3, or the county attorney pursuant to section 602.8107, subsection 4. The county treasurer shall refuse to renew the vehicle registration

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of the applicant upon such notification from the clerk of the district court in regard to such applicant.

b. If the applicant enters into or renews an installment agreement as defined in section 602.8107, that is satisfactory to the department of revenue, the county attorney, or the county attorney's designee, the department of revenue, county attorney, or a county attorney's designee shall provide the county treasurer with written or electronic notice of the installment agreement within five days of entering into the installment agreement. The county treasurer shall temporarily lift the registration hold on an applicant for a period of ten days if the treasurer receives such notice in order to allow the applicant to register a vehicle for the year. If the applicant remains in compliance with the installment agreement entered into with the department of revenue or the county attorney or the county attorney's designee, subsequent lifts of registration holds shall be granted without additional restrictions.

[S13, §1571-m6; C24, 27, 31, 35, §4875; C39, §**5001.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.40; 82 Acts, ch 1218, §1]

82 Acts, ch 1062, §6, 7, 38; 85 Acts, ch 32, §78; 85 Acts, ch 77, §1; 85 Acts, ch 87, §2; 95 Acts, ch 57, §1; 95 Acts, ch 169, §1, 10; 95 Acts, ch 194, §4, 12; 97 Acts, ch 104, §12, 61; 2000 Acts, ch 1028, §2, 4; 2002 Acts, ch 1043, §1; 2003 Acts, ch 145, §248; 2005 Acts, ch 54, §1, 12; 2007 Acts, ch 126, §54; 2008 Acts, ch 1113, §79; 2008 Acts, ch 1172, §18; 2009 Acts, ch 41, §250; 2010 Acts, ch 1146, §2, 3, 26; 2012 Acts, ch 1093, §6; 2015 Acts, ch 138, §89, 161, 162; 2016 Acts, ch 1101, §2, 24; 2017 Acts, ch 29, §92, 93; 2020 Acts, ch 1064, §15, 28; 2020 Acts, ch 1074, §84, 92; 2020 Acts, ch 1118, §73, 74; 2021 Acts, ch 86, §33; 2024 Acts, ch 1145, §10, 26; 2026 Acts, ch 1118, §21, 29

Referred to in §321.26, 321.34, 321.152, 321.153, 321.236, 331.553, 331.557, 364.2, 421.17, 422.20, 422.72, 423B.2

2026 amendment to subsections 4, 6, 7, and 8 applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Subsections 4, 6, 7, and 8 amended

321.41 Change of address or name or fuel type.

1. Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown upon a registration card such person shall within ten days thereafter notify the county treasurer of the county in which the registration of said vehicle is of record, in writing of the person's old and new addresses.

2. Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter legally changed such person shall within ten days notify the county treasurer of the county in which the title of said vehicle is of record, of such former and new name.

3. A person who has registered a vehicle in a county, other than the county designated on the vehicle registration plate, may apply to the county treasurer where the vehicle is registered for new registration plates upon payment of a fee of five dollars and the return of the former county registration plates.

4. When a motor vehicle is modified to use a different fuel type or to use more than one fuel type the person in whose name the vehicle is registered shall within thirty days notify the county treasurer of the county in which the registration of the vehicle is of record of the new fuel type or alternative fuel types. The county treasurer shall make the record of such changes available to the department of revenue. If the vehicle uses or may use a special fuel the county treasurer shall issue a special fuel identification sticker.

[C39, §**5001.25;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.41; 82 Acts, ch 1218, §2]

2003 Acts, ch 145, §286

Referred to in §331.557, 805.8A(2)(h)

For applicable scheduled fine, see §805.8A, subsection 2

321.42 Lost or damaged certificates, cards, and plates — replacements.

1. If a registration card, plate, or pair of plates is lost or becomes illegible, the owner shall immediately apply for replacement. The fee for a replacement registration card is three dollars. The fee for a replacement plate or pair of plates other than a replacement of a special plate issued pursuant to section 321.60 is five dollars. The fee for replacement of a

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special plate issued pursuant to section 321.60 is forty dollars. When the owner has furnished information required by the department and paid the proper fee, a duplicate, substitute, or new registration card, plate, or pair of plates may be issued. The county treasurer or the department may waive the fee for a replacement plate if the plate is lost during a documented accident.

2. *a.* If a certificate of title is lost or destroyed, the owner or lienholder shall apply for a replacement copy of the original certificate of title. The owner or lienholder of a motor vehicle may also apply for a replacement copy of the original certificate of title upon surrender of the original certificate of title with the application. The application shall be made to the department or any county treasurer. The application shall be signed by the owner or lienholder and accompanied by a fee of thirty dollars.

b. After five days, the department or county treasurer shall issue a replacement copy using the applicant's most recent bona fide address; however, the five-day waiting period does not apply to an applicant who is a lienholder or to an applicant who has surrendered the original certificate of title to the department or county treasurer. The replacement copy shall be clearly marked "replacement" and shall include security interests and liens. When a replacement copy has been issued, the previous certificate is void. The department or county treasurer is not authorized to refund fees collected for a replacement title under this section or section 321.52A.

c. If a security interest noted on the face of an original certificate of title was released by the lienholder on a separate form pursuant to section 321.50, subsection 5, and the signature of the lienholder, or the person executing the release on behalf of the lienholder, is notarized, but the lienholder has not delivered the original certificate to the appropriate party as provided in section 321.50, subsection 5, the owner may apply for and receive a replacement certificate of title without the released security interest noted thereon. The lienholder shall return the original certificate of title to the department or to any county treasurer.

d. A new purchaser or transferee is entitled to receive an original title upon presenting the assigned replacement copy to any county treasurer. At the time of purchase, a purchaser may require the seller to indemnify the purchaser and all future purchasers of the vehicle against any loss which may be suffered due to claims on the original certificate. A person recovering an original certificate of title for which a replacement has been issued shall surrender the original certificate to the county treasurer or the department.

3. If a county treasurer mails vehicle registration documents which become lost or are damaged in transit through the United States postal service, the person to whom the documents were being sent may apply for reissuance without cost. The application shall be made with the county treasurer who originally issued the documents not less than twenty days from the date the documents were placed with the United States postal service. If the original documents are received after reissuance of duplicates, the original documents shall be surrendered to the county treasurer within five days of the time they are received.

[SS15, §1571-m5; C24, 27, 31, 35, §4886; C39, §**5001.26;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §321.42; 81 Acts, ch 102, §1]

84 Acts, ch 1305, §51; 85 Acts, ch 209, §1; 99 Acts, ch 13, §6; 2000 Acts, ch 1016, §43, 47; 2004 Acts, ch 1013, §11, 35; 2005 Acts, ch 34, §4, 26; 2006 Acts, ch 1068, §11; 2008 Acts, ch 1113, §16, 21; 2008 Acts, ch 1124, §6; 2024 Acts, ch 1145, §11, 26

Referred to in §312.2, 321.52, 321.52A, 331.557, 648.22A
Surcharge imposed; §321.52A

321.43 New identifying numbers.

The department may assign a distinguishing number to a vehicle when the vehicle identification number on the vehicle is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the vehicle in a position to be determined by the director. The vehicle shall be registered and titled under the distinguishing number in lieu of the former vehicle identification number within thirty days of issuance of the distinguishing number.

[C27, 31, 35, §5083-b4; C39, §**5001.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.43]

84 Acts, ch 1067, §31; 2005 Acts, ch 8, §10; 2005 Acts, ch 179, §126

Referred to in §331.557

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321.44 Rules governing change of engines, drivetrain assemblies, and related parts.

The director shall adopt and enforce rules governing registration and titling of motor vehicles as deemed necessary by the director and compatible with the public interest with respect to the change or substitution of engines, drivetrain assemblies or related parts in any motor vehicle.

[C39, §**5001.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.44]

88 Acts, ch 1278, §32

Referred to in §331.557

321.44A Voluntary contribution — anatomical gift public awareness and transplantation fund — amount retained by county treasurer.

For each application for registration or renewal, the county treasurer or the department shall request through use of a written form, and, if the application is made in person, through verbal communication, that an applicant make a voluntary contribution of one dollar or more to the anatomical gift public awareness and transplantation fund established pursuant to section 142C.15. One hundred percent of the moneys collected by the county and one hundred percent of the moneys collected by the department in the form of contributions shall be remitted to the treasurer of state for deposit in the fund to be used for the purposes specified for the fund. However, up to five percent of the moneys collected by the county may be retained by the county treasurer for deposit in the general fund of the county. The director shall adopt rules to administer this section.

96 Acts, ch 1076, §3; 97 Acts, ch 121, §1; 98 Acts, ch 1107, §8

Referred to in §142C.15, 331.557

TRANSFERS OF TITLE OR INTEREST

321.45 Title must be transferred with vehicle — exceptions.

1. *a.* No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new vehicle subject to registration under the provisions of this chapter to a dealer to be used by such dealer for purposes of display and lease or resale without delivering to such dealer a manufacturer's or importer's certificate duly executed and with such assignments thereon as may be necessary to show title in the purchaser thereof; nor shall such dealer purchase or acquire a new vehicle that is subject to registration without obtaining from the seller thereof such manufacturer's or importer's certificate. In addition to the assignments stated herein, such manufacturer's or importer's certificate shall contain thereon the identification and description of the vehicle delivered and the name and address of the dealer to whom said vehicle was originally sold over the signature of an authorized official of the manufacturer or importer who made the original delivery.

b. For each new mobile home, manufactured home, travel trailer, and camping trailer said manufacturer's or importer's certificate shall also contain thereon the exterior length and exterior width of said vehicle not including any area occupied by any hitching device, and the manufacturer's shipping weight.

c. Completed motor vehicles, other than class "B" motor homes, which are converted, modified, or altered shall retain the identity and model year of the original manufacturer of the vehicle. Motor homes and all other motor vehicles manufactured from chassis or incomplete motor vehicles manufactured by another may have the identity and model year assigned by the final manufacturer.

d. Notwithstanding paragraph "*c*", a glider kit vehicle shall take the identity of the new cab and the new frame used in the assembly of the glider kit vehicle.

2. *a.* A person shall not acquire any right, title, claim, or interest in or to any vehicle subject to registration under this chapter from the owner thereof except by virtue of a certificate of title issued or assigned to the person for such vehicle or by virtue of a manufacturer's or importer's certificate delivered to the person for such vehicle and waiver or estoppel shall not operate in favor of any person claiming title to or interest in any vehicle

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against a person having possession of the certificate of title or manufacturer's or importer's certificate for such vehicle for a valuable consideration except in the following cases:

(1) The perfection of a lien or security interest as provided in section 321.50.

(2) The perfection of a security interest in new or used vehicles held as inventory for sale as provided in uniform commercial code, chapter 554, article 9.

(3) A dispute between a buyer and the selling dealer who has failed to deliver or procure the certificate of title as promised.

(4) Except for the purposes of section 321.493.

(5) The vehicle is disposed of pursuant to section 321.52, subsection 2, paragraph *"b"*.

(6) An insurer obtains a salvage certificate of title for a vehicle pursuant to section 321.52, subsection 4, paragraph *"a"*.

b. Except in the cases enumerated in paragraph *"a"*, no court in any case at law or equity shall recognize the right, title, claim, or interest of any person in or to any vehicle subject to registration sold or disposed of, or mortgaged or encumbered, unless evidenced by a certificate of title or manufacturer's or importer's certificate duly issued or assigned in accordance with the provisions of this chapter.

c. For purposes of this subsection, a motor vehicle dealer licensed under chapter 322 shall be deemed to have acquired and to possess the right, title, claim, and interest in a vehicle if the vehicle's certificate of title is issued or properly assigned to an entity with direct ownership or control over the dealer.

3. Upon the transfer of any registered vehicle, the owner, except as otherwise provided in this chapter, shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens and encumbrances thereon, and the owner shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle except as otherwise provided in this chapter. The owner shall indicate to the transferee the name of the county in which the vehicle was last registered and the registration expiration date.

4. After acquiring a used mobile home or manufactured home to be titled in Iowa, a manufactured or mobile home retailer, as defined in section 103A.51, shall within thirty days apply for and obtain from the county treasurer of the county where the mobile home or manufactured home is located a new certificate of title for the mobile home or manufactured home. In the event that there is a prior lien or encumbrance to be released, as required by section 321.50, subsection 5, the thirty-day time period in this subsection does not begin to run until the lien or encumbrance is released.

[S13, §1571-m9; C24, 27, 31, 35, §4961; C39, §**5002.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.45; 82 Acts, ch 1251, §10]

87 Acts, ch 130, §2; 88 Acts, ch 1215, §5; 95 Acts, ch 57, §2; 99 Acts, ch 188, §6, 7; 2000 Acts, ch 1085, §1; 2001 Acts, ch 153, §17; 2002 Acts, ch 1119, §43; 2004 Acts, ch 1013, §12, 35; 2006 Acts, ch 1090, §17, 26; 2010 Acts, ch 1069, §90; 2013 Acts, ch 96, §1; 2013 Acts, ch 103, §8, 21; 2015 Acts, ch 52, §1, 14; 2017 Acts, ch 31, §1; 2026 Acts, ch 1057, §1

Referred to in §103A.55, 321.20, 321.46, 321.49, 321.67, 321.104, 321.493, 331.557, 805.8A(2)(i)
For applicable scheduled fines, see §805.8A, subsection 2
Subsection 2, NEW paragraph c

321.46 New title and registration upon transfer of ownership — credit.

1. The transferee shall, within thirty calendar days after purchase or transfer, apply for and obtain from any county treasurer a new initial registration and a new certificate of title for the vehicle, except as provided in section 321.25, 321.48, or 322G.12, or when the transferee obtains the vehicle pursuant to section 321.52, subsection 2, paragraph *"b"*. In the case of a mobile home or manufactured home, the transferee shall, within thirty calendar days after purchase or transfer, apply for and obtain from the county treasurer of the county where the mobile home or manufactured home is located a new certificate of title. The transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and shall indicate the name of the county in which the vehicle was last registered and the registration expiration date.

2. Upon filing the application for a new initial registration and a new title, the applicant shall pay a title fee of thirty dollars, an annual registration fee prorated for the remaining

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unexpired months of the registration year, and a fee for new registration if applicable. A manufacturer applying for a certificate of title pursuant to section 322G.12 shall pay a title fee of twenty dollars. However, a title fee shall not be charged to a manufactured or mobile home retailer applying for a certificate of title for a used mobile home or manufactured home, titled in Iowa, as required under section 321.45, subsection 4. The county treasurer, if satisfied of the genuineness and regularity of the application, and in the case of a mobile home or manufactured home, that taxes are not owing under chapter 435, and that applicant has complied with all the requirements of this chapter, shall issue a new certificate of title and, except for a mobile home, manufactured home, or a vehicle returned to and accepted by a manufacturer as described in section 322G.12, a registration card to the purchaser or transferee, shall cancel the prior registration for the vehicle, and shall use the records system to update the necessary information on the date of issuance. Mobile homes or manufactured homes titled under chapter 448 that have been subject under section 446.18 to a public bidder sale in a county shall be titled in the county's name, with no fee, and the county treasurer shall issue the title.

3. The applicant shall be entitled to a credit for that portion of the annual registration fee of the vehicle sold, traded, transferred, or junked which had not expired prior to the transfer of ownership of the vehicle. The annual registration fee for the new registration for the vehicle acquired shall be reduced by the amount of the credit. The credit shall be computed on the basis of the number of months remaining in the registration year, rounded to the nearest whole dollar. The credit shall be subject to the following limitations:

a. The credit shall be claimed within six months from the date the vehicle for which credit is granted was sold, traded, transferred, or junked. After six months, all credits shall be disallowed.

b. Any credit granted to the owner of a vehicle which has been sold, traded, transferred, or junked may only be claimed by that person toward the annual registration fee for another vehicle purchased and the credit may not be sold, transferred, or assigned to any other person.

c. When the amount of the credit is computed to be an amount of less than ten dollars, a credit shall be disallowed.

d. To claim a credit for the unexpired annual registration fee on a junked vehicle, the county treasurer shall disallow any claim for credit unless the owner presents a junking certificate or other evidence as required by the department to the county treasurer.

e. A credit shall not be allowed to any person who has made claim to receive a refund under section 321.126.

f. If the credit allowed exceeds the amount of the annual registration fee for the vehicle acquired, the owner may claim a refund under section 321.126, subsection 1, paragraph "*f*", for the balance of the credit.

g. The credit shall be computed on the unexpired number of months computed from the date of purchase of the vehicle acquired.

4. If the annual registration fee upon application is delinquent, the applicant shall be required to pay the delinquent fee from the first day the annual registration fee was due prorated to the month of application for new title.

5. The seller or transferor may file an affidavit on forms prescribed and provided by the department with any county treasurer certifying the sale or transfer of ownership of the vehicle and the assignment and delivery of the certificate of title for the vehicle. Upon receipt of the affidavit, the county treasurer shall file the affidavit with the copy of the registration receipt for the vehicle on file in the treasurer's office and on that day the treasurer shall note receipt of the affidavit in the records system. Upon filing the affidavit, it shall be presumed that the seller or transferor has assigned and delivered the certificate of title for the vehicle. For a leased vehicle, the lessor licensed pursuant to chapter 321F or the lessee may file an affidavit as provided in this subsection certifying that the lease has expired or been terminated and the date that the leased vehicle was surrendered to the lessor.

6. An applicant for a new registration for a vehicle transferred to the applicant by a spouse, parent, or child of the applicant, or by operation of law upon inheritance, devise or bequest, from the applicant's spouse, parent, or child, or by a former spouse pursuant to a decree of dissolution of marriage, is entitled to a credit to be applied to the annual registration fee

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for the transferred vehicle. A credit shall not be allowed unless the vehicle to which the credit applies is registered within the time specified under subsection 1. The credit shall be computed on the basis of the number of unexpired months remaining in the registration year of the former owner computed from the date the vehicle was transferred, computed to the nearest whole dollar. The credit may exceed the amount of the annual registration fee for the transferred vehicle. When the amount of the credit is computed to be an amount of less than ten dollars, the credit shall be disallowed. The credit shall not be sold, transferred, or assigned to any other person.

7. If a motor vehicle is leased and the lessee purchases the vehicle upon termination of the lease, the lessor shall, upon claim by the lessee with the lessor within six months of the purchase, assign the annual registration fee credit and registration plates for the leased motor vehicle to the lessee. Credit shall be applied as provided in subsection 3.

[S13, §1571-m9; C24, 27, 31, 35, §4962; C39, §**5002.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.46; 82 Acts, ch 1251, §11]

82 Acts, ch 1062, §8, 38; 83 Acts, ch 24, §2 – 4, 12; 83 Acts, ch 82, §2; 84 Acts, ch 1305, §52; 85 Acts, ch 87, §3; 87 Acts, ch 130, §3; 88 Acts, ch 1215, §6; 90 Acts, ch 1154, §1 – 5; 91 Acts, ch 191, §6; 93 Acts, ch 87, §3; 98 Acts, ch 1073, §9; 99 Acts, ch 188, §8; 2000 Acts, ch 1016, §6; 2000 Acts, ch 1047, §2, 4; 2001 Acts, ch 153, §17, 18; 2002 Acts, ch 1119, §44; 2004 Acts, ch 1013, §13, 14, 35; 2005 Acts, ch 34, §5, 26; 2006 Acts, ch 1068, §12, 13; 2006 Acts, ch 1070, §6; 2008 Acts, ch 1113, §17, 21, 80; 2010 Acts, ch 1069, §143; 2013 Acts, ch 22, §1 – 3; 2014 Acts, ch 1110, §1, 2; 2015 Acts, ch 52, §2, 14; 2024 Acts, ch 1145, §12, 26; 2026 Acts, ch 1118, §22, 29

Referred to in §312.2, 321.34, 321.47, 321.48, 321.52, 321.52A, 321.105, 321.109, 321.113, 321.121, 321.122, 321.126, 322G.12, 331.557, 805.8A(2)(j)

Surcharge imposed; §321.52A

For applicable scheduled fines, see §805.8A, subsection 2

2026 amendment to subsections 2 and 5 applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Subsections 2 and 5 amended

321.46A Change from apportioned registration — credit.

An owner changing a vehicle's registration from apportioned registration under chapter 326 to registration under this chapter shall be entitled to a credit on the vehicle's annual registration fees under this chapter. The credit may be allowed when the owner surrenders to the county treasurer proof of apportioned registration provided by the department. The amount of the credit shall be calculated based on the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

87 Acts, ch 108, §6; 2008 Acts, ch 1113, §81; 2012 Acts, ch 1093, §7

Referred to in §331.557

321.47 Transfers by operation of law.

1. If ownership of a vehicle is transferred by operation of law upon inheritance, devise or bequest, dissolution decree, order in bankruptcy, insolvency, replevin, foreclosure or execution sale, abandoned vehicle sale, or when the engine of a motor vehicle is replaced by another engine, or a vehicle is sold or transferred to satisfy an artisan's lien as provided in chapter 577, a landlord's lien as provided in chapter 570, a self-service storage facility lien as provided in section 578A.7, a storage lien as provided in chapter 579, a judgment in an action for abandonment of a manufactured or mobile home as provided in chapter 555B, upon presentation of an affidavit relating to the disposition of a valueless mobile, modular, or manufactured home as provided in chapter 555C, or repossession is had upon default in performance of the terms of a security agreement, any county treasurer or, in the case of a mobile home or manufactured home, the county treasurer of the county where the mobile home or manufactured home is located, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof to the county treasurer of ownership and right of possession to the vehicle and upon payment of a fee of thirty dollars and the presentation of an application for initial registration and certificate of title, may issue to the applicant a registration card

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for the vehicle and a certificate of title to the vehicle. A person entitled to ownership of a vehicle under a decree of dissolution shall surrender a reproduction of a certified copy of the dissolution and upon fulfilling the other requirements of this chapter is entitled to a certificate of title and registration receipt issued in the person's name.

2. *a.* The persons entitled under the laws of descent and distribution to the possession and ownership of a vehicle owned in whole or in part by a decedent who died intestate, upon filing an affidavit stating the name and date of death of the decedent, the right to possession and ownership of the persons filing the affidavit, and that there has been no administration of the decedent's estate, which instrument must also contain an agreement by the affiant to indemnify creditors of the decedent who would be entitled to levy execution upon the motor vehicle to the extent of the value of the motor vehicle, shall, upon complying with the other title transfer requirements of this chapter, be issued a registration card for the decedent's interest in the vehicle and a certificate of title to the vehicle. If a decedent died testate, and either the will is not probated or is admitted to probate without administration, the persons entitled to the possession and ownership of a vehicle owned in whole or in part by the decedent may file an affidavit and, upon complying with the other title transfer requirements of this chapter, shall be issued a registration card for the decedent's interest in the vehicle and a certificate of title to the vehicle. The affidavit must contain the same information and indemnity agreement as is required in cases of intestacy under this subsection. For a death occurring before January 1, 2025, a requirement of chapter 450 shall not be considered satisfied by the filing of the affidavit provided for in this subsection. If, upon review of the records system, there appear to be any liens on the vehicle, the certificate of title must contain a statement of the liens unless the application is accompanied by proper evidence of the satisfaction or extinction of such liens. Evidence of extinction includes but is not limited to an affidavit of the applicant stating that a security interest was foreclosed as provided in chapter 554, article 9, part 6. The department shall waive the certificate of title fee and surcharge required under sections 321.20, 321.20A, 321.23, 321.46, 321.52, and 321.52A if the person entitled to possession and ownership of a vehicle, as provided in this subsection, is the surviving spouse of a decedent.

b. An affiant under this subsection is the agent of the owner of the vehicle solely for the purpose of completing the odometer disclosure statement under section 321.71 and regulations promulgated under 49 U.S.C. ch. 327, and found in 49 C.F.R. pt. 580. The affiant may submit any required odometer disclosure statement together with the affidavit required by this subsection.

3. Whenever ownership of a vehicle is transferred under the provisions of this section, the registration plates shall be removed and forwarded to any county treasurer, or to the department if the vehicle is owned by a nonresident. Upon transfer the vehicle shall not be operated upon the highways of this state until the person entitled to possession of the vehicle applies for and obtains initial registration for the vehicle.

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2.

[S13, §1571-m9; C24, 27, 31, 35, §4963; C39, §**5002.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.47]

84 Acts, ch 1243, §1; 84 Acts, ch 1305, §53; 91 Acts, ch 119, §1; 93 Acts, ch 154, §2; 95 Acts, ch 118, §11; 99 Acts, ch 83, §2; 2000 Acts, ch 1149, §165, 187; 2000 Acts, ch 1203, §2; 2001 Acts, ch 137, §5; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2004 Acts, ch 1092, §2; 2005 Acts, ch 34, §6, 26; 2008 Acts, ch 1113, §18, 21; 2008 Acts, ch 1119, §5; 2010 Acts, ch 1138, §51; 2010 Acts, ch 1190, §33; 2011 Acts, ch 38, §3; 2014 Acts, ch 1076, §14; 2019 Acts, ch 50, §15; 2021 Acts, ch 38, §3; 2023 Acts, ch 143, §1, 2; 2024 Acts, ch 1145, §13, 26; 2025 Acts, ch 148, §28, 53, 54; 2026 Acts, ch 1118, §23, 29

Referred to in §312.2, 321.52A, 321.69, 321.104, 321.105A, 321.113, 321.121, 321.122, 331.557, 555C.3, 578A.7, 805.8A(2)(k)

Surcharge imposed; §321.52A

2023 amendment to subsection 2 applies retroactively to vehicles transferred on or after July 1, 2022; 2023 Acts, ch 143, §2

2025 amendment to subsection 2, paragraph a applies retroactively to January 1, 2025, to the estates of decedents dying on or after January 1, 2025; 2025 Acts, ch 148, §54

2026 amendment to subsection 2, paragraph a applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation

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that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Subsection 2, paragraph a amended

321.48 Vehicles acquired for resale.

1. *a.* When the transferee of a vehicle is a dealer who holds the vehicle for resale and operates the vehicle only for purposes incident to a resale and displays a dealer plate on the vehicle or does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain a new registration or a new certificate of title but upon transferring title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title assigned to the person and deliver the same to the person to whom such transfer is made.

b. A dealer licensed pursuant to chapter 322 or chapter 322C who has acquired a vehicle for resale which is subject to a security interest as provided in section 321.50 and who has forwarded to the secured party the sum necessary to discharge the security interest may offer the vehicle for sale prior to the receipt from the county treasurer of the certificate of title for the vehicle with the lien discharged for a period of not more than thirty days from the date the vehicle was acquired and the provisions of section 321.104, subsection 2, shall not apply.

2. A foreign registered vehicle purchased or otherwise acquired by a dealer for the purpose of resale shall be issued a certificate of title for the vehicle by any county treasurer upon proper application as provided in this chapter and upon payment of a fee of fifteen dollars and the dealer is exempt from the payment of any and all registration fees for the vehicle. The application for certificate of title shall be made within thirty days after the vehicle comes within the border of the state. However, a dealer acquiring a vehicle registered in another state which permits Iowa dealers to reassign that state's certificates of title shall not be required to obtain a new initial registration or a new certificate of title and upon transferring title or interest to another person shall execute an assignment upon the certificate of title for the vehicle to the person to whom the transfer is made and deliver the assigned certificate of title to the person.

3. Notwithstanding subsections 1 and 2, requirements in those subsections for obtaining title to a vehicle or acknowledging assignment and warranty of title do not apply to a dealer who sells a motor vehicle to a purchaser in a consignment transaction authorized under section 322.7B.

4. In a transaction in which a vehicle is traded to a dealer as defined in chapter 322 or chapter 322C toward the purchase price of another vehicle and each vehicle is owned in whole or in part by the same person, the person acquiring the vehicle from the dealer shall be entitled to a credit under section 321.46.

5. A transferee of a new completed motor vehicle shall obtain a certificate of title for the vehicle but is not required to pay the annual registration fee for the vehicle, provided all of the following apply:

a. The transferee is an equipment dealer licensed as a motor vehicle dealer under chapter 322.

b. The transferee purchases the vehicle at retail for the purpose of modifying the vehicle as provided in section 321.105A, subsection 2, paragraph "*c*", subparagraph (31), prior to selling it as a used vehicle to a business or government entity.

c. The transferee operates the vehicle only for purposes incidental to a resale.

d. The transferee displays a dealer plate on the vehicle or does not drive the vehicle or permit it to be driven upon the highways.

6. Nothing in this section shall be construed to prohibit a dealer from obtaining a new certificate of title or new registration in the same manner as other purchasers.

[C24, 27, 31, 35, §4965; C39, §**5002.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.48]

82 Acts, ch 1062, §9, 38; 83 Acts, ch 82, §3; 84 Acts, ch 1169, §1; 84 Acts, ch 1305, §54; 88 Acts, ch 1215, §7; 90 Acts, ch 1116, §2; 99 Acts, ch 13, §7; 2003 Acts, ch 8, §11; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1065, §1; 2014 Acts, ch 1123, §26; 2024 Acts, ch 1145, §14, 26

Referred to in §321.23, 321.25, 321.30, 321.46, 321.49, 321.50, 321.52A, 321.71, 321.104, 331.557, 805.8A(2)(l)

Surcharge imposed; §321.52A

For applicable scheduled fines, see §805.8A, subsection 2

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321.49 Time limit — penalty — power of attorney.

1. Except as provided in section 321.52, if an application for transfer of registration and certificate of title is not submitted to any county treasurer within thirty days of the date of assignment or transfer of title, or within thirty days of the date of delivery to the purchaser if the vehicle is subject to a security interest and was offered for sale pursuant to section 321.48, subsection 1, a penalty of ten dollars shall accrue against the applicant, and no registration card or certificate of title shall be issued to the applicant for the vehicle until the penalty is paid.

2. Certificates of title to vehicles may be assigned by an attorney in fact of the owner under a power of attorney appointed and so empowered on forms provided by the department. Such power of attorney shall be filed by the transferee with the application for title.

3. A manufactured or mobile home retailer who acquires a used mobile home or manufactured home, titled in Iowa, and who does not apply for and obtain a certificate of title from the county treasurer of the county where the manufactured or mobile home is located within thirty days of the date of acquisition, as required under section 321.45, subsection 4, is subject to a penalty of ten dollars. A certificate of title shall not be issued to the manufactured or mobile home retailer until the penalty is paid.

[C24, 27, 31, 35, §4966; C39, §**5002.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.49]

85 Acts, ch 209, §2; 87 Acts, ch 130, §4; 93 Acts, ch 47, §2; 99 Acts, ch 13, §8; 99 Acts, ch 188, §9; 2000 Acts, ch 1154, §22; 2001 Acts, ch 153, §17, 18; 2002 Acts, ch 1119, §45; 2013 Acts, ch 96, §2; 2024 Acts, ch 1145, §15, 26

Referred to in §321.52, 331.557

321.50 Security interest provisions.

1. A security interest in a vehicle subject to registration under the laws of this state, except trailers whose empty weight is two thousand pounds or less, and except new or used vehicles held by a dealer or manufacturer as inventory for sale, is perfected by the delivery to any county treasurer of an application for certificate of title which lists the security interest, or an application for notation of security interest signed by the owner or by one owner of a vehicle owned jointly by more than one person, or signed through electronic means as determined by the department, or a certificate of title from another jurisdiction which shows the security interest, and payment of a fee of twenty dollars for each security interest shown. The security interest in a mobile home or manufactured home is perfected by the delivery to the county treasurer of the county where the certificate of title was issued or, in the case of a new certificate, to the county treasurer where the certificate will be issued, of an application for certificate of title which lists the security interest, or an application for notation of security interest signed by the owner or by one owner when owned jointly by more than one person, or signed through electronic means as determined by the department, or a certificate of title from another jurisdiction which shows the security interest, and payment of a fee of twenty dollars for each security interest shown. The department shall require the federal employer identification number of a secured party who is a firm, association, or corporation or, if a natural person, the social security number. Upon delivery of the application and payment of the fee, the county treasurer shall note the date of delivery on the application. If the delivery is by electronic means and the time is electronically recorded on the application along with the date, the time shall be included with the date on all subsequent documents and records where the date of perfection is required under this chapter. The date of delivery shall be the date of perfection of the security interest in the vehicle, regardless of the date the security interest is noted on the certificate of title. Up to three security interests may be perfected against a vehicle and shown on an Iowa certificate of title. If the owner or secured party is in possession of the certificate of title, it must also be delivered at this time. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by section 554.9303. Delivery as provided in this subsection constitutes perfection of a security interest on a certificate of title for purposes of this chapter and chapter 554.

2. Upon receipt of the application and the required fee, if the certificate of title was not delivered to the county treasurer along with the application, the county treasurer shall notify

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the holder of the certificate of title to deliver to the county treasurer, within five days from the receipt of notice, the certificate of title to permit notation of the security interest. If the holder of the certificate of title fails to deliver it within five days, the holder shall be liable to anyone harmed by the holder's failure.

3. Upon receipt of the application, the certificate of title, if any, and the required fee, the county treasurer shall note the security interest and the date of perfection of the security interest on the certificate of title. The county treasurer shall also note the security interest and the date of perfection of the security interest in the records system. Upon receipt of a certificate of title issued by a foreign jurisdiction, on which a security interest has been noted, the county treasurer shall note the security interest and the date the security interest was noted on the foreign certificate of title, if available, or if not, the date of issuance of the foreign certificate of title, on the face of the new certificate of title. The county treasurer shall also note the security interest and the date that was noted on the certificate of title in the records system. The county treasurer shall then deliver the certificate of title to the first secured party as shown thereon.

4. Notwithstanding any provision of this section to the contrary, if a security interest has been delivered by electronic means, the county treasurer or department shall not print a certificate of title until all security interests have been released, but shall provide the first security interest holder with an electronic record of the certificate of title. When a vehicle is subject to an electronic lien, the certificate of title for the vehicle shall be considered to be physically held by the lienholder for purposes of compliance with odometer disclosure requirements under section 321.71.

5. *a.* Except as provided in section 321.48, subsection 1, paragraph "*b*", when a security interest is discharged, the holder shall note a cancellation of the security interest on the face of the certificate of title over the holder's signature or may note the cancellation of the security interest on a separate, notarized release form or letter. The holder shall deliver the certificate of title and the form or letter, if applicable, to any county treasurer. In the case of a security interest that has been delivered by electronic means, the holder shall notify the department or the county treasurer, in a manner prescribed by the department, of the release of the security interest. The county treasurer shall immediately note the cancellation of the security interest on the face of the certificate of title, if applicable, and in the records system. The county treasurer shall on the same day deliver the certificate of title, if applicable, and the separate, notarized release form or letter, if applicable, to the then first secured party or, if there is no such person, to the person as directed by the owner, in writing, on a form prescribed by the department or, if there is no person designated, then to the owner. The cancellation of the security interest shall be noted on the certificate of title by the county treasurer without charge. The holder of a security interest discharged by payment who fails to release the security interest within fifteen days after being requested in writing to do so shall forfeit to the person making the payment the sum of twenty-five dollars.

b. If a lien has been released by the lienholder but has not been sent to the county of record for clearance of the lien, any county may note the release on the face of the title and shall notify the county of record that the lien has been released as of the specified date and make entry upon the records system. Notification to the county of record shall be made in the records system or by sending a photocopy of the released title to the county of record.

c. When a security interest is discharged, the lienholder shall note the cancellation of the security interest on the face of the title and, if applicable, may note the cancellation of the security interest on a form prescribed by the department and deliver a copy of the form in lieu of the title to the department or to any county treasurer. The form may be delivered by electronic means. The department or county treasurer, as applicable, shall note the release of the security interest in the records system. A copy of the form, if used, shall be attached to the title by the lienholder, if the title is held by the lienholder, and shall be evidence of the release of the security interest. If the title is held by the lienholder, the lienholder shall deliver the title to the first lienholder, or if there is no such person, to the person as designated by the owner, or if there is no such person designated, to the owner. If a certificate of title has not been issued, upon release of a security interest, the lienholder shall notify the department or

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the county treasurer, in a manner prescribed by the department, of the release of the security interest.

d. For purposes of this subsection, a security interest noted on an Iowa certificate of title and appearing in the records system shall be presumed to be discharged upon presentation of a valid certificate of title subsequently issued by a foreign jurisdiction on which the security interest is no longer noted.

6. Notwithstanding subsection 5, when an application for registration and issuance of a certificate of title is made by the means described in section 321.20, subsection 2, and the application includes a certificate of title upon which a security interest has been discharged by the secured party and the cancellation of the security interest is noted by the secured party on the certificate of title above the secured party's signature, the county treasurer shall not require any other notation of the cancellation of the security interest on the face of the certificate of title, and the county treasurer shall update such release on the records system. A dealer licensed under chapter 322 or chapter 322C is authorized to sell such a vehicle pursuant to section 321.48, subsection 1, paragraph *"b"*.

7. The uniform commercial code, chapter 554, article 9, shall apply to all transactions intended to create a security interest in vehicles except as provided in this chapter.

8. Upon request of any person, the county treasurer shall certify whether there are, on the date and hour stated therein, any security interests or liens against a vehicle and the name and address of each secured party. The uniform fee for a certification shall be two dollars if the request for the certification is on a form conforming to standards prescribed by the secretary of state; otherwise, three dollars. Upon request and payment of the appropriate fee, the county treasurer shall furnish a certified copy of any security interests for a uniform fee of one dollar per page.

[C24, 27, 31, 35, §4967; C39, §**5002.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.50]

83 Acts, ch 5, §3, 5; 84 Acts, ch 1305, §55; 89 Acts, ch 260, §3; 92 Acts, ch 1175, §30; 97 Acts, ch 108, §6; 99 Acts, ch 13, §9; 99 Acts, ch 188, §10; 2000 Acts, ch 1016, §7, 44, 47; 2000 Acts, ch 1149, §166, 187; 2001 Acts, ch 153, §17; 2003 Acts, ch 8, §13; 2003 Acts, ch 145, §286; 2004 Acts, ch 1013, §15 – 17, 35; 2004 Acts, ch 1092, §3; 2014 Acts, ch 1123, §11; 2018 Acts, ch 1034, §1; 2023 Acts, ch 50, §1, 2; 2024 Acts, ch 1145, §16, 17, 26; 2026 Acts, ch 1118, §24, 29

Referred to in §321.24, 321.42, 321.45, 321.48, 321.131, 331.557

2026 amendment to subsections 3, 5, and 6 applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Subsections 3, 5, and 6 amended

321.51 Terminal rental adjustment clause — vehicle leases that are not sales or security interests.

An agreement involving the leasing of a motor vehicle or trailer does not create a sale or security interest solely because the agreement provides for an increase or decrease adjustment in the rental price of the motor vehicle or trailer based upon the amount realized upon sale or other disposition of the motor vehicle or trailer following the termination of the lease.

94 Acts, ch 1052, §1

Referred to in §331.557

321.52 Out-of-state sales — junked, dismantled, wrecked, or salvage vehicles.

1. When a vehicle is sold outside the state for purposes other than for junk, the owner, dealer or otherwise, shall detach the registration plates and registration card and shall indicate on the registration card the name and address of the foreign purchaser or transferee over the person's signature. Unless the registration plates are legally attached to another vehicle, the owner shall surrender the registration plates and registration card to the county treasurer, who shall cancel the records, destroy the registration plates, and forward the registration card to the department. The department shall make a notation on the records of the out-of-state sale and, after a reasonable period, may destroy the files for that particular vehicle. The department is not authorized to make a refund of annual registration fees on a vehicle sold out of state unless it receives the registration card completed as provided in this section.

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2. *a.* The purchaser or transferee of a motor vehicle subject to registration for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title, properly endorsed and signed by the previous owner, to any county treasurer, and shall apply for a junking certificate from the county treasurer, within thirty days after assignment of the certificate of title, except when the vehicle is disposed of pursuant to paragraph *"b"*. The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport, or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate except as provided in subsection 3. The county treasurer shall cancel the record of the vehicle. The junking certificate shall be printed on the registration receipt form and shall be imprinted with the words "junking certificate", as prescribed by the department. A space for transfer by endorsement shall be on the junking certificate. A separate form for the notation of the transfer of component parts shall be attached to the junking certificate when the certificate is issued.

b. The owner of a motor vehicle subject to registration who does not have a certificate of title or a junking certificate may dispose of the vehicle to a vehicle recycler licensed under chapter 321H for scrap or junk if the vehicle is twelve model years old or older and is acquired by the vehicle recycler for reasonable consideration equaling less than one thousand dollars. A licensed vehicle recycler shall not acquire such a vehicle unless the recycler uses the recycler's access to the state records system described in section 321.31 to verify there is not a lienholder who has a security interest in the vehicle. However, a licensed vehicle recycler is not required to verify the nonexistence of a lienholder if the recycler acquires the vehicle for scrap or junk from a scrap metal dealer, as defined in section 714.27.

3. *a.* When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the certificate of title to the county treasurer, except when the vehicle is disposed of pursuant to subsection 2, paragraph *"b"*.

b. Upon the surrender of the certificate of title and application for junking certificate, the county treasurer shall issue to the person, without fee, a junking certificate, which shall authorize the holder to possess, transport, or transfer ownership of the junked vehicle by endorsement of the junking certificate. The county treasurer shall hold the surrendered certificate of title, registration receipt, application for junking certificate, and, if applicable, the registration plates for a period of fourteen days following the issuance of a junking certificate under this subsection.

c. Within the fourteen-day period, the person who was issued the junking certificate and to whom the vehicle was titled or assigned may surrender to the county treasurer the junking certificate, and upon the person's payment of appropriate fees and taxes and payment of any credit for annual registration fees received by the person for the vehicle under section 321.46, subsection 3, the county treasurer shall issue to the person a certificate of title for the vehicle. After the expiration of the fourteen-day period, a county treasurer shall not issue a certificate of title for a junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

d. However, upon application and a showing of good cause, the department may issue a certificate of title to a person after the fourteen-day period for a junked vehicle for which a junking certificate has been issued. For purposes of this subsection, *"good cause"* means that the junking certificate was obtained by mistake or inadvertence. If a person's application to the department is denied, the person may make application for a certificate of title under the procedure as provided in section 321.24, subsection 11, if the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, or the person may seek judicial review as provided under sections 17A.19 and 17A.20.

4. *a.* (1) Notwithstanding any other provision of law to the contrary, an insurer may apply for and be issued a salvage certificate of title for a motor vehicle without surrendering the certificate of title or manufacturer's or importer's statement of origin properly assigned if ownership of the vehicle was transferred, or will transfer, to the insurer pursuant to a settlement with the previous owner of the vehicle arising from circumstances involving

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damage to the vehicle, and at least thirty days have expired since the effective date of such settlement.

(2) To obtain a salvage certificate of title pursuant to this paragraph *"a"*, the insurer must submit an application for a salvage certificate of title to any county treasurer.

(a) The application must be accompanied by an affidavit from the insurer in which the insurer certifies it has made at least two written attempts to obtain a properly assigned certificate of title or manufacturer's or importer's statement of origin for the vehicle by contacting the previous owner of the vehicle and all lienholders of record by certified mail or a similar service that provides proof of service using a return receipt, and has been unable to obtain the title or statement of origin. The failure of a previous owner or lienholder to provide a properly assigned certificate of title or manufacturer's or importer's statement of origin shall be deemed to be a waiver by the previous owner or lienholder of all rights, title, claim, and interest in the vehicle.

(b) Notwithstanding chapter 9B, section 633B.105, or any other provision to the contrary, a supporting document submitted with the application, including but not limited to a power of attorney described in section 321.49, a replacement certificate of title application for the vehicle owner described in section 321.42, or an odometer statement required under section 321.71 if permitted under 49 C.F.R. pt. 580, may be signed and affirmed under penalty of perjury in lieu of a notarized signature and, in accordance with chapter 554D, the signature may be electronic. The affirmation under penalty of perjury is limited to the signature identifying the signer as the owner or the signer's representation of the authority of the named agent to sign on the owner's behalf.

(c) The application must also be accompanied by the application fee required under paragraph *"b"*, and proof of payment of the total amount of the settlement by the insurer to the previous owner of the vehicle. Upon receiving an application that complies with this paragraph *"a"*, the county treasurer shall issue a salvage certificate of title to the insurer which is free and clear of all liens and claims of ownership and must bear the word "SALVAGE" stamped or printed on the face of the title in a manner prescribed by the department.

(d) The department and a county treasurer may rely on representations made in a supporting document submitted under subparagraph division (b). The department or county treasurer is not liable to any person for such reliance if the department or county treasurer, as applicable, took reasonable steps to verify the validity of the supporting document prior to issuing the salvage certificate of title and had no knowledge that a representation in the document was incorrect at the time the title was issued.

b. A vehicle rebuilder or a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered in this state, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title or manufacturer's or importer's statement of origin properly assigned, together with an application for a salvage certificate of title, to any county treasurer within thirty days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. This subsection applies only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of twenty dollars, the county treasurer shall issue a salvage certificate of title which shall bear the word "SALVAGE" stamped or printed on the face of the title in a manner prescribed by the department. A salvage certificate of title may be assigned to an educational institution, a new motor vehicle dealer licensed under chapter 322, a person engaged in the business of purchasing bodies, parts of bodies, frames or component parts of vehicles for sale as scrap metal, a salvage pool, or an authorized vehicle recycler licensed under chapter 321H. An authorized vehicle recycler licensed under chapter 321H or a new motor vehicle dealer licensed under chapter 322 may assign or reassign an Iowa salvage certificate of title or a salvage certificate of title from another state to any person, and the provisions of section 321.24, subsection 5, requiring issuance of an Iowa salvage certificate of title shall not apply. A vehicle on which ownership has transferred to an insurer of the vehicle as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of, the vehicle shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply

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with this subsection to obtain a salvage certificate of title within thirty days after the date of assignment of the certificate of title of the vehicle.

c. When a wrecked or salvage vehicle has been repaired, the owner may apply for a regular certificate of title by paying the appropriate fees and surrendering the salvage certificate of title and a properly executed salvage theft examination certificate. A motor vehicle with a gross vehicle weight rating of thirty thousand pounds or more is not subject to the salvage theft examination otherwise required under paragraph *"d"*, and the owner of such vehicle is not required to submit a salvage theft examination certificate. The county treasurer shall issue a regular certificate of title which shall bear a designation printed on the face of the title and printed on the registration receipt indicating that the vehicle was previously titled on a salvage certificate of title in a form approved by the department. This designation shall be included on every Iowa certificate of title and registration receipt issued thereafter for the vehicle. However, if ownership of a stolen vehicle has been transferred to an insurer organized under the laws of this state or admitted to do business in this state, or if the transfer was the result of a settlement with the owner of the vehicle arising from damage to or the unrecovered theft of the vehicle, and if the insurer certifies to the county treasurer on a form approved by the department that the insurance company has received one or more written estimates which state that the retail cost of repairs including labor, parts, and other materials of all damage to the vehicle is less than three thousand dollars, the county treasurer shall issue to the insurance company the regular certificate of title and registration receipt without this designation.

d. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the Iowa law enforcement academy to do salvage theft examinations. The Iowa law enforcement academy shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the academy's standards for training and certification. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have available for inspection the salvage title, bills of sale for all essential parts changed, if applicable, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the vehicle is safe to be operated. There shall be no cause of action against the peace officer or the agency conducting the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of fifty dollars at the time the examination is scheduled. The agency performing the examinations shall retain forty dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the treasurer of state for deposit in the general fund of the state. Moneys deposited to the general fund under this paragraph shall be used by the Iowa law enforcement academy to provide for the special training, certification, and recertification of officers as required by this subsection.

e. For purposes of this subsection, *"wrecked or salvage vehicle"* means a damaged motor vehicle subject to registration for which the cost of repair exceeds seventy percent of the fair market value of the vehicle, as determined in accordance with rules adopted by the department, before the vehicle became damaged.

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5. The department shall adopt rules in accordance with chapter 17A to carry out this section.

[C24, 27, 31, 35, §4887; C39, §**5002.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.52; 81 Acts, ch 102, §3]

84 Acts, ch 1169, §2; 84 Acts, ch 1305, §56; 85 Acts, ch 67, §36; 85 Acts, ch 209, §3; 88 Acts, ch 1089, §4 – 6; 88 Acts, ch 1215, §8 – 10; 89 Acts, ch 185, §3; 89 Acts, ch 296, §28; 91 Acts, ch 142, §2, 3; 91 Acts, ch 260, §1225, 1226; 92 Acts, ch 1104, §3; 93 Acts, ch 131, §12; 94 Acts, ch 1107, §51; 95 Acts, ch 45, §2, 3; 97 Acts, ch 108, §7; 97 Acts, ch 121, §2; 2000 Acts, ch 1016, §8, 9; 2005 Acts, ch 8, §11; 2006 Acts, ch 1068, §14; 2006 Acts, ch 1070, §7; 2006 Acts, ch 1120, §12; 2007 Acts, ch 143, §10; 2008 Acts, ch 1018, §17, 18; 2008 Acts, ch 1032, §47, 48; 2008 Acts, ch 1113, §19, 21, 82; 2009 Acts, ch 41, §114; 2015 Acts, ch 52, §3, 4, 14; 2016 Acts, ch 1098, §32; 2017 Acts, ch 31, §2; 2021 Acts, ch 30, §1; 2024 Acts, ch 1036, §2; 2024 Acts, ch 1145, §18, 19, 26; 2024 Acts, ch 1185, §165; 2026 Acts, ch 1067, §1; 2026 Acts, ch 1101, §1, 2

Referred to in §312.2, 321.1, 321.24, 321.45, 321.46, 321.47, 321.49, 321.52A, 321.67, 321.69, 321.100, 321.104, 321.126, 322C.6, 331.557, 805.8A(2)(m)

Surcharge imposed; §321.52A

For applicable scheduled fine, see §805.8A, subsection 2

2026 amendment to subsection 4, paragraph a effective January 1, 2027; 2026 Acts, ch 1101, §2

Subsection 2, paragraph b amended

Subsection 4, paragraph a amended

321.52A Certificate of title surcharge — allocation of moneys.

In addition to the fee required for the issuance of a certificate of title under section 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47, 321.48, or 321.52, a surcharge of five dollars shall be required. Of each surcharge collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit as set forth in section 321.145, subsection 2.

91 Acts, ch 267, §607; 95 Acts, ch 118, §12; 96 Acts, ch 1117, §1; 2001 Acts, ch 188, §25; 2002 Acts, ch 1121, §1; 2008 Acts, ch 1113, §35; 2009 Acts, ch 133, §116

Referred to in §321.42, 321.47, 321.145

PERMITS TO NONRESIDENT OWNERS

321.53 Nonresident owners of passenger vehicles and trucks.

A nonresident owner, except as provided in sections 321.54 and 321.55, of a private passenger motor vehicle, not operated for hire, may operate or permit the operation of such vehicle within this state without registering such vehicle in, or paying any fees to, this state subject to the condition that such vehicle at all times when operated in this state is duly registered in, and displays upon it a valid registration plate or plates issued for such vehicle in the place of residence of such owner. A nonresident who leases a vehicle from a resident owner shall not be considered a nonresident owner of such vehicle for the purpose of exemption under this section. This section shall be operative to the extent that under the laws of the foreign country, state, territory, or federal district of such nonresident owner's residence like exemptions and privileges are granted to vehicles registered under the laws, and owned by residents, of this state. A truck, truck tractor, trailer or semitrailer owned by a nonresident and operated on Iowa highways must have displayed upon it a valid registration plate or plates and a valid registration certificate, card, or other official evidence of its allowable weight in the state, district or county in which it is registered.

[S13, §1571-m16; C24, 27, 31, 35, §4865; C39, §**5003.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.53]

Referred to in §321.18

321.54 Registration and financial liability coverage required of certain nonresident carriers.

1. Nonresident owners of foreign vehicles operated within this state for the intrastate transportation of persons or property for compensation or for the intrastate transportation of merchandise shall register and maintain financial liability coverage as required under section

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321.20B for each vehicle and pay the same fees required for like vehicles owned by residents of this state.

2. The term *"intrastate transportation"* as used herein shall mean the transportation for compensation of persons or property originating at any point or place in the state of Iowa and destined to any other point or place in said state irrespective of the route or highway or highways traversed, including the crossing of any state line of the state of Iowa, or the ticket or bill of lading issued and used for such transportation.

[C39, §**5003.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.54]
97 Acts, ch 139, §3, 17, 18; 98 Acts, ch 1121, §8
Referred to in §321.53, 805.8A(13)(a)
For applicable scheduled fines, see §805.8A, subsection 13

321.55 Registration and financial liability coverage required for certain vehicles owned or operated by nonresidents.

1. A nonresident owner or operator engaged in remunerative employment within this state or carrying on business within this state and owning or operating a motor vehicle, trailer, or semitrailer within this state shall register and maintain financial liability coverage as required under section 321.20B for each vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, this subsection does not apply to a person commuting from the person's residence in another state or whose employment is seasonal or temporary, not exceeding ninety days.

2. *a.* A nonresident owner of a motor vehicle operated within this state by a resident of this state shall register the vehicle and shall maintain financial liability coverage as required under section 321.20B for the vehicle. The nonresident owner shall pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, registration under this paragraph is not required for vehicles being operated by residents temporarily for not more than ninety days. For purposes of this paragraph, a vehicle is not operated in the state temporarily, and is therefore subject to registration and the owner is required to pay the applicable fees, if the vehicle is located in Iowa for more than ninety consecutive or nonconsecutive days and is operated on an Iowa highway by an Iowa resident during that time. It is unlawful for a resident to operate within the state an unregistered motor vehicle required to be registered under this paragraph. The ninety-day temporary period of operation provided for under this paragraph does not apply to a vehicle owned by a shell business as provided in paragraph *"b"*.

b. On or after July 1, 2013, if the department, in consultation with the department of revenue, determines that the nonresident owner of a vehicle is a partnership, limited liability company, or corporation that is a shell business, it shall be rebuttably presumed that the Iowa resident in control of the vehicle is the actual owner of the vehicle, that the vehicle is subject to registration in this state, and that payment of the fee for new registration for the vehicle is owed by the Iowa resident.

(1) Factors which indicate that a partnership, limited liability company, or corporation is a shell business include but are not limited to the following:

(a) The partnership, limited liability company, or corporation lacks a specific business activity or purpose.

(b) The partnership, limited liability company, or corporation fails to maintain a physical location in the foreign state.

(c) The partnership, limited liability company, or corporation fails to employ individual persons and provide those persons with internal revenue service form W-2 wage and tax statements.

(d) The partnership, limited liability company, or corporation fails to file federal tax returns, or fails to file a required state tax return in the foreign state.

(2) Factors which indicate that a person is in control of a vehicle include but are not limited to the following:

(a) The person was the initial purchaser of the vehicle.

(b) The person operated or stored the vehicle in Iowa for any period of time.

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(c) The person is a partner, member, or shareholder of the nonresident partnership, limited liability company, or corporation that purports to be the owner of the vehicle.

(d) The person is insured to drive the vehicle.

(3) If the department determines that the nonresident owner of a vehicle is a shell business, the department shall notify the Iowa resident in control of the vehicle in writing that the Iowa resident is required to obtain an Iowa certificate of title and registration for the vehicle and pay the fee for new registration owed for the vehicle not later than thirty days from the date of the notice.

[C39, §**5003.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.55]
83 Acts, ch 58, §1; 97 Acts, ch 139, §4, 17, 18; 98 Acts, ch 1121, §8; 2013 Acts, ch 140, §160
Referred to in §321.1A, 321.53, 321.105A, 805.8A(2)(n)
For applicable scheduled fine, see §805.8A, subsection 2

321.56 Repair of out-of-state commercial motor vehicles — permits.

1. The operator of a commercial motor vehicle which is not registered within the state as required pursuant to this chapter or chapter 326 or which does not have an interstate fuel permit, as required under chapter 452A, may enter the state and travel to a commercial vehicle dealer or repair facility and exit the state if all of the following circumstances apply:

a. If the commercial motor vehicle is entering the state solely for the purposes of maintenance and repair to the commercial motor vehicle and is exiting the state after having completed vehicle maintenance or repair.

b. If the operator has obtained a temporary entry or exit permit from the department.

c. If the commercial motor vehicle is unladen.

2. The department shall provide a temporary entry and exit permit to a commercial motor vehicle operator which authorizes the operator to enter and exit the state as allowed under this section. Any operator of a commercial motor vehicle who has in the operator's possession the permit allowing entry into the state and exit from the state shall not be charged with a registration violation under this chapter or chapter 326 or with a motor fuel tax violation under chapter 452A, except for violations of section 452A.74A.

3. For purposes of this section, *"commercial motor vehicle"* means as defined in section 321.1, subsection 11, paragraph *"f"*, subparagraph (2).

2001 Acts, ch 132, §3; 2002 Acts, ch 1119, §46; 2006 Acts, ch 1142, §83; 2015 Acts, ch 123, §47

SPECIAL PLATES TO MANUFACTURERS, TRANSPORTERS, WHOLESALERS, AND DEALERS

321.57 Operation under special plates.

1. A dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move the vehicle upon the highways solely for purposes of transporting, testing, demonstrating, or selling the vehicle without registering the vehicle, upon condition that the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to the owner as provided in sections 321.58 through 321.62. A dealer may operate or move upon the highways a vehicle owned by the dealer for either private or business purposes, including hauling a load or towing a trailer, without registering it if the vehicle is in the dealer's inventory and is continuously offered for sale at retail, and there is displayed on it a special plate issued to the dealer as provided in sections 321.58 through 321.62. A dealer may operate or move upon the highways an unregistered vehicle owned by a lessor licensed pursuant to chapter 321F solely for the purpose of delivering the vehicle to the owner or transporting the vehicle to or from an auction if there is displayed on the vehicle a special plate issued to the dealer as provided in sections 321.58 through 321.62.

2. In addition, while a service customer is having the customer's own vehicle serviced or repaired by the dealer, the service customer of the dealer may operate upon the highways a motor vehicle owned by the dealer, except a motor truck or truck tractor, upon which there is

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displayed a special plate issued to the dealer, provided all of the requirements of this section are complied with.

3. Also a transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery upon likewise displaying thereon like plates issued to the transporter as provided in these sections.

4. The provisions of this section and sections 321.58 through 321.62 shall not apply to any vehicles offered for hire, work or service vehicles owned by a transporter or dealer.

5. A dealer licensed as a wholesaler for a new motor vehicle model under chapter 322 may operate a new motor vehicle of that model, owned by the wholesaler, upon the highway when there is displayed on the vehicle a special plate issued to the wholesaler as provided in sections 321.58 through 321.62 and when operated solely for the purposes of demonstration, show, or exhibition.

6. A manufacturer licensed under chapter 322 that manufactures ambulances, rescue vehicles, or fire vehicles may operate or move a new ambulance, rescue vehicle, or fire vehicle manufactured and owned by the manufacturer solely for purposes of transporting, demonstrating, showing, or exhibiting the vehicle when there is displayed on the vehicle a special plate issued to the manufacturer as provided in sections 321.58 through 321.62.

[SS15, §1571-m14; C24, 27, 31, 35, §4888, 4894, 4895; C39, §**5004.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.57; 82 Acts, ch 1251, §12]

92 Acts, ch 1175, §1; 97 Acts, ch 139, §5, 17; 98 Acts, ch 1121, §5, 9; 99 Acts, ch 188, §11; 2001 Acts, ch 153, §17, 18; 2002 Acts, ch 1063, §19; 2002 Acts, ch 1119, §47; 2006 Acts, ch 1068, §15; 2006 Acts, ch 1090, §18, 26; 2007 Acts, ch 102, §1; 2014 Acts, ch 1123, §27; 2021 Acts, ch 80, §166

Referred to in §321.309, 321E.10, 805.8A(2)(o)
For applicable scheduled fine, see §805.8A, subsection 2

321.58 Application.

All dealers, transporters, and new motor vehicle wholesalers licensed under chapter 322, upon payment of a fee of seventy dollars for a two-year period or part thereof, may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, new motor vehicle wholesaler licensed under chapter 322, or dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership.

[SS15, §1571-m14; C24, 27, 31, 35, §4888; C39, §**5004.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.58; 82 Acts, ch 1251, §13]

92 Acts, ch 1175, §2; 2000 Acts, ch 1016, §10; 2001 Acts, ch 153, §18; 2002 Acts, ch 1063, §20; 2002 Acts, ch 1119, §48; 2006 Acts, ch 1068, §42, 57; 2006 Acts, ch 1090, §19, 26

Referred to in §321.57, 321.59, 321.115, 321.309

321.59 Issuance of certificate.

The department, upon granting an application made as provided under section 321.58, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant.

[SS15, §1571-m14; C24, 27, 31, 35, §4890, 4891; C39, §**5004.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.59]

2015 Acts, ch 30, §100

Referred to in §321.57, 321.115

321.60 Issuance of special plates.

The department shall issue special plates as applied for, which shall display the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the plate and distinguishing it from every other plate bearing the same general distinguishing number. The fee for each special plate is forty dollars for a

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two-year period or part thereof. The fee for a special plate used on a vehicle that is hauling a load or towing a trailer is seven hundred fifty dollars for a two-year period or part thereof.

[SS15, §1571-m14; C24, 27, 31, 35, §4892; C39, §**5004.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.60]

84 Acts, ch 1305, §57; 92 Acts, ch 1175, §3; 2006 Acts, ch 1068, §43, 57; 2014 Acts, ch 1123, §28

Referred to in §321.42, 321.57, 321.115

321.61 Expiration of special plates.

A special plate shall expire at midnight on December 31 of even-numbered years. A person shall not be considered to be driving a vehicle with an expired registration for one month following the expiration date of the special plate.

[S13, §1571-m16; C24, 27, 31, 35, §4868; C39, §**5004.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.61]

92 Acts, ch 1175, §4; 2006 Acts, ch 1068, §44, 57

Referred to in §321.57, 321.115

321.62 Records required.

Every transporter or dealer shall keep a written record of the vehicles upon which such special plates are used, which record shall be open to inspection by any police officer or any officer or employee of the department.

[C39, §**5004.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.62]

Referred to in §321.57, 321.115, 805.8A(2)(p)

For applicable scheduled fine, see §805.8A, subsection 2

321.63 Different places of business.

1. If a transporter or dealer has an established place of business in more than one city, the transporter or dealer shall secure a separate and distinct certificate of registration and number plates for each such place of business.

2. If a dealer has more than one established place of business, the dealer may designate one such location in this state for purposes of keeping all the dealer's books and records, regardless of the line-make of motor vehicles to which such books and records pertain, by submitting a written certification to the department in a manner approved by the department.

3. A dealer shall do all of the following:

a. Store all records at a place of business of the dealer or at a place of business within the United States of an entity that has direct ownership or control over the dealer.

b. Provide electronic records to the department within twenty-four hours after receiving a request.

c. Provide physical records to the department within a reasonable time considering postal delivery.

[SS15, §1571-m14; C24, 27, 31, 35, §4889; C39, §**5004.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.63]

2018 Acts, ch 1095, §3; 2026 Acts, ch 1057, §2

Referred to in §321.1, 322.3

NEW subsection 3

321.64 Implementation of multiyear licensing and issuance of special plates. Repealed by 98 Acts, ch 1075, §32.

PUBLIC GARAGE RECORDS

321.65 Garage record.

Every person or corporation operating a public garage shall keep for public inspection a record of the registration number and engine serial number or manufacturer's vehicle

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identification number of every motor vehicle offered for sale or taken in for repairs in said garage.

[C24, 27, §4988 – 4990; C31, 35, §4990-c1; C39, §**5004.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.65]

2005 Acts, ch 179, §127

321.66 Duty to hold vehicles.

The proprietor of a garage and the proprietor's employees upon discovering that the engine number of a motor vehicle has been altered or obliterated shall immediately notify some member of the department or peace officer of the county in which the garage is located, and hold said vehicle for a period of twenty-four hours or until investigation shall have been made by such peace officer.

[C24, 27, 31, 35, §4991; C39, §**5004.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.66]

USED MOTOR VEHICLE REQUIREMENTS — NEW AND USED MOTOR VEHICLE DISCLOSURE REQUIREMENTS

321.67 Certificate of title must be executed.

1. No person, except as provided in sections 321.23 and 321.45, section 321.52, subsection 2, paragraph *"b"*, and section 321.52, subsection 4, paragraph *"a"*, shall sell or otherwise dispose of a registered vehicle or a vehicle subject to registration without delivering to the purchaser or transferee thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser.

2. No person shall purchase or otherwise acquire or bring into this state a registered vehicle or a vehicle subject to registration without obtaining a certificate of title thereto except for temporary use or as provided in sections 321.23 and 321.45, section 321.52, subsection 2, paragraph *"b"*, and section 321.52, subsection 4, paragraph *"a"*.

[C24, 27, 31, 35, §4898; C39, §**5005.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.67]

2015 Acts, ch 52, §5, 14; 2017 Acts, ch 31, §3

Referred to in §805.8A(2)(q)

For applicable scheduled fine, see §805.8A, subsection 2

321.68 Sale in bulk.

1. It shall be unlawful for any dealer in this state to sell and transfer the dealer's stock of used motor vehicles in bulk unless the dealer complies with the following requirements:

a. The vendor shall file with the county treasurer and the department, duplicate inventories of all used motor vehicles proposed to be transferred, giving the factory number, last registration number, if any, and description of each such used motor vehicle and the name and address of proposed vendee, with a certification signed by both the vendee and the vendor that the certificates of title pertaining to all the used motor vehicles listed on the inventory have been duly assigned to the vendee as prescribed in this chapter.

b. The vendee shall, if the vendee has not already secured a dealer's registration, immediately secure such registration from the department.

2. Upon the completion of such requirements the department shall certify to the county treasurer that such used motor vehicles are, from and after a date to be set by the department, the property of the vendee.

[C24, 27, 31, 35, §4899; C39, §**5005.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.68]

2010 Acts, ch 1061, §180

321.69 Damage disclosure statement.

1. A certificate of title shall not be issued for a motor vehicle unless a damage disclosure statement has been made by the transferor of the vehicle and is furnished with the application for certificate of title. A damage disclosure statement shall be provided by the transferor to the transferee in a transfer of ownership of a motor vehicle. The new certificate of title and registration receipt shall state on the face whether a prior owner had disclosed that the

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vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph *"e"*.

2. The damage disclosure statement required by this section shall, at a minimum, state whether the transferor knows if the vehicle was titled as a salvage, rebuilt, or flood vehicle in this or any other state prior to the transferor's ownership of the vehicle and, if not, whether the transferor knows if the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph *"e"*, during or prior to the transferor's ownership of the vehicle.

3. The damage disclosure statement shall be provided by the transferor to the transferee at or before the time of sale. If the transferor is not a resident of this state or if the transferee acquired the vehicle by operation of law as provided in section 321.47, the transferee shall not be required to submit a damage disclosure statement from the transferor with the transferee's application for title unless the state of the transferor's residence requires a damage disclosure statement. However, the transferee shall submit a damage disclosure statement with the transferee's application for title indicating whether a salvage, rebuilt, or flood title had ever existed for the vehicle, and if not, whether the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph *"e"*, during or prior to the transferor's ownership of the vehicle, and the year, make, and vehicle identification number of the motor vehicle. The transferee shall not be required to indicate whether the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph *"e"*, under this subsection if the transferor's certificate of title is from another state and if it indicates that the vehicle is salvaged and not rebuilt or is another state's salvage certificate of title.

4. A lessee who has executed a lease as defined in section 321F.1 shall provide a damage disclosure statement to the lessor at the termination of the lease. The damage disclosure statement shall be made on a separate disclosure document and shall state whether the vehicle was damaged during the term of the lease to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph *"e"*. The lessee's damage disclosure statement shall not be submitted with the application for title, but the lessor shall retain the lessee's damage disclosure statement for five years following the date of the statement.

5. The department shall retain each damage disclosure statement received and copies shall be available to the public and the attorney general upon request.

6. Authorized vehicle recyclers licensed under chapter 321H and motor vehicle dealers licensed under chapter 322 shall maintain copies of all damage disclosure statements where the recycler or dealer is either the transferor or the transferee for five years following the date of the statement. The copies shall be made available to the department or the attorney general upon request.

7. *a.* The damage disclosure statements shall be made on the back of the certificate of title if the title is available to the transferor at the time of sale. If the title is not available at the time of sale or if the face of the transferor's Iowa title contains no indication that the vehicle was previously salvaged or titled as a salvage, rebuilt, or flood vehicle and the transferor knows or reasonably should know that the vehicle was previously salvaged or titled as a salvage, rebuilt, or flood vehicle in another state, the transferor shall make the disclosure on a separate disclosure document. The damage disclosure statement forms shall be as approved by the department. The treasurer shall not accept a damage disclosure statement and issue a title unless the back of the title or separate disclosure document has been fully completed and signed and dated by the transferee and the transferor, if applicable. If a separate damage disclosure document from a prior owner is required to be furnished with the application for title, the transferor shall provide a copy of the separate damage disclosure document to the transferee at or before the time of sale.

b. In addition to the information required in subsection 2, a separate disclosure document shall state whether the vehicle's certificate of title indicates the existence of damage prior to the period of the transferor's ownership of the vehicle and whether the vehicle was titled as a salvage, rebuilt, or flood vehicle during the period of the transferor's ownership of the vehicle.

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8. A person, authorized vehicle recycler licensed under chapter 321H, or motor vehicle dealer licensed under chapter 322 shall not be liable to a subsequent owner, driver, or passenger of a vehicle because a prior owner or lessee gave a false or inaccurate damage disclosure statement or failed to disclose that the vehicle had previously been damaged and repaired or had been titled on a salvage, rebuilt, or flood certificate of title unless the person, recycler, or dealer knew or reasonably should have known that the prior owner or lessee gave a false or inaccurate damage disclosure statement or failed to disclose that the vehicle had been damaged and repaired or had been titled on a salvage, rebuilt, or flood certificate of title.

9. Except for subsections 10 and 11, this section does not apply to motor trucks and truck tractors with a gross vehicle weight rating of sixteen thousand pounds or more, vehicles more than seven model years old, autocycles, motorcycles, motorized bicycles, and special mobile equipment. This section does apply to motor homes. The requirement in subsection 1 that the new certificate of title and registration receipt shall state on the face whether a prior owner had disclosed that the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph *"e"*, does not apply to a vehicle with a certificate of title bearing a designation that the vehicle was previously titled on a salvage certificate of title pursuant to section 321.52, subsection 4, paragraph "*c*", or to a vehicle with a certificate of title bearing a "REBUILT" or "SALVAGE" designation pursuant to section 321.24, subsection 4 or 5. Except for subsections 10 and 11, this section does not apply to new motor vehicles with a true mileage, as defined in section 321.71, of one thousand miles or less, unless such vehicle has incurred damage as described in subsection 2.

10. *a.* A person shall not sell, lease, or trade a motor vehicle if the person knows or reasonably should know that the motor vehicle contains a nonoperative air bag that is part of an inflatable restraint system, or that the motor vehicle has had an air bag removed and not replaced, unless the person clearly discloses, in writing, to the person to whom the person is selling, leasing, or trading the vehicle, prior to the sale, lease, or trade, that the air bag is missing or nonoperative. In addition, a lessee who has executed a lease as defined in section 321F.1 shall provide the disclosure statement required in this subsection to the lessor upon termination of the lease.

b. The written disclosure required by this subsection shall be deemed to be a damage disclosure statement for the purposes of subsections 6, 8, and 11.

11. A person who knowingly makes a false damage disclosure statement or fails to make a damage disclosure statement required by this section commits a fraudulent practice. Failure of a person, authorized vehicle recycler licensed under chapter 321H, or motor vehicle dealer licensed under chapter 322 to comply with any duty imposed by this section constitutes a violation of section 714.16, subsection 2, paragraph *"a"*.

12. The department shall adopt rules as necessary to implement this section.

92 Acts, ch 1104, §4; 95 Acts, ch 45, §4, 5; 96 Acts, ch 1152, §3; 97 Acts, ch 108, §8; 98 Acts, ch 1034, §1; 2002 Acts, ch 1063, §21; 2003 Acts, ch 56, §1 – 5; 2003 Acts, ch 179, §71; 2004 Acts, ch 1007, §1; 2005 Acts, ch 19, §40, 41; 2006 Acts, ch 1010, §88; 2010 Acts, ch 1061, §180; 2016 Acts, ch 1073, §103; 2016 Acts, ch 1098, §13

Referred to in §714H.3
Fraudulent practices, see §714.8 – 714.14

321.69A Disclosure of repairs to new vehicles.

1. *a.* A person licensed as a new motor vehicle dealer pursuant to chapter 322 shall not be required to disclose to a prospective or actual buyer or lessee of a new motor vehicle repairs of damage to or adjustments on or replacements of parts with new parts on the motor vehicle if all of the following are true:

(1) The repairs, adjustments, or replacements were made to achieve compliance with factory specifications.

(2) The actual cost of any labor or parts charged to or performed by the dealer for any such repairs, adjustments, or parts does not exceed four percent of the manufacturer's suggested retail price.

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(3) The dealer posts in a conspicuous place notice that repairs, adjustments, or replacements will be disclosed upon request.

(4) The dealer discloses any such repairs, adjustments, or replacements upon request.

b. The provisions of this section take precedence over and shall supersede section 714.16, subsection 2, paragraph *"a"*, unnumbered paragraph 4, and section 714H.4, subsection 2.

2. A person licensed as a new motor vehicle dealer pursuant to chapter 322 shall disclose in writing, at or before the time of sale or lease, to the buyer or lessee of a new motor vehicle that the vehicle has been subject to any repairs of damage to or adjustments on or replacements of parts with new parts if the actual cost of any labor or parts charged to or performed by the dealer for any such repairs, adjustments, or parts exceeds four percent of the manufacturer's suggested retail price. The written disclosure shall include the signature of the buyer or lessee and be in a form and in a format approved by the attorney general by rule. A dealer shall retain a copy of each written disclosure issued pursuant to this section for five years from the date of issuance.

3. As used in this section, *"manufacturer's suggested retail price"* means the amount required to be disclosed by a dealer pursuant to 15 U.S.C. §1232(f)(4).

4. A violation of this section is an unlawful practice pursuant to section 714.16.

5. A violation of this section is a prohibited practice or act pursuant to section 714H.5.

2011 Acts, ch 90, §1; 2014 Acts, ch 1123, §29, 30
Referred to in §322C.16

321.70 Dealer vehicles.

A dealer licensed under chapter 322 shall not be required to register any vehicle owned by the dealer which is being held for sale or trade, provided the annual registration fee was not delinquent at the time the vehicle was acquired by the dealer. When a dealer ceases to hold any vehicle for sale or trade or the vehicle otherwise becomes subject to registration under this chapter the annual registration fee and delinquent annual registration fee, if any, shall be due for the registration year.

[C24, 27, 31, 35, §4901; C39, §**5005.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.70]
82 Acts, ch 1062, §11, 38; 2008 Acts, ch 1113, §83; 2023 Acts, ch 66, §71

321.71 Odometer requirements.

1. For the purposes of this section the following words and phrases shall have the meanings respectively ascribed to them:

a. "Intent and purpose of this section" is and shall mean to achieve the end that odometers of motor vehicles shall at all times correctly show the true mileage that the motor vehicle has been driven.

b. "True mileage" is the actual mileage the motor vehicle has been driven.

2. No person shall knowingly tamper with, adjust, alter, change, set back, disconnect or fail to connect the odometer of any motor vehicle, or cause any of the foregoing to occur to an odometer of a motor vehicle, so as to reflect a lower mileage than the true mileage driven by the motor vehicle.

3. No person shall conspire with any other person to evade the intent and purpose of this section.

4. No person shall with the intent to defraud operate a motor vehicle on any street or highway knowing that the odometer of the motor vehicle is disconnected or nonfunctional.

5. No person shall advertise for sale, sell, use or install on any part of a motor vehicle or on any odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage.

6. In the event any odometer is repaired or replaced, the reading of the repaired or replaced odometer shall be set at the reading of the odometer repaired or replaced immediately prior to repair or replacement, but where the odometer is incapable of registering the same mileage the odometer shall be adjusted to read zero and any adjustment made in accordance with the provisions of this subsection shall not be deemed a violation of any provision of this section.

7. A certificate of title shall not be issued for a motor vehicle which is equipped with an

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odometer by the manufacturer, unless an odometer statement which is in compliance with federal law and regulations has been made by the transferor of the vehicle and is furnished with the application for certificate of title, or unless an exemption applies under 49 C.F.R. §580.17. The new certificate of title shall record on its face the odometer reading and the word "actual" if the true mileage is known. If the odometer reading is not the true mileage or the true mileage is unknown, the words "not actual" shall be recorded. If the odometer reading is greater than the odometer can mechanically count, the words "exceeds the mechanical limits" shall be recorded. However, a certificate of title may be issued for a motor vehicle to a person who moves into this state if the person acquired ownership of the motor vehicle prior to moving to this state.

8. Any person who knowingly makes or delivers a false odometer statement as required by subsection 7 shall be guilty of a violation of this section.

9. Unless an exemption applies under 49 C.F.R. §580.17 or unless a certificate of title has been issued for the vehicle in the name of the dealer, an Iowa licensed motor vehicle dealer shall not have in possession as inventory for sale a used motor vehicle acquired by the dealer for which the dealer does not possess an odometer statement by the transferor which is in compliance with federal law and regulations. Transfer of a new motor vehicle with an ownership document which is a manufacturer's statement of origin requires an odometer statement only when transferred at retail.

10. A transferee of a motor vehicle reassigning the certificate of title to such motor vehicle pursuant to the provisions of section 321.48, subsection 1, shall not be guilty of a violation of this section if such transferee has in the transferee's possession an odometer statement by the transferor which is in compliance with federal law and regulations and if the transferee has no knowledge that the statement is false and that the transferee has no knowledge that the odometer does not reflect the true mileage of such motor vehicle.

11. The department may adopt rules to administer this section, which rules shall be in compliance with the federal Truth in Mileage Act of 1986, Pub. L. No. 99-579, and 49 C.F.R. pt. 580.

12. Any person who violates this section commits a fraudulent practice.

[C73, 75, 77, 79, 81, §321.71]

84 Acts, ch 1243, §2, 3; 84 Acts, ch 1305, §58; 90 Acts, ch 1131, §1, 2; 98 Acts, ch 1100, §43; 2020 Acts, ch 1006, §1, 2

Referred to in §307.37, 321.47, 321.50, 321.52, 321.69, 321.477, 322.4
Fraudulent practices, see §714.8 – 714.14

321.71A Counterfeit, nonfunctional, and unsafe air bags.

1. As used in this section:

a. "Counterfeit air bag" means an air bag displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer.

b. "Nonfunctional air bag" means an air bag that was previously deployed or damaged, or has an electric fault that is detected by a motor vehicle's air bag diagnostic system after the air bag is installed in the motor vehicle.

2. A person who manufactures, imports, installs, reinstalls, sells, or offers to sell any device with the intent that the device replace an air bag in a motor vehicle, and who knows that the device is a counterfeit air bag, nonfunctional air bag, or air bag that does not comply with federal safety requirements as provided in 49 C.F.R. §571.208, is guilty of an aggravated misdemeanor.

3. A person who manufactures, imports, installs, reinstalls, sells, offers to sell, or tampers with any device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a functional air bag when a counterfeit or nonfunctional air bag is installed, or when no air bag is installed, with the intent to mislead the owner or operator of the motor vehicle into believing that the motor vehicle is equipped with a functional air bag, is guilty of an aggravated misdemeanor.

4. A violation of this section is an unlawful practice under section 714.16.

2001 Acts, ch 94, §1; 2015 Acts, ch 72, §2, 4

Referred to in §714H.3

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321.72 Report of stolen and recovered motor vehicles.

Every peace officer upon receiving reliable information that any vehicle registered under this chapter has been stolen shall immediately report the theft to the department unless prior thereto information has been received of the recovery of the vehicle. Any officer upon receiving information that any vehicle, which the officer has previously reported as stolen, has been recovered, shall immediately report the fact of the recovery to the law enforcement agency which originated the theft report and to the department.

[C27, 31, 35, §13417-a1; C39, §**5006.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.72; 81 Acts, ch 103, §1]

Referred to in §321.74, 331.653

321.73 Reports by owners.

1. The owner, or person having a lien or encumbrance upon a registered vehicle which has been stolen or embezzled, may notify the department of such theft or embezzlement, but in the event of an embezzlement may make such report only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement.

2. Every owner or other person who has given any such notice must notify the department of a recovery of such vehicle.

[C39, §**5006.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.73]

Referred to in §321.74

321.74 Action by department.

The department, upon receiving a report of a stolen or embezzled vehicle as provided in section 321.72 or 321.73 or through the national motor vehicle title information system, shall file and appropriately index the same and shall immediately suspend the registration of the vehicle so reported and shall not transfer the certificate of title or registration of the vehicle until such time as the department is notified that the vehicle has been recovered.

[C39, §**5006.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.74]

2004 Acts, ch 1013, §18, 35

321.75 through 321.77 Reserved.

321.78 Injuring or tampering with vehicle.

Any person who either individually or in association with one or more other persons willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a simple misdemeanor.

[C39, §**5006.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.78]

Referred to in §322C.6

321.79 Intent to injure.

Any person who with intent to commit any malicious mischief, injury, or other crime climbs into or upon a vehicle whether it is in motion or at rest or with like intent attempts to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a vehicle while the same is at rest and unattended or with like intent sets in motion any vehicle while the same is at rest and unattended is guilty of a simple misdemeanor.

[C39, §**5006.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.79]

321.80 Reserved.

321.81 Presumptive evidence.

Whoever shall conceal, barter, sell, possess or dispose of any vehicle or component part which has been stolen, or shall disguise, alter, or change such vehicle or component part or the vehicle identification number or component part number thereof, or remove or change the registration plate thereon, or do any act designed to prevent identification of such vehicle

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or component part, shall be presumed to have knowledge that such vehicle or component part had been stolen.

[C24, 27, 31, 35, §5093; C39, §**5006.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.81]

321.82 and 321.83 Reserved.

321.84 Seizure of vehicles.

It shall be the duty of any peace officer who finds a vehicle or component part, the vehicle identification number or component part number of which has been altered, defaced, or tampered with, and who has reasonable cause to believe that the possessor of the vehicle or component part wrongfully holds it, to forthwith seize it, either with or without warrant, and deliver it to the sheriff of the county in which it is seized.

[C27, 31, 35, §5083-b1; C39, §**5006.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.84]

Referred to in §321.85

321.85 Stolen vehicles or component parts.

When a vehicle or component part is seized under section 321.84 or is stolen or embezzled, and is not claimed by the owner before the date on which the person charged with its stealing or embezzling is convicted, the officer having the vehicle or component part in the officer's custody shall, on that date by certified mail, notify the department that the officer has the vehicle or component part in the officer's possession, giving a full and complete description of it, including all vehicle identification numbers and component part numbers. If there is a dispute regarding a claim for the vehicle or component part, the agency holding the vehicle or component part shall conduct an evidentiary hearing to adjudicate the claim.

[C24, §12222; C27, 31, 35, §5083-b2, 12222; C39, §**5006.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.85]

85 Acts, ch 64, §1

Referred to in §8A.323

321.86 Notice by director.

The director shall, if the owner appears of record in the director's office, notify the owner of the fact that the vehicle or component part is in the custody of the officer, and if not of record in the director's office, the director shall mail the description to the county treasurer of each county.

[C24, 27, 31, 35, §12223; C39, §**5006.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.86]

Referred to in §8A.323

321.87 Delivery to owner.

If, within forty days thereafter, the owner of the vehicle or component part appears and properly identifies it, the officer having the vehicle or component part in custody shall deliver it to such owner upon payment by the owner of the costs incurred incident to the apprehension of the vehicle or component part and the location of the owner.

[C24, §12224; C27, 31, 35, §5083-b3, 12224; C39, §**5006.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.87]

Referred to in §8A.323

321.88 Failure of owner to claim.

If the owner does not appear within forty days, the motor vehicle shall be deemed abandoned and the officer having possession of the motor vehicle shall proceed as provided in section 321.89, subsections 4 and 8.

[C24, §12225; C27, 31, 35, §5083-b3, 12225; C39, §**5006.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.88]

Referred to in §8A.323

Section not amended; internal reference changes applied

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321.89 Abandoned vehicles.

1. *Definitions.* As used in this section and sections 321.90 and 321.91 unless the context otherwise requires:

a. "Abandoned vehicle" means any of the following:

(1) A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.

(2) A vehicle that has remained illegally on public property for more than twenty-four hours.

(3) A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours.

(4) A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process in subsection 4.

(5) Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

(6) A vehicle that has been impounded pursuant to section 321J.4B by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

b. "Demolisher" means a person licensed under chapter 321H whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck or dismantle vehicles.

c. "Police authority" means the state patrol, any law enforcement agency of a county or city, or any special security officer employed by the state board of regents under section 262.13.

2. *Authority to take possession of abandoned vehicles.* A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity who is a garagekeeper, as defined in section 321.90, to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle. The owners, lienholders, or other claimants of the abandoned vehicle shall not have a cause of action against a private entity for action taken under this section if the private entity provides notice as required by subsection 4, paragraphs *"a"* through *"f"*.

3. *Cease and release.* When a private entity ceases a tow after attaching towing equipment to an abandoned vehicle and releases the vehicle to the registered owner or operator prior to removing the vehicle from the location where the vehicle was abandoned, the private entity shall accept payment by credit card, in addition to other forms of payment, for any fee charged to release the vehicle.

4. *Notification of owner, lienholders, and other claimants.*

a. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody no more than ten days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.

b. Notice shall be deemed given when mailed. The notice shall include all of the following:

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(1) A description of the year, make, model, and vehicle identification number of the vehicle.

(2) The location of the facility where the vehicle is being held.

(3) Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within twenty days after the effective date of the notice. Persons may reclaim the vehicle upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this subsection.

(4) A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.

(5) A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.

c. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garagekeeper's lien as described in section 321.90, subsection 1, and may proceed to sell or dispose of the vehicle.

d. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters.

e. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the twenty-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

f. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the twenty-day reclaiming period.

g. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under this section. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in this subsection.

5. *Abandoned vehicles in custody.*

a. A lienholder of record who received notice under subsection 4 may request information regarding the condition of the abandoned vehicle. A private entity with custody of an abandoned vehicle may charge the lienholder of record an inspection fee not to exceed one hundred dollars. If such request is made and when the fee is paid, the private entity with custody of the abandoned vehicle shall satisfy the request by either allowing a representative of the lienholder of record onto the premises to inspect the vehicle, subject to policies established by the private entity to promote safety and security of the premises, or by sending photos that sufficiently depict the condition of the vehicle to the lienholder of record so that the lienholder can reasonably ascertain the condition of the vehicle.

b. (1) While a private entity has custody of an abandoned vehicle, a registered owner may reclaim personal property that is not attached to the vehicle on one occasion during the twenty-day vehicle reclamation period. The registered owner shall provide the private entity a written list identifying the personal property to be reclaimed from inside the vehicle, which shall be reclaimed during the normal business hours of the private entity. Reclaiming personal property from within the vehicle does not constitute reclaiming the vehicle. A private entity may determine the manner in which personal property is retrieved from a vehicle subject to safety and security procedures established by the private entity for the area where the vehicle

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is stored. Retrieval of personal property does not constitute a waiver of the private entity's lien upon the vehicle or any remaining contents in the private entity's custody, if applicable.

(2) For purposes of this paragraph, "*personal property*" is limited to items that are readily accessible from the vehicle and that do not require dismantling of any part of the vehicle, including all of the following:

(a) Prescription medication for the vehicle owner or for a legal dependent of the vehicle owner.

(b) Prosthetic devices, durable medical equipment, and mobility enhancing equipment as defined under 701 IAC 220.7.

(c) Child care items.

(d) Uniforms or clothing required for the vehicle owner's employment.

(e) Personal identification.

(f) Credit cards or debit cards.

(g) A cellular telephone.

(h) A portable or mobile computer including but not limited to a tablet.

(i) Tools of trade which are essential equipment, instruments, or machinery required to perform a specific job, profession, or craft in which the vehicle owner is currently employed.

(j) A purse or wallet.

(k) Essential documents or records relating to legal, financial, tax, or employment matters.

(l) Prescription eyeglasses.

(m) Hearing aids.

(n) Dentures.

(o) Keys not associated with the vehicle in the custody of the private entity.

6. *Display of charges.* A private entity that takes custody of an abandoned vehicle shall display at the entity's place of business in a manner that is readily visible to visitors and on the entity's internet site, if applicable, the daily storage and impound fees the entity will charge.

7. *Reclamation of abandoned vehicles.* A private entity with custody of an abandoned vehicle shall provide an itemized account of all fees assessed to the registered owner when the registered owner reclaims the vehicle. Prior to driving an abandoned vehicle away from the premises, the registered owner shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in section 321.20B.

8. *Auction of abandoned vehicles.*

a. If an abandoned vehicle has not been reclaimed as provided for in subsection 4, the police authority or private entity shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures in subsection 4. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the county treasurer within thirty days of purchase and shall surrender the sales receipt in lieu of the certificate of title.

b. From the proceeds of the sale of an abandoned vehicle the police authority, if the police authority did not hire a private entity, shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 4, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result from placing abandoned

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vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund and are the obligation of the last owner or owners, jointly and severally.

c. The director of transportation shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund and procedures for reimbursement of expenses and costs to a private entity hired by a police authority to take custody of an abandoned vehicle. If a private entity has been hired by a police authority, the police authority shall file a claim with the department for reimbursement of towing fees which shall be paid from the road use tax fund.

9. *Preemption.* This section shall be implemented uniformly throughout the state. This section preempts any county or municipal ordinance regarding the towing of an abandoned vehicle.

[C73, 75, 77, 79, 81, §321.89]

84 Acts, ch 1305, §59; 85 Acts, ch 64, §2; 87 Acts, ch 123, §1; 88 Acts, ch 1158, §66; 92 Acts, ch 1238, §31; 95 Acts, ch 48, §3; 95 Acts, ch 118, §13; 96 Acts, ch 1126, §4; 98 Acts, ch 1074, §22; 2000 Acts, ch 1016, §11; 2005 Acts, ch 35, §31; 2005 Acts, ch 64, §1; 2009 Acts, ch 130, §23, 24; 2021 Acts, ch 22, §1, 2; 2021 Acts, ch 174, §15; 2022 Acts, ch 1021, §67, 187; 2026 Acts, ch 1182, §1 – 5

Referred to in §8A.323, 80.39, 321.20B, 321.88, 321.90, 321.91, 321J.4B, 555B.1
Section amended and editorially internally renumbered

321.90 Disposal of abandoned motor vehicles.

1. *Garagekeepers and abandoned motor vehicles.* Any motor vehicle left in a garage operated for commercial purposes after the period for which the vehicle was to remain on the premises shall, after notice by certified mail to the last known registered owner of the vehicle addressed to the owner's last known address of record to reclaim the vehicle within ten days of the date of the notice, be deemed an abandoned motor vehicle unless reclaimed by the owner within such ten-day period or the owner notifies the garagekeeper in writing within such period of time that such vehicle is not an abandoned motor vehicle and shall be reported by the garagekeeper to the police authority. If the identity or address of the last registered owner of the motor vehicle cannot be determined, the vehicle shall be deemed an abandoned motor vehicle on the eleventh day after the period for which the vehicle was to remain on the premises unless reclaimed by the owner within the ten-day period or the owner notifies the garagekeeper in writing within such period of time that such vehicle is not an abandoned motor vehicle and shall be reported by the garagekeeper to the police authority. All abandoned motor vehicles left in garages may be taken into custody by a police authority upon the request of the garagekeeper and sold in accordance with the procedures set forth in section 321.89, subsection 8, unless the motor vehicle is reclaimed. The proceeds of the sale shall be first applied to the garagekeeper's charges for towing and storage, and any surplus proceeds shall be distributed in accordance with section 321.89, subsection 8. Nothing in this section shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a garagekeeper to foreclose the garagekeeper's lien, provided that a garagekeeper shall be deemed to have abandoned the garagekeeper's artisan lien when such vehicle is taken into custody by the police authority. For the purposes of this section"*garagekeeper*" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.

2. *Disposal to demolisher.*

a. Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed and is thereby unable to transfer title to the motor vehicle, may apply to the police authority of the jurisdiction in which the motor vehicle is situated for authority to sell, give away, or otherwise dispose of the motor vehicle to a demolisher.

b. The application shall set out the name and address of the applicant, and the year, make, model, and vehicle identification number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding

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the abandonment, or a statement that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged are true and that no material fact has been withheld. An order for disposal obtained pursuant to section 555B.8, subsection 3, satisfies the application requirements of this paragraph.

c. If the police authority finds that the application is executed in proper form, and shows that the motor vehicle has been abandoned upon the property of the applicant, or if it shows that the motor vehicle is not abandoned but that the applicant appears to be the rightful owner, the police authority shall follow appropriate notification procedures as set forth in section 321.89, subsection 4, except that in the case of an order for disposal obtained pursuant to section 555B.8, subsection 3, no notification is required.

d. If the abandoned motor vehicle is not reclaimed in accordance with section 321.89, subsection 4, or no lienholder objects to the disposal in the case of an owner-applicant, the police authority shall give the applicant a certificate of authority allowing the applicant to obtain a junking certificate for the motor vehicle. The applicant shall make application for a junking certificate to the county treasurer within thirty days of receipt of the certificate of authority and surrender the certificate of authority in lieu of the certificate of title. The demolisher shall accept the junking certificate in lieu of the certificate of title to the motor vehicle.

e. Notwithstanding any other provisions of this section and sections 321.89 and 321.91, any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk without a title and without the notification procedures of section 321.89, subsection 4, if the motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The owner shall apply to the county treasurer for a junking certificate within thirty days of receipt of the certificate of authority and shall surrender the certificate of authority in lieu of the certificate of title.

f. If notice was provided in accordance with section 321.89, subsection 4, and an abandoned motor vehicle was not reclaimed, the owner and all lienholders shall no longer have any right, title, claim, or interest in or to the motor vehicle; and no court in any case in law or equity shall recognize any right, title, claim, or interest of any owner or lienholders after the disposal of the motor vehicle to a demolisher.

g. Any proceeds from the sale of an abandoned motor vehicle to a demolisher under this section, by one other than the owner of the vehicle, except the sale of a vehicle pursuant to an order for disposal obtained pursuant to section 555B.8, subsection 3, shall first be applied to that person's expenses in effecting the sale, including storage, towing, and disposal charges, and any surplus shall be distributed in accordance with section 321.89, subsection 8. The proceeds from the sale of a vehicle disposed of pursuant to section 555B.8, subsection 3, shall be distributed in accordance with section 555B.9.

3. *Duties of demolishers.*

a. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk under the provisions of this section shall junk, scrap, wreck, dismantle, or demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

b. A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by the demolisher in the course of the demolisher's business. These records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date when the purchases or receipts occurred. The records shall be open for inspection by any police authority at any time during normal

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business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

[C73, 75, 77, 79, 81, §321.90]

88 Acts, ch 1138, §12 – 14; 95 Acts, ch 118, §14, 15; 2005 Acts, ch 179, §128; 2008 Acts, ch 1018, §19; 2026 Acts, ch 1182, §6

Referred to in §8A.323, 321.89, 321.91, 555B.9
Subsection 2, paragraph f amended

321.91 Limitation on liability — penalty for abandonment.

1. No person, firm, corporation, unit of government, garagekeeper or police authority upon whose property an abandoned vehicle is found or who disposes of such abandoned vehicle in accordance with sections 321.89 and 321.90 shall be liable for damages by reason of the removal, sale, or disposal of such vehicle.

2. A person who abandons a vehicle is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"b"*.

[C73, 75, 77, 79, 81, §321.91]

2000 Acts, ch 1203, §3; 2001 Acts, ch 137, §5; 2004 Acts, ch 1101, §35

Referred to in §8A.323, 321.89, 321.90, 805.8A(14)(b)

321.92 Altering or changing numbers.

1. *Fraudulent intent.*

a. No person shall with fraudulent intent, deface, destroy, or alter the vehicle identification number or component part number or other distinguishing number or identification mark of a vehicle or component part, including a rebuilt identification, nor shall a person place or stamp a serial, engine, or other number or mark upon a vehicle or component part, except one assigned thereto by the department.

b. The year of manufacture of a fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, shall be permanently made a part of the identification plate on the vehicle. A person shall not fraudulently alter, deface, or attempt to fraudulently alter or deface the year of manufacture or other product identification number on a fence-line feeder, grain cart, or tank wagon.

c. A violation of this subsection is a felony punishable as provided in section 321.483.

d. This subsection does not prohibit the restoration of an original vehicle identification number, component part number, or other number or mark when the restoration is made by the department, nor prevent a manufacturer from placing, in the ordinary course of business, numbers or marks upon vehicles or component parts.

2. *Vehicles without identification numbers.* A person who knowingly buys, receives, disposes of, sells, offers for sale, or has in the person's possession a vehicle, or a component part of a vehicle, from which the vehicle identification number, rebuilt identification, or component part number has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the vehicle or component part is guilty of a simple misdemeanor.

[SS15, §1571-m12a; C24, 27, 31, 35, §5080; C39, §**5006.09, 5006.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §321.80, 321.92; C79, 81, §321.92]

88 Acts, ch 1089, §7; 2009 Acts, ch 133, §117

Referred to in §321H.6, 321H.8, 322.3, 322.6, 322C.3, 322C.6
Similar provisions, §714.8(5)

321.93 Defense.

Under a charge of possessing a vehicle or component part, the vehicle identification number or component part number of which is defaced, altered, or tampered with, it shall be a complete defense that the accused at the time of such possession had in the accused's possession a certificate of title from the officer whose duty it is to register vehicles and component parts in the state in which the vehicle or component part is registered, showing good and sufficient reason why numbers are defaced, changed, or tampered with, the original vehicle identification number or component part number, and the ownership of the vehicle or component part.

[C24, 27, 31, 35, §5083; C39, §**5006.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.93]

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321.94 Test to determine true number.

Where it appears that a vehicle identification number or component part number has been altered, defaced or tampered with, any peace officer, or any other person acting under a peace officer's direction, may apply any recognized process or test to the part containing the number for the purpose of determining the true number.

[C27, 31, 35, §5083-b5; C39, §**5006.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.94; 81 Acts, ch 103, §2]

321.95 Right of inspection.

1. Peace officers shall have the authority to inspect any vehicle or component part in possession of a vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter 322, or found upon the public highway or in any public garage, enclosure, or property in which vehicles or component parts are kept for sale, storage, hire, or repair and for that purpose may enter any such public garage, enclosure, or property. Every vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter 322, or a person having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received for resale as component parts in the course of business. These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred or the junking certificate if required for the vehicle. These records shall be open for inspection by any peace officer at any time during normal business hours. Records required by this section shall be kept for at least three years after the transaction which they record.

2. A person who violates this section commits a simple misdemeanor.

[C27, 31, 35, §5083-b6; C39, §**5006.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.95] 2009 Acts, ch 130, §39; 2010 Acts, ch 1140, §2

Referred to in §805.8A(14)(j)

For applicable scheduled fine, see §805.8A, subsection 14, paragraph j

321.96 Prohibited plates — certificates.

1. A person shall not display or cause or permit to be displayed, or have in the person's possession, a vehicle identification number or component part number except as provided in this chapter, or a canceled, revoked, altered, or fictitious registration number plates, registration receipt, or certificate of title, as the same are respectively provided for in this chapter.

2. A person who violates this section commits a simple misdemeanor.

[C24, 27, 31, 35, §5084; C39, §**5006.25;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.96] 90 Acts, ch 1230, §17; 2010 Acts, ch 1140, §3

OFFENSES AGAINST REGISTRATION LAWS
AND SUSPENSION OR REVOCATION
OF REGISTRATION

321.97 Fraudulent applications.

Any person who fraudulently uses a false or fictitious name in any application for the registration of, or certificate of title to, a vehicle or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a fraudulent practice.

[S13, §1571-m26; C24, 27, 31, 35, §5088; C39, §**5007.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.97]

Referred to in §322C.6

Fraudulent practices, see §714.8 – 714.14

321.98 Operation without registration.

1. Except as otherwise expressly permitted in this chapter, a person shall not operate and

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an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled under this chapter unless:

a. A valid registration card and registration plate or plates issued for the vehicle for the current registration year are attached to and displayed on the vehicle when and as required by this chapter; and

b. A certificate of title has been issued for the vehicle.

2. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2.

[C24, 27, 31, 35, §5085; C39, §**5007.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.98]

2001 Acts, ch 176, §50, 59; 2010 Acts, ch 1190, §34; 2013 Acts, ch 90, §77

Referred to in §322C.6, 805.8A(2)(r)

321.99 Fraudulent use of registration.

A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate, special plate, or permit not issued for that vehicle under this chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2.

[SS15, §1571-m12a; C24, 27, 31, 35, §4878, 5080; C39, §**5007.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.99]

83 Acts, ch 125, §2; 86 Acts, ch 1055, §1; 2000 Acts, ch 1203, §4; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §35

Referred to in §321H.6, 321H.8, 322.3, 322.6, 322C.3, 322C.6, 805.8A(2)(s)

321.100 False evidences of registration.

It is a fraudulent practice for any person to commit any of the following acts:

1. To alter with a fraudulent intent any certificate of title, manufacturer's or importer's certificate, registration card, registration plate, manufacturer's vehicle identification plate, or permit issued by the department or county treasurer.

2. To forge or counterfeit any such document or plate.

3. To hold or use any such document or plate knowing the same to have been so altered, forged, or falsified.

4. To hold or use any certificate of title, manufacturer's or importer's certificate, registration card, registration plate, manufacturer's vehicle identification plate, or permit issued by the department or county treasurer, for any vehicle to which such document or plate is not legally assigned.

5. To transfer in any manner or to offer to transfer in any manner a certificate of title, manufacturer's or importer's certificate to any vehicle on which a salvage certificate of title or junking certificate is required under section 321.52, with knowledge or reason to believe that the certificate will be used for a vehicle other than the vehicle for which the certificate is issued. *"Transfer"* for the purposes of this subsection means to sell, exchange, change possession or ownership or convey in any manner.

[SS15, §1571-m12a; C24, 27, 31, 35, §5080; C39, §**5007.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.100]

91 Acts, ch 97, §44

Referred to in §322C.6

Fraudulent practices, see §714.8 – 714.14

321.101 Suspension or revocation of registration or cancellation of certificate of title by department.

1. The department is hereby authorized to suspend or revoke the registration of a vehicle, registration card, registration plate, or any nonresident or other permit in any of the following events:

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a. When the department is satisfied that such registration card, plate, or permit was fraudulently or erroneously issued.

b. When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.

c. When a registered vehicle has been dismantled or wrecked.

d. When the department determines that the required annual registration fee has not been paid and the fee is not paid upon reasonable notice and demand.

e. When a registration card, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued.

f. When the department determines that the owner has committed any offense under this chapter involving the registration card, plate, or permit to be suspended or revoked.

g. When the department is so authorized under any other provision of law.

h. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency.

2. The department shall cancel a certificate of title that appears to have been improperly issued or fraudulently obtained or, in the case of a mobile home or manufactured home, if taxes were owing under chapter 435 at the time the certificate was issued and have not been paid. However, before the certificate to a mobile home or manufactured home for which taxes were owing can be canceled, notice and opportunity to pay the taxes must be given to the person to whom the certificate was issued. Upon cancellation of a certificate of title, the department shall notify the county treasurer who issued it, who shall enter the cancellation upon the records. The department shall also notify the person to whom the certificate of title was issued, as well as each lienholder who has a perfected lien, of the cancellation and shall demand the surrender of the certificate of title, but the cancellation shall not affect the validity of any perfected lien.

3. Notice of suspension or revocation of the registration of a vehicle, registration card, registration plate, or any nonresident or other permit under the terms of this section shall be by personal delivery of the notice to the person to be so notified or by certified mail addressed to the person at the person's address as shown on the registration record. A return acknowledgment is not necessary to prove such latter service.

4. If a vehicle, for which the registration has been suspended or revoked pursuant to subsection 1, paragraph *"d"*, or section 321.101A, is transferred to a bona fide purchaser for value without actual knowledge of such suspension or revocation, then the vehicle shall be deemed to be registered and the provisions of sections 321.28 and 321.30, subsection 1, paragraphs *"d"* and *"e"*, shall not be applicable to such vehicle for the failure of the previous owner to pay the required fees.

[C24, 27, 31, 35, §5090; C39, §**5007.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.101; 82 Acts, ch 1251, §14]

95 Acts, ch 55, §5; 99 Acts, ch 188, §12; 2000 Acts, ch 1016, §12; 2001 Acts, ch 153, §17; 2004 Acts, ch 1013, §19, 35; 2007 Acts, ch 126, §55; 2008 Acts, ch 1113, §84

Referred to in §321.30

321.101A Revocation of registration by county treasurer.

The county treasurer may revoke the registration and registration plates of a vehicle if the annual registration fee or the fee for new registration is paid by check, electronic payment, or credit card and the check, electronic payment, or credit card is not honored by the payer's financial institution or credit card company, upon reasonable notice and demand. The owner of the vehicle or person in possession of the registration and registration plates for the vehicle shall immediately return the revoked registration and registration plates to the appropriate county treasurer's office.

2000 Acts, ch 1016, §13; 2006 Acts, ch 1070, §8, 31; 2008 Acts, ch 1113, §85

Referred to in §321.30, 321.101

321.102 Suspending or revoking special registration.

The department is also authorized to suspend or revoke a certificate or the special plates issued to a manufacturer, transporter, or dealer upon determining that any said person is not

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lawfully entitled thereto or has made or knowingly permitted any illegal use of such plates or has committed fraud in the registration of vehicles or failed to give notices of transfer when and as required by this chapter.

[C39, §**5007.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.102]

321.103 Owner to return evidences of registration and title.

Whenever the department as authorized hereunder cancels, suspends, or revokes the registration of a vehicle, or certificate of title, or registration card, or registration plate or plates, or any nonresident or other permit or the registration of any dealer, the owner or person in possession of the same shall immediately return the evidences of registration, certificate of title, or plates so canceled, suspended, or revoked to the department.

[C39, §**5007.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.103]

321.104 Penal offenses against title law.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, for any person to commit any of the following acts:

1. To operate any motor vehicle upon the highways upon which the certificate of title has been canceled, or while a certificate of registration of a motor vehicle is suspended or revoked.
2. For a dealer or a person acting on behalf of a dealer to acquire, purchase, hold or display for sale a motor vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title, or assignments thereof, unless otherwise provided in this chapter.
3. To fail to surrender a certificate of title, registration card, or registration plates upon cancellation, suspension, or revocation of the certificate or registration by the department and notice as prescribed in this chapter.
4. To sell, offer for sale, or transfer a motor vehicle, trailer, or semitrailer, except as provided in section 321.47 or 321.48, section 321.52, subsection 2, paragraph *"b"*, or section 321.52, subsection 4, paragraph *"a"*, without obtaining a certificate of title in the name of the seller or transferor or without delivering to the purchaser or transferee a certificate of title or a manufacturer's or importer's certificate duly assigned to the purchaser or transferee as provided in this chapter.
5. To violate any of the other provisions of this chapter or any lawful rules adopted pursuant to this chapter.
6. For a manufactured or mobile home retailer to sell or transfer a mobile home or manufactured home without delivering to the purchaser or transferee a certificate of title or a manufacturer's or importer's certificate properly assigned to the purchaser, or to transfer a mobile home or manufactured home without disclosing to the purchaser the owner of the mobile home or manufactured home in a manner prescribed by the department pursuant to rules, or to fail to apply for and obtain a certificate of title for a used mobile home or manufactured home, titled in Iowa, acquired by the manufactured or mobile home retailer within thirty days from the date of acquisition as required under section 321.45, subsection 4.

[S13, §1571-m24; C24, 27, 31, 35, §5086; C39, §**5007.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.104; 82 Acts, ch 1251, §15]

85 Acts, ch 195, §33; 86 Acts, ch 1237, §20; 87 Acts, ch 130, §5; 97 Acts, ch 108, §9; 99 Acts, ch 188, §13; 2000 Acts, ch 1154, §23; 2000 Acts, ch 1203, §5; 2001 Acts, ch 137, §5; 2001 Acts, ch 153, §17; 2002 Acts, ch 1119, §49; 2010 Acts, ch 1190, §36; 2015 Acts, ch 52, §6, 14; 2017 Acts, ch 31, §4

Referred to in §321.48, 805.8A(2)(t)

REGISTRATION FEES

Local vehicle tax; see chapter 423B

321.105 Annual registration fee required.

1. An annual registration fee shall be paid for each vehicle operated upon the public highways of this state unless the vehicle is specifically exempted under this chapter. If a

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vehicle, which has been registered for the current registration year, is transferred during the registration year, the transferee shall reregister the vehicle as provided in section 321.46.

2. The annual registration fee shall be paid to the county treasurer at the same time the application is made for the registration or reregistration of the motor vehicle or trailer. An owner may, when applying for registration or reregistration of a motor vehicle or trailer, request that the plates be mailed to the owner's post office address. The owner's request shall be accompanied by a mailing fee as determined annually by the director in consultation with the Iowa county treasurers association.

3. Upon application by a financial institution, as defined in section 422.61, and approval of the application by the county treasurer, the county treasurer in any county may authorize the financial institution to receive applications for renewal of vehicle registrations and payment of the annual registration fees. The annual registration fees shall be delivered to the county treasurer at the time the county treasurer has processed the vehicle registration application. Annual registration fees received with vehicle registration applications shall be designated as public funds only upon receipt of such funds by the county treasurer from the financial institution.

4. In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued a registration plate under chapter 326, an additional registration fee may be paid for a period of four subsequent registration years.

5. Seriously disabled veterans who have been provided with an automobile or other vehicle by the United States government under the provisions of 38 U.S.C. §3901 – 3904, shall be exempt from payment of the registration fee provided in this chapter for that vehicle, and shall be provided, without fee, with one set of regular registration plates or one set of any type of special registration plates associated with service in the United States armed forces for which the disabled veteran qualifies under section 321.34. The disabled veteran, to be able to claim the benefit, must be a resident of the state of Iowa. In lieu of the set of regular or special military registration plates available without fee, the disabled veteran may obtain a set of nonmilitary special registration plates or personalized plates issued under section 321.34 by paying the additional fees associated with those plates.

[SS15, §1571-m7; C24, 27, 31, 35, §4904; C39, §**5008.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.105]

82 Acts, ch 1062, §12, 38; 83 Acts, ch 123, §125, 209; 86 Acts, ch 1182, §2; 95 Acts, ch 118, §16; 97 Acts, ch 108, §10; 97 Acts, ch 121, §3; 2000 Acts, ch 1216, §4; 2008 Acts, ch 1018, §20; 2008 Acts, ch 1113, §86; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1093, §8; 2018 Acts, ch 1026, §109

Referred to in §25.1, 321.34, 321.105A, 321.145, 321.166, 321L.2, 326.2, 331.427, 331.557
Collection of mobile home tax, §435.24

321.105A Fee for new registration.

1. *Definitions.* The following terms, when used in this section, shall have the following meanings, except in those instances where the context clearly indicates otherwise:

a. "Department" means the department of revenue.

b. "Director" means the director of revenue.

c. "Owner" means as defined in section 321.1. For purposes of the fee for new registration imposed on leased vehicles under subsection 3, *"owner"* means the *"lessor"*.

d. "Purchase" means any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for consideration.

2. *Fee imposed — exemptions.* In addition to the annual registration fee required under section 321.105, a "fee for new registration" is imposed in the amount of ten dollars plus five percent of the purchase price for each vehicle subject to registration. The fee for new registration shall be paid by the owner of the vehicle to the county treasurer at the time application is made for a new initial registration and certificate of title, if applicable. A new registration receipt shall not be issued until the fee has been paid. The county treasurer or the department of transportation shall require every applicant for a new registration receipt for a vehicle subject to registration to supply information as the county treasurer or the director deems necessary as to the time of purchase, the purchase price, and other information relative

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to the purchase of the vehicle. On or before the tenth day of each month, the county treasurer or the department of transportation shall remit to the department of revenue the amount of the fees for new registration collected during the preceding month.

a. For purposes of this subsection, *"purchase price"* applies to the measure subject to the fee for new registration. *"Purchase price"* shall be determined in the same manner as *"sales price"* is determined for purposes of computing the tax imposed upon the sales price of tangible personal property under chapter 423, pursuant to the definition of sales price in section 423.1. The following are exempt from the fee for new registration imposed by this subsection:

(1) The amount of any cash rebate which is provided by a motor vehicle manufacturer to the purchaser of the vehicle subject to registration so long as the rebate is applied to the purchase price of the vehicle.

(2) (a) In transactions, except those subject to subparagraph division (b), in which a vehicle subject to registration is traded toward the purchase price of another vehicle subject to registration, the portion of the purchase price which is not valued in money, whether received in money or not, if the following conditions are met:

(i) The vehicle traded to the retailer is the type of vehicle normally sold in the regular course of the retailer's business.

(ii) The vehicle traded to the retailer is intended by the retailer to be ultimately sold at retail or is intended to be used by the retailer or another in the remanufacturing of a like vehicle.

(b) In a transaction between persons, neither of which is a retailer of vehicles subject to registration, in which a vehicle subject to registration is traded toward the purchase price of another vehicle subject to registration, the amount of the trade-in value allowed on the vehicle subject to registration traded.

(c) The person listed on the title and registration of the newly acquired vehicle must be the same person listed on the title and registration of the traded vehicle being traded in order to exclude the trade-in value from the purchase price. Additionally, the following trades qualify under this subparagraph division (c):

(i) A trade between spouses, if the traded vehicle and the acquired vehicle are titled in the name of one or both of the spouses, with no outside party named on the title.

(ii) A trade between lineal family members, including adopted and step relationships, if one of the family members from the title of the traded vehicle is also on the title of the newly acquired vehicle.

(iii) A trade involving an entity, if one of the owners listed on the title of the traded vehicle is an entity. If multiple names appear on the title, the names must be separated by "or". For purposes of trades under this subparagraph subdivision, a sole proprietorship shall not be distinguished from an individual owner.

(iv) A trade in which the vehicle being purchased is titled in the name of an individual other than the owner of the traded vehicle due to the cosigning requirements of a financial institution.

(3) The fair market value of a replacement motor vehicle owned by a motor vehicle dealer licensed under chapter 322 which is being registered by that dealer and is not otherwise exempt from the fee for new registration, if all of the following conditions are met:

(a) The motor vehicle being registered is being placed in service as a replacement motor vehicle for a motor vehicle registered by the motor vehicle dealer.

(b) The motor vehicle being registered is taken from the motor vehicle dealer's inventory.

(c) Use tax or the fee for new registration on the motor vehicle being replaced was paid by the motor vehicle dealer when that motor vehicle was registered.

(d) The replaced motor vehicle is returned to the motor vehicle dealer's inventory for sale.

(e) The application for registration and title of the motor vehicle being registered is filed with the county treasurer within two weeks of the date the replaced motor vehicle is returned to the motor vehicle dealer's inventory.

(f) The motor vehicle being registered is placed in the same or substantially similar service as the replaced motor vehicle.

b. For purposes of this subsection, the fee for new registration on a vehicle registered in

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this state by the manufacturer of that vehicle from a manufacturer's statement of origin is calculated on the base value of fifty percent of the retail list price of the vehicle.

c. The following are exempt from the fee for new registration imposed under this subsection, as long as a valid affidavit is filed with the county treasurer at the time of application for registration:

(1) Entities listed in section 423.3, subsections 17, 18, 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that those entities are exempt from the tax imposed on the sale of tangible personal property sold at retail in the state to consumers or users.

(2) Vehicles as defined in section 321.1, subsections 41, 64A, 71, 85, and 88, except such vehicles subject to registration which are designed primarily for carrying persons, when purchased for lease and actually leased to a lessee for use outside the state of Iowa and the subsequent sole use in Iowa is in interstate commerce or interstate transportation.

(3) (a) Vehicles subject to registration which are transferred from an entity doing business within this state to another entity doing business within this state if all of the following apply:

(i) The receiving entity was formed by the transferring entity for the purpose of continuing the business.

(ii) (A) All ownership remains the same and in the same proportions as the previous ownership with no fewer or additional owners or replacement owners.

(B) In the case of a sole proprietorship, the spouse of the sole proprietor may stand in place of the sole proprietor.

(b) This exemption also applies where the vehicles subject to registration are transferred from a corporation as part of the liquidation of the corporation to its stockholders if within three months of such transfer the stockholders retransfer those vehicles subject to registration to a sole proprietorship, partnership, or limited liability company for the purpose of continuing the business of the corporation when all of the incidents of ownership are owned by the same person or persons who were stockholders of the corporation.

(c) For an exemption under this subparagraph, a receiving entity shall have been in existence for not longer than twenty-four months.

(4) Vehicles subject to registration which are transferred from a corporation that is primarily engaged in the business of leasing vehicles subject to registration to a corporation that is primarily engaged in the business of leasing vehicles subject to registration when the transferor and transferee corporations are part of the same controlled group for federal income tax purposes.

(5) (a) Vehicles registered or operated under chapter 326 and used substantially in interstate commerce. For purposes of this subparagraph (5), *"substantially in interstate commerce"* means that a minimum of twenty-five percent of the miles operated by the vehicle accrues in states other than Iowa. This subparagraph (5) applies only to vehicles which are registered for a gross weight of thirteen tons or more.

(b) For purposes of this subparagraph (5), trailers and semitrailers registered or operated under chapter 326 are deemed to be used substantially in interstate commerce and to be registered for a gross weight of thirteen tons or more.

(c) For the purposes of this subparagraph (5), if a vehicle meets the requirement that twenty-five percent of the miles operated accrues in states other than Iowa in each year of the first four-year period of operation, the exemption from the fee for new registration shall continue until the vehicle is sold or transferred. If the vehicle is found to have not met the exemption requirements or the exemption was revoked, the value of the vehicle upon which the fee for new registration shall be imposed is based on the original purchase price if revocation or nonqualification for this exemption occurs during the first year following registration. If revocation or nonqualification for this exemption occurs after the first year following registration, the value of the vehicle upon which the fee shall be imposed is the book or market value, whichever is less, at the time the exemption requirements were not met or the exemption was revoked.

(6) Vehicles, excluding autocycles, motorcycles, and motorized bicycles, subject to registration in any state when purchased for rental or registered and titled by a motor vehicle dealer licensed pursuant to chapter 322 for rental use, and held for rental for a period of

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one hundred twenty days or more and actually rented for periods of sixty days or less by a person regularly engaged in the business of renting vehicles, including but not limited to motor vehicle dealers licensed pursuant to chapter 322 who rent automobiles to users, if the rental of the vehicles is subject to taxation under section 423.2 or chapter 423C.

(7) Vehicles subject to registration in this state for which the applicant for registration has paid to another state a state sales, use, or occupational tax, or paid the equivalent sales or excise tax of another country to that country. However, if the tax paid to another state or country is less than the fee for new registration calculated for the vehicle, the difference shall be the amount to be collected as the fee for new registration.

(8) A vehicle subject to registration in this state which is owned by a person who has moved from another state or country with the intention of changing residency to Iowa, provided that the vehicle was purchased for use in the state or country from which the applicant moved and was not, at or near the time of purchase, purchased for use in Iowa.

(9) A vehicle that was previously registered in this state and was subsequently registered in another state is not subject to the fee for new registration when it is again registered in this state, provided that the applicant for registration has maintained ownership of the vehicle since its initial registration in this state and has previously paid the use tax or fee for new registration for the vehicle in this state.

(10) Vehicles transferred by operation of law as provided in section 321.47.

(11) Vehicles for which ownership is transferred to or from a revocable or irrevocable trust, if no consideration is present.

(12) Vehicles transferred to the surviving corporation for no consideration as a result of a corporate merger according to the laws of this state in which the merging corporation is immediately extinguished and dissolved.

(13) Vehicles purchased in this state by a nonresident for removal to the nonresident's state of residence if the purchaser applies to the county treasurer for a transit plate under section 321.109.

(14) Vehicles purchased by a licensed motor vehicle dealer for resale or primarily for use by the dealer's customers while the customers' vehicles are being serviced or repaired by the dealer.

(15) Vehicles purchased by a wholesaler of new motor vehicles licensed under section 322.27A for resale by the same wholesaler.

(16) Homemade vehicles built from parts purchased at retail, upon which the consumer paid a tax to the seller, but only on such vehicles never before registered. This exemption does not apply for vehicles subject to registration which are made by a manufacturer engaged in the business for the purpose of sales or rental.

(17) Vehicles titled under a salvage certificate of title. However, when such a vehicle has been repaired and a regular certificate of title is applied for, the fee for new registration is due as follows:

(a) If the owner of the vehicle is a licensed recycler, unless the applicant is licensed as a vehicle dealer, the fee for new registration applies based on the fair market value of the vehicle, with deduction allowed for the cost of parts, supplies, and equipment for which sales tax was paid and which were used to rebuild the vehicle.

(b) If the owner is a person who is not licensed as a recycler or vehicle dealer, the fee for new registration applies based on the fair market value of the vehicle, with deduction allowed for the cost of parts, frames, chassis, auto bodies, or supplies that were purchased to rebuild the vehicle and for which sales tax was paid.

(18) A vehicle delivered to a resident Native American Indian on a reservation.

(19) A vehicle transferred from one individual to another individual as a gift in a transaction in which no consideration is present.

(20) A vehicle given by a corporation as a gift to a retiring employee.

(21) A vehicle sold by an entity where the profits from the sale are used by or donated to a nonprofit entity which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code, a government entity, or a nonprofit private educational institution, and where the entire proceeds from the sale of the vehicle are expended for any of the following purposes:

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(a) Educational.
(b) Religious.
(c) Charitable. A charitable act is an act done out of goodwill, benevolence, and a desire to add to or to improve the good of humankind in general or any class or portion of humankind, with no pecuniary profit inuring to the person performing the service or giving the gift.

(22) A vehicle given or sold to be subsequently awarded as a raffle prize under chapter 99B.

(23) A vehicle won as a raffle prize under chapter 99B.

(24) A vehicle that is directly and primarily used in the recycling or reprocessing of waste products.

(25) Vehicles subject to registration under this chapter when purchased for lease and titled by the lessor licensed pursuant to chapter 321F and actually leased for a period of six months or more if the lease of the vehicle is subject to the fee for new registration under subsection 3 or exempt from the fee for new registration pursuant to subsection 3, paragraph *"f"*.

(a) A lessor may maintain the exemption under this subparagraph (25) for a qualifying lease that terminates at the conclusion or prior to the contracted expiration date if the lessor does not use the vehicle for any purpose other than for lease.

(b) Once the vehicle is used by the lessor for a purpose other than for lease, the exemption under this subparagraph (25) no longer applies and, unless there is another exemption from the fee for new registration, the fee for new registration is due on the fair market value of the vehicle determined at the time the lessor uses the vehicle for a purpose other than for lease, payable to the department.

(c) If the lessor holds the vehicle exclusively for sale, the fee for new registration is due and payable on the purchase price of the vehicle at the time of purchase pursuant to this subsection.

(26) A vehicle repossessed by a licensed vehicle dealer pursuant to the uniform commercial code, chapter 554, provided there is a valid lien on the title and the dealer anticipates reselling the vehicle.

(27) A vehicle repossessed by a financial institution or an individual by means of a foreclosure affidavit pursuant to the uniform commercial code, chapter 554, provided there is a valid lien on the vehicle and the foreclosure affidavit is used for the sole purpose of retaining possession of the vehicle until a new buyer is found. However, if the financial institution or individual uses the foreclosure affidavit to take title to the vehicle and register the vehicle, the fee for new registration shall be due based on the outstanding loan amount on the vehicle.

(28) A damaged vehicle acquired by an insurance company from a client or financial institution, provided the insurance company has a vehicle dealers license.

(29) A vehicle returned to a manufacturer and titled in the manufacturer's name under section 322G.12.

(30) A vehicle purchased directly by a federal, state, or local governmental agency and titled in an individual's name pursuant to a governmental program authorized by law.

(31) (a) A new completed motor vehicle purchased at retail by an equipment dealer who is licensed as a motor vehicle dealer under chapter 322, provided that all of the following apply:

(i) The equipment dealer modifies the vehicle as provided in subparagraph division (b), subparagraph subdivision (i) or (ii).

(ii) The total value of the work performed and the equipment installed on the vehicle equals or exceeds eighty percent of the purchase price paid for the new vehicle.

(iii) Notwithstanding section 322.3, the equipment dealer sells the modified vehicle as a used vehicle to a purchaser that is a business or government entity, and not an individual consumer.

(b) For purposes of this subparagraph, *"equipment dealer"* means a person who does at least one of the following:

(i) Rebuilds new completed motor vehicles by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, fire vehicle, or towing or recovery vehicle.

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(ii) Installs cranes, hook loaders, buckets, aerial ladders, tanks, or special equipment on new completed motor trucks with a gross vehicle weight rating of fourteen thousand five hundred pounds or more.

3. *Leased vehicles.*

a. A fee for new registration is imposed in an amount equal to ten dollars plus five percent of the leased price for each vehicle subject to registration which is leased by a lessor licensed pursuant to chapter 321F for a period of six months or more. The fee for new registration shall be paid by the owner of the vehicle to the county treasurer from whom the registration receipt or certificate of title is obtained. A registration receipt for a vehicle subject to registration or issuance of a certificate of title shall not be issued until the fee for new registration is paid in the initial instance.

b. The amount of the lease price subject to the fee for new registration shall be computed on each separate lease transaction by taking the total of the lease payments, plus the down payment, and excluding the following charges, if included as part of the lease payment:

(1) Title fee.

(2) Annual registration fees.

(3) Fee for new registration.

(4) Federal excise taxes attributable to the sale of the vehicle to the owner or to the lease of the vehicle by the owner.

(5) Optional service or warranty contracts subject to tax pursuant to section 423.2, subsection 1.

(6) Insurance.

(7) Manufacturer's rebate.

(8) Refundable deposit.

(9) Finance charges, if any, on items listed in subparagraphs (1) through (8).

c. If any or all of the items in paragraph "*b*", subparagraphs (1) through (8), are excluded from the lease price subject to the fee for new registration, the owner shall maintain adequate records of the amounts of those items. If the parties to a lease enter into an agreement providing that the fee for new registration is to be paid by the lessee or included in the monthly lease payments to be paid by the lessee, the total cost of the fee for new registration shall not be included in the computation of the lease price for the purpose of the fee for new registration under this section. The county treasurer or the department of transportation shall require every applicant for a registration receipt for a vehicle subject to a fee for new registration to supply information as the county treasurer or the director deems necessary as to the date of the lease transaction, the lease price, and other information relative to the lease of the vehicle.

d. On or before the tenth day of each month, the county treasurer or the department of transportation shall remit to the department of revenue the amount of the fees for new registration collected during the preceding month.

e. If the lease is terminated or voided prior to the termination date contained in the lease agreement, no refund shall be allowed for a fee for new registration previously paid under this section, except as provided in section 322G.4.

f. The following are exempt from the fee for new registration imposed under this subsection as long as a valid affidavit is filed with the county treasurer at the time of application for registration:

(1) Vehicles leased to entities listed in section 423.3, subsections 17, 18, 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that those entities are exempt from the tax imposed on the sale of tangible personal property sold at retail in the state to consumers or users.

(2) A vehicle leased directly to a federal, state, or local governmental agency and titled in an individual's name pursuant to a governmental program authorized by law.

(3) (a) A vehicle leased between affiliates, when the lessor has paid the fee imposed in subsection 2 on the leased vehicle prior to the lease.

(b) For purposes of this subparagraph:

(i) "*Affiliate*" means a lessor that directly or indirectly controls, is controlled with or by, or is under common control with the lessee.

(ii) "*Control*" or "*controlled*" means any of the following:

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(A) In the case of a United States corporation, the ownership, directly or indirectly, of fifty percent or more of the voting power to elect directors.

(B) In the case of a foreign corporation, if the voting power to elect the directors is less than fifty percent, the maximum amount allowed by applicable law.

(C) In the case of an entity other than a corporation, fifty percent or more ownership interest in the entity, or the power to direct the management of the entity.

4. *Administration and enforcement — director of revenue.*

a. The director of revenue in consultation with the department of transportation shall administer and enforce the fee for new registration as nearly as possible in conjunction with the administration and enforcement of the state use tax law, except that portion of the law which implements the streamlined sales and use tax agreement.

b. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 2, and sections 423.23, 423.24, 423.25, 423.33, 423.35, 423.37 through 423.42, 423.45, and 423.47, consistent with the provisions of this section, apply with respect to the fees for new registration authorized under this section in the same manner and with the same effect as if the fees for new registration were retail use taxes within the meaning of those statutes.

5. *Collections by dealers.*

a. If an amount of the fee for new registration represented by a dealer to the purchaser of a vehicle is computed upon a purchase price that is not subject to the fee for new registration or the amount represented is in excess of the actual amount subject to the fee and the amount represented is actually paid by the purchaser to the dealer, the excess amount of fee for new registration paid shall be returned to the purchaser upon notification to the dealer by the department that an excess payment exists.

b. If an amount of the fee for new registration represented by a dealer to a purchaser is computed upon a purchase price that is not subject to the fee for new registration or the amount represented is in excess of the actual amount subject to the fee and the amount represented is actually paid by the purchaser to the dealer, the excess amount of fee for new registration paid shall be returned to the purchaser upon proper notification to the dealer by the purchaser that an excess payment exists. *"Proper"* notification is written notification which allows a dealer at least sixty days to respond and which contains enough information to allow a dealer to determine the validity of a purchaser's claim that an excess amount of fee for new registration has been paid. No cause of action shall accrue against a dealer for excess fee for new registration paid until sixty days after proper notification has been given the dealer by the purchaser.

c. In the circumstances described in paragraphs *"a"* and *"b"*, a dealer has the option to either return any excess amount of fee for new registration paid to a purchaser, or to remit the amount which a purchaser has paid to the dealer to the department.

6. *Refunds.*

a. A fee for new registration is not refundable, except in the following circumstances:

(1) If a vehicle is sold and later returned to the seller and the entire purchase price is refunded by the seller, the purchaser is entitled to a refund of the fee for new registration paid. To obtain a refund, the purchaser shall make application on forms provided by the department and show proof that the entire purchase price was returned and that the fee for new registration had been paid.

(2) If a vehicle manufacturer reimburses a purchaser for the fee for new registration paid on a returned defective vehicle, the manufacturer may obtain a refund from the department by providing proof that the fee was paid and the purchaser reimbursed in accordance with the provisions of chapter 322G.

(3) If the department determines that, as a result of a mistake, an amount of the fee for new registration has been paid which was not due, such amount shall be refunded to the vehicle owner by the department.

b. A claim for refund under this subsection that has not been filed with the department within three years after the fee for new registration was paid shall not be allowed by the director.

7. *Penalties.*

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a. False statement. A person who willfully makes a false statement in regard to the purchase price of a vehicle subject to a fee for new registration or willfully attempts in any manner to evade payment of the fee required by this section is guilty of a fraudulent practice. A person who willfully makes a false statement in regard to the purchase price of such a vehicle with the intent to evade payment of the fee for new registration or willfully attempts in any manner to evade payment of the fee required by this section shall be assessed a penalty of seventy-five percent of the amount of the fee unpaid and required to be paid on the actual purchase price less trade-in allowance.

b. Evasion fee. An Iowa resident found to be in control of a vehicle which is owned by a shell business and for which the fee for new registration has not been paid, as provided in section 321.55, subsection 2, is guilty of a fraudulent practice. An Iowa resident found to be in control of a vehicle which is owned by a shell business and for which the fee for new registration has not been paid, as provided in section 321.55, subsection 2, shall be assessed a penalty of seventy-five percent of the amount of the fee unpaid and required to be paid on the actual purchase price less trade-in allowance.

c. Failure to file. If a person required by this chapter to file an application for certificate of title or registration with the county treasurer fails to file such application or registration on or before the due date for such application or registration, a penalty in the amount of ten percent of the fee for new registration due shall be added to the fee.

d. Underpayment. If a person required by this chapter to file an application for certificate of title or registration with the county treasurer files such application or registration with any inaccurate information that results in the person paying less than the full amount of the fee for new registration, penalties, or interest that was due at the time of application, a penalty in the amount of five percent of the fee for new registration due shall be added to the fee.

2008 Acts, ch 1113, §40; 2008 Acts, ch 1191, §128; 2009 Acts, ch 41, §251, 263; 2009 Acts, ch 60, §2, 3; 2009 Acts, ch 179, §122 – 124; 2010 Acts, ch 1145, §1, 17; 2011 Acts, ch 110, §1, 2; 2013 Acts, ch 30, §68; 2013 Acts, ch 140, §161; 2014 Acts, ch 1065, §2; 2014 Acts, ch 1110, §3; 2014 Acts, ch 1123, §31; 2016 Acts, ch 1098, §14; 2021 Acts, ch 86, §13 – 19, 49; 2022 Acts, ch 1021, §68; 2022 Acts, ch 1138, §4; 2024 Acts, ch 1145, §20, 21, 26; 2024 Acts, ch 1172, §1, 4, 5

Referred to in §312.2, 321.2, 321.20, 321.24, 321.48, 321.129, 321.145, 321.152, 322G.12, 331.557, 421.60, 423.3

Fraudulent practices, see §714.8 – 714.14

Subsection 3, paragraph f, subparagraph (3) applies retroactively to January 1, 2015, but refunds of taxes, interest, or penalties arising from the enactment of 2024 Acts, ch 1172, for leases or rentals occurring between that date and May 17, 2024, not allowed; 2024 Acts, ch 1172, §3, 5

321.106 Registration for fractional part of year.

1. When a motor truck, truck tractor, or road tractor is registered by the county treasurer pursuant to section 321.120, 321.121, or 321.122 and there is no delinquency and the registration is made in February or succeeding months through November, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of December for a vehicle registered on a calendar year basis on which there is no delinquency. However, when such a vehicle is registered in November, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

2. When a vehicle is registered under chapter 326 and there is no delinquency and the registration is made in the second through eleventh month of the registration year, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. However, when such a vehicle is registered in the eleventh month of the registration year, the vehicle may be registered for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

3. When a vehicle is registered on a birth month basis and there is no delinquency and the registration is made in the month after the beginning of the registration year or succeeding months, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of the owner's birthday for a vehicle on which there is no delinquency. However, when a vehicle registered on a birth month basis is registered during the eleventh month of the registration year, the vehicle

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may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

4. If a fee computed under this section contains a fractional part of a dollar, the fee shall be computed to the nearest whole dollar. A fee computed under this section shall not be less than five dollars. The fee so computed shall be deemed to be the annual registration fee for the remainder of the registration year. This subsection does not apply to vehicles registered under chapter 326.

5. A reduction in the annual registration fee shall not be allowed by the department until the applicant files satisfactory evidence to prove that there is no delinquency in registration.

[SS15, §1571-m7; C24, 27, 31, 35, §4905; C39, §**5008.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.106]

82 Acts, ch 1062, §13, 38; 83 Acts, ch 24, §5, 12; 2000 Acts, ch 1028, §3, 4; 2008 Acts, ch 1113, §87; 2012 Acts, ch 1093, §9, 40; 2013 Acts, ch 103, §9

Referred to in §321.466, 331.557

321.107 and 321.108 Reserved.

321.109 Annual registration fee computed — transit fee.

1. *a.* The annual fee for all motor vehicles including vehicles designated by manufacturers as station wagons, 1993 and subsequent model year multipurpose vehicles, and 2010 and subsequent model year motor trucks with an unladen weight of ten thousand pounds or less, except motor trucks registered under section 321.122, business-trade trucks, special trucks, motor homes, motorsports recreational vehicles, ambulances, hearses, autocycles, motorcycles, motorized bicycles, and 1992 and older model year multipurpose vehicles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to any county treasurer for a transit plate for which a fee of ten dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to any county treasurer for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the county treasurer shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of thirty dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the title to the owner. If there is a security interest noted on the title, the county treasurer shall mail to the secured party an acknowledgment of the notation of the security interest. The county treasurer shall not release a security interest that has been noted on a title issued to a nonresident purchaser as provided in this paragraph. The application requirements of section 321.20 apply to a title issued as provided in this subsection, except that a natural person who applies for a certificate of title shall provide either the person's social security number, passport number, or driver's license number, whether the license was issued by this state, another state, or another country. The provisions of this subsection relating to multipurpose vehicles are effective for all 1993 and subsequent model years. The annual registration fee for multipurpose vehicles that are 1992 model years and older shall be in accordance with section 321.124.

b. The annual registration fee shall be sixty dollars for a vehicle with permanently installed equipment manufactured for and necessary to assist a person with a disability who is either the owner or lessee of the vehicle or a member of the owner's or lessee's household

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in entry and exit of the vehicle or if the owner or lessee of the vehicle or a member of the owner's or lessee's household uses a wheelchair as the only means of mobility. This paragraph applies only to vehicles that are otherwise subject to paragraph *"a"* and to motor trucks with an unladen weight of ten thousand pounds or less that are otherwise subject to section 321.122. For purposes of this paragraph, *"uses a wheelchair"* does not include use of a wheelchair due to a temporary injury or medical condition.

2. *a.* Dealers may, in addition to other provisions of this section, purchase from the department in-transit permits, for which a fee of two dollars per permit shall be paid at time of purchase. One such permit shall be displayed on each vehicle purchased from a dealer by a nonresident for removal to the state of the nonresident's residence, and one such permit shall also be displayed on each vehicle not currently registered in Iowa and purchased by an Iowa dealer for removal to the dealer's place of business in this state. The permits shall be void fifteen days after issuance by the selling dealer. Each permit shall contain the following information:

(1) The words "in-transit" in bold type.
(2) The dealer's license number.
(3) The date issued.
(4) The purchaser's name and address.
(5) The word "Iowa" in bold type.
(6) The words "good for fifteen days after the date of issuance".
(7) Other information the director requires.

b. The sales invoice verifying the sale shall be in the possession of the driver of the vehicle in transit and shall be signed by the owner or an authorized individual of the issuing dealership.

c. Motor vehicles brought into the state on a transit sticker for the purpose of installation of special equipment may also be subject to the provisions of this subsection.

3. The owner of an unregistered motor vehicle or motor vehicle for which the registration is delinquent may make application to any county treasurer for a temporary thirty-day permit for a fee of twenty-five dollars. The permit shall authorize the motor vehicle to be driven or towed upon the highway, but shall not authorize a motor truck or truck tractor to haul or tow a load. The permit fee shall not be considered a registration fee or exempt the owner from payment of all other fees, registration fees, and penalties due. If the annual registration fee for the motor vehicle is delinquent, the annual registration fee and penalty shall continue to accrue until paid. The permit fee shall not be prorated, refunded, or used as credit as provided under section 321.46. The permit shall be displayed in the upper left-hand corner of the rear window of all motor vehicles, except motorcycles. Permits issued for a motorcycle shall be attached to the rear of the motorcycle.

[C24, 27, 31, 35, §4908; C39, §**5008.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.109]
84 Acts, ch 1305, §60; 88 Acts, ch 1007, §1; 92 Acts, ch 1019, §1, 8; 92 Acts, ch 1222, §1; 92 Acts, ch 1232, §401, 412; 93 Acts, ch 165, §1; 96 Acts, ch 1129, §113; 96 Acts, ch 1152, §4; 2004 Acts, ch 1013, §20, 35; 2005 Acts, ch 8, §12, 13; 2006 Acts, ch 1068, §16, 41; 2008 Acts, ch 1042, §1; 2008 Acts, ch 1113, §3, 11, 20, 21, 88; 2010 Acts, ch 1035, §2; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1127, §6; 2016 Acts, ch 1098, §15; 2024 Acts, ch 1145, §22, 23, 26
Referred to in §312.2, 321.17, 321.34, 321.105A, 321.110, 321.113, 321.115A, 321.116, 321.122, 321.124, 331.557

321.110 Rejecting fractional dollars.

When the annual registration fee, computed according to section 321.109, subsection 1, totals a fraction over a certain number of dollars the fee shall be arrived at by computing to the nearest even dollar.

[C27, 31, 35, §4908-a1; C39, §**5008.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.110]
2008 Acts, ch 1113, §89
Referred to in §331.557

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321.111 Conversion of car — effect.

Any motor vehicle originally registered as a passenger car and thereafter converted into a truck with a loading capacity of less than one thousand pounds, shall be registered as a passenger car.

[C35, §4908-g1; C39, §**5008.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.111]
Referred to in §331.557

321.112 Minimum motor vehicle fee.

No motor vehicle, except as provided in section 321.117, shall be registered for a registration year for less than ten dollars.

[C24, 27, 31, 35, §4909; C39, §**5008.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.112]
82 Acts, ch 1062, §14, 38; 2007 Acts, ch 143, §11, 35; 2008 Acts, ch 1124, §37
Referred to in §331.557

321.113 Automatic reduction.

1. The annual registration fee for a motor vehicle shall not be automatically reduced under this section unless the fee is based on the value and weight of the motor vehicle as provided in section 321.109, subsection 1.

2. If a motor vehicle is more than seven model years old, the part of the annual registration fee that is based on the value of the vehicle shall be seventy-five percent of the rate as fixed when the motor vehicle was new and the total fee shall not be less than fifty dollars; except that if the registration is a renewal for a vehicle registered to the same owner prior to January 1, 2009, the annual registration fee shall not be more than the fee paid for the previous registration year.

3. If a motor vehicle is more than nine model years old, the part of the annual registration fee that is based on the value of the vehicle shall be fifty percent of the rate as fixed when the motor vehicle was new and the total fee shall not be less than fifty dollars; except that if the registration is a renewal for a vehicle registered to the same owner prior to January 1, 2009, the annual registration fee shall not be more than the fee paid for the previous registration year.

4. *a.* Except as provided in paragraph *"b"*, if a motor vehicle is twelve model years old or older, the annual registration fee is fifty dollars; except that if the registration is a renewal for a vehicle registered to the same owner prior to January 1, 2009, the annual registration fee shall not be more than the fee paid for the previous registration year.

b. If the registration is a renewal for a motor vehicle registered as an antique vehicle by the same owner prior to January 1, 2009, the annual registration fee shall be twenty-three dollars for a motor vehicle that is model year 1970 through 1983 and sixteen dollars for a motor vehicle that is model year 1969 or older.

c. For purposes of determining the portion of an annual registration fee under paragraph *"a"* or *"b"* that is based upon the value of the motor vehicle, sixty percent of the annual registration fee is attributable to the value of the vehicle.

5. As used in this section, *"owner"* includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

[SS15, §1571-m7; C24, 27, 31, 35, §4910; C39, §**5008.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.113]

82 Acts, ch 1062, §15, 38; 2001 Acts, ch 132, §4, 24; 2001 Acts, ch 176, §65; 2008 Acts, ch 1113, §4, 11, 90; 2011 Acts, ch 38, §4
Referred to in §321.115, 321.115A, 331.557

321.114 Reserved.

321.115 Antique vehicles — model year plates permitted.

1. *a.* A motor vehicle twenty-five years old or older may be registered as an antique vehicle. The annual registration fee is the fee provided in section 321.113, 321.122, or 321.124.

b. The owner of a motor truck, truck tractor, road tractor, or motor home that is twenty-five years old or older who desires to use the vehicle exclusively for exhibition or educational

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purposes at state or county fairs, or at other places where the vehicle may be exhibited for entertainment or educational purposes, may register the vehicle as a "limited use" vehicle in accordance with sections 321.58 through 321.62. The "limited use" registration under this paragraph permits driving of the vehicle upon the public roads to and from state and county fairs or other places of entertainment or education for exhibition or educational purposes and to and from service stations for the purpose of receiving necessary maintenance, or for the purposes of transporting, testing, demonstrating, or selling the vehicle.

c. The owner of a motor vehicle registered under this subsection may display authentic Iowa registration plates from the model year of the motor vehicle, furnished by the person and approved by the department, in lieu of the current and valid Iowa registration plates issued for the vehicle, provided that the current and valid Iowa registration plates and the registration card issued for the vehicle are simultaneously carried within the vehicle and are available for inspection to any peace officer upon the officer's request.

2. The sale of a motor vehicle twenty years old or older which is primarily of value as a collector's item and not as transportation is not subject to chapter 322, and any person may sell such a vehicle at retail without a license as required under chapter 322.

3. Truck tractors and semitrailers used in combination for exhibition and educational purposes may be registered and driven according to the provisions of subsection 1. Truck tractors and semitrailers registered under this section shall not be used to haul loads.

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2.

[C35, §4911-f1; C39, §**5008.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.115]

85 Acts, ch 101, §1; 88 Acts, ch 1204, §1; 92 Acts, ch 1175, §31; 97 Acts, ch 104, §13; 2000 Acts, ch 1203, §6; 2001 Acts, ch 137, §5; 2006 Acts, ch 1068, §17; 2007 Acts, ch 143, §12, 35; 2008 Acts, ch 1113, §120, 131; 2008 Acts, ch 1124, §35, 37; 2008 Acts, ch 1191, §136; 2010 Acts, ch 1190, §37

Referred to in §321.24, 321.52, 321.438, 331.557, 805.8A(2)(u)

321.115A Replica vehicles and street rods — model year plates permitted — penalty.

1. A motor vehicle may be registered as a replica vehicle or street rod. The annual registration fee is the fee provided for in section 321.109, 321.113, 321.122, or 321.124. The owner of a vehicle registered under this section may display registration plates from or representing the model year of the motor vehicle or the model year of the motor vehicle the registered vehicle is designed to resemble, furnished by the person and approved by the department, in lieu of the current and valid Iowa registration plates issued for the vehicle, provided that the current and valid Iowa registration plates and the registration card issued for the vehicle are simultaneously carried within the vehicle and are available for inspection to any peace officer upon the officer's request.

2. Truck tractors and semitrailers registered under this section shall not be used to haul loads.

3. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2.

2008 Acts, ch 1044, §6, 8; 2010 Acts, ch 1069, §42; 2010 Acts, ch 1190, §38

Referred to in §331.557, 805.8A(2)(v)

321.116 Battery electric and plug-in hybrid electric motor vehicle fees.

1. For each battery electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph *"a"*, and operated on the public highways of this state, the owner shall pay an annual battery electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph *"a"*. For purposes of this subsection, *"battery electric motor vehicle"* means a motor vehicle equipped with electrical drivetrain components and not equipped with an internal combustion engine, that is propelled exclusively by one or more electrical motors using electrical energy stored in a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be one hundred thirty dollars.

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2. For each plug-in hybrid electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph *"a"*, and operated on the public highways of this state, the owner shall pay an annual plug-in hybrid electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph *"a"*. For purposes of this subsection, *"plug-in hybrid electric motor vehicle"* means a motor vehicle equipped with electrical drivetrain components, an internal combustion engine, and a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be sixty-five dollars.

2019 Acts, ch 151, §1, 3; 2023 Acts, ch 66, §72
Referred to in §321.117, 331.557

321.117 Motorcycle, autocycle, ambulance, and hearse fees.

1. For all motorcycles and autocycles the annual registration fee shall be twenty dollars. For all motorized bicycles the annual registration fee shall be seven dollars. When the motorcycle or autocycle is more than five model years old, the annual registration fee shall be ten dollars. The annual registration fee for ambulances and hearses shall be fifty dollars. Passenger car plates shall be issued for ambulances and hearses.

2. In addition to the fee required for a motorcycle under subsection 1, the owner of a motorcycle that is a battery electric motor vehicle or plug-in hybrid electric motor vehicle, as those terms are defined in section 321.116, shall pay an annual electric motorcycle registration fee. The amount of the fee shall be nine dollars.

[C24, 27, 31, 35, §4912; C39, §**5008.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.117]

82 Acts, ch 1062, §17, 38; 84 Acts, ch 1305, §61; 2008 Acts, ch 1113, §91; 2016 Acts, ch 1098, §16; 2019 Acts, ch 151, §2, 3; 2023 Acts, ch 66, §73
Referred to in §321.112, 331.557

321.118 Reserved.

321.119 Church buses.

For motor vehicles designed to carry nine passengers or more which are owned and used exclusively by a church or religious organization to transport passengers to and from activities of or sponsored by the church or religious organization and not operated for rent or hire for purposes unrelated to the activities of the church or religious organization, the annual registration fee shall be twenty-five dollars.

[C81, §321.119]

84 Acts, ch 1305, §62; 2008 Acts, ch 1113, §92
Referred to in §331.557

321.120 Business-trade trucks.

1. The annual registration fee for a business-trade truck shall be determined pursuant to section 321.122, subsection 1, paragraph *"a"*.

2. Upon application for a new registration, an owner who registers a motor vehicle as a business-trade truck shall be required to provide proof or affirm that the vehicle meets the definition of a business-trade truck. The department may adopt rules as necessary to prescribe the documentation required of the applicant as proof or affirmation under this subsection but shall not require that such documentation be notarized. If requested by the department of transportation or a county treasurer, the department of revenue shall confirm or refute, according to the most recent records available, that an applicant for registration of a business-trade truck is either a corporation, limited liability company, or partnership or a person who files a schedule C or schedule F form for federal income tax purposes and that the corporation, limited liability company, partnership, or person is allowed a depreciation deduction with respect to the vehicle under section 167 of the Internal Revenue Code.

3. Upon approval of the application and payment of the proper fees, the county treasurer shall issue regular registration plates for the business-trade truck. The department may adopt rules requiring the use of a sticker or other means to identify motor vehicles registered under this section.

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4. If the department determines by audit or other means that a person has registered a vehicle as a business-trade truck that is not qualified for such registration, the person shall be required to pay the difference between the regular annual registration fees owed for the vehicle for each year the vehicle was registered in violation of this section and the fees actually paid.

5. If the department determines by audit or other means that the person had knowingly registered a vehicle as a business-trade truck that is not qualified for such registration, the person shall be required to pay a penalty for improper registration in the amount of seven hundred fifty dollars for each registration year in which the vehicle was registered in violation of this section, not to exceed two thousand two hundred fifty dollars.

2008 Acts, ch 1113, §5, 11; 2011 Acts, ch 68, §2, 5
Referred to in §321.1, 321.26, 321.106, 321.134, 321.152, 331.557, 422.20, 422.72

321.121 Special trucks for farm use.

1. *a.* Except as provided in paragraph *"b"*, the annual registration fee for a special truck with a gross weight of six tons shall be one hundred dollars, and the annual registration fee for a special truck with a gross weight exceeding six tons but not exceeding eighteen tons shall be as follows:

For a gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
6 Tons	7 Tons	$125
7 Tons	8 Tons	$155
8 Tons	9 Tons	$170
9 Tons	10 Tons	$190
10 Tons	11 Tons	$205
11 Tons	12 Tons	$225
12 Tons	13 Tons	$245
13 Tons	14 Tons	$265
14 Tons	15 Tons	$280
15 Tons	16 Tons	$295
16 Tons	17 Tons	$305
17 Tons	18 Tons	$315

b. If the registration is a renewal for a special truck registered to the same owner prior to January 1, 2009, the annual registration fee shall be eighty dollars for a gross weight of six tons, one hundred dollars for a gross weight of seven tons, one hundred twenty dollars for a gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons and not exceeding eighteen tons. As used in this paragraph, *"owner"* includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

c. The annual registration fee for a special truck with a gross weight registration exceeding eighteen tons but not exceeding nineteen tons shall be three hundred twenty-five dollars and for a gross weight registration exceeding nineteen tons but not exceeding twenty tons the annual registration fee shall be three hundred seventy-five dollars.

d. The additional annual registration fee for a special truck for a gross weight registration in excess of twenty tons is twenty-five dollars for each ton over twenty tons and not exceeding thirty-eight tons, and an additional ten dollars for a gross weight registration in excess of thirty-eight tons and not exceeding thirty-nine tons.

2. Upon approval of the application and payment of the proper fees, the county treasurer shall issue regular registration plates for the special truck. The department may adopt rules requiring the use of a sticker or other means to identify motor vehicles registered under this section.

3. A person convicted of or found by audit to be using a motor vehicle registered as a special truck for any purpose other than permitted by section 321.1, subsection 75, shall, in

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addition to any other penalty imposed by law, be required to pay regular annual motor vehicle registration fees for such motor vehicle.

[C71, 73, 75, 77, 79, 81, §321.121; 81 Acts 2d Ex, ch 2, §6]

82 Acts, ch 1062, §18, 38; 86 Acts, ch 1210, §3; 2008 Acts, ch 1113, §6, 11, 93; 2011 Acts, ch 38, §5; 2011 Acts, ch 68, §3, 5; 2019 Acts, ch 138, §2

Referred to in §321.1, 321.26, 321.106, 321.134, 331.557

321.122 Trucks, truck tractors, and road tractors — fees.

1. The annual registration fee for truck tractors, road tractors, and motor trucks, except 2010 and subsequent model year motor trucks required to be registered under section 321.109 and motor trucks registered as special trucks, shall be based on the combined gross weight of the vehicle or combination of vehicles. All such trucks, truck tractors, or road tractors registered under this section shall be registered for a gross weight equal to or in excess of the unladen weight of the vehicle or combination of vehicles. The annual registration fee for such vehicles or combination of vehicles, except special trucks, shall be the applicable fee under paragraph *"a"* or *"b"*.

a. (1) For a combined gross weight of three tons or less, the annual registration fee is one hundred fifty dollars; for such a vehicle more than seven model years old, one hundred twenty dollars; for such a vehicle more than nine model years old, one hundred dollars; and for such a vehicle twelve model years old or older, fifty dollars.

(2) For a combined gross weight exceeding three tons, the annual registration fee shall be as set forth in the following schedule:

For a combined gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
3 Tons	4 Tons	$ 165
4 Tons	5 Tons	$ 180
5 Tons	6 Tons	$ 195
6 Tons	7 Tons	$ 215
7 Tons	8 Tons	$ 220
8 Tons	9 Tons	$ 225
9 Tons	10 Tons	$ 235
10 Tons	11 Tons	$ 270
11 Tons	12 Tons	$ 305
12 Tons	13 Tons	$ 340
13 Tons	14 Tons	$ 375
14 Tons	15 Tons	$ 445
15 Tons	16 Tons	$ 485
16 Tons	17 Tons	$ 525
17 Tons	18 Tons	$ 565
18 Tons	19 Tons	$ 610
19 Tons	20 Tons	$ 675
20 Tons	21 Tons	$ 715
21 Tons	22 Tons	$ 755
22 Tons	23 Tons	$ 795
23 Tons	24 Tons	$ 835
24 Tons	25 Tons	$ 965
25 Tons	26 Tons	$1,010
26 Tons	27 Tons	$1,060
27 Tons	28 Tons	$1,105
28 Tons	29 Tons	$1,150
29 Tons	30 Tons	$1,200
30 Tons	31 Tons	$1,245
31 Tons	32 Tons	$1,295
32 Tons	33 Tons	$1,340
33 Tons	34 Tons	$1,415

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34 Tons	35 Tons	$1,465
35 Tons	36 Tons	$1,510
36 Tons	37 Tons	$1,555
37 Tons	38 Tons	$1,605
38 Tons	39 Tons	$1,650
39 Tons	40 Tons	$1,695

b. If the registration is a renewal for a motor vehicle with a combined gross weight of nine tons or less registered to the same owner prior to January 1, 2009, the following applies:

(1) For a combined gross weight of three tons or less, the annual registration fee is sixty-five dollars; for such a vehicle which is more than ten model years old, fifty-five dollars; for such a vehicle which is more than thirteen model years old, forty-five dollars; and for such a vehicle which is more than fifteen model years old, thirty-five dollars.

(2) For a combined gross weight exceeding three tons but not exceeding nine tons, the annual registration fee shall be as set forth in the following schedule:

For a combined gross weight exceeding:	And not exceeding:	The annual registration fee shall be:
3 Tons	4 Tons	$ 80
4 Tons	5 Tons	$ 90
5 Tons	6 Tons	$105
6 Tons	7 Tons	$130
7 Tons	8 Tons	$165
8 Tons	9 Tons	$200

(3) As used in this paragraph *"b"*, *"owner"* includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47.

c. For a combined gross weight exceeding forty tons, the annual registration fee shall be one thousand six hundred ninety-five dollars plus eighty dollars for each ton over forty tons.

2. For truck tractors or road tractors equipped with two or more solid rubber tires, the annual registration fee shall be the fee for truck tractors or road tractors with pneumatic tires and of the same combined gross weight, plus twenty-five percent thereof.

3. This section shall not apply to a rubber-tired farm tractor not operated for hire upon the public highways.

4. A person who violates this section commits a simple misdemeanor.

[C31, 35, §4919-d1; C39, §**5008.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.122]

82 Acts, ch 1062, §19, 38; 86 Acts, ch 1182, §3; 86 Acts, ch 1210, §4; 88 Acts, ch 1019, §11, 12; 90 Acts, ch 1233, §17; 95 Acts, ch 118, §17; 2008 Acts, ch 1113, §7, 11, 23, 25; 2010 Acts, ch 1140, §4; 2011 Acts, ch 38, §6

Referred to in §321.1, 321.26, 321.106, 321.109, 321.115, 321.115A, 321.120, 321.134, 321E.12, 331.557

321.123 Trailers.

1. *a.* All trailers except farm trailers, mobile homes, and manufactured homes, unless otherwise provided in this section, are subject to an annual registration fee as follows:

(1) For trailers with an empty weight of two thousand pounds or less, the annual registration fee is twenty dollars.

(2) For trailers with an empty weight in excess of two thousand pounds, the annual registration fee is thirty dollars.

b. Trailers for which the empty weight is two thousand pounds or less are exempt from the certificate of title and lien provisions of this chapter.

c. For trailers and semitrailers licensed under chapter 326, the annual registration fee for the permanent registration plate shall be the applicable fee under paragraph *"a"*. The registration fees for a permanent registration plate, at the option of the registrant, shall be remitted to the department at five-year intervals or on an annual basis. Fees collected under this section shall not be reduced or prorated under chapter 326.

2. *a.* Travel trailers and fifth-wheel travel trailers, except those in manufacturer's or dealer's stock, shall be subject to an annual registration fee of thirty cents per square foot

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of floor space computed on the exterior overall measurements, but excluding three feet occupied by any trailer hitch as provided by and certified to by the owner, to the nearest whole dollar. When a travel trailer or fifth-wheel travel trailer is registered in Iowa for the first time or when title is transferred, the annual registration fee shall be prorated on a monthly basis. The annual registration fee shall be reduced to seventy-five percent of the full fee after the vehicle is more than six model years old.

b. A travel trailer may be stored under section 321.134, provided the travel trailer is not used for human habitation for any period during storage and is not moved upon the highways of the state. A travel trailer stored under section 321.134 is not subject to a manufactured or mobile home tax assessed under chapter 435.

3. Motor trucks or truck tractors pulling trailers or semitrailers shall be registered for the combined gross weight of the motor truck or truck tractor and trailer or semitrailer, except that:

a. Motor trucks registered for six tons or less not used for hire, pulling trailers or semitrailers used by a person engaged in farming to transport commodities produced by the owner, or to transport commodities or livestock purchased by the owner for use in the owner's own farming operation or used by any person to transport horses shall not be subject to registration for the gross weight of such trailer or semitrailer provided the combined gross weight does not exceed twelve tons, plus the tolerance provided for in section 321.466.

b. Motor trucks registered for six tons or less not used for hire, pulling trailers or semitrailers used by a person in the person's own operations shall not be subject to registration for the gross weight of such trailer or semitrailer provided the combined gross weight does not exceed eight tons, plus the tolerance provided for in section 321.466.

[C24, 27, 31, 35, §4920; C39, §**5008.19;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.123; 82 Acts, ch 1251, §16 – 18]

82 Acts, ch 1062, §20, 38; 84 Acts, ch 1305, §63; 89 Acts, ch 296, §29; 95 Acts, ch 118, §18; 96 Acts, ch 1152, §5, 6; 99 Acts, ch 188, §14; 2000 Acts, ch 1016, §14; 2001 Acts, ch 153, §15, 17; 2001 Acts, ch 176, §80; 2006 Acts, ch 1070, §9, 31; 2008 Acts, ch 1113, §24, 25, 94, 95

Referred to in §312.2, 321.310, 331.557

321.124 Motor homes, multipurpose vehicles, and motorsports recreational vehicles — fees.

1. Motor homes are classified as follows:

a. Class A motor home means a truck chassis or special chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters. A class A motor home shall also mean a passenger carrying bus which has been registered at least five times as a motor truck and which has been converted, modified, or altered to provide temporary living quarters.

b. Class B motor home means a completed van-type vehicle which has been converted, modified, constructed, or altered to provide temporary living quarters.

c. Class C motor home means an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters.

2. Class A motor homes and class C motor homes are exempt from the provisions of section 322.5, subsection 2, except that a motor vehicle dealer showing class A motor homes and class C motor homes shall apply for a temporary permit upon forms and for such time as provided in section 322.5, subsection 2, and the department may issue the temporary permit upon payment of the fee provided therein.

3. The annual registration fee for motor homes and 1992 and older model years for multipurpose vehicles is as follows:

a. For class A motor homes with a list price of eighty thousand dollars or more as certified to the department by the manufacturer, four hundred dollars for registration each year through five model years and three hundred dollars for each succeeding registration.

b. For class A motor homes with a list price of forty thousand dollars or more but less than eighty thousand dollars as certified to the department by the manufacturer, two hundred dollars for registration each year through five model years and one hundred fifty dollars for each succeeding registration.

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c. For class A motor homes with a list price of twenty thousand dollars or more but less than forty thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for the first five registrations and one hundred five dollars for each succeeding registration.

d. For class A motor homes with a list price of less than twenty thousand dollars as certified to the department by the manufacturer, one hundred twenty dollars for registration each year through five model years and eighty-five dollars for each succeeding registration.

e. For a class A motor home which is a passenger-carrying bus which has been registered at least five times as a motor truck and which has been converted, modified, or altered to provide temporary living quarters, ninety dollars for registration each year through ten model years and sixty-five dollars for each succeeding registration. In computing the number of registrations, the registrations shall be cumulative beginning with the registration of the class A motor home as a motor truck prior to its conversion, modification, or alteration to provide temporary living quarters.

f. For class B motor homes, ninety dollars for registration each year through five model years and sixty-five dollars for each succeeding registration.

g. For class C motor homes, one hundred ten dollars for registration each year through five model years and eighty dollars for each succeeding registration.

h. (1) For multipurpose vehicles in accordance with the following:

(a) Two hundred dollars for registration for the first and second model years.

(b) One hundred seventy-five dollars for registration for the third and fourth model years.

(c) One hundred fifty dollars for registration for the fifth model year.

(d) Seventy-five dollars for registration for the sixth model year.

(e) Fifty-five dollars for registration for each succeeding model year.

(f) The annual registration fee for a multipurpose vehicle with permanently installed equipment manufactured for and necessary to assist a person with a disability who is either the owner or a member of the owner's household in entry and exit of the vehicle or for a multipurpose vehicle if the vehicle's owner or a member of the vehicle owner's household uses a wheelchair as the only means of mobility shall be sixty dollars. For purposes of this subparagraph, *"uses a wheelchair"* does not include use of a wheelchair due to a temporary injury or medical condition.

(2) The registration fees required by this lettered paragraph are applicable to all 1992 and older model years for multipurpose vehicles beginning January 1, 1993. The registration fees for multipurpose vehicles that are 1993 and subsequent model years shall be in accordance with section 321.109.

(3) For purposes of determining that portion of the annual registration fee which is based upon the value of the multipurpose vehicle, sixty percent of the annual fee is attributable to the value of the vehicle.

4. *a.* The annual registration fee for a motorsports recreational vehicle is four hundred dollars. For purposes of determining that portion of the annual registration fee which is based upon the value of the motorsports recreational vehicle, sixty percent of the annual fee is attributable to the value of the vehicle. The owner of a motor vehicle registered under this subsection shall certify at the time of registration or renewal of registration that the motor vehicle is used for the purpose of participating in motorsports competition.

b. If the department determines by audit or other means that a person registered a vehicle as a motorsports recreational vehicle that is not qualified for such registration, the person shall be required to pay the difference between the regular annual registration fees owed for the vehicle for each year the vehicle was registered in violation of this section and the fees actually paid.

c. If the department determines by audit or other means that the person knowingly registered a vehicle as a motorsports recreational vehicle that is not qualified for such registration, the person shall be required to pay a penalty for improper registration in the

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amount of seven hundred fifty dollars for each registration year in which the vehicle was registered in violation of this section, not to exceed two thousand two hundred fifty dollars.

[C81, §321.124]

82 Acts, ch 1062, §21, 38; 83 Acts, ch 75, §1, 2; 92 Acts, ch 1019, §2, 8; 92 Acts, ch 1222, §2; 92 Acts, ch 1232, §402, 412; 93 Acts, ch 165, §2; 96 Acts, ch 1129, §113; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1127, §7

Referred to in §321.1, 321.109, 321.115, 321.115A, 321.152, 322.2, 331.557

321.125 Effect of exemption.

The exemption of a motor vehicle from an annual registration fee or a fee for new registration shall not exempt the operator of such vehicle from the performance of any other duty imposed on the operator by this chapter.

[C24, 27, 31, 35, §4923; C39, §**5008.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.125]

2008 Acts, ch 1113, §96

Referred to in §331.557

321.126 Refunds of annual registration fees.

1. Refunds of unexpired annual vehicle registration fees shall be allowed in accordance with this section, except that no refund shall be allowed and paid if the unused portion of the fee is less than ten dollars. Paragraphs *"a"* and *"b"* do not apply to vehicles registered by the county treasurer. The refunds shall be made as follows:

a. If the vehicle is destroyed by fire or accident, or junked and its identity as a vehicle entirely eliminated, the owner in whose name the vehicle was registered at the time of destruction or dismantling shall return the plates to the department and within thirty days thereafter make a statement of such destruction or dismantling and make claim for refund. With reference to the destruction or dismantling of a vehicle, no refund shall be allowed unless a junking certificate has been issued, as provided in section 321.52.

b. If the vehicle is stolen, the owner shall give notice of the theft to the department within five days. If the vehicle is not recovered by the owner thirty days prior to the end of the current registration year, the owner shall make a statement of the theft and make claim for refund.

c. If the vehicle is placed in storage by the owner upon the owner's entry into the military service of the United States, the owner shall return the plates to the county treasurer or the department and make a statement regarding the storage and military service and make claim for refund. Whenever the owner of a vehicle so placed in storage desires to again register the vehicle, the county treasurer or department shall compute and collect the fees for registration for the registration year commencing in the month the vehicle is removed from storage.

d. If the vehicle is registered by the county treasurer during the current registration year and the owner or lessee registers the vehicle for apportioned registration under chapter 326, the owner of the registered vehicle shall surrender the registration plates to the county treasurer and may file a claim for refund. In lieu of a refund, a credit for the annual registration fees paid to the county treasurer may be applied by the department to the owner or lessee's apportioned registration fees upon the surrender of the county plates and registration.

e. A refund for trailers and semitrailers issued a permanent registration plate pursuant to chapter 326 shall be paid by the department upon application.

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

(1) If a vehicle registration fee credit has not been received by the owner of the vehicle under section 321.46, subsection 3, the refund shall be computed on the basis of the number of unexpired months remaining in the registration year at the time the vehicle was sold or

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junked. The refund shall be rounded to the nearest whole dollar. Section 321.127, subsection 1, does not apply.

(2) The refund shall only be allowed if the owner makes claim for the refund within six months after the date of the vehicle's sale, trade, or junking.

(3) This paragraph *"f"* does not apply to vehicles registered under chapter 326.

g. If the vehicle was leased and an affidavit was filed by the lessor or the lessee as provided in section 321.46, the lessor or the lessee, as applicable, may make a claim for a refund with the county treasurer of the county where the vehicle was registered within six months of the vehicle's surrender to the lessor. The refund shall be paid to either the lessor or the lessee, as specified on the application for title and initial registration pursuant to section 321.20.

h. If the owner of the vehicle moves out of state, the owner may make a claim for a refund by returning the Iowa registration plates, along with evidence of the vehicle's registration in another jurisdiction, to the county treasurer of the county in which the vehicle was registered within six months of the out-of-state registration. For purposes of section 321.127, the unexpired months remaining in the registration year shall be calculated on the basis of the effective date of the out-of-state registration. However, for the purpose of timely issuance of the refund, the claim for a refund under this paragraph is considered to be filed on the date the registration documents are received by the county treasurer.

2. Notwithstanding any provision of this section to the contrary, there shall be no refund of apportioned registration fees unless the state which issued the base plate for the vehicle allows such refund. If an owner subject to apportioned registration leases the vehicle for which the refund is sought, the claim shall be filed in the names of both the lessee and the lessor and the refund payment made payable to both the lessor and the lessee. The term *"owner"* for purposes of this section shall include a person in whom is vested right of possession or control of a vehicle which is subject to a lease, contract, or other legal arrangement vesting right of possession or control in addition to the term as defined in section 321.1, subsection 49.

[C24, 27, 31, 35, §4924; C39, §**5008.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.126]

82 Acts, ch 1062, §22, 23, 38; 85 Acts, ch 87, §4, 5; 87 Acts, ch 108, §7; 90 Acts, ch 1154, §6 – 11; 92 Acts, ch 1073, §3; 95 Acts, ch 118, §19, 40; 2004 Acts, ch 1013, §21, 35; 2005 Acts, ch 133, §1; 2006 Acts, ch 1068, §18; 2006 Acts, ch 1070, §10, 11, 31; 2008 Acts, ch 1113, §97; 2010 Acts, ch 1069, §91; 2012 Acts, ch 1093, §10, 11; 2024 Acts, ch 1145, §24, 26

Referred to in §321.46, 321.128, 326.15, 331.557

321.127 Payment of refund.

1. The refund of the annual registration fee for vehicles shall be computed on the basis of the number of unexpired months remaining in the registration year from date of filing of the claim for refund with the county treasurer, computed to the nearest dollar.

2. The department, unless reasonable grounds exist for delay, shall make refund on or before the last day of the month following the month in which the claim is filed with the department.

3. For trailers or semitrailers issued a permanent registration plate, a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete registration years.

4. Refunds for vehicles registered for apportioned registration under chapter 326 shall be paid on the basis of unexpired complete calendar months remaining in the registration year from the date the claim for refund and the license plate are received by the department.

[C24, 27, 31, 35, §4924; C39, §**5008.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.127; 81 Acts, ch 104, §1]

82 Acts, ch 1062, §24, 38; 85 Acts, ch 87, §6; 87 Acts, ch 108, §8; 2002 Acts, ch 1063, §22; 2006 Acts, ch 1070, §12, 31; 2008 Acts, ch 1113, §98; 2012 Acts, ch 1093, §12

Referred to in §321.126, 321.128, 331.557

321.128 Payment authorized.

The department may make the payments under sections 321.126 and 321.127, when sufficient proof of such destruction by accident, or the junking and entire elimination of

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identity as a motor vehicle, theft, or storage by an owner entering the military service of the United States in time of war, is properly certified, approved by the county treasurer, and filed with the department.

[C24, 27, 31, 35, §4925; C39, §**5008.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.128]

83 Acts, ch 24, §10, 12

Referred to in §331.557

321.129 When fees returnable.

1. Whenever any application to the department is accompanied by a vehicle registration fee as required by law and the application is refused or rejected, the fee shall be returned to the applicant.

2. Whenever the department through error collects any vehicle registration fee not required to be paid under this chapter, the fee shall be refunded from the refund account to the person paying the fee upon application made within one year after the date of such payment.

3. This section does not apply to the fee for new registration administered by the department of revenue pursuant to section 321.105A.

[C39, §**5012.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.173]

2008 Acts, ch 1018, §21, 30; 2008 Acts, ch 1113, §121

C2009, §321.129

Referred to in §331.557

321.130 Fees in lieu of taxes.

The registration fees imposed by this chapter upon private passenger motor vehicles or semitrailers are in lieu of all state and local taxes, except local vehicle taxes, to which motor vehicles or semitrailers are subject.

[S13, §1571-m8; C24, 27, 31, 35, §4927; C39, §**5008.26;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.130]

85 Acts, ch 32, §79; 89 Acts, ch 296, §30

Referred to in §331.557

321.131 Lien of fee.

All registration or other fees provided for in this chapter shall constitute a lien against the vehicle for which the fees are payable unless otherwise provided in this section until such time as they are paid as provided by law, with any accrued penalties. The county treasurer may perfect a security interest in a vehicle for the amount of such fees as provided in section 321.50. If the lien is not perfected as provided in this section, the lien shall not be valid against a bona fide purchaser of the vehicle without actual notice to the purchaser.

[S13, §1571-m21; SS15, §1571-m7; C24, 27, 31, 35, §4928; C39, §**5008.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.131]

2004 Acts, ch 1013, §22, 35

Referred to in §331.557

321.132 When lien attaches.

The lien of the original annual registration fee attaches, at the time the fee is first payable, as provided by law, and the lien of all renewals of registration attach on the first day of each succeeding registration year.

[C24, 27, 31, 35, §4929; C39, §**5008.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.132]

82 Acts, ch 1062, §25, 38; 2008 Acts, ch 1113, §99

Referred to in §331.557

PENALTIES, COSTS, AND COLLECTIONS

321.133 Methods of collection.

The collection of all fees and penalties may be enforced against any vehicle or they may be collected by suit against the owner who shall remain personally liable therefor until such time as the transfer thereof shall be reported to the county treasurer and the department or

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until such time as said vehicle ceases to be in use and all fees and penalties to such date shall be paid.

[S13, §1571-m21; C24, 27, 31, 35, §4930; C39, §**5009.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.133]

Referred to in §331.557, 331.653

321.134 Monthly penalty.

1. On the first day of the second month following the beginning of each registration year a penalty of five percent of the annual registration fee shall be added to the annual registration fees not paid by that date and an additional penalty of five percent shall be added the first day of each succeeding month, until the fee is paid. A penalty shall not be less than five dollars. If the owner of a vehicle surrenders the registration plates for a vehicle prior to the plates becoming delinquent, to the county treasurer of the county where the vehicle is registered, or to the department if the vehicle is registered under chapter 326, the owner may register the vehicle any time thereafter upon payment of the annual registration fee for the registration year without penalty. To avoid a penalty or an additional penalty in the case of a delinquent registration through a county treasurer, if the last calendar day of a month falls on Saturday, Sunday, or a holiday, the payment deadline is extended to include the first business day of the following month. For payments made through a county treasurer's authorized internet site only, if the last day of the month falls on a Saturday, Sunday, or a holiday, the electronic payment must be entered by midnight on the first business day of the next month. All other electronic payments must be entered by midnight on the last day of the month preceding the delinquent date.

2. The annual registration fee for trucks, truck tractors, and road tractors registered by the county treasurer, as provided in sections 321.120, 321.121, and 321.122, may be payable in two equal semiannual installments if the annual registration fee exceeds the annual registration fee for a vehicle with a gross weight exceeding five tons. The penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid.

3. If a penalty applies to an annual vehicle registration fee provided for in sections 321.120, 321.121, and 321.122, the same penalty shall be assessed on the fees collected to increase the registered gross weight of the vehicle, if the increased gross weight is requested within forty-five days from the date the delinquent vehicle is registered for the current registration period.

4. Notwithstanding subsections 1 through 3, if a vehicle registration is delinquent for twenty-four months or more, a flat penalty and fee shall be assessed for the delinquent period in addition to the current annual registration fee. The flat penalty and fee shall be one hundred fifty percent of the current annual registration fee.

5. The department shall waive the penalties imposed by this section for an owner who is in the military service of the United States and who has been relocated as a result of being placed on active duty on or after September 11, 2001. The department shall adopt rules to implement this subsection, including, if necessary, procedures for refunding penalties collected prior to March 29, 2004.

[SS15, §1571-m7; C24, 27, 31, 35, §4931; C39, §**5009.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.134]

82 Acts, ch 1062, §26, 38; 83 Acts, ch 24, §6, 12; 89 Acts, ch 185, §4; 90 Acts, ch 1230, §18; 2002 Acts, ch 1043, §2; 2004 Acts, ch 1013, §23, 35; 2004 Acts, ch 1092, §4; 2007 Acts, ch 143, §13; 2008 Acts, ch 1113, §100; 2012 Acts, ch 1093, §13, 40; 2013 Acts, ch 90, §257; 2013 Acts, ch 103, §10; 2017 Acts, ch 92, §1

Referred to in §321.39, 321.123, 331.557, 331.653

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321.135 When fees delinquent.

Except as otherwise provided, annual registration fees become delinquent and penalties accrue the first of the month following the purchase of a new vehicle, and thirty days following the date a vehicle is brought into the state.

[C24, 27, 31, 35, §4932; C39, §**5009.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.135]

84 Acts, ch 1219, §22; 85 Acts, ch 209, §4; 2008 Acts, ch 1113, §101

Referred to in §331.557, 331.653

321.136 through 321.144 Reserved.

FUNDS

321.145 Disposition of moneys and fees.

1. Except for fines, forfeitures, court costs, and the collection fees retained by the county treasurer pursuant to section 321.152, and except as provided in subsection 2, moneys and motor vehicle registration fees collected under this chapter shall be credited by the treasurer of state to the road use tax fund.

2. Revenues derived from trailer registration fees collected pursuant to sections 321.105 and 321.105A, fees charged for driver's licenses and nonoperator's identification cards, fees charged for commercial driver's license driving skills tests pursuant to section 321.187A, fees charged for the issuance of a certificate of title, the certificate of title surcharge collected pursuant to section 321.52A, and revenues credited pursuant to section 423.43, subsection 2, and section 423C.5 shall be deposited in a fund to be known as the statutory allocations fund under the control of the department and credited as follows:

a. Moneys shall be credited in order of priority as follows:

(1) An amount equal to four percent of the revenue from the operation of section 321.105A, subsection 2, shall be credited to the department, to be used for purposes of public transit assistance under chapter 324A.

(2) An amount equal to two dollars per year of license validity for each issued or renewed driver's license which is valid for the operation of a motorcycle shall be credited to the motorcycle rider education fund established under section 321.179.

(3) The amounts required to be transferred pursuant to section 321.34 from revenues available under this subsection shall be transferred and credited as provided in section 321.34 for the various purposes specified in that section.

(4) An amount necessary for the payment of costs associated with producing and distributing driver's licenses and nonoperator's identification cards, not to exceed revenues derived from fees charged for driver's licenses and nonoperator's identification cards, is appropriated to the department for that purpose.

b. Any such revenues remaining shall be credited to the road use tax fund.

[SS15, §1571-m32; C24, 27, 31, 35, §4999; C39, §**5010.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.145]

90 Acts, ch 1230, §19; 2008 Acts, ch 1113, §30, 36; 2009 Acts, ch 97, §9; 2009 Acts, ch 130, §1; 2010 Acts, ch 1069, §144; 2011 Acts, ch 113, §47, 55, 56; 2011 Acts, ch 114, §3; 2016 Acts, ch 1105, §1, 2, 15, 16, 18; 2018 Acts, ch 1026, §110; 2021 Acts, ch 135, §1, 8; 2025 Acts, ch 153, §3

Referred to in §312.1, 321.34, 321.52A, 321.211, 331.557, 423.43, 423C.5

Road use tax fund, §312.1

321.146 and 321.147 Reserved.

321.148 Monthly estimate.

The department shall, on the first day of each month, furnish an estimate in writing to the treasurer of state of the amount of expenditures to be made by the department during that month.

[C31, 35, §5003-c1; C39, §**5010.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.148]

Referred to in §331.557

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321.149 Supplies.

The department shall prepare and furnish to the treasurer of each county all supplies required for the administration of this chapter in such form as the department may prescribe. Contracts for the supplies shall be awarded by the director of the department of administrative services to persons, firms, partnerships, or corporations engaged in the business of printing in Iowa unless, or through them, the persons, firms, partnerships, or corporations cannot provide the required printing set forth in this section. In lieu of purchasing under competitive bids, the director of the department of administrative services shall have authority to arrange with the director of the department of corrections to furnish the supplies as can be made in the state institutions.

[S13, §1571-m2; C24, 27, 31, 35, §5006; C39, §**5010.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.149]

82 Acts, ch 1062, §27, 38; 83 Acts, ch 96, §157, 159; 98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §249; 2004 Acts, ch 1013, §24, 35

Referred to in §331.557

321.150 Time limit.

Blanks or forms for listing used motor vehicles shall be placed in the hands of county treasurers not later than December 15 of any year.

[C24, 27, 31, 35, §5007; C39, §**5010.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.150]

Referred to in §331.557

321.151 Duty and liability of treasurer.

The county treasurer shall collect the registration fee, the fee for new registration, and penalties on each vehicle registered by the county treasurer and shall be responsible on the county treasurer's bond for such amount. The county treasurer shall remit such amount to the treasurer of state as provided in this chapter. Fees collected pursuant to participation in county issuance of driver's licenses under chapter 321M shall be governed by the provisions of that chapter.

[C24, 27, 31, 35, §5011; C39, §**5010.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.151]

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §18, 26; 2008 Acts, ch 1113, §102

Referred to in §331.557

321.152 Collection fees retained by county.

1. A county treasurer may retain for deposit in the county general fund the following:

a. Four percent of the total collection, excluding the amount of any fee for new registration, for each annual or semiannual vehicle registration and each duplicate registration card or plate issued.

b. Twelve dollars and fifty cents from each fee collected for certificates of title.

c. Forty percent of all fees collected for certified copies of certificates of title.

d. Sixteen dollars of each fee collected for perfection of security interests.

e. Twenty-five percent of each penalty collected for improper business-trade truck registration under section 321.120, subsection 5.

f. Eleven dollars from each fee for new registration collected pursuant to section 321.105A.

g. Twenty-five percent of each penalty collected for improper motorsports recreational vehicle registration under section 321.124, subsection 4.

2. The moneys retained under subsection 1 shall be deducted, and reported to the department when the county treasurer transfers the money collected under this chapter. However, a deduction is not lawful unless the county treasurer has complied with sections 321.24 and 321.153.

3. The five dollar processing fee charged by a county treasurer for collection of tax debt owed to the department of revenue pursuant to section 321.40, subsection 6, shall be retained for deposit in the county general fund.

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4. This section does not apply to fees collected or retained by a county treasurer pursuant to participation in county issuance of driver's licenses under chapter 321M.

[C24, 27, 31, 35, §5012; C39, §**5010.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.152]

83 Acts, ch 123, §126, 209; 84 Acts, ch 1305, §64; 91 Acts, ch 267, §608; 92 Acts, ch 1238, §32; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §19, 26; 2004 Acts, ch 1013, §25, 35; 2008 Acts, ch 1113, §8, 11, 103, 104; 2010 Acts, ch 1146, §4, 26; 2014 Acts, ch 1127, §8; 2024 Acts, ch 1145, §25, 26

Referred to in §321.145, 321.153, 331.427, 331.557

321.153 Treasurer's report to department.

1. The county treasurer on the tenth day of each month shall certify to the department a full and complete statement of all fees and penalties received by the county treasurer during the preceding calendar month and shall remit all moneys not retained for deposit under section 321.152 to the treasurer of state.

2. The records system shall be used in the collection, receipting, accounting, and reporting of any fee collected through the registration renewal or title process, with sufficient time and financial resources provided for implementation.

3. This section does not apply to fees collected or retained by a county treasurer pursuant to participation in county issuance of driver's licenses under chapter 321M.

4. This section does not apply to processing fees charged by a county treasurer for the collection of tax debt owed to the department of revenue pursuant to section 321.40.

[C24, 27, 31, 35, §5013; C39, §**5010.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.153]

89 Acts, ch 185, §5; 92 Acts, ch 1073, §4; 92 Acts, ch 1238, §33; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §20, 26; 2004 Acts, ch 1013, §26, 35; 2010 Acts, ch 1146, §5, 26; 2026 Acts, ch 1118, §25, 29

Referred to in §321.152, 321.154, 331.555, 331.557, 331.558

2026 amendment to subsection 2 applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Subsection 2 amended

321.154 Reports by department.

The department, immediately upon receiving the county treasurer's report under section 321.153, shall also report to the treasurer of state the amount so collected by such county treasurer.

[C24, 27, 31, 35, §5014; C39, §**5010.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.154]

2015 Acts, ch 30, §101

Referred to in §331.557

321.155 Duty of treasurer of state.

The treasurer of state shall keep proper books of account for the purposes specified herein and shall report to the department each remittance from the county treasurer, when said remittance is received.

[C24, 27, 31, 35, §5015; C39, §**5010.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.155]

Referred to in §331.557

321.156 Audit by department.

The department shall check and audit all fees and penalties collected, and shall effect a settlement with the county treasurer annually.

[C24, 27, 31, 35, §5016; C39, §**5010.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.156]

Referred to in §331.557

VALUE AND WEIGHT OF VEHICLES

321.157 Schedule of prices and weights.

1. A manufacturer or importer of a motor vehicle sold or offered for sale in this state, either by the manufacturer, importer, distributor, dealer, or any other person, shall file in the office of the department a sworn statement showing the various models manufactured by the

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manufacturer, importer, distributor, dealer, or other person, and the retail list price and weight of each model concurrently with a public announcement of such prices or concurrently with notification of such prices to dealers licensed to sell such motor vehicles under chapter 322, whichever comes first. The manufacturer, importer, distributor, dealer, or other person shall also make the same report on subsequent new models manufactured.

2. In lieu of filing the sworn statement required under subsection 1, a manufacturer or importer of a motor vehicle sold or offered for sale in this state may electronically provide the information required in subsection 1 to the department, or, if the manufacturer or importer provides the required information to a third-party vendor, the manufacturer or importer shall make the required information available to the department through the third-party vendor.

[C24, 27, 31, 35, §4968; C39, §**5011.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.157]
2000 Acts, ch 1016, §45, 47
Referred to in §321.158, 321.160, 321.161

321.158 Registration dependent on schedule.

Except as provided in section 321.159, a motor vehicle shall not be registered in this state unless the manufacturer of the vehicle has furnished, in compliance with section 321.157, the list price and weight of the model of the motor vehicle that is offered for registration.

[C24, 27, 31, 35, §4970; C39, §**5011.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.158]
2022 Acts, ch 1021, §69

321.159 Exceptional cases — annual registration fee.

1. The department shall have the power to fix the annual registration fee on all makes and models of motor vehicles which are not now being furnished or upon which the statement from the factory cannot be obtained.

2. For a current year model of a motor vehicle for which the manufacturer or importer of the motor vehicle has not provided the weight and list price, the department shall set the annual registration fee at ten dollars greater than the annual registration fee for the previous year model. Once the manufacturer or importer provides the required information, the information shall be used to set the annual registration fee or the registration renewal fee for the succeeding registration or registration renewal time for the motor vehicle.

[C24, 27, 31, 35, §4971; C39, §**5011.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.159]
92 Acts, ch 1222, §3; 2000 Acts, ch 1016, §46, 47; 2008 Acts, ch 1113, §105
Referred to in §321.158

321.160 Department to maintain statement.

1. The department shall maintain a statement showing all the different makes and models of motor vehicles previously registered in the department, and all the different makes and models of motor vehicles, statements of which have been filed in the office by the manufacturers as provided in section 321.157, together with the retail list price and weight of the vehicles.

2. Copies of the statement shall be furnished to each county treasurer and additional copies may be sold by the department to other persons, at a price to be set by the department, covering the approximate cost of the copies and service involved. Copies of the statement required by this section may be provided electronically. All funds received shall be forwarded by the department to the treasurer of state.

[C24, 27, 31, 35, §4972; C39, §**5011.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.160]
2004 Acts, ch 1013, §27, 35

321.161 Department to fix values and weight.

The department shall annually, and at such other times as new makes or models of motor vehicles are offered for sale or sold in this state, fix the value and weight of each of the different makes and models of motor vehicles which are sold or offered for sale within the state. The value and weight as fixed by the department shall, on 1975 and subsequent year model motor vehicles, be based on the original certification as provided in section 321.157.

[C24, 27, 31, 35, §4973; C39, §**5011.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.161]

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321.162 Method of fixing value and weight.

The value shall be fixed at the next even one hundred dollars above the retail list price F.O.B. the factory, and the weight shall be fixed at the next even one hundred pounds above the manufacturer's shipping weight or the actual weight of the vehicle fully equipped.

[C24, 27, 31, 35, §4974; C39, §**5011.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.162]

321.163 and 321.164 Reserved.

PLATES AND SUPPLIES

321.165 Manufacture by state.

The director shall have authority to arrange with the director of the department of corrections to furnish such supplies as may be made at the state institutions.

[C24, 27, 31, 35, §4977; C39, §**5012.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.165]
83 Acts, ch 96, §157, 159

321.166 Vehicle plate specifications.

Vehicle registration plates shall conform to the following specifications:

1. *a.* Registration plates shall be of metal and of a size not to exceed six inches by twelve inches, except that the size of plates issued for use on autocycles, motorized bicycles, motorcycles, motorcycle trailers, and trailers with an empty weight of two thousand pounds or less shall be established by the department.

b. Trailers with empty weights of two thousand pounds or less may, upon request, be licensed with regular-sized license plates.

2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county, including any plate issued pursuant to section 321.34, except Pearl Harbor and purple heart registration plates issued prior to January 1, 1997; and collegiate, fire fighter, and medal of honor registration plates. Special truck registration plates shall display the word "special". The department may adopt rules to implement this subsection.

3. The registration plate number shall be displayed in characters which shall not exceed a height of four inches nor a stroke width exceeding five-eighths of an inch. Special plates issued to dealers shall display the alphabetical character "D", which shall be of the same size as the characters in the registration plate. The registration plate number issued for autocycles, motorized bicycles, motorcycles, trailers with an empty weight of two thousand pounds or less, and motorcycle trailers shall be a size prescribed by the department.

4. The registration plate number, except on autocycles, motorized bicycles, motorcycles, motorcycle trailers, and trailers with an empty weight of two thousand pounds or less, shall be of sufficient size to be readable from a distance of one hundred feet during daylight.

5. There shall be a marked contrast between the color of the registration plates and the data which is required to be displayed on the registration plates. When a new series of registration plates is issued to replace a current series, the new registration plates shall be of a distinctively different color from the series which is replaced, except for collegiate registration plates issued under section 321.34, subsection 7 or 7A.

6. Registration plates issued to a disabled veteran under the provisions of section 321.105 shall display the alphabetical characters "DV" which shall precede the registration plate number. The plates may also display a persons with disabilities parking sticker if issued to the disabled veteran by the department under section 321L.2.

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

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8. The owner of a trailer with an empty weight of two thousand pounds or less shall receive registration plates for the trailer smaller than plates regularly issued for automobiles pursuant to rules adopted by the department in accordance with this section unless the owner requests regular-sized plates.

9. Special registration plates issued pursuant to section 321.34, other than gold star, medal of honor, collegiate, fire fighter, natural resources, blackout, and flying our colors registration plates, shall be consistent with the design and color of regular registration plates but shall provide a space on a portion of the plate for the purpose of allowing the placement of a distinguishing processed emblem or an organization decal. Special registration plates shall also comply with the requirements for regular registration plates as provided in this section to the extent the requirements are consistent with the section authorizing a particular special vehicle registration plate.

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

[S13, §1571-m12, -m13; C24, 27, 31, 35, §4978; C39, §**5001.19, 5001.20, 5012.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §321.35, 321.36, 321.166; C79, 81, §321.166]

82 Acts, ch 1032, §3, 4; 82 Acts, ch 1062, §28, 29, 36, 38; 83 Acts, ch 24, §7, 12; 86 Acts, ch 1225, §2; 88 Acts, ch 1215, §11; 89 Acts, ch 247, §5; 92 Acts, ch 1026, §1; 94 Acts, ch 1028, §1 – 4; 95 Acts, ch 118, §20, 40; 96 Acts, ch 1088, §5, 6; 96 Acts, ch 1152, §7, 8; 96 Acts, ch 1171, §3; 96 Acts, ch 1219, §25; 97 Acts, ch 70, §4; 97 Acts, ch 104, §14, 15; 99 Acts, ch 13, §10, 29; 2007 Acts, ch 184, §6, 7; 2008 Acts, ch 1124, §7; 2009 Acts, ch 130, §25, 26; 2010 Acts, ch 1061, §52, 180; 2016 Acts, ch 1068, §2, 4; 2016 Acts, ch 1098, §17; 2019 Acts, ch 89, §36; 2020 Acts, ch 1118, §156; 2023 Acts, ch 66, §74

Referred to in §321L.1, 364.3

321.167 Delivery of plates, stickers, and emblems.

The department, upon requisition by the county treasurer, shall provide vehicle registration plates, validation stickers, and emblems as required for the administration of this chapter. Vehicle registration plates and validation stickers shall be provided to the county treasurer in numerical sequence.

[C24, 27, 31, 35, §4979; C39, §**5012.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.167]

82 Acts, ch 1062, §30, 38

321.168 Additional deliveries.

Thereafter, during the year, the department, upon requisition of the county treasurer, shall deliver additional number plates.

[C24, 27, 31, 35, §4980; C39, §**5012.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.168]

321.169 Account of plates.

The department shall keep an accurate record of all number plates issued to each county, and shall also keep a record showing the assignment thereof by the county treasurer to motor vehicles.

[C24, 27, 31, 35, §4981; C39, §**5012.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.169]

321.170 Plates for exempt vehicles.

The department shall furnish, on application, free of charge, distinguishing plates for motor vehicles exempted from annual registration fees and shall keep a separate record thereof.

[C24, 27, 31, 35, §4982; C39, §**5012.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.170]

2008 Acts, ch 1113, §106

Exempt vehicles, see §321.18, 321.19

321.171 Title of plates.

All number plates issued shall be and remain the property of the state.

[C24, 27, 31, 35, §4983; C39, §**5012.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.171]

321.172 and 321.173 Reserved.

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DRIVER'S LICENSES

321.174 Operators licensed — operation of commercial motor vehicles.

1. A person, except those expressly exempted, shall not operate any motor vehicle upon a highway in this state unless the person has a driver's license issued by the department valid for the vehicle's operation.

2. *a.* A person operating a commercial motor vehicle shall not have more than one driver's license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver's license or nonresident commercial learner's permit, or a driver's license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver's license, commercial learner's permit, or driver's license is valid for the vehicle operated.

b. A person who operates a commercial motor vehicle upon the highways of this state without having been issued a driver's license valid for the vehicle operated commits a simple misdemeanor.

c. A person who operates a commercial motor vehicle upon the highways of this state after the person's commercial driver's license or commercial learner's permit has been downgraded to a noncommercial status pursuant to section 321.207 commits a simple misdemeanor.

3. A licensee shall have the licensee's driver's license in immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a judicial magistrate, district associate judge, district judge, peace officer, or examiner of the department. If the licensee has been issued a commercial learner's permit, the licensee's driver's license includes both the licensee's commercial learner's permit and the licensee's underlying commercial or noncommercial driver's license. However, a person charged with violating this subsection shall not be convicted and the citation shall be dismissed by the court if the person produces to the clerk of the district court, prior to the licensee's court date indicated on the citation, a driver's license issued to that person and valid for the vehicle operated at the time of the person's arrest or at the time the person was charged with a violation of this section. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.

[C31, 35, §4960-d2, -d29; C39, §**5013.01, 5013.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.174, 321.190; C77, 79, §321.174, 321.189; C81, §321.174]

90 Acts, ch 1230, §20; 98 Acts, ch 1073, §9; 2004 Acts, ch 1120, §2; 2006 Acts, ch 1144, §4; 2011 Acts, ch 38, §7; 2015 Acts, ch 123, §48

Referred to in §321.176, 321.515, 805.8A(4)(a)
For applicable scheduled fines, see §805.8A, subsection 4

321.174A Operation of motor vehicle with expired license.

A person shall not operate a motor vehicle upon a highway in this state with an expired driver's license.

97 Acts, ch 108, §11; 98 Acts, ch 1073, §9

Referred to in §805.8A(4)(b)
For applicable scheduled fine, see §805.8A, subsection 4

321.175 Human trafficking prevention training — commercial drivers.

1. An applicant for the initial issuance of a class A, B, or C commercial driver's license must certify to the department that the applicant successfully completed a course of instruction regarding human trafficking prevention.

2. A course of instruction regarding human trafficking prevention must last at least thirty minutes and include training based on the department's approved human trafficking prevention training materials. The course must be offered in the English language.

3. The department shall approve, in cooperation with the department of education and the state board of education, human trafficking prevention training materials regarding the recognition, prevention, and reporting of human trafficking. The departments may collaborate with other entities that specialize in and produce training materials regarding

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the recognition, prevention, and reporting of human trafficking particularly for persons who operate commercial motor vehicles. The departments shall make the approved human trafficking prevention training materials available to the public. The departments shall review and update the departments' approved human trafficking prevention training materials to account for changes and trends in human trafficking at least once every three years.

4. The department may adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1109, §1, 3

Referred to in §321.188

Section applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1109, §3

NEW section

321.176 Persons exempt from driver's licensing requirements.

The following persons are exempt from driver's licensing requirements:

1. Any person while operating a military motor vehicle in the service of the armed forces of the United States.

2. Any person while operating a farm tractor or implement of husbandry to or from the home farm buildings to any adjacent or nearby farmland for the exclusive purpose of conducting farm operations.

3. A nonresident operating a motor vehicle within the legal scope of the nonresident's home state or country license except a nonresident may operate a commercial motor vehicle only in compliance with section 321.174.

[C31, 35, §4960-d3, -d4; C39, §**5013.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.176; 81 Acts, ch 105, §1, 2]

90 Acts, ch 1230, §21; 98 Acts, ch 1073, §11

321.176A Persons exempt from commercial driver's license requirements.

The following operators are exempt from the commercial driver's license requirements:

1. A farmer or a person working for a farmer while operating a covered farm vehicle as defined in the federal Moving Ahead for Progress in the 21st Century Act, Pub. L. No. 112-141, §32934. The exemption provided in this subsection shall apply to farmers who assist each other through an exchange of services and shall include operation of a commercial motor vehicle between the farms of the farmers who are exchanging services.

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

3. The following persons when operating commercial motor vehicles for military purposes:

a. Active duty military personnel.

b. Members of the military reserves.

c. Members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians.

d. Active duty United States coast guard personnel.

4. A person while operating a motor home solely for personal or family use.

5. A person operating a motor vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds towing a travel trailer or fifth-wheel travel trailer solely for personal or family use.

6. A home care aide operating a motor vehicle in the course of the home care aide's duties.

90 Acts, ch 1230, §22; 92 Acts, ch 1175, §20; 93 Acts, ch 139, §8; 96 Acts, ch 1152, §9; 2005 Acts, ch 8, §14; 2006 Acts, ch 1068, §19; 2014 Acts, ch 1123, §12; 2023 Acts, ch 40, §1

Referred to in §321.188, 321.189, 321.463

321.176B Restricted commercial driver's license.

1. The department shall, upon application and payment of the required fee, issue

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a restricted commercial driver's license to a person who is employed in a designated farm-related service industry if the person qualifies for a restricted commercial driver's license under 49 C.F.R. §383.3(f).

2. A person issued a restricted commercial driver's license under this section may operate a commercial motor vehicle to the fullest extent authorized under 49 C.F.R. §383.3(f).

3. The department shall adopt rules pursuant to chapter 17A to implement this section.

90 Acts, ch 1230, §23; 2023 Acts, ch 40, §2

321.177 Persons not to be licensed.

The department shall not issue a driver's license:

1. To any person who is under the age of eighteen years except as provided in section 321.180B. However, the department may issue a driver's license to certain minors as provided in section 321.178 or 321.194, or a driver's license restricted to motorized bicycles as provided in section 321.189.

2. To any person holding any other driver's license.

3. To any person whose driver's license or driving privilege is suspended or revoked.

4. To any person who is a chronic alcoholic, or is addicted to the use of an illegal narcotic drug.

5. To any person who has previously been adjudged to be incompetent by reason of mental illness and who has not at the time of application been restored to competency by the methods provided by law.

6. To any person who fails to pass an examination required by this chapter.

7. To any person when the director has good cause to believe the person by reason of physical or mental disability would not be able to operate a motor vehicle safely.

8. To any person to operate a commercial motor vehicle unless the person is eighteen years of age or older and the person qualifies under federal and state law to be issued a commercial driver's license or commercial learner's permit in this state.

9. To any person, as a chauffeur, who is under the age of eighteen.

10. To any person to operate a commercial motor vehicle if the person fails to demonstrate proficiency in the English language under section 321.187B, subsection 1.

[C31, 35, §4960-d5 – 4960-d9; C39, §**5013.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.177]

85 Acts, ch 195, §34; 90 Acts, ch 1230, §24; 95 Acts, ch 194, §5; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §1, 14, 16; 2003 Acts, ch 145, §286; 2006 Acts, ch 1030, §35; 2015 Acts, ch 123, §49; 2026 Acts, ch 1069, §1

Referred to in §321.180A

NEW subsection 10

321.178 Driver education — restricted work license — reciprocity.

1. *Approved course.*

a. An approved driver education course as programmed by the department shall consist of at least thirty clock hours of classroom instruction, of which no more than one hundred eighty minutes shall be provided to a student in a single day, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. Classroom instruction shall include all of the following:

(1) A minimum of four hours of instruction concerning substance use disorder and distracted driving.

(2) A minimum of twenty minutes of instruction concerning railroad crossing safety.

(3) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C.

(4) Instruction providing an awareness about sharing the road with pedestrians, bicycles, and motorcycles. The instruction course shall be first approved by the state department of transportation. Instructional materials creating an awareness about sharing the road with pedestrians, bicycles, and motorcycles shall also be distributed during the course of instruction.

b. (1) To be qualified as a classroom driver education instructor, a person shall have

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satisfied the educational requirements for a teaching license at the elementary or secondary level and hold a valid license to teach driver education in the public schools of this state.

(2) (a) To be qualified to provide street or highway driving instruction, a person shall be certified by the department and authorized by the board of educational examiners. However, if the person is a peace officer, as defined in section 801.4, subsection 11, paragraph *"a"*, *"b"*, *"c"*, or *"h"*, with five or more years of experience as a peace officer, or a retired peace officer who holds a driver's license that is valid for more than two years from the date of issuance, the person shall not be required to be authorized by the board of educational examiners. A person shall not be required to hold a current Iowa teacher or administrator license at the elementary or secondary level or to have satisfied the educational requirements for an Iowa teacher license at the elementary or secondary level in order to be certified by the department or authorized by the board of educational examiners to provide street or highway driving instruction. For purposes of this subparagraph division, *"retired peace officer"* means a person retired under chapter 97A or 411, or section 97B.49B or 97B.49C, after service as a peace officer, as defined in section 801.4, subsection 11, paragraph *"a"*, *"b"*, *"c"*, or *"h"*.

(b) The department shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction. The board of educational examiners shall adopt rules pursuant to chapter 17A to provide for authorization of persons certified by the department to provide street or highway driving instruction. The department may disqualify a person from providing street or highway driving instruction without concurrent or further action by the board of educational examiners, and the board of educational examiners may withhold or withdraw authorization to provide street or highway driving instruction without concurrent or further action by the department.

(3) The department shall not disqualify a person from providing street or highway driving instruction and the board of educational examiners shall not withhold or withdraw authorization to provide street or highway instruction for the sole reason that the person was involved in a motor vehicle accident, unless either of the following circumstances exist:

(a) The person contributed to the motor vehicle accident and the accident caused the death or serious injury of another person.

(b) The person contributed to the motor vehicle accident and it was the person's second or subsequent contributive motor vehicle accident in a two-year period.

(4) A person who provides street or highway driving instruction shall hold a driver's license valid for the vehicle operated.

c. (1) (a) Every public school district in Iowa shall offer or make available to all students residing in the school district, or Iowa students attending a nonpublic school or receiving competent private instruction or independent private instruction as defined in section 299A.1, in the district, an approved course in driver education.

(b) (i) Every public school district in Iowa shall offer or make available to all Iowa students residing in the school district who attend a charter school established pursuant to chapter 256E, subchapter I, an approved course in driver education pursuant to policies established by the public school district. The charter school shall be responsible for the payment of all of the school district's costs associated with providing the approved course in driver education to such students.

(ii) Every charter school established pursuant to chapter 256E, subchapter I, shall offer or make available to all students attending the charter school an approved course in driver education.

(c) The receiving district shall be the school district responsible for making driver education available to a student participating in open enrollment under section 282.18.

(2) The courses may be offered at sites other than at the public school or charter school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may,

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upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student's ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. A final field test prior to a student's completion of an approved course shall be administered by a person qualified to provide street or highway driving instruction under paragraph *"b"*, subparagraph (2).

d. "Student", for purposes of this section, means a person between the ages of fourteen years and twenty-one years who satisfies the preliminary licensing requirements of the department.

e. Any person who successfully completes an approved driver education course at a private or commercial driver education school licensed by the department shall likewise be eligible for a driver's license as provided in section 321.180B or 321.194.

2. *Restricted work license.*

a. A person between sixteen and eighteen years of age who has completed an approved driver education course and is not in attendance at school and has not met the requirements described in section 299.2, subsection 1, may be issued a restricted work license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person's present employment. The restricted work license shall be issued by the department only upon confirmation of the person's employment and need for a restricted work license to travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain the person's employment. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen.

b. The department may suspend a restricted work license issued under this subsection upon receiving a record of the person's conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways, other than parking violations as described in section 321.210. After revoking a restricted work license under this paragraph, the department shall not grant an application for a new driver's license or instruction permit until the expiration of one year or until the person attains the age of eighteen, whichever is the longer period.

3. *Driver's license reciprocity.*

a. The department may issue a class C or M driver's license to a person who is sixteen or seventeen years of age and who is a current resident of the state, but who has been driving as a resident of another state for at least one year prior to residency within the state.

b. The following criteria must be met prior to issuance of a driver's license pursuant to this subsection:

(1) The minor must reside with a parent or guardian.

(2) The minor must have driven under a valid driver's license for at least one year in the prior state of residence. Six months of the one year computation may include driving with an instruction permit.

(3) The minor must have had no moving traffic violations on the minor's driving record.

(4) The minor must pass the written and driving skills tests as required by the department, but is not required to have taken a driver education class.

[C66, §321.177; C71, 73, 75, 77, 79, 81, §321.178; 82 Acts, ch 1215, §1, 2, ch 1248, §1]

84 Acts, ch 1022, §3; 86 Acts, ch 1220, §28; 89 Acts, ch 266, §1; 90 Acts, ch 1230, §25; 91 Acts, ch 128, §1, 2; 92 Acts, ch 1163, §75; 92 Acts, ch 1231, §44; 94 Acts, ch 1102, §1; 98 Acts, ch 1112, §2, 14, 16; 99 Acts, ch 13, §11; 2000 Acts, ch 1133, §3; 2001 Acts, ch 33, §1; 2002 Acts, ch 1140, §32, 33; 2003 Acts, ch 108, §55; 2005 Acts, ch 8, §15; 2006 Acts, ch 1021, §1; 2007 Acts, ch 44, §28; 2007 Acts, ch 214, §40; 2010 Acts, ch 1075, §1, 2; 2010 Acts, ch 1105, §1; 2011 Acts, ch 25, §28, 29; 2011 Acts, ch 38, §8; 2013 Acts, ch 121, §99; 2014 Acts, ch 1092, §74; 2019 Acts, ch 77, §1; 2021 Acts, ch 88, §9; 2021 Acts, ch 121, §1; 2023 Acts, ch 7, §1; 2023 Acts, ch 19, §1059; 2024 Acts, ch 1166, §3; 2025 Acts, ch 14, §1, 2; 2026 Acts, ch 1086, §68, 101

Referred to in §321.177, 321.178A, 321.180B, 321.191, 321.213B, 321A.17

Driver education courses to include instruction relating to energy efficiency and safety; 90 Acts, ch 1252, §54

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Department of health and human services to cooperate to provide materials and information relating to becoming an organ donor; 94 Acts, ch 1102, §3; 2023 Acts, ch 19, §1358
Subsection 1, paragraph c amended

321.178A Driver education — teaching parent.

1. *Teaching parent.* As an alternative to the driver education requirements under section 321.178, a teaching parent may instruct a student in a driver education course that meets the requirements of this section and provide evidence that the requirements under this section have been met.

2. *Definitions.* For purposes of this section:

a. "Approved course" means driver education curriculum approved by the department pursuant to rules adopted under chapter 17A. An approved course shall, at a minimum, meet the requirements of subsection 3 and be appropriate for teaching-parent-directed driver education and related street or highway instruction. Driver education materials that meet or exceed standards established by the department for an approved course in driver education for a public or private school shall be approved unless otherwise determined by the department. The list of approved courses shall be posted on the department's internet site.

b. "Student" means a person between the ages of fourteen and twenty-one years who is within the custody and control of the teaching parent and who satisfies preliminary licensing requirements of the department.

c. "Teaching parent" means a parent, guardian, or legal custodian of a student who is meeting the attendance requirement of section 299.1, subsection 1; who has a valid driver's license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, *"clear driving record"* means the individual has not been identified as a candidate for suspension or revocation of a driver's license under the habitual violator or habitual offender provisions of the department's regulations; is not subject to a driver's license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident.

3. *Course of instruction.*

a. An approved course administered by a teaching parent shall consist of but not be limited to the following:

(1) Thirty hours of street or highway driving including three hours of driving after sunset and before sunrise while accompanied by a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to section 321.178.

(2) Instruction concerning substance use disorder and distracted driving.

(3) Instruction concerning railroad crossing safety.

(4) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C.

(5) Instruction providing an awareness about sharing the road with pedestrians, bicycles, and motorcycles.

b. The content of the course of instruction required under this subsection shall be equivalent to that required under section 321.178. However, reference and study materials, physical classroom requirements, actual classroom hours and minutes, and extra vehicle safety equipment required for instruction under section 321.178 shall not be required for the course of instruction provided under this section.

4. *Course completion and certification.* Upon application by a student for an intermediate license, the teaching parent shall provide evidence showing the student's completion of an approved course and substantial compliance with the requirements of subsection 3 by affidavit signed by the teaching parent on a form to be provided by the department. The evidence shall include all of the following:

a. Documentation that the instructor is a teaching parent as defined in subsection 2.

b. Documentation that the teaching parent is meeting the attendance requirement of section 299.1, subsection 1.

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c. The name of the approved course completed by the student.

d. An affidavit attesting to satisfactory completion of course work and street or highway driving instruction.

e. Copies of written tests completed by the student or lesser documentation as may be required by the department.

f. A statement of the number of classroom hours of instruction.

g. A log of completed street or highway driving instruction including the dates when the lessons were conducted, notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session.

5. *Intermediate license.* Any student who successfully completes an approved course as provided in this section, passes a driving test to be administered by the department, and is otherwise qualified under section 321.180B, subsection 2, shall be eligible for an intermediate license pursuant to section 321.180B. Twenty of the thirty hours of street or highway driving instruction required under subsection 3, paragraph *"a"*, subparagraph (1), may be used to satisfy the requirement of section 321.180B, subsection 2.

6. *Full license.* A student must comply with section 321.180B, subsection 4, to be eligible for a full driver's license pursuant to section 321.180B.

7. *Applicability.* This section shall not be construed to require a teaching parent to apply for or seek approval of the department separate from the course completion and certification requirements of subsection 4.

2013 Acts, ch 121, §100; 2021 Acts, ch 88, §10 – 15; 2021 Acts, ch 121, §2; 2023 Acts, ch 19, §1060

Referred to in §321.180B

321.179 Motorcycle rider education fund.

The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the state department of transportation to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and established by the department. The department shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the cost of providing the education courses.

2010 Acts, ch 1069, §43

Referred to in §321.34, 321.145, 321.180B

321.180 Instruction permits, commercial learner's permits, and chauffeur's instruction permits.

1. *a.* (1) A person who is at least eighteen years of age and who, except for the person's lack of instruction in operating a motor vehicle, would be qualified to obtain a driver's license, shall, upon meeting the requirements of section 321.186 other than a driving demonstration, and upon paying the required fee, be issued an instruction permit by the department. Subject to the limitations in this subsection, an instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a motor vehicle, other than a commercial motor vehicle or as a chauffeur or a motor vehicle with a gross vehicle weight rating of sixteen thousand one or more pounds, upon the highways for a period not to exceed four years from the licensee's birthday anniversary in the year of issuance. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the need of an accompanying person.

(2) A permittee shall not be penalized for failing to have the instruction permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

b. (1) Except as otherwise provided, a permittee who is eighteen years of age or older must be accompanied by a person issued a driver's license valid for the vehicle operated

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who is a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age, and who is actually occupying a seat beside the driver.

(2) However, if the permittee is operating a motorcycle in accordance with this section or section 321.180B, the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

2. *a.* The department shall adopt rules to administer commercial learner's permits in compliance with the procedures set forth in 49 C.F.R. §383.73. An applicant for a commercial learner's permit must hold a valid class A, B, C, or D driver's license issued in this state, must be at least eighteen years of age, and must meet the qualifications to obtain a valid commercial driver's license, including the requirements set forth in section 321.188, except for the required driving skills test.

b. A commercial learner's permit shall be a separate document from a commercial or noncommercial driver's license. A person operating a vehicle pursuant to a commercial learner's permit shall have both the commercial learner's permit and the commercial or noncommercial driver's license issued to the person within the person's possession.

c. A commercial learner's permit shall be valid for a period not to exceed the period provided in 49 C.F.R. §383.25(c) and 49 C.F.R. §383.73(a)(3).

d. A commercial learner's permit shall be valid for the operation of a commercial motor vehicle only when the permit holder is accompanied by a holder of a valid commercial driver's license with the proper commercial driver's license group designation and endorsements necessary to operate the commercial motor vehicle, and who is at all times physically present in the front passenger seat of the vehicle, or in the case of a passenger vehicle, directly behind or in the first row behind the permit holder in a position to directly observe and supervise the permit holder.

(1) When a commercial learner's permit is issued to the holder of a commercial driver's license, this paragraph "*d*" only applies to the operation of a commercial motor vehicle for which the permit holder's commercial driver's license is not valid.

(2) When a commercial learner's permit is issued to the holder of a noncommercial driver's license, this paragraph "*d*" only applies to the operation of a commercial motor vehicle.

e. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a driving skills test. The holder of a commercial learner's permit is not eligible to take a driving skills test required by section 321.188 for the first fourteen days after the permit holder is issued the permit.

f. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials as defined in 49 C.F.R. §383.5.

3. The instruction permit and commercial learner's permit are subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a driver's license.

4. A motorcycle instruction permit issued under this section is not renewable.

[C31, 35, §4960-d23; C39, §**5013.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.180]

88 Acts, ch 1134, §67; 89 Acts, ch 265, §39; 90 Acts, ch 1230, §26; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §3, 4, 14, 16; 2006 Acts, ch 1068, §20, 21; 2010 Acts, ch 1061, §180; 2015 Acts, ch 123, §50, 51; 2017 Acts, ch 149, §1; 2023 Acts, ch 126, §1; 2026 Acts, ch 1118, §2, 3

Referred to in §321.196, 805.8A(4)(c)
Fee, §321.191
For applicable scheduled fine, see §805.8A, subsection 4
Subsection 3 stricken
Former subsection 4 amended and renumbered as 3
Former subsection 5 renumbered as 4

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321.180A Special instruction permit.

1. Notwithstanding other provisions of this chapter, a person with a physical disability, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose driver's license has been suspended under section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), upon meeting the requirements of section 321.186, other than a driving demonstration or elimination of the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

2. *a.* A special instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a noncommercial motor vehicle upon the highways for a period of six months from the date of issuance. However, the permittee must be accompanied by a person who is at least twenty-one years of age, who has been issued a driver's license valid for the vehicle being operated, and who is actually occupying a seat beside the permittee.

b. A permittee shall not be penalized for failing to have the permit in immediate possession if the permittee produces in court, within a reasonable time, the special instruction permit issued to the permittee which was valid at the time of the permittee's arrest.

3. The permittee may apply for a driver's license if thirty days have elapsed since issuance of the special instruction permit. The department shall issue a driver's license if the permittee is qualified, passes all required tests, including a driving test, and pays the required fees. If the person has not obtained a driver's license before expiration of the person's special instruction permit, the person's former denial or suspension under section 321.177, subsection 6 or 7, or section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), upon service of notice by the department, shall be reinstated. A permit shall be reissued for one additional six-month period if a permittee continues to meet the qualifications of subsection 1 and has incurred no motor vehicle violations.

90 Acts, ch 1230, §27; 96 Acts, ch 1129, §78; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §170; 2014 Acts, ch 1092, §75

321.180B Graduated driver's licenses for persons aged fourteen through seventeen.

Persons under age eighteen shall not be issued a license or permit to operate a motor vehicle except under the provisions of this section. However, the department may issue restricted work and special minor's restricted licenses to certain minors as provided in sections 321.178 and 321.194, and driver's licenses restricted to motorized bicycles as provided in section 321.189. A person shall not be issued a license or permit to operate a motor vehicle if prohibited under section 321.194, subsection 7. A license or permit shall not be issued under this section or section 321.178 or 321.194 without the consent of a parent or guardian or a person having custody of the applicant under chapter 232 or 600A. An additional consent is required each time a license or permit is issued under this section or section 321.178 or 321.194. The consent must be signed by at least one parent, guardian, or custodian on an affidavit form provided by the department.

1. *Instruction permit.*

a. The department may issue an instruction permit to an applicant between the ages of fourteen and eighteen years if the applicant meets the requirements of sections 321.184 and 321.186, other than a driving demonstration, and pays the required fee. An instruction permit issued under this section shall be valid for a period not to exceed four years from the licensee's birthday anniversary in the year of issuance. A motorcycle instruction permit issued under this section is not renewable.

b. Subject to the limitations in this subsection, an instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a motor vehicle other than a commercial motor vehicle or as a chauffeur or a motor vehicle with a gross vehicle weight rating of sixteen thousand one or more pounds upon the highways.

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c. (1) Except as otherwise provided, a permittee who is less than eighteen years of age and who is operating a motor vehicle must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, guardian, or custodian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or custodian, and who is actually occupying a seat beside the driver. A permittee shall not operate a motor vehicle if the number of passengers in the motor vehicle exceeds the number of passenger safety belts in the motor vehicle. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the requirement of an accompanying person.

(2) If the permittee is operating a motorcycle in accordance with this section, the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

d. A permittee shall not be penalized for failing to have the instruction permit in the permittee's immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

2. *Intermediate license.*

a. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of twelve months immediately preceding application, and who presents an affidavit signed by a parent, guardian, or custodian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, guardian, or custodian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178 or 321.178A, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts. In addition, unless waived by the person's parent or guardian at the time the intermediate license is issued, for the first six months following issuance of the license, a person issued an intermediate license must limit the number of unrelated minor passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to one, except when the intermediate licensee is accompanied in accordance with subsection 1. For purposes of this subsection, "*unrelated minor passenger*" means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver. The department shall prescribe the form for waiver of the six-month restriction on unrelated minor passengers, which may be in an electronic format, and shall designate characteristics for the intermediate license that shall distinguish between an intermediate license that includes the six-month restriction on unrelated minor passengers and an intermediate license that does not include the six-month restriction on unrelated minor passengers.

b. Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of 12:30 a.m. and 5:00 a.m.

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must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, guardian, or custodian of the intermediate licensee, a member of the intermediate licensee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or custodian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without an accompanying driver between the hours of 12:30 a.m. and 5:00 a.m. if the licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of 5:00 a.m. and 12:30 a.m.

3. *Remedial driver improvement action — suspension of permit, intermediate license, or full license.*

a. A person who has been issued an instruction permit, an intermediate license, or a full driver's license under this section, upon conviction of a moving traffic violation or involvement in a motor vehicle accident which occurred during the term of the instruction permit or intermediate license, shall be subject to remedial driver improvement action or suspension of the permit or current license. A person possessing an instruction permit who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued an intermediate license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the six-month period immediately preceding the application for the intermediate license. A person possessing an intermediate license who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued a full driver's license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the twelve-month period immediately preceding the application for a full driver's license.

b. The department may suspend an instruction permit, intermediate license, or full license issued under this section upon receiving satisfactory evidence that the person issued the instruction permit, intermediate license, or full license violated the restrictions imposed under subsection 1 or 2 during the term of the instruction permit or intermediate license.

4. *Full driver's license.* A full driver's license may be issued to a person seventeen years of age who possesses an intermediate license issued under subsection 2 or a comparable intermediate license issued by another state for a minimum of twelve months immediately preceding application, and who presents an affidavit signed by a parent, guardian, or custodian on a form to be provided by the department that the intermediate licensee has accumulated a total of ten hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the licensee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, guardian, or custodian to accompany the licensee, whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the twelve-month period immediately preceding the application for a full driver's license, and who has paid the required fee.

5. *Class M license education requirements.* A person under the age of eighteen applying for an intermediate or full driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of transportation or from a private or commercial driver education school licensed by the department of transportation before the class M license will be issued. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under section 321.179.

6. *Citations for violation of restrictions.* A person who violates the restrictions imposed under subsection 1 or 2 may be issued a citation under this section and shall not be issued

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a citation under section 321.193. A violation of the restrictions imposed under subsections 1 and 2 shall not be considered a moving violation.

7. *Rules.* The department may adopt rules pursuant to chapter 17A to administer this section.

98 Acts, ch 1112, §5, 14, 16; 99 Acts, ch 13, §12, 13; 99 Acts, ch 128, §1 – 3; 2006 Acts, ch 1068, §22 – 24; 2009 Acts, ch 130, §2 – 5; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §44; 2010 Acts, ch 1105, §2; 2011 Acts, ch 38, §9 – 11; 2012 Acts, ch 1021, §66; 2013 Acts, ch 80, §1, 3; 2013 Acts, ch 90, §78; 2013 Acts, ch 121, §101; 2014 Acts, ch 1092, §76; 2024 Acts, ch 1166, §4; 2025 Acts, ch 14, §3 – 5

Referred to in §321.177, 321.178, 321.178A, 321.180, 321.189, 321.194, 321.196, 321A.17, 805.8A(4)(d)
For applicable scheduled fine, see §805.8A, subsection 4

321.181 Temporary permit.

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

[C39, §**5013.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.181]

90 Acts, ch 1230, §28; 96 Acts, ch 1152, §10; 98 Acts, ch 1073, §9

Referred to in §321.190

321.182 Application.

Every applicant for a driver's license shall do all of the following:

1. *a.* Make application on a form provided by the department which shall include the applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and physical description including sex, height, and eye color. The application may contain other information the department may require by rule. Pursuant to procedures established by the department and for an applicant who is a foreign national temporarily present in this state, the department may waive the requirement that the application include the applicant's social security number.

b. A licensee shall notify the department when the licensee's mailing address changes and provide the new address within thirty days of obtaining the new address. The application provided by the department shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change. The penalty under section 321.482 shall not apply to a licensee's failure to notify the department of such an address change.

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

3. Certify that the applicant has no other driver's license and certify that the applicant is a resident of this state as provided in section 321.1A. However, certification of residency is not required for an applicant for a nonresident commercial driver's license or nonresident commercial learner's permit.

4. Certify that the applicant is not currently subject to suspension, revocation, or cancellation of any driver's license and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in suspension, revocation, or cancellation of any driver's license.

[C31, 35, §4960-d12; C39, §**5013.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.182]

90 Acts, ch 1230, §29; 95 Acts, ch 118, §21; 98 Acts, ch 1073, §9, 10; 2001 Acts, ch 32, §42; 2002 Acts, ch 1063, §23, 55; 2015 Acts, ch 123, §52

Referred to in §321.188, 321.190, 321.196
Voter registration, see §48A.18

321.183 Application for driver's license or nonoperator's identification card — selective service registration.

1. A person who applies for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card, and who is required by 50 U.S.C. app. §451 et seq. to register with the United States selective service system, shall be

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registered by the department with the selective service system. The department shall forward to the selective service system in an electronic format the necessary personal information of such applicant, notwithstanding provisions to the contrary in section 321.11, subsection 3.

2. An applicant's submission of an application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card shall indicate that the applicant has already registered with the selective service system or that the applicant authorizes the department to forward the applicant's personal information to the selective service system for registration. The department shall notify the applicant on the application that submission of the application shall serve as consent to registration with the selective service system, if the applicant is required by 50 U.S.C. app. §451 et seq. to register.

3. Notwithstanding subsections 1 and 2, an applicant for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card who is required to register with the United States selective service system shall not be registered by the department if, after being given information on the penalties for failure to register, the applicant declines to be registered. The department shall forward to the selective service system in an electronic format the applicable personal information of such applicant indicating the applicant refused to be registered.

2003 Acts, ch 41, §1
Referred to in §321.190

321.183A Citizenship and immigration status verification.

1. The department shall use the SAVE program, or any successor federal verification system, to verify the United States citizenship and immigration status of each person who applies for issuance or renewal of a driver's license or nonoperator's identification card and who does not provide proof that the person is a United States citizen. The department shall not issue or renew a driver's license or nonoperator's identification card if the person does not provide proof the person is a United States citizen and the department is unable to verify the person's status as lawfully present in the United States.

2. For purposes of this section, *"SAVE program"* means the systematic alien verification for entitlements system of the United States department of homeland security and the United States citizenship and immigration services.

2026 Acts, ch 1091, §1, 2
Section applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1091, §2
NEW section

321.184 Applications of unmarried minors.

1. *Consent required.* The application of an unmarried person under the age of eighteen years for a driver's license shall contain the verified consent and confirmation of the applicant's birthday by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under chapter 232 or 600A. Officers and employees of the department may administer the oaths without charge.

2. *Withdrawal of consent.* The person who provided the signed consent under subsection 1 may withdraw that consent at any time. The withdrawal of consent shall be in writing, signed and verified. The department, upon receipt of the withdrawal of consent, shall cancel the applicant's driver's license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required in this chapter. This subsection does not apply if the licensee or permittee has attained the age of eighteen years or is married.

[C31, 35, §4960-d13; C39, §**5013.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.184; 82 Acts, ch 1248, §2]

84 Acts, ch 1219, §23; 86 Acts, ch 1048, §1; 90 Acts, ch 1230, §30; 98 Acts, ch 1073, §9; 2009 Acts, ch 130, §6
Referred to in §321.180B

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321.185 Death of person signing application — effect.

The department upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this chapter. This provision shall not apply in the event the minor has attained the age of eighteen years.

[C39, §**5013.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.185]

321.186 Examination of new or incompetent operators.

1. The department may examine every new applicant for a driver's license or any person holding a valid driver's license when the department has reason to believe that the person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify the examination. The department shall make every effort to accommodate a functionally illiterate applicant when the applicant is taking a knowledge test.

2. The examination shall include a screening of the applicant's eyesight, a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, a test of the applicant's knowledge of the traffic laws of this state, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and other physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. However, an applicant for a new driver's license need not pass a vision test administered by the department if the applicant files with the department a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

3. A physician licensed under chapter 148, an advanced registered nurse practitioner licensed under chapter 152, a physician associate licensed under chapter 148C, or an optometrist licensed under chapter 154 may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. The physician, advanced registered nurse practitioner, physician associate, or optometrist shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician, advanced registered nurse practitioner, physician associate, or optometrist making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician, advanced registered nurse practitioner, physician associate, or optometrist has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician, advanced registered nurse practitioner, physician associate, or optometrist under this section shall be kept confidential. Information regulated by chapter 141A shall be subject to the confidentiality provisions and remedies of that chapter.

[C31, 35, §4960-d14; C39, §**5013.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.186]

90 Acts, ch 1230, §31; 92 Acts, ch 1175, §32; 98 Acts, ch 1029, §1; 98 Acts, ch 1073, §9; 99 Acts, ch 181, §16; 2002 Acts, ch 1032, §1; 2008 Acts, ch 1088, §119; 2011 Acts, ch 5, §1; 2012 Acts, ch 1021, §67; 2015 Acts, ch 56, §23; 2021 Acts, ch 135, §2, 3, 8; 2026 Acts, ch 1008, §3

Referred to in §321.180, 321.180A, 321.180B

Code editor directive applied

321.186A Vision report in lieu of vision test.

1. An applicant for a new or renewed driver's license need not take a vision test administered by the department if the applicant files with the department a vision report signed by a licensed vision specialist in accordance with this section.

2. An applicant for such a new or renewed driver's license who fails a vision test administered by the department may subsequently be issued the driver's license without

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need of passing a department administered vision test, if the applicant files with the department a vision report from a licensed vision specialist in accordance with this section.

3. The vision report shall state the visual acuity level of the applicant as measured by the vision specialist and shall be in the form and include other information as required by rule of the department. A vision report is valid only if the visual acuity level of the applicant has been measured by the licensed vision specialist within thirty days before the application for the new or renewed driver's license.

4. As used in this section, a *"licensed vision specialist"* means a physician licensed under chapter 148 or an optometrist licensed under chapter 154.

90 Acts, ch 1230, §32; 98 Acts, ch 1073, §9; 2008 Acts, ch 1088, §120; 2011 Acts, ch 38, §12
Referred to in §321.186, 321.189, 321.196

321.187 Examiners.

1. The department shall examine applicants for driver's licenses. Examiners of the department shall wear an identifying badge and uniform provided by the department.

2. The department may by rule designate community colleges established under chapter 260C and other third-party testers to administer the knowledge and driving skills tests required for a commercial learner's permit or commercial driver's license, provided all of the following occur:

a. The test is the same as that which would otherwise be administered by the state. The fees for administering a commercial driver's license driving skills test as provided in sections 321.187A and 321M.6A shall not apply to a driving skills test administered by a third-party tester under this section.

b. The third-party tester contractually agrees to comply with the requirements of 49 C.F.R. pts. 383 and 384 applicable to third-party knowledge and driving skills testing, as adopted by rule by the department.

c. Any third-party test examiner used by the third-party tester shall comply with the requirements of 49 C.F.R. pts. 383 and 384 applicable to third-party knowledge and driving skills testing, as adopted by rule by the department. The department shall adopt rules regarding who may qualify as a third-party tester. The department may adopt rules doing any of the following:

(1) Requiring a third-party tester to conduct a number of skills test examinations above the number required under 49 C.F.R. §383.75 in order to remain qualified as a third-party tester under this section.

(2) Restricting the testing scope of a third-party tester.

3. As used in this section:

a. "Third-party test examiner" means a person employed by a third-party tester who is authorized by the department to administer the knowledge and driving skills tests under this section.

b. "Third-party tester" means a person designated by the department to employ knowledge and driving skills test examiners to administer knowledge and driving skills tests under this section.

[C31, 35, §4960-d17; C39, §**5013.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.187]

90 Acts, ch 1230, §33; 98 Acts, ch 1073, §10; 99 Acts, ch 96, §29; 2014 Acts, ch 1123, §13, 25; 2019 Acts, ch 41, §1; 2020 Acts, ch 1063, §146; 2021 Acts, ch 135, §4, 8; 2022 Acts, ch 1124, §1; 2023 Acts, ch 14, §1
Referred to in §321.1A

321.187A Commercial driver's license driving skills tests — fees.

1. The department shall make every effort to accommodate a commercial driver's license applicant's need to arrange an appointment for a driving skills test at an established test site other than where the applicant passed the required knowledge test. The department shall report to the governor and the general assembly on any problems, extraordinary costs, and recommendations regarding the appointment scheduling process.

2. The department shall make every effort to have an examiner conduct the commercial driver's license driving skills tests at other locations in this state where skills may be

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adequately tested when requested by a person representing ten or more drivers requiring driving skills testing.

3. *a.* The driving skills test for a commercial driver's license shall consist of three parts that must be completed in the following order:

(1) The pre-trip vehicle inspection test.

(2) The basic vehicle control skills test.

(3) The on-road driving skills test.

b. If the applicant fails one part of the test, the applicant shall not continue to the next part of the test, in accordance with 49 C.F.R. pt. 383, subpts. E, G, and H.

4. The department may charge a scheduling fee not to exceed twenty-five dollars to a commercial driver's license applicant for the pre-trip vehicle inspection test. The department shall not charge a fee to schedule or administer the basic vehicle control or on-road driving skills tests. The department shall not charge a fee under this section to an applicant who is an employee or volunteer of a government agency, as defined in section 553.3, and who provides reasonable proof that a commercial driver's license is necessary for the applicant's employment or volunteer duties for the government agency.

5. Fees authorized under this section are nonrefundable. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled. This section shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee.

6. All fees authorized in this section are in addition to any other fees imposed by law.

7. The department shall remit all fees collected pursuant to this section monthly to the treasurer of state for deposit in the statutory allocations fund.

8. The department may adopt rules pursuant to chapter 17A to administer this section.

2021 Acts, ch 135, §5, 8

Referred to in §321.145, 321.187

321.187B English language proficiency examinations for commercial drivers.

1. *a.* Except as provided in paragraph "*b*", the department shall examine the English language proficiency of each person who applies for issuance or renewal of a commercial driver's license or commercial learner's permit. The examination must require the person to demonstrate proficiency in the English language sufficient to meet the requirements of 49 C.F.R. §391.11(b)(2). The department shall administer the examination in a computer-based format.

b. The department shall not examine an applicant's English language proficiency if the applicant submits proof, as determined by the department, that the applicant is sufficiently proficient in the English language by having previously successfully completed the examination required under paragraph "*a*".

c. The department shall deny the issuance or renewal of a commercial driver's license or commercial learner's permit unless the person applying for or renewing the license or permit submits satisfactory proof, as determined by the department, that the person is sufficiently proficient in the English language based on successful completion of the examination required under paragraph "*a*".

d. An applicant shall not be prohibited from retaking the examination under paragraph "*a*", subject to the availability of the examination as determined by the department.

e. The department may adopt rules pursuant to chapter 17A to administer this subsection.

2. The department shall not comply with a provision of this section if compliance would cause the denial of federal funds or services or otherwise violate federal law. The department shall comply with federal law to the extent necessary to prevent the denial of federal funds or services.

2026 Acts, ch 1069, §2, 5

Referred to in §321.177, 321.449C

Section applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1069, §5

NEW section

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321.188 Commercial driver's license requirements.

1. The department shall adopt rules to administer commercial driver's licenses in compliance with the procedures set forth in 49 C.F.R. §383.73. Before the department issues, renews, or upgrades a commercial driver's license and in addition to the requirements of section 321.182, the license applicant shall do all of the following:

a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. pt. 391 as adopted by rule by the department.

b. Certify the applicant is not subject to any commercial driver's license disqualification and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in commercial driver's license disqualification.

c. Successfully complete any entry-level driver training if required under 49 C.F.R. pt. 380, subpt. F, or 49 C.F.R. pt. 383, subpt. E, prior to taking a knowledge test or driving skills test, the passage of which is required under paragraph *"d"*.

d. Successfully pass knowledge tests and driving skills tests, provide self-certification of type of driving, provide a medical examiner's certificate prepared by a medical examiner, as defined in 49 C.F.R. §390.5, and provide all other required information, proofs, and certificates, as required by rule by the department. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as adopted by rule by the department. Except as required under subsection 3 or 49 C.F.R. pt. 383, subpt. E, G, or H, a commercial driver's license is renewable without a knowledge test or driving skills test within one year after its expiration date.

e. Certify the vehicle to be operated in the driving skills tests is representative of the class of motor vehicle the applicant will operate on the highway.

f. Certify that the applicant is a resident of Iowa or a resident of a foreign jurisdiction.

g. Identify all states where the applicant has been licensed to drive any type of motor vehicle during the previous ten years.

h. For a person applying for the initial issuance of a class A, B, or C commercial driver's license, certify that the applicant has completed a course of instruction regarding human trafficking prevention in accordance with section 321.175.

2. An applicant for a commercial driver's license may substitute for a driving skills test the applicant's operating record and previous passage of a driving skills test or the applicant's operating record and previous driving experience if all of the following conditions exist:

a. The applicant is currently licensed to operate a commercial motor vehicle.

b. The applicant certifies that during the two years immediately preceding application all of the following apply:

(1) The applicant has not held driver's licenses valid for the operation of commercial motor vehicles from more than one state simultaneously.

(2) The applicant has not had any convictions which are federal commercial driver's license disqualifying offenses under 49 C.F.R. §383.51 as adopted by rule by the department while operating any type of vehicle.

(3) The applicant has not committed a traffic violation, other than a parking violation, arising in connection with a traffic accident.

(4) No record of an accident exists for which the applicant was convicted of a moving traffic violation.

(5) The applicant has not had any driver's license suspended, revoked, or canceled.

c. The applicant provides evidence of and certifies that the applicant is employed in a job requiring operation of a commercial motor vehicle and the applicant has done one of the following:

(1) Has previously passed a driving skills test given by this state or its designee in a motor vehicle representative of the class of motor vehicle the applicant will operate.

(2) Has operated during the two-year period immediately preceding the application a motor vehicle representative of the class of motor vehicle the applicant will operate.

3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. §383.121 as adopted by rule by the department to obtain or retain the endorsement. However, an applicant for license issuance who was previously issued a commercial driver's license from another state may retain the hazardous material

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endorsement from the previously issued license if the applicant successfully passed the endorsement test within the preceding twenty-four months. Pursuant to procedures established by the department, an applicant for a hazardous material endorsement must also comply with the application and security threat assessment requirements established under 49 C.F.R. pt. 383, 384, and 1572. A hazardous material endorsement shall be revoked or denied if the department determines that the applicant has not complied with or met the security threat assessment standards.

4. *a.* The department shall check the applicant's driving record as maintained by the applicant's current licensing state, the national commercial driver's license information system, and the national driver register to determine whether the applicant qualifies for the issuance, renewal, or upgrade of a commercial driver's license, as applicable. The department shall notify the national commercial driver's license information system of the issuance, renewal, or upgrade of a commercial driver's license and shall post the driver's self-certification of type of driving as required by rule. The department shall also post information from the medical examiner's certificate required under subsection 1, paragraph "*d*", to the national commercial driver's license information system, if required by rule.

b. The department shall request information from the national drug and alcohol clearinghouse if required under 49 C.F.R. §383.73 and shall not issue, renew, or upgrade the commercial driver's license if the response indicates the applicant is prohibited from operating a commercial motor vehicle pursuant to 49 C.F.R. §382.501(a).

5. A resident of this state holding a commercial driver's license issued by a former state of residence in conformity with the federal commercial driver testing and licensing standards shall not be required to take a knowledge or driving skills test prior to issuance of a commercial driver's license in this state, except a basic Iowa rules of the road knowledge test and, when applicable, motorcycle operator knowledge and driving skills tests. The commercial driver's license issued by this state shall be valid for operation of the same class of vehicles with the same endorsements and restrictions as in the former state of licensure. However, a person with a hazardous materials endorsement must comply with subsection 3.

6. *a.* The department may waive the requirement that an applicant pass a driving skills test specified in this section for an applicant who is on active duty in the military service, or who has separated from such service in the past year, who certifies that during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(1) The applicant has not had more than one driver's license, other than a military license.

(2) The applicant has not had any driver's license suspended, revoked, or canceled.

(3) The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 C.F.R. §383.51(b).

(4) The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 C.F.R. §383.51(c).

(5) The applicant has not had a conviction for a violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident and has no record of a traffic accident in which the applicant was at fault.

b. An applicant for a waiver of the driving skills test under this subsection shall certify and provide evidence as required by the department that the following apply:

(1) The applicant is regularly employed or was regularly employed within the past year in a military position requiring operation of a commercial motor vehicle.

(2) The applicant was exempt from commercial driver licensing requirements pursuant to section 321.176A, subsection 3, or a comparable law of another state implementing 49 C.F.R. §383.3(c).

(3) The applicant was operating a motor vehicle representative of the class of motor vehicle the applicant operates or expects to operate for at least two years immediately preceding honorable separation from military service as evidenced by the person's certificate of release or discharge from active duty, commonly referred to as a DD214.

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c. An applicant who obtains a driving skills test waiver under this subsection shall take and successfully pass the knowledge test required pursuant to subsection 1.

90 Acts, ch 1230, §34; 92 Acts, ch 1175, §21; 98 Acts, ch 1073, §9, 10; 99 Acts, ch 96, §30 – 32; 2000 Acts, ch 1133, §4; 2004 Acts, ch 1013, §28, 35; 2006 Acts, ch 1068, §25; 2011 Acts, ch 25, §30; 2011 Acts, ch 38, §13, 14; 2012 Acts, ch 1058, §1; 2012 Acts, ch 1138, §62; 2013 Acts, ch 90, §79; 2015 Acts, ch 123, §53; 2019 Acts, ch 41, §2, 3, 6, 7; 2021 Acts, ch 31, §1, 3; 2023 Acts, ch 126, §2; 2026 Acts, ch 1109, §2, 3

Referred to in §321.180, 321.196, 321.207, 321.376

Subsection 1, paragraph h applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1109, §3

Subsection 1, NEW paragraph h

321.189 Driver's license — content.

1. *Classification and issuance.*

a. Upon payment of the required fee, the department shall issue to every qualified applicant a driver's license. Driver's licenses shall be classified as follows:

(1) Class A — Valid for the operation of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds if the towed vehicle or vehicles have a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds, and also valid for the operation of vehicles with lower gross combination weight ratings and other vehicles except motorcycles.

(2) Class B — Valid for the operation of a vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds if the towing vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds and the towed vehicle or vehicles have a gross vehicle weight rating or gross combination weight rating of less than ten thousand one pounds, and also valid for the operation of vehicles with lower gross vehicle weight ratings or gross combination weight ratings except motorcycles.

(3) Class C — Valid for the operation of a vehicle, other than a motorcycle, or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds provided the towing vehicle has a gross vehicle weight rating of less than twenty-six thousand one pounds and each towed vehicle has a gross vehicle weight rating of less than ten thousand one pounds, or a combination of vehicles with a gross vehicle weight rating or gross combination weight rating of less than twenty-six thousand one pounds and also valid for the operation of any vehicle, other than a motorcycle, for which the operator is exempt from commercial driver's license requirements under section 321.176A.

(4) Class D — Valid for the operation of a motor vehicle as a chauffeur.

(5) Class M — Valid for the operation of a motorcycle.

b. A driver's license may be issued for more than one class. Class A and B driver's licenses shall only be issued as commercial driver's licenses. Class C and M driver's licenses may be issued as commercial driver's licenses. A driver's license is not valid for the operation of a vehicle requiring an endorsement unless the driver's license is endorsed for the vehicle. A class D driver's license is also valid as a noncommercial class C driver's license. The holder of a commercial driver's license is not required to obtain a class D driver's license to operate a motor vehicle as a chauffeur. When necessary, the department shall by rule create additional classes or modify existing classes of driver's licenses, however, the rule shall be temporary and if within sixty days after the next regular session of the general assembly convenes the general assembly has not made corresponding changes in this chapter, the temporary classification or modification shall be nullified.

2. *Content of license.*

a. Appearing on the driver's license shall be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, sex, and residence address; a color photograph; a physical description of the licensee; the name of the state; the dates of issuance and expiration; and the usual signature of the licensee. The license shall identify the class of vehicle the licensee may operate and the applicable endorsements and restrictions which the department shall require by rule.

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b. A commercial driver's license shall include the licensee's address as required under federal regulations, and the words "commercial driver's license" or "CDL" shall appear prominently on the face of the license. A commercial learner's permit shall include the permit holder's address as required under federal regulations, and the words "commercial learner's permit" or "CLP" with a statement that the permit is invalid unless accompanied by the permit holder's underlying driver's license shall appear prominently on the face of the permit. If the applicant is a nonresident, the license must conspicuously display the word "nondomiciled".

c. The department shall assign an applicant for a driver's license a distinguishing driver's license number other than the applicant's social security number.

d. The license may contain other information as required under the department's rules.

3. *Symbols.* Upon the request of a licensee, the department shall indicate on the license the presence of a medical condition, that the licensee is a donor under the revised uniform anatomical gift Act as provided in chapter 142C, or that the licensee has in effect a medical advance directive. For purposes of this subsection, a medical advance directive includes but is not limited to a valid durable power of attorney for health care as defined in section 144B.1. The license may contain such other information as the department may require by rule.

4. *Tamperproofing.* The department shall issue a driver's license by a method or process which prevents as nearly as possible the alteration, reproduction, or superimposition of a photograph on the license without ready detection.

5. *Licenses or nonoperator's identification cards issued to persons under age twenty-one.* A driver's license issued to a person under eighteen years of age shall contain the same information as any other driver's license except that the words "under eighteen" shall appear prominently on the face of the license. A driver's license issued to a person eighteen years of age or older but less than twenty-one years of age shall contain the same information as any other driver's license except that the words "under twenty-one" shall appear prominently on the face of the license. Upon attaining the age of eighteen or upon attaining the age of twenty-one, and upon payment of a ten dollar fee, the person shall be entitled to a new driver's license or nonoperator's identification card for the unexpired months of the driver's license or card. Upon attaining the age of twenty-one, a person who is otherwise eligible to be issued a driver's license or nonoperator's identification card shall be eligible to apply electronically for issuance of a replacement license or card for the unexpired months of the license or card, regardless of whether the most recent previous issuance of the license or card occurred electronically. The department shall, within a reasonable time period prior to a person's twenty-first birthday anniversary, notify the person of the person's eligibility to apply for a replacement driver's license or nonoperator's identification card electronically upon attaining the age of twenty-one. The department shall develop educational media to raise awareness of a person's eligibility to apply for a replacement driver's license or nonoperator's identification card electronically upon attaining the age of twenty-one. An instruction permit or intermediate license issued under section 321.180B, subsection 1 or 2, shall include a distinctive color bar. An intermediate license issued under section 321.180B, subsection 2, shall include the words "intermediate license" printed prominently on the face of the license.

6. *Motorized bicycle.*

a. The department may issue a driver's license valid only for operation of a motorized bicycle to a person fourteen years of age or older who has passed a vision test or who files a vision report as provided in section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department and who passes a written examination on the rules of the road. A person under the age of sixteen applying for a driver's license valid only for operation of a motorized bicycle shall also be required to successfully complete a motorized bicycle education course approved and established by the department or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction. A driver's license valid only for operation of a motorized bicycle entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's

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immediate possession. The license is valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance, subject to termination or cancellation as provided in this section.

b. A driver's license valid only for operation of a motorized bicycle shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section 321A.17, unless the conviction would otherwise result in a suspension or revocation of a person's driver's license.

c. As used in this section, *"moving traffic violation"* does not include a parking violation as defined in section 321.210 or a violation of a section of the Code or municipal ordinance pertaining to standards to be maintained for motor vehicle equipment except sections 321.430 and 321.431, or except a municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles.

d. The holder of any class of driver's license may operate a motorized bicycle.

e. A person who violates this subsection commits a simple misdemeanor.

7. *Veterans status.* A licensee who is an honorably discharged veteran of the armed forces of the United States may request that the license be marked to reflect the licensee's veteran status. Upon such a request, the word "VETERAN" shall be marked prominently on the face of the license. Such a license shall be issued upon receipt of satisfactory proof of veteran status pursuant to procedures established by the department in consultation with the department of veterans affairs, or upon presentation of the licensee's certification of release or discharge from active duty, DD form 214, to the department at the time of the licensee's request, if the form indicates the licensee was honorably discharged. If the license is issued upon presentation of the licensee's certification of release or discharge from active duty, DD form 214, the department shall notify the commission of veteran affairs of the county of the licensee's residence that the licensee was issued a license marked to reflect the licensee's veteran status. After receiving notification from the department, the commission of veteran affairs shall initiate contact with the licensee.

8. *Deaf or hard-of-hearing status.* A licensee who is a deaf person or a hard-of-hearing person, as those terms are defined in section 622B.1, may request that the license be marked to reflect the licensee's deaf or hard-of-hearing status on the face of the license when the licensee applies for the issuance or renewal of a license. The department may adopt rules pursuant to chapter 17A establishing criteria under which a license may be marked, including requiring the licensee to submit medical proof of the licensee's deaf or hard-of-hearing status. When a driver's license is so marked, the licensee's deaf or hard-of-hearing status shall be noted in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information. The department, in consultation with the commission of deaf services, shall develop educational media to raise awareness of a licensee's ability to request the license be marked to reflect the licensee's deaf or hard-of-hearing status.

9. *Autism spectrum disorder status.* A licensee who has autism spectrum disorder, as defined in section 514C.28, may request that the license be marked to reflect the licensee's autism spectrum disorder status on the face of the license when the licensee applies for the issuance or renewal of a license. The department may adopt rules pursuant to chapter 17A establishing criteria under which a license may be marked, including requiring the licensee to submit medical proof of the licensee's autism spectrum disorder status. When a driver's license is so marked, the licensee's autism spectrum disorder status shall be noted in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information. The department, in consultation with the department of health and human services, shall develop educational media to raise

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awareness of a licensee's ability to request the license be marked to reflect the licensee's autism spectrum disorder status.

[C31, 35, §4960-d19, -d20, -d22, -d28; C39, §**5013.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.189; C77, 79, 81, §321.189; 81 Acts, ch 107, §1, 2]

84 Acts, ch 1022, §4; 84 Acts, ch 1292, §3; 87 Acts, ch 167, §1; 87 Acts, ch 206, §2, 3; 90 Acts, ch 1230, §35; 92 Acts, ch 1175, §22, 23; 93 Acts, ch 164, §1; 94 Acts, ch 1102, §2; 95 Acts, ch 67, §25; 95 Acts, ch 95, §1; 95 Acts, ch 118, §22; 96 Acts, ch 1017, §1 – 3; 97 Acts, ch 74, §1; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §6, 7, 14, 16; 99 Acts, ch 13, §14; 2001 Acts, ch 90, §2; 2001 Acts, ch 132, §5; 2001 Acts, ch 180, §7; 2003 Acts, ch 108, §56; 2006 Acts, ch 1068, §26; 2007 Acts, ch 44, §29; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1140, §5; 2012 Acts, ch 1091, §2; 2013 Acts, ch 82, §1; 2015 Acts, ch 123, §33, 54; 2016 Acts, ch 1011, §48; 2016 Acts, ch 1111, §1; 2017 Acts, ch 29, §94; 2019 Acts, ch 76, §1; 2019 Acts, ch 84, §1; 2020 Acts, ch 1089, §1; 2022 Acts, ch 1026, §2; 2024 Acts, ch 1161, §107, 137; 2026 Acts, ch 1118, §14, 17

Referred to in §49.78, 321.177, 321.180B, 321.189A, 321.190, 321.191, 321.213

Driver's license fees, see §321.191

Intermediate driver's license to indicate applicability of six-month restriction on unrelated minor passengers; see §321.180B, subsection 2

2026 strike of former subsection 3 applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §17

Subsection 3 stricken and former subsections 4 – 10 renumbered as 3 – 9

321.189A Driver's license for undercover law enforcement officers — fee — penalties.

1. The department may issue undercover driver's licenses to certified peace officers employed by a local authority or by the state or federal law enforcement officers for use in the line of duty when a fictitious identity is necessary. The department, in cooperation with the commissioner of public safety, shall adopt rules pursuant to chapter 17A regarding the issuance, use, and cancellation of licenses issued pursuant to this section.

2. A license issued pursuant to this section shall only be issued to a certified peace officer or federal law enforcement officer, who is qualified to obtain the class of license sought, at the request of the law enforcement agency employing the officer for official use when the officer is involved in duty in which a fictitious identity is necessary. An officer issued a license pursuant to this section shall surrender the license when the license is no longer needed.

3. *a.* A license issued pursuant to this section shall only be used in the line of duty when it is necessary for the officer holding the license to assume a fictitious identity. An officer issued a license pursuant to this section shall report as soon as practical to the law enforcement agency employing the officer any traffic citation issued to the officer while using the officer's fictitious identity.

b. An officer using a license issued under this section shall not be prosecuted for a public offense under this chapter if the offense was committed in the line of duty and was necessary to protect the identity of the officer. However, this paragraph shall not apply to a violation of subsection 4, paragraph "*a*".

4. *a.* An officer who provides the department false information for the purposes of obtaining a license under this section commits a class "D" felony.

b. An officer who displays or uses a license issued pursuant to this section during the commission or attempted commission of a public offense other than a public offense referred to in subsection 3 or who knowingly permits another person to use the license issued under this section commits a class "D" felony.

c. An officer who displays or uses a license issued pursuant to this section in any manner which is not a public offense but which is not authorized under this section or who knowingly fails or refuses to surrender the license upon demand by the department commits an aggravated misdemeanor.

5. The fee for issuing a license under this section shall be the same as for licenses issued pursuant to section 321.189.

6. The department shall keep as confidential public records under section 22.7, all records regarding licenses issued under this section.

97 Acts, ch 92, §2; 98 Acts, ch 1073, §10

Referred to in §22.7(36)

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321.190 Issuance of nonoperator's identification cards — fee.

1. *Application for and contents of card.*

a. The department shall, upon application and payment of the required fee, issue to an applicant a nonoperator's identification card. To be valid the card shall bear a distinguishing number other than a social security number assigned to the cardholder, the full name, date of birth, sex, residence address, a physical description and a color photograph of the cardholder, the usual signature of the cardholder, and such other information as the department may require by rule. An applicant for a nonoperator's identification card shall apply for the card in the manner provided in section 321.182, subsections 1 through 3. The card shall be issued to the applicant at the time of application pursuant to procedures established by rule. An applicant for a nonoperator's identification card who is required by 50 U.S.C. app. §451 et seq. to register with the United States selective service system shall be registered by the department with the selective service system as provided in section 321.183.

b. (1) The department shall not issue a card to a person holding a driver's license. However, a card may be issued to a person holding a temporary permit under section 321.181. The card shall be identical in form to a driver's license issued under section 321.189 except the word "nonoperator" shall appear prominently on the face of the card.

(2) A nonoperator's identification card issued to a person under eighteen years of age shall contain the same information as any other nonoperator's identification card except that the words "under eighteen" shall appear prominently on the face of the card.

(3) A nonoperator's identification card issued to a person eighteen years of age or older but under twenty-one years of age shall contain the same information as any other nonoperator's identification card except that the words "under twenty-one" shall appear prominently on the face of the card.

(4) A nonoperator's identification card issued to an honorably discharged veteran of the armed forces of the United States who satisfies the requirements of section 321.189, subsection 7, shall contain the same information as any other nonoperator's identification card except the word "VETERAN" shall appear prominently on the face of the card.

(5) An applicant for a nonoperator's identification card who is a deaf person or a hard-of-hearing person, as those terms are defined in section 622B.1, may request that the card be marked to reflect the applicant's deaf or hard-of-hearing status on the face of the card when the applicant applies for the issuance or renewal of a card. The department may adopt rules pursuant to chapter 17A establishing criteria under which a card may be marked, including requiring the applicant to submit medical proof of the applicant's deaf or hard-of-hearing status. The department, in consultation with the commission of deaf services, shall develop educational media to raise awareness of an applicant's ability to request the card be marked to reflect the applicant's deaf or hard-of-hearing status.

(6) An applicant for a nonoperator's identification card who has autism spectrum disorder, as defined in section 514C.28, may request that the card be marked to reflect the applicant's autism spectrum disorder status on the face of the card when the applicant applies for the issuance or renewal of a card. The department may adopt rules pursuant to chapter 17A establishing criteria under which a card may be marked, including requiring the applicant to submit medical proof of the applicant's autism spectrum disorder status. The department, in consultation with the department of health and human services, shall develop educational media to raise awareness of an applicant's ability to request the card be marked to reflect the applicant's autism spectrum disorder status.

c. The department shall use a process or processes for issuance of a nonoperator's identification card that prevent, as nearly as possible, the opportunity for alteration or reproduction of, and the superimposition of a photograph on the nonoperator's identification card without ready detection.

d. The fee for a nonoperator's identification card shall be eight dollars and the card shall be valid for a period of eight years from the date of issuance. If an applicant for a nonoperator's identification card is a foreign national who is temporarily present in this state, the nonoperator's identification card shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years. An issuance fee shall not be charged for a person whose driver's license or

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driving privilege has been suspended under section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), or voluntarily surrendered by the person in lieu of suspension under section 321.210, subsection 1, paragraph *"a"*.

2. *Cancellation.* The department shall cancel a person's nonoperator's identification card upon determining the person was not entitled to be issued the card, did not provide correct information, committed fraud in applying for the card, or unlawfully used a nonoperator's identification card.

3. *Renewal.* A person may renew a nonoperator's identification card and, if eligible pursuant to rules adopted by the department, may do so electronically. The department shall renew a nonoperator's identification card upon payment of the required fee.

4. *Rules.* The department shall adopt rules pursuant to chapter 17A to administer this section.

[C77, 79, 81, §321.190]

84 Acts, ch 1305, §65; 89 Acts, ch 317, §32; 90 Acts, ch 1230, §36, 37; 96 Acts, ch 1090, §2; 96 Acts, ch 1152, §11; 97 Acts, ch 74, §2; 98 Acts, ch 1073, §9; 2001 Acts, ch 132, §6; 2002 Acts, ch 1063, §24; 2003 Acts, ch 41, §2; 2006 Acts, ch 1068, §27; 2010 Acts, ch 1061, §112; 2011 Acts, ch 34, §80; 2012 Acts, ch 1091, §3; 2013 Acts, ch 82, §2, 5; 2016 Acts, ch 1011, §49; 2019 Acts, ch 84, §2; 2020 Acts, ch 1089, §2; 2022 Acts, ch 1026, §3; 2024 Acts, ch 1161, §108, 137; 2026 Acts, ch 1118, §15, 17

Referred to in §49.78, 123.48, 142C.2, 321M.1, 453A.4

Voter registration, see §48A.18

Replacement of identification cards upon person attaining age twenty-one, see §321.189, subsection 5

Subsections 3 and 4 apply on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §17

NEW subsections 3 and 4

321.191 Fees for driver's licenses.

1. *Instruction permits.* The fee for an instruction permit, other than a special instruction permit or commercial learner's permit, is six dollars. The fee for a special instruction permit is ten dollars. The fee for a commercial learner's permit is twelve dollars.

2. *Noncommercial driver's licenses.* The fee for a noncommercial driver's license, other than a class D driver's license or any type of instruction permit, is four dollars per year of license validity.

3. *Licenses for chauffeurs.* The fee for a noncommercial class D driver's license is eight dollars per year of license validity.

4. *Commercial driver's licenses.* The fee for a commercial driver's license, other than a commercial learner's permit, for the operation of a commercial motor vehicle is eight dollars per year of license validity.

5. *Licenses valid for motorcycles.* An additional fee of two dollars per year of license validity is required to issue a license valid to operate a motorcycle.

6. *Minors' restricted licenses.* Notwithstanding subsection 2, the fee for a special minor's restricted license issued to a minor under section 321.194 or a restricted work license issued to a minor under section 321.178, subsection 2, is eight dollars.

7. *Endorsements and removal of restrictions.* The fee for a double or triple trailer endorsement, tank vehicle endorsement, or hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement or a school bus endorsement is ten dollars. The fee for removal of an air brake, full air brake, manual transmission, tractor-trailer, or passenger vehicle restriction on a commercial driver's license or commercial learner's permit is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the period of the license. Upon renewal of a commercial driver's license, no fee is payable for retaining endorsements or the removal of a restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal.

8. *Driver's license reinstatements.* The fee for reinstatement of a driver's license shall be twenty dollars for a license which is, after notice and opportunity for hearing, canceled, suspended, revoked, or barred. However, reinstatement of the privilege suspended under section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), shall be without fee. The

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fee for reinstatement of the privilege to operate a commercial motor vehicle after a period of disqualification shall be twenty dollars.

9. *Upgrading a license class privilege — fee adjustment.*

a. If an applicant wishes to upgrade a license class privilege, the fee charged shall be prorated on full-year fee increments of the new license in accordance with rules adopted by the department. The expiration date of the new license shall be the expiration date of the currently held driver's license. The fee for a commercial driver's license endorsement, the removal of a restriction, or a commercial learner's permit shall not be prorated.

b. As used in this subsection, "*to upgrade a license class privilege*" means to add any privilege to a valid driver's license. The addition of a privilege includes converting from a noncommercial to a commercial license, converting from a noncommercial class C to a class D license, converting an instruction or learner's permit to a class license, adding any privilege to a section 321.189, subsection 6, license, adding an instruction or learner's permit privilege, adding a section 321.189, subsection 6, license to an instruction or learner's permit, and adding any privilege relating to a driver's license issued to a minor under section 321.194 or 321.178.

10. *Fees waived — veterans.* Notwithstanding the provisions of this section to the contrary, the department shall not charge the following fees for a driver's license to the following applicants:

a. The fees set forth under subsections 2 and 5 to an applicant who is a veteran with a permanent service-connected disability rating of one hundred percent, as certified by the United States department of veterans affairs.

b. The fees set forth under subsections 3 and 4 to an applicant who is on federal active duty or state active duty, as those terms are defined in section 29A.1, or who was issued an honorable discharge or general discharge under honorable conditions from such service.

[C31, 35, §4960-d26; C39, §**5013.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.191; 82 Acts, ch 1160, §1, ch 1167, §1]

84 Acts, ch 1305, §66; 86 Acts, ch 1220, §29; 87 Acts, ch 167, §2; 87 Acts, ch 206, §4; 90 Acts, ch 1230, §38; 96 Acts, ch 1152, §12; 98 Acts, ch 1073, §9, 10; 2002 Acts, ch 1063, §25 – 27; 2003 Acts, ch 8, §14, 26; 2005 Acts, ch 8, §16, 17; 2008 Acts, ch 1113, §29; 2010 Acts, ch 1061, §171; 2015 Acts, ch 30, §102; 2015 Acts, ch 123, §55; 2022 Acts, ch 1134, §25; 2024 Acts, ch 1166, §5; 2026 Acts, ch 1118, §4

Referred to in §321.12, 321.180A, 321.210B, 321.211, 321.212
Subsection 1 amended

321.192 Waivers or refunds of fees. Repealed by 2009 Acts, ch 130, §17.

321.193 Restrictions on licenses — penalty.

1. *a.* As provided by rule, the department may impose restrictions suitable to the licensee's driving ability with respect to the type of motor vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or other restrictions applicable to the licensee as the department may determine to be appropriate.

b. The department may set forth restrictions upon the driver's license.

2. The department may suspend or revoke the driver's license upon receiving satisfactory evidence of any violation of the license's restrictions.

3. It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to that person under this section.

[C39, §**5013.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.193]

90 Acts, ch 1230, §39; 92 Acts, ch 1175, §33; 98 Acts, ch 1073, §9, 12; 2001 Acts, ch 176, §51, 59; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1190, §39

Referred to in §321.180B, 321.194, 321.213, 805.8A(4)(e)

321.194 Special minor's restricted license.

1. *Application — persons eligible.* The department may issue a special minor's restricted license to an applicant between the ages of fourteen and eighteen years if the applicant meets all of the following conditions:

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a. The applicant holds an instruction permit issued by the department in accordance with section 321.180B, or a comparable permit issued by another state, and has held such permit for a minimum of six months prior to applying for the special minor's restricted license.

b. The applicant has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term *"hardship"* and establishing procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant.

c. The applicant submits a certification from the applicant's school certifying the applicant is enrolled at the school for courses of instruction or extracurricular activities, or from the applicant's primary instructor if the applicant receives competent private instruction or independent private instruction.

2. *Consent — employment.* Prior to being authorized to operate a motor vehicle unsupervised to a place of employment or a location for farm-related work while employed to work on a farm, the applicant's parent or guardian must complete a written consent form prescribed by the department.

a. The written consent form must include, at minimum, the name and address of the applicant's current place of employment or primary farm location, as applicable.

b. If the place of employment or primary farm location changes, the parent or guardian must complete a new written consent form prior to the licensee being authorized to operate a motor vehicle unsupervised to the new location.

c. While a licensee is operating a motor vehicle as described in this subsection, the licensee shall carry a copy of the written consent form in the vehicle and present the form for inspection upon request by a certified peace officer.

3. *Persons ineligible.* The department shall not issue a special minor's restricted license to an applicant if any of the following occurred during the six-month period immediately preceding the application:

a. The applicant's driving privileges have been suspended, revoked, or barred under this chapter or chapter 321J.

b. The applicant was at fault for causing an accident or collision.

c. The applicant has been convicted of a violation of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as described in section 321.210.

4. *License privileges.*

a. The department shall classify the special minor's restricted license as a class C or class M license, as applicable. A licensee is entitled to operate a motor vehicle as provided in this section, other than a commercial motor vehicle, a motor vehicle with more than two axles, a motor vehicle towing another vehicle, or as a chauffeur.

b. A licensee may operate a motor vehicle unsupervised over the most direct and accessible route between the licensee's residence, school of enrollment, location where the licensee receives competent private instruction or independent private instruction, place of employment, location for farm work or farm-related work if the licensee resides on a farm or is employed for compensation on a farm in this state, and the closest service station, for any of the following purposes, as applicable, provided the driving distance between the point of origin and the destination is no more than twenty-five miles, and the licensee is in immediate possession of the license card:

(1) To return to the licensee's residence following the end of the licensee's duly scheduled courses of instruction, extracurricular activities, work shift, farm work, or farm-related work, as applicable.

(2) To attend duly scheduled courses of instruction. However, a licensee who attends a public school and resides within that public school district may operate a motor vehicle between the licensee's residence and school regardless of the distance.

(3) To participate in extracurricular activities. If the licensee receives competent private instruction or independent private instruction and participates in an extracurricular activity at

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another school, the licensee may drive to the location of the extracurricular activity regardless of whether the licensee is enrolled at the school.

(4) To complete a scheduled work shift, if approved by the licensee's parent or guardian pursuant to subsection 2.

(5) For the purpose of assisting the licensee's parents, guardians, or employer with farm work or in connection with any farm job, employment, or other farm-related work, including traveling to or from the location of the farm work, if the licensee resides on a farm or is employed for compensation on a farm in this state. If employed, the licensee's parent or guardian must provide consent pursuant to subsection 2.

(6) For the purpose of refueling the motor vehicle being operated.

5. *Restrictions.* Unless accompanied and supervised in accordance with section 321.180B, subsection 1, a licensee shall not do any of the following:

a. Operate the motor vehicle except during the hour before and after the beginning and end of the licensee's duly scheduled courses of instruction, extracurricular activities, work shift, farm work, or farm-related work, as applicable.

b. Transport more than one unrelated minor passenger in the motor vehicle when the licensee is operating the motor vehicle. For purposes of this paragraph, "*unrelated minor passenger*" means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver.

c. Operate the motor vehicle on a highway except as authorized under subsection 4, paragraph "*b*".

d. Operate a motor vehicle to the licensee's place of employment or location for farm work or farm-related work unless the licensee's parent or guardian completed a written consent form and the form is carried in the motor vehicle and available for inspection in accordance with subsection 2.

6. *Certification.* The department shall prescribe a certification form for purposes of meeting the requirement under subsection 1, paragraph "*c*". If the applicant is enrolled at a school for courses of instruction or extracurricular activities, the applicant's school shall certify that fact on the certification form, which must also include a statement that the person signing the certificate is not responsible for actions of the applicant which pertain to the use of the special minor's restricted license.

a. If the applicant attends a public school, the certification must be made by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent.

b. If the applicant attends an accredited nonpublic school, the certification must be made by the authorities in charge of the accredited nonpublic school or a duly authorized representative of the authorities.

c. If the applicant receives competent private instruction or independent private instruction, the certification must be made by the applicant's primary instructor.

7. *License sanctions.*

a. A special minor's restricted license issued under this section is subject to suspension, revocation, or other sanction for the same reasons and in the same manner as suspension or revocation of any other driver's license, and as provided in this section. The department shall suspend a special minor's restricted license for three months, as follows:

(1) Upon receiving satisfactory evidence that the licensee violated the restrictions of the license or was at fault in an accident or collision.

(2) Upon receiving a record of the licensee's conviction for one violation of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as described in section 321.210.

b. As a result of the suspension, the department shall not issue an intermediate license under section 321.180B for an additional three months to a person whose special minor's restricted license was suspended under this subsection, per violation, following the person's sixteenth birthday.

8. *Citations for violation of restrictions.* A person who violates the restrictions imposed under subsection 5 may be issued a citation under this section and shall not be issued a

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citation under section 321.193. A violation of the restrictions imposed under subsection 5 is a moving violation.

9. *Definitions.* As used in this section:

a. "Competent private instruction" means as defined in section 299A.1.

b. "Independent private instruction" means as defined in section 299A.1.

c. "Place of employment" means the fixed location of an employer who employs a person between the ages of fourteen and eighteen in accordance with chapter 92, as applicable, and is the only location at which the person is authorized to work for the employer unless the person is employed for purposes of farm work or farm-related work.

d. "Residence" means the place where a person resides, permanently or temporarily. A person may have up to three different residences for purposes of this section, if the person's parent or guardian provides written consent of the additional residences on a form prescribed by the department. If a licensee has two or three different residences, the licensee shall carry a copy of the written consent form required under this paragraph in the vehicle operated by a licensee pursuant to this section, and the licensee shall present the form for inspection upon request by a certified peace officer.

e. "School" means a public school or an accredited nonpublic school, and includes facilities operated by a public or accredited nonpublic school for the purposes of educational or extracurricular activities.

10. *Rules.* The department may adopt rules pursuant to chapter 17A to administer this section.

[C31, 35, §4960-d5; C39, §**5013.19;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.194; 82 Acts, ch 1248, §3]

83 Acts, ch 49, §1, 4; 83 Acts, ch 101, §68; 84 Acts, ch 1022, §5; 84 Acts, ch 1219, §24; 89 Acts, ch 266, §2; 90 Acts, ch 1230, §40; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §8, 14, 16; 2001 Acts, ch 159, §17; 2005 Acts, ch 8, §18; 2009 Acts, ch 130, §7, 8; 2010 Acts, ch 1105, §3; 2011 Acts, ch 38, §15, 16; 2013 Acts, ch 80, §2, 3; 2014 Acts, ch 1025, §1, 2; 2014 Acts, ch 1092, §77; 2014 Acts, ch 1123, §14; 2016 Acts, ch 1098, §33; 2018 Acts, ch 1170, §5 – 7; 2019 Acts, ch 22, §1, 2; 2021 Acts, ch 6, §1 – 4; 2024 Acts, ch 1166, §6; 2025 Acts, ch 14, §6; 2026 Acts, ch 1040, §79, 80

Referred to in §321.177, 321.178, 321.180B, 321.191, 321.213, 321A.17, 805.8A(4)(f)
For applicable scheduled fine, see §805.8A, subsection 4
Subsection 4, paragraph b, subparagraph (3) amended
Subsection 6, paragraph c amended

321.195 Replacement of driver's licenses and nonoperator's identification cards.

1. Prior to the expiration of a driver's license or nonoperator's identification card, a person may apply for a replacement, and may do so electronically if eligible pursuant to rules adopted by the department. The fee for the replacement of a driver's license or nonoperator's identification card is ten dollars.

2. If a person's driver's license or nonoperator's identification card contains inaccurate information, the person shall return the driver's license or nonoperator's identification card to the department and the department shall issue a replacement license or identification card, as applicable.

3. If a driver's license or nonoperator's identification card issued under this chapter is lost or destroyed, the person to whom the license or card was issued must furnish proof satisfactory to the department that the driver's license or nonoperator's identification card has been lost or destroyed in order to obtain a replacement.

4. The department shall adopt rules pursuant to chapter 17A to administer this section.

[C31, 35, §4960-d27; C39, §**5013.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.195]

89 Acts, ch 317, §33; 91 Acts, ch 27, §2; 98 Acts, ch 1073, §9, 10; 2013 Acts, ch 82, §3; 2026 Acts, ch 1118, §16, 17

Referred to in §321.208
2026 amendment applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §17
Section amended

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321.196 Expiration of license — renewal.

1. Except as otherwise provided, if the licensee is between the ages of seventeen years eleven months and seventy-eight years on the date of issuance of the license, a driver's license, other than an instruction permit or commercial learner's permit issued under section 321.180, expires eight years from the licensee's birthday anniversary occurring in the year of issuance, but not to exceed the licensee's eightieth birthday. If the licensee is under the age of seventeen years eleven months or age seventy-eight or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as verified by the department, not to exceed two years.

2. Except as required in section 321.188, and except for a motorcycle instruction permit issued in accordance with section 321.180 or 321.180B, a driver's license is renewable without a driving test or written examination within a period of one year after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired.

3. For the purposes of this section, the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1.

4. Except as required in section 321.180 or 321.188, the department in its discretion may authorize the renewal of a valid driver's license upon application without an examination provided that the applicant meets one of the following conditions:

a. The applicant satisfactorily passes a vision test as prescribed by the department.

b. The applicant files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

c. The applicant is eligible for license renewal electronically, pursuant to rules adopted by the department. An applicant shall not be eligible for electronic renewal of a driver's license if the most recent previous renewal of the applicant's driver's license occurred electronically.

5. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1.

6. A resident of Iowa holding a valid driver's license who is temporarily absent from the state or incapacitated, may, at the time for renewal of such license, apply to the department for a temporary extension of the license. The department upon receipt of the application shall, upon a showing of good cause, issue a temporary extension of the driver's license for a period not to exceed six months.

[C31, 35, §4960-d15, -d30; C39, §**5013.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.196]

84 Acts, ch 1219, §25; 85 Acts, ch 195, §35; 86 Acts, ch 1220, §30; 87 Acts, ch 167, §3; 89 Acts, ch 296, §31; 90 Acts, ch 1230, §41; 93 Acts, ch 51, §1; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §9, 14, 16; 2000 Acts, ch 1133, §5; 2001 Acts, ch 32, §43; 2001 Acts, ch 180, §8; 2002 Acts, ch 1063, §28; 2008 Acts, ch 1018, §22; 2009 Acts, ch 124, §1; 2013 Acts, ch 82, §4, 5; 2013 Acts, ch 104, §1, 4; 2015 Acts, ch 123, §56; 2020 Acts, ch 1072, §1, 2; 2021 Acts, ch 31, §2, 3; 2026 Acts, ch 1118, §5

Subsection 1 amended

321.197 Emergency contact information.

1. The department shall include in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information a collection of emergency contact information for persons who are issued a driver's license or nonoperator's identification card. Emergency contact information in the database shall be confidential and accessible only by employees of the department or a law enforcement

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agency in the performance of the employee's official duties, and shall not be considered a public record under chapter 22.

2. *a.* At the time a person applies for issuance, replacement, or renewal of a driver's license or nonoperator's identification card, the department shall request that the applicant voluntarily submit emergency contact information for inclusion in the database. A person may provide the emergency contact information along with or separate from an application for issuance, replacement, or renewal of a driver's license or nonoperator's identification card. The department shall not require a person to submit emergency contact information as part of the driver's license or nonoperator's identification card issuance, replacement, or renewal process. The department shall accept submitted information without payment of a fee.

b. The department shall allow a person to provide the name, address, telephone number, and relationship to the person of no more than two emergency contacts whom the person wishes to be contacted if the person is involved in a motor vehicle accident or emergency situation and the person dies or is seriously injured or rendered unconscious and is unable to communicate with the emergency contact. The department shall accept the emergency contact information provided by a person, but has no duty to verify any of the information provided.

c. The emergency contact need not be the next of kin of the person, except that if the person is under eighteen years of age and is not emancipated, the person shall include a parent, guardian, or custodian of the person as an emergency contact.

3. In the event of a motor vehicle accident or emergency situation in which a person dies or is seriously injured or rendered unconscious and is unable to communicate with the emergency contact specified in the database, an employee of a law enforcement agency shall make a good-faith effort to notify the emergency contact of the situation based on information in the database, but the department, the law enforcement agency, and the employee shall not be liable if the employee is not able to notify the emergency contact.

4. The department shall adopt rules pursuant to chapter 17A necessary to administer this section, including but not limited to rules relating to all of the following:

a. The methods whereby a person who has submitted the information of an emergency contact for inclusion in the database may make changes to that entry.

b. The methods whereby a person may opt out of being listed as an emergency contact in the database.

2021 Acts, ch 122, §1, 2

321.198 Military service exception.

1. *a.* The effective date of a valid driver's license issued under the laws of this state, held by any person at the time of entering the military service of the United States or of the state of Iowa, notwithstanding the expiration of the license according to its terms, is extended without fee until six months following the initial separation from active duty of the person from the military service, provided the person is not suffering from physical disabilities which impair the person's competency as an operator, and provided further that the licensee shall furnish, upon demand of any peace officer, satisfactory evidence of the person's military service. However, a person entitled to the benefits of this section who is charged with operating a motor vehicle without a valid driver's license shall not be convicted if the person produces in court, within a reasonable time, a valid driver's license previously issued to that person along with satisfactory evidence of the person's military service as provided in this paragraph.

b. The department is authorized to renew any driver's license falling within the provisions and limitations of paragraph "*a*", without examination, upon application and payment of fee made within six months following separation from the military service.

c. For purposes of this subsection, a United States department of defense common access card issued to a person is satisfactory evidence of the person's current military service, and a certificate of release or discharge from active duty, commonly referred to as a DD214, is satisfactory evidence of a person's previous military service and separation from active duty. A person who produces a valid driver's license previously issued to the person along with

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the person's common access card or DD214 shall not be required to produce any additional documentation to satisfy the requirements of paragraph *"a"*.

2. The provisions of this section shall also apply to the spouse and children, or protected person, of military personnel when such spouse, children, or protected person are living with the military personnel described in subsection 1 outside of the state of Iowa and provided that such extension of license does not exceed five years.

3. A person whose period of validity of the person's driver's license is extended under this section may file an application in accordance with rules adopted by the department to have the person's record of issuance of a driver's license retained in the records system during the period for which the driver's license remains valid. If a person has had the record of issuance of the person's driver's license removed from the records system, the person shall have the person's record of driver's license issuance reentered by the department upon request if the request is accompanied by a letter from the applicable person's commanding officer verifying the military service.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.198]

87 Acts, ch 167, §5; 87 Acts, ch 170, §5; 90 Acts, ch 1230, §43, 44; 98 Acts, ch 1073, §9; 2005 Acts, ch 8, §19; 2010 Acts, ch 1069, §92; 2012 Acts, ch 1070, §1; 2015 Acts, ch 30, §103; 2024 Acts, ch 1009, §48; 2026 Acts, ch 1118, §26, 29

2026 amendment to subsection 3 applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29

Subsection 3 amended

321.199 Driver's license records.

The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order, all of the following:

1. All applications denied and the reasons for the denial.
2. All applications granted.
3. The name of every licensee who has been disqualified from operating a commercial motor vehicle or whose license has been suspended, revoked, or canceled by the department and after each name a note on the reasons for the action.

[C31, 35, §4960-d18; C39, §**5013.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.199]

90 Acts, ch 1230, §45; 98 Acts, ch 1073, §9

321.200 Conviction and accident file.

The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state or any other state or foreign jurisdiction and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.

[C39, §**5013.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.200]

2005 Acts, ch 8, §20

Referred to in §321.213, 321.267A

321.200A Convictions based upon fraud.

1. If a person discovers a record of conviction for a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification, the person may, within one year of the date of the discovery of the conviction, submit a written application to the department to investigate the allegation. The department may summarily reject the application as submitted or proceed to investigate the application. If the department investigates the application, the department may either deny the application or, if the department determines the allegation is warranted, approve the application. If the department investigates the application, the department shall also issue a report and findings with the decision of the department. The rejection, approval, or denial of an application is not subject to contested case proceedings or further review as provided in chapter 17A. If the application is investigated, the department shall provide

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the applicant with a certified copy of the decision of the department. If the department approves the application, the department shall also provide the applicant with a certified copy of the investigative report and findings. The department shall also provide certified copies of the department's decision approving or denying the application together with the investigative report and findings to the appropriate prosecuting attorney in the city or county that prosecuted the scheduled violation and to the district court in the county that prosecuted the scheduled violation. The department may electronically provide copies of any decision approving or denying the application and the investigative report and findings to the district court.

2. A person who discovers that a record of conviction for a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification may bypass the application process in subsection 1 and move in district court to set aside the judgment of conviction within one year of discovery of the conviction. An applicant with an approved application under subsection 1 shall also move in district court to set aside the judgment of conviction in order to have the department expunge or alter the records of the department or rescind or modify an administrative sanction. If the district court grants the motion to set aside the judgment, the district court shall order the charging agency or official to modify the records of the agency or official to reflect the order setting aside the judgment. The clerk of the district court shall provide the court order setting aside the judgment, either by regular mail or electronic means, to the charging agency or official, and the department of transportation. The clerk of the district court shall also provide the applicant with a certified copy of the court order at no cost to the applicant.

3. Notwithstanding the department's approval of an application pursuant to subsection 1, the department shall not expunge or alter the records of the department or rescind or modify an administrative sanction unless the department receives an order from the district court setting aside the previous judgment of the court as provided in subsection 2. Upon receiving a copy of an order from the district court setting aside the previous judgment of the court, the department shall expunge the record and shall rescind any administrative sanction imposed upon the applicant as a result of the judgment, unless the applicant is subject to sanctions for other reasons. The department may impose a new sanction if expunging the judgment would result in a lesser or different sanction.

4. The department shall adopt rules pursuant to chapter 17A to implement this section.

2009 Acts, ch 124, §2
Referred to in §811.9

CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES

321.201 Cancellation and return of license — prohibition from issuance of commercial driver's license for false information.

1. *a.* The department may cancel a driver's license upon determination of any of the following:

(1) That the licensee was not entitled to the issuance of the license.

(2) That the licensee failed to give required or correct information or committed fraud in making the application.

b. Upon cancellation, the licensee shall immediately return the license to the department.

2. *a.* Upon cancellation of a commercial driver's license or commercial learner's permit for providing false information or committing fraud in the application, the applicant shall not operate a commercial motor vehicle in this state and shall not be issued a license valid to operate a commercial motor vehicle for a period of sixty days.

b. The department shall disqualify the commercial driver's license or commercial learner's permit of a person convicted or suspected of fraud related to the testing for or issuance of a commercial driver's license or commercial learner's permit. The department

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shall adopt rules to administer this paragraph that substantially comply with 49 C.F.R. §383.73(k).

[C31, 35, §4960-d33; C39, §**5014.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.201]
90 Acts, ch 1230, §46; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §180; 2015 Acts, ch 123, §57
Referred to in §321.204

321.202 Reserved.

321.203 Suspending privileges of nonresidents.

A nonresident's privilege to operate a motor vehicle on a highway in this state is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a resident's driver's license and is also subject to suspension as provided in section 321.513.

[C31, 35, §4960-d37; C39, §**5014.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.203]
90 Acts, ch 1230, §47

321.204 Certification of conviction — notification of commercial driver's disqualification.

1. The department is authorized, upon receiving a record of the conviction in this state of a nonresident operator of a motor vehicle for any offense under the motor vehicle laws of this state, to forward a certified written or electronic record of the conviction to the motor vehicle administrator in the licensing state.

2. The department shall notify the commercial driver's license information system and the commercial motor vehicle administrator in the licensing state, if applicable, of the disqualification of a commercial driver within ten days of any of the following:

a. The disqualification of the commercial driver under section 321.201 or section 321.208 if the disqualification is for sixty days or more.

b. The suspension or revocation of a commercial driver's license or commercial learner's permit if the suspension or revocation is for sixty days or more.

c. The cancellation of a commercial driver's license or commercial learner's permit.

[C31, 35, §4960-d41; C39, §**5014.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.204]
90 Acts, ch 1230, §48; 2015 Acts, ch 123, §58
Referred to in §321.208

321.205 Conviction or administrative decision in another jurisdiction.

The department is authorized to suspend or revoke the driver's license of a resident of this state or disqualify a resident of this state from operating a commercial motor vehicle for any of the following reasons:

1. Upon receiving notice of the conviction of the resident in another state for an offense which, if committed in this state, would be grounds for the suspension or revocation of the license or disqualification of the person from operating a commercial motor vehicle.

2. Upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license or disqualification of the person from operating a commercial motor vehicle in this state.

[C31, 35, §4960-d39; C39, §**5014.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.205]
90 Acts, ch 1230, §49; 93 Acts, ch 16, §3; 93 Acts, ch 87, §4; 96 Acts, ch 1218, §58; 98 Acts, ch 1073, §9; 2005 Acts, ch 8, §21
Referred to in §321.210C

321.206 Surrender of license — duty of court.

If a person is convicted in court of an offense for which this chapter requires mandatory revocation of the person's driver's license or, if the person's license is a commercial driver's license or commercial learner's permit and the conviction disqualifies the person from operating a commercial motor vehicle, the court shall require the person to surrender the driver's license held by the person and the court shall destroy the license or forward the

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license together with a record of the conviction to the department as provided in section 321.491.

[C31, 35, §4960-d32; C39, §**5014.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.206]
90 Acts, ch 1230, §50; 98 Acts, ch 1073, §9; 2007 Acts, ch 143, §14; 2015 Acts, ch 123, §59
Referred to in §321.210D

321.207 Downgrade of commercial driver's license or commercial learner's permit.

The department shall adopt rules for downgrading a commercial driver's license or commercial learner's permit to a noncommercial status upon a driver's failure to provide a medical examiner's certificate as required pursuant to section 321.188, subsection 1, paragraph *"d"*, upon a driver's failure to provide a self-certification of type of driving as required pursuant to section 321.188, subsection 1, paragraph *"d"*, or upon receiving notification of the driver's prohibited status pursuant to 49 C.F.R. §383.73(q). The rules shall include procedures regarding notification of downgrade status to the commercial driver's license information system, termination of a downgrade process, and reinstatement of a commercial learner's permit or commercial driver's license after a downgrade, and shall substantially comply with 49 C.F.R. §383.71 and 383.73, as adopted by rule by the department.

2011 Acts, ch 38, §17; 2015 Acts, ch 123, §60; 2023 Acts, ch 126, §3
Referred to in §321.174

321.208 Disqualification from operation of commercial motor vehicles — noncommercial driver's license — temporary license or permit.

1. A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person has committed any of the following acts or offenses in any state or foreign jurisdiction while operating a commercial motor vehicle:

a. Operating a commercial motor vehicle with an alcohol concentration, as defined in section 321J.1, of 0.04 or more.

b. Operating a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the person's commercial driver's license or commercial learner's permit is revoked, suspended, or canceled or the person is disqualified from operating a commercial motor vehicle.

c. Operating a commercial motor vehicle involved in a fatal accident and being convicted of manslaughter under section 707.4 or 707.5 or vehicular homicide under section 707.6A.

2. A person is disqualified from operating a commercial motor vehicle for one year upon a conviction or final administrative decision that the person has committed any of the following acts or offenses in any state or foreign jurisdiction while operating a commercial motor vehicle or while operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit:

a. Operating a motor vehicle while intoxicated, as provided in section 321J.2, subsection 1.

b. Refusal to submit to chemical testing required under chapter 321J.

c. Leaving the scene or failure to stop or render aid at the scene of an accident involving the person's vehicle.

d. A felony or aggravated misdemeanor involving the use of a motor vehicle, other than a felony or aggravated misdemeanor otherwise provided for in this section.

3. A person is disqualified from operating a commercial motor vehicle for three years if an act or offense described in subsection 1 or 2 occurred while the person was operating a commercial motor vehicle transporting hazardous materials as defined in 49 C.F.R. §383.5.

4. A person is disqualified from operating a commercial motor vehicle for life if convicted or found to have committed two or more of the acts or offenses described in subsection 1 or 2 arising out of two or more separate incidents. However, a disqualification for life is subject to a reduction to a ten-year disqualification as provided in 49 C.F.R. §383.51 as adopted by rule by the department.

5. A person is disqualified from operating a commercial motor vehicle for life upon a

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conviction that the person used a commercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a noncommercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101 and held a commercial driver's license or commercial learner's permit at the time the offense was committed.

6. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a commercial motor vehicle in the commission of a felony involving an act or practice of human trafficking as defined in section 710A.1.

7. A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle, or while operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit if the convictions result in the revocation, cancellation, or suspension of the person's commercial driver's license, commercial learner's permit, or noncommercial motor vehicle driving privileges:

a. Operating a commercial motor vehicle upon a highway when not issued a commercial driver's license or commercial learner's permit.

b. Operating a commercial motor vehicle upon a highway when not issued the proper class of commercial driver's license, commercial learner's permit, or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

c. Operating a commercial motor vehicle upon a highway without immediate possession of a commercial driver's license or commercial learner's permit valid for the vehicle operated.

d. Speeding fifteen miles per hour or more over the legal speed limit.

e. Reckless driving.

f. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident.

g. Following another motor vehicle too closely.

h. Improper lane changes in violation of section 321.306.

i. Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle.

j. Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle.

8. The period of disqualification under subsection 7 shall be sixty days for two offenses within any three-year period and one hundred twenty days for three offenses within any three-year period. Multiple periods of disqualification shall be consecutive.

9. A person is disqualified from operating a commercial motor vehicle when the person's driving privilege is suspended or revoked.

10. A person is disqualified from operating a commercial motor vehicle:

a. For no less than one hundred eighty days and no more than one year upon conviction for the first violation of an out-of-service order; for no less than two and not more than five years upon conviction for a second violation of an out-of-service order in separate incidents within a ten-year period; and for not less than three and not more than five years upon conviction for a third or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

b. For one year upon conviction for the first violation and for not less than three years and not more than five years upon conviction for a second or subsequent violation of an out-of-service order while transporting hazardous materials as defined in 49 C.F.R. §383.5, or while operating a commercial motor vehicle designed to transport more than fifteen passengers including the driver.

11. A person is disqualified from operating a commercial motor vehicle if the person is convicted of a first, second, or third railroad crossing at grade violation as follows:

a. A person is disqualified from operating a commercial motor vehicle for sixty days if

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the person is convicted of a first railroad crossing at grade violation under section 321.341 or 321.343 and the violation occurred while the person was operating a commercial motor vehicle.

b. A person is disqualified from operating a commercial motor vehicle for one hundred twenty days if the person is convicted of a second railroad crossing at grade violation under section 321.341 or 321.343, the violation occurred while the person was operating a commercial motor vehicle, and the violation occurred within three years after a first such violation.

c. A person is disqualified from operating a commercial motor vehicle for one year if the person is convicted of a third or subsequent railroad crossing at grade violation under section 321.341 or 321.343, the violation occurred while the person was operating a commercial motor vehicle, and the violation occurred within three years after a first such violation.

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

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

b. The effective date of disqualification shall be thirty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test or, notwithstanding chapter 17A, the department may notify the person by first class mail. If immediate notice is served, the peace officer shall take the commercial driver's license or commercial learner's permit of the driver, if issued within the state, and issue a temporary commercial driver's license or commercial learner's permit effective for only thirty days. The peace officer shall immediately send the person's commercial driver's license or commercial learner's permit to the department in addition to the officer's certification required by this subsection.

14. Upon notice, the disqualified person shall surrender the person's commercial driver's license or commercial learner's permit to the department and the department may issue a driver's license valid only to operate a noncommercial motor vehicle upon payment of the fee for a replacement driver's license under section 321.195. The department shall notify the commercial driver's license information system of the disqualification if required to do so under section 321.204.

15. Notwithstanding the Iowa administrative procedure Act, chapter 17A, the filing of a petition for judicial review shall stay the disqualification pending the determination by the district court.

16. The department may reinstate a qualified person's privilege to operate a commercial motor vehicle after a period of disqualification and after payment of required fees.

17. As used in this section, the terms "*acts*", "*actions*", and "*offenses*" mean acts, actions, or offenses which occur on or after July 1, 1990.

[C39, §**5014.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.208]

90 Acts, ch 1230, §51; 92 Acts, ch 1175, §24 – 26; 95 Acts, ch 55, §6; 96 Acts, ch 1152, §13; 98 Acts, ch 1073, §9; 99 Acts, ch 96, §33; 2000 Acts, ch 1133, §6; 2001 Acts, ch 32, §44; 2001 Acts, ch 132, §7; 2002 Acts, ch 1063, §29; 2003 Acts, ch 44, §114; 2005 Acts, ch 8, §22 – 25; 2006 Acts, ch 1068, §28; 2008 Acts, ch 1021, §5 – 9; 2009 Acts, ch 130, §9, 10; 2013 Acts, ch 103, §11, 12; 2015 Acts, ch 123, §61 – 66; 2020 Acts, ch 1017, §1, 2; 2020 Acts, ch 1062, §43

Referred to in §321.204, 321.218, 321A.17, 321J.8, 321J.13

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321.208A Operation in violation of out-of-service order — penalties.

1. A person required to hold a commercial driver's license or commercial learner's permit to operate a commercial motor vehicle shall not operate a commercial motor vehicle on the highways of this state in violation of an out-of-service order issued by a peace officer for a violation of the out-of-service rules adopted by the department. A driver who violates an out-of-service order commits a simple misdemeanor and shall be subject to the applicable fine in an amount in accordance with the civil penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(1), upon conviction for the first violation of an out-of-service order or subsequent violation of an out-of-service order in separate incidents within a ten-year period.

2. An employer shall not knowingly allow, require, permit, or authorize an employee to drive a commercial motor vehicle in violation of an out-of-service order. An employer who violates this subsection commits a simple misdemeanor and shall be subject to a fine in an amount in accordance with the civil penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(2).

90 Acts, ch 1230, §52; 95 Acts, ch 55, §7; 97 Acts, ch 108, §12; 98 Acts, ch 1178, §1; 2001 Acts, ch 137, §5; 2008 Acts, ch 1021, §10; 2010 Acts, ch 1140, §6; 2015 Acts, ch 123, §67; 2023 Acts, ch 126, §4

321.209 Mandatory revocation.

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

1. Manslaughter resulting from the operation of a motor vehicle.
2. A felony if during the commission of the felony a motor vehicle is used.
3. Failure to stop and render aid as required under the laws of this state or to otherwise comply with section 321.261 in the event of a motor vehicle accident resulting in the death or personal injury of another.
4. Perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles.
5. Conviction, or forfeiture of bail not vacated, upon two charges of reckless driving.
6. Conviction of drag racing.
7. Eluding or attempting to elude a law enforcement vehicle as provided in section 321.279.

[C31, 35, §4960-d33, 5027-d1; C39, §**5014.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.209; 82 Acts, ch 1167, §2]

83 Acts, ch 125, §3; 86 Acts, ch 1220, §31; 90 Acts, ch 1230, §53; 93 Acts, ch 16, §4; 96 Acts, ch 1152, §14; 96 Acts, ch 1218, §59; 2021 Acts, ch 180, §1

Referred to in §321.210D, 321.212, 321.213, 321.215

321.210 Suspension.

1. *a.* The department is authorized to establish rules providing for the suspension of the license of an operator upon thirty days' notice and without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(1) Is an habitually reckless or negligent driver of a motor vehicle.
(2) Is an habitual violator of the traffic laws.
(3) Is physically or mentally incapable of safely operating a motor vehicle.
(4) Has permitted an unlawful or fraudulent use of the license.
(5) Has committed an offense or acted in a manner in another state or foreign jurisdiction which in this state would be grounds for suspension or revocation.
(6) Has committed a serious violation of the motor vehicle laws of this state.
(7) Is subject to a license suspension under section 321.513.

b. Prior to a suspension taking effect under paragraph "*a*", subparagraph (1), (2), (3), (4), (5), or (6), the licensee shall have received thirty days' advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, the filing of a petition for judicial review shall, except for suspensions under

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paragraph *"a"*, subparagraph (3), operate to stay the suspension pending the determination by the district court.

2. In determining suspension the department shall not consider the following:

a. Violation of motor vehicle equipment standards if repairs are made within seventy-two hours of the violation and satisfactory evidence of repair is immediately sent to the department.

b. Violations of requirements to install and use safety belts, safety harnesses, and child restraint devices under sections 321.445 and 321.446.

c. Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 1, paragraph *"f"*, and sections 321.354 through 321.361 except section 321.354, subsection 1, paragraph *"a"*.

d. The first two speeding violations within any twelve-month period that are ten or fewer miles per hour over the speed limit in a speed zone with a speed limit between thirty-four miles per hour and sixty-one miles per hour.

[C31, 35, §4960-d35; C39, §**5014.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.210; 82 Acts, ch 1100, §18, 19]

84 Acts, ch 1016, §2; 84 Acts, ch 1022, §1; 86 Acts, ch 1009, §1; 86 Acts, ch 1220, §32; 87 Acts, ch 120, §1; 87 Acts, ch 167, §6; 89 Acts, ch 247, §6; 90 Acts, ch 1230, §54; 96 Acts, ch 1152, §15; 97 Acts, ch 23, §33; 97 Acts, ch 104, §16; 2010 Acts, ch 1061, §113, 172; 2010 Acts, ch 1105, §4; 2013 Acts, ch 90, §243; 2025 Acts, ch 14, §7; 2026 Acts, ch 1132, §1

Referred to in §321.12, 321.178, 321.180A, 321.189, 321.190, 321.191, 321.194, 321.210C, 321.212, 321.213, 321.215, 321.218, 321.372, 321.555, 321A.17

Subsection 2, paragraph d amended

321.210A Suspension for failure to pay fine, penalty, surcharge, or court costs.

1. The department shall suspend the driver's license of a person who, upon conviction of violating a law regulating the operation of a motor vehicle, has failed to pay the criminal fine or penalty, surcharge, or court costs, as follows:

a. Upon the failure of a person to timely pay the fine, penalty, surcharge, or court costs the clerk of the district court shall notify the person by regular mail that if the fine, penalty, surcharge, or court costs remain unpaid after sixty days from the date of mailing, the clerk will notify the department of the failure for purposes of instituting suspension procedures.

b. Upon the failure of a person to pay the fine, penalty, surcharge, or court costs within sixty days' notice by the clerk of the district court as provided in paragraph *"b"*, the clerk shall report the failure to the department.

c. Upon receipt of a report of a failure to pay the fine, penalty, surcharge, or court costs from the clerk of the district court, the department shall in accordance with its rules, suspend the person's driver's license until the fine, penalty, surcharge, or court costs are paid.

2. If after suspension, the person enters into an installment agreement with the county attorney, the county attorney's designee, or the department of revenue in accordance with section 321.210B to pay the fine, penalty, court cost, or surcharge, the person's license shall be reinstated by the department upon receipt of a report of an executed installment agreement.

3. If the county attorney or the county attorney's designee, while collecting delinquent court debt pursuant to section 602.8107, determines that the person has been convicted of an additional violation of a law regulating the operation of a motor vehicle, the county attorney or the county attorney's designee shall notify the clerk of the district court of the appropriate case numbers, and the clerk of the district court shall notify the department for the purpose of instituting suspension procedures pursuant to this section.

85 Acts, ch 197, §3; 86 Acts, ch 1019, §1; 98 Acts, ch 1073, §9; 2007 Acts, ch 196, §1; 2008 Acts, ch 1172, §19, 20; 2009 Acts, ch 130, §11; 2015 Acts, ch 138, §90, 161, 162; 2020 Acts, ch 1074, §85, 92

Referred to in §321.12, 321.210B, 321.212, 321.215, 321.218, 321A.17, 602.8102(50A)

321.210B Installment agreement.

1. *a.* If a person's fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person's driver's license has been suspended pursuant to section 321.210A, or the clerk of the district court has reported the delinquency

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to the department as required by section 321.210A, the person may execute an installment agreement as defined in section 602.8107 with the county attorney, the county attorney's designee, or the department of revenue, to pay the delinquent amount and the civil penalty assessed in subsection 7 in installments. Prior to execution of the installment agreement, the person shall provide the county attorney, the county attorney's designee, or the department of revenue with a financial statement in order for the parties to the agreement to determine the amount of the installment payments.

b. Cases involving court debt assigned to a county attorney, a county attorney's designee, or the department of revenue shall remain so assigned.

2. If the person enters into an installment agreement with the county attorney or the county attorney's designee, the person shall execute an installment agreement in the county where the fine, penalty, surcharge, or court cost was imposed. If the county where the fine, penalty, surcharge, or court cost was imposed does not have an installment agreement program, the person shall execute an installment agreement in the person's county of residence. If the county of residence does not have an installment agreement program, the person may execute an installment agreement with any county attorney or county attorney's designee.

3. The county attorney, the county attorney's designee, or the department of revenue shall file or give notice of the installment agreement with the clerk of the district court in the county where the fine, penalty, surcharge, or court cost was imposed, within five days of execution of the agreement.

4. Upon receipt of an executed installment agreement and after the first installment payment, the clerk of the district court shall report the receipt of the executed installment agreement to the department of transportation.

5. Upon receipt of the report from the clerk of the district court and payment of the reinstatement fee as provided in section 321.191, the department shall terminate the suspension if the suspension has not yet become effective. If the suspension has become effective, the department shall immediately reinstate the driver's license of the person unless the driver's license of the person is otherwise suspended, revoked, denied, or barred under another provision of law.

6. If a driver's license is reinstated upon receipt of a report of an executed installment agreement the driver shall provide proof of financial responsibility pursuant to section 321A.17, if otherwise required by law.

7. *a.* A civil penalty assessed pursuant to section 321J.17 shall be added to the amount owing under the installment agreement.

b. The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed pursuant to section 321J.17 and added to the installment agreement. The department shall transmit the money received from the clerk of the district court pursuant to this paragraph to the treasurer of state who shall deposit one-half of the money in the separate fund established in section 915.94 and one-half of the money in the general fund of the state.

8. *a.* Except as provided in paragraph *"b"*, upon determination by the county attorney, the county attorney's designee, or the department of revenue that the person is in default, the county attorney, the county attorney's designee, or the department of revenue shall notify the clerk of the district court.

b. (1) If the person is in default and the person provides a new financial statement within fifteen days of the determination made pursuant to paragraph *"a"* indicating that the person's financial condition has changed to such an extent that lower installment payments would have been required prior to the execution of the initial installment agreement under subsection 1, the county attorney, the county attorney's designee, or the department of revenue shall not notify the clerk of the district court, and the person shall not be considered in default. The new installment payments shall be based upon the new financial statement filed in compliance with this subparagraph.

(2) A person making new installment payments after complying with the provisions of subparagraph (1) shall not be considered executing a new installment agreement for purposes

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of calculating the number of installment agreements a person may execute in a person's lifetime under subsection 12.

9. The clerk of the district court, upon receipt of a notification of a default from the county attorney, the county attorney's designee, or the department of revenue, shall report the default to the department of transportation.

10. Upon receipt of a report of a default from the clerk of the district court, the department shall suspend the driver's license of a person as provided in section 321.210A. For purposes of suspension and reinstatement of the driver's license of a person in default, the suspension and any subsequent reinstatement shall be considered a suspension pursuant to section 321.210A.

11. If a new fine, penalty, surcharge, or court cost is imposed on a person after the person has executed an installment agreement with the county attorney, the county attorney's designee, or the department of revenue, and the new fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person's driver's license has been suspended pursuant to section 321.210A, the person may enter into a second installment agreement with the county attorney, county attorney's designee, or the department of revenue to pay the delinquent amount and the civil penalty, if assessed, in subsection 7 in installments.

12. A person is eligible to enter into five installment agreements in the person's lifetime.

13. Except for a civil penalty assessed and collected pursuant to subsection 7, any amount collected under the installment agreement by the county attorney or the county attorney's designee shall be distributed as provided in section 602.8107, subsection 4, and any amount collected by the department of revenue shall be deposited with the clerk of the district court for distribution under section 602.8108.

2007 Acts, ch 196, §2, 17; 2008 Acts, ch 1018, §23, 31; 2008 Acts, ch 1172, §21; 2015 Acts, ch 138, §91, 161, 162; 2016 Acts, ch 1119, §1 – 4; 2020 Acts, ch 1074, §51, 86, 92, 93

Referred to in §321.210A, 321J.17, 331.756(5)(d)

321.210C Probation period.

1. A person whose driver's license or operating privileges have been suspended, revoked, or barred under this chapter for a conviction of a moving traffic violation, or suspended, revoked, or barred under section 321.205 or section 321.210, subsection 1, paragraph "*a*", subparagraph (5), must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of suspension, revocation, or bar. Upon a second conviction of a moving traffic violation which occurred during the probation period, the department may suspend the driver's license or operating privileges for an additional period equal in duration to the original period of suspension, revocation, or bar, or for one year, whichever is the shorter period.

2. A person whose driver's license or operating privileges have been revoked under chapter 321J, must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of revocation. Upon conviction of a moving traffic violation which occurs during the probation period, the department may revoke the driver's license or operating privileges for an additional period equal in duration to the original period of revocation, or for one year, whichever is the shorter period.

3. For purposes of determining a conviction under this section, the department shall not consider the first two speeding violations within the probation period that are ten or fewer miles per hour over the speed limit in a speed zone with a speed limit between thirty-four miles per hour and sixty-one miles per hour.

98 Acts, ch 1112, §10, 14, 16; 2006 Acts, ch 1010, §89; 2007 Acts, ch 196, §4; 2010 Acts, ch 1061, §173; 2026 Acts, ch 1132, §2

Subsection 3 amended

321.210D Vehicular homicide suspension — termination upon revocation of license — reopening of suspension.

1. If a trial information or indictment is filed charging a person with the offense of homicide by vehicle under section 707.6A, subsection 1 or 2, the clerk of the district court shall, upon the filing of the information or indictment, forward notice to the department

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including the name and address of the party charged, the registration number of the vehicle involved, if known, the nature of the offense, and the date of the filing of the indictment or information.

2. Upon receiving notice from the clerk of the district court that an indictment or information has been filed charging an operator with homicide by vehicle under section 707.6A, subsection 1 or 2, the department shall notify the person that the person's driver's license will be suspended effective ten days from the date of issuance of the notice. The department shall adopt rules relating to the suspension of the license of an operator pursuant to this section which shall include, but are not limited to, procedures for the surrender of the person's license to the department upon the effective date of the suspension.

3. If a person whose driver's license has been suspended pursuant to this section is not convicted of the charge of homicide by vehicle under section 707.6A, subsection 1 or 2, upon record entry of disposition of the charge, the clerk of the district court shall forward a notice including the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense charged by indictment or information, the date of the filing of the indictment or information, and of the disposition of the charge to the department. Upon receipt of the notice from the clerk, the department shall automatically rescind the suspension and reinstate the person's driver's license without payment of any charge or penalty.

4. Upon receiving a record of conviction under section 321.206, for a violation of section 707.6A, subsection 1 or 2, and upon revocation of the person's license or operating privileges under section 321.209, the suspension under subsection 2 shall automatically terminate in favor of the revocation.

98 Acts, ch 1073, §12; 98 Acts, ch 1088, §1; 2000 Acts, ch 1133, §7
Referred to in §321A.17

321.211 Notice and hearing — appropriation.

1. Upon suspending the license of a person as authorized, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the department of inspections, appeals, and licensing as early as practical within thirty days after receipt of the request. The hearing shall be held by telephone conference unless the licensee and the department of inspections, appeals, and licensing agree to hold the hearing in the county in which the licensee resides or in some other county. Upon the hearing the department of inspections, appeals, and licensing may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon the hearing and issuance of a recommendation by the department of inspections, appeals, and licensing, the state department of transportation shall either rescind its order of suspension or for good cause may extend the suspension of the license or revoke the license. This section does not preclude the director from attempting to effect an informal settlement under chapter 17A.

2. There is appropriated each year from the road use tax fund to the department of transportation two hundred twenty-five thousand dollars or as much thereof as is necessary to be used to pay the cost of notice and personal delivery of service, as necessary to meet the notice requirement of this section. The department shall adopt rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in the manner provided in section 321.145, as reimbursement for the costs of notice under this section.

3. A peace officer stopping a person for whom a notice of a suspension or revocation has been issued or to whom a notice of a hearing has been sent under the provisions of this section may personally serve such notice upon forms approved by the department to satisfy the notice requirements of this section. The peace officer may confiscate the driver's license of such

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person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the driver's license to the department as required.

[C31, 35, §4960-d36; C39, §**5014.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.211; 81 Acts, ch 14, §24]

83 Acts, ch 198, §21; 86 Acts, ch 1246, §29; 89 Acts, ch 273, §1; 89 Acts, ch 317, §34; 90 Acts, ch 1230, §55; 90 Acts, ch 1267, §37; 92 Acts, ch 1238, §34; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §1966

321.211A Appeal of extended suspension or revocation.

Notwithstanding any provision of law to the contrary, if a person was not served with notice of a suspension or revocation under section 321.16, or section 321J.9, subsection 4, or section 321J.12, subsection 3, the person may appeal to the department an extension of the period of suspension or revocation based upon a conviction under section 321.218 or 321J.21. At the hearing on the appeal, the sole issue shall be whether the department failed to send notice of the underlying suspension or revocation to the person at the address contained in the department's records. If the department determines it failed to send such notice, the department shall rescind the extended suspension or revocation resulting from the conviction and send notice of the department's determination to the court that rendered the conviction. Upon receipt of the notice, the court shall enter an order exonerating the person of the conviction and ordering that the record of the conviction be expunged by the clerk of the district court.

2001 Acts, ch 32, §45

321.212 Period of suspension or revocation — surrender of license.

1. *a.* (1) Except as provided in section 321.210A or 321.513 the department shall not suspend a license for a period of more than one year, except that a license suspended because of incompetency to drive a motor vehicle shall be suspended until the department receives satisfactory evidence that the former holder is competent to operate a motor vehicle and a refusal to reinstate constitutes a denial of license within section 321.215; upon revoking a license the department shall not grant an application for a new license until the expiration of one year after the revocation, unless another period is specified by law.

(2) A suspension under section 321.210, subsection 1, paragraph "*a*", subparagraph (4), for a violation of section 321.216B shall not exceed six months. As soon as practicable after the period of suspension has expired, but not later than six months after the date of expiration, the department shall expunge information regarding the suspension from the person's driving record.

b. The department shall not revoke a license under the provisions of section 321.209, subsection 5, for more than thirty days nor less than five days as recommended by the trial court.

c. The department shall revoke a license for six months for a first offense under the provisions of section 321.209, subsection 6, where the violation charged did not result in a personal injury or damage to property.

2. The department upon suspending or revoking a driver's license shall require that the license be surrendered to and be retained by the department. At the end of the period of suspension the license surrendered shall be reissued to the licensee upon payment of the reinstatement fee under section 321.191. At the end of a period of revocation the licensee must apply for a new driver's license.

[C31, 35, §4960-d40, -d42, -d45; C39, §**5014.12, 5014.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.212, 321.213; 82 Acts, ch 1167, §3]

85 Acts, ch 197, §4; 90 Acts, ch 1230, §56; 93 Acts, ch 16, §5; 93 Acts, ch 164, §2; 96 Acts, ch 1218, §60; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §114; 2018 Acts, ch 1172, §96, 104

321.213 License suspensions or revocations due to violations by juvenile drivers.

Upon the entering of a dispositional order suspending or revoking the driver's license or operating privileges of the juvenile under section 232.52, subsection 2, paragraph "*a*", the clerk of the juvenile court shall forward a copy of the adjudication and the dispositional order

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to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter or chapter 321A or 321J constitutes a final conviction for purposes of section 321.189, subsection 6, paragraph *"b"*, and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3, and 321J.4.

[82 Acts, ch 1070, §1]

C83, §321.213

86 Acts, ch 1220, §33; 89 Acts, ch 296, §32; 90 Acts, ch 1230, §57; 93 Acts, ch 16, §6; 93 Acts, ch 87, §6; 95 Acts, ch 55, §8; 96 Acts, ch 1218, §61; 98 Acts, ch 1073, §9

Referred to in §232.147

Section not amended; internal reference change applied

321.213A License suspension for juveniles adjudicated delinquent for certain drug or alcohol offenses.

Upon the entering of a dispositional order under section 232.52, subsection 2, paragraph *"a"*, the clerk of the juvenile court shall forward a copy of the adjudication and the dispositional order suspending or revoking the driver's license or operating privileges of the juvenile to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license, if eligible, as provided in section 321.215.

94 Acts, ch 1172, §34; 95 Acts, ch 55, §9; 96 Acts, ch 1034, §20; 96 Acts, ch 1218, §62; 98 Acts, ch 1073, §9; 2001 Acts, ch 132, §8

Referred to in §232.147, 321A.17

321.213B Suspension for failure to attend.

The department shall establish procedures by rule for suspending the license of a juvenile who has been issued a driver's license and is not in compliance with the requirements of section 299.1B and issuing the juvenile a restricted work license under section 321.178.

94 Acts, ch 1172, §35; 96 Acts, ch 1152, §16; 2005 Acts, ch 8, §26; 2024 Acts, ch 1166, §7

Referred to in §321.215, 321A.17

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321.215 Temporary restricted license.

1. *a.* The department, on application, may issue a temporary restricted license to a person whose noncommercial driver's license is suspended or revoked under this chapter, allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by any of the following:

(1) The person's full-time or part-time employment.

(2) The person's continuing health care or the continuing health care of another who is dependent upon the person.

(3) The person's continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion.

(4) The person's substance use disorder treatment.

(5) The person's court-ordered community service responsibilities.

(6) The person's appointments with the person's parole or probation officer.

b. However, a temporary restricted license shall not be issued to a person whose license is revoked pursuant to a court order issued under section 321.209, subsections 1 through 5; to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph *"a"*, for a violation of chapter 124 or 453B or section 126.3; to a juvenile whose license has been suspended under section 321.213B; or to a person whose license has been suspended pursuant to a court order under section 714.7D. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure.

2. Upon conviction and the suspension or revocation of a person's noncommercial

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driver's license under section 321.209, subsection 5, 6, or 7, or section 321.210, 321.210A, or 321.513; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph *"c"*, or section 321.555, subsection 2; or upon suspension or revocation of a juvenile's driver's license pursuant to a dispositional order under section 232.52, subsection 2, paragraph *"a"*, for a violation of chapter 124 or 453B, or section 126.3; or upon suspension of a driver's license pursuant to a court order under section 714.7D, the person may apply to the department for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied:

a. The temporary restricted license is requested only for a case of hardship or circumstances where alternative means of transportation do not exist.

b. The temporary restricted license is restricted to the limited purpose or purposes specified in subsection 1 at times specified in the license.

c. Proof of financial responsibility is established as defined in chapter 321A. However, such proof is not required if the driver's license was suspended under section 321.210A or 321.513.

3. The temporary restricted license shall be canceled upon conviction of a moving traffic violation or upon a violation of a term of the license. A *"moving traffic violation"* does not include a parking violation as defined in section 321.210.

4. The temporary restricted license is not valid to operate a commercial motor vehicle if a commercial driver's license or commercial learner's permit is required for the person's operation of the commercial motor vehicle.

5. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321J.20, provided the requirements of this section and section 321J.20 are satisfied.

[C31, 35, §4960-d43, -d44; C39, §**5014.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.215]

84 Acts, ch 1022, §6; 84 Acts, ch 1219, §26; 90 Acts, ch 1230, §58; 93 Acts, ch 16, §7 – 9; 95 Acts, ch 55, §10; 95 Acts, ch 143, §1; 96 Acts, ch 1152, §17; 96 Acts, ch 1218, §63 – 65; 98 Acts, ch 1073, §9; 2000 Acts, ch 1133, §8 – 10; 2001 Acts, ch 132, §9; 2002 Acts, ch 1050, §33; 2005 Acts, ch 8, §27; 2005 Acts, ch 141, §1, 2; 2007 Acts, ch 196, §3; 2010 Acts, ch 1097, §1; 2015 Acts, ch 123, §34, 68; 2016 Acts, ch 1011, §50; 2018 Acts, ch 1172, §97 – 99, 104; 2023 Acts, ch 19, §1061; 2023 Acts, ch 42, §1, 2

Referred to in §321.212, 321.213, 321.213A, 321.560, 321.561, 321J.20, 321J.20A

LICENSES AND NONOPERATOR'S IDENTIFICATION CARDS — VIOLATIONS

321.216 Unlawful use of license or nonoperator's identification card — penalty.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, for any person:

1. To display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or fraudulently altered driver's license or nonoperator's identification card.

2. To lend that person's driver's license or nonoperator's identification card to another person or knowingly permit the use of the license by another.

3. To display or represent as one's own a driver's license or nonoperator's identification card not issued to that person.

4. To fail or refuse to surrender to the department upon its lawful demand a driver's license or nonoperator's identification card which has been suspended, revoked, or canceled.

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5. To permit an unlawful use of a driver's license or nonoperator's identification card issued to that person.

[C31, 35, §4960-d46, -d52; C39, §**5015.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.216]

89 Acts, ch 84, §1; 90 Acts, ch 1230, §59; 96 Acts, ch 1090, §3; 98 Acts, ch 1073, §9; 2001 Acts, ch 176, §52, 59; 2010 Acts, ch 1190, §40

Referred to in §123.48, 453A.4, 805.8A(4)(g)

321.216A Falsifying driver's licenses, nonoperator's identification cards, or forms.

It is a serious misdemeanor for a person to do any of the following:

1. Make a driver's license, a nonoperator's vehicle identification card, or a blank driver's license form if the person has no authority or right to make the license, card, or form.

2. Obtain, possess, or have in the person's control or on the person's premises, driver's license or nonoperator's identification card forms.

3. Obtain, possess, or have in the person's control or on the person's premises, a driver's license or a nonoperator's identification card, or blank driver's license or nonoperator's identification card form, which has been made by a person having no authority or right to make the license, card, or form.

4. Use a false or fictitious name in any application for a driver's license or nonoperator's identification card or to knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud on an application.

89 Acts, ch 84, §2; 96 Acts, ch 1090, §4; 98 Acts, ch 1073, §9, 10

Referred to in §123.48, 453A.4

321.216B Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

1. A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license to violate or attempt to violate section 123.47, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4. The court shall forward a copy of the conviction to the department.

2. A person shall not be charged or prosecuted for a violation of this section if the person is immune from charge or prosecution pursuant to section 701.12.

93 Acts, ch 164, §3; 96 Acts, ch 1090, §5; 97 Acts, ch 126, §40; 98 Acts, ch 1073, §9; 98 Acts, ch 1100, §45; 2001 Acts, ch 176, §53, 59; 2010 Acts, ch 1190, §41; 2020 Acts, ch 1080, §5

Referred to in §123.48, 321.212, 321A.17, 701.12, 805.8A(4)(h)

Legislative intent regarding effect on insurance rates; 93 Acts, ch 164, §6

321.216C Use of driver's license or nonoperator's identification card by underage person to obtain tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license or card to violate or attempt to violate section 453A.2, subsection 2, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4. The court shall forward a copy of the conviction to the department.

2000 Acts, ch 1105, §1; 2001 Acts, ch 176, §54, 59; 2010 Acts, ch 1190, §42; 2020 Acts, ch 1106, §1, 8

Referred to in §453A.4, 805.8A(4)(i)

321.217 Perjury.

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty of a class "D" felony.

[C31, 35, §4960-d47; C39, §**5015.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.217]

Perjury, §720.2

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321.218 Operating without valid driver's license or when disqualified — penalties.

1. A person whose driver's license or operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter or as provided in section 252J.8, and who operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars.

2. The sentence imposed under this section shall not be suspended by the court, notwithstanding section 907.3 or any other statute.

3. *a.* The department, upon receiving the record of the conviction of a person under this section upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 252J.8, section 321.210, subsection 1, paragraph *"a"*, subparagraph (3), or section 321.210A or 321.513, extend the period of suspension or revocation for an additional like period or for one year, whichever period is shorter.

b. If the department receives a record of a conviction of a person under this section but the person's driving record does not indicate what the original grounds of suspension were, the period of suspension under this subsection shall be for a period not to exceed six months.

4. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 or the imminent hazard provisions of 49 C.F.R. §383.52 commits a serious misdemeanor if a commercial driver's license or commercial learner's permit is required for the person to operate the commercial motor vehicle.

5. The department, upon receiving the record of a conviction of a person under this section upon a charge of operating a commercial motor vehicle while the person is disqualified, shall extend the period of disqualification for an additional like period or for the time period specified in section 321.208, whichever is longer.

[C31, 35, §4960-d34, -d51; C39, §**5015.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.218; 82 Acts, ch 1167, §4]

84 Acts, ch 1142, §1; 85 Acts, ch 195, §36; 86 Acts, ch 1220, §34; 89 Acts, ch 83, §43; 90 Acts, ch 1230, §60; 93 Acts, ch 164, §4; 95 Acts, ch 48, §4; 96 Acts, ch 1090, §6, 7; 97 Acts, ch 104, §17; 98 Acts, ch 1073, §9; 99 Acts, ch 153, §2; 2005 Acts, ch 8, §28; 2006 Acts, ch 1030, §36; 2009 Acts, ch 130, §12; 2010 Acts, ch 1061, §174; 2015 Acts, ch 123, §69; 2018 Acts, ch 1172, §100, 104; 2021 Acts, ch 98, §1

Referred to in §321.211A, 321.241, 321J.4B, 321N.3, 901C.3

321.218A Civil penalty — disposition — reinstatement. Repealed by 2020 Acts, ch 1074, §54, 93.

321.219 Permitting unauthorized minor to drive.

1. A person shall not cause or knowingly permit the person's child or protected person under the age of eighteen years to drive a motor vehicle upon any highway when the minor is not authorized under this chapter.

2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4.

[C31, 35, §4960-d48; C39, §**5015.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.219]

2000 Acts, ch 1203, §7; 2001 Acts, ch 137, §5; 2002 Acts, ch 1119, §152; 2010 Acts, ch 1190, §43; 2024 Acts, ch 1009, §49

Referred to in §805.8A(4)(j)

321.220 Permitting unauthorized person to drive.

1. A person shall not knowingly authorize or permit a motor vehicle owned by the person or under the person's control to be driven upon a highway by a person who is not issued a driver's license valid for the vehicle's operation.

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2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4.

[C31, 35, §4960-d50; C39, §**5015.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.220]

90 Acts, ch 1230, §61; 98 Acts, ch 1073, §9; 2000 Acts, ch 1203, §8; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §44

Referred to in §805.8A(4)(k)

321.221 Employing unlicensed chauffeur.

A person shall not employ as a chauffeur of a motor vehicle a person not then holding a class D driver's license or a commercial driver's license as provided in this chapter.

[C31, 35, §4960-d49; C39, §**5015.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.221]

90 Acts, ch 1230, §62

321.222 Renting motor vehicle to another.

No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of residence except a nonresident whose home state or country does not require that an operator be licensed.

[C39, §**5015.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.222]

321.223 Driver's license inspection for motor vehicle rental.

A person shall not rent a motor vehicle to another person without inspecting the driver's license of the person to whom the vehicle is to be rented and doing all of the following:

1. A comparison and verification of the signature on the driver's license with the signature of such person written in the inspecting person's presence.
2. A comparison and verification of the person to whom the motor vehicle is to be rented with the photograph and other identification information on the person's driver's license.
3. A determination that the driver's license of the person to whom the vehicle is to be rented is valid for operating the vehicle to be rented.

[C39, §**5015.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.223]

90 Acts, ch 1230, §63; 98 Acts, ch 1073, §9

321.224 Record kept.

Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. The record shall be open to inspection by any peace officer as defined in section 801.4, subsection 11, paragraphs *"a"*, *"b"*, *"c"* and *"h"* or employee of the department.

[C39, §**5015.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.224; 81 Acts, ch 103, §3]

321.225 through 321.227 Reserved.

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

321.228 Provisions refer to highways — exceptions.

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of sections 321.261 through 321.273, and sections 321.277 and 321.280 shall apply upon highways and elsewhere throughout the state.

[C39, §**5017.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.228]

86 Acts, ch 1220, §35; 98 Acts, ch 1178, §2; 2019 Acts, ch 59, §91

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321.229 Obedience to peace officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

[S13, §1571-m18; C24, 27, 31, 35, §5064; C39, §**5017.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.229]

Referred to in §805.8A(14)(a)
For applicable scheduled fine, see §805.8A, subsection 14, paragraph a

321.230 Public officers not exempt.

The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

[C39, §**5017.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.230]

321.231 Authorized emergency vehicles and police bicycles.

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or misdemeanor, or in response to an incident dangerous to the public, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

2. The driver of an authorized emergency vehicle or peace officer riding a police bicycle in the line of duty, may:

a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter.

b. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.

c. Drive the vehicle on the shoulder or median of a highway.

d. Disregard laws or regulations governing turning the vehicle in specified directions.

e. Disregard laws or regulations governing overtaking or passing other motorists.

f. Proceed past a red or stop signal or stop sign, but only after slowing down to or maintaining a speed deemed necessary for safe operation by the driver based on information known to the driver at the time. This paragraph does not apply to a driver operating a towing vehicle that was issued a certificate of designation as an authorized emergency vehicle pursuant to section 321.451.

g. Exceed the maximum speed limits so long as the driver does not recklessly endanger life or property. This paragraph does not apply to a driver operating a towing vehicle that was issued a certificate of designation as an authorized emergency vehicle pursuant to section 321.451.

3. A peace officer operating an authorized emergency vehicle may execute a pursuit intervention technique if such execution is reasonable under the circumstances based on the information perceived by the officer at the time, and the officer has completed a training course approved by the Iowa law enforcement academy that instructs participants in the proper execution of pursuit intervention techniques. For purposes of this subsection, "*pursuit intervention technique*" means a method by which a peace officer operating a motor vehicle in pursuit of a fleeing motor vehicle causes or attempts to cause the fleeing motor vehicle to stop, including by use of reasonable force. This subsection shall not be construed to limit a peace officer's objectively reasonable use of force in connection with a pursuit.

4. *a.* The exemptions granted to the driver of an authorized emergency vehicle under subsection 2 apply only when such vehicle is making use of an audible warning device meeting the requirements of section 321.433 or a visual signaling device authorized under this chapter.

b. The exemption granted under subsection 2, paragraph "*g*", shall be granted to a peace officer or reserve peace officer operating an authorized emergency vehicle without using an audible warning device or visual signaling device if such action occurs over the shortest distance necessary, does not recklessly endanger persons or property, and if the officer

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is pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter for the purpose of determining the speed of travel of such suspected violator, or if the officer reasonably believes based on the facts and circumstances at the time that a suspected violator's knowledge of the officer's proximity may cause the suspected violator to destroy evidence of a suspected felony or aggravated misdemeanor, evade apprehension, or endanger the public or the officer.

c. The exemption granted under subsection 2, paragraph "*g*", shall be granted to the driver of an authorized emergency vehicle transporting a patient to a hospital without using a visual signaling device or audible warning device if a certified emergency medical care provider reasonably believes the patient's condition warrants rapid transport.

5. The provisions of this section shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver's or rider's reckless disregard for the safety of others.

[C39, §**5017.04, 5017.05, 5023.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.231, 321.232, 321.296; C77, 79, 81, §321.231]

97 Acts, ch 71, §1; 98 Acts, ch 1080, §2; 98 Acts, ch 1100, §46; 2009 Acts, ch 133, §118; 2018 Acts, ch 1022, §2; 2022 Acts, ch 1087, §1 – 4, 11; 2026 Acts, ch 1076, §1 – 4

Referred to in §321.231C, 613.17, 805.8A(11)(a)
For applicable scheduled fines, see §805.8A, subsection 11
Subsection 2, unnumbered paragraph 1 amended
Subsection 2, NEW paragraphs f and g
Subsection 3 stricken and former subsection 4 renumbered as 3
Former subsection 5 amended and renumbered as 4
Former subsection 6 renumbered as 5

321.231A Authorized emergency vehicles — parades and events.

1. The driver of an authorized emergency vehicle may operate the vehicle as part of an official governmental event for the purposes of the safety and security of an elected official, candidate for public office, or the public, or as part of a parade or other public service event if the parade or event is approved by the state or a municipality, as defined in section 670.1, at least one day prior to the date on which the parade or event will occur.

2. Notwithstanding any provision of law to the contrary, an authorized emergency vehicle operating in a parade or event may display any of the vehicle's lighting devices. This subsection shall not be construed to exempt the driver of the authorized emergency vehicle from any duty to operate the vehicle with due regard for the safety of all persons.

2022 Acts, ch 1087, §5, 11

321.231B Authorized emergency vehicles — immunity from liability.

1. The following shall not be liable for the consequence of any injury or loss arising from the operation of an authorized emergency vehicle in response to an emergency call or to an incident dangerous to the public unless the driver operates the authorized emergency vehicle with reckless disregard for the safety of persons or property:

a. A fire fighter operating the authorized emergency vehicle who is certified by the fire service training bureau, as described in section 100B.6, as a fire apparatus driver operator, or an operator who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the fire service training bureau.

b. An emergency medical care provider, as defined in section 147A.1, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the department of health and human services.

c. A peace officer, as defined in section 801.4, or a reserve peace officer, as defined in section 80D.1A, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the Iowa law enforcement academy.

d. An emergency management agency employee operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable

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continuing education requirements established or approved by the local or joint emergency management commission, and where the local or joint emergency management commission has adopted a written policy related to emergency vehicle operations. For purposes of this paragraph, *"emergency management agency employee"* means a member of the personnel, including but not limited to the coordinator, an operations officer, or an emergency management assistant, of a local or joint emergency management commission.

e. Any entity, including a nonprofit corporation, on whose behalf the fire fighter, emergency medical care provider, peace officer, reserve peace officer, or emergency management agency employee is operating the authorized emergency vehicle.

2. The protections from liability set forth in subsection 1 apply only when, in response to an emergency call or to an incident dangerous to the public, the driver operating the authorized emergency vehicle is utilizing a siren meeting the requirements of section 321.433 or flashing blue and red lights authorized under this chapter. The protections from liability provided by subsection 1 apply in addition to any other defense to liability provided by law. This section shall not be construed to lower the standard of recklessness to recover against any entity or authorized emergency vehicle driver.

3. *a.* The driver of an authorized emergency vehicle, and any entity on whose behalf the driver is operating the authorized emergency vehicle, shall not be liable for any injury or loss arising from the operation of the authorized emergency vehicle unless reckless disregard for the safety of persons or property is proven by a preponderance of the evidence.

b. If a person brings a tort claim against the driver of an authorized emergency vehicle, a municipality, as defined in section 670.1, this state, or any other entity on whose behalf the driver is operating the authorized emergency vehicle, for any injury or loss arising from the operation of the authorized emergency vehicle, the court shall determine, on motion by any party or on its own motion, whether the person has presented sufficient, admissible evidence to support a prima facie finding of recklessness before the matter proceeds to trial.

2022 Acts, ch 1087, §6, 11, 12; 2023 Acts, ch 19, §1062

321.231C Fire fighters and emergency medical services members responding to emergency situations.

1. Notwithstanding section 321.231, the driver of a vehicle making use of a blue light pursuant to section 321.423, subsection 3, or displaying fire fighter or emergency medical services registration plates issued pursuant to section 321.34, subsection 10 or 10A, may reasonably exceed the maximum speed limits based on the facts and circumstances at the time, only if all of the following apply:

a. The driver is a current member of a paid or volunteer fire department or emergency medical services agency.

b. The driver is responding to, but not returning from, an emergency call or fire alarm.

c. The driver has received emergency vehicle operations training.

2. The provisions of this section shall not relieve the driver from the duty to drive with due regard for the safety of all other persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

3. A court shall dismiss and expunge from a driver's record any excessive speed violation citations issued to a driver under circumstances in which the driver complied with subsection 1, if the driver presents to the court a signed statement from the applicable fire chief or chief officer of an emergency medical services agency providing details about the driver's operation of the vehicle while responding to an emergency call or fire alarm, which operation resulted in the citation. This subsection does not apply to a driver who holds a commercial driver's license or commercial learner's permit.

2022 Acts, ch 1089, §1
Referred to in §321.423

321.232 Speed detection jamming devices — penalty.

1. A person shall not sell, operate, or possess a speed detection jamming device, except as otherwise provided in this section, when the device is in a vehicle operated on the highways of this state or the device is held for sale in this state.

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2. This section does not apply to speed measuring devices purchased by, held for purchase for, or operated by peace officers using the devices in performance of their official duties.

3. A speed detection jamming device sold, operated, or possessed in violation of subsection 1 may be seized by a peace officer and is subject to forfeiture as provided by chapter 809 or 809A.

4. For the purposes of this section:

a. "Speed detection jamming device" means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by a peace officer to measure the speed of motor vehicles. *"Speed detection jamming device"* does not include equipment that is legal under federal communications commission regulations, such as a citizens' band radio, a ham radio, or other similar electronic equipment.

b. "Speed measuring device" includes but is not limited to devices commonly known as radar speed meters or laser speed meters.

[81 Acts, ch 109, §1]

96 Acts, ch 1133, §41; 2013 Acts, ch 140, §158

Referred to in §805.8A(14)(g), 809A.3

For applicable scheduled fines, see §805.8A, subsection 14, paragraph g

321.233 Road workers exempted.

This chapter, except sections 321.277 and 321.280, does not apply to persons and motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of section 321.285, subsection 5, and the provisions of sections 321.297, 321.298, and 321.323 do not apply to road workers operating maintenance equipment on behalf of any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic.

[C39, §**5017.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.233; 82 Acts, ch 1154, §1]

85 Acts, ch 167, §1; 86 Acts, ch 1220, §36; 90 Acts, ch 1230, §64; 97 Acts, ch 104, §18; 2009 Acts, ch 133, §239

321.234 Bicycles, animals, or animal-drawn vehicles.

1. A person riding an animal or driving an animal drawing a vehicle upon a roadway is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application.

2. A person, including a peace officer, riding a bicycle on the highway is subject to the provisions of this chapter and has all the rights and duties under this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles.

3. A person propelling a bicycle on the highway shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

4. A person shall not use a bicycle on the highway to carry more persons at one time than the number of persons for which the bicycle is designed and equipped.

5. This section does not apply to the use of a bicycle in a parade authorized by proper permit from local authorities.

[C39, §**5017.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.234]

85 Acts, ch 40, §2; 97 Acts, ch 71, §2

Referred to in §321.235B, 321.236, 805.8A(9)(a)

For applicable scheduled fines, see §805.8A, subsection 9

321.234A All-terrain vehicles — highway use.

1. All-terrain vehicles shall not be operated on a highway unless one or more of the following conditions apply:

a. The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this paragraph, *"incidental to the vehicle's use for*

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agricultural purposes" includes stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator.

b. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.

c. The all-terrain vehicle is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway.

d. The all-terrain vehicle is operated by an employee or agent of a public agency as defined in section 34.1 for the purpose of providing emergency services or rescue.

e. The all-terrain vehicle is operated for the purpose of mowing, installing approved trail signs, or providing maintenance on a snowmobile or all-terrain vehicle trail designated by the department of natural resources.

f. The all-terrain vehicle is operated on a primary highway in accordance with section 321I.10, subsection 2, a secondary road in accordance with section 321I.10, subsection 4, or a city street in accordance with section 321I.10, subsection 5.

g. The all-terrain vehicle is crossing the highway pursuant to section 321I.10, subsection 7.

2. A person operating an all-terrain vehicle on a highway shall have a valid driver's license and operate the vehicle at speeds of thirty-five miles per hour or less. In addition, a person operating an all-terrain vehicle on a highway pursuant to subsection 1, paragraphs *"b"* through *"g"*, shall be at least eighteen years of age and have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with section 321.20B.

3. As provided in section 321.1, an all-terrain vehicle is a motor vehicle for purposes of this chapter. Therefore, an all-terrain vehicle operated on a highway shall be equipped with the parts, lamps, and other equipment in proper condition and adjustment as required under this chapter for motor vehicles, including but not limited to the parts, lamps, and equipment required under sections 321.386, 321.387, 321.404, 321.432, and 321.437.

4. An all-terrain vehicle that is owned by the owner of land adjacent to a highway, other than an interstate road, may be operated by the owner of the all-terrain vehicle, or by a member of the owner's family, on the portion of the highway right-of-way that is between the shoulder of the roadway, or at least five feet from the edge of the roadway, and the owner's property line. A person operating an all-terrain vehicle within the highway right-of-way under this subsection shall comply with the registration, safety, and age requirements under chapter 321I.

5. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3.

85 Acts, ch 35, §3; 90 Acts, ch 1230, §65; 98 Acts, ch 1073, §9; 99 Acts, ch 108, §4; 2000 Acts, ch 1203, §9; 2001 Acts, ch 137, §5; 2002 Acts, ch 1001, §1; 2004 Acts, ch 1132, §81; 2006 Acts, ch 1036, §1; 2007 Acts, ch 141, §1; 2010 Acts, ch 1186, §4, 5; 2010 Acts, ch 1190, §45; 2017 Acts, ch 32, §1; 2022 Acts, ch 1105, §1 – 3

Referred to in §321.1, 321I.1, 321I.9, 321I.10, 805.8A(3)(a)

321.235 Provisions uniform.

The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities in this state. Unless expressly authorized in this chapter, a local authority shall not enact or enforce any rule or regulation in conflict with the provisions of this chapter. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter.

[C39, §**5017.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.235]

2023 Acts, ch 66, §75

321.235A Electric personal assistive mobility devices.

An electric personal assistive mobility device, which is a two-wheeled device as defined in section 321.1, subsection 20B, may be operated by a person at least sixteen years of age on sidewalks and bikeways in accordance with this section.

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1. None of the following are required for operation of an electric personal assistive mobility device:

a. Licensure or registration of the electric personal assistive mobility device under this chapter.

b. Possession of a driver's license or permit by the operator of the electric personal assistive mobility device.

c. Proof of financial responsibility.

2. A person operating an electric personal assistive mobility device on a sidewalk or bikeway shall do all of the following:

a. Yield the right-of-way to other pedestrians.

b. Give an audible signal before overtaking and passing a pedestrian.

3. A person shall not operate an electric personal assistive mobility device at the times specified in section 321.384 unless the person or the electric personal assistive mobility device is equipped with a headlight visible from the front of the electric personal assistive mobility device and at least one red reflector visible from the rear of the electric personal assistive mobility device.

4. Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 9A.

2002 Acts, ch 1063, §30; 2004 Acts, ch 1013, §29, 35; 2004 Acts, ch 1175, §397, 400; 2024 Acts, ch 1137, §4

Referred to in §321.236, 805.8A(9A)(a)

321.235B Low-speed electric bicycles — labels — operation.

1. A manufacturer or distributor of low-speed electric bicycles shall apply a label that is permanently affixed in a prominent location to each of the manufacturer's or distributor's low-speed electric bicycles. The label shall contain all of the following information printed in arial font with a font size not less than nine point type:

a. A classification number for the low-speed electric bicycle that corresponds with a class defined in section 321.1, subsection 36A.

b. The low-speed electric bicycle's top assisted speed.

c. The low-speed electric bicycle's motor wattage.

2. A person shall not knowingly modify the speed capability or engagement of a low-speed electric bicycle such that the low-speed electric bicycle does not qualify for a class defined in section 321.1, subsection 36A. If a person has modified the speed capability or engagement of a low-speed electric bicycle, the person shall affix a new label containing the information listed in subsection 1 to the modified low-speed electric bicycle.

3. A low-speed electric bicycle shall be manufactured and equipped in compliance with 16 C.F.R. pt. 1512.

4. A low-speed electric bicycle shall be manufactured to operate in such a manner that when the rider stops pedaling, applies the brakes, or the electric motor is disengaged, the electric motor assist ceases to function.

5. A class 3 low-speed electric bicycle shall not be operated unless it is equipped with a speedometer that displays its speed in miles per hour.

6. A person under the age of sixteen shall not operate a class 3 low-speed electric bicycle. A person under the age of sixteen may ride as a passenger on a class 3 low-speed electric bicycle in compliance with section 321.234, subsection 4.

7. A person operating a low-speed electric bicycle on a highway is subject to the provisions of this chapter applicable to a rider of a bicycle on a highway and has all the rights and duties under this chapter applicable to a rider of a bicycle, except those provisions of this chapter which by their nature can have no application, or except as otherwise provided in this section.

8. Except for provisions of the Code made specifically applicable to low-speed electric bicycles in this section, low-speed electric bicycles are not subject to provisions of the Code applicable to vehicles, including provisions relating to all of the following:

a. Licensure, registration, titling, inspection, and proof of financial liability coverage.

b. Possession of a driver's license or permit.

9. *a.* A low-speed electric bicycle may be operated in any place where a bicycle is allowed

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to operate, including but not limited to streets, highways, roadways, shoulders, bicycle lanes, bikeways, and bicycle or multi-use paths.

b. A person shall not operate a class 3 low-speed electric bicycle on a bicycle lane or multi-use path in excess of the posted or applicable speed limit, or if there is no posted or applicable speed limit, twenty miles per hour.

2021 Acts, ch 125, §5, 8, 9
Referred to in §805.8A(9A)(b)

POWERS OF LOCAL AUTHORITIES

321.236 Powers of local authorities.

Local authorities shall not enact, enforce, or maintain any ordinance, rule, or regulation that is in conflict with, contrary to, or inconsistent with the provisions of this chapter. An ordinance, rule, or regulation that is in conflict with, contrary to, or inconsistent with this chapter that has been or is enacted by local authorities shall not have any force or effect. However, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, the provisions of this chapter shall not be deemed to prevent local authorities from doing any of the following:

1. Regulating the standing or parking of vehicles.

a. Parking meter, snow route, and overtime parking violations which are contested shall be charged and proceed before a court the same as other traffic violations. Filing fees and court costs shall be assessed as provided in section 602.8106, subsection 1, and section 805.6, subsection 1, paragraph *"a"* for parking violation cases.

b. Parking violations which are uncontested shall be charged and collected upon a simple notice of a fine payable to the city clerk. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred. Violations of section 321L.4, subsection 2, shall be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk. Costs or other charges shall not be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county, except as provided by an agreement between a city and a county treasurer for the collection of fines pursuant to section 331.553, subsection 8.

c. If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the renewal of registration of a vehicle shall be refused for unpaid restitution under section 321.40, the simple notice of fine under paragraph *"b"* shall contain the following statement:

> Failure to pay restitution owed by you can be grounds for refusing to renew your motor vehicle's registration.

d. If the local authority regulating the standing or parking of vehicles under this subsection is a county or is a city which has an agreement with a county treasurer by which the renewal of registration of a vehicle shall be refused for uncontested and unpaid parking fines under section 321.40, the simple notice of a fine under paragraph *"b"* shall contain the following statement:

> Failure to pay parking fines owed by you can be grounds for refusing to renew your motor vehicle's registration.

e. Cities that enter into chapter 28E agreements for the collection of delinquent parking fines in conjunction with renewal of motor vehicle registrations pursuant to section 321.40 shall be responsible for computer programming costs incurred by the department to accommodate the collection and dissemination of delinquent parking ticket information to county treasurers, with each such city paying a per capita share of the costs as provided in this paragraph. The department's programming costs shall be paid by the first city to enter into such an agreement. Thereafter, cities that enter into such agreements on or before June 30, 2010, shall pay a pro rata share of the department's programming costs on or

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before September 30, 2010, to the city which first paid the costs, based on the respective populations of each city as of the last decennial census.

2. Regulating traffic by means of police officers or traffic-control signals.

3. Regulating or prohibiting processions or assemblages on the highways.

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction.

5. Regulating the speed of vehicles in public parks.

6. Designating any highway as a through highway and requiring that all vehicles stop or yield the right-of-way before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections.

7. Licensing and regulating the operation of vehicles offered to the public for hire and used principally in intracity operation, except to the extent such licensure and regulation conflicts with section 321.241, section 321N.11, section 325A.6, or any other provision of the Code.

8. Restricting the use of highways as authorized in sections 321.471 through 321.473.

9. Regulating or prohibiting the turning of vehicles at and between intersections.

10. Regulating the operation of bicycles and requiring the registration and licensing of the same, including the requirement of a registration fee. However, the regulations shall not conflict with the provisions of section 321.234.

11. Establishing speed limits in public alleys and providing the penalty for violation thereof.

12. Designating highways or portions of highways as snow routes.

a. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic if the driving wheels of the vehicle are not equipped with snow tires, tire chains, or a nonslip differential.

b. A person charged with impeding or blocking traffic for lack of snow tires, chains, or nonslip differential shall have the charge dismissed upon a showing to the court that the person's motor vehicle was equipped with snow tires, chains, or a nonslip differential.

13. Establishing a rural residence district.

a. The board of supervisors of a county with respect to highways under its jurisdiction may establish, by ordinance or resolution, rural residence districts and may, by ordinance or resolution, regulate the speed and parking of vehicles within the rural residence district consistent with sections 321.239, 321.285, and 321.293.

b. Before establishing a rural residence district, the board of supervisors shall hold a public hearing on the proposal, notice of which shall be published in a newspaper having a general circulation in the area where the proposed district is located at least twenty days before the date of hearing. The notice shall state the time and place of the hearing, the proposed location of the district, and other data considered pertinent by the board of supervisors.

14. Regulating or prohibiting the operation of electric personal assistive mobility devices authorized pursuant to section 321.235A.

15. A violation of a local ordinance, rule, or regulation promulgated under the authority of this section shall be prosecuted under the local ordinance, without reference to this section.

[S13, §1571-m18, -m20; C24, 27, 31, 35, §4992, 4995, 4997; C39, §**5018.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.236; 82 Acts, ch 1111, §1]

85 Acts, ch 40, §3; 86 Acts, ch 1056, §2; 86 Acts, ch 1238, §14; 90 Acts, ch 1102, §1; 90 Acts, ch 1151, §2; 90 Acts, ch 1170, §2, 3; 92 Acts, ch 1122, §1; 95 Acts, ch 169, §2; 97 Acts, ch 108, §13; 97 Acts, ch 147, §1; 2002 Acts, ch 1063, §31; 2003 Acts, ch 178, §14; 2005 Acts, ch 54, §3, 4, 12; 2009 Acts, ch 21, §1, 2; 2009 Acts, ch 41, §115, 252; 2010 Acts, ch 1140, §7; 2016 Acts, ch 1101, §3, 24; 2021 Acts, ch 80, §167, 168; 2023 Acts, ch 66, §76

Referred to in §321.40, 321.237, 321.285, 321.449, 325A.13, 331.362, 364.3, 602.8103, 602.8106, 707.6A, 805.6, 805.8A(1)(a), 805.8A(5)(a), 805.8A(6)(a), 805.8A(8)(a), 805.8A(9)(b)

For fines applicable to offenses charged as scheduled violations, see §805.8A

321.237 Signs — requirement — notice.

1. A traffic ordinance or regulation enacted under section 321.236, subsection 4, 5, 6, 8,

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12, or 13, shall not be effective until signs, giving notice of such local traffic regulations as specified in the department manual on uniform traffic-control devices, are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate and shall be erected at the expense of the local authority.

2. When a city has adopted an ordinance as authorized in section 321.236, subsection 12, or an ordinance which prohibits standing or parking of vehicles upon a street or streets during any time when snow-removal operations are in progress and before such operations have resulted in the removal or clearance of snow from such street or streets, signs as specified in the department manual on uniform traffic-control devices, posted as provided in subsection 1, shall be deemed sufficient notice of the existence of such restrictions.

[C39, §**5018.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.237]
86 Acts, ch 1056, §3; 2018 Acts, ch 1026, §111
Referred to in §331.362

321.238 Use of electronic devices while driving — preemption of local legislation.

The provisions of this chapter restricting the use of electronic devices by motor vehicle operators shall be implemented uniformly throughout the state. Such provisions shall preempt any county or municipal ordinance regarding the use of an electronic device by a motor vehicle operator. In addition, a county or municipality shall not adopt or continue in effect an ordinance regarding the use of an electronic device by a motor vehicle operator.

2010 Acts, ch 1105, §5; 2025 Acts, ch 14, §8
Referred to in §331.362

321.239 Counties may restrict parking of vehicles.

1. The county board of supervisors may adopt, amend, or repeal traffic ordinances to regulate or prohibit the standing or parking of vehicles within the right-of-way of any highway under its jurisdiction.

2. Any person violating a traffic ordinance adopted under this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed twenty-five dollars, or be imprisoned not to exceed seven days in the county jail. The form and style of the information shall be in the name of the county and as against the person in violation of the traffic ordinance.

[C73, 75, 77, 79, 81, §321.239]
Referred to in §321.236, 331.362, 602.8103, 602.8106, 805.8A(1)(a)
For fines applicable to offenses charged as scheduled violations, see §805.8A, subsection 1, paragraph a

321.240 Reserved.

321.241 Regulation of taxicabs by local authorities — limits.

1. A local authority shall not enact, enforce, or maintain any ordinance, regulation, or rule that imposes a requirement on a person operating a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points that is more restrictive than any of the following:

a. Requiring the person to have a driver's license valid for the operation of the motor vehicle used as a taxicab that is not an instruction permit, special instruction permit, or temporary restricted license.

b. Prohibiting the person from operating the taxicab if any of the following apply:

(1) The person is restricted to operating motor vehicles equipped with an ignition interlock device.

(2) The person's driving privileges have been suspended, revoked, barred, canceled, denied, or disqualified in the prior three-year period.

(3) The person has been convicted of more than three moving violations in the prior three-year period.

(4) The person has been convicted of violating section 321.218, 321.277, or 321J.21, or section 321A.32, subsection 1, in the prior three-year period.

(5) The person has been convicted in the prior seven-year period of a felony, of violating section 321J.2 or 321J.2A, or of any crime involving resisting law enforcement, dishonesty,

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injury to another person, damage to the property of another person, or operating a vehicle in a manner that endangers another person.

(6) The person is registered on the national sex offender registry.

2. A local authority shall not enact, enforce, or maintain any ordinance, regulation, or rule that requires a corporation, partnership, sole proprietorship, or other entity that sells or offers for sale transportation by taxicabs having a seating capacity of less than seven passengers and not operating on a regular route or between specified points to maintain a physical place of business in the local authority's jurisdiction as a condition of operating such taxicabs in the local authority's jurisdiction.

2016 Acts, ch 1101, §4, 24
Referred to in §321.236, 325A.2, 331.362

321.242 through 321.246 Reserved.

321.247 Golf cart operation on city streets.

1. *a.* Incorporated areas may, upon approval of their governing body, allow the operation of golf carts on city streets by persons possessing a valid driver's license. However, a golf cart shall not be operated upon a city street which is a primary road extension through the city but shall be allowed to cross a city street which is a primary road extension through the city.

b. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and operate on the streets only from sunrise to sunset.

c. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body.

2. Golf carts are not subject to the registration provisions of this chapter.

3. A person who violates subsection 1 commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3.

[82 Acts, ch 1041, §1]

90 Acts, ch 1230, §66; 98 Acts, ch 1073, §9; 2000 Acts, ch 1203, §10; 2001 Acts, ch 137, §5; 2010 Acts, ch 1069, §45; 2010 Acts, ch 1190, §46
Referred to in §331.362, 805.8A(3)(b)
Bicycle safety flags, §321.275(8)

321.248 Parks and cemeteries.

Local authorities may by general rule, ordinance, or regulation exclude vehicles from any cemetery or ground used for the burial of the dead, or exclude vehicles used solely or principally for commercial purposes, from any park or part of a park system where such general rule, ordinance, or regulation is applicable equally and generally to all other vehicles used for the same purpose, if, at the entrance, or at each entrance if there be more than one, to such cemetery or park from which vehicles are so excluded, there shall have been posted a sign plainly legible from the middle of the public highway on which such cemetery or park opens, plainly indicating such exclusion and prohibition.

[S13, §1571-m20; C24, 27, 31, 35, §4994; C39, §**5018.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.248]
Referred to in §331.362

321.249 School zones.

Cities and counties shall have the power to establish school zones and provide for the stopping of all motor vehicles approaching the school zones, when movable stop signs have been placed in the streets in the cities and highways in counties at the limits of the zones, notwithstanding the provisions of any statute to the contrary. All traffic-control devices provided for school zones shall conform to specifications included in the manual of traffic-control devices adopted by the department, except the provision prohibiting the use of portable or part-time stop signs.

[C31, 35, §4997-d1; C39, §**5018.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.249]

97 Acts, ch 108, §14
Referred to in §331.362

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321.250 Equitable reprisal.

When the local authorities of other states shall, by the adoption of rules and regulations or otherwise, prohibit motor vehicles registered under the laws of this state from operating upon highways in any subdivision of such other state, the local authorities of this state may, by ordinance or otherwise, require the motor vehicles of the subdivisions of such other state while operating by their own power in this state to be registered under the laws of this state.

[C24, 27, 31, 35, §4998; C39, §**5018.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.250]

Referred to in §331.362

321.251 Rights of owners of real property — manufactured home communities or mobile home parks.

1. This chapter shall not be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

2. *a.* The owner of real property upon which a manufactured home community or mobile home park is located may elect to have the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority where the real property is located, apply to the real property and any persons located on the real property by granting authority to any peace officer to enforce the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority as well as any regulations or conditions imposed on the real property pursuant to subsection 1. An election made pursuant to this subsection shall not create a higher priority for the enforcement of traffic laws on real property upon which a manufactured or mobile home is located than exists for the enforcement of traffic laws on public property.

b. A written notice of election shall be filed with the designated officials of the local authority whose ordinances, rules, or regulations will govern the vehicular traffic. The appropriate officials shall be the city clerk and chief of police of the city in which the real property is located and the county sheriff and the county recorder of the county in which the real property is located. The notice shall include the legal description of the real property, the street address, if any, and the date and time when the owner wishes the election to become effective. The notice shall be signed by every titleholder of the real property and acknowledged by a notary public as provided in chapter 9B.

c. An election shall terminate fourteen days following the filing of a written notice of withdrawal with the designated officials of the local authority whose ordinances, rules, or regulations will govern.

d. For purposes of this subsection, "*titleholder of real property*" means the person or entity whose name appears on the documents of title filed in the official county records as the owner of the real property upon which a manufactured home community or mobile home park is located.

3. The titleholder of real property under subsection 2 may elect to waive the right to have the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority where the real property is located, apply to the real property and any persons located on the real property, by recording a waiver with the county recorder of each county in which the property is located. The waiver shall include the legal description of the real property and shall bind the titleholder of the real property and any successors in interest. The waiver may only be rescinded if each law enforcement jurisdiction, in which the titleholder of real property wishes to obtain the benefit of this section, consents to the rescission of the waiver through adoption of a resolution.

[C39, §**5018.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.251]

91 Acts, ch 91, §1; 92 Acts, ch 1068, §1; 93 Acts, ch 109, §2; 2001 Acts, ch 153, §15, 16; 2001 Acts, ch 176, §80; 2012 Acts, ch 1050, §41, 60

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TRAFFIC SIGNS, SIGNALS, AND MARKINGS

321.252 Department to adopt sign manual.

1. *a.* The department shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American association of state highway and transportation officials.

b. The department shall include in its manual of traffic-control devices, specifications for a uniform system of highway signs for the purpose of guiding traffic to organized off-highway permanent camps, and camp areas, operated by recognized and established civic, religious, and nonprofit charitable organizations and to for-profit campgrounds and ski areas. The department shall purchase, install, and maintain the signs upon the prepayment of the costs by the organization or owner.

2. The department shall also establish criteria for guiding traffic on all fully controlled-access, divided, multilaned highways including interstate highways to each tourist attraction which is located within thirty miles of the highway and receives fifteen thousand or more visitors annually. Nothing in this subsection shall be construed to prohibit the department from erecting signs to guide traffic on these highways to tourist attractions which are located more than thirty miles from the highway or which receive fewer than fifteen thousand visitors annually.

3. *a.* The department shall establish, by rule, the standards for tourist-oriented directional signs and shall annually review the list of attractions for which signing is in place. The rules shall conform to national standards for tourist-oriented directional signs adopted under 23 U.S.C. §131(q) and to the manual of uniform traffic-control devices.

b. A tourist attraction is not subject to a minimum number of visitors annually to qualify for tourist-oriented directional signing.

4. The rules shall not be applicable to directional signs relating to historic sites on land owned or managed by state agencies, as provided in section 321.253A. The rules shall include but are not limited to the following:

a. Criteria for eligibility for signing.

b. Criteria for limiting or excluding businesses, activities, services, and sites that maintain signs that do not conform to the requirements of chapter 306B, chapter 306C, subchapter II, or other statutes or administrative rules regulating outdoor advertising.

c. Provisions for a fee schedule to cover the direct and indirect costs of sign manufacture, erection, and maintenance, and related administrative costs.

d. Provisions specifying maximum distances to eligible businesses, activities, services, and sites. Tourist-oriented directional signs may be placed on highways within the maximum travel distance that have the greatest traffic count per day, if sufficient space is available. If an adjacent landowner complains to the department about the placement of a tourist-oriented directional sign, the department shall attempt to reach an agreement with the landowner for relocating the sign. If possible, the sign shall be relocated from the place of objection. If the sign must be located on an objectionable place, it shall be located on the least objectionable place possible.

e. Provisions for trailblazing to facilities that are not on the crossroad. Appropriate trailblazing shall be installed over the most desirable routes on lesser traveled primary highways, secondary roads, and city streets leading to the tourist attraction.

f. Criteria for determining when to permit advance signing.

g. Provisions specifying conditions under which the time of operation of a business, activity, service, or site is shown.

h. Provisions for masking or removing signs during off seasons for businesses, activities, services, and sites operated on a seasonal basis. Faded signs shall be replaced and the commercial vendor charged for the cost of replacement based upon the fee schedule adopted.

i. Provisions specifying the maximum number of signs permitted per intersection.

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j. Provisions for determining what businesses, activities, services, or sites are signed when there are more applicants than the maximum number of signs permitted.

k. Provisions for removing signs when businesses, activities, services, or sites cease to meet minimum requirements for participation and related costs.

5. Local authorities shall adhere to the specifications for signs as established by the department, and shall purchase, install, and maintain signs in their respective jurisdictions upon prepayment by the organization of the cost of such purchase, installation, and maintenance. The department shall include in its manual of traffic-control devices specifications for a uniform system of traffic-control devices in legally established school zones.

[C24, 27, §4627; C31, 35, §4627, 5079-d7; C39, §**5019.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.252]

86 Acts, ch 1060, §1, 2; 90 Acts, ch 1183, §4; 2010 Acts, ch 1069, §93; 2011 Acts, ch 118, §85, 89; 2023 Acts, ch 19, §2112; 2024 Acts, ch 1170, §317

Referred to in §321.342, 668.10

321.253 Department to erect signs.

1. The department shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all primary highways as it deems necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. Whenever practical, the devices or signs shall be purchased from the director of the Iowa department of corrections.

2. The department shall post signs informing motorists of the penalties for speeding in a road work zone and that the scheduled fine for committing any other moving traffic violation in a road work zone is doubled.

[C24, 27, §4627; C31, 35, §4627, 5079-d7; C39, §**5019.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.253]

83 Acts, ch 96, §157, 159, 160; 93 Acts, ch 114, §2; 97 Acts, ch 104, §19; 2008 Acts, ch 1124, §8

Analogous provisions, §321.345

321.253A Directional signs relating to historic sites on land owned or managed by state agencies.

1. The department shall place and maintain directional signs upon primary highways which provide information about historic sites which are located on land owned or managed by an agency as defined in section 17A.2. The signs shall conform to the manual of uniform traffic devices. However, the directional signs are not subject to requirements applicable to tourist-oriented directional signs.

2. Upon request by a city or county in which a historic site is located on land owned or managed by an agency, the department shall distribute a directional sign as provided in this section to the city or county for erection upon roads or streets within their jurisdictions.

3. The location of the historic site shall be memorialized on transportation maps of the state published under the direction of the department and generally made available to the public. However, if it is not reasonable and feasible to display specific historic sites on the state transportation map, the department shall consult with the agency managing the historic site.

4. The department shall not erect, maintain, or distribute a directional sign or include on a transportation map information about a historic site located on land owned or managed by an agency if the department receives an objection by the agency.

90 Acts, ch 1183, §5

Referred to in §321.252

321.253B Metric signs restricted.

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

95 Acts, ch 118, §23

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321.254 Local authorities restricted.

No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission.

[C39, §**5019.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.254]
Referred to in §331.362

321.255 Local traffic-control devices.

Local authorities in their respective jurisdiction shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

[C39, §**5019.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.255]
Referred to in §331.362

321.256 Obedience to official traffic-control devices.

No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer subject to the exceptions granted the driver of an authorized emergency vehicle.

[C39, §**5019.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.256]
Referred to in §321.482A, 321E.17, 805.8A(8)(b)
For applicable scheduled fine, see §805.8A, subsection 8
Additional penalties for violations causing serious injury or death, see §321.482A

321.257 Official traffic-control signal.

1. For the purposes of this section"*stop at the official traffic-control signal"* means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection.

2. Official traffic-control signals consisting of colored lights or colored lighted arrows shall regulate vehicle and pedestrian traffic in the following manner:

a. A *"steady circular red"* light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown, or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or another lane designated for right turns, or a left turn from a one-way street to a one-way street from the left lane of traffic or another lane designated for left turns. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.

b. A *"steady circular yellow"* or *"steady yellow arrow"* light means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right-of-way to all vehicles.

c. A *"steady circular green"* light means vehicular traffic may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right-of-way to other vehicular and pedestrian traffic lawfully within the intersection.

d. A *"steady green arrow"* light shown alone or with another official traffic-control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection.

e. A *"flashing circular red"* light means vehicular traffic shall stop and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but then may proceed.

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f. A *"flashing yellow"* light means vehicular traffic shall proceed through the intersection or past such signal with caution.

g. A *"flashing yellow arrow"* light shown alone or with another official traffic-control signal means vehicular traffic may cautiously enter the intersection and proceed only in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection and any vehicle on the opposing approach which is approaching so closely as to constitute an immediate hazard during the time the driver is moving within the intersection.

h. A *"don't walk"* or *"steady upraised hand"* light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.

i. A *"flashing upraised hand"* or *"upraised hand with countdown"* light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone. The *"upraised hand with countdown"* light is a pedestrian signal that also provides the time remaining for the pedestrian to complete the crossing.

j. A *"walk"* or *"walking person"* light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right-of-way by drivers of all vehicles.

[C39, §**5019.06, 5019.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §321.257, 321.258; C79, 81, §321.257]

2014 Acts, ch 1123, §15, 16; 2017 Acts, ch 15, §1

Referred to in §321.482A, 805.8A(7)(a), 805.8A(9)(c)

For applicable scheduled fines, see §805.8A, subsections 7 and 9

Additional penalties for violations causing serious injury or death, see §321.482A

321.258 Arrangement of lights on official traffic-control signals.

1. Colored lights placed on a vertical official traffic-control signal face shall be arranged from the top to the bottom in the following order when used:

a. Circular red.
b. Steady or flashing left-turn red arrow.
c. Steady or flashing right-turn red arrow.
d. Circular yellow.
e. Circular green.
f. Straight-through green arrow.
g. Steady left-turn yellow arrow.
h. Flashing left-turn yellow arrow.
i. Left-turn green arrow.
j. Steady right-turn yellow arrow.
k. Flashing right-turn yellow arrow.
l. Right-turn green arrow.

2. Colored lights placed on a horizontal official traffic-control signal face shall be arranged from the left to the right in the following order when used:

a. Circular red.
b. Steady or flashing left-turn red arrow.
c. Steady or flashing right-turn red arrow.
d. Circular yellow.
e. Steady left-turn yellow arrow.
f. Flashing left-turn yellow arrow.
g. Left-turn green arrow.
h. Circular green.
i. Straight-through green arrow.
j. Steady right-turn yellow arrow.
k. Flashing right-turn yellow arrow.

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l. Right-turn green arrow.

[C79, 81, §321.258]

2014 Acts, ch 1026, §77; 2014 Acts, ch 1123, §17; 2020 Acts, ch 1063, §147, 148

321.259 Unauthorized signs, signals, or markings.

1. No person shall place, maintain, or display upon or in view of any highway any sign, signal, marking, or device which purports to be or is an imitation of or resembles an official parking sign, curb or other marking, traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, if such sign, signal, marking, or device has not been authorized by the department and local authorities with reference to streets and highways under their jurisdiction and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information of a type that cannot be mistaken for official signs.

2. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

[C39, §**5019.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.259]

Nuisances in general, chapter 657

321.260 Interference with devices, signs, or signals — unlawful possession — traffic signal preemption devices.

1. *a.* A person who willfully and intentionally, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down, or removes an official traffic-control device, an authorized warning sign or signal or barricade, whether temporary or permanent, a railroad sign or signal, an inscription, shield, or insignia on any of such devices, signs, signals, or barricades, or any other part thereof, shall, upon conviction, be guilty of a simple misdemeanor and shall be required to make restitution to the affected jurisdiction. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars.

b. A person who is convicted under paragraph *"a"* of an act relating to a stop sign or a yield sign may be required to complete community service in addition to making restitution to the affected jurisdiction.

2. It shall be unlawful for any person to have in the person's possession any official traffic-control device except by legal right or authority. Any person convicted of unauthorized possession of any official traffic-control device shall upon conviction be guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 8, paragraph *"c"*.

3. *a.* A person shall not sell, own, possess, or use a traffic signal preemption device except as permitted in connection with the lawful operation of an authorized emergency vehicle as defined in section 321.1 or as otherwise authorized by the jurisdiction owning and operating an official traffic control signal. A person who is convicted of the unauthorized sale, ownership, possession, or use of a traffic signal preemption device is guilty of a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation under this subsection shall include assessment of a fine of not less than two hundred fifty dollars, and if the violation involves the unauthorized use of a traffic signal preemption device, the person may also be required to complete community service.

b. For purposes of this subsection, *"traffic signal preemption device"* means a device that, when activated, is capable of changing an official traffic control signal to green out of sequence.

[C39, §**5019.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.260]

90 Acts, ch 1064, §1; 91 Acts, ch 131, §1; 99 Acts, ch 153, §3, 4; 2005 Acts, ch 63, §1; 2020 Acts, ch 1074, §32, 93

Referred to in §805.8A(8)(c)

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ACCIDENTS

321.261 Death or personal injuries.

1. *a.* The driver of any vehicle who knows or has reason to believe that the driver's vehicle was involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close as possible and if able, shall then return to and remain at the scene of the accident in accordance with section 321.263. Every such stop shall be made without obstructing traffic more than is necessary.

b. If the driver of a vehicle leaves the scene of an accident resulting in injury to or death of a person without knowledge or reason to believe that the driver's vehicle was involved in the accident, and later discovers that the driver's vehicle may have been involved in an accident that resulted in injury to or death of a person, the driver shall, as soon as reasonably possible, make a good-faith effort to immediately contact emergency services or make a 911 call and provide the dispatcher with any requested information described in section 321.263 and the location and possible time of the accident.

2. Any person failing to stop or to comply with the requirements in subsection 1 of this section, in the event of an accident resulting in an injury to any person is guilty upon conviction of a serious misdemeanor.

3. *a.* Notwithstanding subsection 2, any person failing to stop or to comply with the requirements in subsection 1, in the event of an accident resulting in a serious injury to any person, is guilty upon conviction of an aggravated misdemeanor.

b. Notwithstanding paragraph *"a"*, the driver of a vehicle who knows or has reason to believe that the driver's vehicle caused an accident resulting in a serious injury to one or more persons, and who fails to stop or comply with the requirements of subsection 1, is guilty upon conviction of a class "D" felony.

c. For purposes of this subsection, *"serious injury"* means as defined in section 702.18.

4. *a.* A person failing to stop or to comply with the requirements in subsection 1, in the event of an accident resulting in the death of a person, is guilty upon conviction of a class "D" felony.

b. Notwithstanding paragraph *"a"*, the driver of a vehicle who knows or has reason to believe that the driver's vehicle caused an accident resulting in the death of one or more persons, and who fails to stop or comply with the requirements of subsection 1, is guilty upon conviction of a class "C" felony.

5. The director shall revoke the driver's license of a person convicted of a violation of this section.

6. Notwithstanding any other provision of law to the contrary, any person who has suffered physical, emotional, or financial harm as the result of a motor vehicle accident from which another person who caused the accident failed to stop or to comply with the requirements of subsection 1, as described in subsection 3, paragraph *"b"*, and subsection 4, paragraph *"b"*, shall be considered a victim pursuant to chapter 915, subchapter II, for purposes of any related proceedings against the other person.

[S13, §1571-m23; C24, 27, 31, 35, §5072, 5074; C39, §**5020.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.261; 81 Acts, ch 103, §4]

90 Acts, ch 1230, §67; 98 Acts, ch 1073, §9; 2006 Acts, ch 1082, §1, 2; 2021 Acts, ch 180, §2 – 4

Referred to in §321.209, 321.228, 321.484, 321.517, 321.555, 515D.4, 902.12, 915.80

321.262 Leaving scene of traffic accident prohibited — vehicle damage only — removal of vehicles.

1. *a.* The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately remove the driver's vehicle from the traveled portion of the roadway if the vehicle is operable and the removal can be achieved in a safe manner. The driver shall remove the vehicle to the shoulder, emergency lane, or median nearest to the scene of the accident such that the vehicle is completely off the traveled portion of the roadway, and shall then stop the vehicle. The driver shall remove the vehicle without obstructing traffic more than is necessary.

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b. Another person at the scene of the accident may remove a vehicle involved in the accident in accordance with this subsection to reduce the risk of a subsequent accident or to ensure the safety of persons at the scene of the accident.

2. The driver shall remain at the scene of the accident until the driver has fulfilled the requirements of section 321.263. Any person failing to remain at the scene of the accident or fulfill the requirements of section 321.263 under such circumstances shall be guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"m"*.

[S13, §1571-m23; C24, 27, 31, 35, §5079; C39, §**5020.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.262]

2017 Acts, ch 146, §1; 2020 Acts, ch 1074, §33, 93

Referred to in §321.228, 321.484, 321.517, 805.8A(14)(m)

321.263 Information and aid — leaving scene of personal injury accident.

1. The driver of a vehicle involved in an accident resulting in injury to or death of a person or damage to a vehicle which is driven or attended by a person shall give the driver's name, address, and the registration number of the vehicle the driver is driving and shall upon request and if available exhibit the driver's driver's license to the person struck, the driver or occupant of, or the person attending the vehicle involved in the accident and shall render to a person injured in the accident reasonable assistance, including the transporting or arranging for the transporting of the person for medical treatment if it is apparent that medical treatment is necessary or if transportation for medical treatment is requested by the injured person.

2. If the accident causes the death of a person, all surviving drivers shall remain at the scene of the accident except to seek necessary aid or to report the accident to law enforcement authorities. Before leaving the scene of the fatal accident, each surviving driver shall leave the surviving driver's driver's license, automobile registration receipt, or other identification data at the scene of the accident. After leaving the scene of the accident, a surviving driver shall promptly report the accident to law enforcement authorities, and shall immediately return to the scene of the accident or inform the law enforcement authorities where the surviving driver can be located.

[S13, §1571-m23; C24, 27, 31, 35, §5072, 5079; C39, §**5020.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.263]

90 Acts, ch 1230, §68; 98 Acts, ch 1073, §9

Referred to in §321.228, 321.261, 321.262, 321.517, 321.555

321.264 Striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"n"*.

[C24, 27, 31, 35, §5079; C39, §**5020.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.264]

2020 Acts, ch 1074, §34, 93

Referred to in §321.228, 321.484, 321.517, 805.8A(14)(n)

321.265 Striking fixtures upon a highway.

The driver of a vehicle involved in an accident resulting in damage to property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner, a peace officer, or person in charge of the damaged property of the damage and shall inform the person of the driver's name and address and the registration number of the vehicle causing the damage and shall, upon request and if available, exhibit the driver's license of the driver of the vehicle and shall report the accident when and as required in section 321.266. A person

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who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"o"*.

[C24, 27, 31, 35, §5079; C39, §**5020.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.265]
90 Acts, ch 1230, §69; 98 Acts, ch 1073, §6; 2020 Acts, ch 1074, §35, 93
Referred to in §321.228, 321.517, 805.8A(14)(o)

321.266 Reporting accidents.

1. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication give notice of such accident to the sheriff of the county in which said accident occurred, or the nearest office of the state patrol, or to any other peace officer as near as practicable to the place where the accident occurred.

2. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of five thousand dollars or more, or the driver of a vehicle involved in an accident regardless of injury, death, or property damage if the vehicle does not have financial liability coverage in effect, shall submit a written report of the accident to the department within seventy-two hours after the accident. However, such report is not required when the accident is investigated by a law enforcement agency.

3. Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in subsections 1 and 2, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall submit a written report of such accident to the department.

4. Notwithstanding section 455B.386, a carrier transporting hazardous material upon a public highway in this state, in the case of an accident involving the transportation of the hazardous material, shall immediately notify the police radio broadcasting system established pursuant to section 693.1 or shall notify a peace officer of the county or city in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the state patrol. A person who violates a provision of this subsection is guilty of a serious misdemeanor.

[S13, §1571-m23; C24, §5073, 5075, 5104; C27, 31, 35, §5073, 5075, 5105-a35, 5105-c21; C39, §**5020.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.266; 81 Acts, ch 103, §5]

87 Acts, ch 170, §6; 97 Acts, ch 72, §1; 97 Acts, ch 108, §15; 98 Acts, ch 1074, §23; 2002 Acts, ch 1063, §32; 2005 Acts, ch 35, §31; 2010 Acts, ch 1157, §1; 2021 Acts, ch 80, §169; 2023 Acts, ch 85, §11; 2026 Acts, ch 1118, §9, 13
Referred to in §321.228, 321.265, 321.267, 321.271, 321.517, 321G.10, 321I.11
2026 amendment to subsections 2 and 3 applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §13
Subsections 2 and 3 amended

321.267 Supplemental reports.

The department may require any driver of a vehicle involved in an accident of which report must be made as provided in section 321.266 to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

[C39, §**5020.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.267]
Referred to in §321.228, 321.517

321.267A Traffic accidents involving certified law enforcement officers or other emergency responders — reports.

1. Any traffic accident involving the operation of a motor vehicle by a certified law enforcement officer or other emergency responder shall be reported to the department by the officer's or responder's employer. The officer's or responder's employer shall certify to the department whether or not the accident occurred in the line of duty while operating an official government vehicle or during the responder's deployment on an emergency call. Such a certification is effective only for the purposes of this section.

2. Notwithstanding section 321.200, upon receiving a certification pursuant to subsection

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1, the department shall not include a notation of the accident described in the certification on the officer's or responder's driving record.

3. The provisions of this section shall not relieve a certified law enforcement officer or other emergency responder operating a motor vehicle of the duty to drive with due regard for the safety of all persons.

4. For the purposes of this section, *"certified law enforcement officer"* includes a law enforcement officer who is certified through the Iowa law enforcement academy as provided in section 80B.13, subsection 3, or a reserve peace officer certified through the Iowa law enforcement academy as provided in section 80D.4A.

5. For the purposes of this section, *"other emergency responder"* means a fire fighter certified as a fire fighter I pursuant to rules adopted under chapter 100B and trained in emergency driving or an emergency medical care provider certified under chapter 147A and trained in emergency driving.

2006 Acts, ch 1137, §1; 2010 Acts, ch 1084, §1; 2010 Acts, ch 1149, §17
Referred to in §321.228, 321.271, 321.517

321.268 Driver unable to report.

Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report.

[C39, §**5020.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.268]
Referred to in §321.228, 321.517

321.269 Accident report forms.

1. The department shall prepare and upon request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required hereunder, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, condition then existing, and the persons and vehicles involved.

2. Every required accident report shall be made on a form approved by the department if said form is available.

[C39, §**5020.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.269]
Referred to in §321.228, 321.517

321.270 Reserved.

321.271 Reports confidential — without prejudice — exceptions.

1. All accident reports filed by a driver of a vehicle involved in an accident as required under section 321.266 shall be in writing. The report must be in an electronic format and submitted in a manner approved by the department. The report shall be without prejudice to the individual so reporting and shall be for the confidential use of the department, except that upon the request of any person involved in the accident, the person's insurance company or its agent, or the attorney for such person, the department shall disclose the identity and address of other persons involved in the accident and may disclose the name of the insurance companies with whom the other persons have liability insurance. The department, upon written request of the person making the report, shall provide the person with a copy of that person's report. The written report filed with the department shall not be admissible in or used in evidence in any civil or criminal case arising out of the facts on which the report is based.

2. All written reports filed by a law enforcement officer as required under section 321.266, or by an officer's or emergency responder's employer under section 321.267A, shall be in writing. The report must be in an electronic format and submitted in a manner approved by the department. A report filed pursuant to section 321.266 shall be made available to any party to an accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, or the attorney general, on written request to the department and the payment of a fee of four dollars for each copy. If a copy of an investigating officer's report of a motor vehicle accident filed with the department is retained by the law

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enforcement agency of the officer who filed the report, a copy shall be made available to any party to the accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, other law enforcement agencies, or the attorney general, on written request and the payment of a fee. However, the attorney general and the federal motor carrier safety administration shall not be required by the department or the law enforcement agency to pay a fee for a copy of a report filed by a law enforcement or investigating officer.

3. Notwithstanding subsections 1 and 2, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.

[C39, §**5020.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.271; 81 Acts, ch 14, §25]

83 Acts, ch 72, §1; 90 Acts, ch 1054, §1, 2; 98 Acts, ch 1073, §7; 2001 Acts, ch 32, §18; 2003 Acts, ch 8, §16; 2023 Acts, ch 28, §1; 2026 Acts, ch 1118, §10, 13

Referred to in §321.228, 321.273, 321.517

2026 amendment to subsections 1 and 2 applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §13

Subsections 1 and 2 amended

321.272 Tabulation of reports.

The department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

[C39, §**5020.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.272]

Referred to in §321.228, 321.517

321.273 City may require reports.

Any incorporated city or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the department. All such reports shall be for the confidential use of the city department and subject to the provisions of section 321.271.

[C39, §**5020.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.273]

Referred to in §321.228, 321.517

321.274 Accidents in cities over 15,000. Repealed by 98 Acts, ch 1178, §16.

OPERATION OF MOTORCYCLES AND MOTORIZED BICYCLES

321.275 Operation of motorcycles and motorized bicycles.

1. *General.* The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable.

2. *Riders.*

a. Motorized bicycles. A person operating a motorized bicycle on the highways shall not carry any other person on the vehicle.

b. Motorcycles. A person shall not operate or ride a motorcycle on the highways with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

3. *Sitting position.* A person operating a motorcycle or motorized bicycle shall ride only

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upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle.

4. *Use of traffic lanes.* Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle.

5. *Headlights on.* A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the highways without displaying at least one lighted headlamp of the type described in section 321.409. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter.

6. *Packages.* The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars.

7. *Parades.* The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by proper permit from local authorities.

8. *Bicycle safety flags required on motorized bicycles.* When operated on a highway, a motorized bicycle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the motorized bicycle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, and be Day-Glo in color.

[C71, 73, 75, 77, 79, 81, §321.275]
89 Acts, ch 184, §1; 98 Acts, ch 1075, §22; 98 Acts, ch 1178, §3
Referred to in §321.482A, 805.8A(6)(b), 805.8A(9)(d)
For applicable scheduled fines, see §805.8A, subsections 6 and 9
Additional penalties for violations of subsection 4 causing serious injury or death, see §321.482A
Lamps on parked vehicles, §321.395

CRIMINAL OFFENSES

321.276 Use of electronic device while driving.

1. For purposes of this section:

a. *"Electronic device"* means a device that is powered by electricity, including by a battery, and that is capable of being used to compose, send, receive, or read an electronic message, or that is capable of storing, retrieving on-demand, or displaying videos, movies, broadcast television images, visual images, or audio or video data files. *"Electronic device"* includes but is not limited to a telephone including a cellular telephone, personal digital assistant, portable or mobile computer including a tablet, two-way messaging device, electronic gaming device, and any substantially similar portable device that is used to initiate, store, or receive electronic communication, information, or data. *"Electronic device"* does not include a device that is physically or electronically integrated into a motor vehicle, including but not limited to an integrated global positioning system or navigation system when the destination is entered into such system before the vehicle is in motion.

b. *"Use"* includes but is not limited to holding, viewing, or manipulating an electronic device.

c. *"Voice-activated or hands-free mode"* means an attachment, accessory, application, wireless connection, or built-in feature of an electronic device or motor vehicle that allows a person to use verbal commands or a single touch to activate or deactivate the device or a function or software application of the device. *"Voice-activated or hands-free mode"* does not include accessing nonnavigation video content, engaging in a video call, accessing or engaging in video streaming, accessing gaming data, or reading an electronic message or notification.

2. A person shall not use an electronic device while driving a motor vehicle unless the

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motor vehicle is at a complete stop off the traveled portion of the roadway, or as far away from the center of the roadway as is practicable if the vehicle cannot be entirely removed from the traveled portion of the roadway.

a. A person does not violate this section by using an electronic device in a voice-activated or hands-free mode.

b. The provisions of this subsection relating to the use of an electronic device do not apply to the following persons:

(1) A member of a public safety agency, as defined in section 34.1, performing official duties.

(2) A health care professional in the course of an emergency situation.

(3) A person receiving safety-related information including emergency or weather alerts.

(4) A person using an electronic device for the purpose of reporting an emergency situation, including any continued communication with emergency personnel during the emergency situation or public transit personnel responding to a transit-specific situation.

(5) A person operating an implement of husbandry.

(6) A person using a two-way radio transmitter or receiver who is licensed with the federal communications commission in amateur radio service.

(7) A member of a public transit system, as defined in section 324A.1, performing official duties while in a vehicle that is not in motion.

(8) A utility maintenance employee or contractor using an electronic device while in a utility maintenance vehicle, for the purpose of providing utility services including but not limited to cable, electric, natural gas, telephone, telecommunication, water, and wastewater treatment services, provided the employee or contractor is acting within the scope of their employment or agency.

(9) A transportation network company driver, as defined in section 321N.1, while engaged in a prearranged ride, as defined in section 321N.1, provided the vehicle is not in motion.

(10) A person using an electronic device for the purpose of accessing or using a fleet management system.

3. Nothing in this section shall be construed to authorize a peace officer to confiscate an electronic device from the driver or occupant of a motor vehicle.

4. *a.* A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "*l*".

b. A violation of this section shall be considered a moving violation for purposes of this chapter and rules adopted pursuant to this chapter.

5. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section.

2010 Acts, ch 1105, §6; 2013 Acts, ch 90, §80; 2017 Acts, ch 75, §1 – 5; 2025 Acts, ch 14, §9, 10

Referred to in §321.449B, 321.482A, 668.15A, 707.6A, 805.8A(14)(l)
Additional penalties for violations causing serious injury or death, see §321.482A
For homicide or serious injury by vehicle involving use of electronic device while driving, see §707.6A
Subsection 4, paragraph c repealed by its own terms effective January 1, 2026; 2025 Acts, ch 14, §10

321.277 Reckless driving.

1. A person who drives any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving.

2. A person who is convicted of reckless driving shall be guilty of a simple misdemeanor.

[C73, §4071; C97, §5039; S13, §1571-m19; C24, 27, 31, 35, §5028; C39, §**5022.04, 5022.05;** C46, 50, 54, 58, 62, §321.283, 321.284; C66, 71, 73, §321.283; C75, 77, 79, 81, §321.277]

2019 Acts, ch 59, §92
Referred to in §321.228, 321.233, 321.241, 321N.3, 668.15A, 707.6A, 915.80

321.277A Careless driving.

A person commits careless driving if the person intentionally operates a motor vehicle on a public road or highway in any one of the following ways:

1. Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping.

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2. Simulates a temporary race.
3. Causes any wheel or wheels to unnecessarily lose contact with the ground.
4. Causes the vehicle to unnecessarily turn abruptly or sway.

97 Acts, ch 147, §2
Referred to in §805.8A(6)(c)
For applicable scheduled fine, see §805.8A, subsection 6

321.278 Drag racing prohibited.

1. *a.* A person shall not do any of the following:

(1) Engage in any motor vehicle speed contest or exhibition of speed on any street or highway of this state.

(2) Aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway of this state.

b. A passenger shall not be considered as aiding and abetting.

c. As used in this section, *"motor vehicle speed contest"* or *"exhibition of speed"* means one or more persons competing in speed in excess of the applicable speed limit in vehicles on the public streets or highways.

2. Any person who violates the provisions of this section shall be guilty of a simple misdemeanor.

[C66, 71, 73, §321.284; C75, 77, 79, 81, §321.278]
2018 Acts, ch 1026, §112
Referred to in §707.6A, 707.8, 805.8A(5)(c)

321.279 Eluding or attempting to elude pursuing law enforcement vehicle.

1. *a.* The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked or unmarked official law enforcement vehicle driven by a peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of this section, *"peace officer"* means those officers designated under section 801.4, subsection 11, paragraphs *"a"*, *"b"*, *"c"*, *"f"*, *"g"*, and *"h"*.

b. The driver of a motor vehicle who commits a violation under this subsection and who has previously committed any violation under this section is, upon conviction, guilty of an aggravated misdemeanor.

2. *a.* The driver of a motor vehicle commits a class "D" felony if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked or unmarked official law enforcement vehicle that is driven by a peace officer after being given a visual and audible signal as provided in this section and in doing so exceeds the speed limit by twenty-five miles per hour or more.

b. The driver of a motor vehicle who commits a violation under this subsection and who has previously committed any violation under this section is, upon conviction, guilty of a class "C" felony.

[C81, §321.279]

94 Acts, ch 1069, §1; 99 Acts, ch 31, §1; 2002 Acts, ch 1119, §153; 2008 Acts, ch 1147, §3; 2020 Acts, ch 1028, §1; 2020 Acts, ch 1121, §65, 70; 2021 Acts, ch 183, §49, 52; 2023 Acts, ch 42, §3 – 5
Referred to in §321.209, 321.555, 321J.2, 707.6A, 907.3

321.280 Assaults and homicide.

A conviction of the violation of any of the provisions of this chapter shall not be a bar to a prosecution for an assault or for a homicide committed by any person in operating motor vehicles.

[S13, §1571-m30; C24, 27, 31, 35, §5091; C39, §**5022.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.280]
Referred to in §321.228, 321.233

321.281 Actions against bicyclists.

1. A person operating a motor vehicle shall not steer the motor vehicle unreasonably close

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to or toward a person riding a bicycle on a highway, including the roadway or the shoulder adjacent to the roadway.

2. A person shall not knowingly project any object or substance at or against a person riding a bicycle on a highway.

3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"k"*.

2010 Acts, ch 1193, §143
Referred to in §805.8A(14)(k)

321.282 and 321.283 Reserved.

321.284 Open containers in motor vehicles — drivers.

1. A person operating a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage or a beverage containing any amount of tetrahydrocannabinol. *"Passenger area"* means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage or an otherwise lawful beverage containing tetrahydrocannabinol may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage or an otherwise lawful beverage containing tetrahydrocannabinol may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"e"*.

2. A person under the age of twenty-one who possesses an alcoholic beverage in violation of this section is guilty of a violation of section 123.47.

95 Acts, ch 48, §5; 98 Acts, ch 1100, §47; 98 Acts, ch 1204, §3; 99 Acts, ch 77, §1; 2001 Acts, ch 137, §5; 2010 Acts, ch 1128, §5; 2025 Acts, ch 9, §1
Referred to in §123.30, 123.31A, 123.31C, 123.49, 805.8A(14)(e)

321.284A Open containers in motor vehicles — passengers.

1. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage or a beverage containing any amount of tetrahydrocannabinol. *"Passenger area"* means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage or an otherwise lawful beverage containing tetrahydrocannabinol may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage or an otherwise lawful beverage containing tetrahydrocannabinol may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

2. This section does not apply to a passenger being transported in a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or a passenger being transported in the living quarters of a motor home, motorsports recreational vehicle, manufactured or mobile home, travel trailer, or fifth-wheel travel trailer.

3. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"e"*.

4. A person under the age of twenty-one years who possesses an alcoholic beverage in violation of this section is guilty of a violation of section 123.47.

5. The department shall not include a conviction for a violation of this section on the individual driving record of the person committing the violation and the conviction shall not be considered by the department in any proceeding for suspension, revocation, barring,

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or denying of the person's driver's license or upon any application for renewal of driving privileges.

99 Acts, ch 77, §2; 2001 Acts, ch 137, §5; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2010 Acts, ch 1128, §6; 2014 Acts, ch 1127, §9; 2025 Acts, ch 9, §2

Referred to in §123.30, 123.31A, 123.31C, 123.49, 805.8A(14)(e)
Consumption or intoxication in public places, see §123.46

SPEED RESTRICTIONS

321.285 Speed restrictions.

1. Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law.

2. *a.* Unless otherwise provided by this section, or except as posted pursuant to sections 262.68, 321.236, subsection 5, section 321.288, subsection 2, paragraph *"f"*, sections 321.289, 321.290, 321.293, 321.295, and 461A.36, the following shall be the lawful speed and any speed in excess thereof shall be unlawful:

(1) Twenty miles per hour in any business district.

(2) Twenty-five miles per hour in any residence or school district.

(3) Forty-five miles per hour in any suburban district.

b. Each school district as defined in section 321.1, subsection 70, shall be marked by distinctive signs as provided by the current manual of uniform traffic control devices adopted by the department and placed on the highway at the limits of such school district.

3. Unless otherwise provided in this section or by other speed restrictions, the speed limit for all vehicular traffic shall be sixty miles per hour.

4. A reasonable and proper speed is required, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection 3. When the board of supervisors of any county shall determine upon the basis of an engineering and traffic investigation that the speed limit on any secondary road is greater than is reasonable and proper under the conditions found to exist at any intersection or other place or upon any part of a secondary road, the board shall determine and declare a reasonable and proper speed limit at the intersection or other part of the secondary road. The speed limits as determined by the board of supervisors shall be effective when appropriate signs giving notice of the speed limits are erected by the board of supervisors at the intersection or other place or part of the highway.

5. *a.* Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways is sixty-five miles per hour. However, the speed limit for all vehicular traffic on highways that are part of the interstate road system, as defined in section 306.3, is seventy miles per hour. The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways not otherwise described in this paragraph.

b. The department, on its own motion or in response to a recommendation of a metropolitan or regional planning commission or council of governments, may establish a lower speed limit on a highway described in this subsection.

c. For the purposes of this subsection, *"fully controlled-access highway"* means a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

d. A minimum speed may be established by the department on the highways referred to in this subsection if warranted by engineering and traffic investigations.

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e. (1) A vehicle, device, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate road system.

(2) This paragraph does not apply to an implement of husbandry that a person is authorized to operate on the segment of United States highway 65, and state highway 5, including where the highway designations overlap, between the highway's intersection with United States highway 6 and the highway's intersection with United States highway 69, or farther west if authorized by the department, prior to the date that segment of highway is designated a part of the interstate road system, if the segment of highway is designated a part of the interstate road system. The department may authorize an implement of husbandry to be operated on a segment of the highway described above farther west beyond the intersection with United States highway 69. This subparagraph is repealed on the date an alternative route for implements of husbandry is developed, deemed suitable by the department of transportation in consultation with the department of agriculture and land stewardship, and opened for traffic to bypass the segment of the interstate road system described in this subparagraph. The department of transportation shall notify the Iowa Code editor on that date.

6. Notwithstanding any other speed restrictions, a self-propelled implement of husbandry equipped with flotation tires that is designed to be loaded and operated in the field and used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall not be operated on a highway at a speed in excess of thirty-five miles per hour.

7. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on a street or highway on which a cattle guard is installed pursuant to section 314.30 is fifteen miles per hour between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end.

8. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5. A person who operates a school bus at a speed which exceeds a limit established under this section by ten miles per hour or less commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10. A person who violates any other provision of this section commits a simple misdemeanor.

[S13, §1571-m19, -m20; C24, 27, 31, 35, §5029, 5030; C39, §**5023.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.285]

87 Acts, ch 120, §2; 93 Acts, ch 47, §3 – 7; 94 Acts, ch 1173, §15; 96 Acts, ch 1126, §5; 96 Acts, ch 1191, §1; 2005 Acts, ch 165, §1; 2007 Acts, ch 143, §15; 2009 Acts, ch 133, §119; 2010 Acts, ch 1140, §8; 2012 Acts, ch 1083, §1; 2013 Acts, ch 90, §81; 2017 Acts, ch 29, §95; 2018 Acts, ch 1041, §82; 2018 Acts, ch 1118, §2, 3; 2025 Acts, ch 118, §2, 4; 2026 Acts, ch 1132, §3

Referred to in §321.233, 321.236, 321.291, 321.292, 321.293, 331.362, 707.6A, 723.4, 805.8A(5)(a), 805.8A(10)
Speed limits at regents institutions, see §262.68
Speeding violations by implements of husbandry, see §321.383
Speed limits in state parks and preserves, see §461A.36
2025 amendment to subsection 5, paragraph e applies to the segment of the highway known as United States highway 65, and state highway 5, including where the highway designations overlap, on July 1, 2025, and shall apply to that segment of the highway thereafter regardless of whether the highway's designation is subsequently changed; 2025 Acts, ch 118, §4
Subsection 3 amended

321.286 and 321.287 Reserved.

321.288 Control of vehicle — reduced speed.

1. A person operating a motor vehicle shall have the vehicle under control at all times.

2. A person operating a motor vehicle shall reduce the speed to a reasonable and proper rate:

a. When approaching and passing a person walking in the traveled portion of the public highway.

b. When approaching and passing an animal which is being led, ridden, or driven upon a public highway.

c. When approaching and traversing a crossing or intersection of public highways, or a sharp turn, curve, or steep descent in a public highway.

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d. When approaching and passing an emergency warning device displayed in accordance with rules adopted under section 321.449, or an emergency vehicle displaying a revolving or flashing light.

e. When approaching and passing a slow moving vehicle displaying a reflective device or alternative reflective device as provided by section 321.383.

f. When approaching and passing through a road work zone.

[S13, §1571-m18; C24, 27, 31, 35, §5031; C39, §**5023.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.288]

85 Acts, ch 167, §2; 87 Acts, ch 170, §7; 89 Acts, ch 296, §33; 97 Acts, ch 104, §20; 99 Acts, ch 102, §1; 2012 Acts, ch 1083, §2

Referred to in §321.285, 707.6A, 805.8A(6)(d)
For applicable scheduled fine, see §805.8A, subsection 6

321.289 Speed signs — duty to install.

The department shall furnish and place on primary roads or on extensions of primary roads within any city suitable standard signs showing the points at which the rate of speed changes and the maximum rate of speed in the district which the vehicle is entering. On all other main highways the city shall furnish and erect suitable signs giving similar information to traffic on such highways.

[S13, §1571-m20; C24, §5030; C27, 31, 35, §5030-b2; C39, §**5023.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.289]

Referred to in §321.285, 707.6A

321.290 Special restrictions.

1. Whenever the department shall determine upon the basis of an engineering and traffic investigation that any speed limit set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the primary road system or upon any part of a primary road extension, the department shall determine and declare a reasonable and safe speed limit which shall be effective when appropriate signs giving notice of the speed limit are erected at such intersection or other place or part of the highway.

2. Whenever the council in any city shall determine upon the basis of an engineering and traffic investigation that any speed limit set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the city street system, except primary road extensions, said council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe. Such speed limit shall be effective when proper and appropriate signs giving notice of the speed limit are erected at such intersections or other place or part of the street.

[C39, §**5023.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.290]

2018 Acts, ch 1026, §113

Referred to in §321.285, 707.6A

321.291 Information or notice.

In every charge of violation of section 321.285 the citation or complaint, and also the notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed limit applicable within the district or at the location.

[C39, §**5023.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.291]

93 Acts, ch 47, §8; 94 Acts, ch 1023, §104; 2021 Acts, ch 80, §170

321.292 Civil action unaffected.

The provisions of section 321.285 shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

[C39, §**5023.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.292]

93 Acts, ch 47, §9; 2009 Acts, ch 41, §116

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321.293 Local authorities may alter limits.

Local authorities in their respective jurisdiction may in their discretion subject to the approval of the department authorize by ordinance higher speeds than those stated in section 321.285 upon through highways or upon highways or portions thereof where stop or yield signs have been erected at the entrances thereto provided signs are erected giving notice of the authorized speed, but local authorities shall not have authority to authorize by ordinance a speed in excess of fifty-five miles per hour. If local authorities fail to authorize by ordinance higher speeds than those stated in section 321.285 upon through highways or upon highways or portions thereof where stop signs have been erected at the entrances thereto, the department may recommend, upon the basis of an engineering and traffic investigation, to the local authorities that the speed limit be increased. If local authorities fail to increase the speed limit upon said recommendation of the department, said department shall declare a reasonable and safe speed limit which shall be effective when appropriate signs are erected giving notice thereof.

[C39, §**5023.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.293]

Referred to in §321.236, 321.285, 707.6A

321.294 Minimum speed regulation.

A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 8.

[C31, 35, §5021-c1; C39, §**5023.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.294]

2000 Acts, ch 1203, §11; 2001 Acts, ch 137, §5

Referred to in §805.8A(8)(d)

For minimum speed capability requirements, see §321.382

321.295 Limitation on bridge or elevated structures.

1. A person shall not drive a vehicle on any public bridge or elevated structure at a speed which is greater than the maximum speed permitted under this chapter on the street or highway at a point where said street or highway joins said bridge or elevated structure. However, if the maximum speed permitted on said street or highway differs from the maximum speed on any other street or highway joining said bridge or elevated structure, then the lowest of those maximum speeds shall be the maximum speed limit on said bridge or elevated structure unless the department, upon request from any local authority or upon its own initiative, has conducted an investigation of the bridge or other elevated structure constituting a part of the highway, and has found that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter. Under those circumstances, the department shall determine and declare the maximum speed of vehicles which the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of two hundred feet before each end of such structure.

2. A person shall not drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when the structure is signposted as provided in this section.

3. Upon the trial of any person charged with driving a vehicle at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, proof of such determination of the maximum speed by said department and the existence

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of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

[C39, §**5023.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.295]

2010 Acts, ch 1069, §46

Referred to in §321.285, 707.6A, 805.8A(5)(d)

For applicable scheduled fine, see §805.8A, subsection 5, paragraph d

321.296 Reserved.

DRIVING ON RIGHT SIDE OF ROADWAY — OVERTAKING AND PASSING — TOWING

321.297 Driving on right-hand side of roadway — exceptions.

1. A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows:

a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.

b. When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.

c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon.

d. Upon a roadway restricted to one-way traffic.

2. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon all roadways, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, an alley, private road or driveway.

3. A vehicle shall not be driven upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection 1, paragraph *"b"*. This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

[S13, §1571-m18; C24, 27, 31, 35, §5019; C39, §**5024.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.297]

Referred to in §321.233, 321.298, 321.482A, 805.8A(6)(e)

For applicable scheduled fine, see §805.8A, subsection 6

Additional penalties for violations causing serious injury or death, see §321.482A

321.298 Meeting and turning to right.

Except as otherwise provided in section 321.297, vehicles or persons on horseback meeting each other on any roadway shall yield one-half of the roadway by turning to the right.

[R60, §908; C73, §1000; C97, §1569; S13, §1569; C24, 27, 31, 35, §5020; C39, §**5024.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.298]

Referred to in §321.233, 321.482A, 805.8A(7)(b)

For applicable scheduled fine, see §805.8A, subsection 7

Additional penalties for violations causing serious injury or death, see §321.482A

321.299 Overtaking a vehicle.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an

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overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of the overtaken vehicle until completely passed by the overtaking vehicle.

[S13, §1569, 1571-m18; C24, 27, 31, 35, §5021, 5022; C39, §**5024.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.299]

89 Acts, ch 296, §34; 2010 Acts, ch 1061, §115

Referred to in §321.482A, 805.8A(6)(f)
Passing on right, §321.302
For applicable scheduled fine, see §805.8A, subsection 6
Additional penalties for violations causing serious injury or death, see §321.482A

321.300 and 321.301 Reserved.

321.302 Overtaking and passing.

1. Unless otherwise prohibited by law, the driver of a vehicle on a roadway with unobstructed pavement of sufficient width for two or more lines of traffic moving in the same direction as the vehicle being passed may overtake and pass upon the right of another vehicle which is making or about to make a left turn when such movement can be made in safety.

2. Unless otherwise prohibited by law, the driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety.

3. The driver of a vehicle shall not drive off the pavement or upon the shoulder of the roadway or upon the apron or roadway of an intersecting roadway in overtaking or passing on the right or the left.

4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 6.

[C39, §**5024.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.302]

2000 Acts, ch 1203, §12; 2001 Acts, ch 137, §5; 2003 Acts, ch 6, §2; 2010 Acts, ch 1190, §47

Referred to in §321.482A, 805.8A(6)(g)
Additional penalties for violations causing serious injury or death, see §321.482A

321.303 Limitations on overtaking on the left.

A vehicle shall not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or a vehicle overtaken. The overtaking vehicle shall return to the right-hand side of the roadway before coming within three hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit in excess of thirty miles per hour, and the overtaking vehicle shall return to the right-hand side of the roadway before coming within one hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit of thirty miles per hour or less.

[C39, §**5024.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.303]

83 Acts, ch 125, §4

Referred to in §321.482A, 805.8A(6)(h)
For applicable scheduled fine, see §805.8A, subsection 6
Additional penalties for violations causing serious injury or death, see §321.482A

321.304 Prohibited passing.

No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed for a distance of approximately seven hundred feet.

2. When approaching within one hundred feet of any narrow bridge, viaduct, or tunnel,

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when so signposted, or when approaching within one hundred feet of or traversing any intersection or railroad grade crossing.

3. Where official signs are in place directing that traffic keep to the right or a distinctive center line or off-center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the department of transportation.

[C35, §5024-e1; C39, §**5024.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.304]
Referred to in §321.482A, 805.8A(6)(i), 805.8A(8)(e)
For applicable scheduled fines, see §805.8A, subsections 6 and 8
Additional penalties for violations causing serious injury or death, see §321.482A

321.305 One-way roadways and rotary traffic islands.

1. Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

2. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

[C39, §**5024.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.305]
Referred to in §321.482A, 805.8A(6)(j)
For applicable scheduled fine, see §805.8A, subsection 6
Additional penalties for violations causing serious injury or death, see §321.482A

321.306 Roadways laned for traffic.

Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. If a roadway is divided into three lanes, a vehicle shall not be driven in the center lane except as follows:

a. When overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance.

b. In preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

3. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

4. Vehicles moving in a lane designated for slow-moving traffic shall yield the right-of-way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane.

5. A portion of a highway provided with a lane for slow-moving vehicles does not become a roadway marked for three lanes of traffic.

[C39, §**5024.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.306]
2010 Acts, ch 1069, §94
Referred to in §321.208, 321.482A, 805.8A(6)(k)
For applicable scheduled fine, see §805.8A, subsection 6
Additional penalties for violations causing serious injury or death, see §321.482A

321.307 Following too closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

[C39, §**5024.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.307]
Referred to in §321.482A, 805.8A(7)(c)
For applicable scheduled fine, see §805.8A, subsection 7
Additional penalties for violations causing serious injury or death, see §321.482A

321.308 Motor trucks and towed vehicles — distance requirements. Repealed by 2019 Acts, ch 79, §4.

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321.309 Towing.

A person shall not pull or tow by motor vehicle, for hire, another motor vehicle over any highway outside the limits of any incorporated city, except in case of temporary movement of a disabled motor vehicle to the place where repairs will be made, unless the person has complied with the provisions of sections 321.57 and 321.58. Provided, however, if the person is a nonresident of the state of Iowa and has complied with the laws of the state of that person's residence governing licensing and registration as a transporter of motor vehicles, the person shall not be required to pay the fee provided in section 321.58 but only to submit proof of the person's status as a bona fide manufacturer or transporter as may reasonably be required by the department.

[C31, 35, §5067-d9; C39, §**5024.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.309]
83 Acts, ch 101, §69; 97 Acts, ch 108, §16; 2019 Acts, ch 79, §1
Referred to in §805.8A(12)(a)
For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

321.310 Towing four-wheeled trailers.

1. A motor vehicle shall not tow a four-wheeled trailer with a steering axle, or more than one trailer or semitrailer, or both in combination. However, this section does not apply to a motor home, motorsports recreational vehicle, multipurpose vehicle, motor truck, truck tractor or road tractor nor to a farm tractor towing a four-wheeled trailer, nor to a farm tractor or motor vehicle towing implements of husbandry, nor to a wagon box trailer used by a farmer in transporting produce, farm products, or supplies hauled to and from market.

2. Any four-wheeled trailer towed by a truck tractor or road tractor shall be registered under the semitrailer provisions of section 321.123; provided that the provisions of this subsection shall not apply to motor vehicles drawing wagon box trailers used by a farmer in transporting produce, farm products, or supplies hauled to and from market, or to a four-wheeled trailer towed by a motorsports recreational vehicle.

[C39, §**5024.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.310]
84 Acts, ch 1226, §1; 2014 Acts, ch 1127, §10
Referred to in §805.8A(12)(a)
For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

321.311 Turning at intersections.

1. The driver of a vehicle intending to turn at an intersection shall do so as follows:

a. Both the approach for a right turn and right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

b. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the center line of the roadway being entered.

c. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

2. Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

[S13, §1571-m18; C24, 27, 31, 35, §5033; C39, §**5025.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.311]
Referred to in §321.354, 321.482A, 805.8A(6)(l)
For applicable scheduled fine, see §805.8A, subsection 6
Additional penalties for violations causing serious injury or death, see §321.482A

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321.312 Turning on curve or crest of grade.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade or hill, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

[C39, §**5025.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.312]

Referred to in §805.8A(6)(m)
For applicable scheduled fine, see §805.8A, subsection 6

321.313 Starting parked vehicle.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

[C39, §**5025.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.313]

Referred to in §805.8A(7)(d)
For applicable scheduled fine, see §805.8A, subsection 7

321.314 When signal required.

No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner provided in sections 321.315 through 321.318 in the event any other vehicle may be affected by such movement.

[S13, §1571-m18; C24, 27, 31, 35, §5032; C39, §**5025.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.314]

2021 Acts, ch 80, §171
Referred to in §321.316, 805.8A(6)(n)
For applicable scheduled fine, see §805.8A, subsection 6

321.315 Signal continuous.

A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning when the speed limit is forty-five miles per hour or less and a continuous signal during not less than the last three hundred feet when the speed limit is in excess of forty-five miles per hour.

[C39, §**5025.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.315]

Referred to in §321.314, 321.316, 805.8A(6)(o)
For applicable scheduled fine, see §805.8A, subsection 6

321.316 Stopping.

A person shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in sections 321.314, 321.315, 321.317, and 321.318 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

[S13, §1571-m18; C24, 27, 31, 35, §5032; C39, §**5025.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.316]

2021 Acts, ch 80, §172
Referred to in §321.314, 805.8A(6)(p)
For applicable scheduled fine, see §805.8A, subsection 6

321.317 Signals by hand and arm or signal device.

1. The signals required under the provisions of this chapter may be given either by means of the hand and arm as provided in section 321.318, or by a mechanical or electrical directional signal device or light conforming to the provisions of this chapter.

2. Directional signal devices shall be designed with a white, yellow or amber lamp or lamps to be displayed on the front of vehicles and with a lamp or lamps of red, yellow or amber to be displayed on the rear of vehicles. Such devices shall be capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daylight and darkness from a distance of at least one hundred feet from the front and rear of a vehicle equipped therewith.

3. It is unlawful for any person to sell or offer for sale or operate on the highways of the state any vehicle subject to registration under the provisions of this chapter which has

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never been registered in this or any other state prior to January 1, 1954, unless the vehicle is equipped with a directional signal device of a type in compliance with the provisions of subsection 2. Motorcycles, motorized bicycles, and semitrailers and trailers less than forty inches in width are exempt from the provisions of this section.

4. When a vehicle is equipped with a directional signal device, such device shall at all times be maintained in good working condition. No directional signal device shall project a glaring or dazzling light. All directional signal devices shall be self-illuminated when in use while other lamps on the vehicle are lighted.

5. Whenever any vehicle or combination of vehicles is disabled or for other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, the operator then may display on the vehicle or combination of vehicles four directional signals of a type complying with the provisions of this section relating to directional signal devices in simultaneous operation.

[S13, §1571-m18; C24, 27, 31, 35, §5032; C39, §**5025.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.317]

87 Acts, ch 170, §8; 97 Acts, ch 108, §17, 18

Referred to in §321.314, 321.316, 321.404A, 805.8A(3)(c)

For applicable scheduled fines, see §805.8A, subsection 3

321.318 Method of giving hand and arm signals.

All signals required under this chapter which may be given by hand and arm shall when so given be given from the left side of the vehicle and the following manner and interpretation thereof is suggested:

1. Left turn — Hand and arm extended horizontally.
2. Right turn — Hand and arm extended upward.
3. Stop or decrease of speed — Hand and arm extended downward.

[C39, §**5025.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.318]

2021 Acts, ch 80, §173

Referred to in §321.314, 321.316, 321.317, 805.8A(6)(q)

For applicable scheduled fine, see §805.8A, subsection 6

RIGHT-OF-WAY

321.319 Entering intersections from different highways.

1. When two vehicles enter an intersection from different highways or public streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

2. The rule contained in subsection 1 is modified at through highways and as otherwise stated in this chapter.

[S13, §1571-m18; C24, 27, 31, 35, §5035; C39, §**5026.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.319]

2019 Acts, ch 59, §93

Referred to in §321.482A, 805.8A(7)(e)

For applicable scheduled fine, see §805.8A, subsection 7

Additional penalties for violations causing serious injury or death, see §321.482A

321.320 Left turns — yielding.

The driver of a vehicle who intends to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to all vehicles approaching from the opposite direction which are within the intersection or so close as to constitute an immediate hazard. The driver, after yielding and giving a signal as required by this chapter, may make the left turn.

[S13, §1571-m18; C24, 27, 31, 35, §5035; C39, §**5026.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.320]

2022 Acts, ch 1021, §70

Referred to in §321.482A, 805.8A(7)(f)

For applicable scheduled fine, see §805.8A, subsection 7

Additional penalties for violations causing serious injury or death, see §321.482A

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321.321 Entering through highways.

The driver of a vehicle shall stop or yield as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute a hazard, but said driver having so yielded may proceed cautiously and with due care enter said through highway.

[C27, §5079-b2, -b3; C31, 35, §5079-b2, -b3, -d2, -d3; C39, §**5026.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.321]

Referred to in §321.482A, 805.8A(7)(g)
For applicable scheduled fine, see §805.8A, subsection 7
Additional penalties for violations causing serious injury or death, see §321.482A

321.322 Vehicles entering stop or yield intersection.

1. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

2. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

[C27, §5079-b2, -b3; C31, 35, §5079-b2, -b3, -d2, -d3; C39, §**5026.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.322]

Referred to in §321.482A, 805.8A(8)(f)
For applicable scheduled fines, see §805.8A, subsection 8
Additional penalties for violations causing serious injury or death, see §321.482A

321.323 Moving vehicle backward on highway.

A person shall not cause a vehicle to be moved in a backward direction on a highway unless and until the vehicle can be backed with reasonable safety, and shall yield the right-of-way to any approaching vehicle on the highway or an intersecting highway which is so close as to constitute an immediate hazard.

[C66, 71, 73, 75, 77, 79, 81, §321.323]
89 Acts, ch 296, §35

Referred to in §321.233, 321.482A, 805.8A(6)(r)
For applicable scheduled fine, see §805.8A, subsection 6
Additional penalties for violations causing serious injury or death, see §321.482A

321.323A Approaching certain stationary vehicles.

1. The operator of a motor vehicle approaching a stationary authorized emergency vehicle that is displaying flashing lights, as permitted under section 321.423, shall approach the authorized emergency vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph *"a"* would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

2. The operator of a motor vehicle approaching a stationary towing or recovery vehicle, a stationary utility maintenance vehicle, a stationary municipal maintenance vehicle, a

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stationary highway maintenance vehicle, a stationary construction vehicle, or a stationary solid waste or recycling collection service vehicle, that is displaying flashing lights, as permitted under section 321.423, shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the stationary motor vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph *"a"* would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

3. The operator of a motor vehicle approaching a stationary motor vehicle that is continually displaying its emergency signal lamps flashing simultaneously shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer:

a. Make a lane change into a lane not adjacent to the stationary motor vehicle if possible in the existing safety and traffic conditions.

b. If a lane change under paragraph *"a"* would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop.

4. *a.* A person convicted of a violation of this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 11.

b. A person convicted of a violation of this section which resulted in an accident causing bodily injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A, subsection 11, or any other penalty provided by law:

(1) For a violation causing bodily injury to another person, a fine of five hundred dollars.

(2) For a violation causing death, a fine of one thousand dollars.

c. Upon receiving a record of a person's conviction for a violation under paragraph *"a"* which resulted in an accident causing damage to the property of another person or bodily injury to or death of another person, the department shall suspend the person's driver's license or operating privileges, upon thirty days' notice and without preliminary hearing, as follows:

(1) For a violation causing damage to the property of another person, but not resulting in bodily injury to or death of another person, the department shall suspend the violator's driver's license or operating privileges for ninety days.

(2) For a violation causing bodily injury to another person, the department shall suspend the violator's driver's license or operating privileges for one hundred eighty days.

(3) For a violation causing death, the department shall suspend the violator's driver's license or operating privileges for one year.

2002 Acts, ch 1013, §1; 2003 Acts, ch 2, §1; 2012 Acts, ch 1083, §3; 2012 Acts, ch 1138, §63; 2015 Acts, ch 81, §1; 2017 Acts, ch 84, §2; 2018 Acts, ch 1079, §1 – 4

Referred to in §805.8A(11)(a), 805.8A(11)(b)

321.324 Operation on approach of emergency vehicles.

1. For the purposes of this section, *"red light"* or *"blue light"* means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light.

2. Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light or red and blue lights, or an authorized emergency vehicle of a fire department displaying a blue light, or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

3. Upon the approach of an authorized emergency vehicle, as described in subsection 2,

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the driver of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

4. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

[C39, §**5026.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.324]
2000 Acts, ch 1045, §1; 2010 Acts, ch 1069, §95
Referred to in §321.482A, 805.8A(11)(a)
For applicable scheduled fines, see §805.8A, subsection 11
Additional penalties for violations causing serious injury or death, see §321.482A

321.324A Funeral processions.

1. For purposes of this section, "*funeral procession*" means a procession of motor vehicles accompanying the body of a deceased person during daylight hours which is being escorted by a vehicle continually displaying its emergency signal lamps flashing simultaneously and using lighted headlamps and identifying flags, or an escort vehicle displaying a flashing or revolving red and amber light visible to pedestrians in all directions, and keeping all other motor vehicles with lighted headlamps in close formation.

2. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.

3. The funeral establishment in charge of the funeral procession is liable only in connection with the procession for any negligent, reckless, or intentional act by the funeral establishment or any employee or agent of the funeral establishment that results in any death, personal injury or property damage suffered during a funeral procession.

4. *a.* The driver of an authorized emergency vehicle may operate the vehicle as part of a funeral procession, and a peace officer may provide traffic control relating to a funeral procession upon request or when necessary for the safety of all persons.

b. Notwithstanding any provision of law to the contrary, an authorized emergency vehicle operating in a funeral procession or for traffic control relating to a funeral procession may display any of the vehicle's lighting devices. This subsection shall not be construed to exempt the driver of the authorized emergency vehicle from any duty to operate the vehicle with due regard for the safety of all persons.

5. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 6, paragraph "s".

94 Acts, ch 1139, §1; 2006 Acts, ch 1070, §13; 2020 Acts, ch 1074, §36, 93; 2022 Acts, ch 1087, §7, 11
Referred to in §321.423, 321.482A, 805.8A(6)(s)
Flashing lights, see §321.423
Penalties for violations causing serious injury or death, see §321.482A

PEDESTRIANS' RIGHTS AND DUTIES

321.325 Pedestrians subject to signals.

Pedestrians shall be subject to traffic-control signals at intersections as provided in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in sections 321.327 through 321.331.

[C39, §**5027.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.325]
2019 Acts, ch 59, §94
Referred to in §805.8A(9)(e)
For applicable scheduled fine, see §805.8A, subsection 9

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321.326 Pedestrians on left.

Pedestrians shall at all times when walking on or along a highway, walk on the left side of such highway.

[C39, §**5027.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.326]

Referred to in §321O.4, 805.8A(9)(f)

For applicable scheduled fine, see §805.8A, subsection 9

321.327 Pedestrians' and bicyclists' right-of-way.

1. Where traffic-control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian or a person riding a bicycle crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 7.

[C39, §**5027.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.327]

2000 Acts, ch 1203, §13; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §48; 2024 Acts, ch 1137, §5

Referred to in §321.325, 321.482A, 805.8A(7)(h)

Additional penalties for violations causing serious injury or death, see §321.482A

321.328 Crossing at other than crosswalk.

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway except that cities may restrict such a crossing by ordinance.

2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

3. Where traffic-control signals are in operation at any place not an intersection pedestrians shall not cross at any place except in a marked crosswalk.

[C39, §**5027.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.328]

Referred to in §321.325, 321.329, 805.8A(9)(g)

For applicable scheduled fines, see §805.8A, subsection 9

321.329 Duty of driver — pedestrians crossing or working on highways.

1. Notwithstanding the provisions of section 321.328 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise due care upon observing any child or any confused or incapacitated person upon a roadway.

2. Every driver of a vehicle shall yield the right-of-way to pedestrian workers engaged in maintenance or construction work on a highway whenever the driver is notified of the presence of such workers by a flagman or a warning sign.

[C39, §**5027.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.329]

Referred to in §321.325, 321.482A, 805.8A(7)(i)

For applicable scheduled fine, see §805.8A, subsection 7

Additional penalties for violations causing serious injury or death, see §321.482A

321.330 Use of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

[C39, §**5027.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.330]

Referred to in §321.325

321.331 Pedestrians soliciting rides.

1. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

2. Nothing in this section or this chapter shall be construed so as to prevent any pedestrian from standing on that portion of the highway or roadway, not ordinarily used for vehicular traffic, for the purpose of soliciting a ride from the driver of any vehicle.

[C39, §**5027.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.331]

Referred to in §321.325, 805.8A(9)(h)

For applicable scheduled fines, see §805.8A, subsection 9

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321.332 White canes restricted to blind persons.

For the purpose of guarding against accidents in traffic on the public thoroughfares, it shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets, highways, and public places of the state any white canes or walking sticks which are white in color or white tipped with red.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.332]

Referred to in §216C.8, 321.334, 805.8A(9)(i)

For applicable scheduled fine, see §805.8A, subsection 9

321.333 Duty of drivers.

Any driver of a vehicle or operator of a motor-driven vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color or white tipped with red, or being led by a guide dog wearing a harness and walking on either side of or slightly in front of said blind person, shall immediately come to a complete stop, and take such precautions as may be necessary to avoid accident or injury to the person carrying a cane or walking stick white in color or white tipped with red or being led by a guide dog.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.333]

Referred to in §216C.8, 321.482A, 805.8A(7)(j)

For applicable scheduled fine, see §805.8A, subsection 7

Additional penalties for violations causing serious injury or death, see §321.482A

321.334 Penalties.

A person shall be fined not less than one dollar nor more than one hundred dollars for each offense, if the person does any of the following:

1. Carries a cane or walking stick such as is prescribed in section 321.332, but contrary to the provisions of this chapter.

2. Fails to heed the approach of a person lawfully carrying a cane or walking stick that is white in color or white tipped with red, or who is being led by a guide dog.

3. Fails to immediately come to a complete stop and take such precautions against accident or injury to a person described in subsection 2.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.334]

2019 Acts, ch 59, §95

For scheduled fine applicable to §321.332 violations, see §805.8A, subsection 9

321.335 through 321.339 Reserved.

321.340 Driving through safety zone.

No vehicle shall at any time be driven through or within a safety zone.

[C39, §**5028.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.340]

Referred to in §805.8A(6)(t)

For applicable scheduled fine, see §805.8A, subsection 6

SPECIAL STOPS REQUIRED

321.341 Obedience to signal indicating approach of railroad train or railroad track equipment.

1. When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person, or otherwise of the immediate approach of a railroad train or railroad track equipment, the driver of the vehicle shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely.

2. The driver of a vehicle shall stop the vehicle and the vehicle shall remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment.

3. *a.* For violations of this section that occur at a railroad grade crossing that has a median barrier and that is established as a quiet zone in accordance with 49 C.F.R. pt. 222, subpt. C, the person may attend and successfully complete, at the person's own expense, a driver

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improvement program approved by the department in lieu of the fine imposed under section 805.8A, subsection 14, paragraph *"h"*, subparagraph (2). To be eligible, the person shall notify the clerk of court prior to the date of the person's court appearance as indicated on the citation that the person intends to attend and successfully complete a driver improvement program, and shall submit to the clerk of court written verification that the person completed the driver improvement program, signed by the instructor of the program, within ninety days of the violation.

b. A person who notifies the clerk of court that the person intends to successfully complete a driver improvement program pursuant to paragraph *"a"*, but who does not submit the required written verification that the person successfully completed the driver improvement program to the clerk of court within ninety days of the violation, shall be assessed the fine described in paragraph *"a"* on the ninety-first day after the violation.

[C39, §**5029.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.341]
87 Acts, ch 170, §9; 2012 Acts, ch 1044, §1; 2013 Acts, ch 90, §82; 2024 Acts, ch 1055, §1
Referred to in §321.208, 321.343A, 321.344A, 321.344B, 321.484, 805.8A(14)(h)
For applicable scheduled fines, see §805.8A, subsection 14, paragraph h

321.342 Stop at certain railroad crossings — posting warning.

1. The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop, or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to driving across the railroad grade crossing at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad train or railroad track equipment.

2. The department, city or county shall be required to post the standard sign as prescribed by the manual on uniform traffic-control devices adopted by the department pursuant to section 321.252 in advance of each railroad grade crossing to warn the motorist that the motorist is approaching a railroad grade crossing. Upon properly posting all railroad grade crossings within its jurisdiction and upon implementing the standards established in accordance with section 307.26, the department, city, or county shall not have any other affirmative duty to warn a motor vehicle operator approaching or at the railroad grade crossing.

[C39, §**5029.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.342]
2012 Acts, ch 1044, §2
Referred to in §321.344A, 321.344B, 321.484, 805.8A(14)(h)
For applicable scheduled fine, see §805.8A, subsection 14, paragraph h

321.343 Certain vehicles must stop.

1. The driver of a motor vehicle carrying passengers for hire, a school bus, or a vehicle carrying hazardous material and required to stop before driving across a railroad track by motor carrier safety rules adopted under section 321.449, before driving across at grade any track of a railroad, shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail. While stopped, the driver shall listen and look in both directions for an approaching railroad train or railroad track equipment, and for signals indicating the approach of a railroad train or railroad track equipment, and shall not proceed until the driver can do so safely.

2. The driver of a commercial motor vehicle shall comply with all of the following provisions that apply to the driver:

a. If the driver is not always required to stop at a railroad crossing, slow down when approaching the crossing and check that the railroad tracks are clear of an approaching railroad train or railroad track equipment before proceeding.

b. If the driver is not always required to stop at a railroad crossing, stop before reaching the crossing if the railroad tracks are not clear.

c. Refrain from proceeding through a railroad crossing if sufficient space is not available to drive completely through the crossing without stopping.

d. Obey a traffic-control device or the directions of an enforcement official at a railroad crossing.

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e. Have sufficient undercarriage clearance before negotiating a railroad crossing.

3. No stop need be made at a crossing where a peace officer or a traffic-control device directs traffic to proceed. No stop need be made at a crossing designated by an "exempt" sign. An "exempt" sign shall be posted only where the tracks have been partially removed on either side of the roadway.

[C27, 31, 35, §5105-a33; C39, §**5029.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.343; 82 Acts, ch 1200, §1]

87 Acts, ch 170, §10; 2001 Acts, ch 132, §10; 2012 Acts, ch 1044, §3, 4

Referred to in §321.208, 321.343A, 321.344A, 321.344B, 321.484, 805.8A(14)(h)

For applicable scheduled fine, see §805.8A, subsection 14, paragraph h

321.343A Employer violations — penalty.

An employer shall not knowingly allow, require, permit, or authorize a driver to operate a commercial motor vehicle in violation of section 321.341 or 321.343 or any other federal or local law or regulation pertaining to railroad grade crossings. An employer who violates this section shall be subject to a fine in an amount in accordance with the civil penalty provided in 49 C.F.R. pt. 386, Appendix B(b)(3).

2008 Acts, ch 1021, §11; 2023 Acts, ch 126, §5

321.344 Heavy equipment at crossing.

1. No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

2. Notice of the intended crossing shall be given to a superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection at the crossing.

3. Before making the crossing, the person operating or moving the vehicle or equipment shall first stop the vehicle or equipment not less than ten feet nor more than fifty feet from the nearest rail of the railroad and, while stopped, shall listen and look in both directions along the track for any approaching railroad train or railroad track equipment and for signals indicating the approach of a railroad train or railroad track equipment, and shall not proceed until the crossing can be made safely.

4. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or railroad track equipment.

[C39, §**5029.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.344]

2012 Acts, ch 1044, §5

Referred to in §321.344A, 321.344B, 321.484, 805.8A(14)(h)

For applicable scheduled fine, see §805.8A, subsection 14, paragraph h

321.344A Reported violations for failure to stop at a railroad crossing — citations.

1. The employee of a railroad who observes a violation of section 321.341, 321.342, 321.343, or 321.344 may prepare a written report on a form provided by the department of public safety indicating that a violation has occurred. The railroad employee may deliver the report not more than seventy-two hours after the violation occurred to a peace officer of the state or a peace officer of the county or municipality in which the violation occurred. The report shall state the time and the location at which the violation occurred and shall include the registration plate number and a description of the vehicle involved in the violation.

2. A peace officer may initiate an investigation not more than seven calendar days after receiving a report of a violation pursuant to this section. The peace officer may request that the owner of the vehicle supply information identifying the driver of the vehicle in accordance with section 321.484, or in the case of a commercial motor vehicle, the peace officer may request that the employer of the driver provide information identifying the driver of the vehicle.

a. If from the investigation, the peace officer is able to identify the driver of the vehicle and has reasonable cause to believe a violation has occurred, the peace officer shall prepare

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a uniform traffic citation for the violation and shall serve it personally or by certified mail on the driver of the vehicle.

b. If, from the investigation, the peace officer has reasonable cause to believe that a violation occurred but is unable to identify the driver, the peace officer shall serve a uniform traffic citation for the violation on the owner of the motor vehicle or, in the case of a commercial motor vehicle, on the employer of the driver. Notwithstanding section 321.484, in a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of section 321.341, 321.342, 321.343, or 321.344, together with proof that the defendant named in the citation was the owner of the motor vehicle or, in the case of a commercial motor vehicle, the employer of the driver, at the time the violation occurred, constitutes a permissible inference that the owner or employer was the person who committed the violation.

c. For purposes of this subsection, *"owner"* means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this subsection, or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this subsection.

92 Acts, ch 1152, §1; 2005 Acts, ch 92, §1; 2008 Acts, ch 1021, §12

321.344B Immediate safety threat — penalty.

A violation of section 321.341, 321.342, 321.343, or 321.344 which creates an immediate threat to the safety of a person or property is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"h"*.

2000 Acts, ch 1134, §2; 2001 Acts, ch 137, §5
Referred to in §805.8A(14)(h)

321.345 Stop or yield at highways.

The department, based on an engineering study, with reference to primary highways, and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs, in accordance with specifications established by the department at specified entrances to the highway or may designate any intersection as a stop intersection or as a yield intersection and erect like signs at one or more entrances to such intersection.

[C27, §5079-b3, -b4; C31, 35, §5079-b3, -b4, -d3, -d4; C39, §**5029.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.345]
Referred to in §321.347
Analogous provision, §321.253

321.346 Cost of signs.

The cost of the signs on primary highways shall be paid out of the primary road fund. The cost of the signs on secondary roads shall be paid by the county.

[C27, §5079-b4; C31, 35, §5079-b4, -d4; C39, §**5029.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.346]

83 Acts, ch 123, §128, 209

321.347 Certain traffic control in cities subject to departmental approval.

Notwithstanding section 321.345, at intersections of through highways with boulevards or heavy traffic streets in cities, the city council, subject to the approval of the department, may determine that the through highway traffic shall come to a stop, may erect traffic-control signals, or may adopt such other means of handling the traffic as may be deemed practical and proper.

[C31, 35, §5079-c1; C39, §**5029.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.347]

2019 Acts, ch 59, §96
Referred to in §321.349

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321.348 Limitations on cities.

It shall be unlawful for any city to close or obstruct any street or highway which is used as the extension of a primary road within such city, except at times of fires or for the purpose of doing construction or repair work on such street or highway, or for other reasons with the consent of the department, and it shall also be unlawful for any city to erect or cause to be erected or maintained any traffic sign or signal inconsistent with the provisions of this chapter.

[C31, 35, §5079-c2; C39, §**5029.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.348]

Referred to in §321.349

321.349 Exceptions.

The provisions of sections 321.347 and 321.348 as concerns the erection and maintenance of "stop" and "go" signals shall not apply to cities with a population of four thousand or over where said signals are situated within business districts of said city.

[C31, 35, §5079-c3; C39, §**5029.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.349]

321.350 Primary roads as through highways.

Primary roads, and extensions of primary roads within cities are hereby designated as through highways.

[C27, 31, 35, §5079-b1; C39, §**5029.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.350]

321.351 Reserved.

321.352 Additional signs — cost.

The county board of supervisors shall, at places deemed by them unusually dangerous on the local county roads, furnish and erect suitable warning signs. The cost of the signs shall be paid by the county.

[C31, 35, §5079-d5; C39, §**5029.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.352]

83 Acts, ch 123, §129, 209

Referred to in §331.362

321.353 Stop before crossing sidewalk — right-of-way.

1. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter the driver shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic and the driver shall yield the right-of-way to any vehicular traffic on the street into which the driver's vehicle is entering.

2. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall stop such vehicle immediately prior to driving on said highway and shall yield the right-of-way to all vehicles approaching on said highway.

[S13, §1571-m18; C24, 27, 31, 35, §5035; C39, §**5026.05, 5029.13;** C46, §321.323, 321.353; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.353]

Referred to in §805.8A(6)(u)

For applicable scheduled fine, see §805.8A, subsection 6

STOPPING, STANDING, AND PARKING

321.354 Stopping on traveled way.

1. A person shall not stop, park, or leave standing an attended or unattended vehicle upon any highway outside of a business district, rural residence district, or residence district as follows:

a. Upon the paved part of the highway when it is practical to stop, park, or leave the vehicle off that part of the highway, however, a clear and unobstructed width of at least twenty feet of the paved part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles. As used in this subsection, "*paved highway*" includes an asphalt surfaced highway.

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b. Upon the main traveled part of a highway other than a paved highway when it is practical to stop, park, or leave the vehicle off that part of the highway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles.

2. A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section does not apply to a vehicle making a turn as provided in section 321.311. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed.

[C24, 27, 31, 35, §5066; C39, §**5030.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.354]
84 Acts, ch 1022, §2; 86 Acts, ch 1056, §4; 98 Acts, ch 1075, §23; 2013 Acts, ch 90, §83
Referred to in §321.210, 321.355, 321.356, 805.8A(6)(v)
For applicable scheduled fine, see §805.8A, subsection 6

321.355 Disabled vehicle.

Section 321.354 shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

[C39, §**5030.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.355]
Referred to in §321.210, 321.356

321.356 Officers authorized to remove.

Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the provisions of sections 321.354 and 321.355, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

[C39, §**5030.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.356]
2009 Acts, ch 41, §117
Referred to in §321.210

321.357 Removed from bridge.

Whenever any peace officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

[C39, §**5030.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.357]
Referred to in §321.210

321.358 Stopping, standing, or parking.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk, except a bicycle may stop, stand, or park on a sidewalk if not prohibited by a local jurisdiction.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five feet of a fire hydrant.
5. On a crosswalk.
6. Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
7. Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless any city indicates a different length by signs or markings.

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8. Within fifty feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

9. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted.

10. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

12. Upon any bridge or other elevated structure upon a highway outside of cities or within a highway tunnel.

13. At any place where official signs prohibit stopping or parking.

14. Upon any street within the corporate limits of a city when the same is prohibited by a general ordinance of uniform application relating to removal of snow or ice from the streets.

15. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

[S13, §1571-m18; C24, 27, 31, 35, §5057, 5058, 5060; C39, §**5030.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.358]

85 Acts, ch 40, §4; 89 Acts, ch 247, §7

Referred to in §321.210, 321.359, 602.8103, 602.8106, 805.8A(1)(a)

For fines applicable to offenses charged as scheduled violations, see §805.8A, subsection 1, paragraph a

321.359 Moving other vehicle.

A person shall not move a vehicle not owned by that person into any prohibited area described in section 321.358 or to a place that is an unlawful distance from a curb.

[C39, §**5030.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.359]

2021 Acts, ch 80, §174

Referred to in §321.210

321.360 Theaters, hotels, and auditoriums.

A space of not to exceed fifty feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five sleeping rooms, or other buildings where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked, or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

[S13, §1571-m18; C24, 27, 31, 35, §5059; C39, §**5030.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.360]

Referred to in §321.210, 602.8103, 602.8106, 805.8A(1)(a)

For applicable scheduled fine, see §805.8A, subsection 1, paragraph a

321.361 Additional parking regulations.

1. Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

2. Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.

3. Local authorities may by ordinance permit angle or center parking on any roadway under their jurisdiction.

[S13, §1571-m18; C24, 27, 31, 35, §4997, 5056; C39, §**5030.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.361]

Referred to in §321.210, 602.8103, 602.8106, 805.8A(1)(a)

For fines applicable to offenses charged as scheduled violations, see §805.8A, subsection 1, paragraph a

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MISCELLANEOUS RULES

321.362 Unattended motor vehicle.

A person driving or in charge of a motor vehicle shall not permit the vehicle to stand unattended upon any perceptible grade without effectively setting the brake and turning the front wheels to the curb or side of the highway.

[S13, §1571-m18; C24, 27, 31, 35, §5038; C39, §**5031.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.362]

2017 Acts, ch 8, §1
Referred to in §805.8A(1)(a)
For applicable scheduled fine, see §805.8A, subsection 1, paragraph a

321.363 Obstruction to driver's view.

1. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

[C39, §**5031.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.363]
Referred to in §805.8A(6)(w)
For applicable scheduled fine, see §805.8A, subsection 6

321.364 Preventing contamination of food by hazardous material.

Food intended for human consumption shall not be shipped in a vehicle or container which has been used to transport a hazardous material unless the vehicle or container has been purged of any hazardous material or the transportation is made in a manner that prevents any contact between the food and the hazardous material.

[S13, §1571-m18; C24, 27, 31, 35, §5031, 5043; C39, §**5031.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.364]

87 Acts, ch 170, §11
Referred to in §805.8A(13)(d)
For applicable scheduled fine, see §805.8A, subsection 13

321.365 Coasting prohibited.

The driver of a motor vehicle shall not drive with the source of motive power disengaged from the driving wheels except when disengagement is necessary to stop or to shift gears.

[C39, §**5031.04, 5031.05;** C46, 50, 54, 58, 62, §321.365, 321.366; C66, 71, 73, 75, 77, 79, 81, §321.365]

87 Acts, ch 170, §12
Referred to in §805.8A(6)(x)
For applicable scheduled fine, see §805.8A, subsection 6

321.366 Acts prohibited on fully controlled-access facilities.

1. It is unlawful for a person, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following on a fully controlled-access facility:

a. Drive a vehicle over, upon, or across a curb, central dividing section, or other separation or dividing line.

b. Make a left turn or a semicircular or U-turn at a maintenance cross-over where an official sign prohibits the turn.

c. Drive a vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.

d. Drive a vehicle into the facility from a local service road.

e. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the paved portion.

f. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the

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shoulders, or the right-of-way except at designated rest areas or in case of an emergency or other dire necessity.

g. Ride a bicycle or use a pedestrian conveyance, or be a pedestrian, anywhere on a fully controlled-access facility.

2. For the purpose of this section, *"fully controlled-access facility"* is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections.

3. Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 6.

[C58, 62, §306A.9; C66, 71, 73, 75, 77, 79, 81, §321.366]

84 Acts, ch 1022, §8; 84 Acts, ch 1219, §27; 2000 Acts, ch 1203, §14; 2001 Acts, ch 137, §5; 2010 Acts, ch 1061, §116; 2010 Acts, ch 1190, §49; 2021 Acts, ch 183, §50, 52; 2024 Acts, ch 1137, §6

Referred to in §321.210, 805.8A(6)(y)

321.366A Immunity from civil liability for certain vehicle operators.

1. The driver of a vehicle who is exercising due care and who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic in a public street or highway shall be immune from civil liability for the injury caused by the driver of the vehicle.

2. The driver of a vehicle who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic in a public street or highway shall not be immune from civil liability if the actions leading to the injury caused by the driver of a vehicle constitute reckless or willful misconduct.

3. Subsection 1 shall not apply if the injured person participating in a protest or demonstration was doing so with a valid permit allowing persons to protest or demonstrate on the public street or highway where the injury occurred.

2021 Acts, ch 183, §51, 52

321.367 Following fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

[C39, §**5031.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.367]

Referred to in §805.8A(11)(a)
For applicable scheduled fine, see §805.8A, subsection 11

321.368 Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

[C39, §**5031.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.368]

Referred to in §805.8A(11)(a)
For applicable scheduled fine, see §805.8A, subsection 11

321.369 Putting debris on highway.

A person shall not throw or deposit upon a highway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. A person shall not throw or deposit upon a highway a substance likely to injure any person, animal, or vehicle upon

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the highway. A person who violates this section or section 321.370 commits a misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"d"*.

[S13, §4808-a, -b; C24, 27, 31, 35, §13118; C39, §**5031.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.369]

97 Acts, ch 147, §3; 2001 Acts, ch 137, §5
Referred to in §321.370, 602.8108, 805.8A(14)(d)
Litter on state water or land, see §455B.363

321.370 Removing injurious material.

Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material and other material as defined in section 321.369 shall immediately remove the same or cause it to be removed.

[C39, §**5031.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.370]
Referred to in §321.369, 602.8108, 805.8A(14)(d)
For applicable scheduled fines, see §805.8A, subsection 14, paragraph d

321.371 Clearing up wrecks.

1. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

2. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"p"*.

[C39, §**5031.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.371]

2010 Acts, ch 1140, §9; 2020 Acts, ch 1074, §37, 93
Referred to in §805.8A(14)(p)

SCHOOL BUSES

321.372 Discharging pupils — stopping requirements — penalties.

This section shall be known and may be cited as the *"Keep Aware Driving — Youth Need School Safety Act"*.

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

b. If a school district contracts with an urban transit system to transport children to and from a public or private school, the school bus which is provided by the urban transit system shall not be required to be equipped with flashing warning lights and a stop arm. If the school bus provided by an urban transit system is equipped with flashing warning lights and a stop arm, the driver of the school bus shall use the flashing warning light and stop arm as required by law.

c. A school bus, when operating on a highway with four or more lanes shall not stop to load or unload pupils who must cross the highway, except at designated stops where pupils

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who must cross the highway may do so at points where there are official traffic control devices or police officers.

d. A school bus shall, while carrying passengers, have its headlights turned on.

2. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the highway only on signal from the bus driver.

3. *a.* The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, when meeting a school bus with flashing amber warning lamps shall reduce the vehicle's speed to not more than twenty miles per hour, and shall bring the vehicle to a complete stop when the school bus stops and the stop signal arm is extended. The vehicle shall remain stopped until the stop signal arm is retracted after which time the driver may proceed with due caution.

b. The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, overtaking a school bus shall not pass a school bus when red or amber warning signal lights are flashing. The driver shall bring the vehicle to a complete stop no closer than fifteen feet from the school bus when it is stopped and the stop arm is extended, and the vehicle shall remain stopped until the stop arm is retracted and the school bus resumes motion.

4. The driver of a vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though the school bus is stopped.

5. *a.* The driver of a school bus who commits a violation of subsection 1 or 2 is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10.

b. A person convicted of a violation of subsection 3 is subject to the following:

(1) For a first offense under subsection 3, the person is guilty of a simple misdemeanor punishable by a fine of at least three hundred forty-five dollars but not more than nine hundred thirty dollars or by imprisonment for not more than thirty days, or by both. The department may require the person to attend and successfully complete, at the person's own expense, a driver improvement program approved by the department in lieu of driver's license suspension for the offense pursuant to section 321.210.

(2) For a second or subsequent offense under subsection 3, the person is guilty of a serious misdemeanor.

[C31, 35, §5079-c8, -c10, -c11; C39, §**5032.01, 5032.03;** C46, §321.372, 321.374; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.372; 81 Acts, ch 108, §2, 3]

91 Acts, ch 70, §1; 95 Acts, ch 118, §24; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1015, §1, 2; 2020 Acts, ch 1074, §38, 93

Referred to in §321.354, 321.372A, 321.373, 321.378, 321.380, 321.423, 321.482A, 321.484, 331.653, 805.8A(10)
Additional penalties for violations of subsection 3 causing serious injury or death, see §321.482A

321.372A Prompt investigation of reported violation of failing to obey school bus warning devices — citation issued to driver or owner.

1. The driver of a school bus who observes a violation of section 321.372, subsection 3, may prepare a written report on a form provided by the department of public safety indicating that a violation has occurred. The school bus driver or a school official may deliver the report not more than seventy-two hours after the violation occurred to a peace officer of the state or a peace officer of the county or municipality in which the violation occurred. The report shall state the time and the location at which the violation occurred and shall include the registration plate number and a description of the vehicle involved in the violation.

2. Not more than seven calendar days after receiving a report of a violation of section 321.372, subsection 3, from a school bus driver or a school official, the peace officer shall initiate an investigation of the reported violation and contact the owner of the motor vehicle involved in the reported violation and request that the owner supply information identifying the driver in accordance with section 321.484.

a. If, from the investigation, the peace officer is able to identify the driver and has

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reasonable cause to believe a violation of section 321.372, subsection 3, has occurred, the peace officer shall prepare a uniform traffic citation for the violation and shall serve it personally or by certified mail to the driver of the vehicle.

b. If, from the investigation, the peace officer has reasonable cause to believe that a violation of section 321.372, subsection 3, occurred but is unable to identify the driver, the peace officer shall serve a uniform traffic citation for the violation to the owner of the motor vehicle. Notwithstanding section 321.484, in a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of section 321.372, subsection 3, together with proof that the defendant named in the citation was the owner of the motor vehicle at the time the violation occurred, constitutes a permissible inference that the owner was the driver who committed the violation.

c. For purposes of this subsection, *"owner"* means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this subsection, or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this subsection.

88 Acts, ch 1203, §1; 90 Acts, ch 1101, §1; 2004 Acts, ch 1164, §1; 2005 Acts, ch 92, §2, 3
Referred to in §321.378, 321.380, 331.653

321.373 Required construction — rules adopted.

1. Every school bus except private passenger vehicles used as school buses shall be constructed and equipped to meet safety standards prescribed in rules adopted by the state board of education. Such rules shall conform to safety standards set forth in federal laws and regulations and shall conform, insofar as practicable, to the minimum standards for school buses recommended by the national conference on school transportation administered by the national commission on safety education and published by the national education association.

2. Rules prescribed for school buses shall provide standards for structural strength, materials, and insulation of the school bus body; color; seat and aisle arrangement; dimension and construction of service door; control of the front door or doors; emergency door and its location and construction; windows; roof ventilators; heaters; location, filling, and draining of the fuel tank; bumpers and how they shall be attached to the bus; lettering and identification of the bus; stop signal arm; warning lights and flashing lights.

3. *a.* The rules prescribed for school buses shall include special rules for passenger automobiles, and other vehicles designed to carry ten or fewer persons, including the driver, when used as school buses.

b. The rules shall allow pickups designed to carry nine passengers or less, including the driver, and weighing ten thousand pounds or less, to be used as school buses if the pickup does not carry more passengers than there are safety belts or safety harnesses in the pickup as installed by the manufacturer and if the pickup is not operated while any passenger is present in the bed of the pickup. The operator of the pickup shall comply with the qualification, licensing, and instruction requirements set forth in sections 321.375 and 321.376, other than the requirement to obtain a commercial driver's license. However, the rules shall allow the board of directors of a school district to prohibit the use of pickups as school buses by the school district.

c. The rules shall allow used passenger vans designed to carry twelve or fewer passengers, including the driver, and weighing ten thousand pounds or less, to be used as school buses if the van does not carry more passengers than there are safety belts or safety harnesses in the van as installed by the manufacturer. The operator of the van shall comply with the qualification, licensing, and instruction requirements set forth in sections 321.375 and 321.376.

d. A pickup or passenger van operated pursuant to rules described in paragraph *"b"* or *"c"* is subject to the limitations set forth in section 321.1, subsection 69, paragraph *"d"*.

4. Every school bus shall be equipped with a comfortable seat for each child.

5. Vehicles owned by private parties and used as school buses shall have reversed or

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covered the words "school bus" wherever they appear on the vehicle when the vehicle is not in use as a school bus. It shall be unlawful to operate flashing stop warning signals on such privately owned vehicles except as provided in section 321.372.

6. No vehicle except a school bus shall be operated on a public highway if the vehicle is painted the color known as national school bus glossy yellow. A school bus which has been permanently converted for a purpose other than transporting pupils to or from school shall be painted a color other than national school bus glossy yellow, and shall have the "school bus" signs, stop arm, and the special signal lamps removed.

7. A school bus may be equipped with a white flashing strobe light mounted on the roof of the bus to afford optimum visibility during periods of inclement weather. The light shall be installed and operated in accordance with rules promulgated by the department of education. Each new school bus put into initial service after January 1, 1977, shall be equipped with such a light.

8. A person who violates this section commits a simple misdemeanor.

[C31, 35, §5079-c9, -c10, -c11; C39, §**5032.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.373]

97 Acts, ch 108, §19; 2010 Acts, ch 1140, §10; 2019 Acts, ch 146, §2

Referred to in §282.8, 321.378, 321.379, 321.380, 321.423, 331.653

321.374 Inspection — seal of approval.

No vehicle shall be put into service as a school bus until it is given an original inspection to determine if it meets all legal and established uniform standards of construction for the protection of the health and safety of children to be transported. Vehicles which are approved shall be issued a seal of approval by the director of the department of education. All vehicles used as school buses shall be given a safety inspection at least once a year. Buses passing the inspection shall be issued an inspection seal of approval by the director of the department of education. The seal of original inspection and the annual seal of inspection shall be affixed to the lower right hand corner of the windshield.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.374]

92 Acts, ch 1082, §1, 2

Referred to in §321.378, 321.380, 331.653

321.375 School bus drivers — qualifications — grounds for suspension.

1. A driver of a school bus must meet all of the following requirements:

a. Be at least eighteen years of age.

b. Be physically and mentally competent.

c. Not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported.

d. Possess a current certificate of qualification for operation of a commercial motor vehicle issued by a physician licensed pursuant to chapter 148, physician associate, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations.

2. Prior to hiring an applicant for a school bus driver position, including a contract position, an employer shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. An employer shall follow the same procedure upon the renewal of an employee's or contract employee's school bus driver's license issued by the department of transportation valid for the operation of a school bus. An employer shall pay for the cost of the registry checks conducted pursuant to this subsection. An employer shall maintain documentation demonstrating compliance with this subsection.

3. Any of the following shall constitute grounds for the immediate suspension from duties of a school bus driver, including a part-time or substitute bus driver, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a

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nonpublic school, or pending confirmation of the grounds by the employer of the school bus driver if the employer is not a school district or accredited nonpublic school:

a. Use of nonprescription controlled substances or alcoholic beverages during working hours.

b. Operating a school bus while under the influence of nonprescription controlled substances or alcoholic beverages.

c. Fraud in the procurement or renewal of a school bus driver's authorization to operate a school bus.

d. The commission of or conviction for a public offense as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student with the intent to commit acts and practices proscribed under sections 709.2 through 709.4, section 709.8, and sections 725.1 through 725.3, or student abuse as defined in section 232E.1.

e. The school bus driver is listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5. A termination hearing conducted pursuant to this paragraph shall be limited to the question of whether the school bus driver was incorrectly listed in the registry.

f. A change in circumstances indicating that the driver is no longer physically or mentally competent. For the purpose of an insulin-dependent diabetic, a change in circumstances includes the following:

(1) Results of a glycosylated hemoglobin test indicating values less than 6.0 percent or greater than 9.5 percent unless accompanied by the required medical opinion that the event was incidental and not an indication of failure to control glucose levels.

(2) Results of self-monitoring indicate glucose levels less than one hundred milligrams per deciliter or greater than three hundred milligrams per deciliter, until self-monitoring indicates compliance with specifications.

(3) Experiencing a loss of consciousness or control relating to diabetes.

(4) Failing to maintain or falsifying the required reports.

4. *a.* Notwithstanding any provision to the contrary, an insulin-dependent diabetic may qualify under subsection 1, paragraph "*d*", for purposes of operating a school bus under this section if a person identified by federal or state law as authorized to perform physical examinations annually provides a signed statement indicating that based upon an annual physical examination the individual is physically able to perform the required functions despite insulin dependency. The insulin-dependent diabetic shall not qualify to operate a school bus if, at minimum, the individual results of a glycosylated hemoglobin test indicate values less than 6.0 percent or greater than 9.5 percent on other than an incidental basis and not as a result of failure to control glucose levels. The statement shall also indicate that within the past three years the insulin-dependent diabetic has completed instruction to address diabetes management and driving safety, signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise.

b. A school district or authorities in charge of the nonpublic school that employs or otherwise secures the services of an individual with an authorization who is an insulin-dependent diabetic shall monitor the insulin-dependent diabetic to determine that they are in compliance with all of the following:

(1) Self-monitoring blood glucose and demonstrating conformance with requirements, more than one hundred milligrams per deciliter and less than three hundred milligrams per deciliter, within one hour before driving a school bus and approximately every four hours while on duty using a United States food and drug administration approved device.

(2) Reporting immediately to the school district or school any failure to comply with specific glucose level requirements as listed in subparagraph (1) or loss of consciousness or control.

(3) Carrying a source of readily absorbable, fast-acting glucose while on duty.

(4) Maintaining a daily log of all glucose test results for the previous six-month period and providing copies to the school district or school, the examining physician or examining physician associate, and the department of education upon request.

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(5) Submitting all required department of education forms within the prescribed timelines.

[C31, 35, §4960-d10; C39, §**5032.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.375]

89 Acts, ch 210, §13; 90 Acts, ch 1230, §70; 93 Acts, ch 127, §8; 2002 Acts, ch 1140, §34, 35, 48; 2003 Acts, ch 180, §57 – 59; 2006 Acts, ch 1152, §50; 2008 Acts, ch 1088, §121; 2012 Acts, ch 1047, §3, 4; 2013 Acts, ch 88, §35; 2015 Acts, ch 29, §114; 2022 Acts, ch 1066, §42; 2025 Acts, ch 159, §30; 2026 Acts, ch 1008, §3

Referred to in §279.69, 321.373, 321.376, 321.378, 321.380, 331.653

Code editor directive applied

321.376 License — authorization — instruction requirement.

1. *a.* In addition to meeting the qualifications under section 321.375, a driver of a school bus shall hold a commercial driver's license issued by the department of transportation with a passenger endorsement and a school bus endorsement.

b. If required by the school district, a school bus driver shall successfully complete an approved course of instruction for school bus drivers in accordance with subsection 4.

c. A person holding a temporary restricted license issued under chapter 321J shall not operate a school bus.

2. The department of education shall refuse to issue an authorization to operate a school bus to any person who, after notice and opportunity for hearing, is determined to have met any of the grounds listed under section 321.375, subsection 3. The department of education shall take adverse action against any person who, after notice and opportunity for hearing, is determined to have met any of the grounds listed under section 321.375, subsection 3. Such action may include a reprimand or warning of the person or the suspension or revocation of the person's authorization to operate a school bus. A hearing pursuant to section 321.375, subsection 3, paragraph *"e"*, shall be limited to the question of whether the person was incorrectly listed in the registry. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for issuing and suspending or revoking authorization to operate a school bus in this state. Rules and procedures adopted shall include but are not limited to provisions for the revocation or suspension of, or refusal to issue, authorization to persons who are determined to have met any of the grounds listed under section 321.375, subsection 3.

3. A person applying for employment or employed as a school bus driver shall not be required to successfully complete an approved course of instruction for school bus drivers unless the school district for which the person drives a school bus requires successful completion of such course.

4. *a.* A school district may require successful completion of an approved course of instruction for school bus drivers. An approved course of instruction for school bus drivers includes one or more of the following:

(1) A course of instruction for school bus drivers approved by the department of education.

(2) Entry-level driver training completed in accordance with section 321.188, subsection 1, paragraph "c", if such training meets the requirements of 49 C.F.R. pt. 380, Appendix C, and 49 C.F.R. pt. 380, Appendix D.

(a) The department of education, in collaboration with the department of transportation, shall adopt rules pursuant to chapter 17A on or before July 1, 2026, establishing requirements for providers of entry-level driver training to comply with this subparagraph.

(b) The rules must provide for minimum training content, contact hours, and proficiency standards, and must establish a standard training course duration that ensures each training course provides all entry-level driver training requirements and specified school bus driver training requirements, including but not limited to training necessary for a passenger endorsement and a school bus endorsement.

(3) Other training as described in a resolution adopted by the school district, which may include but is not limited to certain portions of a course described in subparagraph (1) or (2).

b. If a school district requires successful completion of an approved course of instruction

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for school bus drivers, a school bus driver shall complete the course before or within the first six months of employment and at least every twenty-four months thereafter.

c. If a school bus driver is required to complete an approved course of instruction for school bus drivers under paragraph *"a"*, subparagraph (1), and fails to provide an employer with a certificate of completion of the approved course, the employer shall report the failure to the department of education and the department shall revoke the driver's authorization to operate a school bus. The department of education shall send notice of the revocation to both the person whose school bus authorization has been revoked and the employer. A person whose school bus authorization has been revoked under this paragraph shall not be issued another authorization until certification of the completion of an approved course is received by the department of education, or until the person becomes a school bus driver in a school district that does not require successful completion of an approved course of instruction for school bus drivers under paragraph *"a"*, subparagraph (1), and the person is otherwise in compliance with section 321.375 and this section.

5. As used in this section and section 321.375, *"driver of a school bus"* or *"school bus driver"* does not include a mechanic, delivery driver, or other person operating an empty school bus for purposes other than the transportation of passengers. Such persons must still hold a commercial driver's license valid for the operation of a vehicle of the size and type operated, including a passenger endorsement, but are not required to hold a driver's license with a school bus endorsement.

[C39, §**5032.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.376]

89 Acts, ch 222, §1; 90 Acts, ch 1230, §71; 91 Acts, ch 201, §1; 92 Acts, ch 1163, §76; 93 Acts, ch 127, §9; 2002 Acts, ch 1140, §36; 2006 Acts, ch 1152, §51; 2009 Acts, ch 133, §120; 2011 Acts, ch 38, §18; 2012 Acts, ch 1047, §5; 2015 Acts, ch 29, §114; 2025 Acts, ch 138, §1 – 3

Referred to in §285.8, 321.373, 321.378, 321.380, 331.653

321.377 Regional transit system transportation.

A vehicle operated by a regional transit system as defined in section 324A.1 may only provide school transportation services pursuant to rules adopted by the state department of transportation in consultation with the department of education.

99 Acts, ch 13, §15

Referred to in §321.378, 321.380, 331.653

321.378 Applicability.

The provisions of sections 321.372 through 321.377, this section, and sections 321.379 and 321.380, shall apply to all public and nonpublic schools where children are transported to and from school.

[C39, §**5032.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.378]

2020 Acts, ch 1063, §149

Referred to in §321.380, 331.653

321.379 Violations.

A school board, individual, or organization shall not purchase, construct, or contract for use, to transport pupils to or from school, any school bus which does not comply with the minimum requirements of section 321.373 and any individual, or any member or officer of such board or organization who authorizes, the purchase, construction, or contract for any such bus not complying with these minimum requirements commits a simple misdemeanor.

[C31, 35, §5079-c9, -c10, -c11; C39, §**5032.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.379]

2010 Acts, ch 1140, §11

Referred to in §321.378, 321.380, 331.653

321.380 Enforcement.

It shall be the duty of all peace officers and of the state patrol to enforce the provisions of sections 321.372 through 321.379.

[C39, §**5032.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.380]

98 Acts, ch 1074, §24; 2005 Acts, ch 35, §31; 2020 Acts, ch 1063, §150

Referred to in §321.378

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SAFETY STANDARDS

321.381 Movement of unsafe or improperly equipped vehicles.

It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires or which is equipped in any manner in violation of this chapter.

[C39, §**5033.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.381]
2000 Acts, ch 1203, §15; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §50
Referred to in §805.8A(3)(d)

321.381A Operation of low-speed vehicles.

A low-speed vehicle shall not be operated on a street with a posted speed limit greater than thirty-five miles per hour. This section shall not prohibit a low-speed vehicle from crossing a street with a posted speed limit greater than thirty-five miles per hour.

2000 Acts, ch 1005, §4
Referred to in §805.8A(3)(e)
For applicable scheduled fine, see §805.8A, subsection 3

321.382 Upgrade pulls — minimum speed.

A motor vehicle or combination of vehicles, which cannot proceed up a three percent grade, on dry concrete pavement, at a minimum speed of twenty miles per hour, shall not be operated upon the highways of this state.

[C39, §**5033.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.382]
83 Acts, ch 101, §70
Referred to in §321.23, 805.8A(3)(f)
For applicable scheduled fine, see §805.8A, subsection 3

321.383 Exceptions — slow vehicles identified.

1. This chapter with respect to equipment on vehicles does not apply to implements of husbandry, road machinery, or bulk spreaders and other fertilizer and chemical equipment defined as special mobile equipment, except as made applicable in this section. However, the movement of implements of husbandry on a roadway is subject to safety rules adopted by the department of public safety. The safety rules shall prohibit the movement of any power unit towing more than one implement of husbandry, except implements of husbandry that are not self-propelled and are capable of being towed in tandem, from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

2. When operated on a highway in this state at a speed of thirty-five miles per hour or less, every farm tractor, or tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, horse-drawn vehicle, or any other vehicle principally designed for use off the highway and any such tractor, implement, vehicle, or grader when manufactured for sale or sold at retail after December 31, 1971, shall be identified with a reflective device in accordance with the standards of the American society of agricultural engineers; however, this provision shall not apply to such vehicles when traveling in an escorted parade. If a person operating a vehicle drawn by a horse or mule objects to using a reflective device that complies with the standards of the American society of agricultural engineers for religious reasons, the vehicle may be identified by an alternative reflective device that is in compliance with rules adopted by the department of public safety. The reflective device or alternative reflective device shall be visible from the rear. A vehicle other than those specified in this section shall not display a reflective device or an alternative reflective device. On vehicles operating at speeds above thirty-five miles per hour, the reflective device or alternative reflective device shall be removed or hidden from view.

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3. Garbage collection vehicles, when operated on the streets or highways of this state at speeds of thirty-five miles per hour or less, may display a reflective device that complies with the standards of the American society of agricultural engineers. At speeds in excess of thirty-five miles per hour the device shall not be visible.

4. Except as provided in subsection 5, any person who violates any provision of this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3.

5. A person who operates a self-propelled implement of husbandry at a speed which exceeds the limit of thirty-five miles per hour commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5.

[C39, §**5033.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.383; 82 Acts, ch 1254, §2]

87 Acts, ch 186, §3; 96 Acts, ch 1152, §18; 97 Acts, ch 108, §20; 98 Acts, ch 1080, §3; 99 Acts, ch 102, §2; 99 Acts, ch 108, §5; 2001 Acts, ch 137, §5; 2010 Acts, ch 1061, §117; 2010 Acts, ch 1069, §96; 2010 Acts, ch 1190, §51; 2016 Acts, ch 1023, §1; 2020 Acts, ch 1074, §39, 40, 93; 2024 Acts, ch 1182, §16

Referred to in §321.1, 321.288, 321.398, 321.438, 805.8A(3)(g), 805.8A(5)(a)
For amber flashing light requirements, see §321.423, subsection 6

LIGHTING EQUIPMENT

Exception to requirements of §321.384 – 321.423 for implements of husbandry operated as special mobile equipment during daylight hours, see §321.1(32)

321.384 When lighted lamps required.

1. Every motor vehicle upon a highway within the state, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted headlamps as provided in section 321.415, subject to exceptions with respect to parked vehicles as provided in this chapter. However, an all-terrain vehicle shall display lighted headlamps as provided in section 321.415 at all times while the vehicle is operated on a highway.

2. Whenever a requirement is established in this chapter as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, that requirement shall apply during the times stated in subsection 1 of this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

[S13, §1571-m17; C24, 27, 31, 35, §5044; C39, §**5033.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.384]

2019 Acts, ch 59, §97; 2022 Acts, ch 1105, §4

Referred to in §321.1, 321.235A, 321.392, 321.394, 321.395, 321.397, 321.398, 321.405, 321.415, 321.418, 321.419, 321O.6, 456A.12, 805.8A(3)(h)
For applicable scheduled fine, see §805.8A, subsection 3
Lamps on parked vehicles, §321.395

321.385 Headlamps on motor vehicles.

Every motor vehicle other than a motorcycle, motorized bicycle, or all-terrain vehicle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter.

[S13, §1571-m17; C24, 27, 31, 35, §5044; C39, §**5033.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.385]

2022 Acts, ch 1105, §5

Referred to in §321.1, 321.385A, 321.404A, 456A.12, 805.8A(3)(i)
For applicable scheduled fine, see §805.8A, subsection 3

321.385A Citation for unlighted headlamp, rear lamp, or rear registration plate light.

1. *a.* A citation issued for failure to have headlamps as required under section 321.385 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the headlamp.

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b. A citation issued for failure to have rear lamps as required under section 321.387 or a rear registration plate light as required under section 321.388 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamps or light.

2. If the person complies with the directive to replace or repair the headlamp, rear lamps, or rear registration plate light within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations.

3. A citation issued under this section shall include a written notice of replacement or repair which shall indicate the date of replacement or repair and the manner in which the replacement or repair occurred and which shall be returned to the issuing authority within the seventy-two hour time period.

92 Acts, ch 1175, §34; 2010 Acts, ch 1069, §47
Referred to in §321.1, 321O.6, 456A.12

321.386 Headlamps on motorcycles, motorized bicycles, and all-terrain vehicles.

Every motorcycle, motorized bicycle, and all-terrain vehicle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter.

[S13, §1571-m17; C24, 27, 31, 35, §5047; C39, §**5033.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.386]

2022 Acts, ch 1105, §6
Referred to in §321.1, 321.234A, 321.404A, 456A.12, 805.8A(3)(j)
For applicable scheduled fine, see §805.8A, subsection 3

321.387 Rear lamps.

Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp or lamps, exhibiting a red light plainly visible from a distance of five hundred feet to the rear. All lamps and lighting equipment originally manufactured on a motor vehicle shall be kept in working condition or shall be replaced with equivalent equipment.

[S13, §1571-m17; C24, 27, 31, 35, §5045, 5046; C39, §**5033.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.387]

92 Acts, ch 1175, §35
Referred to in §321.1, 321.234A, 321.385A, 321.404A, 456A.12, 805.8A(3)(k)
For applicable scheduled fine, see §805.8A, subsection 3

321.388 Illuminating plates.

Either the rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. When the rear registration plate is illuminated by an electric lamp other than the required rear lamp, the two lamps shall be turned on or off only by the same control switch at all times when headlamps are lighted. This section does not apply to commercial vehicles engaged exclusively in intrastate commerce that are dump trucks or that are used exclusively for the movement of construction materials and equipment to and from construction projects.

[S13, §1571-m17; C24, 27, 31, 35, §5045; C39, §**5033.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.388]

85 Acts, ch 195, §38; 2015 Acts, ch 35, §1
Referred to in §321.1, 321.385A, 456A.12, 805.8A(3)(l)
For applicable scheduled fine, see §805.8A, subsection 3

321.389 Reflector required.

Every new motor vehicle, trailer, or semitrailer sold and every commercial vehicle operated on a highway shall be equipped at the rear, either as a part of the rear lamp or separately, with a red reflector meeting the requirements of this chapter.

[C39, §**5033.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.389]

2022 Acts, ch 1021, §71
Referred to in §321.1, 456A.12, 805.8A(3)(m)
For applicable scheduled fine, see §805.8A, subsection 3

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321.390 Reflector requirements.

Whenever a red reflector is required or permitted to be used in substitution of lamps upon a vehicle under any one of the provisions of this chapter, such reflector shall be mounted upon the vehicle at a height not to exceed forty-two inches nor less than twenty inches above the ground upon which the vehicle stands, and every such reflector shall be so designed and maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle, except that on a commercial vehicle the reflector shall be visible from all distances within five hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawfully lighted headlamps as provided in section 321.409.

[C31, 35, §4863; C39, §**5033.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.390]

Referred to in §321.1, 456A.12, 805.8A(3)(n)
For applicable scheduled fine, see §805.8A, subsection 3

321.391 Approval of reflectors. Repealed by 97 Acts, ch 108, §49.

321.392 Clearance and identification lights.

Every motor truck, and every trailer or semitrailer of over three thousand pounds gross weight, shall be equipped with the following lighting devices and reflectors in addition to other requirements of this chapter, and such devices shall be lighted at the times mentioned in section 321.384.

1. Every motor truck, whatever its size shall have the following:

a. On each side, one reflector, at or near the rear; and

b. On the rear, two reflectors, one at each side.

2. Every motor truck, eighty inches or more in width shall have the following in addition to the requirements of subsection 1:

a. If thirty feet or less in overall length:

(1) On the front, two clearance lamps, one at each side; and

(2) On the rear, two clearance lamps, one at each side.

b. If more than thirty feet in overall length:

(1) On the front, two clearance lamps, one at each side;

(2) On each side, two side-marker lamps, one at or near the front, and one at or near the rear, and an additional reflector at or near the front; and

(3) On the rear, two clearance lamps, one at each side.

3. Every truck tractor or road tractor shall have the following:

a. On the front, two clearance lamps, one at each side if the tractor cab is as wide as, or wider than, the widest part of the vehicle or vehicles towed;

b. On each side, one side-marker lamp at or near the front; and

c. On the rear, one tail lamp.

4. Every trailer or semitrailer having a gross weight in excess of three thousand pounds shall have the following:

a. On the front, two clearance lamps, one at each side, if the trailer is wider in its widest part than the cab of the vehicle towing it;

b. On each side, one side-marker lamp at or near the rear; two reflectors, one at or near the front and one at or near the rear; and

c. On the rear, two clearance lamps, one at each side; one stop light; one tail lamp; and two reflectors, one at each side.

5. Every motor truck or combination of motor truck and trailer having a length in excess of thirty feet or a width in excess of eighty inches shall be equipped with three identification lights on both front and rear. Each such group shall be evenly spaced not less than six nor more than twelve inches apart along a horizontal line near the top of the vehicle.

[C31, 35, §5044-d1, -d2, 5105-c19; C39, §**5034.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.392]

Referred to in §321.1, 456A.12, 805.8A(3)(o)
For applicable scheduled fine, see §805.8A, subsection 3

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321.393 Color and mounting.

1. A lighting device or reflector, when mounted on or near the front of a motor truck or trailer, except a school bus, shall not display any other color than white, yellow, or amber.

2. No lighting device or reflector, when mounted on or near the rear of any motor truck or trailer, shall display any other color than red, except that the stop light may be red, yellow, or amber.

3. Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate the extreme width of the vehicle or its load.

4. The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber light when such lighting device or reflector is mounted on a motor truck, trailer, tractor, or motor grader owned by the state, or any political subdivision of the state, including any local authority, while such equipment is being used for snow removal, sanding, maintenance, or repair of the public streets or highways.

5. The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber, white, or blue light when the lighting device or reflector is rear-facing and mounted on a motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the state or any political subdivision of the state, including any local authority, while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

[C39, §**5034.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.393]
89 Acts, ch 83, §44; 2015 Acts, ch 81, §2; 2018 Acts, ch 1002, §1; 2021 Acts, ch 97, §1, 9
Referred to in §321.1, 456A.12, 805.8A(3)(p)
For applicable scheduled fines, see §805.8A, subsection 3

321.394 Lamp or flag on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 321.384, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

[C39, §**5034.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.394]
Referred to in §321.1, 456A.12, 805.8A(12)(a)
For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

321.395 Lamps on parked vehicles.

Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent to the roadway, outside of a business district whether attended or unattended during the times mentioned in section 321.384, such vehicle shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of five hundred feet upon such highway. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

[C24, 27, 31, 35, §5054; C39, §**5034.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.395]
98 Acts, ch 1178, §4
Referred to in §321.1, 321.396, 456A.12, 805.8A(6)(z)
For applicable scheduled fine, see §805.8A, subsection 6

321.396 Exception.

Section 321.395 shall not apply when an accident extinguishes said light and renders a vehicle incapable of use, and when the person in control of the vehicle erects, at the earliest

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opportunity after the accident, such proper light at or near the vehicle as will give warning of the presence of said vehicle.

[C24, 27, 31, 35, §5055; C39, §**5034.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.396]
Referred to in §321.1, 456A.12

321.397 Lamps on bicycles.

Every bicycle shall be equipped with a lamp on the front exhibiting a white light, at the times specified in section 321.384, visible from a distance of at least three hundred feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector may be used in lieu of a rear light. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires.

[C31, 35, §5045-d1; C39, §**5034.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.397]
97 Acts, ch 71, §3; 97 Acts, ch 108, §21
Referred to in §321.1, 456A.12, 805.8A(9)(j)
For applicable scheduled fine, see §805.8A, subsection 9

321.398 Lamps on other vehicles and equipment.

All vehicles, including animal-drawn vehicles and including those referred to in section 321.383 not specifically required to be equipped with lamps, shall at the times specified in section 321.384 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and, except for animal-drawn vehicles, with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear. Animal-drawn vehicles shall be equipped with a flashing amber light visible from a distance of five hundred feet to the rear of the vehicle during the time specified in section 321.384.

[C31, 35, §5045-d1; C39, §**5034.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.398]
2021 Acts, ch 80, §175
Referred to in §321.1, 321.423, 456A.12, 805.8A(3)(q)
For applicable scheduled fines, see §805.8A, subsection 3

321.399 through 321.401 Reserved.

321.402 Spot lamps.

Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

[C24, 27, 31, 35, §5051; C39, §**5034.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.402]
Referred to in §321.1, 456A.12, 805.8A(3)(r)
For applicable scheduled fine, see §805.8A, subsection 3

321.403 Auxiliary driving lamps.

Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this chapter.

[C24, 27, 31, 35, §5050; C39, §**5034.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.403]
Referred to in §321.1, 456A.12, 805.8A(3)(s)
For applicable scheduled fine, see §805.8A, subsection 3

321.404 Signal lamps and signal devices.

Every motor vehicle shall be equipped with a signal lamp or signal device which is so constructed and located on the vehicle as to give a signal of intention to stop, which shall be red or yellow in color, which signal shall be plainly visible and understandable in normal sunlight and at night from a distance of one hundred feet to the rear but shall not project a glaring or dazzling light.

[C39, §**5034.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.404]
Referred to in §321.1, 321.234A, 321.404A, 456A.12, 805.8A(3)(t)
For applicable scheduled fine, see §805.8A, subsection 3

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321.404A Light-restricting devices prohibited.

1. A person shall not operate a motor vehicle, motorcycle, or motorized bicycle on the highways of this state if it is equipped with a device that restricts the light output of a headlamp required under section 321.385 or 321.386, a rear lamp required under section 321.387, a signal lamp or signal device required under section 321.404, or a directional signal device as described in section 321.317.

2. A person who violates this section shall be subject to a scheduled fine under section 805.8A, subsection 3.

99 Acts, ch 13, §16; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §52
Referred to in §321.1, 456A.12, 805.8A(3)(u)

321.405 Self-illumination.

All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 321.384.

[C39, §**5034.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.405]
Referred to in §321.1, 456A.12

321.406 Cowl lamps. Repealed by 2010 Acts, ch 1045, §1.

321.407 Reserved.

321.408 Back-up lamps.

1. A motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp.

2. A back-up lamp shall not be continuously lighted when the motor vehicle is in forward motion.

3. A person who violates this section commits a simple misdemeanor.

[C24, 27, 31, 35, §5050; C39, §**5034.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.408]
2010 Acts, ch 1140, §13
Referred to in §321.1, 456A.12

321.409 Mandatory lighting equipment.

1. Except as otherwise provided in this chapter, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and the lamps may, in addition, be so arranged that selection can be made automatically, subject to the following limitations:

a. There shall be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions.

b. There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead. On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

2. Every new motor vehicle, other than a motorcycle or motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle.

[C24, 27, 31, 35, §5049, 5052; C39, §**5034.18 – 5034.22;** C46, 50, 54, §321.409 – 321.413; C58, 62, 66, 71, 73, 75, 77, 79, 81, §321.409]
2010 Acts, ch 1061, §118; 2021 Acts, ch 80, §176
Referred to in §321.1, 321.275, 321.390, 321.415, 321.417, 321.418, 321O.6, 456A.12, 805.8A(3)(v)
For applicable scheduled fine, see §805.8A, subsection 3

321.410 through 321.414 Reserved.

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321.415 Required usage of lighting devices.

1. Whenever a motor vehicle is being operated on a roadway or shoulder during the times specified in section 321.384, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

a. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 321.409, subsection 1, paragraph *"b"*, shall be deemed to avoid glare at all times, regardless of road contour and loading.

b. Whenever the driver of a vehicle follows another vehicle within four hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 321.409, subsection 1, paragraph *"a"*.

2. The provisions of subsection 1, paragraphs *"a"* and *"b"*, do not apply to motorcycles or motorized bicycles being operated between sunrise and sunset.

[C39, §**5034.23 – 5034.25;** C46, 50, 54, §321.414 – 321.416; C58, 62, 66, 71, 73, 75, 77, 79, 81, §321.415]

92 Acts, ch 1175, §36; 2010 Acts, ch 1061, §175

Referred to in §321.1, 321.384, 321.418, 456A.12, 805.8A(3)(w)

For applicable scheduled fines, see §805.8A, subsection 3

321.416 Reserved.

321.417 Single-beam road-lighting equipment.

Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment specified in section 321.409 if the single distribution of light complies with the following requirements and limitations:

1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

2. The intensity of the light shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

[C24, 27, 31, 35, §5049; C39, §**5034.26;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.417]

2010 Acts, ch 1069, §97

Referred to in §321.1, 321.418

321.418 Alternate road-lighting equipment.

Any motor vehicle may be operated under the conditions specified in section 321.384 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in sections 321.409 and 321.415, or section 321.417, provided, however, that at no time shall it be operated at a speed in excess of twenty miles per hour.

[C39, §**5034.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.418]

Referred to in §321.1

321.419 Number of driving lamps required or permitted.

At all times specified in section 321.384 at least two lighted lamps, except where one only is permitted, shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

[C39, §**5034.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.419]

Referred to in §321.1, 805.8A(3)(x)

For applicable scheduled fine, see §805.8A, subsection 3

Lamps on parked vehicles, §321.395

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321.420 Number of lamps lighted.

Whenever a motor vehicle equipped with headlamps as required in this chapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front of the vehicle, that projects a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of the vehicle shall be lighted at any one time when upon a highway.

[C39, §**5034.29;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.420]
2021 Acts, ch 80, §177; 2022 Acts, ch 1021, §72
Referred to in §321.1, 805.8A(3)(y)
For applicable scheduled fine, see §805.8A, subsection 3

321.421 Special restrictions on lamps.

1. Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, or auxiliary driving lamps which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3.

[C39, §**5034.30;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.421]
2000 Acts, ch 1203, §16; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §53
Referred to in §321.1, 805.8A(3)(z)

321.422 Red light in front — rear lights.

1. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or reflecting a red light visible from directly in front thereof. No person shall display any color of light other than red on the rear of any vehicle, except that stop lights and directional signals may be red, yellow, or amber.

2. This section shall not apply to authorized emergency vehicles, or school buses and vehicles as provided in section 321.423, subsection 6.

[C39, §**5034.31;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.422]
2010 Acts, ch 1069, §98
Referred to in §321.1, 805.8A(3)(aa)
Exception for certain slow-moving vehicles, see §321.383
For applicable scheduled fine, see §805.8A, subsection 3

321.423 Flashing lights.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. *"Emergency medical care provider"* means as defined in section 147A.1.

b. *"Fire department"* means a paid or volunteer fire protection service provided by a benefited fire district under chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency.

c. *"Member"* means a person who is a member in good standing of a fire department or a person who is an emergency medical care provider employed by an ambulance, rescue, or first response service.

2. *Prohibited lights.* A flashing light on or in a motor vehicle is prohibited except as follows:

a. On an authorized emergency vehicle.

b. On a vehicle as a means of indicating a right or left turn, a mechanical failure, or an emergency stop or intent to stop.

c. On a motor vehicle used by a rural mail carrier when stopping or stopped on or near a highway in the process of delivering mail, if such a light is any shade of color between white and amber and if it is mounted as a dome light on the roof of the vehicle.

d. On a vehicle being operated under an excess size permit issued under chapter 321E.

e. A flashing blue light on a vehicle upon which a blue light is permitted pursuant to subsection 3 of this section.

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f. A flashing white light, including a flashing headlamp, is permitted on a vehicle pursuant to subsection 7.

g. Flashing red and amber warning lights on a school bus as described in section 321.372, and a white flashing strobe light mounted on a school bus as permitted under section 321.373, subsection 7.

h. A flashing amber light is permitted on a towing or recovery vehicle, a utility maintenance vehicle, a municipal maintenance vehicle, a highway maintenance vehicle, a construction vehicle, a solid waste or recycling collection service vehicle, or a vehicle operated in accordance with subsection 6 or section 321.398 or 321.453.

i. Modulating headlamps in conformance with 49 C.F.R. §571.108 S7.9.4. are permitted on a motorcycle.

j. On a vehicle being operated as an escort vehicle for a funeral procession as provided in section 321.324A.

3. *Blue light.*

a. A blue light shall not be used on any vehicle except for the following:

(1) A vehicle owned or exclusively operated by a fire department.

(2) A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided by the department, necessity for authorization is demonstrated in the request, and the member has received emergency vehicle operations training.

(3) A vehicle authorized by the chief officer of an emergency medical services agency, if the vehicle is owned by a member of the emergency medical services agency, the request for authorization is made by the member on forms provided by the department, and necessity for authorization to respond to an emergency call or fire alarm under section 321.231C is demonstrated in the request.

(4) An authorized emergency vehicle, other than a vehicle described in paragraph *"a"*, subparagraph (1) or (2).

(5) A motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the state or any political subdivision of the state, including any local authority, if the blue light is rear-facing and used in conjunction with amber and white lighting devices or reflectors while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

b. A person shall not use only a blue light on a vehicle unless the vehicle meets the requirements of paragraph *"a"*, subparagraph (1), (2), or (3).

4. *Expiration of authority.* The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first response service, or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph *"a"*, subparagraph (2), shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked.

5. *When used.* The certificate of authorization shall be carried at all times with the certificate of registration of the authorized vehicle and the operator of the vehicle shall not illuminate the blue or white light except in any of the following circumstances:

a. When the member is en route to the scene of a fire or is responding to an emergency in the line of duty requiring the services of the member.

b. When the authorized vehicle is transporting a person requiring emergency care.

c. When the authorized vehicle is at the scene of an emergency.

d. The use of the blue or white light in or on a private motor vehicle shall be for identification purposes only.

6. *Amber flashing light.* A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the highway which, when operated on a primary or secondary road, is operated at a speed of thirty-five miles per hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time

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from sunset to sunrise. If the amber flashing light is obstructed by the towed equipment, the towed equipment shall also be equipped with and display an amber flashing light as required under this subsection. All vehicles specified in this subsection which are manufactured for sale or sold in this state shall be equipped with an amber flashing light in accordance with the standards of the American society of agricultural engineers.

7. *Flashing white light.*

a. Except as provided in section 321.373, subsection 7, and subsection 2, paragraphs *"c"* and *"i"* of this section, a flashing white light shall only be used on a vehicle in the following circumstances:

(1) On a vehicle owned or exclusively operated by an ambulance, rescue, or first response service.

(2) On a vehicle authorized by the director of health and human services when all of the following apply:

(a) The vehicle is owned by a member of an ambulance, rescue, or first response service.

(b) The request for authorization is made by the member on forms provided by the department of health and human services.

(c) Necessity for authorization is demonstrated in the request.

(d) The head of an ambulance, rescue, or first response service certifies that the member is in good standing and recommends that the authorization be granted.

(3) On an authorized emergency vehicle.

(4) On a motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the state or any political subdivision of the state, including any local authority, if the white light is rear-facing and used in conjunction with amber and blue lighting devices or reflectors while the equipment is being used for snow and ice treatment or removal on the public streets or highways.

(5) On a motor truck or trailer owned and operated by the department equipped with an impact attenuator and audible warning system, if the flashing white light is rear-facing on the audible warning system and used in conjunction with amber lighting devices or reflectors while the motor truck or trailer is being used for slow-moving maintenance operations.

(6) On a vehicle or other equipment not owned and operated by the department when used in road work zones on state or local highways as authorized by the department. The department shall adopt rules pursuant to chapter 17A regarding the vehicles or equipment eligible to use a flashing white light under this subparagraph.

b. The department of health and human services shall adopt rules to establish issuance standards, including allowing local emergency medical service providers to issue certificates of authorization, and shall adopt rules to establish certificate of authorization revocation procedures.

[C39, §**5034.32;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.423]

85 Acts, ch 37, §2; 90 Acts, ch 1225, §1 – 7; 91 Acts, ch 131, §2 – 4; 94 Acts, ch 1087, §2; 95 Acts, ch 41, §25; 95 Acts, ch 118, §25; 96 Acts, ch 1034, §21 – 23; 97 Acts, ch 108, §22; 2000 Acts, ch 1045, §2, 3; 2001 Acts, ch 32, §19; 2005 Acts, ch 8, §29 – 31; 2006 Acts, ch 1070, §14; 2010 Acts, ch 1069, §99; 2015 Acts, ch 81, §3, 4; 2017 Acts, ch 84, §3; 2018 Acts, ch 1002, §2, 3; 2018 Acts, ch 1079, §5; 2019 Acts, ch 24, §44; 2021 Acts, ch 97, §2 – 5, 9; 2022 Acts, ch 1089, §2 – 4; 2023 Acts, ch 19, §1063 – 1065

Referred to in §280.37, 321.1, 321.231C, 321.323A, 321.422, 805.8A(3)(ab)
Exception for certain slow-moving vehicles, see §321.383
For applicable scheduled fines, see §805.8A, subsection 3

321.424 Authorized emergency vehicle lights.

Notwithstanding any provision of law to the contrary:

1. An authorized emergency vehicle may be equipped with a combination of interior and exterior lights, flashing headlamps, and flashing tail lamps as provided in this section and in this chapter.

2. An official law enforcement, fire department, emergency medical services, or emergency management vehicle owned by the state or a municipality, as defined in section 670.1, may be equipped with flashing headlamps.

3. An authorized emergency vehicle owned by the state, a municipality, as defined in

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section 670.1, or a private emergency medical services company delivering services to the state, a municipality, or a hospital pursuant to a written contract, or a privately owned vehicle designated as an authorized emergency vehicle pursuant to section 321.451, shall be equipped with a combination of operational red and blue lights.

4. An authorized emergency vehicle equipped with an interior or exterior light bar must have the light bar positioned such that front and rear facing red lights are on the driver's side of the vehicle and front and rear facing blue lights are on the passenger's side of the vehicle.

5. An authorized emergency vehicle equipped with an interior or exterior light bar with red and blue flashing lights may be equipped with flashing or solid white lights scattered among or between a clear or colored lens that displays a red or blue flashing light.

6. An authorized emergency vehicle may be equipped with one or more lights capable of emitting a split red and blue steady or flashing light, which may be mounted on or in the vehicle.

7. An authorized emergency vehicle may be equipped with one or more lights on the side of the vehicle capable of emitting red and blue light, red and white light, or blue and white light.

8. An authorized emergency vehicle may be equipped with one or more lights with a clear or colored lens.

9. An official law enforcement, fire, rescue, emergency medical services, or emergency management vehicle may be equipped with lights or light bars containing one or more rear zone amber lights or amber directional arrows, which shall be in addition to any other required lighting equipment. An authorized emergency vehicle shall not be equipped with an amber light positioned on the front or side of the vehicle. However, an aerial fire apparatus may be equipped with amber flashing lights on the outriggers of the apparatus.

10. An authorized emergency vehicle may be equipped with one or more steady, oscillating, or flashing white lights, flashing headlamps, or flashing reverse lamps, which shall be in addition to any other required lighting equipment. A light bar shall not be equipped or used to display flashing white lights visible from the rear of the vehicle. This subsection shall not be construed to prohibit an authorized emergency vehicle owned by the state or a municipality, as defined in section 670.1, from being equipped with or using a spotlight or exterior light bar capable of displaying a steady white light for use as a work light, alley light, search light, or take down light.

11. An authorized emergency vehicle owned by a state or a municipality, as defined in section 670.1, that is primarily used as an incident command vehicle may be equipped with one or more steady or flashing green lights, which shall be in addition to any other required lighting equipment. A steady or flashing green light equipped pursuant to this subsection shall not be activated unless the vehicle is being used as a stationary incident command post at the location of an emergency incident, an official training exercise, or for maintenance or demonstration purposes.

12. An official fire department or emergency medical services vehicle purchased, delivered, or refurbished on or after July 1, 2021, shall be equipped with a master warning switch to activate all emergency lights on the vehicle, in addition to one or more switches to separately activate or isolate the front, side, and rear warning lights.

2021 Acts, ch 97, §6, 9
Referred to in §805.8A(3)(ac)

321.425 through 321.429 Reserved.

BRAKES, HITCHES, AND SWAY CONTROL

321.430 Brake, hitch, and control requirements.

1. Every motor vehicle, other than a motorcycle, or motorized bicycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate

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means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle and motorized bicycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

3. Every trailer, semitrailer, or travel trailer of a gross weight of three thousand pounds or more shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle when operated on the highways of this state. Every trailer, semitrailer, or travel trailer with a gross weight of three thousand pounds or more shall be equipped with a separate, auxiliary means of applying the brakes on the trailer, semitrailer, or travel trailer from the cab of the towing vehicle, or with self-actuating brakes, and shall also be equipped with a weight equalizing hitch with a sway control. Trailers or semitrailers with a truck or truck tractor need only comply with the brake requirements.

4. Except as otherwise provided in this chapter, every new motor vehicle, trailer, or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle with the following exceptions:

a. Any motorcycle or motorized bicycle.

b. Any trailer or semitrailer of less than three thousand pounds gross weight need not be equipped with brakes.

c. Trucks and truck tractors equipped with three or more axles and manufactured before July 25, 1980, need not have brakes on the front wheels, except that such vehicles equipped with two or more front axles shall be equipped with brakes on at least one of the axles; however, the service brakes of the vehicle shall comply with the performance requirements of section 321.431.

d. Only such brakes on the vehicle or vehicles being towed in a driveaway-towaway operation need be operative as may be necessary to ensure compliance by the combination of vehicles with the performance requirements of section 321.431. The term *"driveaway-towaway"* operation as used in this subsection means any operation in which any motor vehicle or motor vehicles, new or used, constitute the commodity being transported, when one set or more of wheels of any such motor vehicle or motor vehicles are on the roadway during the course of transportation, whether or not any such motor vehicle furnishes the motive power.

[S13, §1571-m17; C24, 27, 31, 35, §5039; C39, §**5034.39;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.430]

88 Acts, ch 1044, §1; 97 Acts, ch 108, §24; 2006 Acts, ch 1068, §29; 2024 Acts, ch 1043, §84

Referred to in §321.189, 321.464, 805.8A(3)(ad)

For applicable scheduled fine, see §805.8A, subsection 3

321.431 Performance ability.

1. The service brakes upon any motor vehicle or combination of motor vehicles, when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent, when traveling twenty miles per hour shall be adequate:

a. To stop such vehicle or vehicles having a gross weight of less than five thousand pounds within a distance of thirty feet.

b. To stop such vehicle or vehicles having a gross weight in excess of five thousand pounds within a distance of forty-five feet.

2. Under the conditions specified in subsection 1, the hand brake shall be adequate to hold the vehicle or vehicles stationary on any grade upon which operated.

3. Under the conditions specified in subsection 1, the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted under this section, shall be adequate to stop the vehicle within a distance of forty-five feet and the hand brake adequate to stop the vehicle within a distance of fifty-five feet.

4. All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this chapter.

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5. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

6. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, paragraph *"ae"*.

[S13, §1571-m17; C24, 27, 31, 35, §5039; C39, §**5034.40;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.431]

2010 Acts, ch 1140, §14; 2019 Acts, ch 24, §45; 2020 Acts, ch 1063, §151; 2020 Acts, ch 1074, §41, 93

Referred to in §321.189, 321.430, 321.464, 805.8A(3)(ae)

MISCELLANEOUS EQUIPMENT AND DRIVER SAFETY PROVISIONS

321.432 Horns and warning devices.

Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with the horn but shall not otherwise use such horn when upon a highway.

[S13, §1571-m17; C24, 27, 31, 35, §5040, 5041; C39, §**5034.41;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.432]

2024 Acts, ch 1043, §85

Referred to in §321.234A, 805.8A(3)(af)

For applicable scheduled fine, see §805.8A, subsection 3

321.433 Sirens, whistles, air horns, and bells prohibited.

1. A vehicle shall not be equipped with and a person shall not use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section or any other provision of law.

2. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

3. Any authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet.

4. An authorized emergency medical services program, fire department, or law enforcement agency may equip one or more vehicles with an air horn or a low-frequency siren.

5. An official fire department vehicle, emergency medical services program vehicle, or law enforcement vehicle owned by the state, a municipality, as defined in section 670.1, or a corporation providing emergency medical services, that was purchased, delivered, or refurbished on or after July 1, 2022, excluding an all-terrain vehicle or a special service vehicle, shall be equipped with an electric or electronic siren capable of emitting at least two distinct siren tones, and one or more compatible siren speakers.

6. An authorized emergency vehicle's siren, whistle, air horn, or bell shall not be used except when the vehicle is operated in response to an emergency call, an incident dangerous to the public, an official training exercise, in a parade or designated public service event, for maintenance or demonstration purposes, or in the immediate pursuit of an actual or suspected violator of the law, and the driver of the vehicle shall sound the siren, whistle, air horn, or bell when the driver reasonably believes necessary to warn pedestrians and other drivers of the approach of the vehicle.

7. A towing or recovery vehicle, unless owned by the state or a municipality, as defined in section 670.1, shall not be equipped with a siren.

8. For purposes of this section:

a. *"Electric siren"* means an audible warning device that produces sound using an electric motor with an attached rotating slotted or perforated disc.

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b. "Electronic siren" means an audible warning device that produces sound electronically using amplifiers and electromagnetic speakers.

c. "Low-frequency siren" means a siren that produces low-frequency sound waves and is used in addition to an electric or electronic siren.

[C39, §**5034.42;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.433]
98 Acts, ch 1080, §4; 2021 Acts, ch 97, §7, 9; 2022 Acts, ch 1087, §8, 11
Referred to in §321.231, 321.231B, 805.8A(3)(ag)
For applicable scheduled fine, see §805.8A, subsection 3

321.434 Bicycle sirens or whistles.

A bicycle shall not be equipped with and a person shall not use upon a bicycle any siren or whistle. This section shall not apply to bicycles ridden by peace officers in the line of duty.

[C39, §**5034.43;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.434]
97 Acts, ch 71, §4
Referred to in §805.8A(9)(k)
For applicable scheduled fine, see §805.8A, subsection 9

321.435 Motorcycles equipped with detachable stabilizing wheels.

Notwithstanding any other provision of law, a motor vehicle that is originally designed as a two-wheeled motorcycle and is modified using conversion hardware which allows for the attachment and detachment of two stabilizing rear wheels may be operated on a highway with the stabilizing wheels attached in accordance with the provisions of this chapter applicable to motorcycles. A motorcycle shall not be determined to be reconstructed based on the sole fact that two stabilizing wheels have been added as described in this section.

2011 Acts, ch 15, §1

321.436 Mufflers, prevention of noise.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.

[S13, §1571-m18; C24, 27, 31, 35, §5061 – 5063; C39, §**5034.45;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.436]
Referred to in §805.8A(3)(ah)
For applicable scheduled fine, see §805.8A, subsection 3

321.437 Mirrors.

1. Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Any motor vehicle so loaded, or towing another vehicle in such manner, as to obstruct the view in a rear view mirror located in the driver's compartment shall be equipped with a side mirror so located that the view to the rear will not be obstructed; however, when such vehicle is not loaded or towing another vehicle the side mirrors shall be retracted or removed. All van or van type motor vehicles shall be equipped with outside mirrors of unit magnification, each with not less than nineteen point five square inches of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene.

2. Notwithstanding this chapter or chapter 321E, a combination of vehicles coupled together which is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickups, boats, and recreational chassis, may permanently attach a convex-type mirror on either or both of the vertical supports, forward of the steering axle of the power unit, provided that the mirror shall not extend beyond the limit of any other rearview mirror on the vehicle.

[C31, 35, §5105-c20; C39, §**5034.46;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.437]
86 Acts, ch 1210, §5
Referred to in §321.234A, 805.8A(12)(b)
For applicable scheduled fines, see §805.8A, subsection 12, paragraph b

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321.438 Windshields and windows.

1. A person shall not drive a motor vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision.

2. *a.* A person shall not operate on the highway a motor vehicle equipped with any of the following:

(1) A front windshield that meets a minimum standard of transparency of less than seventy percent light transmittance.

(2) A side window to the immediate right or left of the driver, or a sidewing forward of and to the left or right of the driver, that meets a minimum standard of transparency of less than fifty percent light transmittance.

b. This subsection does not apply to a person who operates a motor vehicle owned or leased by a federal, state, or local law enforcement agency if the operation is part of the person's official duties.

3. Every motor vehicle except a motorcycle, or a vehicle included in the provisions of section 321.383 or section 321.115 shall be equipped with a windshield in accordance with section 321.444.

[C39, §**5034.47;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.438]
83 Acts, ch 125, §5; 2021 Acts, ch 183, §53; 2026 Acts, ch 1100, §1
Referred to in §805.8A(3)(ai)
For reduced transparency for medical need authorized before July 4, 2012, see §147.77(1)(k)
For applicable scheduled fine, see §805.8A, subsection 3
Subsection 2 amended

321.439 Windshield wipers.

The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

[C39, §**5034.48;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.439]
Referred to in §805.8A(3)(aj)
For applicable scheduled fine, see §805.8A, subsection 3

321.440 Restrictions as to tire equipment.

1. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. Any pneumatic tire on a vehicle shall be considered unsafe if it has:

a. Any part of the ply or cord exposed.

b. Any bump, bulge or separation.

c. A tread design depth of less than one-sixteenth of an inch measured in any two or more adjacent tread grooves, exclusive of tie bars or, for those tires with tread wear indicators, worn to the level of the tread wear indicators in any two tread grooves.

d. A marking "not for highway use", "for racing purposes only", "unsafe for highway use".

e. Tread or sidewall cracks, cuts or snags deep enough to expose the body cord.

f. Such other conditions as may be reasonably demonstrated to render it unsafe.

g. Been regrooved or recut below the original tread design depth, excepting special tires which have extra under tread rubber and are identified as such, or if a pneumatic tire was originally designed without grooves or tread.

2. A vehicle, except an implement of husbandry, equipped with either solid rubber or pneumatic tires shall not be operated where the weight per inch of tire width is greater than five hundred seventy-five pounds per inch of tire width based on the tire width rating, except on a steering axle, in which case six hundred pounds per inch of tire width is permitted based on the tire width rating.

[C31, 35, §5065-c1; C39, §**5034.49;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.440]
97 Acts, ch 100, §2, 3, 12; 2014 Acts, ch 1026, §78
Referred to in §805.8A(3)(ak)
For applicable scheduled fine, see §805.8A, subsection 3

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321.441 Metal tires prohibited.

No person shall operate or move on a paved highway any motor vehicle, trailer, or semitrailer having any metal tire or metal track in contact with the roadway.

[C24, 27, 31, 35, §4918, 4919; C39, §**5034.50;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.441]

Referred to in §805.8A(3)(al)
For applicable scheduled fine, see §805.8A, subsection 3

321.442 Projections on wheels.

No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use:

1. Farm machinery with tires having protuberances which will not injure the highway.
2. Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.
3. Pneumatic tires with inserted ice grips or tire studs projecting not more than one-sixteenth inch beyond the tread of the traction surface of the tire upon any vehicle from November 1 of each year to April 1 of the following year, except that a school bus and fire department emergency apparatus may use such tires at any time.

[S13, §1571-1a; C24, 27, 31, 35, §5068, 5070; C39, §**5034.51;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.442]

Referred to in §805.8A(3)(am)
For applicable scheduled fine, see §805.8A, subsection 3

321.443 Special permits authorized.

The department and local authorities in their respective jurisdictions shall review any application for a special permit and may, with good cause being shown, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

[C24, 27, 31, 35, §5069; C39, §**5034.52;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.443]

321.444 Safety glass.

1. No person shall sell any new motor vehicle nor shall any motor vehicle, manufactured since July 1, 1935, be registered, or operated unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields. Replacements of glass in doors, windows, or windshields shall be of safety glass.
2. *"Safety glass"* means any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken. Safety glass and glazing materials shall comply with federal motor vehicle safety standard number 205 as published in 49 C.F.R. §571.205.

[C35, §4991-f1, -f4; C39, §**5034.53, 5034.54, 5034.55;** C46, 50, 54, 58, 62, §321.444, 321.445, 321.446; C66, 71, 73, 75, 77, 79, 81, §321.444]

97 Acts, ch 108, §25; 98 Acts, ch 1080, §5
Referred to in §321.438, 805.8A(3)(an)
For applicable scheduled fine, see §805.8A, subsection 3

321.445 Safety belts and safety harnesses — use required.

1. Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles subject to registration in Iowa shall be equipped with safety belts and safety harnesses which conform with federal motor vehicle safety standard numbers 209 and 210 as published in 49 C.F.R. §571.209 – 571.210 and with prior federal motor vehicle safety standards for seat belt assemblies and seat belt assembly anchorages applicable for the motor vehicle's model year.
2. *a.* The driver and front seat occupants of a type of motor vehicle that is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion

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on a street or highway in this state except that a child under eighteen years of age shall be secured as required under section 321.446.

b. This subsection does not apply to:

(1) The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses.

(2) The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops.

(3) The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office.

(4) Passengers on a bus.

(5) A person possessing a written certification from a health care provider licensed under chapter 148 or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

(6) Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle.

c. The department, in cooperation with the department of public safety and the department of education, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection.

3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection 2. However, the driver shall not be charged for a violation committed by a passenger who is fourteen years of age or older unless the passenger is unable to properly fasten a seat belt due to a temporary or permanent disability. The owner of the motor vehicle may be charged for equipment violations under subsection 1.

4. *a.* The nonuse of a safety belt or safety harness by a person is not admissible or material as evidence in a civil action brought for damages in a cause of action arising prior to July 1, 1986.

b. In a cause of action arising on or after July 1, 1986, brought to recover damages arising out of the ownership or operation of a motor vehicle, the failure to wear a safety belt or safety harness in violation of this section shall not be considered evidence of comparative fault under section 668.3, subsection 1. However, except as provided in section 321.446, subsection 6, the failure to wear a safety belt or safety harness in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt or safety harness in violation of this section must first introduce substantial evidence that the failure to wear a safety belt or safety harness contributed to the injury or injuries claimed by the plaintiff.

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt or safety harness in violation of this section contributed to the plaintiff's claimed injury or injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed twenty-five percent of the damages awarded after any reductions for comparative fault.

5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by persons with disabilities who use collapsible wheelchairs.

[C66, 71, 73, 75, 77, 79, 81, §321.445]

84 Acts, ch 1016, §3; 86 Acts, ch 1009, §2; 86 Acts, ch 1211, §43; 87 Acts, ch 120, §5; 92 Acts, ch 1175, §37; 96 Acts, ch 1129, §79; 97 Acts, ch 104, §21; 97 Acts, ch 108, §26; 98 Acts,

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ch 1080, §6, 7; 2002 Acts, ch 1119, §50; 2004 Acts, ch 1113, §1; 2008 Acts, ch 1088, §122; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1079, §10; 2010 Acts, ch 1186, §6, 7; 2018 Acts, ch 1009, §1
Referred to in §321.210, 321.446, 321.555, 805.8A(14)(c)
For applicable scheduled fines, see §805.8A, subsection 14, paragraph c

321.446 Child restraint systems.

1. *a.* A child under one year of age and weighing less than twenty pounds who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit in a rear-facing child restraint system that is used in accordance with the manufacturer's instructions.

b. A child under six years of age who does not meet the description in paragraph *"a"* and who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions.

2. A child at least six years of age but under eighteen years of age who is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, shall be secured during transit by a child restraint system that is used in accordance with the manufacturer's instructions or by a safety belt or safety harness of a type approved under section 321.445.

3. This section does not apply to the following:

a. Peace officers acting on official duty.

b. The transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, buses, or motor homes or motorsports recreational vehicles, except when a child is transported in a motor home's or motorsports recreational vehicle's passenger seat situated directly to the driver's right.

c. The transportation of a child who has been certified by a physician licensed under chapter 148 or a physician associate licensed under chapter 148C as having a medical, physical, or mental condition that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

d. A back seat occupant of a motor vehicle for whom no safety belt is available because all safety belts are being used by other occupants or cannot be used due to the use of a child restraint system in the seating position for which a belt is provided.

4. A person who violates this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph *"c"*. Violations shall be charged as follows:

a. An operator who transports a passenger under fourteen years of age in violation of subsection 1 or 2 may be charged with a violation of this section.

b. If a passenger fourteen years of age or older is unable to properly fasten a seatbelt due to a temporary or permanent disability, an operator who transports such a person in violation of subsection 2 may be charged with a violation of this section. Otherwise, a passenger fourteen years of age or older who violates subsection 2 shall be charged in lieu of the operator.

c. If a child under fourteen years of age, or a child fourteen years of age or older who is unable to fasten a seatbelt due to a temporary or permanent disability, is being transported in a taxicab or in a personal vehicle operated by a transportation network company driver, as defined in section 321N.1, in a manner that is not in compliance with subsection 1 or 2, the parent, legal guardian, or other responsible adult traveling with the child shall be served with a citation for a violation of this section in lieu of the taxicab operator or transportation network company driver. Otherwise, if a passenger being transported in the taxicab or in a personal vehicle operated by a transportation network company driver is fourteen years of age or older, the citation shall be served on the passenger in lieu of the taxicab operator or transportation network company driver.

5. A person who is first charged for a violation of subsection 1 and who has not purchased or otherwise acquired a child restraint system shall not be convicted if the person produces in court, within a reasonable time, proof that the person has purchased or otherwise acquired a child restraint system which meets federal motor vehicle safety standards.

6. Failure to use a child restraint system, safety belts, or safety harnesses as required by

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this section does not constitute negligence nor is the failure admissible as evidence in a civil action.

7. For purposes of this section, *"child restraint system"* means a specially designed seating system, including a belt-positioning seat or a booster seat, that meets federal motor vehicle safety standards set forth in 49 C.F.R. §571.213.

84 Acts, ch 1016, §1; 86 Acts, ch 1069, §1; 2000 Acts, ch 1133, §11; 2001 Acts, ch 132, §11; 2001 Acts, ch 137, §5; 2004 Acts, ch 1113, §2, 3; 2005 Acts, ch 8, §32; 2008 Acts, ch 1088, §123; 2010 Acts, ch 1186, §8, 9; 2014 Acts, ch 1127, §11; 2016 Acts, ch 1101, §5, 24; 2022 Acts, ch 1066, §43; 2026 Acts, ch 1008, §3

Referred to in §321.210, 321.445, 321.555, 805.8A(14)(c)
Code editor directive applied

321.447 and 321.448 Reserved.

321.449 Motor carrier safety rules.

1. *a.* A person shall not operate a commercial vehicle on the highways of this state except in compliance with rules adopted by the department of public safety, in consultation with the department of transportation, under chapter 17A. The rules shall be consistent with the federal motor carrier safety regulations promulgated under United States Code, Tit. 49, and found in 49 C.F.R. pts. 385, 390 – 399 and adopted under chapter 17A.

b. The department of public safety, in consultation with the department of transportation, shall also adopt rules concerning hours of service for drivers of vehicles operated for hire and designed to transport seven or more persons, including the driver. The rules shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and that are regulated by local authorities pursuant to section 321.236.

c. The department may adopt rules pursuant to chapter 17A authorizing a person who is at least eighteen years of age or over, but under twenty-one years of age, to be licensed to operate a commercial motor vehicle in interstate commerce if the person holds a valid commercial driver's license and is authorized under federal law to operate a commercial motor vehicle in interstate commerce.

2. Rules adopted under this section concerning driver qualifications, hours of service, and recordkeeping requirements do not apply to the operators of public utility trucks, trucks hauling gravel, construction trucks and equipment, trucks moving implements of husbandry, and special trucks, other than a truck tractor, operating intrastate. Except as otherwise provided in this section, trucks for hire on construction projects are not exempt from this section.

3. Rules adopted under this section concerning driver age qualifications do not apply to drivers for private and for-hire motor carriers which operate solely intrastate. The minimum age for the exempted intrastate operations is eighteen years of age.

4. *a.* Notwithstanding other provisions of this section, rules adopted under this section for drivers of commercial vehicles shall not apply to a driver of a commercial vehicle who is engaged exclusively in intrastate commerce, when the commercial vehicle's gross vehicle weight rating is twenty-six thousand pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. §395.1(e)(1)(v)(A – D), a driver's report of daily beginning and ending on-duty time submitted to the motor carrier at the end of each workweek shall be considered acceptable motor carrier time records.

b. In addition, rules adopted under this section shall not apply to a driver operating intrastate for a farm operation as defined in section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusiness location.

c. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce, may drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days or eighty

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hours in eight consecutive days. A "*driver-salesperson*" means as defined in 49 C.F.R. §395.2, as adopted by the department of public safety by rule.

d. For-hire drivers who are engaged exclusively in intrastate commerce and who operate trucks and truck tractors exclusively for the movement of construction materials and equipment to and from construction projects may also drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days.

5. *a.* Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for drivers of commercial vehicles engaged in intrastate commerce shall not be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in intrastate commerce whose physical or medical condition existed prior to July 29, 1996.

b. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the intrastate transportation of fertilizers and chemicals used in the farmer's crop production.

c. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for a driver shall not apply to a farmer or a farmer's hired help when operating a vehicle owned by the farmer while it is being used in connection with the intrastate transportation of agricultural commodities or feed.

6. Notwithstanding other provisions of this section, rules adopted under this section shall not impose any requirements which impose any restrictions upon a person operating an implement of husbandry or pickup to transport fertilizers and pesticides in that person's agricultural operations.

7. Rules adopted under this section shall not apply to vehicles engaged in intrastate commerce and used in combination, provided the gross vehicle weight rating of the towing unit is ten thousand pounds or less and the gross combination weight rating is twenty-six thousand pounds or less.

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

[C39, §**5034.58;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.449]

87 Acts, ch 170, §13; 88 Acts, ch 1083, §3 – 7; 88 Acts, ch 1278, §50; 92 Acts, ch 1175, §38; 93 Acts, ch 47, §15; 95 Acts, ch 171, §1; 96 Acts, ch 1063, §1; 99 Acts, ch 13, §17, 29; 99 Acts, ch 96, §34; 2000 Acts, ch 1134, §3; 2001 Acts, ch 132, §12; 2003 Acts, ch 8, §17, 18; 2005 Acts, ch 8, §33; 2009 Acts, ch 130, §40, 41; 2010 Acts, ch 1069, §48; 2019 Acts, ch 41, §4; 2023 Acts, ch 85, §12 – 14; 2025 Acts, ch 4, §1

Referred to in §321.288, 321.343, 321.449B, 325A.2, 805.8A(13)(b)
For applicable scheduled fines, see §805.8A, subsection 13

321.449A Rail crew transport drivers.

1. A driver of a motor vehicle operated for hire which is designed to transport seven or more persons but fewer than sixteen persons including the driver and is used to transport railroad workers to or from their places of employment or during the course of their employment is subject to the following limitations:

a. The driver shall not drive such a vehicle more than ten hours following eight consecutive hours of uninterrupted rest.

b. The driver shall not drive such a vehicle for any period after having been on duty for fifteen hours following eight consecutive hours of uninterrupted rest.

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c. The driver shall not accept a call for service from the driver's employer during a period of uninterrupted rest.

2. For purposes of this section, the following definitions apply:

a. "Employer" means a railroad worker transportation company, as defined in section 327F.39, for whom the driver performs a service, either for wages or as an independent contractor.

b. "On duty" means all time from the time a driver begins work or is required to be ready to work until the time the driver is relieved from work and all responsibility for performing work, whether or not the driver is compensated for all of the time. A driver may drive more than one assigned trip, as long as the trip falls within the on-duty period. A driver *"begins work"* when the driver enters a transport vehicle to begin a trip assignment and is not *"relieved from work"* until the driver has exited the transport vehicle for the final time.

c. "Uninterrupted rest" means that the employer shall not communicate with the driver by telephone, pager, or in any other manner that could reasonably be expected to disrupt the driver's rest.

3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph *"b"*.

2013 Acts, ch 47, §1
Referred to in §327F.39, 805.8A(13)(b)

321.449B Texting or using a mobile telephone while operating a commercial motor vehicle.

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

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

2. *a.* A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph *"b"*.

b. A violation of this section shall be considered a moving violation for the purposes of this chapter and rules adopted pursuant to this chapter.

c. A conviction for a violation of this section shall be in lieu of a conviction for a violation of section 321.276 if the violations are based on the same facts and circumstances.

2018 Acts, ch 1017, §2; 2023 Acts, ch 85, §15
Referred to in §321.482A, 805.8A(13)(b)
Additional penalties for violations causing serious injury or death, see §321.482A

321.449C English language proficiency — commercial drivers and commercial motor carriers.

1. A person who is not able to demonstrate proficiency in the English language sufficient to meet the requirements of 49 C.F.R. §391.11(b)(2) shall not operate a commercial motor vehicle.

a. Except as provided in paragraph *"b"*, a person who violates this subsection commits a serious misdemeanor. The court shall impose a fine of one thousand dollars and the court may order imprisonment not to exceed one year.

b. In lieu of the criminal penalty under paragraph *"a"*, a peace officer shall issue an out-of-service order to a person who violates this subsection if the person holds an unexpired commercial driver's license or commercial learner's permit that was issued by the department after the person successfully completed the English language proficiency examination under section 321.187B, subsection 1, paragraph *"a"*.

2. *a.* A commercial motor carrier shall not employ or engage the services of a commercial driver, including as an independent contractor, who is not sufficiently proficient in the English language in accordance with 49 C.F.R. §391.11(b)(2). A carrier who violates this subsection commits a simple misdemeanor punishable as a scheduled violation under

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section 805.8A, subsection 13, paragraph "c". Each person employed or engaged in violation of this subsection constitutes a separate offense.

b. (1) In addition to any other penalty, a peace officer shall issue an out-of-service order to a commercial motor carrier if an investigation, safety audit, or normal business activity reveals any of the following:

(a) That the carrier is allowing, or has allowed within the previous twelve months, a person who is not sufficiently proficient in the English language in accordance with 49 C.F.R. §391.11(b)(2) to operate a commercial motor vehicle.

(b) That the carrier was issued an out-of-service order by another state or the federal motor carrier safety administration for allowing a person who is not sufficiently proficient in the English language in accordance with 49 C.F.R. §391.11(b)(2) to operate a commercial motor vehicle.

(2) An out-of-service order issued under this paragraph applies only in this state and prohibits the commercial motor carrier, including an employee or independent contractor of the carrier, from operating a commercial motor vehicle owned, leased, or otherwise controlled by the carrier in this state until the violation has been corrected or the fine has been paid, as applicable.

3. *a.* The commercial motor carrier who employed or engaged the services of a person, including as an independent contractor, who was operating a commercial motor vehicle in violation of subsection 1 and the owner of any cargo being transported in the commercial vehicle shall be notified of the vehicle's location by the officer who made the stop. The carrier or owner of the cargo may arrange for another person who is a commercial driver with sufficient proficiency in the English language to take possession of the vehicle or transfer the cargo to another vehicle, as applicable.

b. If a commercial vehicle is removed from a highway in response to a violation of this section, the state, the local authority, and the owner of the cargo inside the vehicle shall not be liable for any damages that result from the removal, or for any reasonable action to transfer such cargo.

4. The department of public safety and a person whose duty includes enforcing this section shall cease all actions relating to enforcing a provision of this section if enforcing the provision would cause the denial of federal funds or services or otherwise violate federal law.

2026 Acts, ch 1069, §3
Referred to in §805.8A(13)(c)
NEW section

321.450 Hazardous materials transportation regulations.

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

2. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for drivers of commercial vehicles engaged in intrastate commerce shall not be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in intrastate commerce, and whose physical or medical condition existed, prior to July 29, 1996.

3. Notwithstanding other provisions of this section, the rules adopted under this section pertaining to compliance with regulations adopted under United States Code, Tit. 49, and found in 49 C.F.R. §177.804, shall not apply to retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a one-hundred-mile radius of their retail place of business.

4. Notwithstanding other provisions of this section, rules adopted under this section shall not apply to a farmer or employees of a farmer when transporting an agricultural hazardous material, except class 2 material, between the sites in the farmer's agricultural operations unless the material is being transported on the interstate highway system. As used in this

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subsection, *"farmer"* means a person engaged in the production or raising of crops, poultry, or livestock; *"farmer"* does not include a person who is a commercial applicator of agricultural chemicals or fertilizers.

5. Notwithstanding other provisions of this section to the contrary, a driver who is engaged exclusively in intrastate commerce and who operates a truck or truck tractor exclusively for the movement of refined oil products may drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days, or eighty hours in eight consecutive days.

6. Notwithstanding other provisions of this section, rules adopted under this section applicable to the transportation of any fuel used in race car engines shall not apply to the transportation of such fuel if the fuel is contained in the fuel cells of a race car being transported in a trailer and the fuel cells are certified by SFI foundation, inc.

[C39, §**5034.59;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.450]

87 Acts, ch 170, §14; 88 Acts, ch 1083, §8; 89 Acts, ch 70, §1, 2; 89 Acts, ch 186, §1; 91 Acts, ch 127, §1; 97 Acts, ch 108, §27, 28; 98 Acts, ch 1178, §5, 17; 2001 Acts, ch 32, §20; 2003 Acts, ch 8, §19; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1092, §177; 2014 Acts, ch 1127, §12; 2023 Acts, ch 85, §16; 2025 Acts, ch 4, §2

Referred to in §321O.4, 325A.2, 805.8A(13)(d)
For applicable scheduled fines, see §805.8A, subsection 13

321.451 Emergency vehicles — certificate of designation.

1. The director or the director's designee may designate a privately owned vehicle as an authorized emergency vehicle and issue a certificate of designation for the vehicle, upon written request being made on forms provided by the department and showing necessity for the designation. A certificate of designation may be issued for the following privately owned vehicles:

a. An ambulance or fire or rescue vehicle.

b. A state or county medical examiner vehicle.

c. A vehicle owned by a sheriff or full-time paid deputy sheriff if the authorized emergency vehicle designation is requested by the sheriff.

d. A vehicle owned by a chief of police or any officer of the police department if the authorized emergency vehicle designation is requested by the chief of police.

e. A vehicle owned by a chief of a full-time paid fire department if the authorized emergency vehicle designation is requested by the chief of the fire department.

f. A towing or recovery vehicle, subject to rules adopted by the department.

g. A vehicle owned by a certified chief or certified fire officer of a volunteer fire department, a fire department comprised of a combination of volunteer and paid members, or a nonprofit corporation that delivers emergency services on behalf of a municipality, as defined in section 670.1, pursuant to a written contract, if the application for a certificate of designation is requested by the certified chief or certified fire officer of the fire department. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the fire service training bureau, as described in section 100B.6, provided proof of certification as a fire officer, and provided proof of financial liability coverage or risk pool coverage.

h. A vehicle owned by a chief, medical director, or certified medical provider of an authorized emergency medical service, if the application for a certificate of designation is requested by the chief, medical officer, or medical director of the authorized emergency medical service. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the department of health and human services, and provided proof of financial liability coverage or risk pool coverage.

2. The application for a certificate of designation must include the name of the owner of the vehicle, vehicle identification information, a description of the vehicle's equipment, and a description of how the vehicle will be used as an authorized emergency vehicle.

3. The certificate of designation shall at all times be carried with the registration receipt

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for the vehicle to which the certificate refers. The certificate may be revoked by the director upon a showing of abuse.

4. A public or private entity shall not require an employee or volunteer to apply for or maintain a certificate of designation pursuant to this section as a condition of employment or of permitting the person to continue to volunteer. A person shall not be required to operate or use a vehicle designated as an authorized emergency vehicle pursuant to this section.

5. This section shall not be construed to exempt the state or a municipality, as defined in section 670.1, from any duty to purchase, equip, maintain, or otherwise provide authorized emergency vehicles to meet any requirement to provide public services, including law enforcement, fire protection, rescue, emergency medical services, or emergency management.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.451]

85 Acts, ch 37, §3; 2000 Acts, ch 1133, §12; 2005 Acts, ch 8, §34, 35; 2022 Acts, ch 1087, §9 – 11; 2023 Acts, ch 19, §1066

Referred to in §321.1, 321.231, 321.424

SIZE, WEIGHT, AND LOAD

321.452 Scope and effect.

1. A person shall not drive or move, and the owner of such vehicle shall not cause or knowingly permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority is granted in this chapter.

2. A person who violates this section commits a simple misdemeanor.

[C39, §**5035.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.452]

2010 Acts, ch 1140, §15

Referred to in §321E.2

321.453 Size, weight, load, and permit exceptions.

1. Except as provided in sections 321.463, 321.471, and 321.474, the provisions of this chapter governing size, weight, and load and the permit requirements of chapter 321E do not apply to any of the following:

a. Fire apparatus.

b. Road maintenance equipment owned by, under lease to, or used in the performance of a contract with any state or local authority.

c. Implements of husbandry when moved or moving upon a highway that is not a portion of the interstate.

d. Equipment used primarily for construction of permanent conservation practices on agricultural land when moved or moving upon a highway that is not a portion of the interstate, so long as the equipment is without payload and the movement does not violate posted weight limitations on bridges.

e. Hydroexcavation equipment used primarily for digging and excavation when moved or moving upon a highway that is not a portion of the interstate.

2. A vehicle that is carrying an implement of husbandry or equipment used primarily for construction of permanent conservation practices and is exempted from the permit requirements under this section shall be equipped with an amber flashing light visible from the rear. If the amber flashing light is obstructed by the loaded implement or equipment, the loaded implement or equipment shall also be equipped with and display an amber flashing light. The vehicle shall also be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset.

3. A motor vehicle that is operated by a farmer and that is carrying an implement of husbandry between fields, locations for repair, or locations for storage of the implement of

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husbandry shall be exempt from any requirement to obtain a permit under section 321.463, 321.471, or 321.474. Nothing in this subsection shall be construed to exempt such a vehicle from any requirement or restriction other than a requirement to obtain a permit, including but not limited to requirements or restrictions relating to size, weight, load, lighting, flags, equipment, or manner of operation. For the purposes of this subsection, *"farmer"* means as defined in section 142D.2.

[C39, §**5035.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.453; 82 Acts, ch 1154, §3, ch 1254, §3]

86 Acts, ch 1210, §6; 87 Acts, ch 186, §4; 94 Acts, ch 1087, §3; 94 Acts, ch 1198, §45; 98 Acts, ch 1003, §1; 98 Acts, ch 1223, §26; 99 Acts, ch 13, §18; 99 Acts, ch 108, §6; 2014 Acts, ch 1087, §1, 2; 2015 Acts, ch 30, §104; 2017 Acts, ch 81, §1; 2023 Acts, ch 6, §1

Referred to in §321.423, 321E.2

321.454 Width of vehicles.

1. The total outside width of a vehicle or the load on the vehicle shall not exceed eight feet six inches.

2. Notwithstanding subsection 1, the total outside width of a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding shall not exceed twelve feet five inches. However, if hay, straw, stover, or bagged livestock bedding is moved on an implement of husbandry and the total width of load of the implement of husbandry exceeds twelve feet five inches, the implement of husbandry is not subject to the permit requirements of chapter 321E. If a divisible load of hay, straw, stover, or bagged livestock bedding is moved on any other vehicle or combination of vehicles subject to registration, the moves are subject to the permit requirements for transporting loads exceeding twelve feet five inches in width as required under chapter 321E.

3. The limitations on the total outside width of a vehicle, the load on the vehicle, or a combination of vehicles set forth in this section do not include safety equipment on a vehicle or incidental appurtenances or retracted awnings on motor homes, motorsports recreational vehicles, travel trailers, or fifth-wheel travel trailers if the incidental appurtenance or retracted awning is less than six inches in width.

[C24, §5067, 5104; C27, §5067, 5105-a32; C31, 35, §5067, 5105-a32, 5105-c18; C39, §**5035.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.454]

83 Acts, ch 9, §5, 8; 87 Acts, ch 186, §5; 87 Acts, ch 189, §2; 94 Acts, ch 1087, §4, 5; 95 Acts, ch 67, §26; 2000 Acts, ch 1016, §15; 2014 Acts, ch 1127, §13; 2020 Acts, ch 1054, §1

Referred to in §321E.2, 321E.8, 321E.9, 321E.10, 321E.17, 321E.26, 321E.29B, 805.8A(12)(c)
For applicable scheduled fines, see §805.8A, subsection 12, paragraph c

321.455 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Passengers shall not ride on any part of any vehicle unless it is expressly designed either for passenger use or designed for carrying livestock, merchandise, or freight.

[C31, 35, §5067-d1; C39, §**5035.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.455]

Referred to in §321E.2, 321E.9, 321E.26, 321E.29B, 805.8A(12)(c)
For applicable scheduled fines, see §805.8A, subsection 12, paragraph c

321.456 Height of vehicles.

1. A vehicle unladen or with load shall not exceed a height of thirteen feet six inches.

2. Notwithstanding subsection 1, a vehicle or combination of vehicles coupled together and used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or recreational vehicle chassis may operate with a height not to exceed fourteen feet.

3. Notwithstanding subsection 1, a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding may operate with a height not to exceed fourteen feet six inches.

4. This section shall not be construed to require any railroad or public authorities to provide sufficient vertical clearance to permit the operation of such vehicle upon the

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highways of this state. Any damage to highways, highway or railroad structures, or underpasses caused by the height of any vehicle provided for by this section shall be borne by the operator or owner of the vehicle.

[C31, 35, §5067-d2; C39, §**5035.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.456]
86 Acts, ch 1182, §4; 97 Acts, ch 100, §4; 2005 Acts, ch 8, §36; 2020 Acts, ch 1054, §2
Referred to in §321E.2, 321E.8, 321E.9, 321E.17, 321E.26, 321E.29B, 805.8A(12)(c)
For applicable scheduled fines, see §805.8A, subsection 12, paragraph c

321.457 Maximum length.

1. A combination of four vehicles is not allowed on the highways of this state, except for power units saddle mounted on other power units which shall be restricted to a maximum overall length of ninety-seven feet.

2. The maximum length of any motor vehicle or combination of vehicles operated on the highways of this state is as follows:

a. A single truck, unladen or with load, shall not have an overall length, inclusive of front and rear bumpers, in excess of forty-five feet. When determining the overall length of a single truck, the following shall be excluded:

(1) Cargo extending not more than three feet beyond the front bumper and not more than four feet beyond the rear bumper when transporting motor vehicles, boats, and chassis.

(2) An unladen cargo carrying device extending no greater than twenty-four inches from the rear of the bed of the truck.

(3) A cargo carrying device with load.

b. A single bus shall not have an overall length, inclusive of front and rear bumpers, in excess of forty-five feet, except that buses constructed so as to contain a flexible part allowing articulation shall not exceed sixty-one feet.

c. A manufactured or mobile home not in excess of forty-eight feet in length may be drawn by any motor vehicle, except a motor truck, provided that the manufactured or mobile home and its towing unit are not in excess of an overall length of sixty feet. For the purposes of this subsection, a light delivery truck, panel delivery truck, or "pickup" is not a *"motor truck"*. A portable livestock loading chute not in excess of a length of thirteen feet including its hitch or tongue may be drawn by any vehicle or combination of vehicles, provided that the vehicle or combination of vehicles drawing the loading chute is not in excess of the legal length provided for such vehicles or combinations.

d. A combination of three vehicles coupled together one of which is a motor vehicle, unladen or with load, other than a truck tractor, shall not have an overall length, inclusive of front and rear bumpers, in excess of seventy feet.

e. A motor vehicle or combination of vehicles may be operated upon the highways of this state, irrespective of the length and weight limitations imposed by the laws of this state, if the motor vehicle or combination of vehicles is operated within the corporate limits of a city abutting a border of this state and such operations have been approved by ordinance of the city council and if the length and weight of the motor vehicle or combination of vehicles is in conformity with the laws relating to length and weight of the abutting state. If a city council has authorized such operation upon highways within the corporate limits, then the limit of travel for such motor vehicles or combination of vehicles within the state is extended to the commercial zones as described by federal regulations concerning interstate commerce, 49 C.F.R. §1048.101, and to the interstate system as provided in 23 U.S.C. §127 and 49 U.S.C. §31112(c), as amended by Pub. L. No. 104-59.

f. (1) A trailer or semitrailer, laden or unladen, shall not have an overall length in excess of fifty-three feet when operating in a truck tractor-semitrailer combination exclusive of retractable extensions used to support the load. However, when a trailer or semitrailer is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis, or boats, the load carried on the trailer or semitrailer may extend up to three feet beyond the front bumper and up to four feet beyond the rear bumper of the trailer or semitrailer.

(2) A lowboy semitrailer, laden or unladen, that is designed and exclusively used for the transportation of either construction equipment or an implement of husbandry shall not

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have an overall length in excess of fifty-seven feet when used in a truck tractor-semitrailer combination.

g. A trailer or semitrailer, laden or unladen, shall not have an overall length in excess of twenty-eight feet six inches when operating in a truck tractor-semitrailer-trailer combination or truck tractor-semitrailer-semitrailer combination. When the semitrailers in a truck tractor-semitrailer-semitrailer combination are connected by a rigid frame extension including a fifth-wheel connection point attached to the rear frame of the first semitrailer, the length of the frame extension shall not be included when determining the overall length of the first semitrailer.

h. Power units designed to carry cargo, when used in combination with a trailer or semitrailer shall not exceed sixty-five feet in overall length for the combination exclusive of retractable extensions used to support the load. However, if a combination of vehicles is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis, or boats, the load may extend up to three feet beyond the front bumper of the power unit and up to four feet beyond the rear bumper of the trailer or semitrailer.

i. A stinger-steered automobile transporter shall not have an overall length exceeding eighty feet, exclusive of retractable extensions used to support the load and all other devices or appurtenances related to the safe and efficient operation of the vehicle, except that the load may extend up to four feet beyond the front bumper and up to six feet beyond the rear bumper.

j. A motor home or motorsports recreational vehicle shall not have an overall length, excluding front and rear bumpers and safety equipment, in excess of forty-five feet.

k. A combination of two vehicles coupled together, one of which is a motor home, shall not have an overall length in excess of sixty-five feet.

l. A combination of two vehicles coupled together, one of which is a travel trailer or fifth-wheel travel trailer, shall not have an overall length in excess of sixty-five feet.

m. Notwithstanding any other provision of this chapter, and to the extent allowed under federal law, the maximum length of a towaway trailer transporter combination operated on the highways of this state is eighty-five feet. For purposes of this paragraph, *"towaway trailer transporter combination"* means a combination of vehicles consisting of a towing vehicle and two unladen trailers or unladen semitrailers in which the trailers or semitrailers constitute inventory property of the manufacturer intended for sale and which are being transported from a trailer manufacturer to a trailer distributor or authorized trailer dealer.

n. (1) Notwithstanding paragraph *"g"* or any other provision of this chapter, the department is authorized to adopt rules providing for economic export corridors for the transportation of goods or products manufactured in Iowa to or through the state of South Dakota and for the return of unladen semitrailers or unladen full trailers used for the transportation of those goods or products. The rules may authorize the operation of the following combinations of vehicles on an economic export corridor:

(a) A truck tractor-semitrailer-semitrailer converted to a full trailer by use of a dolly equipped with a fifth wheel which is considered a part of the trailer for all purposes, and not a separate unit.

(b) A truck tractor-semitrailer-full trailer.

(c) A truck tractor-semitrailer-semitrailer combination, where the semitrailers are connected by a rigid frame extension including a fifth wheel connection point attached to the rear frame of the first semitrailer. The length of the frame extension shall not be included when determining the overall length of the first semitrailer.

(2) Rules adopted pursuant to this paragraph "*n*" shall provide that combinations of vehicles authorized to operate on an economic export corridor shall meet all of the following requirements:

(a) The length of the combination of vehicles, excluding the length of the truck tractor, shall not exceed eighty-one and one-half feet.

(b) The length of either semitrailer or full trailer shall not exceed forty-five feet.

(c) The weight of the second semitrailer or full trailer shall not exceed the weight of the first semitrailer by more than three thousand pounds.

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(d) The gross weight of the combination of vehicles shall not exceed eighty thousand pounds and the combination of vehicles shall not exceed the gross axle weight limits of section 321.463, subsection 2.

(e) The load on each semitrailer or full trailer in the combination shall be an indivisible load. For the purpose of issuing permits for height or width under chapter 321E, the combination of vehicles shall be considered an indivisible load so long as the load on each semitrailer or full trailer in the combination remains an indivisible load.

(3) An economic export corridor established by the department shall not include any segment of the interstate system or any part of the national network of highways identified pursuant to 23 C.F.R. pt. 658. This subparagraph does not prohibit operation on any segment of the interstate system or part of the national network of highways that is permitted under paragraph *"e"*.

(4) For purposes of this paragraph *"n"*, *"full trailer"* means as defined in 49 C.F.R. §390.5.

o. Notwithstanding any other provision of this chapter, and to the extent allowed under federal law, a combination of two vehicles coupled together, one of which is a motorsports recreational vehicle, shall not have an overall length in excess of eighty-five feet.

p. Notwithstanding any other provision of this chapter, and to the extent allowed under federal law, a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding shall not have an overall length in excess of seventy-five feet.

3. Fire fighting apparatus and vehicles operated during daylight hours when transporting poles, pipe, machinery, or other objects of a structural nature which cannot be readily disassembled when required for emergency repair of public service facilities or properties are not subject to the limitations on overall length of vehicles and combinations of vehicles imposed under this section. However, for operation during nighttime hours, these vehicles and the load being transported shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps at the extreme ends of the projecting load to clearly mark the dimensions of the load. A member of the state patrol shall also be notified prior to the operation of the vehicle.

[C31, 35, §5067-d4; C39, §**5035.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.457; 82 Acts, ch 1056, §2, 3]

83 Acts, ch 9, §6 – 8; 83 Acts, ch 116, §2; 84 Acts, ch 1077, §1; 87 Acts, ch 186, §6 – 10; 88 Acts, ch 1208, §1; 89 Acts, ch 34, §2 – 5; 91 Acts, ch 31, §1, 2; 93 Acts, ch 87, §7; 94 Acts, ch 1087, §6, 7; 94 Acts, ch 1199, §78; 96 Acts, ch 1004, §1; 96 Acts, ch 1089, §2, 3; 96 Acts, ch 1219, §26; 98 Acts, ch 1074, §25; 98 Acts, ch 1075, §24; 2000 Acts, ch 1016, §16, 29; 2001 Acts, ch 32, §21, 22; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2005 Acts, ch 35, §31; 2006 Acts, ch 1068, §30, 31; 2007 Acts, ch 143, §16, 35; 2012 Acts, ch 1090, §1; 2012 Acts, ch 1138, §64; 2014 Acts, ch 1127, §14, 15; 2017 Acts, ch 46, §1; 2019 Acts, ch 23, §1; 2020 Acts, ch 1054, §3; 2026 Acts, ch 1139, §45

Referred to in §321E.2, 321E.8, 321E.9, 321E.10, 321E.11, 321E.17, 321E.26, 321E.29B, 805.8A(12)(c)
For applicable scheduled fines, see §805.8A, subsection 12, paragraph c
Subsection 2, paragraph f amended

321.458 Loading beyond front.

The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper.

[C39, §**5035.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.458]

Referred to in §321E.2, 805.8A(12)(c)
For applicable scheduled fine, see §805.8A, subsection 12, paragraph c

321.459 Dual axle requirement.

Axles of a motor vehicle, trailer, or semitrailer which are less than forty inches apart center to center shall be considered as a single axle for the purpose of determining permissible gross weight under section 321.463.

[C31, 35, §5067-d3; C39, §**5035.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.459]

Referred to in §321E.2

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321.460 Spilling loads on highways.

A vehicle shall not be driven or moved on any highway by any person unless such vehicle is so constructed or loaded or the load securely covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping or its load covering from dropping from the vehicle, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. The provisions of this section shall not apply to vehicles loaded with hay or stover or the products listed in section 321.466, subsections 4 and 5.

[C39, §**5035.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.460]

Referred to in §321E.2, 805.8A(13)(d)

For applicable scheduled fine, see §805.8A, subsection 13

321.461 Trailers and towed vehicles.

1. When one vehicle is towing another the drawbar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered.

2. If the towing vehicle is a motor truck and the towed vehicle is a single trailer with a single point of articulation at the hitch connection, the drawbar or other connection shall not exceed twenty-one feet. The length of the drawbar or other connection shall be measured from the centerline of the hitch assembly on the towing vehicle to the front of the body of the towed vehicle. A vehicle which has a drawbar or other connection which measures between fifteen and twenty-one feet in length shall have at least one yellow reflector visible on each vertical face of the drawbar or other connection, located near the midpoint between the towing and the towed vehicle. A vehicle which has a drawbar or other connection which measures between fifteen and twenty-one feet in length shall have affixed to the rear of the towed vehicle a sign indicating that the vehicle is a towed vehicle.

[C39, §**5035.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.461]

91 Acts, ch 31, §3

Referred to in §321E.2, 805.8A(12)(a)

For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

321.462 Drawbars and safety chains.

When one vehicle is towing or pulling another vehicle the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and shall be fastened to the frame of the towing vehicle in such manner as to prevent sidesway, and in addition to such principal connection there shall be a safety chain which shall be so fastened as to be capable of holding the towed vehicle should the principal connection for any reason fail.

[C39, §**5035.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.462]

88 Acts, ch 1278, §33; 97 Acts, ch 108, §29

Referred to in §321E.2, 805.8A(12)(a)

For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

321.463 Maximum gross weight — exceptions — penalties.

1. An axle may be divided into two or more parts, except that all parts in the same vertical transverse plane shall be considered as one axle.

2. The gross weight on any one axle of a vehicle, or of a combination of vehicles, operated on the highways of this state, shall not exceed twenty thousand pounds on an axle equipped with pneumatic tires, and shall not exceed fourteen thousand pounds on an axle equipped with solid rubber tires. The gross weight on any tandem axle of a vehicle, or any combination of vehicles, shall not exceed thirty-four thousand pounds on an axle equipped with pneumatic tires. This subsection does not apply to implements of husbandry.

3. Notwithstanding other provisions of this chapter to the contrary, indivisible loads operating under the permit requirements of sections 321E.7, 321E.8, 321E.9, 321E.29A, and 321E.29B, and divisible loads operating under the permit requirements of section 321E.26, shall be allowed a maximum of twenty thousand pounds per axle.

4. *a.* (1) Notwithstanding any provision of this section to the contrary, the weight on any one axle of a self-propelled implement of husbandry used exclusively for the application of

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organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals operated on the highways of this state shall not exceed twenty-five thousand pounds.

(2) A self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall comply with the other provisions of this section and chapter when operated over a bridge in this state, other than any provision limiting the weight on any one axle to less than twenty-five thousand pounds. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of such a self-propelled implement of husbandry with a weight in excess of the weights allowed under this chapter.

b. (1) Notwithstanding any provision of this section to the contrary, the weight on any one axle of a fence-line feeder, grain cart, or tank wagon operated on the highways of this state shall not exceed twenty-four thousand pounds from February 1 through May 31 or twenty-eight thousand pounds from June 1 through January 31, provided, however, that the maximum gross vehicle weight of the fence-line feeder, grain cart, or tank wagon shall not exceed ninety-six thousand pounds.

(2) Notwithstanding any provision of this section to the contrary, a tracked implement of husbandry operated on the highways of this state shall not have a maximum gross weight in excess of ninety-six thousand pounds.

(3) A fence-line feeder, grain cart, tank wagon, or tracked implement of husbandry shall comply with the other provisions of this section and chapter when operated over a bridge in this state. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of a fence-line feeder, grain cart, tank wagon, or tracked implement of husbandry with a weight in excess of the weights allowed under this chapter.

(4) For purposes of this paragraph *"b"*:

(a) *"Highway"* does not include a bridge.

(b) *"Fence-line feeder, grain cart, or tank wagon"* means any fence-line feeder, grain cart, or tank wagon.

5. *a.* Notwithstanding any provision of law to the contrary, a motor vehicle equipped with an engine fueled primarily by natural gas may exceed any applicable maximum gross weight limit under this chapter, up to a maximum gross weight of eighty-two thousand pounds, by an amount equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system installed in the vehicle and the weight of a comparable diesel fuel tank and fueling system.

b. Notwithstanding any provision of law to the contrary, a motor vehicle described in paragraph *"a"* equipped with an auxiliary power or idle reduction technology unit that reduces fuel use and emissions during engine idling may exceed any applicable maximum gross weight limit under this chapter by five hundred fifty pounds or the weight of the auxiliary power or idle reduction technology unit, whichever is less. This paragraph *"b"* does not apply unless the operator of the vehicle provides to the department of public safety a written certification of the weight of the auxiliary power or idle reduction technology unit, demonstrates or certifies to the department of public safety that the idle reduction technology unit is fully functional at all times, and carries with the operator the written certification of the weight of the auxiliary power or idle reduction technology unit in the vehicle at all times to present to law enforcement in the event the vehicle is suspected of violating any applicable weight restrictions.

6. *a.* The maximum gross weight allowed to be carried on a vehicle or combination of vehicles on highways which are part of the primary road system is as follows:

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MAXIMUM GROSS WEIGHT TABLE — PRIMARY HIGHWAYS

Distance in feet	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000	34,000				
8	34,000	34,000				
8'1"	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500	48,500			
11		44,000	49,500			
12		45,000	50,000			
13		45,500	50,500	56,000		
14		46,500	51,500	57,000		
15		47,000	52,000	57,500		
16		48,000	52,500	58,000		
17		48,500	53,500	58,500	64,000	
18		49,500	54,000	59,000	65,000	
19		50,000	54,500	60,000	65,500	
20		51,000	55,500	60,500	66,000	71,500
21		51,500	56,000	61,000	66,500	72,500
22		52,500	56,500	61,500	67,000	73,000
23		53,000	57,500	62,500	68,000	73,500
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	76,000
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,500
34			64,500	69,500	74,500	80,000
35			65,500	70,000	75,000	
36			68,000	70,500	75,500	
37			68,000	71,000	76,000	
38			68,000	72,000	77,000	
39			68,000	72,500	77,500	
40			68,500	73,000	78,000	
41			69,500	73,500	78,500	
42			70,000	74,000	79,000	
43			70,500	75,000	80,000	
44			71,500	75,500		
45			72,000	76,000		
46			72,500	76,500		
47			73,500	77,500		
48			74,000	78,000		
49			74,500	78,500		
50			75,500	79,000		
51			76,000	80,000		
52			76,500			
53			77,500			
54			78,000			
55			78,500			
56			79,500			
57			80,000			

b. The maximum gross weight allowed to be carried on a vehicle or combination of vehicles on nonprimary highways is as follows:

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NONPRIMARY HIGHWAYS — MAXIMUM GROSS WEIGHT TABLE

Distance in feet	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000	34,000				
8	34,000	34,000				
8'1"	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500	45,000			
11		44,000	46,000			
12		45,000	47,000			
13		45,500	48,000	48,500		
14		46,500	49,000	49,500		
15		47,000	50,000	50,500		
16		48,000	51,000	51,500		
17		48,500	52,000	52,500	54,000	
18		49,500	53,000	53,500	55,000	
19		50,000	54,500	54,500	56,000	
20		51,000	55,500	55,500	57,000	
21		51,500	56,000	56,500	58,000	
22		52,500	56,500	57,500	59,000	
23		53,000	57,500	58,500	60,000	
24		54,000	58,000	59,500	61,000	
25		54,500	58,500	60,500	62,000	
26		55,500	59,500	61,500	63,000	
27		56,000	60,000	62,500	64,000	
28		57,000	60,500	63,500	65,000	
29		57,500	61,500	64,500	66,000	
30		58,500	62,000	65,500	67,000	
31		59,000	62,500	66,500	68,000	
32		60,000	63,500	67,500	69,000	
33			64,000	68,500	70,000	
34			64,500	69,500	71,000	
35			65,500	70,000	72,000	
36			68,000	70,500	73,000	
37			68,000	71,000	74,000	
38			68,000	72,000	75,000	
39			68,000	72,500	76,000	
40			68,500	73,000	77,000	
41			69,500	73,500	78,000	78,000
42			70,000	74,000	79,000	79,000
43			70,500	75,000	80,000	80,000
44			71,500	75,500		
45			72,000	76,000		
46			72,500	76,500		
47			73,500	77,500		
48			74,000	78,000		
49			74,500	78,500		
50			75,500	79,000		
51			76,000	80,000		
52			76,500			
53			77,500			
54			78,000			
55			78,500			
56			79,500			
57			80,000			

c. (1) The maximum gross weight allowed to be carried on a commercial motor vehicle on noninterstate highways, provided the vehicle is operated by a person with a commercial driver's license valid for the vehicle operated unless section 321.176A applies, is as follows:

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NONINTERSTATE HIGHWAYS
MAXIMUM GROSS WEIGHT TABLE
COMMERCIAL MOTOR VEHICLE

Distance in feet	6 Axles	7 Axles
44	80,500	80,500
45	81,000	81,500
46	81,500	82,500
47	82,000	83,500
48	83,000	84,000
49	83,500	85,000
50	84,000	86,000
51	84,500	87,000
52	85,000	88,000
53	86,000	88,500
54	86,500	89,500
55	87,000	90,500
56	87,500	91,500
57	88,000	92,000
58	89,000	93,000
59	89,500	94,000
60	90,000	95,000
61		95,500
62		96,000

(2) Notwithstanding any provision of this section to the contrary, the maximum gross weight allowed to be carried on a noninterstate highway by a livestock vehicle with five axles, a minimum distance in feet between the centers of the first and fifth axles of sixty-one feet, and a minimum distance between the two rear axles of at least eight feet and one inch is eighty-six thousand pounds.

d. For the purposes of the maximum gross weight tables in paragraphs "*a*", "*b*", and "*c*", distance in feet is the measured distance in feet between the centers of the extreme axles of any group of axles, rounded to the nearest whole foot.

e. (1) The maximum gross weight allowed to be carried on a tracked implement of husbandry when operated on a noninterstate highway bridge is as follows:

NONINTERSTATE HIGHWAY BRIDGES
MAXIMUM GROSS WEIGHT TABLE
TRACKED IMPLEMENTS OF HUSBANDRY

Length of Track in Feet	Weight in Pounds
4	34,000
5	34,000
6	34,000
7	34,000
8	42,000
9	42,500
10	45,000
11	46,000
12	47,000
13	48,500
14	49,500
15	50,500
16	51,500
17	54,000
18	55,000
19	56,000
20	57,000

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21	58,000
22	59,000
23	60,000
24	61,000
25	62,000
26	63,000
27	64,000
28	65,000
29	66,000
30	67,000
31	68,000
32	69,000
33	70,000
34	71,000
35	72,000
36	73,000
37	74,000
38	75,000
39	76,000
40	77,000
41	78,000
42	79,000
43	80,000

(2) *"Length of track in feet"* means the length of track on one side of the tracked implement of husbandry which is in contact with the ground or roadway surface.

7. The weight on any one axle, including a tandem axle, of a vehicle which is transporting livestock on highways not part of the interstate system may exceed the legal maximum weight given in this chapter providing that the gross weight on any particular group of axles on such vehicle does not exceed the gross weight allowable under this chapter for such groups of axles.

8. The weight on any one axle, including a tandem axle, of a vehicle which is transporting raw materials from a designated borrow site to a construction project or transporting raw materials from a construction project, and which is operating on a highway that is not part of the interstate system and along a route of travel approved by the department or the appropriate local authority, may exceed the legal maximum weight otherwise allowed under this chapter by ten percent if the gross weight on any particular group of axles on the vehicle does not exceed the gross weight allowed under this chapter for that group of axles. If the vehicle exceeds the ten percent tolerance allowed under this subsection, the fine shall be computed on the difference between the actual weight and the ten percent tolerance weight allowed for the axle or tandem axle.

9. A vehicle or combination of vehicles transporting materials or equipment on nonprimary highways to or from a construction project or commercial plant site may operate under the maximum gross weight table for primary highways in subsection 6, paragraph "*a*", or the maximum gross weight table for noninterstate highways in subsection 6, paragraph "*c*". When crossing a bridge, such a vehicle or combination of vehicles shall comply with any weight restriction imposed for the bridge pursuant to section 321.471 or 321.474, provided signs that conform to the manual of uniform traffic-control devices adopted by the department that give notice of the restriction are posted as required under section 321.472 or 321.474, as applicable.

10. A vehicle designed to tow wrecked or disabled vehicles shall be exempt from the weight limitations in this section while the vehicle is towing a wrecked or disabled vehicle.

11. *a.* A person who operates a vehicle in violation of this section, and an owner, or any other person, employing or otherwise directing the operator of a vehicle, who requires or knowingly permits the operation of a vehicle in violation of this section shall be fined according to the following schedule:

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AXLE, TANDEM AXLE, AND GROUP OF AXLES
WEIGHT VIOLATIONS

Pounds Overloaded	Amount of Fine
Up to and including 1,000 pounds	$12
Over 1,000 pounds up to and including 2,000 pounds	$22
Over 2,000 pounds up to and including 3,000 pounds	$155
Over 3,000 pounds up to and including 4,000 pounds	$240
Over 4,000 pounds up to and including 5,000 pounds	$375
Over 5,000 pounds up to and including 6,000 pounds	$585
Over 6,000 pounds up to and including 7,000 pounds	$850
Over 7,000 pounds up to and including 8,000 pounds	$950
Over 8,000 pounds up to and including 9,000 pounds	$1,050
Over 9,000 pounds up to and including 10,000 pounds	$1,150
Over 10,000 pounds up to and including 11,000 pounds	$1,300
Over 11,000 pounds up to and including 12,000 pounds	$1,400
Over 12,000 pounds up to and including 13,000 pounds	$1,500
Over 13,000 pounds up to and including 14,000 pounds	$1,600
Over 14,000 pounds up to and including 15,000 pounds	$1,700
Over 15,000 pounds up to and including 16,000 pounds	$1,800
Over 16,000 pounds up to and including 17,000 pounds	$1,900
Over 17,000 pounds up to and including 18,000 pounds	$2,000
Over 18,000 pounds up to and including 19,000 pounds	$2,100
Over 19,000 pounds up to and including 20,000 pounds	$2,200
Over 20,000 pounds	$2,200 plus ten cents per pound in excess of 20,000 pounds

b. Fines for gross weight violations for vehicles or combinations of vehicles shall be assessed at one-half of the fine rate schedule for axle, tandem axle, and groups of axles weight violations.

c. Except as otherwise provided, the amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section.

d. The schedule of fines may be assessed in addition to any other penalties provided for in this chapter.

12. Overloads on axles and tandem axles and overloads on groups of axles or on an entire

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vehicle or combination of vehicles shall be considered as separate violations of the provisions of this section.

13. A person shall not issue or execute, or cause to be issued or executed, a bill of lading, manifest, or shipping document of any kind which states a false weight of the cargo set forth on such bill, manifest, or document, which is less than the actual weight of the cargo.

14. *a.* A person operating a vehicle or combination of vehicles equipped with a retractable axle may raise the axle when necessary to negotiate a turn, provided that the retractable axle is lowered within one thousand feet following completion of the turn. This paragraph does not apply to a vehicle or combination of vehicles operated on an interstate highway, including a ramp to or from an interstate highway, or on a bridge.

b. A vehicle or combination of vehicles operated with a retractable axle raised as permitted under paragraph *"a"* is exempt from the weight limitations of this section as long as the vehicle or combination of vehicles is in compliance with the weight limitations of this section when the retractable axle is lowered.

c. This subsection does not prohibit the operation of a vehicle or combination of vehicles equipped with a retractable axle with the retractable axle raised when the vehicle or combination of vehicles is in compliance with the weight limitations of this section with the retractable axle raised.

15. A person who violates this section commits a simple misdemeanor.

[C24, 27, 31, 35, §5065; C39, §**5035.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.463; 81 Acts, ch 110, §1, ch 111]

89 Acts, ch 200, §1, 2; 92 Acts, ch 1238, §35; 94 Acts, ch 1199, §79; 95 Acts, ch 118, §26; 96 Acts, ch 1089, §4; 97 Acts, ch 100, §5, 12; 97 Acts, ch 104, §22; 98 Acts, ch 1103, §2; 98 Acts, ch 1178, §6, 7; 99 Acts, ch 108, §7; 2000 Acts, ch 1016, §17; 2000 Acts, ch 1040, §1; 2001 Acts, ch 32, §23 – 25; 2002 Acts, ch 1063, §33, 55; 2005 Acts, ch 20, §5 – 7, 12, 13; 2007 Acts, ch 143, §17; 2009 Acts, ch 133, §121; 2010 Acts, ch 1139, §1; 2010 Acts, ch 1140, §16, 17; 2013 Acts, ch 27, §1; 2013 Acts, ch 140, §62; 2017 Acts, ch 29, §96; 2017 Acts, ch 149, §2; 2018 Acts, ch 1172, §73; 2019 Acts, ch 15, §1; 2019 Acts, ch 138, §3; 2019 Acts, ch 158, §1; 2020 Acts, ch 1063, §152; 2021 Acts, ch 140, §1, 4; 2023 Acts, ch 85, §17

Referred to in §312.2, 321.453, 321.457, 321.459, 321.466, 321.473, 321E.2, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.16, 321E.17, 321E.26, 321E.27, 321E.29, 321E.29A, 321E.29B, 321E.30, 805.8A(12)(e)

For scheduled fines listed in subsection 11, violations are charged and fines are applied pursuant to §805.8A, subsection 12, paragraph e

321.464 Investigation as to safety.

The director upon registering any vehicle under the laws of this state which vehicle is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may require such information and may make such investigation or test as necessary to enable the director to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this chapter. The director shall register every such vehicle for a permissible gross weight not exceeding the limitations set forth in this chapter. Every such vehicle shall meet the following requirements:

1. It shall be equipped with brakes as required in sections 321.430 and 321.431.

2. Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel at a reasonable speed such vehicle and any load thereon or to be drawn thereby.

[C39, §**5035.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.464]

Referred to in §321E.2

321.465 Weighing vehicles and removal of excess.

1. Any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales.

2. If an officer upon weighing a vehicle and load determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit as permitted under this chapter. All material so unloaded shall be cared for by the owner

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or operator of the vehicle at the risk of the owner or operator. The owner or operator of an overweight vehicle, designed to transport solid waste and domiciled within the state, which is transporting solid waste, shall not be required to unload any portion of the load, if the load is indivisible, in a place other than a facility which is permitted to handle solid waste disposal, processing, or recycling. For purposes of this section, *"solid waste"* means waste which is acceptable at a local sanitary landfill and the solid waste shall be considered to be an indivisible load.

3. A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with this section, is guilty of a simple misdemeanor.

4. Upon weighing a vehicle and load, as above provided, if such load is a sealed load, the weight officer shall issue a certificate setting forth the weights as determined by the weight officer and the seal number or numbers, if requested by the operator.

[C31, 35, §4921-d1; C39, §**5035.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.465]
83 Acts, ch 101, §71; 92 Acts, ch 1170, §1; 94 Acts, ch 1087, §8; 2017 Acts, ch 54, §76
Referred to in §321E.2

321.466 Increased loading capacity — reregistration.

1. The owner of a motor truck, truck tractor, or road tractor, if the owner's operation has not resulted in a conviction or action pending under this section, may increase the gross weight registration of the vehicle to a higher gross weight registration by payment of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which the vehicle is registered, multiplied by the number of unexpired months of the registration year. If the owner's operation has resulted in a conviction or action pending under this section, any increase in the gross weight registration shall be obtained by payment of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which the vehicle is registered.

2. Upon conversion of a truck to a truck tractor or a truck tractor to a truck, an increased gross weight registration of the proper type may be obtained for the vehicle by payment, except as provided in section 321.106, of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the annual fee for the gross weight at which the vehicle is registered, multiplied by the number of unexpired months of the registration year from the date of the conversion.

3. The registered gross weight of a vehicle or combination of vehicles may also be increased by installing and using an auxiliary axle or axles, and the combined registered gross weight of the vehicle and auxiliary axle or axles shall determine the total registered gross weight. An auxiliary axle shall not be used to convert a single axle to a tandem axle unless equipped with a device to equalize the load carried by the single axle and the auxiliary axle when in tandem and when in motion or when standing, and the load transmitted to the highway by either the single axle or the auxiliary axle shall not exceed that permitted for a single axle, nor shall the load transmitted to the highway when in tandem and when in motion or when standing, exceed that permitted for a tandem axle.

4. A person shall not operate a motor truck, trailer, truck tractor, road tractor, semitrailer, or combination thereof, or any such vehicle equipped with a transferable auxiliary axle or axles, on the public highways with a gross weight exceeding the gross weight for which it is registered by more than five percent; provided, however, that any vehicle or vehicle combination referred to in this subsection, while carrying a load of raw farm products, soil fertilizers including ground limestone, raw dairy products, livestock, live poultry, or eggs, or a special truck, while carrying a load of distillers grains, may be operated with a gross weight of twenty-five percent in excess of the gross weight for which it is registered. However, this subsection shall not be construed to allow the operation of a special truck on the public highways with a gross weight exceeding the maximum gross weight allowed under section 321.463, subsection 6.

5. For the purposes of this section cracked or ground soybeans, sorgo, corn, wheat, rye, oats, or other grain shall be deemed to be raw farm products, provided that such products are

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being directly delivered to a farm, from the place where the whole grain had been delivered from a farm for the purpose of cracking or grinding and immediate delivery to the farm to which such cracked or ground products are being delivered.

6. The truck operator shall have in the truck operator's possession a receipt showing place of processing on the return trip.

[C24, 27, §4921; C31, 35, §4921-c1, -c2; C39, §**5035.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.466; 81 Acts, ch 110, §2]

82 Acts, ch 1062, §31, 32, 38; 90 Acts, ch 1233, §18; 2009 Acts, ch 113, §1; 2012 Acts, ch 1093, §14; 2013 Acts, ch 103, §13, 14; 2019 Acts, ch 138, §4

Referred to in §321.123, 321.460, 321E.2, 805.8A(12)(d)
Vehicles carrying farm products, see also §321.460
For applicable scheduled fines, see §805.8A, subsection 12, paragraph d

321.467 Retractable axles.

1. A vehicle which is a model year 1999 or later vehicle shall not operate on a highway of this state with a retractable axle unless the weight on the retractable axle can only be adjusted by means of a manual device located on the vehicle that is not accessible to the operator of the vehicle during operation of the vehicle. However, the controls for raising and lowering the retractable axle may be accessible to the operator of the vehicle while the vehicle is in operation.

2. A person who violates this section commits a simple misdemeanor.

97 Acts, ch 100, §6; 2010 Acts, ch 1140, §18

321.468 through 321.470 Reserved.

321.471 Local authorities may restrict.

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

b. A person who violates the provisions of the ordinance or resolution shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars.

c. Local authorities may issue special permits during periods the restrictions are in effect to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this subsection, but not in excess of load restrictions imposed by any other provision of this chapter, and the authorities shall issue the permits upon a showing that there is a need to move to market farm produce of the type subject to rapid spoilage or loss of value or to move to any farm feeds or fuel for home heating purposes.

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

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

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the vehicle and the maximum weight allowed by the ordinance or resolution by one hundred and multiplying the quotient by two dollars.

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

[C24, 27, §4996; C31, 35, §4686-c1, 4996; C39, §**5035.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.471]

87 Acts, ch 162, §1; 99 Acts, ch 108, §8; 99 Acts, ch 208, §52, 53; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §100

Referred to in §321.236, 321.453, 321.463, 321.472, 321E.17, 331.362

321.472 Signs posted.

The local authority enacting any ordinance or resolution authorized under section 321.471 shall erect and maintain signs designating the ordinance or resolution at each end of that portion of any highway or at the location of any bridge or culvert affected thereby, and the ordinance or resolution shall not be effective unless and until the signs are erected and maintained.

[C31, 35, §4686-c1; C39, §**5035.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.472]

87 Acts, ch 162, §2

Referred to in §321.236, 321.463, 331.362

321.473 Limitations on trucks by local authorities.

1. Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

2. Local authorities may issue special permits, during periods such restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by any other provision of this chapter, and such authorities shall issue such permits upon a showing that there is a need to move to market farm produce or to move to any farm, feeds or fuel for home heating purposes.

3. *a.* A person who violates the provisions of an ordinance or resolution adopted pursuant to subsection 1 shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars.

b. The fine for violation of a special permit issued pursuant to subsection 2 shall be based upon the difference between the actual weight of the vehicle and load and the maximum weight allowed by the permit in accordance with section 321.463.

[C39, §**5035.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.473]

83 Acts, ch 131, §1; 98 Acts, ch 1178, §8; 2010 Acts, ch 1061, §180; 2013 Acts, ch 49, §1

Referred to in §321.236, 331.362

321.474 Department may restrict.

1. The department shall have authority, as granted to local authorities, to determine by resolution and to impose restrictions as to the weight of vehicles, except implements of husbandry as defined in section 321.1, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, and fire apparatus and road maintenance equipment owned by, under lease to, or used in the performance of a contract with a state or local authority, operated upon any highway under the jurisdiction of the department for a definite period of time not to exceed twelve months. The restrictions shall be effective when signs giving notice of the restrictions and the expiration date of the restrictions are erected upon the affected highway or portion of highway.

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

3. For the purposes of restrictions imposed under this section, a triple axle is any group of three or more consecutive axles where the centers of any consecutive axles are more than forty inches apart and where the centers of the extreme axles are more than eighty-four inches apart but not more than one hundred sixty-eight inches apart. Where triple axle restrictions are imposed, the signs erected by the department shall give notice of the restrictions.

4. Any person who violates a restriction imposed by resolution pursuant to this section, upon conviction or a plea of guilty, is subject to a fine determined by dividing the difference between the actual weight of the vehicle and the maximum weight allowed by the restriction by one hundred and multiplying the quotient by two dollars.

5. The department may issue special permits, during periods the restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by this chapter. The department shall issue a special permit for not to exceed eight weeks upon a showing of agricultural hardship. The department shall issue special permits to trucks moving farm produce, which decays or loses its value if not speedily put to its intended use, to market upon a showing to the department that there is a requirement for trucking the produce, or to trucks moving any farm feeds or fuel necessary for home heating purposes. The operator of a vehicle which is the subject of a permit issued under this subsection shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request.

[C24, 27, 31, 35, §5066; C39, §**5035.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.474; 81 Acts, ch 110, §3]

99 Acts, ch 108, §9, 10; 99 Acts, ch 208, §54, 55; 2010 Acts, ch 1061, §119

Referred to in §321.453, 321.463, 321E.17

321.475 Liability for damage — rules.

1. *a.* Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in this chapter.

b. Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure.

2. The department shall adopt rules pursuant to chapter 17A, stating the department's policy for recovery of damages to highways or highway structures pursuant to this section. The policy shall exclude from recoverable damages the costs of traffic control at the scene of an accident.

[C39, §**5035.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.475]

91 Acts, ch 67, §1; 2010 Acts, ch 1061, §180

321.476 Stopping, weighing, and inspecting vehicles by state patrol.

1. A member of the state patrol of the department of public safety is authorized to do any of the following:

a. Stop any motor vehicle or trailer on the highways for the purposes of weighing and

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inspection, to weigh and inspect the same and to enforce the provisions of the motor vehicle laws relating to the registration, size, weight, and load of motor vehicles and trailers.

b. Weigh and inspect vehicles which have moved from a highway onto private property under circumstances which indicate that the load of the vehicle, if any, is substantially the same as the load which the vehicle carried before moving onto the private property.

2. Any person who prevents or in any manner obstructs an officer attempting to carry out the provisions of this section is guilty of a simple misdemeanor.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.476]
2010 Acts, ch 1061, §180; 2023 Acts, ch 85, §18
Referred to in §321.481

321.477 Employees as peace officers — maximum age.

1. The department may designate by resolution certain of its employees upon each of whom there is conferred the authority of a peace officer to investigate and enforce all of the following:

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

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

2. Employees designated as peace officers pursuant to this section shall have the same powers conferred by law on peace officers for the use of force in emergent circumstances and the apprehension of violators.

3. Employees designated as peace officers pursuant to this section shall not exercise the powers of a peace officer set forth in this section within the limits of any city, except as follows:

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

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

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

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

e. While making any inspection provided by this chapter, or any additional inspection ordered by the director.

4. The limitations specified in subsection 3 shall in no way be construed as a limitation on the ability of employees designated as peace officers pursuant to this section to use force in defense of life or property.

5. The maximum age for a person employed as a peace officer pursuant to this section is sixty-five years of age.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.477]
98 Acts, ch 1183, §110; 2017 Acts, ch 149, §3, 5; 2023 Acts, ch 85, §19
Referred to in §20.3, 80B.6, 97B.49B, 321.481, 801.4

321.478 Bond.

Prior to entering upon the discharge of the employee's duties as such peace officer, each of said designated employees shall furnish to the department a surety bond to the state in the sum of five hundred dollars, conditioned upon the faithful discharge of the peace officer's duties.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.478]
Referred to in §321.481

321.479 Badge of authority.

The department shall supply each of said employees so designated with a badge of authority, bearing a serial number, which shall be conspicuously displayed by the employee while in the performance of the employee's duties as such peace officer.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.479]
Referred to in §321.481

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321.480 Limitation on expense. Repealed by 2023 Acts, ch 85, §24.

321.481 No impairment of other authority.

Nothing in sections 321.476 through 321.479 shall be so construed as to limit or impair the authority or duties of other peace officers in the enforcement of the motor vehicle laws or any portion thereof.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.481]

2020 Acts, ch 1063, §154; 2023 Acts, ch 85, §20

CRIMINAL RESPONSIBILITY

321.482 Violations — simple misdemeanors unless otherwise provided.

It is a simple misdemeanor for a person to do an act forbidden or to fail to perform an act required by this chapter unless the violation is by this chapter or other law of this state declared to be a serious or aggravated misdemeanor or a felony. Chapter 232 has no application in the prosecution of offenses committed in violation of this chapter which are simple misdemeanors.

[S13, §1569, 1571-2a, -m21, -m22, -m26, -m27, -m29, 4808-b; SS15, §1571-m12a; C24, §4903, 5081, 5089, 13119; C27, §4903, 5055-b4, 5081, 5089, 13119; C31, §4686-c2, 4903, 5055-b4, 5079-d6, 5081, 5089, 13119; C35, §4686-c2, 4903, 4991-f5, 5024-e3, 5055-b4, 5067-e2, 5079-d6, 5081, 5089, 13119; C39, §**5036.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.482]

84 Acts, ch 1067, §33

Referred to in §321.182, 321.482A

321.482A Violations causing serious injury or death — additional penalties.

Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.256, 321.257, section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333, section 321.372, subsection 3, or section 321.449B, causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law:

1. For a violation causing serious injury, a fine of five hundred dollars or suspension of the violator's driver's license or operating privileges for not more than ninety days, or both. For purposes of this subsection, *"serious injury"* means the same as defined in section 702.18.

2. For a violation causing death, a fine of one thousand dollars or suspension of the violator's driver's license or operating privileges for not more than one hundred eighty days, or both.

2006 Acts, ch 1021, §2; 2010 Acts, ch 1105, §7; 2010 Acts, ch 1193, §123; 2012 Acts, ch 1015, §3; 2012 Acts, ch 1083, §4; 2016 Acts, ch 1098, §34; 2018 Acts, ch 1017, §1; 2019 Acts, ch 79, §2; 2024 Acts, ch 1166, §8; 2025 Acts, ch 14, §11

321.483 Felony penalty — class "D" felony.

Any person who is convicted of a violation of this chapter which constitutes a felony, and for which another punishment is not otherwise provided, is guilty of a class "D" felony.

[C24, 27, 31, 35, §5081; C39, §**5036.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.483]

2022 Acts, ch 1021, §73

Referred to in §321.92

321.484 Offenses by owners.

1. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

2. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained

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in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the county attorney where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this subsection. Upon receipt of such evidence, the appropriate authority shall dismiss as against the owner of the vehicle any citation issued for a violation within the meaning of this subsection that occurred while the vehicle was in the custody of the identified person.

3. If a peace officer as defined in section 801.4 has reasonable cause to believe the driver of a motor vehicle has violated section 321.261, 321.262, 321.264, 321.341, 321.342, 321.343, 321.344, or 321.372, the officer may request any owner of the motor vehicle to supply information identifying the driver. When requested, the owner of the vehicle shall identify the driver to the best of the owner's ability. However, the owner of the vehicle is not required to supply identification information to the officer if the owner believes the information is self-incriminating.

4. A person who violates this section commits a simple misdemeanor.

[C24, 27, 31, 35, §5085; C39, §**5037.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.484; 81 Acts, ch 49, §3; 82 Acts, ch 1144, §1]

89 Acts, ch 247, §8; 92 Acts, ch 1152, §2; 95 Acts, ch 118, §27; 96 Acts, ch 1034, §24; 2000 Acts, ch 1061, §1; 2003 Acts, ch 151, §26; 2005 Acts, ch 54, §5, 12; 2010 Acts, ch 1140, §19

Referred to in §321.40, 321.344A, 321.372A

321.485 Notice to appear — promise to appear.

1. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of this chapter punishable as a simple, serious, or aggravated misdemeanor, such officer may:

a. Immediately arrest such person and take the person before a magistrate; or

b. Without arresting the person, either

(1) Prepare a written citation to appear in court containing the name and address of such person, the driver's license number, if any, the registration number, if any, of the person's vehicle, the offense charged, and the time and place the person shall appear in court; or

(2) Prepare a memorandum of the alleged traffic violation containing the name and address of such person, the registration number, if any, of the person's vehicle, the offense alleged to have been committed, and such other information as may be prescribed by the commissioner of public safety with the concurrence of the director of transportation.

2. If the officer prepares either a citation or a memorandum as provided in this section, the alleged offender shall be requested to sign it. If the person signs, the person may be released without arrest. In case a citation is issued, the signing shall constitute a written promise to appear as stated in the citation. A copy of the citation shall be presented to the person named therein. If a memorandum is prepared, the original shall be retained by the officer, and a copy shall be sent to the department, and a copy shall be presented to the person named therein.

3. For preparing the summons or memorandum referred to in this section, there shall be charged to the person named in the summons or memorandum, upon conviction, a fee of two dollars. The fee shall be assessed as part of the court costs.

4. The number of copies and the form of the citations and memorandums authorized by this section shall be as prescribed by the commissioner of public safety with the concurrence of the director of transportation.

5. This section shall not apply to a traffic offense which must be charged upon a uniform citation and complaint as provided in section 805.6.

[C24, 27, 31, 35, §5082; C39, §**5037.02, 5037.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §321.485, 321.486; C79, 81, §321.485]

83 Acts, ch 123, §130, 209; 90 Acts, ch 1230, §72; 98 Acts, ch 1073, §9

Referred to in §805.15

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321.486 Authorized bond forms.

When bond or bail is required under section 811.2 to guarantee appearance for any offense charged under this chapter, the following nonexclusive forms shall be permitted subject to the following limitations:

1. A current guaranteed arrest bond certificate as defined in section 321.1, subsection 30, shall be considered sufficient surety if the defendant is charged with an offense where the penalty does not exceed one thousand dollars.

2. A valid credit card, as defined in section 537.1301, subsection 17, may be used and is sufficient surety when the defendant is charged with a scheduled offense under section 805.8A, 805.8B, or 805.8C. The defendant may use a credit card for bail purposes only in accordance with rules of the department of public safety adopted pursuant to chapter 17A.

[C39, §**5037.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.486]

83 Acts, ch 101, §72; 2001 Acts, ch 137, §5; 2003 Acts, ch 6, §3

Referred to in §805.15

321.487 Violation of promise to appear.

1. Any person willfully violating a citation to appear in court given as provided in this chapter, is guilty of a simple misdemeanor, regardless of the disposition of the charge upon which the person was cited. Venue shall be in the county where the defendant was to appear or in the county where the person resides.

2. An appearance in response to such citation may be made either in person or by counsel.

[C39, §**5037.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.487]

2010 Acts, ch 1140, §20

Referred to in §805.9, 805.15

321.488 Procedure not exclusive.

The provisions of this chapter shall govern all peace officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the procedure prescribed in this chapter shall not be exclusive of any other method prescribed by law for the arrest and prosecution of a person.

[C39, §**5037.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.488]

2009 Acts, ch 133, §122; 2020 Acts, ch 1063, §155

321.489 Record inadmissible in a civil action.

No record of the conviction of any person for any violation of this chapter shall be admissible as evidence in any court in any civil action.

[C39, §**5037.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.489]

321.490 Conviction not to affect credibility.

The conviction of a person upon a charge of violating any provision of this chapter or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

[C39, §**5037.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.490]

321.491 Convictions and recommendations for suspension to be reported.

1. Every district judge, district associate judge, and judicial magistrate shall keep a full record of every case in which a person is charged with any violation of this chapter or of any other law regulating the operation of vehicles on highways.

2. *a.* Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every magistrate of the court or clerk of the district court of record in which the conviction occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case. The abstract of the record of the case must be certified by the person preparing it to be true and correct.

b. A certified abstract of the record of the case prepared for the department shall only be available to the public from the department. A noncertified record of conviction or forfeiture of bail shall be available to the public from the judicial branch. The clerk of the district

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court shall collect a fee of fifty cents for each noncertified copy of any record of conviction or forfeiture of bail furnished to any requester except the department or other local, state, or federal government entity. Moneys collected under this section shall be transferred to the department as appropriated receipts, as defined in section 8.2, to enhance the efficiency of the department to process records and information between the department and the Iowa court information system.

c. Notwithstanding any other provision in this section or chapter 22, the judicial branch shall be the provider of public electronic access to the clerk's records of convictions and forfeitures of bail through the Iowa court information system and shall, if all such records are provided monthly to a vendor, collect a fee from such vendor for the period beginning on July 1, 1997, and ending on June 30, 1999, which is the greater of three thousand dollars per month or the actual direct cost of providing the records. On and after July 1, 1999, if all such records are provided monthly to a vendor, the judicial branch shall collect a fee from such vendor which is the greater of ten thousand dollars per month or the actual direct cost of providing the records.

3. The abstract must be made upon a form furnished by the department or by copying a uniform citation and complaint or by using an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the citation, and must include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether the bail was forfeited, the amount of the fine or forfeiture, and any court recommendation, if any, that the person's driver's license be suspended. The department shall consider and act upon the recommendation.

4. Every clerk of a court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

5. The failure, refusal, or neglect of an officer to comply with the requirements of this section shall constitute misconduct in office and shall be grounds for removal from office.

6. All abstracts received by the department under this section shall be open to public inspection during reasonable business hours.

[S13, §1571-m23; C24, 27, 31, 35, §5076 – 5078; C39, §**5037.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.491]

90 Acts, ch 1230, §73; 93 Acts, ch 16, §10; 94 Acts, ch 1074, §2; 96 Acts, ch 1218, §66; 97 Acts, ch 104, §23; 98 Acts, ch 1047, §68; 98 Acts, ch 1073, §9; 98 Acts, ch 1178, §9; 99 Acts, ch 96, §35; 99 Acts, ch 207, §13; 2010 Acts, ch 1061, §120; 2024 Acts, ch 1185, §166

Referred to in §321.206, 321.555, 602.8102(51), 805.6, 805.9

LAW ENFORCEMENT

321.492 Peace officers' authority.

1. A peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle.

2. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle if the vehicle is a motor vehicle registered in this state.

3. *a.* All peace officers as defined in section 801.4, subsection 11, paragraphs *"a"*, *"b"*, *"c"*, and *"h"* may, having reasonable grounds that equipment violations exist, conduct spot inspections.

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b. The department may designate employees under the supervision of the department's administrator of motor vehicles to conduct spot inspections.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.492]

84 Acts, ch 1305, §69; 86 Acts, ch 1245, §1936; 97 Acts, ch 139, §6, 7, 17, 18; 98 Acts, ch 1073, §8, 9; 98 Acts, ch 1100, §48; 98 Acts, ch 1121, §8; 2016 Acts, ch 1011, §51

321.492A Quotas on citations prohibited.

A political subdivision or agency of the state shall not order, mandate, require, or in any other manner, directly or indirectly, suggest to a peace officer employed by the political subdivision or agency that the peace officer shall issue a certain number of traffic citations, police citations, memorandums of traffic violations, or memorandums of faulty equipment on a daily, weekly, monthly, quarterly, or yearly basis.

85 Acts, ch 226, §1; 96 Acts, ch 1034, §25

321.492B Use of unmanned aerial vehicle for traffic law enforcement prohibited.

The state or a political subdivision of the state shall not use an unmanned aerial vehicle for traffic law enforcement.

2014 Acts, ch 1111, §1

CIVIL LIABILITY

321.493 Liability for damages.

1. For purposes of this section:

a. "Owner" means the person to whom the certificate of title for the vehicle has been issued or assigned or to whom a manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned. However, if the vehicle is leased, *"owner"* means the person to whom the vehicle is leased, not the person to whom the certificate of title for the vehicle has been issued or assigned or to whom the manufacturer's or importer's certificate of origin for the vehicle has been delivered or assigned.

b. "Leased" means the transfer of the possession or right to possession of a vehicle to a lessee for a valuable consideration for a continuous period of twelve months or more, pursuant to a written agreement.

2. *a.* Subject to paragraph *"b"*, in all cases where damage is done by any motor vehicle by reason of negligence of the driver, and driven with the consent of the owner, the owner of the motor vehicle shall be liable for such damage.

b. The owner of a vehicle with a gross vehicle weight rating of seven thousand five hundred pounds or more who rents the vehicle for less than a year under an agreement which requires an insurance policy covering at least the minimum levels of financial responsibility prescribed by law, shall not be deemed to be the owner of the vehicle for the purpose of determining financial responsibility for the operation of the vehicle or for the acts of the operator in connection with the vehicle's operation.

3. A person who has made a bona fide sale or transfer of the person's right, title, or interest in or to a motor vehicle and who has delivered possession of the motor vehicle to the purchaser or transferee shall not be liable for any damage thereafter resulting from negligent operation of the motor vehicle by another, but the purchaser or transferee to whom possession was delivered shall be deemed the owner. The provisions of section 321.45, subsection 2, shall not apply in determining, for the purpose of fixing liability under this subsection, whether such sale or transfer was made.

[C24, 27, 31, 35, §4964, 5026; C39, §**5002.07, 5037.09;** C46, 50, 54, 58, 62, §321.51, 321.493; C66, 71, 73, 75, 77, 79, 81, §321.493]

95 Acts, ch 136, §1; 97 Acts, ch 108, §30; 2010 Acts, ch 1069, §101

Referred to in §321.45, 321.344A, 321.372A, 321A.1, 321P.7

Exemption from execution denied, §627.7

321.494 through 321.497 Reserved.

UNOFFICIAL VERSION AS YEAR RELEASE

ACTIONS AGAINST NONRESIDENTS

321.498 Legal effect of use and operation.

1. The acceptance by any nonresident of this state of the privileges extended by the laws of this state to nonresident operators or owners of operating a motor vehicle, or having the same operated, within this state shall be deemed to be all of the following:

a. An agreement by the nonresident that the nonresident shall be subject to the jurisdiction of the district court of this state over all civil actions and proceedings against the nonresident for damages to person or property growing or arising out of such use and operation.

b. An appointment by such nonresident of the director of this state as the nonresident's lawful attorney upon whom may be served all original notices of suit pertaining to such actions and proceedings.

c. An agreement by such nonresident that any original notice of suit so served shall be of the same legal force and validity as if personally served on the nonresident in this state.

2. *a.* *"Nonresident"* shall include any person who was, at the time of the accident or event, a resident of the state of Iowa but who removed from the state before the commencement of such action or proceedings.

b. *"Person"* shall mean:

(1) The owner of the vehicle whether it is being used and operated personally by the owner, or by the owner's agent.

(2) An agent using and operating the vehicle for the agent's principal.

(3) Any person who is in charge of the vehicle and of the use and operation thereof with the express or implied consent of the owner.

[C31, 35, §5079-d11; C39, §**5038.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.498]
2010 Acts, ch 1069, §102; 2013 Acts, ch 90, §84; 2014 Acts, ch 1092, §78
Referred to in §321.507, 321.511, 321.556

321.499 "Person" defined. Repealed by 2013 Acts, ch 90, §216. See §321.498.

321.500 Original notice — form.

The original notice of suit filed with the director of transportation against a nonresident shall be in form and substance the same as provided in rule of civil procedure 1.1901, form 2, Iowa court rules.

[C31, 35, §5079-d13; C39, §**5038.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.500]
83 Acts, ch 101, §73; 2002 Acts, ch 1119, §106
Referred to in §321.507, 321.511, 321.556

321.501 Manner of service.

The plaintiff in any action against a nonresident shall cause the original notice of suit to be served by doing all of the following:

1. By filing a copy of the original notice of suit with the director, together with a fee of two dollars.

2. By mailing to the defendant, and to each of the defendants if there are more than one, within ten days after said filing with the director, by restricted certified mail addressed to the defendant at the defendant's last known residence or place of abode, a notification of the filing with the director.

[C31, 35, §5079-d14; C39, §**5038.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.501]
2021 Acts, ch 80, §178; 2022 Acts, ch 1021, §74
Referred to in §321.502, 321.507, 321.511, 321.556

321.502 Notification to nonresident — form.

The notification, provided for in section 321.501, shall be in substantially the following form, to wit:

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To ..... (Here insert the name of each defendant and the defendant's residence or last known place of abode as definitely as known.)

You will take notice that an original notice of suit against you, a copy of which is hereto attached, was duly served upon you at Des Moines, Iowa, by filing a copy of said notice on the ..... day of ....., ..., with the director of transportation of the state of Iowa.

Dated at ....., Iowa, this ..... day of ....., ...

.....

Plaintiff.

By.....

Attorney for plaintiff.

[C31, 35, §5079-d15; C39, §**5038.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.502]
2001 Acts, ch 24, §46
Referred to in §321.504, 321.507, 321.511, 321.556

321.503 Reserved.

321.504 Optional notification.

In lieu of mailing the notification described in section 321.502 to the defendant in a foreign state, the plaintiff may cause the notification to be personally served in the foreign state on the defendant by any adult person not a party to the suit, by delivering the notification to the defendant or by offering to make such delivery in case the defendant refuses to accept delivery.

[C31, 35, §5079-d17; C39, §**5038.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.504]
2020 Acts, ch 1063, §156; 2021 Acts, ch 76, §59
Referred to in §321.507, 321.511, 321.556

321.505 Proof of service.

Proof of the filing of a copy of said original notice of suit with the director, and proof of the mailing or personal delivery of said notification to said nonresident shall be made by affidavit of the party doing said acts. All affidavits of service shall be endorsed upon or attached to the originals of the papers to which they relate. All proofs of service, including the restricted certified mail return receipt, shall be forthwith filed with the clerk of the district court.

[C31, 35, §5079-d18; C39, §**5038.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.505]
Referred to in §321.507, 321.511, 321.556

321.506 Actual service within this state.

The provisions of this chapter relative to service of original notice of suit on nonresidents shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form, and under the conditions provided for service on residents.

[C31, 35, §5079-d19; C39, §**5038.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.506]
2009 Acts, ch 133, §123
Referred to in §321.507, 321.511, 321.556

321.507 Venue of actions.

Actions against nonresidents as contemplated by sections 321.498, 321.500 through 321.502, 321.504 through 321.506, and 321.508 through 321.512 may be brought in the county of which plaintiff is a resident, or in the county in which the injury was received, or damage done.

[C31, 35, §5079-d20; C39, §**5038.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.507]
2021 Acts, ch 80, §179
Referred to in §321.511

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321.508 Continuances.

The court in which such action is pending shall grant such continuances to a nonresident defendant as may be necessary to afford the nonresident defendant reasonable opportunity to defend said action.

[C31, 35, §5079-d21; C39, §**5038.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.508]
Referred to in §321.507, 321.511

321.509 Duty of director.

The director shall keep a record of all notices of suit filed with the director, shall not permit said filed notices to be taken from the director's office except on an order of court, and shall, on request, and without fee, furnish any defendant with a certified copy of the notice in which the person is defendant.

[C31, 35, §5079-d22; C39, §**5038.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.509]
Referred to in §321.507, 321.511

321.510 Expenses and attorney fees.

If judgment is rendered against the plaintiff, upon the trial of said action, said judgment shall include the reasonable expenses incurred by the defendant and the defendant's attorney in appearing to and defending against said action, provided that in the judgment of the trial court said action was commenced maliciously or without probable cause.

[C31, 35, §5079-d23; C39, §**5038.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.510]
Referred to in §321.507, 321.511

321.511 Dismissal — effect.

The dismissal of an action after the nonresident has entered a general appearance under the substituted service authorized in section 321.498, sections 321.500 through 321.502, and sections 321.504 through 321.510, shall bar the recommencement of the same action against the same defendant unless the recommenced action is accompanied by actual personal service of the original notice of suit on the defendant in this state.

[C31, 35, §5079-d24; C39, §**5038.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.511]
2020 Acts, ch 1063, §157
Referred to in §321.507

321.512 Action against insurance.

Any contract insuring the liability of a nonresident motorist in Iowa shall, in the event of the death of said nonresident, be considered an asset of the nonresident's estate having a situs in Iowa in any civil action arising out of a motor vehicle accident in which said nonresident may be liable.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.512]
Referred to in §321.507

321.513 Nonresident traffic violator compact.

1. *Authority to compact.* The director may enter into nonresident violator compacts with other jurisdictions. The compacts shall contain in substantially the same form the following provisions:

a. Definitions. For purposes of the nonresident violator compact, unless the context requires otherwise:

(1) "*Citation*" means a summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond.

(2) "*Collateral*" means cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

(3) "*Court*" means a court of law or traffic tribunal.

(4) "*Driver's license*" means a license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(5) "*Home jurisdiction*" means the jurisdiction that issued the driver's license of the traffic violator.

(6) "*Issuing jurisdiction*" means the jurisdiction in which the traffic citation was issued to the motorist.

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(7) *"Jurisdiction"* means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) *"Motorist"* means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) *"Personal recognizance"* means an agreement by a motorist made at the time of issuance of the traffic citation that the motorist will comply with the terms of that traffic citation.

(10) *"Police officer"* means a peace officer as defined in section 801.4 authorized by the party jurisdiction to issue a citation for a traffic violation.

(11) *"Terms of the citation"* means those options expressly stated upon the citation.

b. Procedure for issuing jurisdiction.

(1) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, except as provided in subparagraph (2) of this paragraph, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed personal recognizance that the motorist will comply with the terms of the citation.

(2) Unless prohibited by law, personal recognizance is acceptable. If mandatory appearance is required by law, the appearance must take place immediately following issuance of the citation.

(3) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued, and that licensing authority shall transmit the information contained in the report to the licensing authority in the home jurisdiction of the motorist.

(4) The licensing authority of the issuing jurisdiction shall not suspend for failure to comply with the terms of a traffic citation the driving privilege of a motorist for whom a report has been transmitted.

(5) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation if the date of transmission is more than six months after the date the traffic citation was issued.

(6) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation where the date of issuance of the citation predates the most recent effective date of entry for the two jurisdictions.

c. Procedure for home jurisdiction. Upon receipt of a report of a failure to comply, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards shall be accorded.

d. Exceptions. The provisions of the nonresident violator compact do not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

e. Additional provisions. The nonresident violator compact may contain other provisions the director reasonably determines are necessary or appropriate for inclusion in the compact.

2. *Rules.* The department may adopt rules pursuant to chapter 17A as necessary to carry out the provisions of this section.

3. *Enforcement.* The agencies and officers of this state and its political subdivisions shall enforce the nonresident violator compacts and shall do all things appropriate to accomplish their purpose and intent.

[C81, §321.513]

86 Acts, ch 1245, §1937

Referred to in §321.203, 321.210, 321.212, 321.215, 321.218, 321A.17

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AUTOMATED DRIVING SYSTEMS

321.514 Definitions.

As used in this section and sections 321.515 through 321.519, unless the context otherwise requires:

1. *"Automated driving system"* means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the system is limited to a specific operational design domain, if any.

2. *"Conventional human driver"* means a natural person who manually controls the in-vehicle accelerating, braking, steering, and transmission gear selection input devices in order to operate a motor vehicle.

3. *"Driverless-capable vehicle"* means a system-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system's operational design domain, if any, including but not limited to achievement of a minimal risk condition without intervention or supervision by a conventional human driver.

4. *"Dynamic driving task"* means all real-time operational and tactical functions required to operate a motor vehicle on a highway in traffic within an automated driving system's specific operational design domain, if any. *"Dynamic driving task"* does not include any strategic function such as trip scheduling or the selection of destinations and waypoints.

5. *"Minimal risk condition"* means a reasonably safe state to which an automated driving system brings a system-equipped vehicle upon experiencing a performance-relevant failure of the system that renders the system unable to perform the entire dynamic driving task, including but not limited to removing the vehicle to the nearest shoulder if the vehicle is capable of doing so, bringing the vehicle to a complete stop, and activating the vehicle's emergency signal lamps.

6. *"On-demand driverless-capable vehicle network"* means a transportation service network that uses a software application or other digital means to dispatch driverless-capable vehicles for the purposes of transporting persons or goods, including transportation for hire as defined in section 325A.1, and public transportation.

7. *"Operational design domain"* means a set of constraints used to define the domain under which an automated driving system is designed to properly operate, including but not limited to types of highways, speed ranges, environmental conditions such as weather or time of day, and other constraints.

8. *"System-equipped vehicle"* means a motor vehicle equipped with an automated driving system.

2019 Acts, ch 75, §1
Referred to in §321.519

321.515 Operation.

1. A driverless-capable vehicle may operate on the public highways of this state without a conventional human driver physically present in the vehicle, if the vehicle meets all of the following conditions:

a. The vehicle is capable of achieving a minimal risk condition if a malfunction of the automated driving system occurs that renders the system unable to perform the entire dynamic driving task within the system's intended operational design domain, if any.

b. While in driverless operation, the vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, unless an exemption has been granted to the vehicle by the department.

c. The vehicle has been certified by the vehicle's manufacturer to be in compliance with all applicable federal motor vehicle safety standards, except to the extent an exemption has been granted for the vehicle under applicable federal law or by the national highway traffic safety administration.

2. *a.* The operation of a system-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system's operational design domain on the public highways of this state while a conventional human driver is present in the vehicle

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shall be lawful. During such operation, the conventional human driver shall possess a valid driver's license pursuant to section 321.174 and shall be subject to the financial liability coverage requirements and penalties set forth under section 321.20B. The conventional human driver shall operate the system-equipped vehicle according to the manufacturer's requirements and specifications, and shall regain manual control of the vehicle when prompted by the automated driving system.

b. An automated driving system, while engaged, shall be designed to operate within the system's operational design domain in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, unless an exemption has been granted to the vehicle by the department.

3. Except as provided in this section, the motor vehicle laws of this state shall not be construed to require a conventional human driver to operate a driverless-capable vehicle that is being operated by an automated driving system. The automated driving system, while engaged, shall be deemed to fulfill any physical acts required of a conventional human driver to perform the dynamic driving task.

2019 Acts, ch 75, §2
Referred to in §321.514, 321.519

321.516 Insurance.

Before a system-equipped vehicle is allowed to operate on the public highways of this state, the owner shall obtain financial liability coverage for the vehicle. A system-equipped vehicle shall not operate on the highways of this state unless financial liability coverage is in effect for the vehicle and unless proof of financial liability coverage is carried in the vehicle pursuant to section 321.20B.

2019 Acts, ch 75, §3
Referred to in §321.514, 321.519

321.517 Accidents.

In the event of an accident in which a system-equipped vehicle is involved, the vehicle shall remain at the scene of the accident and the operation of the vehicle shall otherwise comply with sections 321.261 through 321.273 where applicable and to the extent possible, and the vehicle's owner or a person on behalf of the vehicle's owner shall promptly report the accident to law enforcement authorities. If a system-equipped vehicle fails to remain at the scene of an accident or the operation of the vehicle fails to otherwise comply with sections 321.261 through 321.273 where applicable and to the extent possible as required by this section, the vehicle's failure shall be imputed to the vehicle's owner, and the vehicle's owner may be charged and convicted of a violation of sections 321.261 through 321.273, as applicable.

2019 Acts, ch 75, §4
Referred to in §321.514, 321.519

321.518 On-demand driverless-capable vehicle network.

A person may operate an on-demand driverless-capable vehicle network. An on-demand driverless-capable vehicle network may be used to facilitate the transportation of persons or goods, including transportation for hire as defined in section 325A.1, and public transportation. An on-demand driverless-capable vehicle network may connect passengers to driverless-capable vehicles either exclusively or as part of a digital network that also connects passengers to conventional human drivers who provide transportation services, consistent with chapter 321N or any other applicable laws, in vehicles that are not driverless-capable vehicles.

2019 Acts, ch 75, §5
Referred to in §321.514, 321.519

321.519 Authority.

1. Automated driving systems and system-equipped vehicles shall be governed by sections 321.514 through 321.518, this section, and all applicable traffic and motor vehicle safety laws and regulations of this state. Automated driving systems and system-equipped vehicles shall

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be regulated exclusively by the department. The department may adopt rules pursuant to chapter 17A to administer sections 321.514 through 321.518, and this section.

2. A political subdivision of the state shall not impose requirements, including but not limited to performance standards, specific to the operation of system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks that are in addition to the requirements set forth under sections 321.514 through 321.518. A political subdivision of the state shall not impose a tax on system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks where such tax relates specifically to the operation of system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks.

3. Sections 321.514 through 321.518 and this section do not apply to personal delivery devices operated pursuant to chapter 321O.

2019 Acts, ch 75, §6; 2021 Acts, ch 119, §2
Referred to in §321.514

321.520 through 321.554 Reserved.

HABITUAL OFFENDER

321.555 Habitual offender defined.

As used in this section and sections 321.556 through 321.562, *"habitual offender"* means any person who has accumulated convictions for separate and distinct offenses described in subsection 1, 2, or 3, committed after July 1, 1974, for which final convictions have been rendered, as follows:

1. Three or more of the following offenses, either singularly or in combination, within a six-year period:

a. Manslaughter resulting from the operation of a motor vehicle.

b. Operating a motor vehicle in violation of section 321J.2 or its predecessor statute.

c. Driving a motor vehicle while the person's driver's license is suspended, denied, revoked, or barred.

d. Perjury or the making of a false affidavit or statement under oath to the department of public safety.

e. An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used.

f. Failure to stop and leave information, to render aid, or to otherwise comply with sections 321.261 and 321.263.

g. Eluding or attempting to elude a pursuing law enforcement vehicle in violation of section 321.279.

h. Serious injury by a vehicle in violation of section 707.6A, subsection 4.

2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section 321.491 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of sections 321.445 and 321.446, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit.

3. The offenses included in subsections 1 and 2 shall be deemed to include offenses under any valid town, city or county ordinance paralleling and substantially conforming to the provisions of the Code concerning such offenses.

[C75, 77, 79, 81, §321.555; 82 Acts, ch 1167, §10]

84 Acts, ch 1016, §4; 84 Acts, ch 1022, §9; 86 Acts, ch 1009, §3; 86 Acts, ch 1220, §37; 89 Acts, ch 296, §36; 90 Acts, ch 1230, §74 – 76; 93 Acts, ch 87, §8; 97 Acts, ch 104, §24; 97 Acts, ch 177, §2; 98 Acts, ch 1073, §9; 2010 Acts, ch 1105, §8; 2014 Acts, ch 1092, §79; 2021 Acts, ch 180, §5; 2025 Acts, ch 14, §12
Referred to in §321.213, 321.215, 321.556, 321.560, 321.562

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321.556 Notice and hearing — findings and order.

1. If, upon review of the record of convictions of any person, the department determines that the person appears to be a habitual offender, the department shall immediately notify the person in writing and afford the licensee an opportunity for a hearing. Notwithstanding chapter 17A, the notice shall meet the requirements of section 321.16 and shall be served in the manner provided in that section. Service of notice on any nonresident of this state may be made in the same manner as provided in sections 321.498 through 321.506. A peace officer stopping a person for whom a notice has been issued under this section may personally serve the notice upon forms approved by the department to satisfy the notice requirements of this section. A peace officer may confiscate the driver's license of a person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the driver's license to the department as required.

2. The hearing shall be conducted as provided in section 17A.12 before the department in the county where the alleged events occurred, unless the director and the person agree that the hearing may be held in some other county, or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing. The hearing shall be recorded and its scope shall be limited to the issue of whether the person notified is a habitual offender.

3. An abstract certified by the director of transportation may be admitted as evidence as provided in section 622.43, at the hearing, and shall be prima facie evidence that the person named in the abstract was duly convicted by the court in which the conviction or holding was made of each offense shown by the abstract. If the person named in the abstract denies conviction of any of the relevant convictions contained in the abstract, the person shall have the burden of proving that the conviction is untrue. For purposes of this subsection, a conviction is relevant if it is for one of the offenses listed in section 321.555.

4. If the department finds that the person is not the same person named in the abstract, or otherwise concludes that the person is not a habitual offender as provided in section 321.555, the department shall issue a decision dismissing the proceedings. If the department's findings and conclusions are that the person is a habitual offender, the department shall issue an order prohibiting the person from operating a motor vehicle on the highways of this state for the period specified in section 321.560. If a person is found to be a habitual offender, the person shall surrender all licenses or permits to operate a motor vehicle in this state to the department. A person who is found to be a habitual offender may be assessed a fee by the department to cover the costs of the habitual offender proceedings. Fees assessed shall be paid before the person may be issued a license or permit to operate a motor vehicle in this state.

[C75, 77, 79, 81, §321.556]

95 Acts, ch 143, §2; 98 Acts, ch 1073, §9; 2000 Acts, ch 1133, §13; 2001 Acts, ch 32, §46

Referred to in §321.555, 321.562

321.557 through 321.559 Reserved.

321.560 Period of revocation — temporary restricted licenses.

1. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 1, for a period of not less than two years nor more than six years from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later.

a. A temporary restricted license may be issued pursuant to section 321.215, subsection 2, to a person declared to be a habitual offender under section 321.555, subsection 1, paragraph "*c*".

b. A temporary restricted license may be issued pursuant to section 321J.20 to a person declared to be a habitual offender due to a combination of the offenses listed under section 321.555, subsection 1, paragraphs "*b*" and "*c*".

2. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 2, for a period of one

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year from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later.

3. The department shall adopt rules under chapter 17A that establish a point system which shall be used to determine the period for which a person who is declared to be a habitual offender under section 321.555, subsection 1, shall not be issued a license.

4. A person who is determined to be a habitual offender while the person's license is already revoked for being a habitual offender under section 321.555 shall not be issued a license to operate a motor vehicle in this state for a period of not less than two years nor more than six years. The revocation period may commence either on the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later, or on the date the previous revocation expires.

[C75, 77, 79, 81, §321.560]

95 Acts, ch 143, §3; 96 Acts, ch 1034, §26; 97 Acts, ch 108, §31; 2000 Acts, ch 1138, §2; 2001 Acts, ch 132, §13; 2002 Acts, ch 1119, §154; 2010 Acts, ch 1097, §2; 2018 Acts, ch 1110, §1, 9

Referred to in §321.215, 321.555, 321.556, 321.561, 321.562, 321J.20

321.561 Punishment for violation.

It shall be unlawful for any person found to be a habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560 except for a habitual offender who has been granted a temporary restricted license pursuant to section 321.215, subsection 2. A person violating this section commits an aggravated misdemeanor.

[C75, 77, 79, 81, §321.561]

87 Acts, ch 34, §1; 95 Acts, ch 143, §4; 96 Acts, ch 1034, §27; 2001 Acts, ch 132, §14

Referred to in §321.555, 321.562, 321J.4B

321.562 Rule of construction.

Nothing in sections 321.555 through 321.561 or this section shall be construed as amending, modifying, or repealing any existing law of this state or any ordinance of any political subdivision relating to the operation of motor vehicles, the licensing of persons to operate motor vehicles, or providing penalties for the violation thereof.

[C75, 77, 79, 81, §321.562]

2014 Acts, ch 1092, §80

Referred to in §321.555

CHAPTER 321A

MOTOR VEHICLE FINANCIAL RESPONSIBILITY

Referred to in §307.27, 321.1, 321.10, 321.16A, 321.20B, 321.213, 321.215, 321N.4, 707.6A

For sanctions related to driving a motor vehicle without financial liability coverage, see §321.20B

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SUBCHAPTER I

WORDS AND PHRASES DEFINED

321A.1 Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

1. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. *"Department"* means the state department of transportation.

3. *"Judgment"* means a judgment which has become final by expiration without appeal during the time within which an appeal might have been perfected, or a judgment if an appeal from the judgment has been perfected, which has not been stayed by the execution, filing, and approval of a bond as provided in rule of appellate procedure 6.601(1), or a judgment which has become final by affirmation on appeal, rendered by a court of competent jurisdiction of a state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of a motor vehicle, as defined in this section, for damages, including damages for care and loss of services, because of bodily injury to or death of a person, or for damages because of injury to or destruction of property, including the loss of use of property, or upon a cause of action on an agreement of settlement for such damages.

4. *"License"* means a driver's license as defined in section 321.1 issued under the laws of this state.

5. *"Motor vehicle"* means every vehicle which is self-propelled, but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires and not operated upon rails. The term *"car"* or *"automobile"* shall be

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synonymous with the term *"motor vehicle"*. *"Motor vehicle"* does not include special mobile equipment as defined in this section.

6. *"Nonresident"* means every person who is not a resident of this state.

7. *"Nonresident operating privilege"* means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the nonresident of a motor vehicle, or the use of a motor vehicle owned by the nonresident, in this state.

8. *"Operator"* means a person who is in actual physical control of a motor vehicle whether or not that person has a driver's license as required under the laws of this state.

9. *"Owner"* means a person who holds the legal title of a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this chapter or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this chapter.

10. *"Person"* means every natural person, firm, partnership, association, or corporation.

11. *"Proof of financial responsibility"* means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of twenty thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

12. *"Registration"* means a registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

13. *"Special mobile equipment"* means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and implements of husbandry as defined in section 321.1, subsection 32. This description does not exclude other vehicles which are within the general terms of this subsection.

14. *"State"* means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.1]

83 Acts, ch 101, §74; 90 Acts, ch 1230, §77; 92 Acts, ch 1175, §39; 95 Acts, ch 136, §2; 98 Acts, ch 1073, §9; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2005 Acts, ch 131, §1, 2, 5; 2008 Acts, ch 1032, §106; 2009 Acts, ch 179, §36; 2016 Acts, ch 1011, §52; 2017 Acts, ch 54, §46; 2022 Acts, ch 1021, §75

Referred to in §321.12, 321A.24, 516A.1, 516A.2

SUBCHAPTER II

ADMINISTRATION

321A.2 Department to administer chapter — judicial review.

1. *a.* The department shall administer and enforce the provisions of this chapter and may make rules necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under the provisions of sections 321A.4 through 321A.11.

b. The hearings shall be held before the department as early as practicable within not to exceed twenty days after receipt of the request in the county in which the requesting person resides unless the department and the requesting person agree that the hearing may be held in some other county. Upon hearing the department may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination under oath of the person requesting the hearing.

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2. Judicial review of the actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.2]

88 Acts, ch 1278, §34; 92 Acts, ch 1175, §43; 2003 Acts, ch 44, §114; 2010 Acts, ch 1061, §180; 2021 Acts, ch 80, §180

321A.3 Abstract of operating record — fees to be charged and disposition of fees.

1. The department of transportation shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321 or 321J, or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the department of transportation shall so certify. A fee of five dollars and fifty cents shall be paid for each abstract except for abstracts requested by state, county, or city officials, court officials, public transit officials, or other officials of a political subdivision of the state or a nonprofit charitable organization described in section 501(c)(3) of the Internal Revenue Code. Except for any additional access fee collected under subsection 7, the department of transportation shall transfer the moneys collected under this section to the treasurer of state who shall credit to the general fund all moneys collected. If a fee established in this subsection is collected by the department of management for a record furnished through an electronic portal maintained by the department of management, the department of management shall transfer the moneys collected under this subsection to the treasurer of state who shall credit the moneys to the general fund.

2. A sheriff may provide an abstract of the operating record of a person to the person or an individual authorized by the person. The sheriff shall charge a fee of five dollars and fifty cents for each abstract which the sheriff shall transfer to the department quarterly. The sheriff may charge an additional fee sufficient to cover costs incurred by the sheriff in producing the abstract.

3. The abstracts are not admissible as evidence in an action for damages or criminal proceedings arising out of a motor vehicle accident.

4. The abstract of operating record provided under this section that includes a speeding violation must designate whether the violation was ten or fewer miles per hour over the speed limit and occurred under any of the following circumstances:

a. The violation occurred on or after July 1, 1986, but before May 12, 1987, in a speed zone with a speed limit greater than thirty-five miles per hour.

b. The violation occurred on or after May 12, 1987, but before July 1, 2026, in a speed zone with a speed limit between thirty-four miles per hour and fifty-six miles per hour.

c. The violation occurred on or after July 1, 2026, in a speed zone with a speed limit between thirty-four miles per hour and sixty-one miles per hour.

5. The department shall not require a fee for a person to view their own operating record.

6. Fees under subsection 1 may be paid by credit cards, as defined in section 537.1301, subsection 17, approved for that purpose by the department of transportation. The department shall enter into agreements with financial institutions extending credit through the use of credit cards to ensure payment of the fees. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this subsection.

7. Notwithstanding chapter 22 or any other law of this state, except as provided in subsection 5, the department shall not make available a certified operating record in a manner which would result in a fee of less than that provided under subsection 1. Should the department make available certified copies of abstracts of operating records on magnetic tape or on disk or through electronic data transfer, the five dollar and fifty cent fee under subsection 1 applies to each abstract supplied, and an additional access fee may be charged for each abstract supplied through electronic data transfer.

8. *a.* (1) A person who purchases a certified abstract of an operating record directly from the department under this section shall only use, sell, disclose, or distribute the abstract or any portion of the abstract one time, for one purpose, and the person shall not supply that abstract or any portion of that abstract to more than one other person. The person shall

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make a subsequent request for the abstract and pay an additional fee for the request in the same manner as provided for the initial request for any subsequent use, sale, disclosure, or distribution of the same certified abstract or any portion of the abstract or to supply the same certified abstract or any portion of the abstract to another person, except as provided in subparagraph (2).

(2) Notwithstanding the limitation on use, sale, disclosure, and distribution of a certified abstract under subparagraph (1), a person who purchases a certified abstract under this section may provide a copy of the previously purchased certified abstract to the person who is an insurer who was originally supplied the certified abstract by the person who purchased the certified abstract.

b. A person who is supplied a certified abstract or any portion of the abstract by a person who purchases the certified abstract under paragraph *"a"* shall only use the abstract one time, for one purpose, and shall not reuse, sell, disclose, or distribute the abstract or any portion of the abstract except as provided in paragraph *"c"*.

c. A person who is an insurer or an insurance producer licensed under chapter 522B who purchases a certified abstract under this section or a person who is supplied a certified abstract or any portion of the abstract pursuant to paragraph *"b"* may use the certified abstract pursuant to this paragraph *"c"* for more than one use for the following purposes:

(1) To provide a copy to a consumer with respect to a specific decision impacting the consumer and made in whole or in part based upon information contained in the certified abstract, as defined by rule of the department.

(2) Internal auditing purposes, or similar internal purposes as defined by rule of the department.

(3) Internal purposes in a manner consistent with the federal Driver's Privacy Protection Act, 18 U.S.C. §2721 – 2725, by a person who is an insurer.

(4) To show compliance with the retention requirements imposed under this section or other applicable law.

(5) By an insurer, to provide a copy to an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of a specific application for coverage. However, a producer who is provided a certified abstract pursuant to this subparagraph shall not reuse, sell, disclose, or distribute the abstract with respect to any transaction not associated with the insurer who appointed the producer.

(6) To provide a copy to an insurer for purposes of a specific application for coverage if the person requesting the certified abstract is an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of the specific application for coverage.

(7) To provide a copy, for the purpose of a specific application for coverage or for a purpose as provided under subparagraphs (1) through (4), to an affiliate of the person who is an insurer who originally purchased or was supplied the certified abstract. An affiliate who receives a copy of a certified abstract pursuant to this subparagraph shall only use the copy of the abstract one time and shall not reuse, sell, disclose, or distribute the copy to any other person, except as provided under subparagraphs (1) through (5) in the same manner as permitted for a person who is an insurer.

d. For purposes of this subsection, *"affiliate"* means an insurer who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the person who is an insurer.

e. A person who purchases a certified abstract directly from the department pursuant to this section shall keep records for a period of five years identifying the persons to whom the abstract is provided and the use of the abstract. Records maintained pursuant to this subsection shall be made available to the department upon request. A person who is otherwise supplied a certified abstract and who then provides that abstract to another person for a purpose other than the purposes identified under paragraph *"c"* shall also be subject to the recordkeeping requirements under this paragraph.

f. A person shall not use, sell, disclose, or distribute any abstract information or portion of the abstract information acquired under this section except as authorized by this section and any applicable rules of the department. Nothing in this section shall be construed to authorize the use, sale, disclosure, or distribution of personal information, protected personal

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information, or highly protected personal information as prohibited under section 321.11 or the federal Driver's Privacy Protection Act, 18 U.S.C. §2721 – 2725.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.3; 81 Acts, ch 14, §26]

83 Acts, ch 80, §1; 87 Acts, ch 120, §6; 88 Acts, ch 1158, §67; 88 Acts, ch 1214, §1; 88 Acts, ch 1278, §35 – 39; 89 Acts, ch 296, §37; 89 Acts, ch 317, §35; 90 Acts, ch 1267, §38; 92 Acts, ch 1175, §43; 93 Acts, ch 169, §19; 99 Acts, ch 207, §14; 2008 Acts, ch 1191, §58, 59; 2009 Acts, ch 126, §1; 2009 Acts, ch 179, §37; 2017 Acts, ch 39, §1; 2024 Acts, ch 1185, §167; 2026 Acts, ch 1132, §4

Referred to in §692.20

See annual Iowa Acts for provisions relating to the transfer of a portion of the fees collected for furnishing a certified abstract of a vehicle operating record in a fiscal year to the IowAccess revolving fund

Subsection 4 amended

SUBCHAPTER III

SECURITY FOLLOWING ACCIDENT

321A.4 Effect of failure to report accidents.

The department shall suspend the license or any nonresident's operating privilege of any person who willfully fails, refuses, or neglects to make reports of a traffic accident as required by the laws of this state.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.4]

92 Acts, ch 1175, §43

Referred to in §321A.2, 321A.8, 321A.9, 321A.10, 321A.11, 321A.33

321A.5 Security required following accident — exceptions.

1. The department shall, immediately or within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death to any person, or property damage in the amount of five thousand dollars or more, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in the accident, and if the operator is a nonresident the privilege of operating a motor vehicle within this state, and if the owner is a nonresident the privilege of the use within this state of any motor vehicle owned by the owner, unless the operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the department to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against the operator or owner; provided notice of the suspension shall be sent by the department to the operator and owner not less than ten days prior to the effective date of the suspension and shall state the amount required as security.

2. This section shall not apply under the conditions stated in section 321A.6 or to any of the following:

a. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

b. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to the operator's operation of motor vehicles not owned by the operator;

c. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance policy or bonds; or

d. To such owner if such owner is at the time of such accident qualified as a self-insurer under section 321A.34, or to any such operator operating such motor vehicle for such self-insurer.

3. A policy or bond is not effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if the motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, the policy or bond is not effective under this section unless the insurance company or surety company if not authorized to do business in this state executes a power

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of attorney authorizing the department to accept service on its behalf of notice or process in any action upon the policy or bond arising out of the accident. Every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

4. Upon receipt of a report of a motor vehicle accident and information that an automobile liability policy or surety bond meeting the requirements of this chapter was in effect at the time of this accident covering liability for damages resulting from such accident, the department shall forward by regular mail to the insurance carrier or surety carrier which issued such policy or bond a copy of such information concerning insurance or bond coverage, and it shall be presumed that such policy or bond was in effect and provided coverage to both the operator and the owner of the motor vehicle involved in such accident unless the insurance carrier or surety carrier shall notify the department otherwise within fifteen days from the mailing of such information to such carrier; provided, however, that in the event the department shall later ascertain that erroneous information had been given the department in respect to the insurance or bond coverage of the operator or owner of a motor vehicle involved in such accident, the department shall take such action as the department is otherwise authorized to do under this chapter within sixty days after the receipt by the department of correct information with respect to such coverage.

5. Notwithstanding any provision of this section to the contrary, the department and a county treasurer shall not refuse registration and issuance or transfer of a certificate of title to a person required by this section to deposit security, but the registration, once issued, shall be immediately suspended and the suspension shall remain in effect unless and until the owner deposits security in accordance with this section.

[C31, 35, §5079-c4; C39, §**5021.01;** C46, §321.275; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.5; 81 Acts, ch 103, §8]

92 Acts, ch 1175, §43; 97 Acts, ch 72, §2; 2006 Acts, ch 1068, §32; 2010 Acts, ch 1061, §180; 2011 Acts, ch 38, §19; 2022 Acts, ch 1021, §76; 2023 Acts, ch 67, §2; 2026 Acts, ch 1118, §11, 13

Referred to in §321.30, 321A.2, 321A.6, 321A.7, 321A.8, 321A.9, 321A.10, 321A.11, 321A.32

2026 amendment to subsection 1 applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §13

Subsection 1 amended

321A.6 Exceptions to requirement of security.

The requirements as to security and suspension in section 321A.5 shall not apply:

1. To the operator or the owner of a motor vehicle involved in any accident wherein no injury or damage was caused to the person or property of anyone other than such operator or owner.

2. To the operator or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing, or parked, whether attended or unattended, except that the requirements of this chapter shall apply in the event the department determines that any such stopping, standing, or parking of the vehicle was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices or flags when and as required by the laws of this state and that any such violation contributed to the accident.

3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without the owner's permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission.

4. If, prior to the date that the department would otherwise suspend license and registration or nonresident's operating privilege under section 321A.5, there shall be filed with the department evidence satisfactory to the department that the person who would otherwise have to file security has been released from liability or been finally adjudicated not

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to be liable or has executed a warrant for confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident; provided, however, in the event there shall be any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the department shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided, further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the department shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until:

a. Such person deposits and thereafter maintains security as required under section 321A.5 in such amount as the department may then determine; or

b. Twelve months after such security was required, provided the department has not been notified that an action upon such an agreement has been instituted in a court in this state within one year after such security was required.

5. To the operator or owner of special mobile equipment.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.6]

92 Acts, ch 1175, §43; 2005 Acts, ch 131, §3, 5

Referred to in §321A.2, 321A.5, 321A.7, 321A.8, 321A.9, 321A.10, 321A.11

321A.7 Duration of suspension.

If a person's license and registration or nonresident's operating privilege has been suspended as provided in section 321A.5, that license and registration or privilege shall remain suspended and shall not be renewed and a new license or registration shall not be issued to that person until one of the following has occurred:

1. The person deposits, or there is deposited on the person's behalf, the security required under section 321A.5.

2. Twelve months have elapsed after such accident and the department has not been notified by any party to the action or an attorney for any party that an action for damages arising out of such accident has been instituted within one year from the date of the accident.

3. Evidence satisfactory to the department has been filed with the department of a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with section 321A.6, subsection 4. If, however, there is any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the department shall immediately suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid. In addition, if there is any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the department shall immediately suspend the license and registration or nonresident's operating privilege of that person defaulting and the license and registration or nonresident's operating privilege shall not be restored unless and until one of the following occurs:

a. Such person deposits and thereafter maintains security as required under section 321A.5 in such amount as the department may then determine.

b. Twelve months have elapsed after such security was required and the department has not been notified by any party to the action or an attorney for any party that an action upon such an agreement has been instituted in a court in this state within one year after such security was required.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.7]

92 Acts, ch 1175, §43; 2009 Acts, ch 133, §124

Referred to in §321A.2, 321A.8, 321A.9, 321A.10, 321A.11

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321A.8 Application to unlicensed drivers and unregistered motor vehicles.

In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, the operator or owner shall not be allowed a license or registration until the operator or owner has complied with the requirements of sections 321A.4 through 321A.7, this section, and sections 321A.9 through 321A.11 to the same extent that would be necessary if, at the time of the accident, the operator or owner had held a license and registration.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.8]
2014 Acts, ch 1092, §81
Referred to in §321A.2, 321A.9, 321A.10, 321A.11

321A.9 Form and amount of security.

1. The security required under sections 321A.4 through 321A.8, this section, and sections 321A.10 and 321A.11 shall be in such form and in such amount as the department may require but in no case in excess of the limits specified in section 321A.5 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the department or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

2. The department may reduce the amount of security ordered in any case within six months after the date of the accident if, in the department's judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or the depositor's personal representative forthwith, notwithstanding the provisions of section 321A.10.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.9]
92 Acts, ch 1175, §43; 2014 Acts, ch 1092, §82
Referred to in §321A.2, 321A.8, 321A.10, 321A.11

321A.10 Custody, disposition, and return of security.

1. Security deposited in compliance with the requirements of sections 321A.4 through 321A.9, this section, and section 321A.11 shall be placed by the department in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under section 321A.7, subsection 3.

2. The deposit or any balance of the deposit shall be returned to the depositor or the depositor's personal representative when evidence satisfactory to the department has been filed with the department that one of the following has occurred:

a. There has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with section 321A.6, subsection 4.

b. Whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under section 321A.7, subsection 3, the department is given reasonable evidence that there is no action for damages arising out of the accident pending and no judgment rendered in any such action has been left unpaid.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.10]
92 Acts, ch 1175, §43; 2014 Acts, ch 1092, §83; 2021 Acts, ch 80, §181
Referred to in §321A.2, 321A.8, 321A.9, 321A.11

321A.11 Matters not to be evidence in civil suits.

Neither the report required by section 321A.4, the action taken by the department pursuant to sections 321A.4 through 321A.10 and this section, the findings, if any, of the department upon which action is based, nor the security filed as provided in said sections shall be referred

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to in any way, or be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.11]

92 Acts, ch 1175, §43; 2020 Acts, ch 1063, §158

Referred to in §321A.2, 321A.8, 321A.9, 321A.10

SUBCHAPTER IV

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

321A.12 Courts to report nonpayment of judgments.

1. Whenever any person fails within sixty days to satisfy any judgment, it shall be the duty of the clerk of the district court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the department immediately after the expiration of the sixty days and upon written request of the judgment creditor, a certified copy of such judgment.

2. If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.12]

92 Acts, ch 1175, §43; 99 Acts, ch 144, §5

Referred to in §321A.13, 602.8102(53)

321A.13 Suspension for nonpayment of judgments — exceptions.

1. The department upon receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in section 321A.16.

2. If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the department, in the department's discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 321A.16, provided the judgment debtor furnishes proof of financial responsibility.

3. Any person whose license, registration, or nonresident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of section 321A.12, this section, and sections 321A.14 through 321A.29 may be relieved from the effect of the judgment as prescribed in those sections by filing with the department an affidavit stating that at the time of the accident upon which the judgment has been rendered the affiant was insured, that the insurer is liable to pay the judgment, and the reason, if known, why the insurance company has not paid such judgment. Such a person shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the department may require to show that the loss, injury, or damage for which the judgment was rendered, was covered by the policy of insurance. If the department is satisfied that the insurer was authorized to issue the policy of insurance at the time and place of issuing the policy and that the insurer is liable to pay the judgment, at least to the extent and for the amounts required in this chapter, the department shall not suspend the person's license or registration or nonresident's operating privilege or, if already suspended, shall reinstate them.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.13]

92 Acts, ch 1175, §43; 2014 Acts, ch 1092, §84; 2020 Acts, ch 1063, §159

Referred to in §321A.14

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321A.14 Suspension to continue until judgments paid and proof given.

A license, registration, and nonresident's operating privilege shall remain suspended under section 321A.13, and shall not be renewed, nor shall any such license or registration be subsequently issued in the name of the person, including any person not previously licensed, until every judgment is satisfied in full or to the extent provided in this chapter, or until evidence is provided, to the satisfaction of the department, that the judgment has not been renewed and is no longer enforceable. A person whose license, registration, or nonresident's operating privilege was suspended under section 321A.13 must provide proof to the department of financial responsibility subject to the exemptions stated in sections 321A.13 and 321A.16 prior to obtaining a license, registration, or nonresident's operating privilege.

[C31, 35, §5079-c4; C39, §**5021.01;** C46, §321.275; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.14]

87 Acts, ch 14, §1; 2001 Acts, ch 132, §15; 2020 Acts, ch 1063, §160

Referred to in §321A.13

321A.15 Payments sufficient to satisfy requirements.

1. Judgments referred to in this chapter shall, for the purpose of this chapter only, be deemed satisfied when the following occur:

a. When twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident.

b. When, subject to the limit of twenty thousand dollars because of bodily injury to or death of one person, the sum of forty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident.

c. When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

2. Provided, however, payments made in settlements of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

[C31, 35, §5079-c4; C39, §**5021.02;** C46, §321.276; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.15]

2022 Acts, ch 1021, §77

Referred to in §321A.13

321A.16 Installment payment of judgments — default.

1. A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

2. The department shall not suspend a license, registration, or nonresident's operating privilege, and shall restore any license, registration, or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

3. In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter.

[C31, 35, §5079-c4; C39, §**5021.02;** C46, §321.276; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.16]

92 Acts, ch 1175, §43

Referred to in §321A.13, 321A.14

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321A.17 Proof required upon certain convictions.

1. Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail or revokes the license of any person pursuant to chapter 321J, the department shall also suspend the registration for all motor vehicles registered in the name of the person, except that the department shall not suspend the registration, unless otherwise required by law, if the person has previously given or immediately gives and thereafter maintains proof of financial responsibility with respect to all motor vehicles registered by the person.

2. Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the motor vehicle laws of this state and not then unless and until the person shall give and thereafter maintain proof of financial responsibility.

3. If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until the person shall give and thereafter maintain proof of financial responsibility.

4. An individual applying for a driver's license following a period of suspension or revocation pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph *"a"*, or under section 321.180B, section 321.210, subsection 1, paragraph *"a"*, subparagraph (4), or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension or revocation under section 321.178 or 321.194, or following a period of revocation pursuant to a court order issued under section 321J.2A, is not required to maintain proof of financial responsibility under this section.

5. This section does not apply to a commercial driver's licensee who is merely disqualified from operating a commercial motor vehicle under section 321.208 if the licensee's driver's license is not suspended or revoked.

6. This section does not apply to an individual whose administrative license suspension under section 321.210D has been rescinded and who is otherwise under no obligation to furnish proof of financial responsibility.

7. This section does not apply to an individual whose administrative license revocation has been rescinded under section 321J.13, and who is otherwise under no obligation to furnish proof of financial responsibility.

8. This section does not apply to an individual whose privilege to operate a motor vehicle has been suspended or revoked when the period of suspension or revocation has ended and the individual provides evidence satisfactory to the department that the individual has established residency in another state. The individual may not apply for an Iowa driver's license for two years from the effective date of the person's last suspension or revocation unless proof of financial responsibility is filed with the department, as required by this section.

9. The registration suspension required under this section does not apply to a motor vehicle awarded to an individual under an order entered pursuant to section 598.21, if all of the following apply:

a. The individual was the co-owner of the motor vehicle with a spouse who is required to file and maintain proof of financial responsibility.

b. The individual is not otherwise required to file and maintain proof of financial responsibility.

c. The individual is not able to obtain title to the motor vehicle in the individual's sole name due to a lien against the motor vehicle that existed at the time the order was entered pursuant to section 598.21.

10. Notwithstanding any provision of this section to the contrary, the department and a county treasurer shall not refuse registration and issuance or transfer of a certificate of title to a person required to give and thereafter maintain proof of financial responsibility under this section, but the registration, once issued, shall be immediately suspended and the suspension

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shall remain in effect unless and until the person gives and thereafter maintains proof of financial responsibility as required by this section.

[C31, 35, §5079-c5, -c6; C39, §**5021.03, 5021.04;** C46, §321.277, 321.278; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.17; 82 Acts, ch 1167, §11]

85 Acts, ch 197, §5; 86 Acts, ch 1220, §38; 89 Acts, ch 266, §3; 90 Acts, ch 1230, §78; 92 Acts, ch 1175, §43; 93 Acts, ch 16, §11; 93 Acts, ch 164, §5; 94 Acts, ch 1172, §36; 95 Acts, ch 48, §6; 95 Acts, ch 55, §11; 96 Acts, ch 1218, §67; 98 Acts, ch 1073, §9; 98 Acts, ch 1088, §2; 98 Acts, ch 1112, §12; 99 Acts, ch 13, §19, 29; 2002 Acts, ch 1063, §34, 35; 2009 Acts, ch 130, §27, 38; 2010 Acts, ch 1061, §176; 2011 Acts, ch 38, §20; 2014 Acts, ch 1123, §18; 2018 Acts, ch 1172, §101, 104; 2023 Acts, ch 67, §3

Referred to in §321.30, 321.189, 321.210B, 321.213, 321A.13

321A.18 Alternate methods of giving proof.

Proof of financial responsibility when required under this chapter may be given by filing any of the following:

1. A certificate of insurance as provided in section 321A.19 or section 321A.20.
2. A bond as provided in section 321A.24.
3. A certificate of deposit as provided in section 321A.25.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.18]

2000 Acts, ch 1025, §2, 6; 2013 Acts, ch 37, §2

Referred to in §321A.13

321A.19 Certificate of insurance as proof.

1. Proof of financial responsibility may be furnished by filing with the department the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

2. No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.19]

92 Acts, ch 1175, §43

Referred to in §321A.13, 321A.18, 321A.21, 321A.22

321A.20 Certificate furnished by nonresident as proof.

1. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle, or motor vehicles, described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms with the provisions of this chapter, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

a. Said insurance carrier shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state.

b. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

2. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or

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agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.20]

92 Acts, ch 1175, §43

Referred to in §321A.13, 321A.18, 321A.21, 321A.22

321A.21 "Motor vehicle liability policy" defined.

1. A *"motor vehicle liability policy"* as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 321A.19 or section 321A.20 as proof of financial responsibility, and issued, except as otherwise provided in section 321A.20, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

2. Such owner's policy of liability insurance:

a. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

b. Shall insure the person named in the policy and any other person, as insured, using the motor vehicles with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifteen thousand dollars because of injury to or destruction of property of others in any one accident.

3. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon the person by law for damages arising out of the use by the person of any motor vehicle not owned by the person, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

5. Such motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

a. The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on the insured's behalf and no violation of said policy shall defeat or void said policy.

b. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

c. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph *"b"* of subsection 2 of this section.

d. The policy, the written application therefor, if any, and any rider or endorsement which

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does not conflict with the provisions of the chapter shall constitute the entire contract between the parties.

7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term *"motor vehicle liability policy"* shall apply only to that part of the coverage which is required by this section.

8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

10. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.21]
2022 Acts, ch 1021, §78
Referred to in §321.1, 321A.13, 537C.3, 537C.4

321A.22 Notice of cancellation or termination of certified policy.

When an insurance carrier has certified a motor vehicle liability policy under section 321A.19 or section 321A.20, the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.22]
92 Acts, ch 1175, §43
Referred to in §321A.13

321A.23 Chapter not to affect other policies.

1. This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

2. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on the insured's behalf of motor vehicles not owned by the insured.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.23]
2021 Acts, ch 80, §182
Referred to in §321A.13

321A.24 Bond as proof.

1. *a.* Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge or clerk of the district court, and which bond shall be conditioned for payment of the amounts specified in section 321A.1, subsection 11.

b. The bond shall be filed with the department and is not cancelable except after ten days' written notice to the department. The director shall issue to the person filing the bond a bond insurance card for each motor vehicle registered by the person in the state. The bond insurance card shall state the name and address of the person and the motor vehicle registration number of the vehicle for which the card is issued.

c. The bond constitutes a lien in favor of the state upon the real estate so scheduled of any

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surety, which lien exists in favor of any holder of a final judgment against the person who has filed the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use of the property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after the bond was filed, upon the filing of notice to that effect by the department in the office of the proper clerk of the district court of the county where the real estate is located. An individual surety scheduling real estate security shall furnish satisfactory evidence of title to the property and the nature and extent of all encumbrances on the property and the value of the surety's interest in the property, in the manner the judge or clerk of the district court approving the bond requires. The notice filed by the department shall contain, in addition to any other matters deemed by the department to be pertinent, a legal description of the real estate scheduled, the name of the holder of the record title, the amount for which it stands as security, and the name of the person in whose behalf proof is so being made. Upon the filing of the notice the clerk of the district court shall retain the notice as part of the records of the court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the description of the real estate, and the further notation that a lien is charged on the real estate pursuant to the filed notice. From and after the entry of the notice upon the encumbrance book all persons are charged with notice of it.

d. If the bond is canceled, the person who filed the bond shall surrender to the director all bond insurance cards issued to the person.

2. If such a judgment, rendered against the principal on such bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for the judgment creditor's own use and benefit and at the judgment creditor's sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. An action to foreclose any lien upon real estate scheduled by any surety under the provisions of this chapter shall be by equitable proceeding in the same manner as is provided for the foreclosure of real estate mortgages.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.24]

92 Acts, ch 1175, §43; 97 Acts, ch 139, §8, 17, 18; 98 Acts, ch 1121, §8

Referred to in §321.1, 321A.13, 321A.18, 602.8102(54)

321A.25 Certificate of deposit as proof.

1. Proof of financial responsibility may be evidenced by filing with the department fifty-five thousand dollars in the form of a certificate of deposit made payable to the department. The certificate of deposit shall be obtained from an Iowa financial institution in the amount of fifty-five thousand dollars plus any early withdrawal penalty fee. Upon receipt of the certificate of deposit, the department shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The department shall not accept a certificate of deposit unless accompanied by evidence that there are no unsatisfied judgments of any character against the person in the county where the person resides.

2. Such certificate of deposit shall be held by the department to satisfy, in accordance with this chapter, any execution on a judgment issued against the person filing the certificate of deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use of property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after the certificate of deposit was filed. A certificate of deposit so filed shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for damages as previously provided in this subsection.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.25]

92 Acts, ch 1175, §43; 97 Acts, ch 139, §9, 17; 2000 Acts, ch 1025, §3, 6; 2013 Acts, ch 37, §3

Referred to in §321.1, 321A.13, 321A.18

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321A.26 Owner may give proof for others.

Whenever any person required to give proof of financial responsibility under this chapter is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as provided in this subchapter or has qualified as a self-insurer under section 321A.34. The department shall designate the restrictions imposed by this section on the face of such person's license.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.26]
92 Acts, ch 1175, §43; 2020 Acts, ch 1063, §161
Referred to in §321A.13, 321A.33

321A.27 Substitution of proof.

The department shall consent to the cancellation of a bond or certificate of insurance or the department shall return a certificate of deposit to the person entitled to the certificate of deposit upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.27]
92 Acts, ch 1175, §43; 2000 Acts, ch 1025, §4, 6; 2013 Acts, ch 37, §4
Referred to in §321A.13

321A.28 Other proof may be required.

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.28]
92 Acts, ch 1175, §43
Referred to in §321A.13

321A.29 Duration of proof — when proof may be canceled or returned.

1. The department shall upon request consent to the immediate cancellation of a bond or certificate of insurance, or the department shall return to the person entitled thereto a certificate of deposit filed pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

a. At any time after two years from the date such proof was required when, during the two-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration, or nonresident's operating privilege of the person by or for whom such proof was furnished.

b. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle.

c. In the event the person who has given proof surrenders the person's license and registration to the department.

2. The department shall not consent to the cancellation of a bond or return a certificate of deposit in the event an action for damages upon a liability covered by such proof is then pending or a judgment upon any such liability is unsatisfied, or in the event the person who has filed such bond or such certificate of deposit has within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that the applicant has been released from all of the applicant's liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

3. If a person whose proof has been canceled or returned under subsection 1, paragraph "*c*", applies for a license or registration within a period of two years from the date proof was

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originally required, such application shall be refused unless the applicant reestablishes proof for the remainder of the two-year period.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.29]

92 Acts, ch 1175, §43; 2000 Acts, ch 1025, §5, 6; 2013 Acts, ch 37, §5, 6

Referred to in §321.12, 321A.13

SUBCHAPTER V

VIOLATIONS OF CHAPTER — PENALTIES

321A.30 Rights not affected.

This chapter shall not prevent the owner of a motor vehicle, the registration of which has been suspended under this chapter, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this chapter nor prevent the registration of such motor vehicle by such transferee. This chapter shall not in any way affect the rights of any secured party or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.30]

2016 Acts, ch 1011, §53; 2021 Acts, ch 80, §183

321A.31 Surrender of license and registration.

Any person whose license or registration has been suspended as provided in this chapter, or whose policy of insurance or bond, when required under this chapter, has been canceled or terminated, or who neglects to furnish other proof upon request of the department shall immediately return the person's license and registration to the department. If any person fails to return to the department the license or registration as provided in this section, the department shall forthwith direct any peace officer to secure possession and to return the license or registration to the department.

[C31, 35, §5079-c4; C39, §**5021.01;** C46, §321.275; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.31]

92 Acts, ch 1175, §43; 2020 Acts, ch 1063, §162

Referred to in §321.12, 321A.32

321A.32 Other violations — penalties.

1. Any person whose license or registration or nonresident's operating privilege has been suspended, denied, or revoked under this chapter or continues to remain suspended or revoked under this chapter, and who, during such suspension, denial, or revocation, or during such continuing suspension or continuing revocation, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be guilty of a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars.

2. Any person willfully failing to return license or registration as required in section 321A.31 shall be guilty of a simple misdemeanor.

3. A person who forges or, without authority, signs a notice provided for under section 321A.5 that a policy or bond is in effect, or any evidence of financial responsibility, or any evidence of financial liability coverage as defined in section 321.1, or who files or offers for filing any such notice or evidence knowing or having reason to believe that it is forged or signed without authority, is guilty of a serious misdemeanor.

4. Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be guilty of a serious misdemeanor.

[C31, 35, §5079-c7; C39, §**5021.05;** C46, §321.279; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.32]

84 Acts, ch 1142, §2; 97 Acts, ch 139, §10, 17, 18; 98 Acts, ch 1121, §8; 99 Acts, ch 153, §5

Referred to in §321.241, 321J.4B, 321N.3, 901C.3

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321A.32A Civil penalty — disposition — reinstatement. Repealed by 2020 Acts, ch 1074, §54, 93.

SUBCHAPTER VI

GENERAL PROVISIONS

321A.33 Exceptions.

This chapter does not apply to any motor vehicle owned by the United States, this state, or any political subdivision of this state or to any operator, except for section 321A.4, while on official duty operating such motor vehicle. This chapter does not apply, except for sections 321A.4 and 321A.26, to any motor vehicle which is subject to section 325A.6.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.33; 82 Acts, ch 1150, §1]

98 Acts, ch 1100, §49; 2008 Acts, ch 1031, §112

321A.34 Self-insurers.

1. *a.* Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in paragraph "*b*".

b. The department may, upon the application of such a person, issue a certificate of self-insurance if the department is satisfied that the person has and will continue to have the ability to pay judgments obtained against the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by the person. A person issued a certificate of self-insurance pursuant to this subsection shall maintain a financial liability coverage card as provided in section 321.20B, subsection 2, paragraph "*b*", subparagraph (1).

2. *a.* Any association of individual members that is a legal entity with the power to sue and be sued in its own name and which is composed of individual members in whose names a total of more than twenty-five motor vehicles are registered, may qualify as a self-insurer by obtaining a certificate of insurance issued by the department as provided in paragraph "*b*".

b. The department may, upon the application of such an association, issue a certificate of self-insurance if the department is satisfied that the association has and will continue to have the ability to pay judgments obtained against the association or against an individual member of the association for damages arising out of the ownership, maintenance, or use of any vehicle owned by an individual member of the association. An association issued a certificate of self-insurance pursuant to this paragraph shall maintain a financial liability coverage card as provided in section 321.20B, subsection 2, paragraph "*b*", subparagraph (2).

3. Upon not less than five days' notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay a judgment for damages arising out of the ownership, maintenance, or use of any vehicle owned by the self-insurer within thirty days after the judgment becomes final constitutes a reasonable ground for the cancellation of a certificate of self-insurance. Upon the cancellation of a certificate of self-insurance, the person who was issued the certificate shall surrender to the director all self-insurance cards issued to the person.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.34]

92 Acts, ch 1175, §43; 97 Acts, ch 139, §11, 17; 2007 Acts, ch 215, §108

Referred to in §321.1, 321.20B, 321A.5, 321A.26

321A.35 Reserved.

321A.36 Chapter not to prevent other process.

Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.36]

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321A.37 Uniformity of interpretation.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.37]

321A.38 Title of chapter.

This chapter may be cited as the *"Motor Vehicle Financial and Safety Responsibility Act"*.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.38]

321A.39 Liability insurance — statement.

1. Whenever any dealer licensed under chapter 322 sells a motor vehicle at retail and the transaction does not include the sale of liability insurance coverage which will protect the purchaser under this chapter the purchase order or invoice evidencing the transaction shall contain a statement in the following form:

> I understand that liability insurance coverage which would protect me under the Iowa Motor Vehicle Financial and Safety Responsibility Act, Iowa Code chapter 321A, IS NOT INCLUDED in my purchase of the herein described motor vehicle. I have received a copy of this statement.
> .....
> (Purchaser's signature)

2. The seller shall print or stamp the statement conspicuously on the purchase order or invoice. The statement shall be signed by the purchaser in the space provided on or before the date of delivery of the motor vehicle described in the purchase order or invoice and a copy of the statement shall be given to the purchaser by the seller.

3. No civil liability shall arise on account of the failure of any person to comply with the provisions of this section.

4. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.39]

2005 Acts, ch 8, §37; 2009 Acts, ch 133, §225; 2015 Acts, ch 30, §105

CHAPTER 321B

MOTOR VEHICLE GLASS REPAIR, REPLACEMENT, AND INSURANCE

Referred to in §507B.3

321B.1 Definitions.
321B.2 Prohibited post-loss benefit assignment.
321B.3 Advanced driver assistance systems.
321B.4 Motor vehicle glass repair claims and practices.
321B.5 Prohibited acts.
321B.6 Right to choose motor vehicle glass repair shop.
321B.7 Presumption.
321B.8 Penalty.

321B.1 Definitions.

As used in this chapter:

1. *"Advanced driver assistance system"* means any motor vehicle driving automation system that performs part or all of the dynamic driving task, as described by the society of automotive engineers international taxonomy and definitions for terms related to driving automation systems for on-road motor vehicles, under SAE J3016, as revised on April 30, 2021, and that is designed to support the driver and motor vehicle in a manner intended to do all of the following:

a. Enhance motor vehicle safety.

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b. Reduce losses associated with motor vehicle crashes.

2. *"Insurance producer"* means as defined in section 522B.1, and includes an agent of such producer.

3. *"Insured person"* means a person that is entitled, or may be entitled, to receive first-party benefits or payments under an insurance policy, and includes an agent of such person.

4. *"Insurer"* means as defined in section 522B.1, and includes an agent of an insurer.

5. *"Motor vehicle glass"* means the glass and nonglass parts associated with the replacement of the glass used in the windshield, doors, or windows of a motor vehicle.

6. *"Motor vehicle glass repair shop"* or *"shop"* means any person who repairs or replaces damaged motor vehicle glass for consideration.

7. *"Notice"* means direct written communication including communication conducted through electronic mail, text message, or other electronic means which is directed to and easily accessible by the consumer.

8. *"Repairing or replacing damaged motor vehicle glass"* includes all of the following:

a. Inspecting, repairing, restoring, or replacing damaged motor vehicle glass.

b. Calibrating or recalibrating an advanced driver assistance system if the replacement of damaged motor vehicle glass is required.

9. *"Rights or benefits under the policy"* includes the insured person's right to receive any and all post-loss benefits or payments available or payable under an insurance policy, including but not limited to claim payments.

2025 Acts, ch 58, §1, 10
Section applies to insurance policies issued or renewed on or after July 1, 2025; 2025 Acts, ch 58, §10

321B.2 Prohibited post-loss benefit assignment.

1. Prior to or after a claimed or covered loss for repair or replacement of damaged motor vehicle glass, an insured person shall not assign, delegate, or otherwise transfer, in whole or in part, to any other person any of the following:

a. Duties under the policy.

b. Rights or benefits under the policy.

2. A contract that violates this section is void and unenforceable.

3. Nothing in this section shall be construed to prohibit an insured person from authorizing or directing payment to, or paying, a person for services, materials, or any other expense that may be or is covered under an insurance policy.

2025 Acts, ch 58, §2, 10
Section applies to insurance policies issued or renewed on or after July 1, 2025; 2025 Acts, ch 58, §10

321B.3 Advanced driver assistance systems.

1. Prior to repairing or replacing damaged motor vehicle glass for an insured person, a motor vehicle glass repair shop shall notify the insured person whether the motor vehicle has an advanced driver assistance system. If the motor vehicle has an advanced driver assistance system, the shop shall also notify the insured person of all of the following:

a. Whether calibration or recalibration of the motor vehicle's advanced driver assistance system is needed after a windshield repair or replacement, in accordance with the vehicle manufacturer's recommendations.

b. Whether the shop intends to calibrate or recalibrate the advanced driver assistance system in a manner that meets the motor vehicle manufacturer's specifications.

c. If the shop is not capable of performing, or does not intend to perform, a calibration or recalibration, the shop shall advise the insured person to take the motor vehicle to the vehicle manufacturer's certified dealership or a qualified specialist capable of performing the calibration or recalibration.

2. If calibration or recalibration of the motor vehicle's advanced driver assistance system is performed, the shop shall provide notice to the insured person of whether the calibration or recalibration was successful. If the calibration or recalibration was not successful, the shop shall advise the insured person to take the motor vehicle to the vehicle manufacturer's

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certified dealership or a qualified specialist capable of performing the calibration or recalibration.

2025 Acts, ch 58, §3, 10
Referred to in §321B.4
Section applies to insurance policies issued or renewed on or after July 1, 2025; 2025 Acts, ch 58, §10

321B.4 Motor vehicle glass repair claims and practices.

1. A motor vehicle glass repair shop shall not contract with a person to repair or replace damaged motor vehicle glass to be paid for under a first-party insurance policy until verifying all of the following:

a. The insured person has made a first-party claim for repairing or replacing damaged motor vehicle glass under a motor vehicle insurance policy.

b. The shop has received a claim or referral number for the claim referenced under paragraph "*a*".

c. The requirements of section 321B.3, subsection 1, were followed.

2. A shop shall do all of the following:

a. Provide the insured person a good faith estimate of the fees and costs that are anticipated to be charged for repairing or replacing damaged motor vehicle glass.

b. Prior to performing any repair or replacement service, provide the insured person an updated estimate.

3. After repairing or replacing damaged motor vehicle glass, a shop shall provide the insured person all of the following, as applicable:

a. An itemized invoice and, upon payment, a receipt.

b. Notice that states whether the advanced driver assistance system was successfully calibrated or recalibrated.

c. If the calibration or recalibration was not successful, notice advising the insured person to not rely on the advanced driver assistance system until the system has been successfully calibrated or recalibrated by the vehicle manufacturer's certified dealership or a qualified specialist capable of performing the calibration or recalibration.

2025 Acts, ch 58, §4, 10
Section applies to insurance policies issued or renewed on or after July 1, 2025; 2025 Acts, ch 58, §10

321B.5 Prohibited acts.

1. A motor vehicle glass repair shop, and any other person who is compensated for the solicitation of insurance claims, shall not offer a rebate, gift, gift card, cash, coupon, fee, prize, bonus, payment, incentive, inducement, or any other thing of value to any insured person, insurance producer, or other person in exchange for directing or making a claim under a motor vehicle insurance policy for repair or replacement of motor vehicle glass.

2. A shop shall not do any of the following:

a. Charge unreasonable fees or costs to an insured person for repairing or replacing damaged motor vehicle glass. A fee that exceeds an amount customarily charged for such service is unreasonable.

b. Submit false, misleading, or incomplete documentation or information to an insured person or an insurer for repairing or replacing damaged motor vehicle glass.

c. Falsely sign a work order or other insurance-related form relating to an insured person's claim, or potential claim, for a repair or replacement of damaged motor vehicle glass.

d. Misrepresent the estimated fees and costs for repairing or replacing damaged motor vehicle glass to an insured person or insurer.

e. State that an insurer has approved repairing or replacing damaged motor vehicle glass unless the shop does all of the following:

(1) Verifies coverage directly with, or obtains approval directly from, the insurance producer.

(2) Obtains confirmation of the coverage or approval by any form of written or recorded communication.

f. State that repairing or replacing damaged motor vehicle glass will be paid for entirely by an insurer and at no cost to the insured person unless such coverage has been verified by the insurer.

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3. With respect to an insured person's claim, or potential claim, for repairing or replacing damaged motor vehicle glass, a shop shall not do any of the following, which results, or would result, in a higher insurance payment or a change of insurance coverage status:

a. Indicate that work was performed in a geographical area that was not the geographical area where the work occurred.

b. Advise an insured person to falsify the date of damage.

4. With respect to an insured person's claim or potential claim for repairing or replacing damaged motor vehicle glass, a shop shall not do any of the following:

a. Damage, or encourage an insured person to damage, the motor vehicle in order to increase the scope of work necessary to repair or replace damaged motor vehicle glass.

b. Perform work that is clearly and substantially beyond the level of work necessary to restore the motor vehicle to a safe condition in accordance with accepted or approved reasonable and customary techniques for repairing or replacing damaged motor vehicle glass.

c. Misrepresent the shop's relationship to an insured person or an insurer.

d. Perform any other act that constitutes fraud or misrepresentation.

5. Any notice or invoice required under this chapter shall be issued using the same font and size of font as the invoice, estimate, or receipt.

2025 Acts, ch 58, §5, 10
Referred to in §321B.7
Section applies to insurance policies issued or renewed on or after July 1, 2025; 2025 Acts, ch 58, §10

321B.6 Right to choose motor vehicle glass repair shop.

1. An insured person that makes a first-party claim for repairing or replacing damaged motor vehicle glass under a motor vehicle insurance policy shall not be required to use a particular motor vehicle glass repair shop to be paid claim payments or receive other benefits under the policy.

2. Subsection 1 shall not be construed to do any of the following:

a. Prohibit an insurer, insurance producer, insurance adjuster, or any person acting on behalf of an insurer, insurance producer, or insurance adjuster from recommending a shop or providing an explanation to an insured person of the coverage available, and any applicable liability limit, under the person's insurance policy.

b. Prohibit an insurer from maintaining a network of motor vehicle glass repair shops.

c. Create a private cause of action.

2025 Acts, ch 58, §6, 10
Section applies to insurance policies issued or renewed on or after July 1, 2025; 2025 Acts, ch 58, §10

321B.7 Presumption.

It may be presumed that a motor vehicle glass repair shop is acting knowingly in violation of section 321B.5 if the shop engages in a regular and consistent pattern of a prohibited activity.

2025 Acts, ch 58, §7, 10
Section applies to insurance policies issued or renewed on or after July 1, 2025; 2025 Acts, ch 58, §10

321B.8 Penalty.

A person who violates a provision of this chapter commits an unfair trade practice under chapter 507B.

2025 Acts, ch 58, §8, 10
Section applies to insurance policies issued or renewed on or after July 1, 2025; 2025 Acts, ch 58, §10

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CHAPTER 321C

INTERSTATE DRIVERS LICENSE COMPACTS

Referred to in §307.27, 321.1, 321.555

321C.1 Power to enter into compact — terms.
321C.2 Enforcement.

321C.1 Power to enter into compact — terms.

The director of transportation may enter into drivers license compacts with other jurisdictions in substantially the following form and the contracting states agree:

1. *Article I — Findings and declaration of policy.*

a. The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

b. It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

2. *Article II — Definitions.* As used in this compact:

a. *"State"* means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

b. *"Home state"* means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

c. *"Conviction"* means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

3. *Article III — Reports of conviction.* The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

4. *Article IV — Effect of conviction.*

a. The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle.

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle.

(3) Any felony in the commission of which a motor vehicle is used.

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(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

b. As to other convictions, reported pursuant to article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

c. If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in paragraph *"a"* of this article, such party state shall construe the denominations and descriptions appearing in paragraph *"a"* hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.

5. *Article V — Applications for new licenses.* Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

a. The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

b. The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

c. The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

6. *Article VI — Applicability of other laws.* Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

7. *Article VII — Compact administrator and interchange of information.*

a. The head of the licensing authority of each party state shall be the administrator of this compact for that state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

b. The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

8. *Article VIII — Entry into force and withdrawal.*

a. This compact shall enter into force and become effective as to any state when it has enacted the same into law.

b. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

9. *Article IX — Construction and severability.* This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable.

[C66, 71, 73, 75, 77, 79, 81, §321C.1]

86 Acts, ch 1245, §1938; 2008 Acts, ch 1032, §201

321C.2 Enforcement.

The agencies and officers of this state and its subdivisions and municipalities shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdictions.

[C66, 71, 73, 75, 77, 79, 81, §321C.2]

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CHAPTER 321D

VEHICLE EQUIPMENT COMPACTS

Referred to in §307.27

321D.1 Power to enter into compact — terms.
321D.2 Enforcement.

321D.1 Power to enter into compact — terms.

The director of transportation may enter into vehicle equipment safety compacts with other jurisdictions in substantially the following form and the contracting states agree:

1. *Article I — Findings and purposes.*

a. The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

b. The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in paragraph *"a"* of this article.

c. It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

2. *Article II — Definitions.* As used in this compact:

a. *"Vehicle"* means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

b. *"State"* means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

c. *"Equipment"* means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

3. *Article III — The commission.*

a. There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which the commissioner represents. If authorized by the laws of the commissioner's party state, a commissioner may provide for the discharge of the commissioner's duties and the performance of the commissioner's functions on the commission, either for the duration of the commissioner's membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of the alternate's identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

b. The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total

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number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

c. The commission shall have a seal.

d. The commission shall elect annually, from among its members, a chairperson, a vice chairperson and a treasurer. The commission may appoint an executive director and fix the executive director's duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director also shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this paragraph.

e. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

f. The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old-age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

g. The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

h. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same.

i. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

j. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

k. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

4. *Article IV — Research and testing.* The commission shall have power to:

a. Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

b. Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

c. Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

d. Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective

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governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

5. *Article V — Vehicular equipment.*

a. In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than sixty days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

b. Following the hearing or hearings provided for in paragraph "*a*" of this article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

c. Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

d. The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

e. If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

f. Except as otherwise specifically provided in or pursuant to paragraphs "*e*" and "*g*" of this article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

g. The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this paragraph.

6. *Article VI — Finance.*

a. The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

b. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: One-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

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c. The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under article III, paragraph *"h"* of this compact, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under article III, paragraph *"h"* hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

d. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

e. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

f. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

7. *Article VII — Conflict of interest.*

a. The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

b. Nothing contained in this article shall be deemed to prevent a contractor for the commission from using any facilities subject to the contractor's control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

8. *Article VIII — Advisory and technical committees.* The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

9. *Article IX — Entry into force and withdrawal.*

a. This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

b. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

[C66, 71, 73, 75, 77, 79, 81, §321D.1]

86 Acts, ch 1245, §1939; 2008 Acts, ch 1032, §201

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321D.2 Enforcement.

The agencies and officers of this state and its subdivisions and municipalities shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdictions.

[C66, 71, 73, 75, 77, 79, 81, §321D.2]

CHAPTER 321E

VEHICLES OF EXCESSIVE SIZE AND WEIGHT

Referred to in §307.27, 321.16A, 321.423, 321.437, 321.453, 321.454, 321.457, 322C.2, 331.362

321E.1	Definition.	321E.21	through 321E.23 Repealed by 2013 Acts, ch 49, §27.
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321E.7	Load limits per axle.	321E.27	Special permits — relief supplies during periods of national emergency.
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321E.8A	Self-propelled implement of husbandry — annual permit. Repealed by 2019 Acts, ch 15, §4.	321E.29	Excess size divisible load permits.
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321E.10	Semitrailers and trailers manufactured in Iowa.	321E.31	Permit for moving certain manufactured or mobile homes. Repealed by 2013 Acts, ch 49, §27.
321E.11	Movement under permit — penalty.	321E.32	Movement of structures and other loads on dolly axles.
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321E.1 Definition.

As used in this chapter, unless the context otherwise requires, *"department"* means the state department of transportation.

[C75, 77, 79, 81, §321E.27]

2013 Acts, ch 49, §28

C2014, §321E.1

321E.2 Permits by department and local authorities.

1. The department and local authorities may in their discretion and upon application and with good cause shown issue permits for the movement of special mobile equipment being temporarily moved on streets, roads, or highways and for vehicles with indivisible loads, or divisible loads where expressly authorized under this chapter, which exceed the maximum dimensions and weights specified in sections 321.452 through 321.466, but not to exceed the limitations imposed in this section and sections 321E.3 through 321E.15 except as provided in section 321E.29.

2. Vehicles permitted to transport indivisible loads may do any of the following:

a. Exceed the width and length limitations specified in sections 321.454 and 321.457 for the purpose of picking up an indivisible load or returning from delivery of the indivisible

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load. Vehicles with retractable body extensions used to support cargo must be reduced to legal dimensions unless the vehicle is loaded and the extension is in use.

b. Move indivisible special mobile equipment which does not otherwise exceed the maximum dimensions and weights specified in sections 321.452 through 321.466 if the vehicle has an overall width not to exceed nine feet and all other conditions of the vehicle's permit are met.

3. A permit issued under this chapter shall be in writing or in an electronic format and shall be carried in the cab of the vehicle for which the permit has been issued. Permits issued under this chapter and the vehicle for which the permit has been issued shall be open to inspection at all times by any peace officer or an authorized agent of any permit-issuing authority.

4. When in the judgment of the permit-issuing authority the movement of a vehicle with an indivisible or divisible load or special mobile equipment which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to infrastructure or other public or private property, the permit shall be denied and the reasons for denial endorsed on the application. Permits shall designate the days when and routes upon which loads and special mobile equipment may be moved within a county on other than primary roads.

5. A permit-issuing authority may allow persons requesting permits under this chapter to do so in person, through the internet, by facsimile machine, or by telephone, authorizing payment for the permits to be made upon receipt of an invoice sent to the persons by the permit-issuing authority.

[C31, 35, §5067-d7, -d8; C39, §**5035.16, 5035.18, 5035.19;** C46, 50, 54, 58, 62, 66, §321.467, 321.469, 321.470; C71, 73, 75, 77, 79, 81, §321E.1]

83 Acts, ch 116, §3; 85 Acts, ch 257, §20; 94 Acts, ch 1087, §9, 10; 96 Acts, ch 1089, §5; 96 Acts, ch 1152, §19; 2008 Acts, ch 1124, §9; 2013 Acts, ch 49, §2, 28

C2014, §321E.2

2022 Acts, ch 1076, §2, 8

Referred to in §321E.8, 321E.9, 321E.9A, 321E.9B

321E.3 Permit-issuing authorities.

1. *a.* Permits issued under this chapter shall be issued by the authority responsible for the maintenance of the system of highways or streets. However, the department may issue permits on primary road extensions in cities in conjunction with movements on the rural primary road system.

b. (1) The department may issue all-systems permits under section 321E.8 which are valid for movement on all primary roads and secondary roads, including roads designated by a local authority as a truck route, except the interstate road system if prohibited under section 321E.8, and except any road designated by the applicable local authority as not valid for use by permitted vehicles if the local authority communicates the not-valid designation to the department in writing, including by means of electronic communication. However, all roads designated as not valid are subject to review by the department, and a local authority shall not determine that any paved farm-to-market road, or road designated as a truck route, is not valid for purposes of an all-systems permit without justification.

(2) A local authority that determines a paved farm-to-market road, secondary road, or road designated as a truck route upon which an all-systems permit is not valid under subparagraph (1) shall provide a written justification report to the department explaining the local authority's determination in accordance with subparagraph (1). If the department disagrees with the local authority's determination, the dispute shall be resolved in accordance with rules adopted by the department.

(3) If all roads leading to and from a loading or unloading location used by a permitted vehicle are designated as not valid, a local authority shall cooperate with the department to find an alternate route for the permitted vehicle over the shortest practicable distance.

(4) The department shall adopt rules pursuant to chapter 17A to implement and administer this paragraph.

2. At the request of a local authority, the department shall issue permits under this chapter for highways or streets that are under the jurisdiction of the local authority if the

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local authority has indicated to the department in writing, including by means of electronic communication, those streets or highways for which a permit is not valid.

3. Notwithstanding any other provision of this chapter to the contrary, the department shall develop and implement a single statewide system to receive applications for and issue permits authorized under this chapter that allow for the operation of vehicles of excessive size or weight on highways or streets under the jurisdiction of the state or local authorities. The department is authorized to determine, in consultation with the applicable local authorities, the network of highways and streets under the jurisdiction of local authorities, including the appropriate routes, on which vehicles issued permits under the system are authorized to operate. Permits issued under the system shall be issued by the department for a fee established by the department by rule, which fees shall be proportionate to the fees set forth in section 321E.14. The department shall allocate a portion of the fees collected under this subsection to local authorities having jurisdiction over highways or streets on which vehicles issued permits under the system are authorized to operate.

[C71, 73, 75, 77, 79, 81, §321E.2]

86 Acts, ch 1210, §7; 94 Acts, ch 1087, §11; 96 Acts, ch 1089, §6; 2007 Acts, ch 143, §18; 2013 Acts, ch 49, §3, 28

C2014, §321E.3

2019 Acts, ch 15, §2; 2019 Acts, ch 158, §2; 2022 Acts, ch 1076, §3, 8; 2023 Acts, ch 60, §1; 2025 Acts, ch 149, §1

Referred to in §321E.2, 321E.26
Farm-to-market roads, see chapter 310

321E.4 through 321E.6 Reserved.

321E.7 Load limits per axle.

1. The gross weight on any axle of any vehicle or combination of vehicles traveling under a permit issued in accordance with this chapter shall not exceed the maximum axle load prescribed in section 321.463, except for the following:

a. Cranes being temporarily moved on streets, roads, or highways may have a gross weight of twenty-four thousand pounds on any single axle.

b. (1) Special mobile equipment other than cranes being temporarily moved on streets, roads, or highways may have a maximum gross weight of thirty-six thousand pounds on any single axle equipped with flotation pneumatic tires with a minimum size of twenty-six point five inches by twenty-five inches and a maximum gross weight of twenty thousand pounds on any single axle equipped with flotation pneumatic tires with a minimum size of eighteen inches by twenty-five inches.

(2) The department is authorized to adopt rules to permit the use of tire sizes and weights within the minimum and maximum specifications provided in subparagraph (1), provided that the total gross weight of the vehicle or combination of vehicles does not exceed one hundred twenty-six thousand pounds.

(3) A manufacturer of machinery or equipment manufactured or assembled in Iowa may be granted a permit for the movement of such machinery or equipment mounted on pneumatic tires with axle loads exceeding the maximum axle load prescribed in section 321.463 for distances not to exceed twenty-five miles at a speed not greater than twenty miles per hour. The movement of such machinery or equipment shall be over a specified route between the place of assembly or manufacture and a storage area, shipping point, proving ground, experimental area, weighing station, or another manufacturing plant.

c. Raw milk transporters operating under a permit issued pursuant to section 321E.29A shall not exceed the axle and gross weights specified in that section.

d. Compacted rubbish vehicles operating under a permit issued pursuant to section 321E.30 shall not exceed the axle and gross weights specified in that section.

e. Vehicles operating under a permit issued pursuant to section 321E.8, 321E.9, 321E.9A, or 321E.26 may have a gross weight not to exceed forty-six thousand pounds on a single tandem axle of the truck tractor and a gross weight not to exceed forty-six thousand pounds

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on a single tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

2. The gross weight on any one axle of any vehicle or combination of vehicles traveling under a permit issued in accordance with this chapter shall not exceed the maximum axle load prescribed in section 321.463; except that any one axle on a vehicle or combination of vehicles transporting special mobile equipment shall be allowed a one thousand pound weight tolerance, provided the total gross weight of the vehicle or combination of vehicles does not exceed the gross weight allowed by the permit.

3. Special mobile equipment, as defined in section 321.1, subsection 74, is not subject to the requirements for distance in feet between the extremes of any group of axles or the extreme axles of the vehicle or combination of vehicles as required by this chapter when being moved upon the highways if the operator has a permit issued under this chapter.

[C31, 35, §5067-d7, -d8; C39, §**5035.16;** C46, 50, 54, 58, 62, 66, §321.467; C71, 73, 75, 77, 79, 81, §321E.7]

83 Acts, ch 116, §4; 96 Acts, ch 1089, §7, 8; 96 Acts, ch 1152, §20; 97 Acts, ch 100, §7; 2003 Acts, ch 8, §20, 29; 2007 Acts, ch 143, §19; 2008 Acts, ch 1124, §10; 2013 Acts, ch 49, §4; 2016 Acts, ch 1098, §35; 2019 Acts, ch 15, §3; 2019 Acts, ch 158, §3

Referred to in §321.463, 321E.2, 321E.8, 321E.9, 321E.9A, 321E.14, 321E.26

321E.8 Annual permits.

Subject to the discretion and judgment provided for in section 321E.2, annual permits shall be issued in accordance with the following provisions:

1. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed sixteen feet zero inches, an overall length not to exceed one hundred twenty feet zero inches, an overall height not to exceed fifteen feet five inches, and except for vehicles in compliance with section 321.463, subsection 6, paragraph *"c"*, subparagraph (1), a total gross weight not to exceed eighty thousand pounds, may be moved as follows:

a. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed twelve feet five inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed thirteen feet ten inches may be moved for unlimited distances without route approval from the permit-issuing authority.

b. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed fourteen feet six inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed fifteen feet five inches may be moved on the interstate highway system and primary highways with more than one lane traveling in each direction for unlimited distances and no more than fifty miles from the point of origin on all other highways without route approval from the permit-issuing authority.

c. All other vehicles with indivisible loads operating under this subsection shall obtain route approval from the permit-issuing authority.

d. Vehicles with indivisible loads may operate under an all-systems permit in compliance with paragraph *"a"*, *"b"*, or *"c"*.

2. Vehicles with indivisible or divisible loads having an overall width not to exceed the width authorized under section 321.454, an overall length not to exceed the length authorized under section 321.457, an overall height not to exceed the height authorized under section 321.456, and a total gross weight not to exceed the gross weight authorized under section 321.463 by more than twelve and one-half percent, may operate under an all-systems permit and shall obtain route approval from the department. Permitted vehicles under this subsection with a gross weight exceeding eighty thousand pounds shall not be allowed to travel on any portion of the interstate road system.

3. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed thirteen feet five inches and an overall length not to exceed one hundred twenty feet zero inches may be moved on highways specified by the permit-issuing authority for unlimited distances if the height of the vehicle

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and load does not exceed fifteen feet five inches and the total gross weight of the vehicle does not exceed one hundred fifty-six thousand pounds.

a. The vehicle owner or operator shall verify with the permit-issuing authority prior to movement of the load that highway conditions have not changed so as to prohibit movement of the vehicle.

b. Any cost to repair damage to highways or highway structures shall be borne by the owner or operator of the vehicle causing the damage.

c. Permitted vehicles under this subsection shall not be allowed to travel on any portion of the interstate highway system.

d. Vehicles with indivisible loads operating under the permit provisions of this subsection may operate under the permit provisions of subsection 1 provided the vehicle and load comply with the limitations described in subsection 1.

4. Cranes that are being temporarily moved on highways and that have an overall width not to exceed the width authorized under section 321.454, an overall height not to exceed the height authorized under section 321.456, and an overall length not to exceed the length authorized under section 321.457 may be moved on highways specified by the permit-issuing authority if the total gross weight of the crane does not exceed eighty thousand pounds. The department shall adopt rules pursuant to chapter 17A to administer this subsection.

5. Notwithstanding any other provision of law to the contrary, cranes exceeding the maximum gross weight on any axle as prescribed in section 321.463 or 321E.7 and used in the construction of alternative energy facilities may be moved with approval from the permit-issuing authority.

[C31, 35, §5067-d7, -d8; C39, §**5035.16;** C46, 50, 54, 58, 62, 66, §321.467; C71, 73, 75, 77, 79, §321E.3, 321E.8; C81, §321E.8; 82 Acts, ch 1075, §1]

88 Acts, ch 1208, §2; 91 Acts, ch 133, §1; 92 Acts, ch 1173, §1; 97 Acts, ch 100, §8; 97 Acts, ch 104, §25; 99 Acts, ch 13, §20, 29; 2001 Acts, ch 32, §26, 27; 2002 Acts, ch 1063, §36, 55; 2003 Acts, ch 44, §59; 2008 Acts, ch 1124, §11, 40; 2013 Acts, ch 49, §5; 2022 Acts, ch 1076, §4, 8; 2022 Acts, ch 1086, §1, 3; 2025 Acts, ch 149, §2

Referred to in §312.2, 321.463, 321E.2, 321E.3, 321E.7, 321E.14, 321E.29A, 321E.29B

321E.8A Self-propelled implement of husbandry — annual permit. Repealed by 2019 Acts, ch 15, §4.

321E.9 Single-trip permits.

Subject to the discretion and judgment provided for in section 321E.2, single-trip permits, which may include a round trip to and from a job or delivery site, shall be issued in accordance with the following provisions:

1. The maximum height, width, length, and weight of vehicles and loads operating under permits authorized by this section shall be limited to the maximum physical limitations and clearances of the roadway and infrastructure of the intended route of travel, provided that the gross weight on any one axle does not exceed the maximum prescribed in section 321.463, pursuant to rules adopted pursuant to chapter 17A. The permit-issuing authority shall make the final determination regarding the issuance of a permit and the suitability of the intended route based upon known roadway clearances and capacities. Permits shall be authorized only when the movement will not cause undue stress or damage to highway pavement, bridges, or other highway infrastructure. In addition to the dimension and weight limitations of an intended route, a permit-issuing authority shall consider the interests of public safety and, at the discretion of the permit-issuing authority, may deny the issuance of a permit when the intended movement of any vehicle or load poses a potential risk to the public.

2. Vehicles with indivisible loads may be moved in special or emergency situations, provided the permit-issuing authority has reviewed the route and has approved the movement of the vehicle and load.

a. The permit-issuing authority may impose any special restrictions on movements as deemed necessary or exempt movements from the restrictions of sections 321E.7, 321E.11, and 321E.32 by permit under this subsection.

b. When the department determines a special or emergency situation exists, the combined

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gross weight or gross weight on any one axle or group of axles on a vehicle or combination of vehicles issued a permit under this subsection may exceed the maximum weights specified in section 321.463, subject to the limits and routes established by the permit-issuing authority.

3. Notwithstanding any other provision of law to the contrary, cranes exceeding the maximum gross weight on any axle as prescribed in section 321.463 or 321E.7 and used in the construction of alternative energy facilities may be moved with approval from the permit-issuing authority.

4. Containers for international shipment shall be considered an indivisible load for purposes of transportation under a permit issued pursuant to this section if all of the following conditions are met:

a. The combination of vehicles transporting the container under the permit does not exceed the maximum dimensions specified in sections 321.454 through 321.457.

b. The container is sealed for international shipment and is either en route for export to a foreign country or en route to the container's destination from a foreign country.

c. Documentation, such as a bill of lading or another similar document, is carried in the vehicle, in written or electronic form, that ties the container being moved to the container listed in the documentation using the unique container number marked on the container. The documentation shall clearly state the foreign country of origin or destination, and shall be provided to a peace officer upon request.

[C39, §**5035.18;** C46, 50, 54, 58, 62, 66, §321.469; C71, 73, 75, 77, 79, 81, §321E.9]

91 Acts, ch 133, §2; 94 Acts, ch 1087, §12; 96 Acts, ch 1152, §21; 97 Acts, ch 100, §9; 97 Acts, ch 104, §26, 27; 2008 Acts, ch 1124, §13, 40; 2013 Acts, ch 49, §6; 2019 Acts, ch 158, §4; 2023 Acts, ch 3, §1; 2025 Acts, ch 149, §3

Referred to in §321.463, 321E.2, 321E.7, 321E.12, 321E.14

321E.9A Multi-trip permits.

Subject to the discretion and judgment provided for in section 321E.2, a multi-trip permit shall be issued for operation of vehicles, in accordance with the following:

1. Vehicles with indivisible loads having an overall length not to exceed one hundred twenty feet, an overall width not to exceed sixteen feet, and a height not to exceed fifteen feet five inches may be moved on highways specified by the permit-issuing authority, provided the gross weight on any one axle shall not exceed the maximum prescribed in section 321.463 and the total gross weight is not greater than one hundred fifty-six thousand pounds.

2. Vehicles or combinations of vehicles consisting of special mobile equipment not exceeding the height, length, and width limitations of this section being temporarily moved on highways with a maximum total gross weight limitation and a single axle weight limitation in accordance with section 321E.7 may be moved.

3. The department shall adopt rules pursuant to chapter 17A governing the issuance of permits under this section.

96 Acts, ch 1089, §9; 97 Acts, ch 100, §10; 2013 Acts, ch 49, §7; 2013 Acts, ch 140, §63

Referred to in §321E.2, 321E.7, 321E.14

321E.9B Special alternative energy multi-trip permit.

Subject to the discretion and judgment provided for in section 321E.2, a multi-trip permit shall be issued for operation of vehicles in accordance with the following provisions:

1. Vehicles with an indivisible load having an overall length not to exceed two hundred twenty-five feet, an overall width not to exceed sixteen feet, a height not to exceed sixteen feet, and a total gross weight not to exceed two hundred fifty-six thousand pounds may be moved on highways specified by the permit-issuing authority to an alternative energy construction site or staging area for alternative energy transportation, provided the gross weight on any one axle shall not exceed twenty thousand pounds.

2. The special alternative energy multi-trip permit shall not exceed twelve months in duration.

3. The permit-issuing authority shall have discretion to include restrictions and require

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special considerations, such as responsibility for protection or repair of the roadway and bridges, prior to issuance of the permit.

2008 Acts, ch 1124, §14, 40; 2013 Acts, ch 49, §8
Referred to in §321E.2, 321E.14

321E.10 Semitrailers and trailers manufactured in Iowa.

The department or local authorities may upon application issue annual permits for the movement of semitrailers and trailers manufactured or assembled in this state that exceed the maximum length specified in section 321.457 and the maximum width specified in section 321.454. Movement of the semitrailers and trailers shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state; shall be only on roadways of twenty-four feet or more in width or on four-lane highways; shall be on the most direct route necessary for such movement; and shall display the special plates designated in section 321.57. All semitrailers and trailers under permit for such movement shall not contain freight or additional load. A vehicle or combination of two or more vehicles inclusive of front and rear bumpers, including towing units, involved in the movement of semitrailers and trailers shall not exceed an overall width of ten feet.

[C31, 35, §5067-d7, -d8; C39, §**5035.16;** C46, 50, 54, 58, 62, 66, §321.467; C71, 73, 75, 77, 79, 81, §321E.10]

83 Acts, ch 116, §5; 92 Acts, ch 1100, §5; 2013 Acts, ch 49, §9
Referred to in §321E.2

321E.11 Movement under permit — penalty.

1. Movements under permit in accordance with this chapter shall be permitted only during the hours from thirty minutes prior to sunrise to thirty minutes following sunset unless the permit-issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume or other roadway-related conditions or the vehicle subject to the permit qualifies for nighttime movement as specified in subsection 2.

2. A permitted vehicle which has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet six inches, may operate under permit from thirty minutes following sunset to thirty minutes prior to sunrise on primary and nonprimary highway system roadways that are at least twenty-two feet in total width with at least eleven feet of lane width. Vehicles operating under the provisions of this subsection shall be equipped with operating projecting-load lighting devices which are in addition to the required vehicle lighting and the signs, flags, and warning lights required for vehicles operating under permit. Additional safety lighting and escorts may be required for movement at night as determined by the permit-issuing authority.

3. Except as provided in section 321.457, no movement under permit shall be permitted on holidays, after 12:00 noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section 324A.1.

4. For the purposes of this chapter, *"holidays"* shall include Memorial Day, Independence Day, and Labor Day.

5. A person who violates this section commits a simple misdemeanor.

[C71, 73, 75, 77, 79, 81, §321E.11]

94 Acts, ch 1087, §13; 95 Acts, ch 67, §27; 95 Acts, ch 118, §28; 97 Acts, ch 104, §28; 2010 Acts, ch 1061, §121; 2010 Acts, ch 1140, §21; 2013 Acts, ch 49, §10; 2015 Acts, ch 30, §106
Referred to in §321E.2, 321E.9

321E.12 Registration must be consistent.

1. *a.* A vehicle traveling under permit shall be registered for the gross weight of the vehicle and load.

b. For purposes of this section, a vehicle traveling under a single-trip permit issued under section 321E.9 may be registered with the department for the combined gross weight of the

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vehicle and load on a single-trip basis. The fee for single-trip registration is four dollars per ton exceeding forty tons.

2. A private carrier who is not for hire may transport special mobile equipment on a vehicle registered for the gross weight of the transport vehicle and cargo, minus the weight of the special mobile equipment, when the special mobile equipment is owned, leased, or rented and under exclusive control of the private carrier.

3. Vehicles, while being used for the transportation of buildings other than mobile homes and factory-built structures, may be registered for the combined gross weight of the vehicle and load on a single-trip basis. The fee is five cents per ton exceeding the weight registered under section 321.122 per mile of travel. Fees shall not be prorated for fractions of miles. This subsection does not exempt these vehicles from any other provision of this chapter.

[C71, 73, 75, 77, 79, 81, §321E.12; 82 Acts, ch 1143, §1]

99 Acts, ch 13, §21, 29; 2005 Acts, ch 8, §38; 2013 Acts, ch 49, §11; 2018 Acts, ch 1026, §114; 2025 Acts, ch 149, §4

Referred to in §321E.2

321E.13 Financial responsibility.

Prior to the issuance of any permit, the applicant for a permit shall be required to file proof of financial responsibility or post a bond with the permit-issuing authority. The amount of the bond shall be determined by the permit-issuing authority and shall be used as security for repair or replacement of official signs, signals, and roadway foundations, surfaces, or structures which may be damaged or destroyed during the movement of a vehicle and load operating under the permit. The duration of the bond shall be determined by the permit-issuing authority for a period not to exceed one year.

[C71, 73, 75, 77, 79, 81, §321E.13]

2013 Acts, ch 49, §12

Referred to in §321E.2

321E.14 Fees for permits.

1. Permit-issuing authorities may charge the following fees:

a. Fifty dollars for an annual permit issued pursuant to section 321E.8, subsection 1.

b. Four hundred dollars for an annual permit issued pursuant to section 321E.8, subsection 3 or 4.

c. Two hundred dollars for a multi-trip permit issued pursuant to section 321E.9A.

d. Six hundred dollars for a special alternative energy multi-trip permit issued pursuant to section 321E.9B.

e. Thirty-five dollars for a single-trip permit issued pursuant to section 321E.9.

f. Twenty-five dollars for an annual permit for special mobile equipment, as defined in section 321.1, subsection 74, issued pursuant to section 321E.7, subsection 3, with a combined gross weight of not more than eighty thousand pounds.

g. Twenty-five dollars for a permit issued pursuant to section 321E.29 or 321E.29A.

h. One hundred dollars for a permit issued pursuant to section 321E.30.

i. One hundred sixty dollars for an annual all-systems permit issued pursuant to section 321E.8, subsection 1, which shall be deposited in the road use tax fund.

j. Five hundred dollars for an annual all-systems permit issued pursuant to section 321E.8, subsection 2, which shall be deposited in the road use tax fund.

k. One hundred seventy-five dollars for a permit issued pursuant to section 321E.26.

l. Four hundred dollars for a fluid milk products annual permit issued pursuant to section 321E.29B.

2. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the permit-issuing authority.

3. A fee not to exceed two hundred fifty dollars per day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15.

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4. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load.

[C71, 73, 75, 77, 79, 81, §321E.14]

83 Acts, ch 116, §6; 86 Acts, ch 1210, §8; 87 Acts, ch 186, §11; 91 Acts, ch 133, §3; 96 Acts, ch 1089, §10; 97 Acts, ch 23, §34; 97 Acts, ch 100, §11; 2001 Acts, ch 32, §28; 2002 Acts, ch 1063, §37; 2008 Acts, ch 1124, §15, 40; 2013 Acts, ch 49, §13; 2015 Acts, ch 2, §3, 15; 2019 Acts, ch 158, §5; 2021 Acts, ch 140, §2, 4; 2022 Acts, ch 1076, §5, 6, 8; 2022 Acts, ch 1086, §2, 3

Referred to in §312.2, 321E.2, 321E.3

321E.15 Rules made available.

The department may adopt and make available upon request to interested parties printed rules and regulations necessary for the movement by permit of vehicles and indivisible loads under the provisions of this chapter. No rule or regulation shall be adopted without prior notice to city and county officials and without a hearing on the proposed rule or regulation. All rules and regulations adopted shall have due regard for the safety of the traveling public and the protection of the highway surfaces and structures. Rules and regulations for permit travel on the interstate system shall be consistent with the federal requirements for the system.

[C71, 73, 75, 77, 79, 81, §321E.15]

Referred to in §321E.2, 321E.14, 321E.16

321E.16 Violations — penalties.

1. A person who violates a provision of a permit issued pursuant to this chapter or rules adopted under section 321E.15, other than a provision relating to weight, shall be subject to a scheduled fine under section 805.8A, subsection 12, paragraph *"f"*.

2. The fine for violation of the weight allowed by a permit shall be based upon the difference between the actual weight of the vehicle and load and the maximum allowable by permit in accordance with section 321.463. If a vehicle with an indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in section 321.463.

3. A person operating a civilian escort vehicle in violation of rules adopted pursuant to section 321E.15 shall be subject to a scheduled fine under section 805.8A, subsection 12, paragraph *"f"*.

[C71, 73, 75, 77, 79, 81, §321E.16]

83 Acts, ch 116, §7; 90 Acts, ch 1099, §1; 90 Acts, ch 1233, §19; 96 Acts, ch 1090, §8; 2001 Acts, ch 137, §5; 2013 Acts, ch 49, §14

Referred to in §321E.17, 805.8A(12)(f)

321E.17 Serious violations.

Proof of imposition of a penalty for a violation of section 321.256, 321.454, 321.456, 321.457, 321.463, 321.471, 321.474, or 321E.16 or any combination of penalties for violation of those sections with respect to the operation of one or more vehicles by any one permit holder, whether operated personally or through agents, servants, or employees of the permit holder, shall constitute prima facie evidence that the permit holder has willfully operated or caused to be operated a vehicle or vehicles in violation of this chapter.

[C71, 73, 75, 77, 79, 81, §321E.17]

2013 Acts, ch 49, §15

321E.18 Overall operations considered.

In any proceeding brought under this chapter, the permit-issuing authority shall consider evidence relating to the nature and severity of the violations and the extent of the operations

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of any vehicles by or on behalf of the permit holder upon the public highways of this state, which did not involve any violations.

[C71, 73, 75, 77, 79, 81, §321E.18]

2013 Acts, ch 49, §16

321E.19 Permit denial, change, suspension, or revocation.

The permit-issuing authority may deny, change, suspend, or revoke any permit issued by the authority pursuant to this chapter for good cause. A decision of the department may be appealed in accordance with chapter 17A, and a decision of a local authority may be appealed in accordance with the appeal procedures of the local authority.

[C71, 73, 75, 77, 79, 81, §321E.19]

83 Acts, ch 116, §8; 89 Acts, ch 273, §2; 2013 Acts, ch 49, §17

321E.20 Suspension period.

Whenever the permit-issuing authority finds from the evidence adduced at hearing that a permit holder has willfully operated or caused to be operated a vehicle or vehicles in violation of this chapter, the permit-issuing authority may enter an order suspending, modifying, or revoking the permit in whole or in part at its discretion for a period not to exceed one hundred eighty days. If the permit-issuing authority finds in a subsequent proceeding within twelve months from the date of the initial suspension, modification, or revocation that a permit holder has again willfully operated in violation of this chapter, the permit-issuing authority shall order suspension, modification, or revocation of permit privileges in whole or in part for a period not to exceed two years.

[C71, 73, 75, 77, 79, 81, §321E.20]

83 Acts, ch 116, §9; 2013 Acts, ch 49, §18

321E.21 through 321E.23 Repealed by 2013 Acts, ch 49, §27.

321E.24 Warning and lighting devices on oversize vehicles and loads.

The department shall adopt rules pursuant to chapter 17A regarding oversize load signs, warning flags, vehicle length warning lights, and projecting-load lights. A vehicle or combination of vehicles with a gross weight or combined gross weight exceeding eighty thousand pounds shall not be required to display warning lights based on the vehicle's weight, but may otherwise be required to display warning lights based on length, a projecting load, or other factors, as provided by law.

[C71, 73, 75, 77, 79, 81, §321E.24]

83 Acts, ch 116, §10; 2013 Acts, ch 49, §19; 2023 Acts, ch 60, §2

321E.25 Use of interstate road system.

Use of the national system of interstate and defense highways under the provisions of this chapter shall be restricted by regulation and other appropriate action of the department in such a manner as to not be in conflict with the applicable provisions of 23 U.S.C. §127.

[C71, 73, 75, 77, 79, 81, §321E.25]

2013 Acts, ch 49, §20

321E.26 Transportation of raw forest products.

1. The department may issue annual permits for the operation of a vehicle or combination of vehicles transporting divisible loads of raw forest products from fields to storage, processing, or other commercial facilities. The combined gross weight or gross weight on any one axle or group of axles on a vehicle or combination of vehicles issued a permit under this section may exceed the maximum weights specified in section 321.463, if the gross weight on any one axle does not exceed the limitations specified in section 321E.7.

2. A vehicle or combination of vehicles for which a permit is issued under this section shall not exceed the maximum dimensions specified in sections 321.454 through 321.457.

3. A vehicle or combination of vehicles for which a permit is issued under this section shall not travel on any portion of the interstate highway system.

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4. Notwithstanding section 321E.3 or any other provision of law to the contrary, a permit issued by the department pursuant to this section is valid for the operation of a vehicle or combination of vehicles on a nonprimary highway if the local authority having jurisdiction over the nonprimary highway has approved the route within the local authority's jurisdiction used by the vehicle or combination of vehicles traveling under the permit.

5. For the purposes of this section, *"raw forest products"* means logs, pilings, posts, poles, cordwood products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood, mulch, tree bark, and Christmas trees not altered by a manufacturing process off the land, sawmill, or factory from which the products were taken.

2019 Acts, ch 158, §6
Referred to in §321.463, 321E.7, 321E.14

321E.27 Special permits — relief supplies during periods of national emergency.

1. During an emergency, the department may issue special permits pursuant to 23 U.S.C. §127(i) authorizing the transportation of divisible loads of relief supplies that exceed the weight limits established under section 321.463 on the interstate highway system if the president of the United States has declared the emergency to be a major disaster under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, 42 U.S.C. §5121 et seq.

2. The department shall only issue special permits under this section exclusively for vehicles and loads that are delivering relief supplies.

3. The department may issue a special permit under this section to a commercial motor carrier that covers all vehicles operated under the commercial motor carrier's interstate or intrastate motor carrier number, as those terms are defined in section 325A.1, provided all vehicles operating under the permit comply with subsection 2.

4. The department shall adopt rules pursuant to chapter 17A to administer this section.

2021 Acts, ch 32, §1

321E.28 Permits for manufactured or mobile homes or factory-built structures. Repealed by 2013 Acts, ch 49, §27.

321E.29 Excess size divisible load permits.

Vehicles or a combination of vehicles with divisible loads in excess of the width, length, or height requirements of chapter 321 may be moved on the highways of this state if the department or permit-issuing authority determines there is a special or emergency situation which warrants the issuance of a special permit. The combined gross weight or gross weight on any one axle or group of axles may exceed the limits established in section 321.463, subject to the limits and routes established by the permit-issuing authority.

[C79, 81, §321E.29]
2013 Acts, ch 49, §21; 2015 Acts, ch 123, §35; 2020 Acts, ch 1054, §4
Referred to in §321E.2, 321E.14

321E.29A Raw milk transporters.

A permit-issuing authority may issue annual permits authorizing a raw milk transporter to transport by motor truck raw milk to or from a milk plant, receiving station, or transfer station. The combined gross weight or gross weight on any axle or group of axles of the motor truck shall not exceed the limits established under section 321.463. The permit-issuing authority may specify weight limits or routes for each raw milk transporter or establish weight limits or routes under section 321E.8.

98 Acts, ch 1103, §1; 2013 Acts, ch 49, §22
Referred to in §321.463, 321E.7, 321E.14

321E.29B Fluid milk products annual permit.

1. Notwithstanding section 321E.8, the permit-issuing authority may issue annual permits for the operation of vehicles or combinations of vehicles transporting fluid milk products to or from a milk plant, receiving station, or transfer station, exceeding the weight limitation of

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section 321.463 but not exceeding a gross weight of one hundred thirty-six thousand pounds. The department shall establish rules regarding minimum distances for axle configurations.

2. A vehicle or combination of vehicles for which a permit is issued under this section shall not exceed the maximum dimensions specified in sections 321.454 through 321.457.

3. For purposes of this section, *"fluid milk product"* means as defined in 7 C.F.R. §1000.15.

4. The department shall adopt rules pursuant to chapter 17A governing the issuance of permits under this section.

2021 Acts, ch 140, §3, 4; 2026 Acts, ch 1138, §1, 2
Referred to in §321.463, 321E.14
2026 amendment to subsection 1 effective January 1, 2027; 2026 Acts, ch 1138, §2
Subsection 1 amended

321E.30 Compacted rubbish transporters.

1. A permit-issuing authority may issue annual permits for the operation of compacted rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area, exceeding the weight limitation of section 321.463 but not exceeding twenty thousand pounds per axle, and for tandem axle vehicles or transferrable axle vehicles, not exceeding a gross weight on the rear axles of thirty-six thousand pounds.

2. Vehicles operated pursuant to an annual permit issued under this section shall be operated only over routes designated by the permit-issuing authority.

3. Annual permits approved by the permit-issuing authority shall be issued upon payment of an annual fee, in addition to other registration fees imposed, to be paid to the permit-issuing authority for all nongovernmental vehicles.

2013 Acts, ch 49, §23
Referred to in §321E.7, 321E.14

321E.31 Permit for moving certain manufactured or mobile homes. Repealed by 2013 Acts, ch 49, §27.

321E.32 Movement of structures and other loads on dolly axles.

The movement of structures and other indivisible loads on dolly axles shall be subject to the same weight limits that apply to all other indivisible loads. However, when an indivisible load is moved and the transverse dolly axles under the load have a clear inside spacing of five feet or more, each axle shall be considered a separate axle in determining the axle weight limitations provided by law.

88 Acts, ch 1208, §4; 2013 Acts, ch 49, §24
Referred to in §321E.9

321E.33 Oversize permit agreement. Repealed by 2013 Acts, ch 49, §27.

321E.34 Escort requirements.

1. The operator of an escort vehicle serving as an escort in the movement of vehicles and loads of excess size and weight under permits required by this chapter shall have a driver's license as defined in section 321.1 valid for the operation of the escort vehicle.

2. The department shall adopt rules pursuant to chapter 17A for all escort requirements. The rules shall include operator requirements; escort vehicle requirements; and length, height, width, and weight requirements for the load or vehicle being moved under an annual or single-trip permit or in a special or emergency situation.

97 Acts, ch 104, §29; 98 Acts, ch 1073, §9; 2013 Acts, ch 49, §25

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CHAPTER 321F

LEASING AND RENTING OF VEHICLES

Referred to in §307.27, 321.16A, 321.20, 321.40, 321.46, 321.57, 321.105A, 321.484

321F.1 Definitions.
321F.2 License required.
321F.3 Application.
321F.4 Fees and expiration.
321F.4A Repealed by 98 Acts, ch 1075, §32.
321F.5 Denial or suspension of license.
321F.6 Financial responsibility — lease.
321F.7 Repealed by 95 Acts, ch 118, §38.
321F.8 Registration of vehicle required.
321F.9 Option to purchase — dealer's license.
321F.10 Department employees.
321F.11 Rules adopted — deposit of fees.
321F.12 Penalty.

321F.1 Definitions.

When used in this chapter, unless the context requires otherwise:

1. *"Business"* means the business of leasing motor vehicles for use by others for compensation.

2. *"Director"* means the director of transportation or the director's designee.

3. *"Evidence of financial responsibility"* means:

a. A certificate of an insurance carrier certifying that the lessor under a lease is insured against liability for a judgment in the amount of fifty thousand dollars for personal injury to one individual and in an aggregate amount of one hundred thousand dollars for personal injuries to all individuals involved in a single accident, and in the amount of ten thousand dollars for property damage, resulting from any such single accident in which a motor vehicle under a lease is involved; or

b. A bond executed by a surety company authorized to do business in this state providing for the payment of judgments, against a lessor under a lease, within the limits set forth in paragraph *"a"* of this subsection.

4. *"Judgment"* means any judgment which shall have become final.

5. *"Lease"* means a written agreement providing for the leasing of a motor vehicle for a period of more than sixty days.

6. *"Licensee"* means a person licensed under the provisions of this chapter to engage in business.

7. *"Motor vehicle"* means every vehicle which is self-propelled and subject to registration under the laws of this state.

8. *"Person"* means an individual, partnership, corporation, association, or other business entity.

[C71, 73, 75, 77, 79, 81, §321F.1]

Referred to in §321.69

321F.2 License required.

No person shall engage in business in this state without first having obtained a license as provided in this chapter.

[C71, 73, 75, 77, 79, 81, §321F.2]

321F.3 Application.

The application for a license to engage in business in this state shall be filed with the director and shall provide such information relating to applicant's business as the director may require.

[C71, 73, 75, 77, 79, 81, §321F.3]

321F.4 Fees and expiration.

1. The license fee for a license to engage in the business of leasing vehicles in this state is thirty dollars for a two-year period or part thereof, to be paid at the time the application for a license is filed. If the application is denied, the amount of the fee shall be refunded to the applicant.

2. A license expires on December 31 of even-numbered years. A licensee shall have the

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month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

[C71, 73, 75, 77, 79, 81, §321F.4]

92 Acts, ch 1175, §6; 2000 Acts, ch 1016, §18; 2006 Acts, ch 1068, §45, 57

321F.4A Repealed by 98 Acts, ch 1075, §32.

321F.5 Denial or suspension of license.

A license shall be denied if the applicant has engaged in business in this state within one year prior to the date of application without first having obtained a license as provided in this chapter, or has violated any rules and regulations of the director adopted for the administration of this chapter.

The license of any licensee who shall have violated any provision of this chapter or any rules and regulations of the director adopted for the administration of this chapter shall be suspended and such license shall not be renewed nor shall a new license be issued to such licensee within one year after the date of suspension of the license; provided that the suspension of a license shall not invalidate any lease entered into by lessor prior to suspension and the parties to the lease shall have the authority and remain liable to perform their respective obligations under such leases.

[C71, 73, 75, 77, 79, 81, §321F.5]

321F.6 Financial responsibility — lease.

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

[C71, 73, 75, 77, 79, 81, §321F.6]

92 Acts, ch 1175, §8; 95 Acts, ch 118, §29

Referred to in §321.484

321F.7 Repealed by 95 Acts, ch 118, §38.

321F.8 Registration of vehicle required.

All motor vehicles which are primarily garaged or located in this state and which are the subject of a lease shall be registered in this state. This section shall not be construed to exempt any motor vehicle from registration which is otherwise subject to registration under the provisions of chapter 321, provided, however, that the provisions of this section shall not apply to motor vehicles in fleets whose registrations are apportioned under the provisions of chapter 326.

[C71, 73, 75, 77, 79, 81, §321F.8]

2012 Acts, ch 1093, §15

321F.9 Option to purchase — dealer's license.

Any person engaged in business in this state shall not enter into any agreement for the use of a motor vehicle under the terms of which that person grants to another an option to purchase the motor vehicle without first having obtained a motor vehicle dealer's license under the provisions of chapter 322, and all sales of motor vehicles under such options shall be subject to sales or use taxes imposed under the provisions of chapter 423. Nothing contained in this section shall require such person to have a place of business as provided by section 322.6, subsection 1, paragraph *"h"*.

[C71, 73, 75, 77, 79, 81, §321F.9]

2003 Acts, 1st Ex, ch 2, §172, 205; 2009 Acts, ch 130, §28

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321F.10 Department employees.

Section 322.1, as it pertains to employees and the expenditure of funds shall apply to the provisions of this chapter.

[C71, 73, 75, 77, 79, 81, §321F.10]

321F.11 Rules adopted — deposit of fees.

The director shall adopt rules for the purpose of administering this chapter. All fees and funds accruing from the administration of this chapter shall be remitted to the treasurer of state monthly and deposited in the road use tax fund.

[C71, 73, 75, 77, 79, 81, §321F.11]

321F.12 Penalty.

Any person violating any provision of this chapter shall be guilty of a simple misdemeanor.

[C71, 73, 75, 77, 79, 81, §321F.12]

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CHAPTER 321G

SNOWMOBILES

Referred to in §232.8, 350.5, 455A.4, 455A.5, 456A.14, 456A.24, 462A.33, 805.16, 903.1

321G.1 Definitions.
321G.2 Rules.
321G.3 Registration required for residents — penalties.
321G.4 Registration — fee.
321G.4A User permit — fee. Repealed by 2024 Acts, ch 1093, §14.
321G.4B Nonresident requirements — fees — penalties.
321G.5 Display of registration and nonresident user permit decals.
321G.6 Registration — renewal.
321G.7 Fees remitted to commission — appropriation — trail equipment donation.
321G.8 Exempt snowmobiles.
321G.9 Operation on roadways and highways.
321G.10 Accident reports.
321G.11 Mufflers required.
321G.12 Headlight — taillight — brakes.
321G.13 Unlawful operation.
321G.14 Penalty.
321G.15 Operation pending registration.
321G.16 Special events.
321G.17 Violation of stop signal.
321G.18 Negligence.
321G.19 Rented snowmobiles.
321G.20 Operation by persons under sixteen.
321G.21 Manufacturer, distributor, or dealer — special registration.
321G.22 Limitation of liability by public bodies and adjoining owners.
321G.22A Recreational riding area — limitation of liability of prior landowners. Repealed by 2004 Acts, ch 1132, §96.
321G.23 Course of instruction.
321G.24 Education certificate — fee.
321G.25 Stopping and inspecting — warnings.
321G.26 Termination of use.
321G.27 Writing fees.
321G.28 Consistent local laws — special local rules.
321G.29 Owner's certificate of title — in general.
321G.30 Fees — duplicates.
321G.31 Transfer or repossession by operation of law.
321G.32 Security interest — perfection and titles — fees.
321G.33 Vehicle identification number.
321G.34 Repeat offender — records, enforcement, and penalties.

321G.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"All-terrain vehicle"* means the same as defined in section 321I.1.

2. *"'A' scale"* means the physical scale marked "A" graduated in decibels on a sound level meter which meets the requirements of the American national standards institute, incorporated, publication S1.4-1961, general purpose sound level meters.

3. *"Commission"* means the natural resource commission of the department.

4. *"Dealer"* means a person engaged in the business of buying, selling, or exchanging

snowmobiles required to be registered under this chapter and who has an established place of business for that purpose in this state.

5. *"Department"* means the department of natural resources.

6. *"Designated snowmobile trail"* means a snowmobile riding trail on any public land, private land, or public ice that has been designated by the department, a political subdivision, or a controlling authority for snowmobile use.

7. *"Direct supervision"* means to provide supervision of another person while maintaining visual and verbal contact at all times.

8. *"Director"* means the director of the department.

9. *"Distributor"* means a person, resident or nonresident, who sells or distributes snowmobiles to snowmobile dealers in this state or who maintains distributor representatives.

10. *"Education certificate"* means a snowmobile education certificate, approved by the commission, which is issued to a qualified applicant who is twelve years of age or older.

11. *"Established place of business"* means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer's or manufacturer's business is primarily transacted.

12. *"Manufacturer"* means a person engaged in the business of constructing or assembling snowmobiles required to be registered under this chapter and who has an established place of business for that purpose in this state.

13. *"Measurable snow"* means one-tenth of one inch of snow.

14. *"Nonambulatory person"* means an individual with paralysis of the lower half of the body with the involvement of both legs, usually caused by disease of or injury to the spinal cord, or caused by the loss of both legs or the loss of a part of both legs.

15. *"Nonresident"* means a person who is not a resident of this state.

16. *"Operate"* means to ride in or on, other than as a passenger, use, or control the operation of a snowmobile in any manner, whether or not the snowmobile is moving.

17. *"Operator"* means a person who operates or is in actual physical control of a snowmobile.

18. *"Owner"* means a person, other than a lienholder, having the property right in or title to a snowmobile. The term includes a person entitled to the use or possession of a snowmobile subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

19. *"Person"* means an individual, partnership, firm, corporation, association, and the state, its agencies, and political subdivisions.

20. *"Public ice"* means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission.

21. *"Public land"* means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321G.7. *"Public land"* includes but is not limited to a roadway or highway. However, this subsection shall not be construed to permit the operation of snowmobiles on a roadway or highway except as provided in section 321G.9.

22. *"Public water"* means any navigable waters within the territorial limits of this state and the marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission.

23. *"Railroad right-of-way"* means the full width of property owned, leased, or subject to easement for railroad purposes and is not limited to those areas on which tracks are located.

24. *"Resident"* means as defined in section 483A.1A.

25. *"Roadway"* means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

26. *"Snowmobile"* means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. *"Snowmobile"* does not include an all-terrain vehicle, as defined in section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads.

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27. *"Special event"* means an organized race, exhibition, or demonstration of limited duration which is conducted on public land, public ice, or a designated snowmobile trail under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested.

28. *"Street"* or *"highway"* means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway.

29. *"Water skipping"* means the operation of a snowmobile on the surface of water by utilizing the skis, track, and bottom surface area of the snowmobile for flotation while the snowmobile is in motion.

[C71, 73, 75, 77, 79, 81, §321G.1; 81 Acts, ch 113, §2]

86 Acts, ch 1245, §1877, 1883; 89 Acts, ch 244, §1 – 3; 91 Acts, ch 236, §1; 95 Acts, ch 177, §1; 97 Acts, ch 148, §8, 9; 99 Acts, ch 113, §1; 2002 Acts, ch 1027, §1; 2004 Acts, ch 1132, §1, 2; 2005 Acts, ch 138, §1; 2007 Acts, ch 141, §2; 2012 Acts, ch 1100, §1 – 3; 2014 Acts, ch 1141, §63; 2016 Acts, ch 1073, §104; 2017 Acts, ch 40, §1

Referred to in §321.23, 321I.1, 322D.1

321G.2 Rules.

1. The commission may adopt rules for the following purposes:

a. Registration and titling of snowmobiles.

b. Use of snowmobiles as far as game and fish resources or habitats are affected.

c. Use of snowmobiles on designated snowmobile trails and public lands under the jurisdiction of the commission.

d. Use of snowmobiles on any waters of the state under the jurisdiction of the commission, while the waters are frozen.

e. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development, maintenance, signing, and operation of designated snowmobile trails and the operation of grooming equipment by political subdivisions and incorporated private organizations.

f. Issuance of education certificates.

g. Issuance of competition registrations and the participation of snowmobiles so registered in special events.

h. Issuance of nonresident user permits and establishment of administrative fees for issuance of the permits.

i. Establishment of a certified education course for the operation of snowmobile grooming equipment.

j. Establishment of a certified education course for the safe use and operation of snowmobiles.

k. Certification of volunteer snowmobile education instructors.

l. Maintenance, signing, and operation of designated snowmobile trails.

2. The director of transportation may adopt rules not inconsistent with this chapter regulating the use of snowmobiles on streets and highways. Cities may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for snowmobiling.

3. In adopting the rules, consideration shall be given to the need to protect the environment and the public health, safety, and welfare; to protect private property, public parks, and other public lands; to protect wildlife and wildlife habitat; and to promote uniformity of rules relating to the use, operation, and equipment of snowmobiles. The rules shall be in conformance with chapter 17A.

[C71, 73, 75, 77, 79, 81, §321G.2]

86 Acts, ch 1031, §1; 89 Acts, ch 244, §4; 2002 Acts, ch 1027, §2; 2004 Acts, ch 1132, §3; 2007 Acts, ch 141, §3; 2009 Acts, ch 144, §1, 2; 2012 Acts, ch 1100, §4, 5; 2024 Acts, ch 1093, §1

Referred to in §321G.23, 321G.24

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321G.3 Registration required for residents — penalties.

1. Each snowmobile used by a resident on public land, public ice, or a designated snowmobile trail of this state shall be currently registered in this state pursuant to section 321G.4. A resident shall not operate, maintain, or give permission for the operation or maintenance of a snowmobile on public land, public ice, or a designated snowmobile trail unless the snowmobile is registered in accordance with this chapter.

2. A violation of subsection 1 is punishable as a scheduled violation under section 805.8B, subsection 2, paragraph *"a"*. The violator shall submit proof to the department that a valid registration has been obtained by providing a copy of the registration to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor.

[C71, 73, 75, 77, 79, 81, §321G.3]

86 Acts, ch 1031, §2; 89 Acts, ch 244, §5; 2002 Acts, ch 1027, §3; 2004 Acts, ch 1132, §4; 2005 Acts, ch 138, §2; 2007 Acts, ch 141, §4; 2012 Acts, ch 1100, §6; 2014 Acts, ch 1141, §53; 2024 Acts, ch 1093, §2

Referred to in §805.8B(2)(a)

321G.4 Registration — fee.

1. The owner of each snowmobile required to be registered shall register it annually with the department through a county recorder. The department shall develop and maintain an electronic system for the registration of snowmobiles pursuant to this chapter. The department shall establish forms and procedures as necessary for the registration of snowmobiles.

2. *a.* The owner of the snowmobile shall file an application for registration with the department through the county recorder of the county of residence in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of thirty dollars and a writing fee in accordance with section 321G.27. A snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the snowmobile or that the owner is exempt from paying the tax. A snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

b. If the owner of the snowmobile is unable to present satisfactory evidence that the sales or use tax has been paid, the county recorder shall collect the tax. On or before the tenth day of each month, the county recorder shall remit to the department of revenue the amount of the taxes collected during the preceding month, in a manner prescribed by the department.

3. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall issue to the applicant a registration certificate and registration decal. The registration decal shall be displayed on the snowmobile as provided in section 321G.5. The registration certificate shall be carried either in the snowmobile or on the person of the operator of the snowmobile when in use. The operator of a snowmobile shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving a snowmobile, to the owner or operator of another snowmobile or the owner of personal or real property when the snowmobile is involved in a collision or accident of any nature with another snowmobile or the property of another person, or to the property owner or tenant when the snowmobile is being operated on private property without permission from the property owner or tenant.

4. Notwithstanding subsections 1 and 2, a snowmobile manufactured prior to 1984 may be registered as an antique snowmobile for a one-time fee of twenty-five dollars, which shall exempt the owner from annual registration and fee requirements for that snowmobile. However, if ownership of an antique snowmobile is transferred, the new owner shall register

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the snowmobile and pay the one-time fee as required under this subsection. An antique snowmobile may be registered with only a signed bill of sale as evidence of ownership.

[C71, 73, 75, 77, 79, 81, §321G.4; 81 Acts, ch 113, §3]

86 Acts, ch 1235, §1; 89 Acts, ch 244, §6; 99 Acts, ch 113, §2; 99 Acts, ch 114, §21; 2003 Acts, ch 44, §60; 2004 Acts, ch 1132, §5, 97; 2005 Acts, ch 138, §3; 2007 Acts, ch 141, §5; 2012 Acts, ch 1100, §7; 2014 Acts, ch 1141, §54; 2015 Acts, ch 30, §107; 2020 Acts, ch 1118, §34; 2021 Acts, ch 86, §36; 2024 Acts, ch 1093, §3

Referred to in §321G.3, 321G.29, 331.602, 331.605

321G.4A User permit — fee. Repealed by 2024 Acts, ch 1093, §14.

321G.4B Nonresident requirements — fees — penalties.

1. A nonresident wishing to operate a snowmobile on public land, public ice, or a designated snowmobile trail of this state shall obtain a nonresident user permit from the department. A nonresident user permit issued by the department is only valid for use on one snowmobile, is not transferable, and is valid for the calendar year, unless a different time period is specified in the permit. In addition to obtaining a nonresident user permit, a nonresident shall display a current registration decal or other evidence of registration or numbering required by the owner's state of residence unless the owner resides in a state that does not register or number snowmobiles.

2. A violation of subsection 1 is punishable as a scheduled violation under section 805.8B, subsection 2, paragraph *"a"*. The violator shall submit proof to the department that a nonresident user permit has been obtained and provide evidence of registration or numbering as required by the owner's state of residence, if applicable, to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor.

3. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue nonresident user permits. The fee for a nonresident user permit is fifteen dollars plus an administrative fee established by the commission. A county recorder or a license agent shall retain a writing fee from the sale of each nonresident user permit in accordance with section 321G.27.

2014 Acts, ch 1141, §55; 2024 Acts, ch 1093, §4

Referred to in §321G.7, 331.602, 331.605, 805.8B(2)(a)

321G.5 Display of registration and nonresident user permit decals.

The owner of a snowmobile shall display the registration decal and, if applicable, the nonresident user permit decal on the snowmobile in the manner prescribed by the rules of the commission.

[C71, 73, 75, 77, 79, 81, §321G.5]

86 Acts, ch 1031, §3; 89 Acts, ch 244, §7; 2002 Acts, ch 1027, §4; 2004 Acts, ch 1132, §6; 2007 Acts, ch 141, §7; 2012 Acts, ch 1100, §9; 2024 Acts, ch 1093, §5

Referred to in §321G.4, 805.8B(2)(e)

For applicable scheduled fine, see §805.8B, subsection 2, paragraph e

321G.6 Registration — renewal.

1. Every snowmobile registration certificate and registration decal issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter or rules of the commission. After the first day of September each year, an unregistered snowmobile may be registered and a registration may be renewed, as applicable, in one transaction. The fee is five dollars for the remainder of the current year, in addition to the registration fee of thirty dollars for the subsequent year beginning January 1, and a writing fee as provided in section 321G.27.

2. An expired registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee as provided in section 321G.27.

3. Duplicate registrations may be issued by a county recorder or a license agent upon the payment of a five dollar fee plus a writing fee as provided in section 321G.27.

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4. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue snowmobile registration renewals electronically pursuant to rules adopted by the commission. The fee for a registration renewal issued using an electronic system is thirty dollars plus an administrative fee established by the commission and a writing fee as provided in section 321G.27.

[C71, 73, 75, 77, 79, 81, S81, §321G.6; 81 Acts, ch 113, §4, 5]

86 Acts, ch 1031, §4; 86 Acts, ch 1235, §2; 89 Acts, ch 244, §8 – 11; 91 Acts, ch 236, §2; 97 Acts, ch 148, §6, 9; 99 Acts, ch 113, §3; 2000 Acts, ch 1019, §1; 2002 Acts, ch 1027, §5; 2004 Acts, ch 1132, §7; 2005 Acts, ch 138, §5, 6; 2007 Acts, ch 141, §8; 2012 Acts, ch 1100, §10; 2024 Acts, ch 1093, §6

Referred to in §331.602

321G.7 Fees remitted to commission — appropriation — trail equipment donation.

1. A county recorder or license agent shall remit to the commission the snowmobile fees collected by the recorder or license agent in the manner and time prescribed by the department.

2. The department shall remit the fees, including nonresident user permit fees collected pursuant to section 321G.4B, to the treasurer of state, who shall place the money in a special snowmobile fund. The money is appropriated to the department for the snowmobile programs of the state. The programs must include grants, subgrants, contracts, or cost-sharing of snowmobile programs with political subdivisions or incorporated private organizations or both, which may include the purchase, ownership, and maintenance of trail grooming equipment, in accordance with rules adopted by the commission. Snowmobile fees may be used to support snowmobile programs on a usage basis. At least seventy percent of the special fund shall be available for political subdivisions or incorporated private organizations, or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations, or both, shall remain in the fund and may be used by the department for the administration of the snowmobile programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

3. Notwithstanding any provision of law to the contrary, the department may donate trail grooming equipment owned by the department to a political subdivision or incorporated private organization receiving moneys from the fund after the useful life of the trail grooming equipment to the department has expired.

[C71, 73, 75, 77, 79, 81, S81, §321G.7; 81 Acts, ch 113, §6]

89 Acts, ch 102, §2; 89 Acts, ch 244, §12; 2004 Acts, ch 1132, §8; 2005 Acts, ch 138, §7; 2007 Acts, ch 141, §9; 2012 Acts, ch 1100, §11; 2017 Acts, ch 40, §2, 3; 2024 Acts, ch 1093, §7

Referred to in §321G.1, 321G.24, 321G.30, 321G.32, 331.427

321G.8 Exempt snowmobiles.

Registration and nonresident user permits shall not be required for the following described snowmobiles:

1. Snowmobiles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.

2. Snowmobiles used exclusively as farm implements.

3. Snowmobiles registered in an organized special event authorized pursuant to section 321G.16 when such snowmobiles are operated within the boundaries of the event.

[C71, 73, 75, 77, 79, 81, §321G.8]

89 Acts, ch 244, §13; 2002 Acts, ch 1027, §6; 2004 Acts, ch 1132, §9; 2005 Acts, ch 138, §8; 2007 Acts, ch 141, §10; 2012 Acts, ch 1100, §12, 13; 2017 Acts, ch 40, §4; 2024 Acts, ch 1093, §8

321G.9 Operation on roadways and highways.

A person shall not operate a snowmobile upon roadways or highways, as defined in section 321.1, except as provided in this chapter.

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1. A snowmobile shall not be operated at any time within the right-of-way of any interstate highway or freeway within this state. However, a snowmobile may be operated within the right-of-way of an interstate highway or freeway when using an underpass or crossing a bridge located on the interstate highway or freeway if the snowmobile is brought to a complete stop before entering onto the right-of-way and the driver yields the right-of-way to any approaching vehicle on the roadway.

2. A snowmobile may make a direct crossing of a street or highway provided all of the following occur:

a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

3. A snowmobile shall not be operated on public highways under any of the following conditions:

a. On the roadway portion of a highway and adjacent shoulder, or at least five feet on either side of the roadway, except as provided in subsection 4.

b. On limited access highways and approaches.

c. For racing any moving object.

d. Abreast with one or more other snowmobiles on a city highway.

4. A registered snowmobile may be operated under the following conditions:

a. Upon city highways which have not been plowed during the snow season or on such highways as designated by the governing body of a municipality.

b. On that portion of county roadways that have not been plowed during the snow season or not maintained or utilized for the operation of conventional two-wheel drive motor vehicles.

c. On highways in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

d. On the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which snowmobiles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. Signs warning of the operation of snowmobiles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for the operation.

e. On the roadway or shoulder when necessary to cross a bridge or culvert, or avoid an obstruction which makes it impossible to travel on the portion of the highway not intended for motor vehicles, if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right-of-way to any approaching vehicle on the roadway.

f. Snowmobiles shall not be operated on all-terrain vehicle trails except where designated by the controlling authority and the primary all-terrain vehicle trail sponsor.

5. The headlight and taillight shall be lighted during the operation on a public highway at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet or rain provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

6. A snowmobile shall not be operated within the right-of-way of a primary highway between the hours of sunset and sunrise except on the right-hand side of the right-of-way

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and in the same direction as the motor vehicular traffic on the nearest lane of traveled portion of the right-of-way.

[C71, 73, 75, 77, 79, 81, §321G.9]

89 Acts, ch 244, §14 – 21; 90 Acts, ch 1230, §80; 92 Acts, ch 1168, §1; 98 Acts, ch 1073, §9; 2004 Acts, ch 1132, §10 – 15; 2012 Acts, ch 1100, §14; 2015 Acts, ch 38, §1

Referred to in §321G.1, 331.362, 805.8B(2)(b)

For applicable scheduled fines, see §805.8B, subsection 2, paragraph b

321G.10 Accident reports.

If a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land, public ice, or a designated snowmobile trail under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under section 321.266.

[C71, 73, 75, 77, 79, 81, §321G.10; 81 Acts, ch 113, §7]

89 Acts, ch 244, §22; 2004 Acts, ch 1132, §16; 2010 Acts, ch 1157, §2; 2011 Acts, ch 38, §21; 2012 Acts, ch 1100, §15

321G.11 Mufflers required.

1. The exhaust of every internal combustion engine used in any snowmobile shall be effectively muffled by equipment constructed and used to muffle all snowmobile noise in a reasonable manner in accordance with rules adopted by the commission.

2. The commission may adopt rules with respect to the inspection of snowmobiles and testing of snowmobile mufflers.

3. A separate placard shall be affixed, permanently and conspicuously, to any new snowmobile sold or offered for sale in this state that does not meet the muffler requirements as stated above. The placard shall designate each snowmobile which does not meet the muffler requirements.

4. A snowmobile manufactured after July 1, 1975, which is sold, offered for sale or used in this state, except in an authorized special event, shall have a muffler system that limits engine noise to not more than seventy-eight decibels as measured on the "A" scale at a distance of fifty feet.

[C71, 73, 75, 77, 79, 81, §321G.11]

89 Acts, ch 244, §23; 2004 Acts, ch 1132, §17; 2009 Acts, ch 144, §3

Referred to in §805.8B(2)(b)

For applicable scheduled fines, see §805.8B, subsection 2, paragraph b

321G.12 Headlight — taillight — brakes.

Every snowmobile shall be equipped with at least one headlight and one taillight. Every snowmobile shall be equipped with brakes.

[C71, 73, 75, 77, 79, 81, §321G.12]

89 Acts, ch 244, §24; 98 Acts, ch 1080, §8; 2004 Acts, ch 1132, §18; 2012 Acts, ch 1100, §16

Referred to in §805.8B(2)(c)

For applicable scheduled fines, see §805.8B, subsection 2, paragraph c

321G.13 Unlawful operation.

1. A person shall not drive or operate a snowmobile:

a. At a rate of speed greater than reasonable or proper under all existing circumstances.

b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.

d. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

e. In any tree nursery or planting in a manner which damages or destroys growing stock.

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f. On any public land, public ice, or designated snowmobile trail, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.

g. (1) In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a nonmeandered stream which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated snowmobile trails.

(2) This paragraph "*g*" does not prohibit the use of ford crossings of public or private roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of snowmobiles on ice.

h. Upon an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.

i. Upon the surface of any public water in a maneuver known as water skipping. This paragraph "*i*" does not apply to operation on rivers or streams between November 1 and April 1.

2. A person shall not discharge a firearm while on a snowmobile, except that a nonambulatory person may discharge a firearm from a snowmobile while lawfully hunting if the person is not operating or riding a moving snowmobile.

3. A person shall not drive or operate a snowmobile on public land or a designated snowmobile trail without a measurable snow cover.

4. As used in this section, "*rented by the person*" includes a person who does not necessarily rent the land but who principally provides labor for the production of crops located on agricultural land or for the production of livestock principally located on agricultural land. The person must personally provide such labor on a regular, continuous, and substantial basis.

[C71, 73, 75, 77, 79, 81, §321G.13; 81 Acts, ch 113, §8]

89 Acts, ch 244, §25, 26; 91 Acts, ch 236, §3; 99 Acts, ch 97, §1; 2002 Acts, ch 1001, §2; 2002 Acts, ch 1027, §7, 8; 2004 Acts, ch 1132, §19 – 22; 2005 Acts, ch 138, §9; 2007 Acts, ch 22, §69; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1100, §17 – 19; 2016 Acts, ch 1070, §1; 2017 Acts, ch 29, §97, 98; 2017 Acts, ch 69, §46; 2018 Acts, ch 1058, §1, 2; 2018 Acts, ch 1172, §28; 2025 Acts, ch 48, §1

Referred to in §805.8B(2)(b)
For applicable scheduled fines, see §805.8B, subsection 2, paragraph b

321G.14 Penalty.

1. A person who violates this chapter or a rule of the commission or director of transportation is guilty of a simple misdemeanor.

2. Chapter 232 shall have no application in the prosecution of offenses which are committed in violation of this chapter and which constitute simple misdemeanors.

[C71, 73, 75, 77, 79, 81, §321G.14]

2004 Acts, ch 1132, §23

321G.15 Operation pending registration.

The commission shall furnish snowmobile dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered snowmobile sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for forty-five days immediately following the purchase. The purchaser of a registered snowmobile may operate it for forty-five days immediately following the purchase, without having completed a transfer of registration. A snowmobile dealer shall make

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application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile.

[C73, 75, 77, 79, 81, §321G.15]

86 Acts, ch 1245, §1877; 89 Acts, ch 244, §27; 97 Acts, ch 148, §5, 9; 98 Acts, ch 1076, §1; 2004 Acts, ch 1132, §24; 2007 Acts, ch 141, §11

321G.16 Special events.

The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special events held under department permits and designating the equipment and facilities necessary for safe operation of snowmobiles or for the safety of operators, participants, and observers in the special events. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department. Copies of the rules shall be furnished by the department to any person making an application.

[C73, 75, 77, 79, 81, §321G.16]

89 Acts, ch 244, §28; 91 Acts, ch 236, §4; 2004 Acts, ch 1132, §25

Referred to in §321G.8

321G.17 Violation of stop signal.

A person who has received a visual or audible signal from a peace officer to come to a stop, shall not operate a snowmobile in willful or wanton disregard of the signal, interfere with or endanger the officer or any other person or vehicle, increase speed, or attempt to flee or elude the officer.

[C73, 75, 77, 79, 81, §321G.17]

89 Acts, ch 244, §29; 2004 Acts, ch 1132, §26; 2012 Acts, ch 1100, §20

Referred to in §805.8B(2)(f)

For applicable scheduled fine, see §805.8B, subsection 2, paragraph f

321G.18 Negligence.

The owner and operator of a snowmobile are liable for any injury or damage occasioned by the negligent operation of the snowmobile. The owner of a snowmobile shall be liable for any such injury or damage only if the owner was the operator of the snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the snowmobile at the time the injury or damage occurred.

[C73, 75, 77, 79, 81, §321G.18]

89 Acts, ch 244, §30; 98 Acts, ch 1074, §26; 2000 Acts, ch 1133, §14; 2004 Acts, ch 1132, §27

321G.19 Rented snowmobiles.

1. The owner of a rented snowmobile shall keep a record of the name and address of each person renting the snowmobile, its registration certificate, the departure date and time, and the expected time of return. The records shall be preserved for six months.

2. The owner of a snowmobile operated for hire shall not permit the use or operation of a rented snowmobile unless it has been provided with all equipment required by this chapter or rules of the commission or the director of transportation, properly installed and in good working order.

[C73, 75, 77, 79, 81, §321G.19]

89 Acts, ch 244, §31; 2003 Acts, ch 44, §61; 2004 Acts, ch 1132, §28; 2007 Acts, ch 141, §12

Referred to in §805.8B(2)(d)

For applicable scheduled fines, see §805.8B, subsection 2, paragraph d

321G.20 Operation by persons under sixteen.

A person under sixteen years of age shall not operate a snowmobile on a designated snowmobile trail, public land, or public ice unless the operation is under the direct supervision of a parent, legal guardian, or another person of at least eighteen years of age authorized by the parent or guardian, who is experienced in snowmobile operation and who

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possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

[C73, 75, 77, 79, 81, §321G.20]

89 Acts, ch 244, §32; 90 Acts, ch 1230, §81; 98 Acts, ch 1073, §9; 2004 Acts, ch 1132, §29; 2012 Acts, ch 1100, §21; 2013 Acts, ch 90, §85; 2014 Acts, ch 1141, §56

Referred to in §805.8B(2)(g)
For applicable scheduled fine, see §805.8B, subsection 2, paragraph g

321G.21 Manufacturer, distributor, or dealer — special registration.

1. A manufacturer, distributor, or dealer owning a snowmobile required to be registered under this chapter may operate the snowmobile for purposes of transporting, testing, demonstrating, or selling it without the snowmobile being registered, except that a special registration decal issued to the owner as provided in this chapter shall be displayed on the snowmobile in the manner prescribed by rules of the commission. The special registration decal shall not be used on a snowmobile offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

2. Every manufacturer, distributor, or dealer shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate and decal. The applicant shall pay a registration fee of forty-five dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission.

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate and decal. The special registration certificate shall contain the applicant's name, address, and general identification number; the word "manufacturer", "dealer", or "distributor"; and other information the commission prescribes.

4. The commission shall also issue duplicate special registration certificates and decals which shall have displayed thereon the general identification number assigned to the applicant. A county recorder may issue duplicate special registration certificates and decals electronically pursuant to rules adopted by the commission. The fee for each additional duplicate special registration certificate and decal shall be five dollars, plus a writing fee.

5. Each special registration certificate issued under this section shall be for a period of three years and shall expire on December 31 of the renewal year. A new special registration certificate for the three-year renewal period may be obtained upon application to the commission and payment of the fee provided by law. A county recorder may issue special registration certificate renewals electronically pursuant to rules adopted by the commission.

6. If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall secure a separate and distinct special registration certificate and general identification number for each place of business.

7. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration.

8. Nothing in this section shall prohibit a dealer from obtaining a new registration and transfer of registration in the same manner as other purchasers.

9. The commission may adopt rules consistent with this chapter establishing minimum requirements for dealers. In adopting such rules, the commission shall consider the need to protect persons, property, and the environment and to promote uniformity of practices relating to the sale and use of snowmobiles. The commission may also adopt rules providing for the suspension or revocation of a dealer's special registration certificate issued pursuant to this section.

[C73, 75, 77, 79, 81, §321G.21]

89 Acts, ch 244, §33; 2002 Acts, ch 1027, §9; 2004 Acts, ch 1132, §30; 2007 Acts, ch 141, §13 – 17; 2009 Acts, ch 144, §4; 2012 Acts, ch 1100, §22

Referred to in §331.602, 805.8B(2)(h)
For applicable scheduled fine, see §805.8B, subsection 2, paragraph h

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321G.22 Limitation of liability by public bodies and adjoining owners.

1. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating a snowmobile, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

2. This section does not create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees for injury to persons or property in the operation of snowmobiles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for the operation of a snowmobile in violation of this chapter.

[C73, 75, 77, 79, 81, §321G.22]

86 Acts, ch 1070, §1; 89 Acts, ch 244, §34; 2004 Acts, ch 1132, §31

321G.22A Recreational riding area — limitation of liability of prior landowners. Repealed by 2004 Acts, ch 1132, §96. See §321I.24.

321G.23 Course of instruction.

1. The commission shall provide, by rules adopted pursuant to section 321G.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of snowmobiles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of snowmobiles consistent with this chapter and rules adopted by the commission and the director of transportation and other matters the commission deems pertinent for a qualified snowmobile operator. The commission may establish a fee for the course which shall not exceed the actual cost of instruction minus moneys received by the department from education certificate fees under section 321G.24.

2. The commission may certify any experienced, qualified operator to be an instructor of a class established under subsection 1. Each instructor shall be at least eighteen years of age.

3. Upon completion of the course of instruction, the commission shall provide for the administration of a written test to any student who wishes to qualify for an education certificate.

4. The commission shall provide education material relating to the operation of snowmobiles for the use of nonpublic or public elementary and secondary schools in this state.

5. The department may develop requirements and standards for online education offerings. Only vendors who have entered into a memorandum of understanding with the department shall be permitted to offer an online course that results in the issuance of an education certificate approved by the commission. Vendors may charge for their courses and collect the education certificate fee required under section 321G.24, subsection 2, on behalf of the department as agreed to in the memorandum of understanding.

[C75, 77, 79, 81, §321G.23]

89 Acts, ch 244, §35; 2004 Acts, ch 1132, §32; 2007 Acts, ch 141, §18; 2012 Acts, ch 1100, §23

321G.24 Education certificate — fee.

1. A person twelve through seventeen years of age shall not operate a snowmobile on

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public land, public ice, a designated snowmobile trail, or land purchased with snowmobile registration funds in this state without obtaining an education certificate approved by the department and having the certificate in the person's possession, unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

2. Upon successful completion of the course and payment of a fee of five dollars, a qualified applicant shall be issued an education certificate which is valid until the certificate is suspended or revoked by the director for a violation of a provision of this chapter or a rule adopted pursuant to this chapter.

3. Any person who is required to have an education certificate under this chapter and who has completed a course of instruction established under section 321G.2, subsection 1, paragraph "*j*", including the successful passage of an examination which includes a written test relating to such course of instruction, shall be considered qualified to receive an education certificate.

4. The certificate fees collected under this section shall be credited to the special snowmobile fund created under section 321G.7 and shall be used for safety and educational programs.

5. A valid snowmobile safety or education certificate or license issued by a governmental authority of another state shall be considered a valid certificate or license in this state if the certification or licensing requirements of the governmental authority are substantially the same as the requirements of this chapter as determined by the commission.

[C75, 77, 79, 81, §321G.24; 81 Acts, ch 113, §9]

89 Acts, ch 244, §36; 90 Acts, ch 1230, §82; 91 Acts, ch 236, §5; 98 Acts, ch 1073, §9; 2004 Acts, ch 1132, §33; 2007 Acts, ch 141, §19; 2009 Acts, ch 144, §5; 2012 Acts, ch 1100, §24; 2014 Acts, ch 1141, §57

Referred to in §321G.23, 805.8B(2)(g)
For applicable scheduled fine, see §805.8B, subsection 2, paragraph g

321G.25 Stopping and inspecting — warnings.

A peace officer may stop and inspect a snowmobile operated, parked, or stored on public streets, highways, public lands, public ice, or designated snowmobile trails of the state to determine if the snowmobile is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the snowmobile is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the snowmobile to have the snowmobile in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

[81 Acts, ch 113, §1]

89 Acts, ch 244, §37; 2004 Acts, ch 1132, §34; 2012 Acts, ch 1100, §25

321G.26 Termination of use.

A person who receives a warning memorandum for a snowmobile shall stop using the snowmobile as soon as possible and shall not operate it on public streets, highways, public lands, public ice, or designated snowmobile trails of the state until the snowmobile is in compliance.

[81 Acts, ch 113, §1]

89 Acts, ch 244, §38; 2004 Acts, ch 1132, §35; 2012 Acts, ch 1100, §26

321G.27 Writing fees.

1. *a.* The county recorder shall collect a writing fee of two dollars for each privilege under this chapter.

b. Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county.

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2. *a.* A license agent shall collect a writing fee of one dollar for a snowmobile registration or for renewal of a registration by the license agent.

b. A license agent shall retain a writing fee of one dollar from the sale of each nonresident user permit issued by the license agent.

[S81, §321G.27; 81 Acts, ch 113, §1]

89 Acts, ch 244, §39; 2004 Acts, ch 1132, §36; 2007 Acts, ch 141, §20; 2012 Acts, ch 1100, §27; 2023 Acts, ch 71, §101, 102; 2024 Acts, ch 1093, §9

Referred to in §321G.4, 321G.4B, 321G.6, 321G.29, 321G.31, 321G.32

321G.28 Consistent local laws — special local rules.

1. This chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to a snowmobile when the snowmobile is operated or maintained in this state. However, this chapter does not prevent the adoption of an ordinance or local law relating to the operation or equipment of snowmobiles. The ordinances or local laws are operative only so long as they are not inconsistent with this chapter or the rules adopted by the commission.

2. A subdivision of this state, after public notice by publication in a newspaper having a general circulation in the subdivision, may make formal application to the commission for special rules concerning the operation of snowmobiles within the territorial limits of the subdivision and shall provide the commission with the reasons the special rules are necessary.

3. The commission, upon application by local authorities and in conformity with this chapter, may make special rules concerning the operation of snowmobiles within the territorial limits of a subdivision of this state.

[S81, §321G.28; 81 Acts, ch 113, §1]

89 Acts, ch 244, §40; 2004 Acts, ch 1132, §37

321G.29 Owner's certificate of title — in general.

1. The owner of a snowmobile acquired on or after January 1, 1998, other than a snowmobile used exclusively as a farm implement or a snowmobile more than thirty years old registered as provided in section 321G.4, subsection 4, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile. The owner of a snowmobile used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile and, subsequently, the snowmobile shall be subject to the requirements of this chapter as if the snowmobile were required to be titled. All snowmobiles that are titled shall be registered.

2. A certificate of title shall contain the information and shall be issued on a form the department prescribes.

3. An owner of a snowmobile shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee specified in section 321G.30 and the writing fee specified in section 321G.27. The application shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

4. If a dealer buys or acquires a snowmobile for resale, the dealer may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile, the dealer may apply for a certificate of title in the dealer's name within thirty days. If a dealer buys or acquires a new snowmobile for resale, the dealer may apply for a certificate of title in the dealer's name.

5. A manufacturer or dealer shall not transfer ownership of a new snowmobile without supplying the transferee with the manufacturer's or importer's certificate of origin signed by

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the manufacturer's or importer's authorized agent. The certificate shall contain information the department requires. The department may adopt rules providing for the issuance of a certificate of origin for a snowmobile by the department upon good cause shown by the owner.

6. A dealer transferring ownership of a snowmobile under this chapter shall assign the title to the new owner, or in the case of a new snowmobile, assign the certificate of origin. Within thirty days the dealer shall forward all moneys and applications to the county recorder.

7. The county recorder shall maintain an electronic record of any certificate of title which the county recorder issues until the certificate of title has been inactive for five years. When issuing a title for a new snowmobile, the county recorder shall obtain and keep the certificate of origin on file. When issuing a title and registration for a used snowmobile for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled snowmobile.

8. Once titled, a person shall not sell or transfer ownership of a snowmobile without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the purchaser's or transferee's name. A person shall not purchase or otherwise acquire a snowmobile without obtaining a certificate of title for it in that person's name.

9. If the county recorder is not satisfied as to the ownership of the snowmobile or that there are no undisclosed security interests in the snowmobile, the county recorder may issue a certificate of title for the snowmobile but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. The form and amount of the bond shall be established by rule of the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the snowmobile or person acquiring any security interest in the snowmobile, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the snowmobile on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the snowmobile. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the snowmobile is no longer registered in this state and the certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

97 Acts, ch 148, §1, 9; 99 Acts, ch 113, §4; 2002 Acts, ch 1027, §10; 2002 Acts, ch 1113, §3; 2004 Acts, ch 1132, §38; 2007 Acts, ch 141, §21, 22; 2011 Acts, ch 34, §81; 2012 Acts, ch 1050, §42, 60; 2012 Acts, ch 1100, §28; 2013 Acts, ch 132, §54; 2014 Acts, ch 1141, §64; 2019 Acts, ch 80, §1; 2023 Acts, ch 71, §103

321G.30 Fees — duplicates.

1. The county recorder shall charge a ten dollar fee to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title.

2. If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying to the county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction.

3. The duplicate certificate of title shall be marked plainly "duplicate" across its face and mailed or delivered to the applicant.

4. If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the county recorder for cancellation.

5. Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special snowmobile fund

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created under section 321G.7. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

97 Acts, ch 148, §2, 9; 2004 Acts, ch 1132, §39; 2007 Acts, ch 141, §23
Referred to in §321G.29

321G.31 Transfer or repossession by operation of law.

1. If ownership of a snowmobile is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the snowmobile, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee, plus the writing fee specified in section 321G.27. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fees.

2. If a lienholder repossesses a snowmobile by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee, plus the writing fee specified in section 321G.27.

97 Acts, ch 148, §3, 9; 99 Acts, ch 113, §5; 2004 Acts, ch 1132, §40; 2012 Acts, ch 1100, §29; 2021 Acts, ch 138, §1; 2023 Acts, ch 71, §104

321G.32 Security interest — perfection and titles — fees.

1. A security interest created in this state in a snowmobile is not perfected until the security interest is noted on the certificate of title.

a. To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and in the electronic record maintained by the recorder's office.

b. The application fee for a security interest is ten dollars. Five dollars of the fee shall be credited to the special snowmobile fund created under section 321G.7. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

c. The application shall be accompanied by the writing fee specified in section 321G.27.

2. The certificate of title shall be presented to the county recorder when the application for security interest or for assignment of the security interest is presented and a new or endorsed certificate of title shall be issued to the secured party with the name and address of the secured party upon it.

3. When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued. If the title has been lost or destroyed, the secured party may discharge the security interest by sending a signed, notarized statement to the office of the county recorder where the title was issued. The county recorder shall note the release of the security interest in the county records and attach the statement to the certificate of title as evidence of the release of the security interest.

4. If a lien has been released by the lienholder, proof of such release may be presented to the county recorder of any county, and the county recorder shall note the release on the face of the certificate of title and enter the release on the statewide computer system.

97 Acts, ch 148, §4, 9; 99 Acts, ch 113, §6; 2004 Acts, ch 1132, §41, 42; 2007 Acts, ch 141, §24; 2014 Acts, ch 1141, §65; 2023 Acts, ch 71, §105; 2025 Acts, ch 74, §1

321G.33 Vehicle identification number.

1. The department may assign a distinguishing number to a snowmobile when the serial number on the snowmobile is destroyed or obliterated and issue to the owner a special decal bearing the distinguishing number which shall be affixed to the snowmobile in a position to be determined by the department. The snowmobile shall be registered and titled under the distinguishing number in lieu of the former serial number. Every snowmobile shall have a vehicle identification number assigned and affixed as required by the department.

2. The commission shall adopt, by rule, the procedures for application and for issuance of a vehicle identification number for homebuilt snowmobiles.

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3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate or decal bearing it, or any vehicle identification number the department assigns to a snowmobile without the department's permission.

4. A person other than a manufacturer who constructs or rebuilds a snowmobile for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the snowmobile. In cooperation with the county recorder, the department shall assign a vehicle identification number to the snowmobile. The applicant shall permanently affix the vehicle identification number to the snowmobile in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious.

2002 Acts, ch 1027, §11; 2003 Acts, ch 44, §62; 2004 Acts, ch 1132, §43; 2012 Acts, ch 1100, §30

321G.34 Repeat offender — records, enforcement, and penalties.

1. The commission shall establish by rule a recordkeeping system and other administrative procedures necessary to administer this section.

2. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a simple misdemeanor if the person had no other violations within the previous three years which occurred while the person's registration privilege was suspended or revoked.

3. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a serious misdemeanor if the person had one other violation within the previous three years which occurred while the person's registration privilege was suspended or revoked.

4. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of an aggravated misdemeanor if the person had two or more convictions within the previous three years which occurred while the person's registration privilege was suspended or revoked.

5. *a.* Upon the conviction of a person of any violation of this chapter or a rule adopted under this chapter, the court, as a part of the judgment, may suspend or revoke one or more snowmobile registration or nonresident user permit privileges, as applicable, of the person for any definite period.

b. The court shall revoke all of the person's snowmobile registrations or nonresident user permits, as applicable, and suspend the privilege of procuring a registration or nonresident user permit for a period of one year for any person who has been convicted twice within one year of trespassing while operating a snowmobile. A person shall not be issued a registration or nonresident user permit during the period of suspension or revocation.

2007 Acts, ch 141, §25; 2024 Acts, ch 1093, §10

Trespass, see §716.7

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CHAPTER 321H

VEHICLE RECYCLERS

Referred to in §307.27, 321.16A, 321.52, 321.69, 321.89, 322C.6, 714.27A

321H.1 Administration.
321H.2 Definitions.
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321H.5 Contents and display of license.
321H.6 Denial, suspension, or revocation of license.
321H.7 Fees.
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321H.1 Administration.

The administration of this chapter shall be vested in the director of transportation. The department may employ such employees as are necessary for the administration of this chapter, within applicable budget limitations.

[C79, 81, §321H.1]

2015 Acts, ch 29, §114

321H.2 Definitions.

As used in this chapter and unless a different meaning appears from the context:

1. *"Authorized vehicle recycler"* means a person licensed to operate as a vehicle rebuilder, used vehicle parts dealer or vehicle salvager.
2. *"Department"* means the state department of transportation.
3. *"Extension"* means a place of business of an authorized vehicle recycler other than the principal place of business within the county of the principal place of business.
4. *"National motor vehicle title information system"* means the federally mandated motor vehicle title history database established pursuant to 49 U.S.C. §30502 and maintained by the United States department of justice that links the states' motor vehicle title records, including the department's title records, and that requires the reporting of junk and salvage motor vehicles in order to ensure that states, law enforcement agencies, insurers, and consumers have access to information that enables the verification of a vehicle's history, and the accuracy and legality of a motor vehicle's title, before a purchase or title transfer occurs.
5. *"Person"* includes any individual, firm, corporation, partnership, joint adventure, or association, and the plural as well as the singular number.
6. *"Selling"* includes bartering, exchanging, or otherwise dealing in.
7. *"Used vehicle parts dealer"* means a person engaged in, or advertising as being engaged in, the business of selling bodies, parts of bodies, frames, or component parts of used vehicles subject to registration.
8. *"Vehicle"* means any vehicle as defined in chapter 321.
9. *"Vehicle rebuilder"* means a person engaged in, or advertising as being engaged in, the business of rebuilding or restoring to operating condition vehicles subject to registration which have been damaged or wrecked.
10. *"Vehicle salvager"* means a person engaged in, or advertising as being engaged in, the business of scrapping, recycling, dismantling, or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are vehicles subject to registration.
11. *"Vehicle subject to registration"* means any vehicle that is of a type required to be registered under chapter 321 when operated on a public highway, including but not limited to a vehicle that is inoperable, salvage, or rebuilt.
12. *"Wrecked or salvage vehicle"* means a damaged vehicle for which the cost of repair exceeds seventy percent of the fair market value of the vehicle before the vehicle became damaged.

[C79, 81, §321H.2]

97 Acts, ch 108, §32; 2008 Acts, ch 1032, §106; 2009 Acts, ch 130, §29, 30; 2014 Acts, ch 1027, §2; 2015 Acts, ch 52, §7, 14; 2016 Acts, ch 1073, §105; 2021 Acts, ch 30, §2

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321H.3 Prohibitions.

Except for educational institutions; persons licensed as new vehicle dealers under chapter 322; persons engaged in a hobby not for profit; persons engaged in the business of purchasing bodies, parts of bodies, frames, or component parts of vehicles only for sale as scrap metal; insurance companies governed by chapter 515; county mutual insurance associations governed by chapter 518; state mutual insurance associations governed by chapter 518A; or persons licensed under the provisions of this chapter as authorized vehicle recyclers, a person in this state shall not engage in, or advertise as being engaged in, the business of any of the following:

1. Selling or offering for sale used bodies, parts of bodies, frames, or component parts of more than six used vehicles subject to registration in a twelve-month period.
2. Dismantling, scrapping, recycling, or salvaging more than six vehicles subject to registration in a twelve-month period.
3. Rebuilding or restoring for sale more than six wrecked or salvage vehicles subject to registration in a twelve-month period.
4. Storing more than six vehicles not currently registered or storing damaged vehicles except where such storing of damaged vehicles is incidental to the primary purpose of the repair of vehicles for others.

[C79, 81, §321H.3]

88 Acts, ch 1089, §8; 97 Acts, ch 108, §33; 2009 Acts, ch 130, §31; 2009 Acts, ch 179, §74; 2010 Acts, ch 1035, §3; 2014 Acts, ch 1027, §3

321H.4 License application and fees.

1. Upon application and payment of a fee, a person may apply for a license to operate as an authorized vehicle recycler to engage in the business as one or more of the following:

a. A vehicle rebuilder.

b. A used vehicle parts dealer.

c. A vehicle salvager.

2. *a.* Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by a fee of seventy dollars for a two-year period or part thereof and proof of registration with the national motor vehicle title information system. The license shall be approved or disapproved within thirty days after application for the license. A license expires on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant conducts operations.

b. The applicant shall specify which business or businesses, as enumerated in subsection 1, the applicant is applying for a license to engage in. An applicant shall have or demonstrate that the applicant will have the facilities and equipment necessary to engage in the business or businesses for which the applicant is applying for a license. The license shall specify which business or businesses the applicant has been authorized to engage in.

3. Each licensee shall file with the department a supplemental statement form when the licensee's principal place of business, an extension, or the operation of business in the county is changed to differ from the information contained on the initial license application form at least ten days prior to any operational change. The department shall notify each licensee of the approval of a change in license status. If a change in license status is approved by the department, the licensee shall surrender the old license to the department together with a thirty-five dollar fee. The department shall issue a new license modified to reflect the principal place of business, each extension, and the operations of the licensee.

[C79, 81, §321H.4]

92 Acts, ch 1104, §5; 92 Acts, ch 1175, §10; 2000 Acts, ch 1016, §19; 2006 Acts, ch 1068, §46, 57; 2009 Acts, ch 130, §32; 2015 Acts, ch 52, §8, 14

Referred to in §455D.11

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321H.4A National motor vehicle title information system.

1. A vehicle recycler licensed under this chapter and subject to the requirements of 28 C.F.R. §25.56 shall register with the national motor vehicle title information system.

2. *a.* Except as provided in paragraph *"b"*, for any vehicle subject to registration under chapter 321 purchased by a vehicle recycler licensed under this chapter and subject to the requirements of 28 C.F.R. §25.56, the vehicle recycler shall comply with the reporting requirements of 28 C.F.R. §25.56 within two business days of purchasing the vehicle. Records of the vehicle recycler's compliance shall be kept by the vehicle recycler for at least three years after the purchase of the vehicle, and shall be open for inspection by any peace officer during normal business hours. The department shall adopt rules to implement this section, including but not limited to rules requiring the submission and retention of records not required by 28 C.F.R. §25.56.

b. Paragraph *"a"* does not apply to a vehicle that has been crushed or flattened by mechanical means in such a way that it no longer resembles the vehicle described by the certificate of title if the vehicle recycler who purchased the vehicle verifies that the seller of the vehicle has met the requirements of paragraph *"a"*. The department shall adopt rules relating to the form of the verification, and the manner in which the verification shall be retained.

2015 Acts, ch 52, §9, 14
Referred to in §321H.6, 321H.8

321H.5 Contents and display of license.

A license issued under the provisions of this chapter shall specify the location of the principal place of business, the location of each extension within the county of the principal place of business, and for licenses issued on or after January 1, 2016, the licensee's registration number for the national motor vehicle title information system. The license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modifications.

[C79, 81, §321H.5]
2015 Acts, ch 52, §10, 14

321H.6 Denial, suspension, or revocation of license.

The license of a person issued under the provisions of this chapter may be denied, revoked, or suspended, and an application for a license under this chapter may be denied, if the department finds any of the following:

1. The licensee has violated any provision of this chapter.

2. The licensee has made any material misrepresentation to the department in connection with an application for a license, junking certificate, salvage certificate, certificate of title, or registration of a vehicle.

3. The licensee has been convicted of a fraudulent practice or any indictable offense in connection with selling or other activity relating to vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99.

4. The licensee has failed to maintain an established principal place of business in the county without notification to the department.

5. The licensee has had a license issued under the provisions of this chapter denied, suspended, or revoked within the previous three years.

6. The licensee has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to vehicles.

7. The licensee has failed to comply with section 321H.4A or 28 C.F.R. §25.56.

[C79, 81, §321H.6]
2009 Acts, ch 130, §33; 2010 Acts, ch 1035, §4, 5; 2015 Acts, ch 52, §11, 12, 14
Fraudulent practices, §714.8 – 714.14

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321H.7 Fees.

All fees of whatever character accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and shall be credited to the road use tax fund.

[C79, 81, §321H.7]

321H.8 Penalties.

1. *a.* Except as provided in paragraph *"b"*, a person convicted of violating a provision of this chapter is guilty of a serious misdemeanor.

b. A person convicted of violating section 321H.4A is guilty of a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment not to exceed thirty days.

2. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any indictable offense in connection with selling or other activity relating to vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of an authorized vehicle recycler or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of an authorized vehicle recycler.

[C81, §321H.8]

97 Acts, ch 108, §34; 2009 Acts, ch 130, §34; 2010 Acts, ch 1035, §6; 2015 Acts, ch 52, §13, 14

Fraudulent practices, §714.8 – 714.14

CHAPTER 321I

ALL-TERRAIN VEHICLES

Referred to in §232.8, 321.234A, 350.5, 455A.4, 455A.5, 456A.14, 456A.24, 462A.33, 805.16, 903.1

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321I.1 Definitions.

As used in this chapter, unless the context otherwise requires:

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1. *a. "All-terrain vehicle"* means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

b. Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the education instruction and certification program requirements of sections 321I.25 and 321I.26.

2. *"'A' scale"* means the physical scale marked "A" graduated in decibels on a sound level meter which meets the requirements of the American national standards institute, incorporated, publication S1.4-1961, general purpose sound level meters.

3. *"Commission"* means the natural resource commission of the department.

4. *"Dealer"* means a person engaged in the business of buying, selling, or exchanging all-terrain vehicles required to be registered under this chapter and who has an established place of business for that purpose in this state.

5. *"Department"* means the department of natural resources.

6. *"Designated riding area"* means an all-terrain vehicle riding area on any public land or public ice under the jurisdiction of the department that has been designated by the department for all-terrain vehicle use.

7. *"Designated riding trail"* means an all-terrain vehicle riding trail on any public land, private land, or public ice that has been designated by the department, a political subdivision, or a controlling authority for all-terrain vehicle use.

8. *"Director"* means the director of the department.

9. *"Direct supervision"* means to provide supervision of another person while maintaining visual and verbal contact at all times.

10. *"Distributor"* means a person, resident or nonresident, who sells or distributes all-terrain vehicles to all-terrain vehicle dealers in this state or who maintains distributor representatives.

11. *"Education certificate"* means an all-terrain vehicle education certificate, approved by the commission, which is issued to a qualified applicant who is twelve years of age or older.

12. *"Established place of business"* means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer's or manufacturer's business is primarily transacted.

13. *"Manufacturer"* means a person engaged in the business of constructing or assembling all-terrain vehicles required to be registered under this chapter and who has an established place of business for that purpose in this state.

14. *"Nonambulatory person"* means an individual with paralysis of the lower half of the body with the involvement of both legs, usually caused by disease of or injury to the spinal cord, or caused by the loss of both legs or the loss of a part of both legs.

15. *"Nonresident"* means a person who is not a resident of this state.

16. *"Off-road motorcycle"* means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. *"Off-road motorcycle"* includes a motorcycle that was originally issued a certificate of title and registered for highway use under chapter 321, but which contains design features that enable operation over natural terrain.

17. *a. "Off-road utility vehicle"* means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. *"Off-road utility vehicle"* includes the following vehicles:

(1) *"Off-road utility vehicle — type 1"* means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.

(2) *"Off-road utility vehicle — type 2"* means an off-road utility vehicle, other than a type

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1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.

(3) *"Off-road utility vehicle — type 3"* means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

b. The operator of an off-road utility vehicle is subject to provisions governing the operation of all-terrain vehicles in section 321.234A, this chapter, and administrative rules, but is exempt from the education instruction and certification program requirements of sections 321I.25 and 321I.26. An operator of an off-road utility vehicle shall not operate the vehicle on a designated riding area or designated riding trail unless the department has posted signage indicating the riding area or trail is open to the operation of off-road utility vehicles. Off-road utility vehicles are subject to the dealer registration and titling requirements of this chapter. A motorized vehicle that was previously titled or is currently titled under chapter 321 shall not be registered or operated as an off-road utility vehicle.

18. *"Operate"* means to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle in any manner, whether or not the all-terrain vehicle is moving.

19. *"Operator"* means a person who operates or is in actual physical control of an all-terrain vehicle.

20. *"Owner"* means a person, other than a lienholder, having the property right in or title to an all-terrain vehicle. The term includes a person entitled to the use or possession of an all-terrain vehicle subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

21. *"Person"* means an individual, partnership, firm, corporation, association, and the state, its agencies, and political subdivisions.

22. *"Public ice"* means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission.

23. *"Public land"* means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321I.8.

24. *"Railroad right-of-way"* means the full width of property owned, leased, or subject to easement for railroad purposes and is not limited to those areas on which tracks are located.

25. *"Resident"* means as defined in section 483A.1A.

26. *"Roadway"* means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

27. *"Snowmobile"* means the same as defined in section 321G.1.

28. *"Special event"* means an organized race, exhibition, or demonstration of limited duration which is conducted on public land, public ice, or a designated riding trail under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested.

29. *"Street"* or *"highway"* means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway.

2004 Acts, ch 1132, §44; 2007 Acts, ch 141, §26, 27; 2009 Acts, ch 144, §6, 7; 2012 Acts, ch 1013, §3, 4; 2012 Acts, ch 1100, §31 – 34; 2014 Acts, ch 1005, §1; 2014 Acts, ch 1141, §66; 2016 Acts, ch 1073, §106

Referred to in §321G.1, 322F.1, 423.3

321I.2 Rules.

1. The commission may adopt rules for the following purposes:

a. Registration and titling of all-terrain vehicles.

b. Use of all-terrain vehicles as far as game and fish resources or habitats are affected.

c. Use of all-terrain vehicles on public lands under the jurisdiction of the commission.

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d. Use of all-terrain vehicles on any waters of the state under the jurisdiction of the commission, while the waters are frozen.

e. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development, maintenance, and operation of designated all-terrain vehicle riding areas and trails by political subdivisions and incorporated private organizations.

f. Issuance of education certificates.

g. Issuance of competition registrations and the participation of all-terrain vehicles so registered in special events.

h. Issuance of annual user permits for nonresidents and establishment of administrative fees for the issuance of the permits.

i. Establishment of a certified education course for the safe use and operation of all-terrain vehicles.

j. Certification of volunteer all-terrain vehicle education instructors.

2. In adopting the rules, consideration shall be given to the need to protect the environment and the public health, safety, and welfare; to protect private property, public parks, and other public lands; to protect wildlife and wildlife habitat; and to promote uniformity of rules relating to the use, operation, and equipment of all-terrain vehicles. The rules shall be in conformance with chapter 17A.

2004 Acts, ch 1132, §45; 2005 Acts, ch 20, §8; 2008 Acts, ch 1161, §3; 2009 Acts, ch 144, §8 – 10; 2012 Acts, ch 1100, §35

Referred to in §321I.25, 321I.26

321I.3 Registration required — penalties.

1. Each all-terrain vehicle used on public land, public ice, or a designated riding trail of this state shall be currently registered. A person shall not operate, maintain, or give permission for the operation or maintenance of an all-terrain vehicle on public land, public ice, or a designated riding trail unless the all-terrain vehicle is registered in accordance with this chapter or applicable federal laws or in accordance with an approved numbering system of another state and the evidence of registration is in full force and effect. An all-terrain vehicle registered in another state must also be issued a user permit in this state in accordance with this chapter.

2. A violation of subsection 1 is punishable as a scheduled violation under section 805.8B, subsection 2A, paragraph *"a"*. When the scheduled fine is paid, the violator shall submit proof to the department that a valid registration or user permit has been obtained by providing a copy of the registration or user permit to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor.

2004 Acts, ch 1132, §46; 2005 Acts, ch 3, §62; 2007 Acts, ch 141, §28; 2012 Acts, ch 1100, §36

Referred to in §805.8B(2A)(a)

321I.4 Registration — fee.

1. The owner of each all-terrain vehicle required to be registered shall register it annually with the department through a county recorder. The department shall develop and maintain an electronic system for the registration of all-terrain vehicles pursuant to this chapter. The department shall establish forms and procedures as necessary for the registration of all-terrain vehicles.

2. *a.* The owner of the all-terrain vehicle shall file an application for registration with the department through the county recorder of the county of residence, or in the case of a nonresident owner, in the county of primary use, in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321I.29. An all-terrain vehicle shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or that the owner is exempt from paying the tax. An all-terrain vehicle that has an expired registration certificate from another state may be

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registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

b. If the owner of the all-terrain vehicle is unable to present satisfactory evidence that the sales or use tax has been paid, the county recorder shall collect the tax. On or before the tenth day of each month, the county recorder shall remit to the department of revenue the amount of the taxes collected during the preceding month, in a manner prescribed by the department.

3. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall issue to the applicant a registration certificate and registration decal. The registration decal shall be displayed on the all-terrain vehicle as provided in section 321I.6. The registration certificate shall be carried either in the all-terrain vehicle or on the person of the operator of the all-terrain vehicle when in use. The operator of an all-terrain vehicle shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle, to the owner or operator of another all-terrain vehicle or the owner of personal or real property when the all-terrain vehicle is involved in a collision or accident of any nature with another all-terrain vehicle or the property of another person, or to the property owner or tenant when the all-terrain vehicle is being operated on private property without permission from the property owner or tenant.

2004 Acts, ch 1132, §47, 97; 2007 Acts, ch 141, §29; 2012 Acts, ch 1100, §37; 2020 Acts, ch 1118, §35; 2021 Acts, ch 86, §37

Referred to in §331.602, 331.605

321I.5 Nonresident user permits.

1. A nonresident wishing to operate an all-terrain vehicle, other than an all-terrain vehicle registered pursuant to this chapter, on public land, public ice, or a designated riding trail of this state shall obtain a user permit from the department. A user permit shall be issued for use on only one all-terrain vehicle and is not transferable. A user permit shall be valid for the calendar year or time period specified in the permit.

2. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue user permits. The fee for a user permit shall be fifteen dollars plus an administrative fee established by the commission. A county recorder or a license agent shall retain a writing fee from the sale of each user permit as provided in section 321I.29.

2004 Acts, ch 1132, §48; 2007 Acts, ch 141, §30; 2012 Acts, ch 1100, §38

Referred to in §321I.8, 331.602, 331.605

321I.6 Display of registration and user permit decals.

The owner shall display the registration decal or nonresident user permit decal on an all-terrain vehicle in the manner prescribed by rules of the commission.

2004 Acts, ch 1132, §49; 2007 Acts, ch 141, §31

Referred to in §321I.4, 805.8B(2A)(e)

For applicable scheduled fines, see §805.8B, subsection 2A, paragraph e

321I.7 Registration — renewal.

1. *a.* Every all-terrain vehicle registration certificate and registration decal issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter or rules of the commission. After the first day of September each year, an unregistered all-terrain vehicle may be registered or a registration may be renewed for the subsequent year beginning January 1.

b. After the first day of September an unregistered all-terrain vehicle may be registered for the remainder of the current registration year and for the subsequent registration year in one transaction. The fee shall be five dollars for the remainder of the current year, in addition to the registration fee of fifteen dollars for the subsequent year beginning January 1, and a writing fee as provided in section 321I.29.

2. An expired all-terrain vehicle registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee as provided in section 321I.29.

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3. Duplicate registrations may be issued by a county recorder or a license agent upon the payment of a five dollar fee plus a writing fee as provided in section 321I.29.

4. A motorcycle, as defined in section 321.1, subsection 40, paragraph *"a"*, may be registered as an all-terrain vehicle as provided in this section. A motorcycle registered as an all-terrain vehicle may participate in all programs established for all-terrain vehicles under this chapter except for the education instruction and certification program.

5. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue all-terrain vehicle and off-road utility vehicle registration renewals electronically pursuant to rules adopted by the commission. The fee for a registration renewal issued using an electronic system is fifteen dollars plus an administrative fee established by the commission and a writing fee as provided in section 321I.29.

2004 Acts, ch 1132, §50; 2007 Acts, ch 141, §32; 2012 Acts, ch 1100, §39; 2012 Acts, ch 1138, §65; 2023 Acts, ch 59, §1

Referred to in §331.602

321I.8 Fees remitted to commission — appropriation.

1. A county recorder or license agent shall remit to the commission the all-terrain vehicle fees collected by the recorder or license agent in the manner and time prescribed by the department.

2. The department shall remit the fees, including user fees collected pursuant to section 321I.5, to the treasurer of state, who shall place the money in a special all-terrain vehicle fund. The money is appropriated to the department for the all-terrain vehicle programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All-terrain vehicle fees may be used for the establishment, maintenance, and operation of all-terrain vehicle recreational riding areas through the awarding of grants administered by the department, but shall not be used for law enforcement purposes outside of a designated off-highway vehicle recreational riding area or for purchasing, installing, or maintaining signs along a highway outside of a designated off-highway vehicle recreational riding area. All-terrain vehicle recreational riding areas established, maintained, or operated by the use of such grants shall not be operated for profit. All programs using cost-sharing, grants, subgrants, or contracts shall establish and implement an education instruction program either singly or in cooperation with other all-terrain vehicle programs. All-terrain vehicle fees may be used to support all-terrain vehicle programs on a usage basis. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the all-terrain vehicle programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

2004 Acts, ch 1132, §51; 2007 Acts, ch 141, §33; 2012 Acts, ch 1100, §40; 2022 Acts, ch 1105, §7

Referred to in §321I.1, 321I.15A, 321I.17, 321I.32, 321I.34, 331.427

321I.9 Exempt vehicles.

Registration shall not be required for the following described all-terrain vehicles:

1. All-terrain vehicles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes.

2. All-terrain vehicles used in accordance with section 321.234A, subsection 1, paragraph *"a"*.

3. All-terrain vehicles used exclusively as farm implements.

2004 Acts, ch 1132, §52; 2007 Acts, ch 141, §34; 2012 Acts, ch 1100, §41

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321I.10 Operation on roadways, highways, and trails.

1. A person shall not operate an all-terrain vehicle or off-road utility vehicle upon roadways or highways except as provided in section 321.234A and this section.

2. A registered all-terrain vehicle or off-road utility vehicle may be operated on an undivided two-lane primary highway that is not part of the interstate road system over the most direct and accessible route between any of the following locations:

a. An all-terrain vehicle park or trail.

b. A secondary road on which such vehicles are authorized to operate under subsection 4.

c. A city street on which such vehicles are authorized to operate under subsection 5.

d. The vehicle operator's residence.

3. A registered all-terrain vehicle or off-road utility vehicle may be operated on state park road systems, and may be operated anywhere within the boundaries of a state park that a motor vehicle required to be registered under chapter 321 is authorized to operate.

4. *a.* A registered all-terrain vehicle or off-road utility vehicle may be operated on any of the following secondary roads:

(1) An unpaved secondary road.

(2) A paved, undivided two-lane secondary road over the most direct and accessible route between any of the following locations:

(a) An all-terrain vehicle park or trail.

(b) Another secondary road on which such vehicles are authorized to operate under this paragraph.

(c) A city street on which such vehicles are authorized to operate under subsection 5.

(d) The vehicle operator's residence.

(3) A paved, undivided secondary road or segment thereof, if authorized by the county board of supervisors. The board shall evaluate the traffic conditions on all such secondary roads under its jurisdiction and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway.

b. Notwithstanding paragraph *"a"*, a county may prohibit the operation of all-terrain vehicles and off-road utility vehicles on a secondary road or segment thereof under its jurisdiction as follows:

(1) When the secondary road or segment thereof is closed to motor vehicle traffic pursuant to section 306.41.

(2) When the secondary road or segment thereof is designated as a detour route pursuant to section 306.41.

(3) For any other secondary road or segment thereof, for no more than seven consecutive days and no more than thirty days in a calendar year when the prohibited days are established by ordinance.

5. A city may regulate the operation of registered all-terrain vehicles and off-road utility vehicles and may designate streets under the jurisdiction of the city within its corporate limits, and two-lane primary and secondary road extensions in the city, which may be used for the operation of such vehicles. In designating such streets, the city may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated street. However, a city shall not charge a fee to operate a registered all-terrain vehicle or off-road utility vehicle within the city.

6. All-terrain vehicles shall not be operated on snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.

7. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

b. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

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c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

e. The crossing is made from a street, roadway, or highway on which the all-terrain vehicle or off-road utility vehicle is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.

2004 Acts, ch 1132, §53; 2004 Acts, ch 1175, §371; 2005 Acts, ch 20, §9; 2006 Acts, ch 1030, §37; 2009 Acts, ch 179, §125; 2010 Acts, ch 1186, §10; 2017 Acts, ch 32, §2; 2022 Acts, ch 1105, §8 – 11; 2024 Acts, ch 1103, §1

Referred to in §321.234A, 331.362, 805.8B(2A)(b)

For applicable scheduled fines, see §805.8B, subsection 2A, paragraph b

321I.11 Accident reports.

If an all-terrain vehicle is involved in an accident resulting in injury or death to any person, or property damage amounting to five thousand dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land, public ice, or a designated riding trail under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under section 321.266.

2004 Acts, ch 1132, §54; 2010 Acts, ch 1157, §3; 2011 Acts, ch 38, §22; 2012 Acts, ch 1100, §42; 2026 Acts, ch 1118, §12, 13

2026 amendment applies on and after March 1, 2027, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §13

Section amended

321I.12 Mufflers required — inspections.

1. An all-terrain vehicle shall not be operated without suitable and effective muffling devices. An all-terrain vehicle shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1287.

2. The commission may adopt rules with respect to the inspection of all-terrain vehicles and testing of their mufflers.

2004 Acts, ch 1132, §55; 2007 Acts, ch 141, §35

Referred to in §805.8B(2A)(b)

For applicable scheduled fines, see §805.8B, subsection 2A, paragraph b

321I.13 Headlight — taillight — brakes.

Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlight and taillight. Every all-terrain vehicle shall be equipped with brakes.

2004 Acts, ch 1132, §56; 2012 Acts, ch 1100, §43

Referred to in §805.8B(2A)(c)

For applicable scheduled fines, see §805.8B, subsection 2A, paragraph c

321I.14 Unlawful operation.

1. A person shall not drive or operate an all-terrain vehicle:

a. At a rate of speed greater than reasonable or proper under all existing circumstances.

b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.

d. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

e. In any tree nursery or planting in a manner which damages or destroys growing stock.

f. On any public land, public ice, or designated riding trail, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or

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the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.

g. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a nonmeandered stream which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossings of public roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of all-terrain vehicles on ice.

h. Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.

2. A person shall not discharge a firearm while on an all-terrain vehicle, except that a nonambulatory person may discharge a firearm from an all-terrain vehicle while lawfully hunting if the person is not operating or riding a moving all-terrain vehicle.

3. *a.* A person shall not operate an all-terrain vehicle with more persons on the vehicle than it was designed to carry.

b. Paragraph "*a*" does not apply to a person who operates an all-terrain vehicle as part of a farm operation as defined in section 352.2.

4. A person shall not operate an off-road utility vehicle on a designated riding area or designated riding trail unless the riding area or trail is signed by the department as open to off-road utility vehicle operation.

5. A person shall not operate a vehicle other than an all-terrain vehicle on a designated riding area or designated riding trail unless the riding area or trail is signed by the department as open to such other use.

6. As used in this section, "*rented by the person*" includes a person who does not necessarily rent the land but who principally provides labor for the production of crops located on agricultural land or for the production of livestock principally located on agricultural land. The person must personally provide such labor on a regular, continuous, and substantial basis.

2004 Acts, ch 1132, §57; 2007 Acts, ch 141, §36, 37; 2008 Acts, ch 1161, §4; 2012 Acts, ch 1100, §44; 2016 Acts, ch 1070, §2; 2017 Acts, ch 29, §99, 100; 2017 Acts, ch 69, §47; 2018 Acts, ch 1058, §3, 4; 2018 Acts, ch 1172, §29, 30; 2025 Acts, ch 48, §2

Referred to in §321I.15A, 805.8B(2A)(b)
For applicable scheduled fines, see §805.8B, subsection 2A, paragraph b

321I.15 Penalty.

1. A person who violates this chapter or a rule of the commission or director of transportation is guilty of a simple misdemeanor.

2. Chapter 232 shall have no application in the prosecution of offenses which are committed in violation of this chapter, and which constitute simple misdemeanors.

2004 Acts, ch 1132, §58; 2010 Acts, ch 1061, §180
Referred to in §321I.15A

321I.15A Civil penalty and restitution.

Upon conviction for a violation of section 321I.14, subsection 1, paragraph "*e*", "*f*", or "*g*", the defendant, in addition to any other penalty including the criminal penalty provided in section 321I.15, shall be subject to civil remedies as follows:

1. *a.* The court may assess the defendant a civil penalty of two hundred fifty dollars. The civil penalty shall be deposited in the special all-terrain vehicle fund created pursuant to section 321I.8.

b. The court may order the defendant to pay restitution to the titleholder of land for

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damages caused by the defendant's violation, to the extent that the titleholder consents to joining the action, and the titleholder's damages are established at trial. If the titleholder is the state, the amount of restitution ordered to be paid by the court shall be deposited in the special all-terrain vehicle fund created pursuant to section 321I.8. If the titleholder is a governmental entity other than the state, the moneys shall be paid to the governmental entity for deposit in any fund or account from which moneys are used for the maintenance, repair, or improvement of the land where the damage occurred.

2. The attorney general or a county attorney who prosecutes the criminal violation shall execute the civil judgment, in cooperation with the commission, as any other civil judgment.

2008 Acts, ch 1161, §5

321I.16 Operation pending registration.

The commission shall furnish all-terrain vehicle dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered all-terrain vehicle sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for forty-five days immediately following the purchase. The purchaser of a registered all-terrain vehicle may operate it for forty-five days immediately following the purchase without having completed a transfer of registration. An all-terrain vehicle dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle.

2004 Acts, ch 1132, §59; 2007 Acts, ch 141, §38

321I.17 Special events.

The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special events held under department permits and designating the equipment and facilities necessary for the safe operation of all-terrain vehicles, off-road motorcycles, and off-road utility vehicles and for the safety of operators, participants, and observers in the special events. A special event may require an entrance fee set by the organizer of the special event. The department may require that part of the entrance fee be credited to pay costs of all-terrain vehicle programs authorized pursuant to section 321I.8. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department.

2004 Acts, ch 1132, §60; 2012 Acts, ch 1100, §45

321I.18 Violation of stop signal.

A person who has received a visual or audible signal from a peace officer to come to a stop shall not operate an all-terrain vehicle in willful or wanton disregard of the signal, interfere with or endanger the officer or any other person or vehicle, increase speed, or attempt to flee or elude the officer.

2004 Acts, ch 1132, §61; 2012 Acts, ch 1100, §46

Referred to in §805.8B(2A)(f)

For applicable scheduled fines, see §805.8B, subsection 2A, paragraph f

321I.19 Negligence.

The owner and operator of an all-terrain vehicle are liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle. The owner of an all-terrain vehicle shall be liable for any such injury or damage only if the owner was the operator of the all-terrain vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the all-terrain vehicle at the time the injury or damage occurred.

2004 Acts, ch 1132, §62

321I.20 Rented all-terrain vehicles.

1. The owner of a rented all-terrain vehicle shall keep a record of the name and address

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of each person renting the all-terrain vehicle, its registration certificate, the departure date and time, and the expected time of return. The records shall be preserved for six months.

2. The owner of an all-terrain vehicle operated for hire shall not permit the use or operation of a rented all-terrain vehicle unless it has been provided with all equipment required by this chapter or rules of the commission or the director of transportation, properly installed and in good working order.

2004 Acts, ch 1132, §63; 2007 Acts, ch 141, §39
Referred to in §805.8B(2A)(d)
For applicable scheduled fines, see §805.8B, subsection 2A, paragraph d

321I.21 Minors under twelve — supervision.

A person under twelve years of age shall not operate an all-terrain vehicle, including an off-road motorcycle, on a designated riding area or designated riding trail or on public land or public ice unless one of the following applies:

1. The person is taking a prescribed education training course and the operation is under the direct supervision of a certified all-terrain vehicle education instructor.

2. The operation is under the direct supervision of a responsible parent or guardian of at least eighteen years of age who is experienced in all-terrain vehicle operation or off-road motorcycle operation and who possesses a valid driver's license as defined in section 321.1.

2004 Acts, ch 1132, §64; 2007 Acts, ch 141, §40; 2012 Acts, ch 1100, §47, 48
Referred to in §805.8B(2A)(g)
For applicable scheduled fine, see §805.8B, subsection 2A, paragraph g

321I.22 Manufacturer, distributor, or dealer — special registration.

1. A manufacturer, distributor, or dealer owning an all-terrain vehicle required to be registered under this chapter may operate the all-terrain vehicle for purposes of transporting, testing, demonstrating, or selling it without the all-terrain vehicle being registered, except that a special registration decal issued to the owner as provided in this chapter shall be displayed on the all-terrain vehicle in the manner prescribed by rules of the commission. The special registration decal shall not be used on an all-terrain vehicle offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

2. Every manufacturer, distributor, or dealer shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate and decal. The applicant shall pay a registration fee of forty-five dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission.

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate and decal. The special registration certificate shall contain the applicant's name, address, and general identification number; the word "manufacturer", "dealer", or "distributor"; and other information the commission prescribes.

4. The commission shall also issue duplicate special registration certificates and decals which shall have displayed thereon the general identification number assigned to the applicant. A county recorder may issue duplicate special registration certificates and decals electronically pursuant to rules adopted by the commission. The fee for each additional duplicate special registration certificate and decal shall be five dollars plus a writing fee.

5. Each special registration certificate issued under this section shall be for a period of three years and shall expire on December 31 of the renewal year. A new special registration certificate for the three-year renewal period may be obtained upon application to the commission and payment of the fee provided by law. A county recorder may issue special registration certificate renewals electronically pursuant to rules adopted by the commission.

6. If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall secure a separate and distinct special registration certificate and general identification number for each place of business.

7. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration.

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8. Nothing in this section shall prohibit a dealer from obtaining a new registration and transfer of registration in the same manner as other purchasers.

9. The commission may adopt rules consistent with this chapter establishing minimum requirements for dealers. In adopting such rules, the commission shall consider the need to protect persons, property, and the environment and to promote uniformity of practices relating to the sale and use of all-terrain vehicles. The commission may also adopt rules providing for the suspension or revocation of a dealer's special registration certificate issued pursuant to this section.

2004 Acts, ch 1132, §65; 2007 Acts, ch 141, §41 – 45; 2009 Acts, ch 144, §11; 2010 Acts, ch 1069, §49; 2012 Acts, ch 1100, §49

Referred to in §331.602, 805.8B(2A)(h)
For applicable scheduled fine, see §805.8B, subsection 2A, paragraph h

321I.23 Limitation of liability by public bodies and adjoining owners.

1. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating an all-terrain vehicle, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

2. This section does not create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees for injury to persons or property in the operation of all-terrain vehicles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for the operation of an all-terrain vehicle in violation of this chapter.

2004 Acts, ch 1132, §66; 2018 Acts, ch 1041, §127

321I.24 Recreational riding area — limitation of liability of prior landowners.

Prior owners of land on which an all-terrain vehicle recreational riding area is established, maintained, or operated owe no duty of care to keep the land safe for entry or use by persons operating an all-terrain vehicle or to give any warning of a dangerous condition, use, structure, or activity on such premises that would make the land unsafe for all-terrain vehicle usage.

2004 Acts, ch 1132, §67

321I.25 Course of instruction.

1. The commission shall provide, by rules adopted pursuant to section 321I.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of all-terrain vehicles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of all-terrain vehicles consistent with this chapter and rules adopted by the commission. The commission may establish a fee for the course which shall not exceed the actual cost of instruction minus moneys received by the department from education certificate fees under section 321I.26.

2. The commission may certify any experienced, qualified operator to be an instructor of a class established under subsection 1. Each instructor shall be at least eighteen years of age.

3. Upon completion of the course of instruction, the commission shall provide for the administration of either a written test or the demonstration of adequate riding skills to any student who wishes to qualify for an education certificate.

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4. The commission shall provide education material relating to the operation of all-terrain vehicles for the use of nonpublic or public elementary and secondary schools in this state.

5. The department may develop requirements and standards for online education offerings. Only vendors who have entered into a memorandum of understanding with the department shall be permitted to offer an online course that results in the issuance of an education certificate approved by the commission. Vendors may charge for their courses and collect the education certificate fee required under section 321I.26, subsection 2, on behalf of the department as agreed to in the memorandum of understanding.

2004 Acts, ch 1132, §68; 2007 Acts, ch 141, §46; 2012 Acts, ch 1100, §50
Referred to in §321I.1

321I.26 Education certificate — fee.

1. A person twelve years of age or older but less than eighteen years of age shall not operate an all-terrain vehicle on public land, public ice, a designated riding trail, or land purchased with all-terrain vehicle registration funds in this state without obtaining a valid education certificate approved by the department and having the certificate in the person's possession.

2. Upon successful completion of the course and payment of a fee of five dollars, a qualified applicant shall be issued an education certificate which is valid until the certificate is suspended or revoked by the director for a violation of a provision of this chapter or a rule adopted pursuant to this chapter.

3. Any person who is required to have an education certificate under this chapter and who has completed a course of instruction established under section 321I.2, subsection 1, paragraph "*i*", including the successful passage of an examination which includes either a written test relating to such course of instruction or the demonstration of adequate riding skills, shall be considered qualified to receive an education certificate.

4. The certificate fees collected under this section shall be credited to the special all-terrain vehicle fund and shall be used for educational programs.

5. A valid all-terrain vehicle safety or education certificate or license issued by a governmental authority of another state shall be considered a valid certificate or license in this state if the certification or licensing requirements of the governmental authority are substantially the same as the requirements of this chapter as determined by the commission.

2004 Acts, ch 1132, §69; 2007 Acts, ch 141, §47; 2009 Acts, ch 144, §12; 2012 Acts, ch 1100, §51
Referred to in §321I.1, 321I.25, 805.8B(2A)(g)
For applicable scheduled fine, see §805.8B, subsection 2A, paragraph g

321I.27 Stopping and inspecting — warnings.

A peace officer may stop and inspect an all-terrain vehicle operated, parked, or stored on public streets, highways, public lands, public ice, or designated riding trails of the state to determine if the all-terrain vehicle is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the all-terrain vehicle is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the all-terrain vehicle to have the all-terrain vehicle in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

2004 Acts, ch 1132, §70; 2012 Acts, ch 1100, §52

321I.28 Termination of use.

A person who receives a warning memorandum for an all-terrain vehicle shall stop using the all-terrain vehicle as soon as possible and shall not operate it on public streets, highways, public lands, public ice, or designated riding trails of the state until the all-terrain vehicle is in compliance.

2004 Acts, ch 1132, §71; 2012 Acts, ch 1100, §53

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321I.29 Writing fees.

1. *a.* The county recorder shall collect a writing fee of two dollars for each privilege under this chapter.

b. Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county.

2. *a.* A license agent shall collect a writing fee of one dollar for an all-terrain vehicle registration or for renewal of a registration issued by the license agent.

b. A license agent shall retain a writing fee of one dollar from the sale of each user permit issued by the license agent.

2004 Acts, ch 1132, §72; 2007 Acts, ch 141, §48; 2012 Acts, ch 1100, §54; 2023 Acts, ch 71, §106, 107

Referred to in §321I.4, 321I.5, 321I.7, 321I.31, 321I.33, 321I.34

321I.30 Consistent local laws — special local rules.

1. This chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to an all-terrain vehicle when the all-terrain vehicle is operated or maintained in this state. However, this chapter does not prevent the adoption of an ordinance or local law relating to the operation or equipment of all-terrain vehicles. The ordinances or local laws are operative only so long as they are not inconsistent with this chapter or the rules adopted by the commission.

2. A subdivision of this state, after public notice by publication in a newspaper having a general circulation in the subdivision, may make formal application to the commission for special rules concerning the operation of all-terrain vehicles within the territorial limits of the subdivision and shall provide the commission with the reasons the special rules are necessary.

3. The commission, upon application by local authorities and in conformity with this chapter, may make special rules concerning the operation of all-terrain vehicles within the territorial limits of a subdivision of this state.

2004 Acts, ch 1132, §73

321I.31 Owner's certificate of title — in general.

1. The owner of an all-terrain vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle used exclusively as a farm implement or a motorcycle previously issued a title pursuant to chapter 321, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the all-terrain vehicle. The owner of an all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. A person who owns an all-terrain vehicle that is not required to have a certificate of title may apply for and receive a certificate of title for the all-terrain vehicle and, subsequently, the all-terrain vehicle shall be subject to the requirements of this chapter as if the all-terrain vehicle were required to be titled. All all-terrain vehicles that are titled shall be registered.

2. A certificate of title shall contain the information and shall be issued on a form the department prescribes.

3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee specified in section 321I.32 and the writing fee specified in section 321I.29. The application shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the all-terrain vehicle or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for an all-terrain vehicle last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

4. If a dealer buys or acquires an all-terrain vehicle for resale, the dealer may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used all-terrain vehicle, the dealer may apply for a certificate of title in the dealer's name within

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thirty days. If a dealer buys or acquires a new all-terrain vehicle for resale, the dealer may apply for a certificate of title in the dealer's name.

5. A manufacturer or dealer shall not transfer ownership of a new all-terrain vehicle without supplying the transferee with the manufacturer's or importer's certificate of origin signed by the manufacturer's or importer's authorized agent. The certificate shall contain information the department requires. The department may adopt rules providing for the issuance of a certificate of origin for an all-terrain vehicle by the department upon good cause shown by the owner.

6. A dealer transferring ownership of an all-terrain vehicle under this chapter shall assign the title to the new owner, or in the case of a new all-terrain vehicle, assign the certificate of origin. Within thirty days the dealer shall forward all moneys and applications to the county recorder.

7. The county recorder shall maintain an electronic record of any certificate of title which the county recorder issues until the certificate of title has been inactive for five years. When issuing a title for a new all-terrain vehicle, the county recorder shall obtain and keep the certificate of origin on file. When issuing a title and registration for a used all-terrain vehicle for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled all-terrain vehicle.

8. Once titled, a person shall not sell or transfer ownership of an all-terrain vehicle without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the purchaser's or transferee's name. A person shall not purchase or otherwise acquire an all-terrain vehicle without obtaining a certificate of title for it in that person's name.

9. If the county recorder is not satisfied as to the ownership of the all-terrain vehicle or that there are no undisclosed security interests in the all-terrain vehicle, the county recorder may issue a certificate of title for the all-terrain vehicle but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. The form and amount of the bond shall be established by rule of the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the all-terrain vehicle or person acquiring any security interest in the all-terrain vehicle, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the all-terrain vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the all-terrain vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the all-terrain vehicle is no longer registered in this state and the certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

10. A motorcycle that has been issued a certificate of title pursuant to this section may be issued a title pursuant to chapter 321 upon proper application and surrender of the existing title. Upon issuance of a title pursuant to chapter 321, the certificate of title previously issued pursuant to this section shall be returned to the issuing county recorder.

2004 Acts, ch 1132, §74; 2007 Acts, ch 141, §49, 50; 2012 Acts, ch 1050, §43, 60; 2012 Acts, ch 1100, §55; 2013 Acts, ch 132, §55; 2013 Acts, ch 140, §97; 2014 Acts, ch 1141, §67; 2019 Acts, ch 80, §2; 2023 Acts, ch 71, §108

321I.32 Fees — duplicates.

1. The county recorder shall charge a ten dollar fee to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title.

2. If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying to the county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction.

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3. The duplicate certificate of title shall be marked plainly "duplicate" across its face and mailed or delivered to the applicant.

4. If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the county recorder for cancellation.

5. Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special all-terrain vehicle fund created under section 321I.8. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

2004 Acts, ch 1132, §75; 2007 Acts, ch 141, §51
Referred to in §321I.31

321I.33 Transfer or repossession by operation of law.

1. If ownership of an all-terrain vehicle is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the all-terrain vehicle, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee, plus the writing fee specified in section 321I.29. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fees.

2. If a lienholder repossesses an all-terrain vehicle by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee, plus the writing fee specified in section 321I.29.

2004 Acts, ch 1132, §76; 2012 Acts, ch 1100, §56; 2021 Acts, ch 138, §2; 2023 Acts, ch 71, §109

321I.34 Security interest — perfection and titles — fees.

1. A security interest created in this state in an all-terrain vehicle is not perfected until the security interest is noted on the certificate of title.

a. To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and in the electronic record maintained by the recorder's office.

b. The application fee for a security interest is ten dollars. Five dollars of the fee shall be credited to the special all-terrain vehicle fund created under section 321I.8. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

c. The application shall be accompanied by the writing fee specified in section 321I.29.

2. The certificate of title shall be presented to the county recorder when the application for security interest or for assignment of the security interest is presented and a new or endorsed certificate of title shall be issued to the secured party with the name and address of the secured party upon it.

3. When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued. If the title has been lost or destroyed, the secured party may discharge the security interest by sending a signed, notarized statement to the office of the county recorder where the title was issued. The county recorder shall note the release of the security interest in the county records and attach the statement to the certificate of title as evidence of the release of the security interest.

4. If a lien has been released by the lienholder, proof of such release may be presented to the county recorder of any county, and the county recorder shall note the release on the face of the certificate of title and enter the release on the statewide computer system.

2004 Acts, ch 1132, §77; 2007 Acts, ch 141, §52; 2014 Acts, ch 1141, §68; 2023 Acts, ch 71, §110; 2025 Acts, ch 74, §2

321I.35 Vehicle identification number.

1. The department may assign a distinguishing number to an all-terrain vehicle when the serial number on the all-terrain vehicle is destroyed or obliterated and issue to the owner

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a special decal bearing the distinguishing number which shall be affixed to the all-terrain vehicle in a position to be determined by the department. The all-terrain vehicle shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle shall have a vehicle identification number assigned and affixed as required by the department.

2. The commission shall adopt, by rule, the procedures for application and for issuance of a vehicle identification number for homebuilt all-terrain vehicles.

3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate or decal bearing it, or any vehicle identification number the department assigns to an all-terrain vehicle without the department's permission.

4. A person other than a manufacturer who constructs or rebuilds an all-terrain vehicle for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the all-terrain vehicle. In cooperation with the county recorder, the department shall assign a vehicle identification number to the all-terrain vehicle. The applicant shall permanently affix the vehicle identification number to the all-terrain vehicle in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious.

2004 Acts, ch 1132, §78; 2012 Acts, ch 1100, §57

321I.36 Repeat offender — records, enforcement, and penalties.

1. The commission shall establish by rule a recordkeeping system and other administrative procedures necessary to administer this section.

2. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a simple misdemeanor if the person had no other violations within the previous three years which occurred while the person's registration privilege was suspended or revoked.

3. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a serious misdemeanor if the person had one other violation within the previous three years which occurred while the person's registration privilege was suspended or revoked.

4. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of an aggravated misdemeanor if the person had two or more convictions within the previous three years which occurred while the person's registration privilege was suspended or revoked.

5. *a.* Upon the conviction of a person of any violation of this chapter or a rule adopted under this chapter, the court, as a part of the judgment, may suspend or revoke one or more all-terrain vehicle registration or user permit privileges of the person for any definite period.

b. The court shall revoke all of the person's all-terrain vehicle registrations or user permits and suspend the privilege of procuring a registration or user permit for a period of one year for any person who has been convicted twice within one year of trespassing while operating an all-terrain vehicle. A person shall not be issued a registration or user permit during the period of suspension or revocation.

2007 Acts, ch 141, §53

Trespass, see §716.7

CHAPTER 321J

OPERATING WHILE INTOXICATED

Referred to in §307.27, 321.1, 321.10, 321.16, 321.16A, 321.180B, 321.194, 321.208, 321.210C, 321.213, 321.376, 321A.3, 321A.17, 331.653, 668.15A, 707.6A, 804.31, 809A.3, 901B.1, 902.11, 904.513, 904.909, 907.3

321J.1 Definitions.

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321J.2	Operating while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more (OWI).
321J.2A	Persons under the age of twenty-one.
321J.2B	Parental and school notification — persons under eighteen years of age.
321J.3	Substance use disorder evaluation or treatment — rules.
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321J.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Alcohol concentration"* means the number of grams of alcohol per any of the following:

a. One hundred milliliters of blood.

b. Two hundred ten liters of breath.

c. Sixty-seven milliliters of urine.

2. *"Alcoholic beverage"* includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption.

3. *"Arrest"* includes but is not limited to taking into custody pursuant to section 232.19.

4. *"Controlled substance"* means any drug, substance, or compound that is listed in section 124.204 or 124.206, or any metabolite or derivative of the drug, substance, or compound.

5. *"Department"* means the state department of transportation.

6. *"Director"* means the director of transportation or the director's designee.

7. *"Driver's license"* means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, commercial learner's, or temporary permit.

8. *"Peace officer"* means:

a. A member of the state patrol.

b. A police officer under civil service as provided in chapter 400.

c. A sheriff.

d. A regular deputy sheriff who has had formal police training.

e. Any other law enforcement officer who has satisfactorily completed an approved course relating to motor vehicle operators under the influence of alcoholic beverages at the Iowa law enforcement academy or a law enforcement training program approved by the department of public safety.

9. *"Serious injury"* means the same as defined in section 702.18.

86 Acts, ch 1220, §1; 90 Acts, ch 1230, §83; 98 Acts, ch 1073, §9; 98 Acts, ch 1074, §27; 98 Acts, ch 1138, §10; 2001 Acts, ch 132, §16; 2005 Acts, ch 35, §31; 2010 Acts, ch 1073, §2; 2015 Acts, ch 123, §70; 2026 Acts, ch 1118, §6

Referred to in §321.208, 321J.2A, 668.15A
Subsection 7 amended

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321J.1A Drunk driving public education campaign — pamphlets.

1. The department of public safety, the governor's traffic safety bureau, the state department of transportation, the governor, and the attorney general shall cooperate in an ongoing public education campaign to inform the citizens of this state of the dangers and the specific legal consequences of driving drunk in this state. The entities shall use their best efforts to utilize all available opportunities for making public service announcements on television and radio broadcasts, and to obtain and utilize federal funds for highway safety and other grants in conducting the public education campaign.

2. The department shall publish pamphlets containing the criminal and administrative penalties for drunk driving, and related laws, rules, instructions, and explanatory matter. This information may be included in publications containing information related to other motor vehicle laws, issued pursuant to section 321.15. Copies of the pamphlets shall be given wide distribution, and a supply shall be made available to each county treasurer.

97 Acts, ch 177, §3; 2004 Acts, ch 1013, §30, 35

321J.2 Operating while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more (OWI).

1. A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this state in any of the following conditions:

a. While under the influence of an alcoholic beverage or other drug or a combination of such substances.

b. While having an alcohol concentration of .08 or more.

c. While any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

2. A person who violates subsection 1 commits:

a. A serious misdemeanor for the first offense.

b. An aggravated misdemeanor for a second offense.

c. A class "D" felony for a third offense and each subsequent offense.

3. A first offense is punishable by all of the following:

a. A minimum period of imprisonment in the county jail of forty-eight hours, but not to exceed one year, to be served as ordered by the court, less credit for any time the person was confined in a jail or detention facility following arrest or for any time the person spent in a court-ordered operating-while-intoxicated program that provides law enforcement security. However, the court, in ordering service of the sentence and in its discretion, may accommodate the defendant's work schedule.

b. (1) With the consent of the defendant, the court may defer judgment pursuant to section 907.3 and may place the defendant on probation upon conditions as it may require. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 904.912, the defendant shall be discharged without entry of judgment.

(2) A person is not eligible for a deferred judgment under section 907.3 if the person has been convicted of a violation of this section or the person's driver's license has been revoked under this chapter, and any of the following apply:

(a) If the defendant's alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn in accordance with this chapter exceeds .15, regardless of whether or not the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the test equals an alcohol concentration of .15 or more.

(b) If the defendant has previously been convicted of a violation of subsection 1 or a statute in another state substantially corresponding to subsection 1.

(c) If the defendant has previously received a deferred judgment or sentence for a

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violation of subsection 1 or for a violation of a statute in another state substantially corresponding to subsection 1.

(d) If the defendant refused to consent to testing requested in accordance with section 321J.6.

(e) If the offense under this chapter results in bodily injury to a person other than the defendant.

(f) If the offense was committed while also in violation of section 321.279, subsection 2.

c. Assessment of a fine of one thousand two hundred fifty dollars. However, in the discretion of the court, if no personal or property injury has resulted from the defendant's actions, the court may waive up to six hundred twenty-five dollars of the fine when the defendant presents to the court a temporary restricted license issued pursuant to section 321J.20.

(1) Upon the entry of a deferred judgment, a civil penalty shall be assessed as provided in section 907.14 in an amount not less than the amount of the criminal fine authorized pursuant to this paragraph "*c*".

(2) As an alternative to a portion or all of the fine, the court may order the person to perform unpaid community service. However, the court shall not order the person to perform unpaid community service in lieu of a civil penalty or victim restitution. Surcharges and fees shall also be assessed pursuant to chapter 911.

d. Revocation of the person's driver's license for a minimum period of one hundred eighty days up to a maximum revocation period of one year, pursuant to section 321J.4, subsection 1, section 321J.9, or section 321J.12. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license.

e. Assignment to substance use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance use disorder prevention program pursuant to section 321J.24.

4. A second offense is punishable by all of the following:

a. A minimum period of imprisonment in the county jail or community-based correctional facility of seven days but not to exceed two years.

b. Assessment of a minimum fine of one thousand eight hundred seventy-five dollars and a maximum fine of six thousand two hundred fifty dollars. Surcharges and fees shall be assessed pursuant to chapter 911.

c. Revocation of the defendant's driver's license for a period of one year, if a revocation occurs pursuant to section 321J.12, subsection 1. If a revocation occurs due to test refusal under section 321J.9, or pursuant to section 321J.4, subsection 2, the defendant's license shall be revoked for a period of two years.

d. Assignment to substance use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance use disorder prevention program pursuant to section 321J.24.

5. A third or subsequent offense is punishable by all of the following:

a. Commitment to the custody of the director of the department of corrections for an indeterminate term not to exceed five years, with a mandatory minimum term of thirty days.

(1) If the court does not suspend a person's sentence of commitment to the custody of the director of the department of corrections under this paragraph "*a*", the person shall be assigned to a facility pursuant to section 904.513.

(2) If the court suspends a person's sentence of commitment to the custody of the director of the department of corrections under this paragraph "*a*", the court shall order the person to serve not less than thirty days nor more than one year in the county jail, and the person may be committed to treatment in the community under section 907.6.

b. Assessment of a minimum fine of three thousand one hundred twenty-five dollars and a maximum fine of nine thousand three hundred seventy-five dollars. Surcharges and fees shall be assessed pursuant to chapter 911.

c. Revocation of the person's driver's license for a period of six years pursuant to section 321J.4, subsection 4.

d. Assignment to substance use disorder evaluation and treatment, a course for drinking

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drivers, and, if available and appropriate, a reality education substance use disorder prevention program pursuant to section 321J.24.

e. Notwithstanding the maximum sentence set forth in paragraph "*a*", a person convicted of a third or subsequent offense may be sentenced as an habitual offender pursuant to sections 902.8 and 902.9 if the person qualifies as an habitual offender as described in section 902.8.

6. To the extent that section 907.3 allows, the court may impose additional sentencing terms and conditions.

7. *a.* All persons convicted of an offense under subsection 2 shall be ordered, at the person's expense, to undergo, prior to sentencing, a substance use disorder evaluation. The court shall order the person to follow the recommendations proposed in the substance use disorder evaluation as provided in section 321J.3.

b. Where the program is available and is appropriate for the convicted person, a person convicted of an offense under subsection 2 shall be ordered to participate in a reality education substance use disorder prevention program as provided in section 321J.24.

c. A minimum term of imprisonment in a county jail or community-based correctional facility imposed on a person convicted of a second or subsequent offense under subsection 2, paragraph "*b*" or "*c*" shall be served on consecutive days. However, if the sentencing court finds that service of the full minimum term on consecutive days would work an undue hardship on the person, or finds that sufficient jail space is not available and is not reasonably expected to become available within four months after sentencing to incarcerate the person serving the minimum sentence on consecutive days, the court may order the person to serve the minimum term in segments of at least forty-eight hours and to perform a specified number of hours of unpaid community service as deemed appropriate by the sentencing court.

8. In determining if a violation charged is a second or subsequent offense for purposes of criminal sentencing or license revocation under this chapter:

a. Any conviction or revocation deleted from motor vehicle operating records pursuant to section 321.12 shall not be considered as a previous offense.

b. Deferred judgments entered pursuant to section 907.3 for violations of this section shall be counted as previous offenses.

c. Convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the one defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense.

9. A person shall not be convicted and sentenced for more than one violation of this section for actions arising out of the same event or occurrence, even if the event or occurrence involves more than one of the conditions specified in subsection 1.

10. The clerk of the district court shall immediately certify to the department a true copy of each order entered with respect to deferral of judgment, deferral of sentence, or pronouncement of judgment and sentence for a defendant under this section.

11. *a.* This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A or if the substance was dispensed by a pharmacist without a prescription pursuant to the rules of the board of pharmacy, if there is no evidence of the consumption of alcohol and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle.

b. When charged with a violation of subsection 1, paragraph "*c*", a person may assert, as an affirmative defense, that the controlled substance present in the person's blood or urine was prescribed or dispensed for the person and was taken in accordance with the directions of a practitioner and the labeling directions of the pharmacy, as that person and place of business are defined in section 155A.3.

12. In any prosecution under this section, evidence of the results of analysis of a specimen of the defendant's blood, breath, or urine is admissible upon proof of a proper foundation.

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a. The alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time of driving or being in physical control of the motor vehicle.

b. The presence of a controlled substance or other drug established by the results of analysis of a specimen of the defendant's blood or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to show the presence of such controlled substance or other drug in the defendant at the time of driving or being in physical control of the motor vehicle.

c. The department of public safety shall adopt nationally accepted standards for determining detectable levels of controlled substances in the division of criminal investigation's initial laboratory screening test for controlled substances.

13. *a.* In addition to any fine or penalty imposed under this chapter, the court shall order a defendant convicted of or receiving a deferred judgment for a violation of this section to make restitution for damages resulting directly from the violation, to the victim, pursuant to chapter 910. An amount paid pursuant to this restitution order shall be credited toward any adverse judgment in a subsequent civil proceeding arising from the same occurrence. However, other than establishing a credit, a restitution proceeding pursuant to this section shall not be given evidentiary or preclusive effect in a subsequent civil proceeding arising from the same occurrence.

b. The court may order restitution paid to any public agency for the costs of the emergency response resulting from the actions constituting a violation of this section, not exceeding five hundred dollars per public agency for each such response. For the purposes of this paragraph, "*emergency response*" means any incident requiring response by fire fighting, law enforcement, ambulance, medical, or other emergency services. A public agency seeking such restitution shall consult with the county attorney regarding the expenses incurred by the public agency, and the county attorney may include the expenses in the statement of pecuniary damages pursuant to section 910.3.

14. In any prosecution under this section, the results of a chemical test shall not be used to prove a violation of subsection 1, paragraph "*b*" or "*c*", if the alcohol, controlled substance, or other drug concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal or exceed the level prohibited by subsection 1, paragraph "*b*" or "*c*".

86 Acts, ch 1220, §2; 87 Acts, ch 118, §4; 87 Acts, ch 215, §46; 90 Acts, ch 1233, §20; 90 Acts, ch 1251, §33; 97 Acts, ch 177, §4, 5; 98 Acts, ch 1073, §9; 98 Acts, ch 1100, §50; 98 Acts, ch 1138, §2, 3, 11 – 13, 37; 99 Acts, ch 96, §36; 2000 Acts, ch 1118, §1; 2000 Acts, ch 1135, §1; 2002 Acts, ch 1042, §1; 2003 Acts, ch 60, §1, 2; 2003 Acts, ch 179, §120; 2003 Acts, 1st Ex, ch 2, §48, 209; 2006 Acts, ch 1010, §90; 2006 Acts, ch 1166, §1 – 3; 2007 Acts, ch 10, §174; 2010 Acts, ch 1124, §1, 9; 2010 Acts, ch 1193, §50, 81; 2011 Acts, ch 25, §31; 2011 Acts, ch 131, §93, 158; 2018 Acts, ch 1110, §2, 3, 9; 2019 Acts, ch 5, §1, 2; 2020 Acts, ch 1028, §2; 2021 Acts, ch 98, §2; 2023 Acts, ch 19, §1067 – 1070; 2023 Acts, ch 42, §6; 2024 Acts, ch 1182, §50

Referred to in §81.1, 135B.34, 135C.33, 232.22, 232.150, 321.12, 321.208, 321.213, 321.241, 321.555, 321J.2A, 321J.2B, 321J.3, 321J.4, 321J.4B, 321J.5, 321J.6, 321J.8, 321J.9, 321J.10, 321J.10A, 321J.12, 321J.13, 321J.15, 321J.16, 321J.20, 321J.22, 321J.24, 321J.25, 321N.3, 602.8102(51), 707.6A, 724.4C, 724.15, 724.16, 724.22, 726.6, 804.31, 901C.3, 902.3, 907.3, 910.1, 910.3, 915.80

321J.2A Persons under the age of twenty-one.

1. A person who is under the age of twenty-one shall not operate a motor vehicle while having an alcohol concentration, as defined under section 321J.1, of .02 or more. The driver's license or nonresident operating privilege of a person who is under the age of twenty-one and who operates a motor vehicle while having an alcohol concentration of .02 or more shall be revoked by the department for the period of time specified under section 321J.12. A revocation under this section shall not preclude a prosecution or conviction under any applicable criminal provisions of this chapter. However, if the person is convicted of a criminal offense under section 321J.2, the revocation imposed under this section shall be superseded by any revocation imposed as a result of the conviction.

2. In any proceeding regarding a revocation under this section, evidence of the results of analysis of a specimen of the defendant's blood, breath, or urine is admissible upon proof of

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a proper foundation. The alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time of driving or being in physical control of the motor vehicle.

95 Acts, ch 48, §7; 98 Acts, ch 1073, §9; 2018 Acts, ch 1041, §127
Referred to in §321.12, 321.241, 321A.17, 321J.2B, 321J.5, 321J.6, 321J.8, 321J.9, 321J.10A, 321J.12, 321J.13, 321J.15, 321J.16, 321J.20, 321J.25, 321N.3

321J.2B Parental and school notification — persons under eighteen years of age.

1. A peace officer shall make a reasonable effort to identify a person under the age of eighteen who violates section 321J.2 or 321J.2A and, if the person is not referred to juvenile court, the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of the violation, whether or not the person is taken into custody, unless the officer has reasonable grounds to believe that notification is not in the best interests of the person or will endanger that person.

2. The peace officer shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the violation. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail.

2000 Acts, ch 1138, §4
Referred to in §232.147

321J.3 Substance use disorder evaluation or treatment — rules.

1. *a.* In addition to orders issued pursuant to section 321J.2, subsections 3, 4, and 5, and section 321J.17, the court shall order any defendant convicted under section 321J.2 to follow the recommendations proposed in the substance use disorder evaluation for appropriate substance use disorder treatment for the defendant. Court-ordered substance use disorder treatment is subject to the periodic reporting requirements of section 125.86.

b. If a defendant is committed by the court to a substance use disorder treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence.

c. The court may prescribe the length of time for the evaluation and treatment or it may request that the community college or other approved provider conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically use alcohol or drugs.

d. Upon successfully completing a course for drinking drivers or an ordered substance use disorder treatment program, a court may place the person on probation for six months and as a condition of probation, the person shall attend a program providing posttreatment services relating to substance use disorder as approved by the court.

e. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44.

f. A defendant who fails to carry out the order of the court shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court.

g. In addition to any other condition of probation, the person shall attend a program

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providing substance use disorder prevention services or posttreatment services related to substance use disorder as ordered by the court. The person shall report to the person's probation officer as ordered concerning proof of attendance at the treatment program or posttreatment program ordered by the court. Failure to attend or complete the program shall be considered a violation of probation and is punishable as contempt of court.

2. *a.* Upon a second or subsequent offense in violation of section 321J.2, the court upon hearing may commit the defendant for inpatient treatment of alcoholism or drug addiction or dependency to any hospital, institution, or community correctional facility in Iowa providing such treatment. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence.

b. The court may prescribe the length of time for the evaluation and treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from the person's addiction, dependency, or tendency to chronically use alcohol or drugs.

c. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44.

3. The state department of transportation, in cooperation with the judicial branch, shall adopt rules, pursuant to the procedure in section 125.33, regarding the assignment of persons ordered under section 321J.17 to submit to substance use disorder evaluation and treatment. The rules shall be applicable only to persons other than those committed to the custody of the director of the department of corrections under section 321J.2. The rules shall be consistent with the practices and procedures of the judicial branch in sentencing persons to substance use disorder evaluation and treatment under section 321J.2. The rules shall include the requirement that the treatment programs utilized by a person pursuant to an order of the department of transportation meet the licensure standards of the department of health and human services for substance use disorder treatment programs under chapter 125. The rules shall also include provisions for payment of costs by the offenders, including insurance reimbursement on behalf of offenders, or other forms of funding, and shall also address reporting requirements of the facility, consistent with the provisions of sections 125.84 and 125.86. The department of transportation shall be entitled to treatment information contained in reports to the department of transportation, notwithstanding any provision of chapter 125 that would restrict department access to treatment information and records.

86 Acts, ch 1220, §3; 87 Acts, ch 118, §5; 90 Acts, ch 1251, §34; 90 Acts, ch 1253, §120; 97 Acts, ch 177, §6, 7; 98 Acts, ch 1047, §28; 2006 Acts, ch 1010, §91; 2010 Acts, ch 1124, §2, 9; 2011 Acts, ch 20, §15; 2022 Acts, ch 1021, §79; 2023 Acts, ch 19, §1071

Referred to in §125.44, 321.213, 321J.2

321J.4 Revocation of license — ignition interlock devices — temporary restricted license.

1. If a defendant is convicted of a violation of section 321J.2 and the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one hundred eighty days if the defendant submitted to chemical testing and has had no previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant refused to submit to chemical testing and has had no previous conviction or revocation under this chapter. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license.

2. If a defendant is convicted of a violation of section 321J.2, and the defendant's driver's license or nonresident operating privilege has not already been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant

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submitted to chemical testing and has had a previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for two years if the defendant refused to submit to chemical testing and has had a previous revocation under this chapter. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

3. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, and if the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12, or has not otherwise been revoked for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license.

4. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

5. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a personal injury, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a serious injury was sustained by any person other than the defendant and, if so, whether the defendant's conduct in violation of section 321J.2 caused the serious injury. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of one year in addition to any other period of suspension or revocation. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

6. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a death, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a death occurred and, if so, whether the defendant's conduct in violation of section 321J.2 caused the death. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall not be eligible for any temporary restricted license for at least two years after the revocation. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation.

7. If a license or permit to operate a motor vehicle is revoked or denied under this section or section 321J.9 or 321J.12, the period of revocation or denial shall be the period provided for such a revocation or until the defendant reaches the age of eighteen whichever period is longer.

8. *a.* On a conviction for or as a condition of a deferred judgment for a violation of section 321J.2, the court may order the defendant to install ignition interlock devices of a type approved by the commissioner of public safety on all motor vehicles operated by the defendant which, without tampering or the intervention of another person, would prevent the defendant from operating the motor vehicle with an alcohol concentration greater than a level set by rule of the commissioner of public safety.

b. The commissioner of public safety shall adopt rules to approve certain ignition interlock devices and the means of installation of the devices, and shall establish the level of alcohol concentration beyond which an ignition interlock device will not allow operation of the motor vehicle in which it is installed, in accordance with section 321J.17A.

c. The order to install ignition interlock devices shall remain in effect for a period of

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time as determined by the court which shall not exceed the maximum term of imprisonment which the court could have imposed according to the nature of the violation, unless otherwise extended under this chapter. While the order is in effect, the defendant shall not operate a motor vehicle which does not have an approved ignition interlock device installed.

d. If the defendant's driver's license or nonresident operating privilege has been revoked, the department shall not issue a temporary permit or a driver's license to the person without certification that approved ignition interlock devices have been installed on all motor vehicles operated by the defendant while the order is in effect.

e. A defendant who fails within a reasonable time to comply with an order to install an approved ignition interlock device may be declared in contempt of court and punished accordingly.

f. A person who tampers with or circumvents an ignition interlock device installed under a court order while an order is in effect commits a serious misdemeanor.

g. An ignition interlock device provider shall not impose an early termination fee if the defendant is no longer required to have a device installed and presents an unrestricted driver's license to the provider prior to the end of the term for which the provider agreed to provide the defendant with a device.

86 Acts, ch 1220, §4; 88 Acts, ch 1168, §1; 90 Acts, ch 1230, §84; 92 Acts, ch 1212, §29; 95 Acts, ch 48, §8 – 10; 95 Acts, ch 55, §12; 96 Acts, ch 1090, §9 – 11; 96 Acts, ch 1152, §22; 97 Acts, ch 177, §8 – 11; 98 Acts, ch 1073, §9, 12; 98 Acts, ch 1138, §4, 36, 37; 2000 Acts, ch 1133, §15; 2000 Acts, ch 1138, §3; 2003 Acts, ch 60, §3; 2003 Acts, ch 179, §121, 122; 2007 Acts, ch 143, §21; 2009 Acts, ch 130, §13; 2010 Acts, ch 1097, §4 – 7; 2018 Acts, ch 1110, §4, 9; 2021 Acts, ch 98, §3, 4; 2024 Acts, ch 1050, §1 – 3, 10, 11

Referred to in §321.213, 321J.2, 321J.17, 321J.20

2024 amendments to section effective January 1, 2025, and apply to driver's license revocations under chapter 321J for which the underlying offense occurred on or after that date; 2024 Acts, ch 1050, §10, 11

321J.4A Reserved.

321J.4B Motor vehicle impoundment or immobilization — penalty — liability of vehicle owner.

1. For purposes of this section:

a. "Immobilized" means the installation of a device in a motor vehicle that completely prevents a motor vehicle from being operated, or the installation of an ignition interlock device of a type approved by the commissioner of public safety.

b. "Impoundment" means the process of seizure and confinement within an enclosed area of a motor vehicle, for the purpose of restricting access to the vehicle.

c. "Owner" means the registered titleholder of a motor vehicle; except in the case where a rental or leasing agency is the registered titleholder, in which case the lessee of the vehicle shall be treated as the owner of the vehicle for purposes of this section.

2. *a.* A motor vehicle is subject to impoundment in the following circumstances:

(1) If a person operates a vehicle in violation of section 321J.2, and if convicted for that conduct, the conviction would be a second or subsequent offense under section 321J.2.

(2) If a person operates a vehicle while that person's driver's license or operating privilege has been suspended, denied, revoked, or barred due to a violation of section 321J.2.

b. The clerk of court shall send notice of a conviction of an offense for which the vehicle was impounded to the impounding authority upon conviction of the defendant for such offense.

c. Impoundment of the vehicle under this section may occur in addition to any criminal penalty imposed under chapter 321 or this chapter for the underlying criminal offense.

3. The motor vehicle operated by the person in the commission of any offense included in subsection 2 may be immediately impounded or immobilized in accordance with this section.

a. A person or agency taking possession of an impounded or immobilized motor vehicle shall do the following:

(1) Make an inventory of any property contained in the vehicle, according to the agency's inventory procedure. The agency responsible for the motor vehicle shall also deliver a copy of the inventory to the county attorney.

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(2) Contact all rental or leasing agencies registered as owners of the vehicle, as well as any parties registered as holders of a secured interest in the vehicle, in accordance with subsection 12.

b. The county attorney shall file a copy of the inventory with the district court as part of each file related to criminal charges filed under this section.

4. An owner of a motor vehicle impounded or immobilized under this section, who knows of, should have known of, or gives consent to the operation of, the motor vehicle in violation of subsection 2, paragraph *"a"*, subparagraph (2), shall be:

a. Guilty of a simple misdemeanor, and

b. Jointly and severally liable for any damages caused by the person who operated the motor vehicle, subject to the provisions of chapter 668.

5. *a.* The following persons shall be entitled to immediate return of the motor vehicle without payment of costs associated with the impoundment or immobilization of the vehicle:

(1) The owner of the motor vehicle, if the person who operated the motor vehicle is not a co-owner of the motor vehicle.

(2) A motor vehicle rental or leasing agency that owns the vehicle.

(3) A person who owns the motor vehicle and who is charged but is not convicted of the violation of section 321.218, 321.561, 321A.32, 321J.2, or 321J.21, which resulted in the impoundment or immobilization of the motor vehicle under this section.

b. Upon conviction of the defendant for a violation of subsection 2, paragraph *"a"*, subparagraph (1), the court may order continued impoundment, or the immobilization, of the motor vehicle used in the commission of the offense, if the convicted person is the owner of the motor vehicle, and shall specify all of the following in the order:

(1) The motor vehicle that is subject to the order.

(2) The period of impoundment or immobilization.

(3) The person or agency responsible for carrying out the order requiring continued impoundment, or the immobilization, of the motor vehicle.

c. If the vehicle subject to the order is in the custody of a law enforcement agency, the court shall designate that agency as the responsible agency. If the vehicle is not in the custody of a law enforcement agency, the person or agency responsible for carrying out the order shall be any person deemed appropriate by the court, including but not limited to a law enforcement agency with jurisdiction over the area in which the residence of the vehicle owner is located. The person or agency responsible for carrying out the order shall determine whether the motor vehicle shall be impounded or immobilized.

d. The period of impoundment or immobilization of a motor vehicle under this section shall be the period of license revocation imposed upon the person convicted of the offense or one hundred eighty days, whichever period is longer. The impoundment or immobilization period shall commence on the day that the vehicle is first impounded or immobilized.

e. The clerk of the district court shall send a copy of the order to the department, the person convicted of the offense, the person or agency responsible for executing the order for impoundment or immobilization, and any holders of any security interests in the vehicle.

f. (1) If the vehicle subject to the court order is not in the custody of a law enforcement agency, the person or agency designated in the order as the person or agency responsible for executing the order shall, upon receipt of the order, promptly locate the vehicle specified in the order, seize the motor vehicle and the license plates, and send or deliver the vehicle's license plates to the department.

(2) If the vehicle is located at a place other than the place at which the court order is to be carried out, the person or agency responsible for executing the order shall arrange for the vehicle to be moved to the place of impoundment or immobilization. When the vehicle is found, is impounded or immobilized, and is at the place of impoundment or immobilization, the person or agency responsible for executing the order shall notify the clerk of the date on which the order was executed. The clerk shall notify the department of the date on which the order was executed.

g. Upon receipt of a court order for continued impoundment or immobilization of the motor vehicle, the agency shall review the value of the vehicle in relation to the costs associated with the period of impoundment of the motor vehicle specified in the order. If

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the agency determines that the costs of impoundment of the motor vehicle exceed the actual wholesale value of the motor vehicle, the agency may treat the vehicle as an abandoned vehicle pursuant to section 321.89. If the agency elects to treat the motor vehicle as abandoned, the agency shall notify the registered owner of the motor vehicle that the vehicle shall be deemed abandoned and shall be sold in the manner provided in section 321.89 if payment of the total cost of impoundment is not received within twenty-one days of the mailing of the notice. The agency shall provide documentation regarding the valuation of the vehicle and the costs of impoundment. This paragraph shall not apply to vehicles that are immobilized pursuant to this section or if subsection 12, paragraph "*a*", subparagraph (1) or (2), applies.

6. Upon conviction of the defendant for a second or subsequent violation of subsection 2, paragraph "*a*", subparagraph (2), the court shall order, if the convicted person is the owner of the motor vehicle used in the commission of the offense, that that motor vehicle be seized and forfeited to the state pursuant to chapters 809 and 809A.

7. *a.* Upon receipt of a notice of conviction of the defendant for a violation of subsection 2, the impounding authority shall seize the motor vehicle's license plates and registration, and shall send or deliver them to the department.

b. The department shall destroy license plates received under this section and shall not authorize the release of the vehicle or the issuance of new license plates for the vehicle until the period of impoundment or immobilization has expired, and the fee and costs assessed under subsection 10 have been paid. The fee for issuance of new license plates and certificates of registration shall be the same as for the replacement of lost, mutilated, or destroyed license plates and certificates of registration.

8. *a.* Upon conviction for a violation of subsection 2, the court shall assess the defendant, in addition to any other penalty, a fee of one hundred dollars plus the cost of any expenses for towing, storage, and any other costs of impounding or immobilizing the motor vehicle, to be paid to the clerk of the district court.

b. The person or agency responsible for impoundment or immobilization under this section shall inform the court of the costs of towing, storage, and any other costs of impounding or immobilizing the motor vehicle. Upon payment of the fee and costs, the clerk shall forward a copy of the receipt to the department.

c. If a law enforcement agency impounds or immobilizes a motor vehicle, the amount of the fee and expenses deposited with the clerk shall be paid by the clerk to the law enforcement agency responsible for executing the order to reimburse the agency for costs incurred for impoundment or immobilization equipment and, if required, in sending officers to search for and locate the vehicle specified in the impoundment or immobilization order.

9. Operating a motor vehicle on a street or highway in this state in violation of an order of impoundment or immobilization is a serious misdemeanor. A motor vehicle which is subject to an order of impoundment or immobilization that is operated on a street or highway in this state in violation of the order shall be seized and forfeited to the state under chapters 809 and 809A.

10. Once the period of impoundment or immobilization has expired, the owner of the motor vehicle shall have thirty days to claim the motor vehicle and pay all fees and charges imposed under this section. If the owner or the owner's designee has not claimed the vehicle and paid all fees and charges imposed under this section within seven days from the date of expiration of the period, the clerk shall send written notification to the motor vehicle owner, at the owner's last known address, notifying the owner of the date of expiration of the period of impoundment or immobilization and of the period in which the motor vehicle must be claimed. If the motor vehicle owner fails to claim the motor vehicle and pay all fees and charges imposed within the thirty-day period, the motor vehicle shall be forfeited to the state under chapters 809 and 809A.

11. *a.* (1) During the period of impoundment or immobilization the owner of an impounded or immobilized vehicle shall not sell or transfer the title of the motor vehicle which is subject to the order of impoundment or immobilization.

(2) A person convicted of an offense under subsection 2 shall not purchase or register any motor vehicle during the period of impoundment, immobilization, or license revocation.

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b. If, during the period of impoundment or immobilization, the title to the motor vehicle which is the subject of the order is transferred by the foreclosure of a chattel mortgage, a sale upon execution, the cancellation of a conditional sales contract, or an order of a court, the court which enters the order that permits transfer of the title shall notify the department of the transfer of the title. The department shall enter notice of the transfer of the title to the motor vehicle in the previous owner's vehicle registration record.

c. Violation of paragraph *"a"* is a serious misdemeanor.

12. *a.* Notwithstanding other requirements of this section:

(1) Upon learning the address or phone number of a rental or leasing company which owns a motor vehicle impounded or immobilized under this section, the peace officer, county attorney, or attorney general shall immediately contact the company to inform the company that the vehicle is available for return to the company.

(2) The holder of a security interest in a vehicle which is impounded or immobilized pursuant to this section or forfeited in the manner provided in chapters 809 and 809A shall be notified of the impoundment, immobilization, or forfeiture within seventy-two hours of the seizure of the vehicle and shall have the right to claim the motor vehicle without payment of any fees or surcharges unless the value of the vehicle exceeds the value of the security interest held by the creditor.

(3) Any of the following persons may make application to the court for permission to operate a motor vehicle, which is impounded or immobilized pursuant to this section, during the period of impoundment or immobilization, if the applicant's driver's license or operating privilege has not been suspended, denied, revoked, or barred, and an ignition interlock device of a type approved by the commissioner of public safety is installed in the motor vehicle prior to operation:

(a) A person, other than the person who committed the offense which resulted in the impoundment or immobilization, who is not a member of the immediate family of the person who committed the offense but is a joint owner of the motor vehicle.

(b) A member of the immediate family of the person who committed the offense which resulted in the impoundment or immobilization, if the member demonstrates that the motor vehicle that is subject to the order for impoundment or immobilization is the only motor vehicle possessed by the family.

b. For purposes of this section, *"a member of the immediate family"* means a spouse, child, or parent of the person who committed the offense.

13. The impoundment, immobilization, or forfeiture of a motor vehicle under this chapter does not constitute loss of use of a motor vehicle for purposes of any contract of insurance.

95 Acts, ch 48, §11; 95 Acts, ch 143, §5; 96 Acts, ch 1133, §42, 43; 97 Acts, ch 177, §12; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §103 – 106

Referred to in §321.89, 809A.3

321J.5 Preliminary screening test.

1. When a peace officer has reasonable grounds to believe that either of the following have occurred, the peace officer may request that the operator provide a sample of the operator's breath for a preliminary screening test using a device approved by the commissioner of public safety for that purpose:

a. A motor vehicle operator may be violating or has violated section 321J.2 or 321J.2A.

b. The operator has been involved in a motor vehicle collision resulting in injury or death.

2. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made or whether to request a chemical test authorized in this chapter, but shall not be used in any court action except to prove that a chemical test was properly requested of a person pursuant to this chapter.

86 Acts, ch 1220, §5; 95 Acts, ch 48, §12

321J.6 Implied consent to test.

1. A person who operates a motor vehicle in this state under circumstances which give reasonable grounds to believe that the person has been operating a motor vehicle in violation of section 321J.2 or 321J.2A is deemed to have given consent to the withdrawal of specimens

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of the person's blood, breath, or urine and to a chemical test or tests of the specimens for the purpose of determining the alcohol concentration or presence of a controlled substance or other drugs, subject to this section. The withdrawal of the body substances and the test or tests shall be administered at the written request of a peace officer having reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A, and if any of the following conditions exist:

a. A peace officer has lawfully placed the person under arrest for violation of section 321J.2.

b. The person has been involved in a motor vehicle accident or collision resulting in personal injury or death.

c. The person has refused to take a preliminary breath screening test provided by this chapter.

d. The preliminary breath screening test was administered and it indicated an alcohol concentration equal to or in excess of the level prohibited by section 321J.2.

e. The preliminary breath screening test was administered to a person operating a commercial motor vehicle as defined in section 321.1 and it indicated an alcohol concentration of 0.04 or more.

f. The preliminary breath screening test was administered and it indicated an alcohol concentration less than the level prohibited by section 321J.2, and the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.

g. The preliminary breath screening test was administered and it indicated an alcohol concentration of .02 or more but less than .08 and the person is under the age of twenty-one.

2. The peace officer shall determine which of the three substances, breath, blood, or urine, shall be tested. Refusal to submit to a chemical test of urine or breath is deemed a refusal to submit, and section 321J.9 applies. A refusal to submit to a chemical test of blood is not deemed a refusal to submit, but in that case, the peace officer shall then determine which one of the other two substances shall be tested and shall offer the test. If the peace officer fails to offer a test within two hours after the preliminary screening test is administered or refused or the arrest is made, whichever occurs first, a test is not required, and there shall be no revocation under section 321J.9.

3. Notwithstanding subsection 2, if the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a blood or urine test shall be required even after another type of test has been administered. Section 321J.9 applies to a refusal to submit to a chemical test of urine or blood requested under this subsection.

86 Acts, ch 1220, §6; 90 Acts, ch 1230, §85; 95 Acts, ch 48, §13, 14; 98 Acts, ch 1138, §14 – 16; 2003 Acts, ch 60, §4

Referred to in §321J.2, 321J.7, 321J.9, 321J.10, 321J.12, 907.3

321J.7 Dead or unconscious persons.

A person who is dead, unconscious, or otherwise in a condition rendering the person incapable of consent or refusal is deemed not to have withdrawn the consent provided by section 321J.6, and the test may be given if a licensed physician, physician associate, or advanced registered nurse practitioner certifies in advance of the test that the person is unconscious or otherwise in a condition rendering that person incapable of consent or refusal. If the certification is oral, a written certification shall be completed by the physician, physician associate, or advanced registered nurse practitioner within a reasonable time of the test.

86 Acts, ch 1220, §7; 97 Acts, ch 147, §4; 97 Acts, ch 177, §13; 2005 Acts, ch 49, §1
2026 Acts, ch 1008, §3

Referred to in §321J.8, 321J.10
Code editor directive applied

321J.8 Statement of officer.

1. A person who has been requested to submit to a chemical test shall be advised by a peace officer of the following:

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a. If the person refuses to submit to the test, the person's driver's license or nonresident operating privilege will be revoked by the department as required by and for the applicable period specified under section 321J.9.

b. If the person submits to the test and the results indicate the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2 or 321J.2A, the person's driver's license or nonresident operating privilege will be revoked by the department as required by and for the applicable period specified under section 321J.12.

c. (1) If the person is operating a commercial motor vehicle as defined in section 321.1 and either refuses to submit to the test or submits to the test and the results indicate an alcohol concentration of 0.04 or more, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's driver's license or nonresident operating privilege which may be applicable under this chapter.

(2) If the person is operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit as defined in section 321.1 and either refuses to submit to the test or submits to the test and the results indicate the presence of a controlled substance or other drug or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's driver's license or nonresident operating privilege which may be applicable under this chapter.

2. This section does not apply in any case involving a person described in section 321J.7.

86 Acts, ch 1220, §8; 90 Acts, ch 1230, §86; 95 Acts, ch 48, §15; 98 Acts, ch 1073, §9; 98 Acts, ch 1138, §17; 2007 Acts, ch 69, §1; 2009 Acts, ch 130, §14; 2015 Acts, ch 123, §71

321J.9 Refusal to submit — revocation.

1. If a person refuses to submit to the chemical testing, a test shall not be given, but the department, upon the receipt of the peace officer's certification, subject to penalty for perjury, that the officer had reasonable grounds to believe the person to have been operating a motor vehicle in violation of section 321J.2 or 321J.2A, that specified conditions existed for chemical testing pursuant to section 321J.6, and that the person refused to submit to the chemical testing, shall revoke the person's driver's license and any nonresident operating privilege for the following periods of time:

a. One year if the person has no previous revocation under this chapter; and

b. Two years if the person has had a previous revocation under this chapter.

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

3. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for the same period a license or permit would be revoked, subject to review as provided in this chapter.

4. The effective date of revocation shall be ten days after the department has mailed notice of revocation to the person by first class mail, notwithstanding chapter 17A. The peace officer who requested or directed the administration of a chemical test may, on behalf of the department, serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. If the peace officer serves immediate notice, the peace officer shall take the Iowa license or permit of the driver, if any, and issue a temporary license effective for ten days. The peace officer shall immediately send the person's license

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to the department along with the officer's certificate indicating the person's refusal to submit to chemical testing.

86 Acts, ch 1220, §9; 95 Acts, ch 48, §16; 97 Acts, ch 177, §14; 98 Acts, ch 1073, §9; 2001 Acts, ch 32, §47; 2010 Acts, ch 1097, §8; 2018 Acts, ch 1110, §5, 9; 2021 Acts, ch 98, §5; 2024 Acts, ch 1050, §4, 10, 11

Referred to in §321.211A, 321J.2, 321J.4, 321J.6, 321J.8, 321J.10, 321J.13, 915.80

2024 amendment to subsection 2 effective January 1, 2025, and applies to driver's license revocations under chapter 321J for which the underlying offense occurred on or after that date; 2024 Acts, ch 1050, §10, 11

321J.10 Tests pursuant to warrants.

1. Refusal to consent to a test under section 321J.6 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 707.5 or 707.6A if all of the following grounds exist:

a. A traffic accident has resulted in a death or personal injury reasonably likely to cause death.

b. There are reasonable grounds to believe that one or more of the persons whose driving may have been the proximate cause of the accident was violating section 321J.2 at the time of the accident.

2. Search warrants may be issued under this section in full compliance with chapter 808 or they may be issued under subsection 3.

3. Notwithstanding section 808.3, the issuance of a search warrant under this section may be based upon sworn oral testimony communicated by telephone if the magistrate who is asked to issue the warrant is satisfied that the circumstances make it reasonable to dispense with a written affidavit. The following shall then apply:

a. When a caller applies for the issuance of a warrant under this section and the magistrate becomes aware of the purpose of the call, the magistrate shall place under oath the person applying for the warrant.

b. The person applying for the warrant shall prepare a duplicate warrant and read the duplicate warrant, verbatim, to the magistrate who shall enter, verbatim, what is read to the magistrate on a form that will be considered the original warrant. The magistrate may direct that the warrant be modified.

c. The oral application testimony shall set forth facts and information tending to establish the existence of the grounds for the warrant and shall describe with a reasonable degree of specificity the person or persons whose driving is believed to have been the proximate cause of the accident and from whom a specimen is to be withdrawn and the location where the withdrawal of the specimen or specimens is to take place.

d. If a voice recording device is available, the magistrate may record by means of that device all of the call after the magistrate becomes aware of the purpose of the call. Otherwise, the magistrate shall cause a stenographic or longhand memorandum to be made of the oral testimony of the person applying for the warrant.

e. If the magistrate is satisfied from the oral testimony that the grounds for the warrant exist or that there is probable cause to believe that they exist, the magistrate shall order the issuance of the warrant by directing the person applying for the warrant to sign the magistrate's name on the duplicate warrant. The magistrate shall immediately sign the original warrant and enter on its face the exact time when the issuance was ordered.

f. The person who executes the warrant shall enter the time of execution on the face of the duplicate warrant.

g. The magistrate shall cause any record of the call made by means of a voice recording device to be transcribed, shall certify the accuracy of the transcript, and shall file the transcript and the original record with the clerk. If a stenographic or longhand memorandum was made of the oral testimony of the person who applied for the warrant, the magistrate shall file a signed copy with the clerk.

h. The clerk of court shall maintain the original and duplicate warrants along with the record of the telephone call and any transcript or memorandum made of the call in a confidential file until a charge, if any, is filed.

4. *a.* Search warrants issued under this section shall authorize and direct peace officers to secure the withdrawal of blood specimens by medical personnel under section 321J.11.

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Reasonable care shall be exercised to ensure the health and safety of the persons from whom specimens are withdrawn in execution of the warrants.

b. If a person from whom a specimen is to be withdrawn objects to the withdrawal of blood, the warrant may be executed as follows:

(1) If the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the warrant may be executed by the withdrawal of a specimen of breath for chemical testing, unless the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.

(2) If the testimony in support of the warrant sets forth facts and information that the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a urine sample shall be collected in lieu of a blood sample, if the person is capable of giving a urine sample and the sample can be collected without the need to physically compel the execution of the warrant.

5. The act of any person knowingly resisting or obstructing the withdrawal of a specimen pursuant to a search warrant issued under this section constitutes a contempt punishable by a fine not exceeding one thousand dollars or imprisonment in a county jail not exceeding one year or by both such fine and imprisonment. Also, if the withdrawal of a specimen is so resisted or obstructed, sections 321J.9 and 321J.16 apply.

6. Nonsubstantive variances between the contents of the original and duplicate warrants shall not cause a warrant issued under subsection 3 of this section to be considered invalid.

7. Specimens obtained pursuant to warrants issued under this section are not subject to disposition under section 808.9 or chapter 809 or 809A.

8. Subsections 1 through 7 of this section do not apply where a test may be administered under section 321J.7.

9. Medical personnel who use reasonable care and accepted medical practices in withdrawing blood specimens are immune from liability for their actions in complying with requests made of them pursuant to search warrants or pursuant to section 321J.11.

86 Acts, ch 1220, §10; 90 Acts, ch 1233, §21; 96 Acts, ch 1133, §44; 98 Acts, ch 1138, §18; 2021 Acts, ch 80, §184

Referred to in §321J.10A

321J.10A Blood, breath, or urine specimen withdrawal without a warrant.

1. Notwithstanding section 321J.10, if a person is under arrest for an offense arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A, and that arrest results from an accident that causes a death or personal injury reasonably likely to cause death, a chemical test of blood may be administered without the consent of the person arrested to determine the amount of alcohol or a controlled substance in that person's blood if all of the following circumstances exist:

a. The peace officer reasonably believes the blood drawn will produce evidence of intoxication.

b. The method used to take the blood sample is reasonable and performed in a reasonable manner by medical personnel under section 321J.11.

c. The peace officer reasonably believes the officer is confronted with an emergency situation in which the delay necessary to obtain a warrant under section 321J.10 threatens the destruction of the evidence.

2. If the person from whom a specimen of blood is to be withdrawn objects to the withdrawal, a breath or urine sample may be taken under the following circumstances:

a. If the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the withdrawal of a specimen of the person's breath may be taken for chemical testing, unless the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug.

b. If the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol

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and another drug, a urine sample shall be collected in lieu of a blood sample, if the person is capable of giving a urine sample and the sample can be collected.

2004 Acts, ch 1098, §1

321J.11 Taking sample for test.

1. Only a licensed physician, licensed physician associate as defined in section 148C.1, medical technologist, or registered nurse, acting at the request of a peace officer, may withdraw a specimen of blood for the purpose of determining the alcohol concentration or the presence of a controlled substance or other drugs. However, any peace officer, using devices and methods approved by the commissioner of public safety, may take a specimen of a person's breath or urine for the purpose of determining the alcohol concentration, or may take a specimen of a person's urine for the purpose of determining the presence of a controlled substance or other drugs. Only new equipment kept under strictly sanitary and sterile conditions shall be used for drawing blood.

2. The person may have an independent chemical test or tests administered at the person's own expense in addition to any administered at the direction of a peace officer. The failure or inability of the person to obtain an independent chemical test or tests does not preclude the admission of evidence of the results of the test or tests administered at the direction of the peace officer. Upon the request of the person who is tested, the results of the test or tests administered at the direction of the peace officer shall be made available to the person.

86 Acts, ch 1220, §11; 88 Acts, ch 1225, §26; 98 Acts, ch 1138, §19; 2018 Acts, ch 1041, §127; 2026 Acts, ch 1008, §3

Referred to in §321J.10, 321J.10A
Code editor directive applied

321J.12 Test result revocation.

1. Upon certification, subject to penalty for perjury, by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation of section 321J.2, that there existed one or more of the necessary conditions for chemical testing described in section 321J.6, subsection 1, and that the person submitted to chemical testing and the test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, or a combination of alcohol and another drug in violation of section 321J.2, the department shall revoke the person's driver's license or nonresident operating privilege for the following periods of time:

a. One hundred eighty days if the person has had no revocation under this chapter.

b. One year if the person has had a previous revocation under this chapter.

2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device.

3. The effective date of the revocation shall be ten days after the department has mailed notice of revocation to the person by first class mail, notwithstanding chapter 17A. The peace officer who requested or directed the administration of the chemical test may, on behalf of the department, serve immediate notice of revocation on a person whose test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, or a combination of alcohol and another controlled substance or drug in violation of section 321J.2.

4. If the peace officer serves that immediate notice, the peace officer shall take the person's Iowa license or permit, if any, and issue a temporary license valid only for ten days. The peace officer shall immediately send the person's driver's license to the department along with the officer's certificate indicating that the test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2.

5. Upon certification, subject to penalty of perjury, by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation

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of section 321J.2A, that there existed one or more of the necessary conditions for chemical testing described in section 321J.6, subsection 1, and that the person submitted to chemical testing and the test results indicated an alcohol concentration of .02 or more but less than .08, the department shall revoke the person's driver's license or operating privilege for a period of sixty days if the person has had no previous revocation under this chapter, and for a period of ninety days if the person has had a previous revocation under this chapter.

6. The results of a chemical test may not be used as the basis for a revocation of a person's driver's license or nonresident operating privilege if the alcohol or drug concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test is not equal to or in excess of the level prohibited by section 321J.2 or 321J.2A.

86 Acts, ch 1220, §12; 95 Acts, ch 48, §17; 95 Acts, ch 143, §12; 96 Acts, ch 1090, §12; 97 Acts, ch 177, §15, 16; 98 Acts, ch 1073, §9; 98 Acts, ch 1138, §20; 2001 Acts, ch 32, §48; 2003 Acts, ch 60, §5, 6; 2003 Acts, ch 179, §123; 2010 Acts, ch 1097, §9; 2018 Acts, ch 1110, §6, 9; 2021 Acts, ch 80, §185; 2021 Acts, ch 98, §6; 2024 Acts, ch 1050, §5, 10, 11

Referred to in §321.211A, 321J.2, 321J.2A, 321J.4, 321J.8, 321J.13, 915.80

2024 amendment to subsection 2 effective January 1, 2025, and applies to driver's license revocations under chapter 321J for which the underlying offense occurred on or after that date; 2024 Acts, ch 1050, §10, 11

321J.13 Hearing on revocation — appeal.

1. Notice of revocation of a person's noncommercial driver's license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person only wishes to request a temporary restricted license, or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within ten days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter.

2. The department shall grant the person an opportunity to be heard within forty-five days of receipt of a request for a hearing if the request is made not later than ten days after receipt of notice of revocation served pursuant to section 321J.9 or 321J.12. The hearing shall be before the department in the county where the alleged events occurred, unless the director and the person agree that the hearing may be held in some other county, or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing. The hearing may be recorded and its scope shall be limited to the issues of whether a peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A and one or more of the following:

a. Whether the person refused to submit to the test or tests.

b. Whether a test was administered and the test results indicated an alcohol concentration equal to or in excess of the level prohibited under section 321J.2 or 321J.2A.

c. Whether a test was administered and the test results indicated the presence of alcohol, a controlled substance or other drug, or a combination of alcohol and another drug, in violation of section 321J.2.

3. After the hearing the department shall order that the revocation be either rescinded or sustained. Upon receipt of the decision of the department to sustain a revocation, the person contesting the revocation has ten days to file a request for review of the decision by the director. The director or the director's designee shall review the decision within thirty days and shall either rescind or sustain the revocation or order a new hearing. If the director orders a new hearing, the department shall grant the person a new hearing within twenty days of the director's order.

4. The department shall stay the revocation of a person's driver's license or operating privilege for the period that the person is contesting the revocation under this section or section 321J.14 if it is shown to the satisfaction of the department that the new evidence is material and that there were valid reasons for failure to present it in the contested case proceeding before the department. However, a stay shall not be granted for violations of section 321J.2A.

5. If the department fails to comply with the time limitations of this section regarding

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granting a hearing, review by the director or the director's designee, or granting a new hearing, and if the request for a hearing or review by the director was properly made under this section, the revocation of the driver's license or operating privilege of the person who made the request for a hearing or review shall be rescinded. This subsection shall not apply in those cases in which a continuance to the hearing has been granted at the request of either the person who requested the hearing or the peace officer who requested or administered the chemical test.

6. *a.* The department shall grant a request for a hearing to rescind the revocation if the person whose motor vehicle license or operating privilege has been or is being revoked under section 321J.9 or 321J.12 submits a petition containing information relating to the discovery of new evidence that provides grounds for rescission of the revocation.

b. The person shall prevail at the hearing if, in the criminal action on the charge of violation of section 321J.2 or 321J.2A resulting from the same circumstances that resulted in the administrative revocation being challenged, the court held one of the following:

(1) That the peace officer did not have reasonable grounds to believe that a violation of section 321J.2 or 321J.2A had occurred to support a request for or to administer a chemical test.

(2) That the chemical test was otherwise inadmissible or invalid.

c. Such a holding by the court in the criminal action is binding on the department, and the department shall rescind the revocation. If the offense for which the revocation was imposed was committed while the person was operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit and the department disqualified the person from operating a commercial motor vehicle under section 321.208, subsection 2, paragraph *"a"* or *"b"*, as a result of the revocation, the department shall also rescind the disqualification.

86 Acts, ch 1220, §13; 87 Acts, ch 148, §1; 88 Acts, ch 1109, §23; 88 Acts, ch 1214, §2; 89 Acts, ch 83, §46; 95 Acts, ch 48, §18; 97 Acts, ch 104, §30, 31; 98 Acts, ch 1073, §9; 98 Acts, ch 1138, §21; 99 Acts, ch 13, §22, 29; 2000 Acts, ch 1133, §16; 2009 Acts, ch 130, §15, 18; 2015 Acts, ch 123, §72; 2018 Acts, ch 1110, §7, 9

Referred to in §321A.17

321J.14 Judicial review.

Judicial review of an action of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of that chapter, a petition for judicial review may be filed in the district court in the county where the alleged events occurred or in the county in which the administrative hearing was held.

86 Acts, ch 1220, §14

Referred to in §321J.13

321J.15 Evidence in any action.

Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a motor vehicle in violation of section 321J.2 or 321J.2A, evidence of the alcohol concentration or the presence of a controlled substance or other drugs in the person's body at the time of the act alleged as shown by a chemical analysis of the person's blood, breath, or urine is admissible. If it is established at trial that an analysis of a breath specimen was performed by a certified operator using a device intended to determine alcohol concentration and methods approved by the commissioner of public safety, no further foundation is necessary for introduction of the evidence.

86 Acts, ch 1220, §15; 95 Acts, ch 48, §19; 98 Acts, ch 1138, §22; 2008 Acts, ch 1032, §49

321J.16 Proof of refusal admissible.

If a person refuses to submit to a chemical test, proof of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A.

86 Acts, ch 1220, §16; 95 Acts, ch 48, §20

Referred to in §321J.10

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321J.17 Civil penalty — disposition — conditions for license reinstatement.

1. If the department revokes a person's driver's license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of two hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit one-half of the money in the separate fund established in section 915.94 and one-half of the money in the general fund of the state. A temporary restricted license shall not be issued unless an ignition interlock device has been installed pursuant to section 321J.4. Except as provided in section 321.210B, a temporary restricted license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid. A person assessed a penalty under this section may remit the civil penalty along with a processing fee of five dollars to a county treasurer authorized to issue driver's licenses under chapter 321M, or the civil penalty may be paid directly to the department.

2. *a.* If the department or a court orders the revocation of a person's driver's license or nonresident operating privilege under this chapter, the department or court shall also order the person, at the person's own expense, to do the following:

(1) Enroll, attend, and satisfactorily complete a course for drinking drivers, as provided in section 321J.22.

(2) Submit to evaluation and treatment or rehabilitation services.

b. The court or department may request that the community college or substance use disorder treatment providers licensed under chapter 125 or other approved provider conducting the course for drinking drivers that the person is ordered to attend immediately report to the court or department that the person has successfully completed the course for drinking drivers. The court or department may request that the treatment program which the person attends periodically report on the defendant's attendance and participation in the program, as well as the status of treatment or rehabilitation.

c. A driver's license or nonresident operating privilege shall not be reinstated until proof of completion of the requirements of this subsection is presented to the department.

3. *a.* The department shall also require certification of installation of an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles operated by a person seeking reinstatement following a second or subsequent revocation under this chapter, or following a conviction for violating section 321J.21.

b. Unless otherwise extended under this chapter, the requirement for the installation of an approved ignition interlock device shall be for one year from the date of reinstatement unless a longer time period is required by statute.

c. The period of time a person is required to maintain an ignition interlock device under this subsection shall be reduced by any period of time the person held a valid temporary restricted license during the period of the revocation for the occurrence from which the arrest arose.

d. The period of time a person is required to maintain an ignition interlock device under this subsection shall be increased if required in accordance with the compliance-based removal procedures provided in section 321J.17A.

e. A person shall not operate any motor vehicle which is not equipped with an approved ignition interlock device during the period in which an ignition interlock device must be maintained, and the department shall not grant reinstatement unless the person certifies installation of an ignition interlock device as required in this subsection. In addition to other penalties provided by law, the department shall revoke the driver's license of a person who is required to maintain an ignition interlock device if the person operates a motor vehicle which does not have an approved ignition interlock device or removes the ignition interlock device without authorization.

f. The department shall adopt rules pursuant to chapter 17A to implement this subsection.

86 Acts, ch 1220, §17; 87 Acts, ch 232, §24; 87 Acts, ch 234, §113; 89 Acts, ch 317, §37; 91 Acts, ch 258, §50; 93 Acts, ch 110, §1; 95 Acts, ch 143, §6; 97 Acts, ch 177, §17; 98 Acts, ch 1073, §9; 98 Acts, ch 1075, §25; 98 Acts, ch 1090, §67, 84; 2000 Acts, ch 1118, §2; 2002 Acts, ch 1119, §155; 2008 Acts, ch 1018, §25, 31; 2010 Acts, ch 1097, §10; 2011 Acts, ch 20, §16;

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2013 Acts, ch 103, §15; 2014 Acts, ch 1092, §85; 2023 Acts, ch 19, §1072; 2024 Acts, ch 1050, §6, 10, 11

Referred to in §321.210B, 321J.3, 321J.17A, 321J.20, 321J.22, 321M.9, 331.557A

2024 amendment to subsection 3 effective January 1, 2025, and applies to driver's license revocations under chapter 321J for which the underlying offense occurred on or after that date; 2024 Acts, ch 1050, §10, 11

321J.17A Compliance-based removal.

1. The period of time a person is required to maintain an ignition interlock device under section 321J.17 or 321J.20 shall be extended by an additional sixty days per occurrence for any of the following occurrences detected by an ignition interlock device:

a. Ten or more violations within a thirty-day period.

b. Five or more violations within a twenty-four-hour period.

c. Tampering with or attempting to circumvent the ignition interlock device.

d. Removing the ignition interlock device without authorization.

2. Nothing in this section limits the number of subsequent extensions a person may receive following an occurrence detected by an ignition interlock device.

3. The department shall develop an electronic process in which an approved ignition interlock device provider is able to identify the start date of a driver's license revocation and to provide notice of any violations and a final compliance report to the department.

4. *a.* For purposes of this section, a violation includes any of the following:

(1) Failing to provide a detectable breath sample to the ignition interlock device when prompted by the device.

(2) Providing a breath sample to an ignition interlock device with an alcohol concentration of .04 or more.

b. Notwithstanding paragraph *"a"*, it is not a violation under this section if a person provides a detectable breath sample and successfully passes a test immediately following the first failed test or in response to a bypass or circumvention attempt as described in paragraph *"a"*, and a violation shall not be reported.

5. The department shall adopt rules pursuant to chapter 17A prescribing the form and manner of communication pursuant to this section, and may otherwise adopt rules as necessary to administer this section.

2024 Acts, ch 1050, §7, 10, 11

Referred to in §321J.4, 321J.17

Section effective January 1, 2025, and applies to driver's license revocations under chapter 321J for which the underlying offense occurred on or after that date; 2024 Acts, ch 1050, §10, 11

321J.18 Other evidence.

This chapter does not limit the introduction of any competent evidence bearing on the question of whether a person was under the influence of an alcoholic beverage or a controlled substance or other drug, including the results of chemical tests of specimens of blood, breath, or urine obtained more than two hours after the person was operating a motor vehicle.

86 Acts, ch 1220, §18; 98 Acts, ch 1138, §23

321J.19 Information relayed to other states.

When it has been finally determined under this chapter that a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the department shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which the person has a license.

86 Acts, ch 1220, §19

321J.20 Temporary restricted license — ignition interlock devices.

1. The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter or on violations listed in section 321.560, subsection 1, paragraph *"b"*, allowing the person to operate a motor vehicle in any manner allowed for a person issued a valid class C driver's license, unless otherwise prohibited by this chapter. This subsection does not apply to a person under the

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age of eighteen whose license was revoked under section 321J.2A, to a person whose license was revoked under section 321J.4, subsection 6, for the period during which the person is ineligible for a temporary restricted license, or to a person whose license is suspended or revoked for another reason.

2. A temporary restricted license issued under this section shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles operated by the applicant. Installation of an ignition interlock device under this section shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3. However, a person whose driver's license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2.

3. In addition to other penalties provided by law, a person's temporary restricted license shall be revoked if the person is required to install an ignition interlock device and the person operates a motor vehicle which does not have an approved ignition interlock device or removes the ignition interlock device without authorization.

4. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver's license or commercial learner's permit is required for the person's operation of the commercial motor vehicle.

5. A person holding a temporary restricted license issued by the department under this chapter shall be prohibited from operating a school bus.

6. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person otherwise eligible for a temporary restricted license under this section, whose period of revocation under this chapter has expired, but who has not met all requirements for reinstatement of the person's driver's license or nonresident operating privileges.

7. A person who tampers with, removes without authorization, or circumvents an ignition interlock device installed as required in this chapter while the requirement for the ignition interlock device is in effect commits a serious misdemeanor.

8. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321.215, provided the requirements of this section and section 321.215 are satisfied.

86 Acts, ch 1220, §20; 90 Acts, ch 1230, §87, 88; 95 Acts, ch 48, §21; 95 Acts, ch 143, §7; 97 Acts, ch 177, §18 – 20; 98 Acts, ch 1073, §9, 12; 98 Acts, ch 1138, §5, 36, 37; 2000 Acts, ch 1133, §17; 2003 Acts, ch 60, §7; 2007 Acts, ch 196, §6; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1097, §11; 2013 Acts, ch 103, §16, 17; 2015 Acts, ch 123, §36, 73; 2016 Acts, ch 1011, §54; 2017 Acts, ch 76, §13 – 16; 2018 Acts, ch 1026, §117; 2018 Acts, ch 1110, §8, 9; 2019 Acts, ch 66, §1; 2020 Acts, ch 1059, §1 – 3; 2021 Acts, ch 80, §186; 2021 Acts, ch 98, §7; 2024 Acts, ch 1050, §8, 10, 11

Referred to in §321.215, 321.560, 321J.2, 321J.17A

2024 amendments to section effective January 1, 2025, and apply to driver's license revocations under chapter 321J for which the underlying offense occurred on or after that date; 2024 Acts, ch 1050, §10, 11

321J.20A Ignition interlock device — medical waiver.

1. The department shall adopt rules pursuant to chapter 17A establishing criteria to waive the requirement to install an ignition interlock device under this chapter if a person has a verifiable medical condition, as determined in accordance with the rules, that makes the person incapable of properly operating an ignition interlock device. The rules must align with the special exception provisions under 23 U.S.C. §164(a)(6).

2. Notwithstanding any other provision of this chapter to the contrary, if the department waives the requirement to install an ignition interlock device, the person is not required to install an ignition interlock device to receive a temporary restricted license.

3. A temporary restricted license issued to a person who received a medical waiver

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pursuant to this section shall only authorize the person to operate a motor vehicle as described in section 321.215, subsection 1, paragraph *"a"*.

2024 Acts, ch 1050, §9 – 11

Section effective January 1, 2025, and applies to driver's license revocations under chapter 321J for which the underlying offense occurred on or after that date; 2024 Acts, ch 1050, §10, 11

321J.21 Driving while license suspended, denied, revoked, or barred.

1. A person whose driver's license or nonresident operating privilege has been suspended, denied, revoked, or barred due to a violation of this chapter and who drives a motor vehicle while the license or privilege is suspended, denied, revoked, or barred commits a serious misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of one thousand dollars.

2. In addition to the fine, the department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was suspended, denied, revoked, or barred shall extend the period of suspension, denial, revocation, or bar for an additional like period.

86 Acts, ch 1220, §21; 97 Acts, ch 177, §21; 98 Acts, ch 1073, §9; 99 Acts, ch 153, §6; 2021 Acts, ch 98, §8

Referred to in §321.211A, 321.241, 321J.4B, 321J.17, 321J.20, 321N.3, 901C.3

See §321.555 – 321.562 for penalties applicable to habitual offenders

321J.22 Drinking drivers course.

1. As used in this section, unless the context otherwise requires:

a. "Approved provider" means a provider of a course for drinking drivers offered outside this state which has been approved by the department of education.

b. "Course for drinking drivers" means an approved course designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives.

c. "Satisfactory completion of a course" means receiving at the completion of a course a grade from the course instructor of "C" or "2.0" or better.

2. *a.* The course provided according to this section shall be offered on a regular basis at each community college as defined in section 260C.2, or by substance use disorder treatment programs licensed under chapter 125, or may be offered at a state correctional facility listed in section 904.102. However, a community college shall not be required to offer the course if a substance use disorder treatment program licensed under chapter 125 offers the course within the merged area served by the community college.

b. Enrollment in the courses is not limited to persons ordered to enroll, attend, and successfully complete the course required under sections 321J.2 and 321J.17, subsection 2. However, any person under age eighteen who is required to attend the courses for violation of section 321J.2 or 321J.17 must attend a course offered by a substance use disorder treatment program licensed under chapter 125.

c. The course required by this section shall be:

(1) Taught by a community college under the supervision of the department of education or by a substance use disorder treatment program licensed under chapter 125, and may be offered at a state correctional facility.

(2) Approved by the department of education, in consultation with the community colleges, substance use disorder treatment programs licensed under chapter 125, the department of health and human services, and the department of corrections.

d. The department of education may approve a provider of a course for drinking drivers offered outside this state upon proof to the department's satisfaction that the course is comparable to those offered by community colleges, substance use disorder treatment programs licensed under chapter 125, and state correctional facilities as provided in this section. The department shall comply with the requirements of subsection 5 regarding such approved providers.

e. The department of education shall establish reasonable fees to defray the expense of obtaining classroom space, instructor salaries, and class materials for courses offered both by community colleges and by substance use disorder treatment programs licensed under

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chapter 125, or for classes offered at a state correctional facility, and for administrative expenses incurred by the department of education in implementing subsection 5 on behalf of in-state and out-of-state offenders.

f. A person shall not be denied enrollment in a course by reason of the person's indigency.

3. An employer shall not discharge a person from employment solely for the reason of work absence to attend a course required by this section. Any employer who violates this section is liable for damages which include but are not limited to actual damages, court costs, and reasonable attorney fees. The person may also petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment.

4. The department of education, substance use disorder treatment programs licensed under chapter 125, and state correctional facilities shall prepare for their respective courses a list of the locations of the courses taught under this section, the dates and times taught, the procedure for enrollment, and the schedule of course fees. The list shall be kept current and a copy of the list shall be sent to each court having jurisdiction over offenses provided in this chapter.

5. The department of education, substance use disorder treatment programs licensed under chapter 125, and state correctional facilities shall maintain enrollment, attendance, and successful and nonsuccessful completion data for their respective courses on the persons ordered to enroll, attend, and successfully complete a course for drinking drivers. This data shall be forwarded to the court by the department of education, substance use disorder treatment programs licensed under chapter 125, and the department of corrections.

86 Acts, ch 1220, §22; 90 Acts, ch 1253, §120; 97 Acts, ch 177, §22; 2000 Acts, ch 1138, §5; 2002 Acts, ch 1140, §37; 2002 Acts, 2nd Ex, ch 1003, §240, 262; 2003 Acts, ch 180, §60; 2008 Acts, ch 1124, §16; 2011 Acts, ch 20, §17, 18; 2023 Acts, ch 19, §1073; 2024 Acts, ch 1043, §86

Referred to in §321J.17, 707.6A

321J.23 Legislative findings.

The general assembly finds and declares as follows:

1. Drivers often do not realize the consequences of drinking alcohol or using other drugs, and driving a motor vehicle.

2. Prompt intervention is needed to protect society, including drivers, from death or serious long-term injury.

3. The conviction of a driver for operating while intoxicated identifies that person as a risk to the health and safety of others, as well as to the intoxicated driver.

4. Close observation of the effects on others of alcohol and drug use by an intoxicated driver convicted of operating while intoxicated may have a marked effect on recidivism and should therefore be encouraged by the courts.

5. The reality education substance use disorder prevention program provides guidelines for the operation of an intensive program to discourage recidivism.

92 Acts, ch 1231, §45; 2023 Acts, ch 19, §1074

321J.24 Court-ordered visitation for offenders — immunity from liability.

1. As used in this section, unless the context otherwise requires:

a. "Appropriate victim" means a victim whose condition demonstrates the results of a motor vehicle accident involving intoxicated drivers without being excessively traumatic to the participant, as determined by the tour supervisor.

b. "Participant" means a person who is ordered by the court to participate in the reality education substance use disorder prevention program.

c. "Program" means the reality education substance use disorder prevention program.

d. "Program coordinator" means a person appointed by the court to coordinate the person's participation in the program.

e. "Tour supervisor" means a person selected by a participant's program coordinator to supervise a tour.

2. A reality education substance use disorder prevention program is established in those judicial districts where the chief judge of the judicial district authorizes participation in the

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program. Upon a conviction or adjudication for a violation of section 321J.2, or the entry of a deferred judgment concerning a violation of section 321J.2, the court or juvenile court may order participation in the reality education substance use disorder prevention program as a term and condition of probation or disposition in addition to any other term or condition of probation or disposition required or authorized by law. The court or juvenile court shall require the defendant or delinquent child to abstain from consuming any controlled substance, alcoholic liquor, wine, or beer while participating in the program.

3. The court or juvenile court shall consult with the defendant or delinquent child and the defendant's or delinquent child's attorney, if any, and may consult with any other person, including but not limited to the defendant's or delinquent child's parents or other family members, to determine if the defendant or delinquent child is suitable for participation in the program, if the program will be educational and meaningful to the defendant or delinquent child, and if any physical, emotional, mental, or other reasons exist which indicate that the program would be inappropriate or would cause any injury to the defendant or delinquent child.

4. The court or juvenile court may appoint a program coordinator, to coordinate all tours and select appropriate tour supervisors for each tour. The program coordinator shall monitor compliance by contacting each tour supervisor following the completion of a tour.

5. *a.* The court or juvenile court may include a requirement for a supervised educational tour by the defendant or delinquent child to any or all of the following:

(1) A hospital or other emergency medical care facility which regularly receives victims of motor vehicle accidents, to observe treatment of appropriate victims of motor vehicle accidents involving intoxicated drivers, under the supervision of a registered nurse, physician, paramedic, or emergency medical technician.

(2) A facility for the treatment of persons with a substance use disorder as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

(3) If approved by the state or county medical examiner, a morgue or a similar facility to receive appropriate educational material and instruction concerning damage caused by the consumption of alcohol or other drugs, under the supervision of the county medical examiner or deputy medical examiner.

b. However, the court or juvenile court shall not order the defendant or delinquent child to participate in a supervised education tour of a hospital or other facility specified in this subsection, unless the hospital or facility agrees to participate in the program.

6. Prior to a tour, the program coordinator shall explain and discuss the experiences which may be encountered during the tour to the participant. If the program coordinator determines at any time before or during a tour that the tour may be traumatic or otherwise inappropriate for the participant, the program coordinator shall terminate the tour without prejudice to the participant.

7. The court or juvenile court may order a personal conference after the tours with the participant, the participant's attorney, if any, and any other persons if available and deemed necessary by the court or juvenile court, to discuss the experiences of the participant in the program and how those experiences may impact the participant's conduct. The court or juvenile court may order the participant to write a report or letter concerning the participant's experiences in the program.

8. Tour supervisors and facilities toured during the program are not liable for any civil damages resulting from injury to the participant, or civil damages caused by the participant during or from any activities related to a tour, except for willful or grossly negligent acts intended to, or reasonably expected to result in, such injury or damage.

9. The chief judge of the judicial district shall determine fees to be paid by participants in the program. The judicial branch shall use the fees to pay all costs associated with the program. The court shall either require the participant to pay the fee in order to participate in the program, or may waive the fee or collect a lesser amount upon a showing of cause.

92 Acts, ch 1231, §46; 97 Acts, ch 177, §23, 24; 98 Acts, ch 1047, §29; 2010 Acts, ch 1061, §180; 2013 Acts, ch 90, §86; 2023 Acts, ch 19, §1075 – 1077

Referred to in §321J.2, 707.6A

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321J.25 Youthful offender substance use disorder awareness program.

1. As used in this section, unless the context otherwise requires:

a. "Participant" means a person whose driver's license or operating privilege has been revoked for a violation of section 321J.2A.

b. "Program" means a substance use disorder awareness program, licensed under chapter 125, and provided under a contract entered into between the provider and the department of health and human services or an administrative services organization as defined in section 225A.1.

c. "Program coordinator" means a person assigned the duty to coordinate a participant's activities in a program by the program provider.

2. A substance use disorder awareness program is established in each behavioral health district designated pursuant to section 225A.4. The program shall consist of an insight class and a substance use disorder evaluation, which shall be attended by the participant, to discuss issues related to the potential consequences of substance use disorder. The parent or parents of the participant shall also be encouraged to participate in the program. The program provider shall consult with the participant or the parents of the participant in the program to determine the timing and appropriate level of participation for the participant and any participation by the participant's parents. The program may also include a supervised educational tour by the participant to any or all of the following:

a. A hospital or other emergency medical care facility which regularly receives victims of motor vehicle accidents, to observe treatment of appropriate victims of motor vehicle accidents involving intoxicated drivers, under the supervision of a registered nurse, physician, paramedic, or emergency medical technician.

b. A facility for the treatment of persons with a substance use disorder as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

c. If approved by the state or county medical examiner, a morgue or a similar facility to receive appropriate educational material and instruction concerning damage caused by the consumption of alcohol or other drugs, under the supervision of the county medical examiner or deputy medical examiner.

3. If the program includes a tour, the program coordinator shall explain and discuss the experiences which may be encountered during the tour to the participant. If the program coordinator determines at any time before or during a tour that the tour may be traumatic or otherwise inappropriate for the participant, the program coordinator shall terminate the tour without prejudice to the participant.

4. Upon the revocation of the driver's license or operating privileges of a person who is fourteen years of age or older for a violation of section 321J.2A, if the person has had no previous revocations under either section 321J.2 or section 321J.2A, a person may participate in the substance use disorder awareness program. The state department of transportation shall notify a potential program participant of the possibility and potential benefits of attending a program and shall notify a potential program participant of the availability of programs which exist in the area in which the person resides. The state department of transportation shall consult with the department of health and human services to determine what programs are available in various areas of the state.

5. Program providers and facilities toured during the program are not liable for any civil damages resulting from injury to the participant, or civil damages caused by the participant during or from any activities related to a tour, except for willful or grossly negligent acts intended to, or reasonably expected to result in, such injury or damage.

6. The program provider shall determine fees to be paid by participants in the program. The program fees shall be paid on a sliding scale, based upon the ability of a participant and a participant's family to pay the fees, and shall not exceed one hundred dollars per participant. The program provider shall use the fees to pay all costs associated with the program.

95 Acts, ch 143, §8; 97 Acts, ch 177, §25; 98 Acts, ch 1073, §9; 2005 Acts, ch 175, §121, 122; 2013 Acts, ch 90, §87; 2023 Acts, ch 19, §1078; 2024 Acts, ch 1161, §109, 110, 137

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CHAPTER 321K
VEHICLE ROADBLOCKS

321K.1 Roadblocks conducted by law enforcement agencies.

321K.1 Roadblocks conducted by law enforcement agencies.

1. The law enforcement agencies of this state may conduct emergency vehicle roadblocks in response to immediate threats to the health, safety, and welfare of the public; and otherwise may conduct routine vehicle roadblocks only as provided in this section. Routine vehicle roadblocks may be conducted to enforce compliance with the law regarding any of the following:

a. The licensing of operators of motor vehicles.

b. The registration of motor vehicles.

c. The safety equipment required on motor vehicles.

d. The provisions of chapters 481A and 483A.

2. Any routine vehicle roadblock conducted under this section shall meet the following requirements:

a. The location of the roadblock, the time during which the roadblock will be conducted, and the procedure to be used while conducting the roadblock, shall be determined by policymaking administrative officers of the law enforcement agency.

b. The roadblock location shall be selected for its safety and visibility to oncoming motorists, and adequate advance warning signs, illuminated at night or under conditions of poor visibility, shall be erected to provide timely information to approaching motorists of the roadblock and its nature.

c. There shall be uniformed officers and marked official vehicles of the law enforcement agency or agencies involved, in sufficient quantity and visibility to demonstrate the official nature of the roadblock.

d. The selection of motor vehicles to be stopped shall not be arbitrary.

e. The roadblock shall be conducted to assure the safety of and to minimize the inconvenience of the motorists involved.

3. A law enforcement agency conducting a roadblock in accordance with this section may require the driver to provide proof of financial liability coverage required under section 321.20B.

86 Acts, ch 1220, §23; 2003 Acts, ch 6, §4

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CHAPTER 321L

PARKING FOR PERSONS WITH DISABILITIES

Referred to in §307.27, 321.16A, 321.484, 321M.1, 321M.2, 331.557A

Issuance of persons with disabilities identification devices by certain county treasurers; see chapter 321M

321L.1 Definitions.
321L.2 Persons with disabilities parking permits — application and issuance.
321L.2A Wheelchair parking cone.
321L.3 Return of persons with disabilities parking permits.
321L.4 Persons with disabilities parking — display and use of parking permit and persons with disabilities identification designation.
321L.5 Persons with disabilities parking spaces — location and requirements — review committees.
321L.6 Persons with disabilities parking sign.
321L.7 Penalty for failing to provide persons with disabilities parking spaces and signs.
321L.8 Persons with disabilities parking permits and parking — rules.
321L.9 Reciprocity.

321L.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Business district"* means that territory defined by city ordinance as required under section 321L.5.

2. *"Department"* means the state department of transportation.

3. *"Director"* means the director of transportation.

4. *"Lifelong disability"* means a disability described under subsection 8 which has been determined to be permanent by a person authorized to provide the statement of disability required by section 321L.2.

5. *"Persons with disabilities parking permit"* means a permit bearing the international symbol of accessibility issued by the department which allows the holder to park in a persons with disabilities parking space, and includes the following:

a. A persons with disabilities registration plate issued to or for a person with a disability under section 321.34, subsection 14.

b. A persons with disabilities parking sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, or to an operator under section 321.34.

c. A persons with disabilities removable windshield placard which is a two-sided placard for hanging from the rearview mirror when the motor vehicle is parked in a persons with disabilities parking space.

6. *"Persons with disabilities parking sign"* means a sign which bears the international symbol of accessibility that meets the requirements under section 321L.6.

7. *"Persons with disabilities parking space"* means a parking space, including the access aisle, designated for use by only motor vehicles displaying a persons with disabilities parking permit that meets the requirements of sections 321L.5 and 321L.6.

8. *"Person with a disability"* means a person with a disability that limits or impairs the person's ability to walk. A person shall be considered a person with a disability for purposes of this chapter under the following circumstances:

a. The person cannot walk two hundred feet without stopping to rest.

b. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device.

c. The person is restricted by lung disease to such an extent that the person's forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest.

d. The person uses portable oxygen.

e. The person has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association.

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f. The person is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

89 Acts, ch 247, §9; 90 Acts, ch 1151, §3, 4; 96 Acts, ch 1171, §4, 5; 97 Acts, ch 23, §35; 97 Acts, ch 70, §6 – 8

Referred to in §321.34, 321L.5

321L.2 Persons with disabilities parking permits — application and issuance.

1. A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician licensed under chapter 148 or 149, a physician associate licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, a chiropractor licensed under chapter 151, an occupational therapist licensed under chapter 148B, or a physical therapist licensed under chapter 148A, or a physician, physician associate, nurse practitioner, chiropractor, occupational therapist, or physical therapist licensed to practice in another state, written on the physician's, physician associate's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's stationery, stating the nature of the applicant's disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities parking permit, the physician's, physician associate's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The department may waive the requirement that the applicant furnish the applicant's social security number, Iowa driver's license number, or nonoperator's identification card number when the application for a temporary persons with disabilities parking permit is made on behalf of a person who is less than one year old. The department may accept a certification of disability from the United States department of veterans affairs in lieu of a statement from a physician, physician associate, advanced registered nurse practitioner, chiropractor, occupational therapist, or physical therapist. The department may adopt rules pursuant to chapter 17A detailing the requirements for an acceptable certification of disability.

a. A person with a disability may apply for one of the following persons with disabilities parking permits:

(1) Persons with disabilities registration plates. An applicant may order persons with disabilities registration plates pursuant to section 321.34. An applicant may order a persons with disabilities registration plate for a trailer used to transport a wheelchair pursuant to section 321.34 in addition to persons with disabilities registration plates ordered by the applicant for a motor vehicle used to tow such a trailer pursuant to section 321.34.

(2) Persons with disabilities parking sticker. An applicant who owns a motor vehicle for which the applicant has been issued registration plates under section 321.34 or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a persons with disabilities parking sticker to be affixed to the plates. The persons with disabilities parking stickers shall bear the international symbol of accessibility.

(3) Removable windshield placard.

(a) A person with a disability may apply for a temporary removable windshield placard valid for a period of up to six months or a standard removable windshield placard valid for a period of five years, as determined by the physician's, physician associate's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's statement under this subsection.

(i) A temporary removable windshield placard shall be renewed within thirty days of the date of expiration. Persons seeking temporary removable windshield placards shall be required to furnish evidence upon initial application that they have a temporary disability and, in addition, furnish evidence at subsequent intervals that they remain temporarily

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disabled. Temporary removable windshield placards shall be of a distinctively different color from standard removable windshield placards.

(ii) A standard removable windshield placard shall expire on the last day of the month five years from the date of issuance. A person with a disability may renew a standard removable windshield placard within thirty days before or after the date of expiration by submitting a statement from a physician, physician associate, nurse practitioner, chiropractor, occupational therapist, or physical therapist, as provided in this subsection, to the department that the person has a continuing need for the placard.

(b) The department shall issue one additional removable windshield placard upon the request of a person with a disability.

b. The department may issue expiring removable windshield placards to the following:

(1) An organization which has a program for transporting persons with disabilities or elderly persons.

(2) A person in the business of transporting persons with disabilities or elderly persons.

c. One expiring removable windshield placard may be issued for each vehicle used by the organization or person for transporting persons with disabilities or elderly persons. A placard issued under this paragraph shall be renewed every four years from the date of issuance and shall be surrendered to the department if the organization or person is no longer providing the service for which the placard was issued. Notwithstanding section 321L.4, a person transporting persons with disabilities or elderly persons in a motor vehicle for which a placard has been issued under this paragraph may display the placard in the motor vehicle and may use a persons with disabilities parking space while the motor vehicle is displaying the placard. A placard issued under this paragraph shall be of a distinctively different color from a placard issued under paragraph *"a"*.

d. A new removable windshield placard can be issued if the previously issued placard is reported lost, stolen, or damaged. The placard reported as being lost or stolen shall be invalidated by the department. A placard which is damaged shall be returned to the department and exchanged for a new placard in accordance with rules adopted by the department.

2. Any person providing false information with the intent to defraud on the application for a persons with disabilities parking permit used in establishing proof under subsection 1 is subject to a civil penalty of three hundred dollars which may be imposed by the department. A physician, physician associate, nurse practitioner, chiropractor, occupational therapist, or physical therapist who provides false information with the intent to defraud on the physician's, physician associate's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's statement used in establishing proof under subsection 1 is subject to a civil penalty of three hundred dollars which may be imposed by the department. In addition to the civil penalty, the department shall revoke the permit issued pursuant to this section.

3. The removable windshield placard shall contain the following information:

a. Each side of the placard shall include all of the following:

(1) The international symbol of access, which is at least three inches in height, centered on the placard, and is white on a blue shield.

(2) An identification number.

(3) A date of expiration, which shall be of sufficient size to be readable from outside the vehicle.

(4) The seal or other identification of the issuing authority.

b. One side of the placard shall contain all of the following information:

(1) (a) Subject to subparagraph division (b), a statement printed on it as follows:

> Unauthorized use of this placard as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the placard, or revocation of the right to use the placard. This placard shall be displayed only when the vehicle is parked in a persons with disabilities parking space or in a parking space not designated as a persons

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with disabilities parking space if a wheelchair parking cone is used pursuant to Iowa Code section 321L.2A.

(b) After the department has issued the existing supply of placards bearing the statement set forth in subparagraph division (a), the statement printed on each newly issued placard shall be as follows:

Remove from mirror before operating vehicle.

(2) The return address and telephone number of the department.

(3) The signature of the person who has been issued the placard.

4. A removable windshield placard shall only be displayed when the vehicle is parked in a persons with disabilities parking space. The removable windshield placard shall be displayed in a manner that allows the entire placard to be visible through the vehicle's windshield.

5. A seriously disabled veteran who has been provided with an automobile or other vehicle by the United States government under the provisions of 38 U.S.C. §3901 – 3904 is not required to apply for a persons with disabilities parking permit under this section unless the veteran has been issued special registration plates or personalized plates for the vehicle. The regular registration plates issued for the disabled veteran's vehicle without fee pursuant to section 321.105 entitle the disabled veteran to all of the rights and privileges associated with persons with disabilities parking permits under this chapter.

89 Acts, ch 247, §10; 90 Acts, ch 1151, §5; 90 Acts, ch 1267, §39; 95 Acts, ch 118, §30; 96 Acts, ch 1088, §7; 96 Acts, ch 1171, §6, 7; 97 Acts, ch 70, §9 – 13, 15; 97 Acts, ch 123, §2 – 4; 2000 Acts, ch 1206, §2, 3; 2005 Acts, ch 8, §39; 2006 Acts, ch 1068, §33; 2008 Acts, ch 1088, §124; 2008 Acts, ch 1124, §17; 2009 Acts, ch 41, §118; 2010 Acts, ch 1035, §7; 2015 Acts, ch 123, §37; 2016 Acts, ch 1067, §1 – 3; 2016 Acts, ch 1111, §2; 2018 Acts, ch 1026, §118; 2022 Acts, ch 1080, §2 – 5; 2026 Acts, ch 1008, §3

Referred to in §321.23, 321.166, 321L.1, 321L.2A, 321L.4, 321L.5

Code editor directive applied

321L.2A Wheelchair parking cone.

1. A person issued a persons with disabilities parking permit under section 321L.2 who uses a wheelchair due to a disability that renders the person permanently unable to walk may park in a persons with disabilities parking space, or a parking space not designated as a persons with disabilities parking space, and reserve up to an eight foot space adjacent to the motor vehicle for the purpose of exiting and entering the motor vehicle if all of the following conditions are met:

a. The person places a wheelchair parking cone within eight feet of the motor vehicle's entry.

b. The person displays the persons with disabilities parking permit in the motor vehicle as described in section 321L.4.

c. The motor vehicle and the wheelchair parking cone do not obstruct an aisle, street, or roadway so that other vehicles are unable to pass through the aisle, street, or roadway.

d. The parking space is provided by the state, a political subdivision of the state, or an entity providing nonresidential parking.

e. The person carries in the motor vehicle a copy of the statement from a physician, physician associate, advanced registered nurse practitioner, chiropractor, occupational therapist, or physical therapist which accompanied the person's application for persons with disabilities registration plates under section 321.34 or other persons with disabilities parking permit under section 321L.2 and which indicates the person is permanently unable to walk. The person shall show the copy of the statement to any peace officer upon request.

2. A person issued a persons with disabilities parking permit who does not comply with the requirements of subsection 1 when using a wheelchair parking cone commits a misdemeanor punishable by a scheduled fine under section 805.8A, subsection 1, paragraph "*b*".

3. A person shall not interfere with a wheelchair parking cone properly placed under subsection 1. A violation of this subsection is a misdemeanor punishable by a scheduled fine under section 805.8A, subsection 1, paragraph "*c*".

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4. The department shall adopt rules as necessary to administer this section.

97 Acts, ch 70, §15; 97 Acts, ch 147, §5; 98 Acts, ch 1080, §9; 2000 Acts, ch 1206, §4; 2001 Acts, ch 137, §5; 2005 Acts, ch 8, §40; 2015 Acts, ch 29, §114; 2022 Acts, ch 1080, §6; 2026 Acts, ch 1008, §3

Referred to in §321L.2, 321L.4, 805.8A(1)(b), 805.8A(1)(c)
Code editor directive applied

321L.3 Return of persons with disabilities parking permits.

1. Persons with disabilities parking permits shall be returned to the department upon the occurrence of any of the following:

a. The person to whom the persons with disabilities parking permit has been issued is deceased.

b. The person to whom the persons with disabilities parking permit has been issued has moved out of state.

c. A person has found or has in the person's possession a persons with disabilities parking permit that was not issued to that person.

d. The persons with disabilities parking permit has expired.

e. The persons with disabilities parking permit has been revoked.

f. The persons with disabilities parking permit reported lost or stolen is later found or retrieved after a subsequent persons with disabilities parking permit has been issued.

2. A person who fails to return the persons with disabilities parking permit and subsequently misuses the permit by illegally parking in a persons with disabilities parking space is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 1, paragraph "*c*".

3. Persons with disabilities parking permits may be returned to the department as required by this section directly to the department, to a driver's license station, or to any law enforcement office.

89 Acts, ch 247, §11; 96 Acts, ch 1171, §8; 97 Acts, ch 70, §15; 98 Acts, ch 1073, §9; 2001 Acts, ch 176, §55, 59; 2002 Acts, ch 1050, §34; 2010 Acts, ch 1061, §180

Referred to in §805.8A(1)(c)

321L.4 Persons with disabilities parking — display and use of parking permit and persons with disabilities identification designation.

1. A persons with disabilities parking permit shall be displayed in a motor vehicle as a removable windshield placard or on a vehicle as a plate or sticker as provided in section 321L.2 when being used by a person with a disability, either as an operator or passenger. Each removable windshield placard shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. The placard shall only be displayed when the motor vehicle is parked in a persons with disabilities parking space, except as provided in section 321L.2A.

2. The use of a persons with disabilities parking space, located on either public or private property as provided in sections 321L.5 and 321L.6, by an operator of a vehicle not displaying a persons with disabilities parking permit; by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with section 321L.2, subsection 1, paragraph "*b*"; or by a vehicle in violation of the rules adopted by the department under section 321L.8, constitutes improper use of a persons with disabilities parking permit, which is a misdemeanor for which a scheduled fine shall be imposed upon the owner, operator, or lessee of the vehicle or the person to whom the persons with disabilities parking permit is issued. The scheduled fine for each violation shall be as established in section 805.8A, subsection 1, paragraph "*c*". Proof of conviction of two or more violations involving improper use of a persons with disabilities parking permit is grounds for revocation by the court or the department of the holder's privilege to possess or use the persons with disabilities parking permit.

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3. A peace officer as designated in section 801.4, subsection 11, shall have the authority to and shall enforce the provisions of this section on public and private property.

89 Acts, ch 247, §12; 92 Acts, ch 1122, §2; 96 Acts, ch 1171, §9; 97 Acts, ch 70, §14, 15; 97 Acts, ch 147, §6; 2000 Acts, ch 1206, §5; 2001 Acts, ch 137, §5

Referred to in §321.210, 321.236, 321L.2, 321L.2A, 805.8A(1)(c)

321L.5 Persons with disabilities parking spaces — location and requirements — review committees.

1. Persons with disabilities parking spaces and access loading zones for persons with disabilities that serve a particular building shall be located on the shortest accessible route to the nearest accessible entrance to the building.

2. A persons with disabilities parking space designated after July 1, 1990, shall comply with the dimension requirements specified in rules adopted by the department of inspections, appeals, and licensing and in effect when the spaces are designated. The department shall adopt accepted national standards for dimensions of persons with disabilities spaces, consistent with the requirements of federal law. However, these dimension requirements do not apply to parallel on-street parking spaces.

3. *a.* The state or a political subdivision of the state which provides off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent of the total parking spaces in each parking facility as persons with disabilities parking spaces, rounded to the nearest whole number of persons with disabilities parking spaces. However, such parking facilities having ten or more parking spaces shall set aside at least one persons with disabilities parking space.

b. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing persons with disabilities parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for persons with disabilities parking spaces in a facility exceeds sixty percent during normal business hours, the entity shall provide additional persons with disabilities parking spaces as needed.

c. An entity providing off-street nonresidential parking as a lessor shall provide a persons with disabilities parking space to an individual requesting to lease a parking space, if that individual possesses a persons with disabilities parking permit issued in accordance with section 321L.2.

d. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide persons with disabilities parking spaces as stipulated below:

Total Parking Spaces in Lot	Required Minimum Number of Persons with Disabilities Parking Spaces
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 Percent of Total
1001 and over	20 Spaces Plus 1 for Each 100 Over 1000

e. Any other person may also set aside persons with disabilities parking spaces on the person's property provided each persons with disabilities parking space is clearly and prominently designated as a persons with disabilities parking space.

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4. *a.* Cities which provide on-street parking areas within a business district shall by ordinance define and establish a business district or districts and shall designate not less than two percent of the total parking spaces within each business district as persons with disabilities parking spaces.

b. Upon petition by an individual possessing a persons with disabilities parking permit issued in accordance with section 321L.2, the city shall review utilization and location of existing persons with disabilities parking spaces for a one-month period but not more than once every twelve months. If, upon review, the average occupancy rate for persons with disabilities parking spaces exceeds sixty percent during normal business hours, the city shall provide additional persons with disabilities parking spaces as needed.

5. A persons with disabilities parking space located on a paved surface may be painted with a blue background upon which the international symbol of accessibility is painted in white or yellow paint. However, the blue background paint may be omitted. As used in this subsection, *"paved surface"* includes surfaces which are asphalt surfaced.

6. *a.* A persons with disabilities parking review committee may be established by the state and each political subdivision of the state which is required to provide persons with disabilities parking spaces in off-street public parking facilities according to subsection 3 and in political subdivisions required to provide persons with disabilities parking spaces for on-street parking within a business district according to subsection 4. The persons with disabilities parking review committee shall consist of five members who are persons with disabilities as defined in section 321L.1 and five members who are officials of the state or political subdivision. The persons with disabilities parking review committee shall have the discretion to increase or decrease the numbers of persons with disabilities parking spaces required by this section. A decision to change the numbers or location of persons with disabilities parking spaces shall be based upon the needs of the community, the percentage of use of the present persons with disabilities parking spaces, and the past experience of the state or political subdivision regarding persons with disabilities parking.

b. An individual may request the persons with disabilities parking review committee to review the amounts and locations of persons with disabilities parking spaces. The persons with disabilities parking review committee shall investigate each individual's request and shall act upon such request if the investigation substantiates the individual's complaint.

89 Acts, ch 247, §13; 90 Acts, ch 1151, §6 – 8; 94 Acts, ch 1015, §1; 94 Acts, ch 1107, §21; 96 Acts, ch 1171, §10, 11; 97 Acts, ch 70, §15; 98 Acts, ch 1080, §10; 2009 Acts, ch 41, §119; 2010 Acts, ch 1061, §180; 2025 Acts, ch 98, §9

Referred to in §321L.1, 321L.4, 321L.7

321L.6 Persons with disabilities parking sign.

A persons with disabilities parking sign shall be displayed designating the persons with disabilities parking space.

1. The persons with disabilities parking sign shall have a blue background and bear the international symbol of accessibility in white. If an entity who owns or leases real property in a city is required to provide persons with disabilities parking spaces, the city shall provide, upon request, the signs for the entity at cost. If an entity who owns or leases real property outside the corporate limits of a city is required to provide persons with disabilities parking spaces, the county in which the property is located shall provide the signs for the entity at cost upon request.

2. The persons with disabilities parking sign shall be affixed vertically on another object so that it is readily visible to a driver of a motor vehicle approaching the persons with disabilities parking space. A persons with disabilities parking space designated only by the international symbol of accessibility being painted or otherwise placed horizontally on the parking space does not meet the requirements of this subsection.

89 Acts, ch 247, §14; 93 Acts, ch 169, §20; 97 Acts, ch 70, §15, 16; 97 Acts, ch 147, §7

Referred to in §321L.1, 321L.4, 321L.7

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321L.7 Penalty for failing to provide persons with disabilities parking spaces and signs.

Failure to provide proper persons with disabilities parking spaces as provided in section 321L.5 or to properly display persons with disabilities parking signs as provided in section 321L.6 is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 1, paragraph "c".

89 Acts, ch 247, §15; 97 Acts, ch 70, §15; 2001 Acts, ch 176, §56, 59
Referred to in §805.8A(1)(c)

321L.8 Persons with disabilities parking permits and parking — rules.

1. The department, pursuant to chapter 17A, shall adopt rules:

a. Establishing procedures for applying to the department for issuance of persons with disabilities parking permits under this chapter.

b. Governing the manner in which persons with disabilities parking permits are to be displayed in or on motor vehicles.

c. Regarding enforcement of this chapter.

2. The department of inspections, appeals, and licensing shall adopt rules pursuant to chapter 17A governing the manner in which persons with disabilities parking spaces are provided.

89 Acts, ch 247, §16; 96 Acts, ch 1171, §12; 97 Acts, ch 70, §15; 2025 Acts, ch 98, §10
Referred to in §321L.2, 321L.4

321L.9 Reciprocity.

Persons with disabilities parking permits issued lawfully by other states and foreign governmental bodies or their political subdivisions shall be valid persons with disabilities parking permits for nonresidents traveling or visiting in this state.

89 Acts, ch 247, §17; 96 Acts, ch 1171, §13; 97 Acts, ch 70, §15

CHAPTER 321M

COUNTY ISSUANCE OF DRIVER'S LICENSES

Referred to in §48A.7, 48A.9, 48A.18, 48A.21, 48A.27, 307.27, 321.9, 321.151, 321.152, 321.153, 321J.17, 331.301, 331.557A

321M.1 Definitions.
321M.2 Relation to other laws.
321M.3 Authorization to issue licenses.
321M.4 Termination of authorization — failure to meet standards.
321M.5 Agreement between the department and issuing counties.
321M.6 Certification of commercial driver's license issuance.
321M.6A Commercial driver's license driving skills tests — fees.
321M.7 Training.
321M.8 New or subsequent contracts — opt-out period. Repealed by 2002 Acts, ch 1032, §10.
321M.9 Financial responsibility.
321M.10 Supervisory authority of department.
321M.11 Good faith efforts required.

321M.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commercial driver's license"* means a driver's license valid for the operation of a commercial motor vehicle, including a commercial learner's permit, as regulated by chapter 321.

2. *"County issuance"* means the system or process of issuing driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices, including all related testing, to the same extent that such items are issued by the department.

3. *"Department"* means the state department of transportation.

4. *"Digitized photolicensing equipment"* means the machines and related materials, obtained pursuant to contract, the use of which results in the on-site production of driver's licenses and nonoperator's identification cards.

5. *"Driver's license"* means any license or permit issued to a person to operate a motor

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vehicle on the highways of this state, including but not limited to a driver's, commercial driver's, temporary restricted, or temporary license and an instruction, commercial learner's, or temporary permit.

6. *"Issuing county"* means a county that is participating in county issuance.

7. *"Motor vehicle"* means a vehicle which is self-propelled, including but not limited to automobiles, cars, motor trucks, semitrailers, motorcycles, and similar vehicles regulated under chapter 321.

8. *"Nonoperator's identification card"* means the card issued pursuant to section 321.190 that contains information pertaining to the personal characteristics of the applicant but does not convey to the person issued the card any operating privileges for any motor vehicle.

9. *"Persons with disabilities identification devices"* means those devices issued pursuant to chapter 321L.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §1, 26; 2001 Acts, ch 132, §17; 2002 Acts, ch 1032, §2; 2015 Acts, ch 123, §74; 2016 Acts, ch 1073, §107; 2026 Acts, ch 1118, §7
Referred to in §452A.2
Subsection 5 amended

321M.2 Relation to other laws.

Notwithstanding provisions of chapter 321 or 321L that grant sole authority to the department for the issuance of driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices, certain counties shall be authorized to issue driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices, according to the requirements of this chapter.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §2, 26; 2016 Acts, ch 1073, §108

321M.3 Authorization to issue licenses.

Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Warren, Washington, Wayne, Winnebago, Winneshiek, Worth, and Wright counties shall be authorized to issue driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices on a permanent basis, provided that such counties continue to meet the department's standards for issuance.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §3, 26; 2002 Acts, ch 1032, §3; 2016 Acts, ch 1073, §109; 2017 Acts, ch 19, §1, 2
Referred to in §321M.6

321M.4 Termination of authorization — failure to meet standards.

1. If a county is subject to termination of its county issuance authorization for failure to meet the department's standards for issuance, the county shall not issue driver's licenses, nonoperator's identification cards, or persons with disabilities identification devices until the county has been reauthorized by the department.

2. The department is not obligated to provide service in a county for issuance of driver's licenses, nonoperator's identification cards, or persons with disabilities identification devices if the county fails to meet the department's standards for issuance.

98 Acts, ch 1143, §4; 2002 Acts, ch 1032, §4; 2016 Acts, ch 1073, §110

321M.5 Agreement between the department and issuing counties.

1. The department and each county participating in county issuance shall execute an agreement pursuant to chapter 28E, detailing the relative responsibilities and liabilities of each party to the agreement.

2. The agreement required by subsection 1 shall specifically address the following issues,

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in addition to other issues that may be required by chapter 28E or that may otherwise be deemed necessary for inclusion in the agreement by the parties to the agreement:

a. Responsibility for collection of, and accounting for, any fees and penalties associated with the licensing process.

b. Oversight guidelines.

c. Performance standards.

d. Progressive discipline standards and measures, including appeals.

3. An addendum to such an agreement may be executed by the parties, in accordance with chapter 28E.

98 Acts, ch 1143, §5; 2002 Acts, ch 1032, §5; 2005 Acts, ch 54, §7, 12

321M.6 Certification of commercial driver's license issuance.

1. A county shall be authorized to issue commercial driver's licenses if certified to do so by the department.

2. The department shall certify the commercial driver's license issuance in a county authorized to issue licenses pursuant to section 321M.3 if all of the following conditions are met:

a. The driving skills test is the same as that which would otherwise be administered by the state.

b. The county examiner contractually agrees to comply with the requirements of 49 C.F.R. §383.75, as adopted by rule by the department.

c. The department provides supervision over the issuance of commercial driver's licenses, including the administration of written and driving skills tests by the office of the county treasurer. However, the failure of the department to provide appropriate supervision shall not alone be used as a reason to deny certification.

d. The county otherwise complies with the procedures for issuance of commercial driver's licenses as provided in chapter 321.

3. If a county fails to meet the standards for certification under this section, and fails to correct deficiencies according to the department's operating standards, the county's right to issue commercial driver's licenses shall be terminated, and the county shall cease issuing commercial driver's licenses. Procedures and conditions for recertification shall be addressed in the operating standards for the department.

4. The department is not obligated to provide service in a county for issuance of commercial driver's licenses if the county fails to meet certification standards under this section.

98 Acts, ch 1143, §6; 99 Acts, ch 96, §37; 2002 Acts, ch 1032, §6, 7

Referred to in §321M.6A

321M.6A Commercial driver's license driving skills tests — fees.

1. A county certified to issue commercial driver's licenses under section 321M.6 may charge any of the following fees to a commercial driver's license applicant related to the administration of a driving skills test:

a. A fee not to exceed twenty-five dollars to administer the pre-trip vehicle inspection test.

b. A fee not to exceed twenty-five dollars to administer the basic vehicle control skills test.

c. A fee not to exceed twenty-five dollars to administer the on-road driving skills test.

2. Fees authorized under this section may be assessed for each test and any fees collected are nonrefundable. The fee to administer the pre-trip vehicle inspection test is due at the time the appointment is scheduled. All other fees are due upon the completion of the test for which the fee was assessed. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled and no other fees shall be due. If the applicant fails one part of the driving skills test, no fees shall be due for subsequent parts of the test. A county shall not charge a fee under this section, other than the fee to administer the pre-trip vehicle inspection test, to an applicant who is an employee or volunteer of a government agency, as defined in section 553.3, and who provides reasonable proof that a commercial driver's license is necessary for the applicant's employment or volunteer duties for the government

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agency, or that the fee is paid by the government agency. This section shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee.

3. All fees authorized in this section are in addition to any other fees imposed by law.

2021 Acts, ch 135, §6, 8

Referred to in §321.187, 321M.9

321M.7 Training.

1. The department shall provide a minimum of eight weeks of initial training for county personnel participating in county issuance. The maximum class size for this initial training shall be twenty people.

2. The department shall also provide individualized additional training for county personnel within each participating county office following initial training.

3. The department shall periodically offer continuing education and training opportunities to county personnel.

4. The department shall not segregate training sessions for county personnel and department employees.

5. New county personnel, including new county treasurers, who will participate in county issuance, shall complete the initial training session prior to engaging in any licensing activities. A county treasurer shall use best efforts to complete initial training as soon as possible. A county treasurer who does not make reasonable attempts to begin initial training within three months of taking office may be subject to having the county issuance program in that county placed on probation.

98 Acts, ch 1143, §7

321M.8 New or subsequent contracts — opt-out period. Repealed by 2002 Acts, ch 1032, §10.

321M.9 Financial responsibility.

1. *Fees to counties.*

a. Notwithstanding any other provision in the Code to the contrary, the county treasurer of a county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund all of the following:

(1) Seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices.

(2) Twenty-five dollars of fees collected for each part of a commercial driver's license driving skills test pursuant to section 321M.6A.

(3) The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section 321J.17.

(4) The ten-dollar convenience fee collected pursuant to subsection 2.

b. The county treasurer shall remit the balance of fees and all civil penalties to the department.

2. *Convenience fee.* A county authorized to issue driver's licenses under this chapter may charge, in addition to any other fee imposed by law, a convenience fee for the issuance or renewal of a driver's license or nonoperator's identification card to a person who is not a resident of the county, unless that person pays property tax to the county and provides proof of payment such as a receipt as provided in section 445.5, subsection 6, or another form of proof as determined by the county. The convenience fee shall be ten dollars.

3. *Digitized photolicensing equipment.*

a. The department shall pay for all digitized photolicensing equipment, including that used by the department and authorized for use by issuing counties under this subsection. Moneys from the road use tax fund shall be used, subject to appropriation by the general assembly, for payment of costs associated with the purchase or lease of digitized photolicensing equipment.

b. An issuing county shall be entitled to one set of digitized photolicensing equipment,

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unless the county was served at multiple sites by the department, in which case the county shall be entitled to two sets of digitized photolicensing equipment.

4. *Other equipment.* The department shall pay for all other equipment needed by a county to participate in county issuance, comparable to the equipment provided for issuance activities by a department itinerant team, with the exception of the following:

a. Office furniture.

b. Computer hardware needed to access department computer databases, facsimile machines used to transmit documents between the department and the county, and similar office equipment of a general nature that is not dedicated solely or primarily to the issuance process.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §9, 26; 2002 Acts, ch 1032, §8; 2003 Acts, ch 8, §21; 2004 Acts, ch 1139, §1, 2; 2005 Acts, ch 54, §8, 12; 2008 Acts, ch 1018, §26, 31; 2013 Acts, ch 103, §18; 2020 Acts, ch 1074, §52, 93; 2021 Acts, ch 135, §7, 8; 2023 Acts, ch 71, §99, 100

321M.10 Supervisory authority of department.

1. The department shall retain all supervisory authority over the county driver's license issuance program. The county treasurers and their employees shall be considered agents of the department when performing driver's licensing functions.

2. Approximately one supervisor shall be assigned from the department to every six issuance sites participating in county issuance.

3. Approximately one technical computer support employee shall be assigned from the department to every twenty-four counties participating in county issuance.

4. The department shall provide issuing counties access to computer databases at a level equal to that provided to comparable department employees.

5. The department may adopt rules pursuant to chapter 17A as necessary to administer this chapter. The department may also develop operating standards as necessary to administer this chapter. The department shall consult with the Iowa county treasurers association in developing operating standards and proposed rules.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §10, 26; 2002 Acts, ch 1032, §9

321M.11 Good faith efforts required.

1. The department and issuing counties shall use their best good faith efforts to work in cooperation in implementing and maintaining an effective system of county issuance.

2. The department and all persons involved with administration of this chapter, department procedures, and related administrative rules shall use their best good faith efforts to ensure that the application of the laws, rules, and procedures related to county issuance shall not be used to impede county issuance.

98 Acts, ch 1143, §11

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CHAPTER 321N

TRANSPORTATION NETWORK COMPANIES

Referred to in §321.16A, 321.518

321N.1 Definitions.
321N.2 Permit required — examination of records — sanctions.
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321N.6 Insurers.
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321N.10 Disclosure of personal information.
321N.11 Regulation by political subdivisions prohibited — exception.

321N.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Department"* means the state department of transportation.

2. *"Digital network"* means an online-enabled application, internet site, or system offered or utilized by a transportation network company that enables transportation network company riders to prearrange rides with transportation network company drivers.

3. *"Personal vehicle"* means a noncommercial motor vehicle that is used by a transportation network company driver and is owned, leased, or otherwise authorized for use by the transportation network company driver. *"Personal vehicle"* does not include a taxicab, limousine, or other vehicle for hire.

4. *"Prearranged ride"* means the provision of transportation by a transportation network company driver to a transportation network company rider. A prearranged ride begins when a driver accepts a ride request from a rider through a digital network controlled by a transportation network company, continues while the driver transports the requesting rider, and ends when the last requesting rider departs from the driver's personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other vehicle for hire, or a shared expense carpool or vanpool arrangement.

5. *"Transportation network company"* or *"company"* means a corporation, partnership, sole proprietorship, or other entity that operates in this state and uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company is not deemed to control, direct, or manage a transportation network company driver that connects to its digital network, or the driver's personal vehicle, except as agreed to by the company and the driver pursuant to a written contract.

6. *"Transportation network company driver"* or *"driver"* means an individual who does all of the following:

a. Receives connections to potential transportation network company riders and other related services from a transportation network company in exchange for payment of a fee to the transportation network company.

b. Uses a personal vehicle to offer or provide prearranged rides to transportation network company riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

7. *"Transportation network company rider"* or *"rider"* means an individual or group of individuals who uses a transportation network company's digital network to connect with a transportation network company driver to request a prearranged ride for the individual or group of individuals, and who receives the prearranged ride in the driver's personal vehicle between locations chosen by the individual or group of individuals.

2016 Acts, ch 1101, §6, 24
Referred to in §321.1, 321.276, 321.446, 325A.1, 325A.11, 325A.12, 327D.1

321N.2 Permit required — examination of records — sanctions.

1. A transportation network company shall not operate or conduct business in this state without a permit issued pursuant to this section.

2. *a.* Upon the filing of an application by a transportation network company with the department and a determination by the department that the company is in compliance with the provisions of this chapter, the department shall issue a permit to the company. An application filed pursuant to this section shall be in writing and shall contain all of the following:

(1) The full legal name and tax identification number of the applicant.

(2) The address of the applicant's principal place of business.

(3) A statement agreeing to comply with all applicable requirements of this chapter signed by the applicant.

(4) Proof of compliance with the financial responsibility requirements of section 321N.4, submitted in a manner prescribed by the department.

(5) Proof that the applicant has established a zero tolerance policy for the use of drugs and alcohol as provided in section 321N.3, submitted in a manner prescribed by the department.

(6) Proof that the applicant requires personal vehicles to comply with applicable motor

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vehicle equipment requirements as provided in section 321N.3, submitted in a manner prescribed by the department.

(7) Proof that the applicant has adopted and is enforcing nondiscrimination and accessibility policies, submitted in a manner prescribed by the department.

(8) Proof that the applicant has established record retention guidelines, submitted in a manner prescribed by the department, that comply with all of the following:

(a) A record of a prearranged ride shall be retained for at least six years after the date the prearranged ride was provided, unless the company is notified that the record is material to a judicial proceeding, in which case the record shall be retained for at least two years after final disposition of the judicial proceeding.

(b) A record of a transportation network company driver shall be retained for at least six years after the date on which the driver's activation on the company's digital network ended, unless the company is notified that the record is material to a judicial proceeding, in which case the record shall be retained for at least two years after final disposition of the judicial proceeding.

b. The permit application shall be accompanied by a fee of five thousand dollars. All fees received by the department for permits issued pursuant to this section shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

3. A permit issued pursuant to this section shall be valid for one year after the date of issuance.

4. The department may deny issuance of a permit if the department determines, and evidence demonstrates, that the applicant is not in compliance or is unable to comply with the provisions of this chapter.

5. The department may examine the records of a transportation network company for the purpose of enforcing this chapter. The examination may include a random sample of the company's records related to transportation network company drivers and prearranged rides. The examination shall take place at the department's motor vehicle division building unless another location is agreed to by the department and the company. Such examinations shall not occur more than twice per year unless additional examinations are necessary to investigate a complaint. Records obtained by the department pursuant to this subsection are not public records or otherwise subject to disclosure under chapter 22, and shall be kept confidential by the department except to the extent such records may be required to be disclosed in a departmental or judicial proceeding.

6. The department may suspend the permit of a transportation network company for a violation of this chapter or a rule adopted under this chapter until the company demonstrates to the department that the company is in compliance with the applicable requirements. The department may revoke the permit of a transportation network company for continued noncompliance with this chapter or a rule adopted under this chapter.

7. A transportation network company whose application for a permit has been denied, or whose permit has been suspended or revoked, shall have all rights afforded to the company under chapter 17A and rules adopted by the department to contest the department's decision.

8. The department may adopt rules pursuant to chapter 17A to administer this section.

2016 Acts, ch 1101, §7, 24

321N.3 Exclusions — driver requirements — penalty.

1. A transportation network company, a transportation network company driver, or a personal vehicle used to provide a prearranged ride is not a motor carrier as defined in section 325A.1, private carrier as defined in section 325A.1, charter carrier as defined in section 325A.12, or common carrier.

2. Prior to permitting an individual to act as a transportation network company driver on a transportation network company's digital network, the company shall do all of the following:

a. Require the individual to submit an application to the company with the individual's name, address, and age, and with copies of the individual's driver's license, the registration for the personal vehicle the individual will use to provide prearranged rides, proof of financial liability coverage, as defined in section 321.1, subsection 24B, covering the individual's use of

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the personal vehicle, proof of financial responsibility covering the individual in the types and amounts required by section 321N.4, and any other information required by the company.

b. Conduct, or instruct a third party to conduct, a local and national criminal background check on the individual and a search of the national sex offender registry database for the individual.

c. Obtain and review a driving history research report on the individual.

d. Obtain a disclosure form signed by the individual notifying the individual of all of the following:

(1) If a lien exists against a personal vehicle the individual intends to use while acting as a transportation network company driver, the individual is required to notify the lienholder within the seven-day period prior to using the vehicle for such purposes that the individual intends to use the vehicle for such purposes.

(2) If the individual is not the owner of the personal vehicle the individual intends to use while acting as a transportation network company driver, the individual is required to notify the owner of the vehicle within the seven-day period prior to using the vehicle for such purposes that the individual intends to use the vehicle for such purposes and that the owner's automobile insurance policy, depending on the policy's terms, may not provide any coverage while the individual is logged on to the company's digital network and is available to receive requests for a prearranged ride, or while the individual is engaged in a prearranged ride.

(3) Failure to notify a lienholder or an owner pursuant to this paragraph *"d"* shall result in the imposition of a civil penalty as provided in subsection 3.

3. If an individual fails to notify a lienholder or an owner pursuant to subsection 2, the department shall assess a civil penalty against the individual in the amount of two hundred fifty dollars. All moneys collected by the department pursuant to this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

4. A transportation network company shall not knowingly allow an individual to act as a driver on the company's digital network if any of the following apply:

a. The individual does not have a driver's license valid for the operation of the personal vehicle. A driver's license valid for the operation of the personal vehicle shall not include an instruction permit, special instruction permit, or temporary restricted license.

b. The individual is restricted to operating motor vehicles equipped with an ignition interlock device.

c. The individual's driving privileges have been suspended, revoked, barred, canceled, denied, or disqualified in the prior three-year period.

d. The individual has been convicted of more than three moving violations in the prior three-year period.

e. The individual has been convicted of violating section 321.218, 321.277, or 321J.21, or section 321A.32, subsection 1, in the prior three-year period.

f. The individual has been convicted in the prior seven-year period of a felony, of violating section 321J.2 or 321J.2A, or of any crime involving resisting law enforcement, dishonesty, injury to another person, damage to the property of another person, or operating a vehicle in a manner that endangers another person.

g. The individual is registered on the national sex offender registry.

h. The individual is not at least nineteen years of age.

i. The individual is unable to provide any information required by this section.

5. A transportation network company shall adopt and enforce a zero tolerance policy prohibiting the use of drugs or alcohol by a transportation network company driver while the driver is providing a prearranged ride or is logged on to the company's digital network and available to receive requests for transportation from potential riders. The policy shall include provisions providing for the investigation of alleged violations of the policy and the suspension of drivers under investigation.

6. A transportation network company shall require that a personal vehicle used to provide prearranged rides shall comply with all applicable motor vehicle equipment requirements.

2016 Acts, ch 1101, §8, 24

Referred to in §321.40, 321N.2

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321N.4 Financial responsibility.

1. A transportation network company driver, or a transportation network company on the driver's behalf, shall maintain primary automobile insurance that does all of the following:

a. Recognizes that the driver is a transportation network company driver or that the driver otherwise uses a motor vehicle to transport passengers for compensation.

b. Covers the driver while the driver is logged on to the transportation network company's digital network and while the driver is engaged in a prearranged ride.

c. Covers the driver in the amounts set forth in subsections 2 and 3.

2. *a.* While a participating transportation network company driver is logged on to a transportation network company's digital network and is available to receive requests for a prearranged ride, but is not engaged in a prearranged ride, primary automobile insurance maintained pursuant to paragraph *"c"* shall cover the driver in the amount of at least fifty thousand dollars because of bodily injury to or death of one person in any one accident, the amount of at least one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of at least twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

b. The requirements of paragraph *"a"* shall be in addition to the automobile insurance requirements set forth in chapter 516A or any other provision of law.

c. The requirements of paragraph *"a"* may be satisfied by any of the following:

(1) Insurance maintained by the transportation network company driver.

(2) Insurance maintained by the transportation network company.

(3) A combination of subparagraphs (1) and (2).

3. *a.* While a transportation network company driver is engaged in a prearranged ride, primary automobile insurance maintained pursuant to paragraph *"c"* shall cover the driver in the amount of at least one million dollars because of bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident.

b. The requirements of paragraph *"a"* shall be in addition to the automobile insurance requirements set forth in chapter 516A or any other provision of law.

c. The requirements of paragraph *"a"* may be satisfied by any of the following:

(1) Insurance maintained by the transportation network company driver.

(2) Insurance maintained by the transportation network company.

(3) A combination of subparagraphs (1) and (2).

4. If insurance maintained by a transportation network company driver under this chapter lapses or does not provide coverage in the amounts required by subsections 2 and 3, insurance maintained by a transportation network company shall provide coverage in the amounts required by subsections 2 and 3 beginning with the first dollar of a claim, and the company shall have a duty to defend the claim.

5. Coverage under an automobile insurance policy maintained by a transportation network company under this chapter shall not be dependent on the insurer of a driver's personal vehicle first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim.

6. Insurance maintained under this chapter shall be provided by an insurer governed by chapter 515, or by a surplus lines insurer governed by chapter 515I.

7. Insurance maintained under this chapter shall be deemed to satisfy the financial responsibility requirements for a motor vehicle under chapter 321A.

8. A transportation network company driver shall carry proof of financial liability coverage, as required by section 321.20B, in the amounts required by subsections 2 and 3, at all times during which the driver uses a motor vehicle in connection with the use of a transportation network company's digital network. In the event of an accident, the driver shall provide proof of financial liability coverage to any directly interested party or insurer, and to any investigating police officer, upon request and in a format provided for under section 321.20B. Upon such a request, the driver shall also disclose to any directly interested

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party or insurer, and to any investigating police officer, whether the driver was logged on to a company's digital network or was providing a prearranged ride at the time of the accident.

2016 Acts, ch 1101, §9, 24, 25; 2017 Acts, ch 170, §25

Referred to in §321N.2, 321N.3

Section applies on and after the date of approval of form filings necessary for implementation by the commissioner of insurance; 2016 Acts, ch 1101, §25

321N.5 Disclosure requirements.

A transportation network company shall disclose all of the following information to a transportation network company driver in writing before the driver may accept a request from a rider for a prearranged ride on the company's digital network:

1. The types, amounts, terms, and limits of automobile insurance provided by the company to the driver while the driver uses a personal vehicle in connection with the use of the company's digital network.

2. That the driver's own automobile insurance policy, depending on the policy's terms, may not provide any coverage while the driver is logged on to the company's digital network and is available to receive requests for a prearranged ride, or while the driver is engaged in a prearranged ride.

2016 Acts, ch 1101, §10, 24

321N.6 Insurers.

1. *a.* Notwithstanding any other provision of law to the contrary, an insurer that writes automobile insurance within this state may exclude any and all coverage afforded to an insured person under a policy issued to the owner or operator of a personal vehicle for any injury or loss that occurs while the insured is logged on to a transportation network company's digital network or while the insured is providing a prearranged ride. This right to exclude coverage may apply to any type of coverage provided for in the insured's policy, including but not limited to liability coverage for bodily injury and property damage, personal injury protection coverage, uninsured and underinsured motorist coverage, medical payments coverage, comprehensive physical damage coverage, and collision physical damage coverage.

b. This chapter shall not be construed to require an insurer to provide coverage to an individual while the individual is logged on to a company's digital network, is engaged in a prearranged ride, or is otherwise transporting another individual or group of individuals in a vehicle for compensation.

c. This chapter shall not be construed to preclude an insurer from providing coverage for a transportation network company driver's personal vehicle, if the insurer chooses to do so by contract or endorsement.

2. *a.* An insurer that excludes coverage pursuant to subsection 1 shall not have a duty to defend or indemnify a claim expressly excluded from a policy issued by the insurer. This chapter shall not be deemed to invalidate or limit an exclusion contained in a policy, including a policy in use or approved for use in this state prior to January 1, 2017, that excludes coverage for vehicles used to carry individuals or property for compensation or vehicles available for hire by the public.

b. An insurer that defends or indemnifies a claim against an insured transportation network company driver that is excluded under the terms of the driver's policy shall have a right of action for contribution or indemnity against an insurer providing automobile insurance to the driver under this chapter during the period in which the loss occurred.

3. In a claims coverage investigation, any involved transportation network company and any insurer providing coverage pursuant to this chapter shall cooperate to facilitate the exchange of relevant information with one another, and with any insurer of the transportation network company driver, where applicable, including but not limited to the precise times during which the driver logged on and off of the company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident, and shall disclose to one another a clear description of any relevant

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automobile insurance provided pursuant to this chapter, including any applicable limits and exclusions.

2016 Acts, ch 1101, §11, 24

321N.7 Identification of drivers and vehicles.

Before a transportation network company rider enters the personal vehicle of a transportation network company driver, the transportation network company shall disclose all of the following information to the rider on the company's digital network:

1. A picture that prominently displays the face of the driver.
2. The make, model, and registration plate number of the personal vehicle used by the driver.

2016 Acts, ch 1101, §12, 24

321N.8 Electronic receipt.

Within a reasonable period of time following the completion of a prearranged ride provided to a transportation network company rider, the transportation network company shall transmit an electronic receipt to the rider containing all of the following information:

1. The origin and destination of the trip.
2. The total time and distance of the trip.
3. An itemized account of the total fare paid by the rider, if any.

2016 Acts, ch 1101, §13, 24

321N.9 Street hails prohibited.

A transportation network company driver shall not solicit or accept riders hailing the driver from the street.

2016 Acts, ch 1101, §14, 24

321N.10 Disclosure of personal information.

1. A transportation network company shall not disclose a transportation network company rider's personal information to a third party unless the rider consents to the disclosure, the disclosure is required by law, the disclosure is required to protect or defend the terms of use of the company's services, or the disclosure is required to investigate a violation of the terms of use. For purposes of this section, "*personal information*" includes but is not limited to the rider's name, home address, telephone number, and payment information.

2. Notwithstanding subsection 1, a transportation network company may disclose a rider's name and telephone number to the driver providing a prearranged ride to the rider in order to facilitate the identification of the rider by the driver, or to facilitate communication between the rider and the driver.

2016 Acts, ch 1101, §15, 24

321N.11 Regulation by political subdivisions prohibited — exception.

1. *a.* Except as otherwise provided in this section, transportation network companies, transportation network company drivers, and personal vehicles, in the course of their operation pursuant to this chapter, shall be exclusively controlled, supervised, and regulated by the department in accordance with this chapter.

b. Except as otherwise provided in this section, no provision of this chapter shall be construed to authorize a political subdivision of the state to enact an ordinance regulating transportation network companies, transportation network company drivers, or personal vehicles operated pursuant to this chapter.

2. No provision of this chapter shall be construed to limit the rights and powers of a commercial service airport, as defined in 49 U.S.C. §47102, to do any of the following:

a. Regulate the operation of motor vehicles on the airport's premises in accordance with rules, regulations, and policies adopted for the orderly use of the airport.

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b. Establish, alter, and collect rates, fees, rental payments, or other charges for the use of the airport's services and facilities.

2016 Acts, ch 1101, §16, 24
Referred to in §321.236

CHAPTER 321O

PERSONAL DELIVERY DEVICES

Referred to in §321.1, 321.519

321O.1	Definitions.	321O.5	Areas of operation.
321O.2	Applicable law.	321O.6	Equipment.
321O.3	Operators.	321O.7	Regulation by local authorities.
321O.4	Operation.	321O.8	Insurance.

321O.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Agent"* means any officer, director, or employee of a business entity, or any other person who is authorized to act on behalf of a business entity.

2. *"Business entity"* means a corporation, sole proprietorship, association, partnership, limited liability company, limited liability partnership, or other legal entity, that is formed for the purpose of making a profit.

3. *"Pedestrian area"* means an area intended to be used by any person afoot, including a sidewalk, crosswalk, or safety zone, as those terms are defined in section 321.1.

4. *"Personal delivery device"* or *"device"* means a device to which all of the following apply:

a. The device is manufactured for transporting cargo and goods in a pedestrian area or supplementary area.

b. The device is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a natural person.

c. The weight of the device is not greater than five hundred fifty pounds, excluding cargo and goods.

2021 Acts, ch 119, §3

321O.2 Applicable law.

1. The operation of a personal delivery device is governed exclusively by this chapter and any applicable ordinance regulating personal delivery devices adopted by a local authority, as defined in section 321.1, that is not inconsistent with this chapter.

2. For the purposes of this title, a personal delivery device operated in compliance with this chapter shall not be considered a vehicle.

3. A claim for personal injury or property damage arising from the operation of a personal delivery device shall be subject to the laws applicable to such claims arising from the conduct of pedestrians.

2021 Acts, ch 119, §4

321O.3 Operators.

1. A business entity may operate a personal delivery device under this chapter only if a natural person who is an agent of the business entity has the capability to monitor and remotely exercise physical control over the navigation and operation of the device while the device is engaged.

2. Except as provided by subsection 3, when a personal delivery device operated by a business entity is engaged, the business entity is considered to be the operator of the device solely for the purpose of assessing compliance with this chapter and laws made applicable to the operation of the device under this chapter.

3. When a personal delivery device operated by a business entity is engaged and an agent

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of the business entity exercises control over the device in a manner that is outside the scope of the agent's office or employment, the agent is considered to be the operator of the device solely for the purpose of assessing compliance with this chapter and laws made applicable to the operation of the device under this chapter.

4. A person is not considered to be the operator of a personal delivery device solely because the person requests a delivery or service provided by the device or dispatches the device.

2021 Acts, ch 119, §5

321O.4 Operation.

1. The operator of a personal delivery device shall ensure that, while engaged, the device does all of the following:

a. Operates in a manner that complies with the provisions of chapter 321 applicable to pedestrians, other than section 321.326, unless the provision of chapter 321 cannot by its nature apply to the device.

b. Yields the right-of-way to all other traffic, including pedestrians.

c. Operates in a manner that does not unreasonably interfere with other traffic, including pedestrians.

d. Complies with any ordinance regulating personal delivery devices adopted by a local authority, as defined in section 321.1, that is not inconsistent with this chapter.

e. Is monitored or controlled by an agent of the business entity operating the device.

f. Operates in a manner that allows the device to come to a controlled stop in a reasonably safe time and distance.

2. The operator of a personal delivery device shall ensure that, while engaged, the device does not do any of the following:

a. Obstructs the right-of-way of any other traffic, including pedestrians.

b. Transports any hazardous material regulated by section 321.450 or 49 U.S.C. ch. 51 that is required to be placarded.

3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 9B.

2021 Acts, ch 119, §6
Referred to in §805.8A(9B)(a)

321O.5 Areas of operation.

1. A personal delivery device may operate on any of the following:

a. A pedestrian area at a speed not to exceed six miles per hour.

b. A road, provided that the speed limit on the road is forty miles per hour or less, under all of the following conditions:

(1) The device operates as far to the right from the center of the road as is practicable.

(2) The device does not exceed twenty miles per hour, or the speed limit on the road, whichever is lower.

2. The operator of a personal delivery device that violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5.

2021 Acts, ch 119, §7
Referred to in §805.8A(5)(a)

321O.6 Equipment.

1. A personal delivery device operated under this chapter must be equipped with all of the following:

a. A marker that clearly states the name and contact information of the business entity operating the device and a unique identification number.

b. A braking system that enables the device to come to a controlled stop in a reasonably safe time and distance.

2. A personal delivery device operated at the times specified in section 321.384 must be equipped with and display a lighted lamp on the front and rear of the device, including one or more lighted lamps visible on all sides of the device, which lamps must be recognizable in clear weather conditions from a distance of five hundred feet from the device when the device

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is directly in front of a motor vehicle's headlamps displaying the lowermost distribution of light as discussed in section 321.409, subsection 1, paragraph *"b"*.

3. The operator of a personal delivery device that violates subsection 1 commits a simple misdemeanor punishable by a fine of at least one hundred dollars but not more than one thousand dollars for each violation.

4. The operator of a personal delivery device that violates subsection 2 commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 9B. However, the citation shall first provide for a seventy-two-hour period within which the operator charged with the violation shall replace or repair the lamp as described in section 321.385A. If the operator complies with the directive to replace or repair the lamp, the citation shall be expunged.

2021 Acts, ch 119, §8
Referred to in §805.8A(9B)(b)

321O.7 Regulation by local authorities.

1. A local authority, as defined in section 321.1, in the interest of public safety, may prohibit the operation of personal delivery devices on certain roads and pedestrian areas within its jurisdiction if operation in those areas would constitute a safety hazard.

2. Except as authorized under subsection 1, a local authority shall not regulate the operation, equipment, licensing, registration, or taxation of a personal delivery device in a manner inconsistent with this chapter, including but not limited to imposing additional taxes, fees, assessments, surcharges, licenses, registrations, or certifications, or by imposing additional restrictions or requirements relating to hours or areas of operation, equipment, or the types of cargo or goods that may be transported.

3. This section does not affect the power of a local authority's peace officers to enforce the laws of this state relating to the operation of a personal delivery device.

2021 Acts, ch 119, §9

321O.8 Insurance.

A business entity that operates a personal delivery device under this chapter shall maintain an insurance policy that includes general liability coverage of not less than five hundred thousand dollars for damages arising from the operation of the device.

2021 Acts, ch 119, §10

CHAPTER 321P

AUTOMATED TRAFFIC ENFORCEMENT

321P.1 Definitions.
321P.2 Permit required — local ordinances.
321P.3 Use limited.
321P.4 Automatic registration plate readers — data retention limited — penalty.
321P.5 Notice — signage and reports.
321P.6 Enforcement.
321P.7 Liability for violations detected.
321P.8 Restrictions on use of revenue.
321P.9 Installation and maintenance.

321P.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Automated or remote system for traffic law enforcement"* or *"system"* means a camera or other optical device designed to work in conjunction with a speed measuring device to detect motor vehicles being operated in violation of the speed limit, the use of which results in the issuance of citations sent through the mail or by electronic means.

2. *"Critical traffic safety issues"* include traffic violations resulting in a traffic collision or accident and traffic collisions and accidents resulting in serious injury or death occurring at a location.

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3. *"Department"* means the state department of transportation.

4. *"Local authority"* means a county or municipality having authority to adopt local police regulations under the Constitution of the State of Iowa and laws of this state.

2024 Acts, ch 1181, §1

321P.2 Permit required — local ordinances.

1. A person shall not use an automated or remote system for traffic law enforcement unless authorized under this chapter. A local authority shall not adopt, enforce, or otherwise administer an ordinance authorizing the use of a system, and shall not use a system, unless the local authority holds a valid permit to use a system at the system's location. Notwithstanding section 331.302, subsection 6, and section 380.3, the governing body of a local authority that is considering an ordinance to authorize or implement traffic law enforcement by automated or remote systems shall not suspend the requirements of section 331.302, subsection 6, or section 380.3, as applicable.

2. A local authority may apply for a permit by submitting an application to the department in a manner determined by the department. The department may approve or disapprove the application for a permit based on the department's determination that a system is appropriate and necessary and the least restrictive means to address the critical traffic safety issues at a location. The department shall only issue one permit for a local authority, which shall set forth all locations at which a local authority is authorized to use a system. A local authority may submit an application to the department to update the local authority's permit with a new location in the same manner and with the same information as required for the initial permit. An application for a permit must contain all of the following for a location at which the local authority intends to operate a system:

a. Records detailing the number and description of traffic violations at the location, which shall be compiled and maintained by the local authority for at least one year prior to the installation of the system and for each year the system is in operation. The records shall be considered public records for purposes of chapter 22.

b. Records detailing the number and severity of traffic collisions and accidents occurring at the location.

c. An analysis of existing traffic speed data, posted speed limits, traffic volume data, and intersection and roadway measurements of the location. The analysis must demonstrate to the department that existing speed restrictions are appropriate and must describe how the speed restrictions were established.

d. The proposed cause of critical traffic safety issues at the location.

e. Alternative methods to improve traffic safety at the location that the local authority has implemented or has considered but declined to implement. Alternative methods to improve traffic safety may include but are not limited to changes relating to law enforcement practices, roadway or intersection design, traffic control devices used, and public education campaigns.

f. Details of discussions, if any, held with an entity that has resources which may aid the reduction of traffic collisions and accidents caused at the location by failure to obey speed restrictions and subsequent actions taken by the local authority.

g. An explanation detailing the reasons that the use of a system at the location is appropriate and necessary and the least restrictive means to address the critical traffic safety issues.

2024 Acts, ch 1181, §2

321P.3 Use limited.

1. A local authority shall not use an automated or remote system for traffic law enforcement to issue a citation for a traffic violation unless the violation is for exceeding the speed limit by more than ten miles per hour.

2. A local authority with a population of twenty thousand or less based on the most recent federal decennial census shall not use a mobile system to issue a citation for a traffic violation. The department shall adopt rules pursuant to chapter 17A otherwise authorizing and regulating the operation of mobile systems, taking into consideration a mobile system's mobility, flexible usage, and the needs of a local authority to control traffic speed to address

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critical traffic safety issues at a location. However, the rules shall not authorize the use of a mobile system other than in neighborhoods, construction zones, school zones, including collegiate zones, and locations where traffic enforcement is difficult or dangerous to enforce by alternative methods.

3. A local authority, regardless of its population, may issue a warning memorandum to the owner of a vehicle that was operated in violation of a traffic law if the violation was detected by an automated or remote system for traffic law enforcement, including a mobile system.

2024 Acts, ch 1181, §3

321P.4 Automatic registration plate readers — data retention limited — penalty.

1. The operator of an automatic registration plate reader or any associated data storage device shall permanently delete from the plate reader and storage device, as applicable, every image of a vehicle registration plate captured by the plate reader, and any other accompanying data, no later than thirty days after the image was captured.

2. Prior to deletion under subsection 1, an image of a vehicle registration plate captured by an automatic registration plate reader, and any other accompanying data, may be copied and stored by a law enforcement agency if the image and data are relevant to an ongoing criminal case or investigation. The law enforcement agency shall maintain the copied registration plate image and accompanying data in accordance with the agency's evidence retention policies. Copies maintained by the law enforcement agency are not subject to subsection 1.

3. For purposes of this section, *"automatic registration plate reader"* or *"plate reader"* means a camera or other optical device designed or programmed to automatically detect a vehicle's registration plate, or to automatically capture or store an image of a vehicle's registration plate and any accompanying data.

4. A person who violates subsection 1 commits a simple misdemeanor.

2024 Acts, ch 1181, §4

321P.5 Notice — signage and reports.

1. *a.* A local authority shall not operate an automated or remote system for traffic law enforcement at a fixed location unless permanent signs meeting the requirements as specified in the department manual on uniform traffic-control devices and giving notice of the system are erected at least five hundred feet but not more than one thousand feet along the approach of the highway where the system is used.

b. A local authority shall not operate a mobile automated or remote system for traffic law enforcement unless permanent signs meeting the requirements as specified in the department manual on uniform traffic-control devices and giving notice of the local authority's use of a mobile system within the boundaries of the local authority are posted at every location where a highway enters the boundaries of the local authority.

c. Signs required under this subsection shall be erected by the local authority at the local authority's expense at least thirty days prior to a system enforcing any detected violations.

2. A local authority using a system shall submit to the department an annual report by March 1 of each year detailing the number of traffic collisions and accidents that occurred at each location where a system is in use, the number of citations issued for each system during the previous calendar year, and any other relevant information about the systems that the local authority deems appropriate. The local authority shall post the report on the local authority's internet site, if the local authority has an internet site.

2024 Acts, ch 1181, §5

321P.6 Enforcement.

1. A local authority shall not issue a citation or warning memorandum for a violation detected by a system until a peace officer of the local authority, or an individual trained and certified by the local authority, has reviewed and approved the recorded photograph or video to affirm a traffic violation occurred.

2. *a.* For an excessive speed violation detected by a system other than as provided in paragraph *"b"*, the fine shall not exceed the following amounts:

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(1) Seventy-five dollars for speed greater than ten miles per hour in excess of the limit but not more than twenty miles per hour in excess of the limit.

(2) One hundred dollars for speed greater than twenty miles per hour in excess of the limit but not more than twenty-five miles per hour in excess of the limit.

(3) Two hundred fifty dollars for speed greater than twenty-five miles per hour in excess of the limit but not more than thirty miles per hour in excess of the limit.

(4) Five hundred dollars for speed greater than thirty miles per hour in excess of the limit.

b. For an excessive speed violation detected by a system in a road work zone, as defined in section 321.1, the fine shall not exceed the following amounts:

(1) One hundred fifty dollars for speed greater than ten miles per hour in excess of the limit but not more than twenty miles per hour in excess of the limit.

(2) Two hundred dollars for speed greater than twenty miles per hour in excess of the limit but not more than twenty-five miles per hour in excess of the limit.

(3) Five hundred dollars for speed greater than twenty-five miles per hour in excess of the limit but not more than thirty miles per hour in excess of the limit.

(4) One thousand dollars for speed greater than thirty miles per hour in excess of the limit.

3. A system not in compliance with this chapter shall not be used to detect violations. A citation issued while the system is not in compliance with this chapter is void and unenforceable.

4. A violation detected by an automated or remote system for traffic law enforcement is a civil infraction. Such a violation shall not be considered by the department of transportation for purposes of driver's license sanctions, and shall not be considered by an insurer for purposes of a person's automobile insurance rates. The fine associated with a citation issued by a local authority as the result of the use of a system must be a civil penalty.

2024 Acts, ch 1181, §6
Referred to in §321P.9

321P.7 Liability for violations detected.

1. A citation for a violation detected by an automated or remote system for traffic law enforcement shall be issued to the owner of the identified motor vehicle.

2. *a.* Notwithstanding subsection 1, a local authority shall provide the owner of a motor vehicle who receives a citation for a violation detected by a system with an opportunity to submit evidence that the owner was not operating the motor vehicle at the time of the violation. As part of the proceeding, the owner shall provide the name and address of the person who was operating the motor vehicle at the time of the violation.

b. Notwithstanding subsection 1, a citation issued to the owner of a motor vehicle may be amended and issued to the person identified under paragraph *"a"* who was operating the motor vehicle.

3. For purposes of this section, *"owner"* means a person who holds the legal title to a motor vehicle. However, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor is deemed the owner for purposes of this section, or if the motor vehicle is leased as defined in section 321.493, the lessee is deemed the owner for purposes of this section.

2024 Acts, ch 1181, §7

321P.8 Restrictions on use of revenue.

A local authority shall not use any revenue received as a result of the use of a system and retained by the local authority, not including the cost to install, operate, and maintain the system, other than for any of the following purposes:

1. To fund transportation infrastructure improvement projects.

2. To offset costs incurred relating to the operation of a police department or fire department.

2024 Acts, ch 1181, §8

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321P.9 Installation and maintenance.

1. A local authority shall install a system in a manner that minimizes the effect of camera flash on drivers, if a camera flash is used.

2. An automated or remote system for traffic law enforcement must only record a photograph or video of the rear of a vehicle and the vehicle's registration plate while the vehicle is used to commit an alleged traffic violation. A local authority shall not install a system such that the system's camera is placed to capture the front of a motor vehicle or the face of any person in the vehicle being recorded. In accordance with section 321P.6, subsection 3, a citation issued by a system that captures the front of a motor vehicle or the face of any person in the vehicle is void and unenforceable.

3. A system must verify its internal calibrations daily, and a person trained in the calibration of the system shall conduct a monthly calibration.

4. A local authority operating a system shall maintain a monthly log detailing whether a person trained in the calibration of the system successfully performed the monthly calibrations and whether the system successfully performed the daily internal calibrations.

5. The log and documentation of the calibrations required under this section are admissible in any court proceeding relating to a violation detected by the system.

6. If a daily or monthly calibration is not successfully performed, the system shall not operate until a successful calibration is subsequently performed.

2024 Acts, ch 1181, §9

CHAPTER 322

MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS

Referred to in §307.27, 321.1, 321.16A, 321.20B, 321.23, 321.45, 321.48, 321.50, 321.52, 321.57, 321.58, 321.69, 321.69A, 321.70, 321.95, 321.105A, 321.115, 321.157, 321A.39, 321F.9, 321H.3, 322A.2, 322A.12, 322A.14, 322C.6, 523H.1, 535.2, 537.2510, 537A.10, 714.27A

Court action required for termination of installment contract, foreclosure of mortgage, or repossession of property during military service; application for relief respecting obligation or liability incurred prior to military service; §29A.102, 29A.103, 29A.104, 29A.105

322.1 Administration.
322.2 Definitions.
322.3 Prohibited acts — remote sales requirements.
322.4 Application for license.
322.5 License fees — temporary permits.
322.6 Denial of license.
322.7 License of motor vehicle dealer.
322.7A Used motor vehicle dealer education program.
322.7B Consignment sales of motor trucks.
322.8 Supplemental statements.
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322.23 Complaints.
322.24 Hearing — subpoenas.
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322.27 Manufacturer's license.
322.27A Wholesaler's license.
322.28 Distributor or wholesaler's license.
322.29 Issuance of license — fees.
322.30 Display.
322.31 Denial of license.
322.32 Construction of applicability to contracts.
322.33 Applicability of the Iowa consumer credit code.
322.34 Reserved.
322.35 Disclosure of manufacturer's suggested price for certain motor vehicles — penalty.
322.36 Motorcycle and autocycle dealer business hours.

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322.1 Administration.

1. The administration of this chapter shall be vested in the director of transportation. The department may employ such employees as are necessary for the administration of this chapter, provided the amount expended in any one year shall not exceed the revenue derived from the provisions of this chapter.

2. The director may enter into reciprocity agreements with the authorized representatives of any jurisdiction to exchange information on dealer activity in order to pursue legal action for violations.

[C39, §**5039.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.1]
92 Acts, ch 1175, §12
Referred to in §321F.10

322.2 Definitions.

As used in this chapter and unless a different meaning appears from the context:

1. *"At retail"* means to dispose of a motor vehicle to a person who will devote it to a consumer use.

2. *"Autocycle"* means as defined in section 321.1.

3. *"Completed motor vehicle"* means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. *"Completed motor vehicle"* also includes a glider kit vehicle as defined in section 321.1.

4. *"Department"* means the state department of transportation.

5. *"Distributor"* or *"wholesaler"* means a person, resident or nonresident, who in whole or part, sells or distributes motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

6. *"Distributor branch"* means a branch office similarly maintained by a distributor or wholesaler for the same purposes.

7. *"Distributor representative"* means a representative similarly employed by a distributor, distributor branch, or wholesaler.

8. *"Engaged in the business"* means doing any of the following acts for the purpose of the sale of motor vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment, conducting a retail auction, advertising as being engaged in any of those acts, or acting as an agent for the purpose of doing any of those acts. A person selling at retail more than six motor vehicles during a twelve-month period may be presumed to be engaged in the business.

9. *"Factory branch"* means a branch office maintained by a person who manufactures or assembles motor vehicles, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising in whole or part, its representatives.

10. *"Factory representative"* means a representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers.

11. *"Final-stage manufacturer"* means a person who performs such manufacturing operations on an incomplete motor vehicle that it becomes a completed motor vehicle.

12. The *"holder"* of a retail installment contract means the retail seller of the motor vehicle under or subject to the contract or, if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee.

13. *"Incomplete motor vehicle"* means an assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system to the extent that those systems are to be part of a completed motor vehicle, that requires further manufacturing operations, other than the addition of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed motor vehicle.

14. *"Incomplete motor vehicle manufacturer"* means a person who manufactures an

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incomplete motor vehicle by assembling components none of which, taken separately, constitute a completed motor vehicle.

15. *"Manufacturer"* means any person engaged in the business of fabricating or assembling motor vehicles. *"Manufacturer"* does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle as defined in section 321.1. *"Manufacturer"* includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section 321.124 or a motorsports recreational vehicle as defined in section 321.1. *"Manufacturer"* also includes a final-stage manufacturer.

16. *"Motorcycle"* means as defined in section 321.1. *"Motorcycle"* does not include an all-terrain vehicle as defined in section 321.1.

17. *"Motor vehicle"* means any self-propelled vehicle subject to registration under chapter 321.

18. *"Multi-stage manufactured vehicle"* means a motor vehicle built in two or more stages in which an incomplete motor vehicle, built by one manufacturer, is completed by another manufacturer who adds cargo carrying components or other components to the vehicle.

19. *"Person"* includes any individual, firm, corporation, partnership, joint adventure, or association, and the plural as well as the singular number.

20. *"Place of business"* means a designated location wherein proper and adequate facilities shall be maintained for displaying, reconditioning, and repairing either new or used cars.

21. *"Remote sale"* means a sale of a motor vehicle conducted via mail, either electronically or by courier, including any offering, bartering, negotiating, exchanging, and other communication regarding the sale of the vehicle. *"Remote sale"* includes the delivery of the vehicle to the residence of the buyer or another agreed-to location, if requested by the buyer.

22. *"Retail buyer"* or *"buyer"* means a person who buys a motor vehicle from a retail seller.

23. *"Retail installment contract"* or *"contract"* means an agreement, entered into in this state, pursuant to which the title to, the property in or a lien upon the motor vehicle, which is the subject matter of a retail installment transaction, is retained or taken by a retail seller from a retail buyer as security, in whole or in part, for the buyer's obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract.

24. *"Retail installment transaction"* means any sale evidenced by a retail installment contract between a retail buyer and a retail seller wherein the retail buyer buys a motor vehicle from a retail seller at a time price payable in one or more installments.

25. *"Retail seller"* or *"seller"* means a person who sells a motor vehicle to a retail buyer.

26. *"Sales finance company"* means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts. The term does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon.

27. *"Selling"* includes bartering, exchanging, delivering, or otherwise dealing in.

28. *"Special equipment"* means equipment installed on a motor truck which, in combination with the motor truck on which the equipment is installed, constitutes a self-contained unit configured for a specific purpose. To constitute special equipment, a minimum of seven thousand five hundred dollars or twenty-five percent of the retail value of the motor truck, whichever is greater, must be expended in installing the equipment on the motor truck, including the cost of the equipment. *"Special equipment"* does not include equipment designed for the transportation of passengers.

29. *"Used motor vehicle"* or *"second-hand motor vehicle"* means any motor vehicle of a

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type subject to registration under the laws of this state which has been sold "at retail" as defined in this chapter and previously registered in this or any other state.

[C39, §**5039.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.2]

97 Acts, ch 108, §35; 2000 Acts, ch 1134, §4; 2001 Acts, ch 32, §29; 2008 Acts, ch 1032, §106; 2010 Acts, ch 1069, §107; 2012 Acts, ch 1048, §1, 6; 2013 Acts, ch 103, §19, 21; 2014 Acts, ch 1127, §16; 2016 Acts, ch 1083, §3; 2016 Acts, ch 1098, §18; 2018 Acts, ch 1010, §2, 3; 2023 Acts, ch 50, §3

Referred to in §321.1, 537.2510

322.3 Prohibited acts — remote sales requirements.

1. A person shall not engage in this state in the business of selling at retail new motor vehicles of any make or represent or advertise that the person is engaged or intends to engage in such business in this state unless the person is authorized to do so by a contract in writing with the manufacturer or distributor of such make of new motor vehicles and unless the department has licensed the person as a motor vehicle dealer in this state in motor vehicles of such make and has issued to the person a license in writing as provided in this chapter. Notwithstanding the prohibitions in this subsection, a final-stage manufacturer of multi-stage manufactured vehicles that holds a used motor vehicle dealer license issued pursuant to this chapter may assign an incomplete motor vehicle's manufacturer's statement of origin to a retail buyer for purposes of issuance of a certificate of title by a county treasurer as a new motor vehicle with the same make as the incomplete motor vehicle without holding a new motor vehicle dealer license and without paying any associated motor vehicle registration fees. A licensed dealer in new motor vehicles may also assign an incomplete motor vehicle's manufacturer's statement of origin in the same manner as provided in this subsection.

2. A person other than a licensed dealer in new motor vehicles shall not engage in this state in the business of selling at retail used motor vehicles or represent or advertise that the person is engaged or intends to engage in such business in this state unless and until the department has licensed the person as a used motor vehicle dealer in the state and has issued to the person a license in writing as provided in this chapter.

3. Subsections 1, 2, and 17 shall not be construed to require the separate licensing of persons employed as salespersons of motor vehicles by a retail motor vehicle dealer. However, the department may promulgate reasonable rules as necessary for the proper identification of persons employed as salespersons.

4. A person who is engaged in the business of selling at retail motor vehicles shall not enter into any contract, agreement, or understanding, express or implied, with any manufacturer or distributor of any such motor vehicles that the person will sell, assign, or transfer any retail installment contracts arising from the retail installment sale of such motor vehicles only to a designated person or class of persons. A condition, agreement, or understanding between any manufacturer or distributor and a motor vehicle dealer in this state of this nature is hereby declared to be against the public policy of this state and to be unlawful and void.

5. A manufacturer or distributor of motor vehicles or any agent or representative of a manufacturer or distributor shall not terminate, threaten to terminate, or fail to renew any contract, agreement, or understanding for the sale of new motor vehicles to any motor vehicle dealer in this state without just, reasonable, and lawful cause or because the motor vehicle dealer failed to sell, assign, or transfer any retail installment contract arising from the retail sale of such motor vehicles or any one or more of them to a person or a class of persons designated by the manufacturer or distributor.

6. A person who is engaged in the business of selling at retail motor vehicles shall not make and enter into a retail installment contract unless the contract meets the following requirements:

a. Every retail installment contract shall be in writing, shall be signed by both the buyer and the seller, and shall be completed as to all essential provisions prior to the signing of the contract by the buyer except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information and the due date of the first installment may be inserted in the contract after its execution.

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b. The contract shall comply with the Iowa consumer credit code, chapter 537, where applicable.

7. This section shall not be construed to require that a place of business as defined in this chapter shall be maintained by a person selling motor vehicles at retail solely for the purpose of disposing of motor vehicles acquired or repossessed by such person in exercise of powers or rights granted by lien or title-retention instruments or contracts given as security for loans or purchase money obligations.

8. A manufacturer or distributor of motor vehicles or agent or representative of a manufacturer or distributor shall not coerce or attempt to coerce any motor vehicle dealer to accept delivery of any motor vehicle or vehicles, parts, or accessories, or any other commodity or commodities which have not been ordered by the dealer.

9. A person licensed under this chapter shall not, either directly or through an agent, salesperson, or employee, engage in this state, or represent or advertise that the person is engaged or intends to engage in this state, in the business of buying or selling at retail new or used motor vehicles, other than mobile homes more than eight feet in width or more than thirty-two feet in length as defined in section 321.1, on the first day of the week, commonly known and designated as Sunday.

10. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not require a motor vehicle dealer to submit to arbitration to resolve a controversy before the controversy arises. The parties may enter into a voluntary agreement to arbitrate a controversy after it arises. Such an agreement shall require that the arbitrator apply Iowa law in resolving the controversy. Either party may appeal a decision of an arbitrator to the district court on the grounds that the arbitrator failed to apply Iowa law.

11. A person who is engaged in the business of selling motor vehicles at retail shall not sell, offer for sale, display, represent, or advertise that the person intends to sell motor vehicles from a location other than the person's place of business, except as provided in subsection 12 or section 322.5.

12. A retail seller licensed under this chapter may engage in remote sales of motor vehicles located at a place of business of the retail seller, as listed on the license, under all of the following conditions:

a. The dealer or an entity with direct ownership or control over the dealer shall possess, at the time of the sale, the certificate of title to any motor vehicle offered for remote sale by the dealer. The certificate of title may be in an electronic format that is created, stored, or transferred only through a secure electronic system approved by the department and shall not be in a portable document format, a scanned copy, evidenced by an electronic mail message, or in another format created by the dealer.

b. The dealer may transmit a proposed purchase agreement from the dealer to the prospective buyer if such agreement is the result of negotiation between the parties. The dealer shall not negotiate and shall not deliver a proposed purchase agreement to a buyer in person at a location other than the dealer's place of business.

c. A signed purchase agreement must be delivered to the dealer's place of business, as listed on the dealer's license.

d. The dealer shall not deliver a motor vehicle to a buyer away from the dealer's place of business until the buyer's purchase of the motor vehicle is completed.

e. Remote sales are subject to chapter 554D.

f. The dealer shall disclose to a buyer all of the following regarding the vehicle offered for sale:

(1) That the vehicle is not located in this state, if applicable.

(2) That the certificate of title is in an electronic format, if applicable.

(3) The estimated delivery date of the vehicle.

g. If requested, the dealer shall produce proof, including in an electronic format, to the department that the dealer has the certificate of title for a vehicle offered for sale. The dealer shall also retain records showing where a vehicle is stored, the status of the vehicle's title, and documents relating to the remote sale of a vehicle. The dealer shall store and provide records in accordance with section 321.63, subsection 3.

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h. Pursuant to section 554D.108 and consistent with 49 C.F.R. pt. 580 and the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., an electronic signature captured and applied to an image of a physical certificate of title that was originally printed by a secure printing process as defined in 49 C.F.R. §580.3, which complies with all applicable requirements under 49 C.F.R. pt. 580, shall be accepted for purposes of odometer disclosure. A dealer using an electronic signature on a digital image of a physical title shall mark the original title as "void" or "surrendered" and submit an application for certificate of title and registration electronically via an authorized service provider pursuant to section 321.20, subsection 2.

i. A remote sale of a motor vehicle is not a door-to-door sale as defined in section 555A.1, and is not subject to chapter 555A.

13. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, has been convicted of three or more violations of subsection 17 of this section in the previous three-year period, or has been convicted of any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer.

14. *a.* A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, any of the following if twelve months or more have passed since the claim was submitted to the manufacturer, distributor, or importer or agent or representative thereof:

(1) Warranty parts, repairs, or service supplied by a motor vehicle dealer.

(2) Sales or leasing incentives provided to a motor vehicle dealer or to a customer of a motor vehicle dealer including but not limited to rebates and discounted interest rates.

b. The twelve-month limitation shall not apply if a court of competent jurisdiction in this state finds the claim was fraudulent.

15. A manufacturer or importer shall not directly or indirectly be licensed as, own an interest in, operate, or control a motor vehicle dealer. This subsection shall not prohibit any of the following:

a. A manufacturer or importer from being licensed as a motor vehicle dealer or owning an interest in, operating, or controlling a motor vehicle dealership for a period not to exceed one year to facilitate transfer of the motor vehicle dealership to a new owner if both of the following apply:

(1) The prior owner transferred the motor vehicle dealership to the manufacturer or importer.

(2) The motor vehicle dealership is continuously offered for sale by the manufacturer or importer upon reasonable terms and conditions.

b. A manufacturer or importer from temporarily owning an interest in a motor vehicle dealership for the purpose of enhancing opportunities for persons who lack the financial resources to purchase the motor vehicle dealership without such assistance. A manufacturer or importer may temporarily own an interest in a motor vehicle dealership pursuant to this paragraph only if the manufacturer or importer enters into a contract with a person pursuant to which all of the following apply:

(1) The person operates the motor vehicle dealership.

(2) The person has made a significant financial investment in the motor vehicle dealership and is subject to loss on such investment.

(3) The person has an ownership interest in the motor vehicle dealership.

(4) The person will acquire full ownership of the motor vehicle dealership within a reasonable time under reasonable conditions.

c. A manufacturer or importer from owning an interest in, operating, or controlling a person whose primary business is renting motor vehicles and who is licensed as a used motor vehicle dealer.

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d. A manufacturer of motor homes, as defined in section 321.1, from owning an interest in, operating, or controlling a motor vehicle dealer of the motor homes manufactured by that manufacturer or from being licensed as a motor vehicle dealer only of the motor homes manufactured by that manufacturer.

e. A manufacturer from owning a minority interest in an entity that owns and operates motor vehicle dealers, licensed under this chapter or the laws of the jurisdiction in which they are located, of the line-make manufactured by the manufacturer if all of the motor vehicle dealers owned and operated by the entity in this state are motor vehicle dealers of only the line-make manufactured by the manufacturer and if, on January 1, 2000, there were not less than one and not more than three motor vehicle dealers of that line-make licensed under this chapter.

f. A final-stage manufacturer of multi-stage manufactured vehicles from being licensed as a used motor vehicle dealer or from assigning an incomplete motor vehicle's manufacturer's statement of origin to a retail buyer for purposes of issuance of a certificate of title by a county treasurer as a new motor vehicle with the same make as the incomplete motor vehicle without holding a new motor vehicle dealer license and without paying any associated motor vehicle registration fees. This paragraph shall not be construed to authorize a manufacturer or incomplete motor vehicle manufacturer to directly sell at retail incomplete or completed motor vehicles to a retail buyer except as provided in this subsection.

16. A manufacturer, distributor, or importer of motor vehicles or an agent or representative of a manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, warranty parts, repairs, or service supplied by a motor vehicle dealer on the grounds that the dealer failed to submit a claim fewer than sixty days after the motor vehicle dealer completed the work underlying the claim for warranty parts, repairs, or service.

17. A motor vehicle dealer or wholesaler licensed under this chapter shall not sell, loan, rent, lease, or charge a fee for the use of the license to another person for the purpose of allowing the person to engage in the business of selling motor vehicles.

[C39, §**5039.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.3]

90 Acts, ch 1061, §1; 96 Acts, ch 1090, §13; 97 Acts, ch 108, §36; 98 Acts, ch 1075, §26; 99 Acts, ch 69, §1; 2000 Acts, ch 1003, §1; 2000 Acts, ch 1232, §66; 2001 Acts, ch 32, §30, 31, 40; 2003 Acts, ch 44, §114; 2006 Acts, ch 1068, §34; 2009 Acts, ch 130, §35; 2010 Acts, ch 1011, §1; 2010 Acts, ch 1035, §8; 2010 Acts, ch 1061, §180; 2016 Acts, ch 1083, §4 – 6; 2018 Acts, ch 1010, §4, 5; 2023 Acts, ch 50, §4, 5; 2026 Acts, ch 1057, §3, 4

Referred to in §321.105A, 322.5, 322.6, 322.29, 322A.5
Fraudulent practices, see §714.8 – 714.14
Subsection 12, paragraphs a and c amended
Subsection 12, NEW paragraphs f – i

322.4 Application for license.

1. Each person before engaging in this state in the business of selling at retail motor vehicles or representing or advertising that the person is engaged or intends to engage in such business in this state shall file in the office of the department an application for license as a motor vehicle dealer in the state in such form as the department may prescribe, duly verified by oath, which application shall include the following:

a. The name of the applicant and the applicant's principal place of business wherever situated, and the following, as appropriate:

(1) If the applicant is an individual, the name or style under which the individual intends to engage in such business.

(2) If the applicant is a partnership, the name or style under which the partnership intends to engage in such business and the name and bona fide address of two partners.

(3) If the applicant is a corporation, the state of incorporation and the name and bona fide address of two officers of the corporation.

b. The make or makes of new motor vehicles, if any, which the applicant will offer for sale at retail in this state.

c. The location of each place of business within this state to be used by the applicant for the conduct of the applicant's business.

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d. If the applicant is a party to any contract or agreement or understanding with any manufacturer or distributor of motor vehicles or is about to become a party to such a contract, agreement, or understanding, the applicant shall state the name of each such manufacturer or distributor and the make or makes of new motor vehicles, if any, which are the subject matter of each such contract.

e. A statement of the previous history, record, and association of the applicant and if the applicant is a partnership, of each partner thereof, and if the applicant is a corporation, of each officer and director thereof, which statement shall be sufficient to establish to the department the reputation in business of the applicant.

f. A description of the general plan and method of doing business in this state, which the applicant will follow if the license applied for in such application is granted.

g. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required under chapter 321, or the issuance of a temporary permit under section 322.5, subsection 6, paragraph *"b"*, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of seventy-five thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating or applicable to the business of a dealer in motor vehicles, and indemnifying any person who buys a motor vehicle from the dealer from any loss or damage occasioned by the failure of the dealer to comply with any of the provisions of chapter 321 and this chapter, including but not limited to the furnishing of a proper and valid certificate of title to the motor vehicle involved in a transaction. The bond shall also indemnify any motor vehicle purchaser from any loss or damage caused by the failure of the dealer to comply with the odometer requirements in section 321.71, regardless of whether the motor vehicle was purchased directly from the dealer. The bond shall be filed with the department prior to the issuance of a license or permit. The aggregate liability of the surety, however, shall not exceed the amount of the bond.

h. Proof that the applicant has financial liability coverage as defined in section 321.1, except that such coverage shall be in limits of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to or destruction of property of others in any one accident.

i. If the applicant is applying for a used motor vehicle dealer license, certification that the applicant has met the educational requirements for licensure under section 322.7A. The certification may be transmitted to the department by the education provider in electronic format.

j. Such other information touching the business of the applicant as the department may require.

2. For the purpose of investigating the matters contained in such application, the department may withhold the granting of a license for a period not exceeding thirty days.

3. For purposes of this section, *"bona fide address"* means the same as defined in section 321.1.

[C39, §**5039.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.4]

90 Acts, ch 1057, §1; 94 Acts, ch 1199, §80; 97 Acts, ch 139, §12, 17; 2007 Acts, ch 51, §1; 2007 Acts, ch 143, §22; 2008 Acts, ch 1032, §107; 2012 Acts, ch 1048, §2, 6; 2016 Acts, ch 1083, §7

Referred to in §322.5

322.5 License fees — temporary permits.

1. *a.* The license fee for a motor vehicle dealer for a two-year period or part thereof is the sum of seventy dollars for the licensee's principal place of business in each city or township and an additional twenty dollars for a two-year period or part thereof for each car lot which is in the city or township in which the principal place of business is located and which is not adjacent to that place, to be paid to the department at the time a license is applied for. In case the application is denied, the department shall refund the amount of the fee to the applicant.

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b. For the purposes of this section, *"adjacent"* means that the principal place of business and each additional lot are adjoining parcels of property. Parcels of property shall be deemed to be adjacent if the parcels are only separated by an alley, street, or highway that is not a controlled-access facility.

2. *a.* In addition to selling motor vehicles at the motor vehicle dealer's principal place of business and at car lots, a motor vehicle dealer may do any of the following:

(1) Display new motor vehicles at fairs, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department.

(2) Display, offer for sale, and negotiate sales of new motor vehicles at fair events, as defined in chapter 174, the state fair, as discussed in chapter 173, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at a fair event, the state fair, a vehicle show, or a vehicle exhibition, if the fair event, state fair, vehicle show, or vehicle exhibition is held in the motor vehicle dealer's community, as defined in section 322A.1, for the vehicles that are displayed and offered for sale. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair event, the state fair, a vehicle show, or a vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

b. An application for a temporary permit under this subsection shall be made upon a form provided by the department and shall be accompanied by a ten-dollar permit fee. The department may issue a temporary permit for a period not to exceed fourteen days. The department may issue multiple consecutive temporary permits.

3. A motor vehicle dealer may also, upon receipt of a temporary permit approved by the department, display and sell classic cars only at county fairs, as defined in chapter 174, vehicle shows, and vehicle exhibitions which have been approved by the department for purposes of classic car display and sale and the provisions of section 322.3, subsection 9, shall not be applicable. Application for a temporary permit shall be made on forms provided by the department and shall be accompanied by a ten-dollar permit fee. A permit shall be issued for a single period of not to exceed five days. Not more than three permits may be issued to a motor vehicle dealer in any one calendar year. For purposes of this subsection, "*classic car*" means a motor vehicle fifteen years old or older but less than twenty years old which is primarily of value as a collector's item and not as transportation.

4. *a.* A nonresident motor vehicle dealer, who is authorized by a written contract with a manufacturer or distributor of new motor trucks to sell at retail such new motor trucks, may display motor trucks within this state at qualified events approved by the department. The dealer must obtain a temporary permit from the department. An application for a temporary permit shall be made upon a form provided by the department and shall be accompanied by a ten-dollar permit fee. Permits shall be issued for a period not to exceed fourteen days. The department shall issue a temporary permit under this subsection only if the qualified event for which the permit is issued meets all of the following conditions:

(1) The sale of motor vehicles is not allowed during the qualified event.

(2) The qualified event is conducted in a controlled area and is not open to the public generally.

(3) The qualified event generally promotes the motor truck industry.

(4) The qualified event is conducted within the area of responsibility that is specified in the motor vehicle dealer's contract with the manufacturer or distributor.

b. A temporary permit shall not be issued under this subsection unless the state in which the nonresident motor vehicle dealer is licensed extends by reciprocity similar privileges to a motor vehicle dealer licensed by this state.

5. *a.* A manufacturer, distributor, or dealer may, upon receipt of a temporary permit approved by the department, display new ambulances, new fire vehicles, and new rescue vehicles for educational purposes only at vehicle shows and vehicle exhibitions conducted for the express purpose of educating fire and rescue personnel in new technology and techniques for fire fighting and rescue efforts. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten-dollar

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permit fee. Permits shall be issued for a single show or exhibition, not to exceed five consecutive days.

b. A temporary permit shall not be issued under this subsection to a nonresident manufacturer, distributor, or dealer unless the state in which the nonresident manufacturer, distributor, or dealer is licensed extends by reciprocity similar privileges to a manufacturer, distributor, or dealer licensed by this state.

6. *a.* Upon application for and receipt of a temporary permit issued by the department under this subsection, a motor vehicle dealer authorized to sell used motorcycles or autocycles may display, offer for sale, and negotiate sales of used motorcycles or autocycles at a motorcycle rally located in this state that meets all of the following conditions:

(1) The sponsor of the rally conducts not more than one rally annually in this state.

(2) The rally is conducted for a single period of not less than three and not more than seven consecutive days.

(3) Attendance at the rally is restricted to persons who have paid a nonrefundable admission fee to the sponsor of the rally.

b. A person licensed as a motor vehicle dealer in another state may apply for and be issued a temporary permit under this subsection if the person meets all of the following conditions:

(1) The person presents the department with a current motor vehicle dealer license valid for the sale of used motorcycles or autocycles at retail in the person's state of residence.

(2) The state in which the person is licensed as a motor vehicle dealer allows a motor vehicle dealer licensed in Iowa to be issued a permit substantially similar to the temporary permit authorized under this subsection.

(3) The person furnishes to the department a surety bond that meets the requirements of section 322.4, subsection 1, paragraph "*g*".

(4) The person presents any additional information the department may require.

c. Application for a temporary permit under this subsection shall be made on forms provided by the department accompanied by a fee in the amount established for a temporary permit under subsection 2, paragraph "*b*".

d. A sale of a motorcycle or autocycle at a motorcycle rally shall not be completed and an agreement for the sale of a motorcycle or autocycle shall not be signed at a motorcycle rally. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

e. The department may issue a temporary permit under this subsection for a period not to exceed seven consecutive days. A motor vehicle dealer may not receive more than one temporary permit issued under this subsection in a calendar year.

[C39, §**5039.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.5]

92 Acts, ch 1175, §13; 93 Acts, ch 45, §1, 2; 93 Acts, ch 174, §3, 4; 98 Acts, ch 1058, §1, 2; 99 Acts, ch 13, §23; 2001 Acts, ch 32, §32; 2002 Acts, ch 1063, §38; 2004 Acts, ch 1019, §28; 2005 Acts, ch 3, §63; 2006 Acts, ch 1068, §35, 47, 57; 2010 Acts, ch 1069, §108; 2012 Acts, ch 1048, §3, 4, 6; 2012 Acts, ch 1138, §66, 82, 83; 2015 Acts, ch 123, §38; 2016 Acts, ch 1098, §19 – 21

Referred to in §321.124, 322.3, 322.4
Controlled-access facility, §306A.2

322.6 Denial of license.

1. The department may deny the application of a person for a license as a motor vehicle dealer and refuse to issue a license to the person if, after reasonable notice and a hearing, the department determines any of the following:

a. The applicant made a material false statement in the application for the license.

b. The applicant has not complied with the provisions of this chapter or any rules or regulations adopted by the department pursuant to this chapter, except as otherwise provided.

c. The applicant is of bad business repute.

d. The applicant has been convicted of a fraudulent practice or any indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99.

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e. The applicant is about to engage in a fraudulent practice or other indictable offense in connection with selling or other activity relating to motor vehicles in this or any other state.

f. The applicant has entered into a contract or agreement or is about to enter into a contract or agreement with a manufacturer or distributor of motor vehicles which is contrary to any provision of this chapter.

g. The applicant has a contract or agreement with a manufacturer or distributor of motor vehicles or is about to enter into a contract or agreement with a manufacturer or distributor of motor vehicles who, without just, reasonable, and lawful cause, has terminated within ninety days from the date of application a contract or agreement with a motor vehicle dealer in any county of the state in which the applicant proposes to engage in business.

h. The applicant does not have a place of business within the meaning of this chapter, unless the applicant is a person referred to in section 322.3, subsection 7.

i. The applicant has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to motor vehicles and the department determines that the applicant should not therefore be engaged in the business of selling motor vehicles.

j. Following a judicial determination that the applicant intentionally violated any provision of the Iowa consumer credit code, chapter 537, the applicant continues to make consumer credit sales, consumer loans, or consumer leases in violation of the Iowa consumer credit code, chapter 537.

k. The applicant is or will be acting on behalf of a person whose dealer license has been revoked as provided in this chapter.

2. It shall be sufficient cause for refusal or revocation of a license as a motor vehicle dealer in the case of a partnership or corporation if any member of the partnership or any officer or director of the corporation has committed an act or omission which would be cause for refusing to issue a license to, or revoking a license of, such person as an individual.

3. In considering whether or not a contract or agreement between a motor vehicle dealer and a manufacturer or distributor of motor vehicles has been terminated by the manufacturer or distributor without just and reasonable cause, the department shall take into consideration the circumstances existing at the time of the termination, including the amount of business transacted by the motor vehicle dealer pursuant to the contract or agreement and prior to the termination; the investment necessarily made and the obligation necessarily incurred by the motor vehicle dealer in the performance of the dealer's part of the contract; the permanency of such investment; the reasons for the termination by the manufacturer or distributor; and the fact that it is injurious to the public welfare for the business of a motor vehicle dealer to be disrupted by termination of a contract without just and reasonable cause.

4. Whenever the department determines to deny the application of a person for a license as a motor vehicle dealer and refuses to issue a license to the person, the department shall enter a final order with its findings relating to the determination within thirty days from the date of the hearing.

[C39, §**5039.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.6]
2003 Acts, ch 44, §114; 2009 Acts, ch 130, §36; 2010 Acts, ch 1035, §9, 10
Referred to in §321F.9, 322.9
Fraudulent practices, see §714.8 – 714.14

322.7 License of motor vehicle dealer.

1. If the department grants the application of any person for a license as a motor vehicle dealer, it shall evidence the granting thereof by a final order and shall issue to the person a license in such form as may be prescribed by the department, which license shall include the following:

a. If the applicant is an individual or a partnership, the name or style under which the licensee will engage in such business.

b. The principal place of business of the licensee and location therein of each place wherein the licensee is licensed to carry on such business.

c. The make or makes of new motor vehicles which the licensee is licensed to sell.

2. The instrument evidencing the license or a certified copy thereof provided by the

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department shall be kept posted conspicuously in the principal office of the licensee and in each place of business maintained and operated by the applicant pursuant to the license in this state.

3. The license of a motor vehicle dealer is valid for a two-year period and expires, unless revoked or suspended, on December 31 of even-numbered years.

4. The motor vehicle dealer license provided for in this chapter shall be renewed upon application in the form and content prescribed by the department and upon payment of the required fee. A used motor vehicle dealer license shall not be renewed for an applicant who is subject to continuing education requirements until the licensee certifies completion of the educational requirements for license renewal under section 322.7A. The certification may be transmitted to the department by the education provider in electronic format. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

[C39, §**5039.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.7]

92 Acts, ch 1175, §14; 2000 Acts, ch 1016, §20; 2006 Acts, ch 1068, §48, 57; 2007 Acts, ch 51, §2; 2007 Acts, ch 143, §23; 2008 Acts, ch 1032, §107

322.7A Used motor vehicle dealer education program.

1. An applicant for a license as a used motor vehicle dealer shall complete a minimum of eight hours of prelicensing education program courses pursuant to this section prior to submitting an application to the department.

2. A person seeking renewal of a used motor vehicle dealer license shall complete a minimum of five hours of continuing education program courses over a two-year period pursuant to this section prior to submitting an application for license renewal. However, an applicant for renewal of a used motor vehicle dealer license who has met the prelicensing education requirement under subsection 1 within the preceding twenty-four months is exempt from the continuing education requirement for license renewal.

3. To meet the requirements of this section, at least one individual who is associated with the used motor vehicle dealer as an owner, principal, corporate officer, director, or member or partner of a limited liability company or limited liability partnership shall complete the education program courses.

4. The Iowa independent automobile dealers association, in consultation with the state department of transportation, the department of education, the attorney general, and the Iowa association of community college trustees, shall develop the prelicensing and continuing education course curricula for the used motor vehicle dealer education program, which shall include but not be limited to examination of federal and state laws applicable to the motor vehicle industry and federal and state regulations pertaining to used motor vehicle dealers. The education program courses shall be provided by community colleges as defined in section 260C.2 or by the Iowa independent automobile dealers association in conjunction with a community college. The department of education shall adopt rules establishing reasonable fees to be charged for the prelicensing education courses and the continuing education courses.

5. A community college shall issue a certificate to each person who successfully completes the prelicensing education program or a continuing education program under this section. The current certificate of completion, or a copy of the certificate, shall be posted conspicuously in the principal office of the licensee.

6. The provisions of this section apply to all used motor vehicle dealers, including but not limited to individuals, corporations, and partnerships, except for the following:

a. Motor vehicle rental companies having a national franchise.

b. National motor vehicle auction companies.

c. Wholesale dealer-only auction companies.

d. Used car dealerships owned by a franchise motor vehicle dealer.

e. Banks, credit unions, and savings associations.

7. Each community college providing used motor vehicle dealer education program courses shall transmit a report on the program annually by December 31 to the director of

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transportation, the director of the department of education, the attorney general, and the president of the Iowa association of community college trustees.

2007 Acts, ch 51, §3; 2008 Acts, ch 1124, §18, 40; 2012 Acts, ch 1017, §71
Referred to in §322.4, 322.7

322.7B Consignment sales of motor trucks.

A licensed motor vehicle dealer may sell a used motor truck on a consignment basis if all of the following conditions apply:

1. The dealer is licensed to sell used motor vehicles.
2. The motor truck offered for sale has a gross vehicle weight rating of twenty-six thousand one or more pounds.
3. The dealer prominently displays the words "consignment vehicle" on the motor truck and indicates clearly in the sales documentation that the motor truck is a consignment vehicle. The dealer shall put customers on notice that the dealer does not have title to the vehicle and does not warranty the title.
4. The purchaser certifies to the dealer that the person is either a corporation, limited liability company, or partnership or a person who files a schedule C or schedule F form for federal income tax purposes, and that the motor truck is being purchased for business purposes, and not for personal use.
5. The dealer assumes no liability for damages resulting from a customer's test drive of the motor truck, and the consignor maintains financial liability coverage as required under section 321.20B or 325A.6, as appropriate, for the motor truck throughout the term of the consignment.

2014 Acts, ch 1123, §32
Referred to in §321.48, 322.9

322.8 Supplemental statements.

1. Each motor vehicle dealer licensee shall promptly file with the department from time to time during the period of the license, statements supplemental to the statements contained in the application for license whenever any change shall occur in the licensee's personnel or in the licensee's plan or method of doing business or in the location of the place or places of business, so that the statements made in the application do, after such change, properly disclose the licensee's status and method and plan of doing business. The supplemental statement shall be in the form prescribed by the department and shall disclose such information as would have been required by this chapter if such changes had occurred prior to the licensee making application for a license.
2. A supplemental statement shall include any change in the licensee's financial liability coverage.
3. If the department finds that the changes set forth in the supplemental statement do not violate the provisions of this chapter and it grants to the licensee the privilege of doing business in the manner set forth therein, it shall upon surrender to it of the license of the motor vehicle dealer, issue to the dealer a new license appropriate to the dealer's original application as modified by such supplemental statement.

[C39, §**5039.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.8]
97 Acts, ch 139, §13, 17; 2017 Acts, ch 54, §76

322.9 Revocation or suspension of license.

1. The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections, appeals, and licensing, it finds that the licensee has been guilty of an act which would be a ground for the denial of a license under section 322.6.
2. The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections, appeals, and licensing, it finds that the licensee has been convicted or has forfeited bail on three charges of:

a. Failing upon the sale or transfer of a vehicle, except upon the sale of a vehicle under section 322.7B, to deliver to the purchaser or transferee of the vehicle sold or transferred, a

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manufacturer's or importer's certificate, or a certificate of title duly assigned, as provided in chapter 321.

b. Failing upon the purchasing or otherwise acquiring of a vehicle, except a vehicle acquired on consignment under section 322.7B, to obtain a manufacturer's or importer's certificate, or a certificate of title duly assigned as provided in chapter 321.

c. Failing upon the purchasing or otherwise acquiring of a vehicle, except a vehicle acquired on consignment under section 322.7B, to obtain a new certificate of title to such vehicle when and where required in chapter 321.

[C39, §**5039.09;** C46, §322.9; C50, 54, §322.9, 322.16; C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.9]

85 Acts, ch 67, §38; 89 Acts, ch 273, §3; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1123, §33; 2023 Acts, ch 19, §1967, 1968

322.10 Judicial review.

Judicial review of actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. The petitioner shall file with the clerk a bond for the use of the respondent, with sureties approved by the clerk and in an amount fixed by the clerk. In no case shall the bond be less than fifty dollars. All bonds shall include the condition that the petitioner shall perform the orders of the court.

[C39, §**5039.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.10]

2003 Acts, ch 44, §114; 2005 Acts, ch 19, §42

Referred to in §322A.17, 602.8102(55)

322.11 Injunctions.

Whenever the department shall believe from evidence satisfactory to it that any person has or is now violating any provision of this chapter, the department may, in addition to any other remedy, bring an action in the name and on behalf of the state of Iowa against such person and any other person concerned in or in any way participating in or about to participate in practices or acts in violation of this chapter, to enjoin such person and said other person from continuing the same. In any such action, the department may apply for and on due showing be entitled to have issued the court's subpoena, requiring forthwith the appearance of any defendant, the defendant's agent and employees and the production of documents, books, and records as may appear necessary for the hearing of such petition to testify and give evidence concerning the acts or conduct or practices or things complained of in such application for injunction. In said action an order or judgment may be entered, awarding such preliminary or final injunctions as may be proper.

[C39, §**5039.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.11]

322.12 Disposition of fees.

All fees and funds of whatever character accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and shall be placed in the road use tax fund.

[C39, §**5039.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.12]

322.13 Rules.

1. The department shall have full authority to prescribe reasonable rules for the administration and enforcement of this chapter, which shall be in addition to and not inconsistent with this chapter. All rules shall be filed and entered by the department in its office in an indexed, permanent book or record, with the effective date of the rules suitably indicated. The book or record shall be a public document. The department may provide notice of a new rule or regulation by a posting on the department's internet site.

2. The department shall have power to prescribe the forms to be used in connection with the licensing of persons as provided in this chapter.

[C39, §**5039.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.13]

2004 Acts, ch 1013, §31, 35; 2013 Acts, ch 90, §257; 2020 Acts, ch 1063, §163

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322.14 Penalties.

1. A person who violates any of the provisions of this chapter for which a penalty is not specifically provided is guilty of a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment not to exceed thirty days.

2. Notwithstanding subsection 1, if a provision of chapter 537 is applicable to a retail installment contract and a violation of that provision is subject to a penalty under chapter 537, that penalty shall apply in lieu of a penalty provided in this chapter.

[C39, §**5039.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.14]
97 Acts, ch 108, §37; 99 Acts, ch 13, §24

322.15 Construction of chapter.

1. All provisions of this chapter shall be liberally construed to the end that the practice or commission of fraud in the sale, barter, or disposition of motor vehicles at retail in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in motor vehicles at retail in this state and reliable persons may be encouraged to engage in the business of selling, bartering, and otherwise dealing in motor vehicles at retail in this state.

2. Nothing contained in this chapter shall be construed to require the licensing or to apply to any bank, credit union, or trust company in Iowa.

[C39, §**5039.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.15]
2010 Acts, ch 1069, §109; 2020 Acts, ch 1063, §164

322.16 Reserved.

322.17 Copy of contract to buyer.

A copy of every retail installment contract shall be furnished to the buyer at the time of the execution of the contract. An acknowledgment by the buyer contained in the body of the retail installment contract of the delivery of a copy thereof shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.17]

322.18 Dual-interest insurance.

If dual-interest insurance on the motor vehicle is purchased by the holder it shall, within thirty days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificate of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance and the coverages. The buyer shall have the privilege of purchasing such insurance from an agent or broker of the buyer's own selection and of selecting an insurance company acceptable to the holder; but in such case the inclusion of the insurance premium in the retail installment contract shall be optional with the seller. If any insurance is canceled, unearned insurance premium refunds received by the holder shall be credited to the final maturing installments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of them.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.18]

322.19 Finance charges — amount.

1. Notwithstanding the provisions of any other existing law, a retail installment transaction may include a finance charge not in excess of the following rates:

a. Class 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed.

b. Class 2. Any new motor vehicle not in class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than two years prior to the year

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in which the sale is made, an amount equivalent to two percent per month simple interest on the declining balance of the amount financed.

c. Class 3. Any used motor vehicle not in class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made, an amount equivalent to two and one-fourth percent per month simple interest on the declining balance of the amount financed.

2. For purposes of this chapter, *"amount financed"* means as defined in section 537.1301. However, notwithstanding section 322.33, subsection 3, the amount financed may also include additional charges for the following, which shall not be included in the finance charge:

a. A motor vehicle service contract as defined in section 523C.1.

b. Voluntary debt cancellation coverage, whether insurance or debt waiver, which may be excluded from the finance charge under the federal Truth in Lending Act as defined in section 537.1302.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.19; 82 Acts, ch 1153, §1, 18(1)]

2003 Acts, ch 8, §22; 2005 Acts, ch 70, §1; 2010 Acts, ch 1061, §180; 2020 Acts, ch 1063, §165

Referred to in §322.20, 537.2201

322.19A Documentary fee.

1. For purposes of this section, *"documentary fee"* means a fee that may be charged to a customer by a motor vehicle dealer for the preparation of documents related to an application for motor vehicle registration and an application for issuance of a certificate of title, and the performance of other related services for the customer. *"Documentary fee"* does not include any costs or fees charged to a motor vehicle dealer or a dealer's customer by a third party.

2. A motor vehicle dealer may charge a documentary fee not to exceed one hundred eighty dollars for each motor vehicle sold in a transaction.

3. A motor vehicle dealer who charges a documentary fee to a customer shall include the fee in the price of the motor vehicle. The dealer shall disclose the full amount of the fee in any price of a motor vehicle advertised by the dealer and when making or accepting an offer to sell a motor vehicle. The dealer shall provide the following notice to the customer, which notice shall be clearly and conspicuously disclosed in any motor vehicle purchase agreement with the customer:

> DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO A BUYER FOR THE PREPARATION OF DOCUMENTS AND THE PERFORMANCE OF RELATED SERVICES. THE MAXIMUM AMOUNT THAT MAY BE CHARGED FOR A DOCUMENTARY FEE IS DETERMINED BY IOWA CODE SECTION 322.19A. THIS NOTICE IS REQUIRED BY LAW.

4. A violation of this section is an unlawful practice under section 714.16.

2016 Acts, ch 1083, §8; 2021 Acts, ch 38, §4

322.20 Extension of time.

Sections 537.2503 and 537.3402 notwithstanding, if the holder of a retail installment contract in connection with the purchase or sale of a vehicle, at the request of the buyer, renews the loan or extends the scheduled due date of all or any part of an installment or installments, the holder may restate the amount of installments and the time schedule for paying installments and collect for installments, subject to the renewal or extension, a finance charge on the outstanding declining balance of the amount financed for the period of the extension or renewal. The finance charge on a renewal or extension under this section shall not exceed the rate on the original retail installment contract as limited by section 322.19.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.20]

90 Acts, ch 1088, §1; 2019 Acts, ch 59, §98

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322.21 Remaining balance on trade vehicle.

The extension of credit by a retail seller to a retail buyer, pursuant to a retail installment contract, of the amount actually paid or to be paid by the retail seller to discharge a purchase-money security interest, as provided in section 554.9103, on a motor vehicle traded in by the retail buyer shall not subject the retail seller to the provisions of chapter 536 or 536A.

99 Acts, ch 13, §25; 2000 Acts, ch 1149, §167, 187

322.22 Reserved.

322.23 Complaints.

Any retail buyer having reason to believe that the provisions of this chapter relating to the buyer's installment contract have been violated may file with the department a written complaint setting forth the details of such alleged violation and the department, upon the receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee or other person relating to such specific complaint.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.23]

322.24 Hearing — subpoenas.

1. The state department of transportation and the department of inspections, appeals, and licensing may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence in any matter over which the respective department has jurisdiction, control, or supervision pertaining to this chapter.

2. If a person refuses to obey a subpoena, to give testimony, or to produce evidence as required, a judge of the district court of the state of Iowa in and for Polk county may, upon application and proof of the refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the court, for the witness to appear before the respective department, to give testimony, and to produce evidence as required. Upon filing the order in the office of the clerk of the district court, the clerk shall issue process of subpoena as directed, under the seal of the court, requiring the person to whom it is directed to appear at the time and place designated.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.24]

89 Acts, ch 273, §4; 2023 Acts, ch 19, §1969

Referred to in §602.8102(55)

322.25 and 322.26 Reserved.

322.27 Manufacturer's license.

A manufacturer, except an alien manufacturer represented by an importer, shall not engage in business as a manufacturer in this state or employ, appoint, or maintain distributors or wholesalers or dealers, without a license as provided in this chapter. However, new motor vehicle dealers may wholesale motor vehicles without an additional license and used motor vehicle dealers may wholesale used motor vehicles without an additional license.

[C66, 71, 73, 75, 77, 79, 81, §322.27]

2000 Acts, ch 1154, §24

322.27A Wholesaler's license.

1. A person shall not engage in business as a wholesaler of new motor vehicles in this state without a license as provided in this chapter.

2. Prior to the issuance of such license, the department, at a minimum, and in addition to any other information the department deems necessary to the application, shall require proof that the applicant has financial liability coverage as defined in section 321.1, except that such coverage shall be in limits of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars because of bodily injury to or death of two or more persons

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in any one accident, and fifty thousand dollars because of injury to or destruction of property of others in any one accident.

98 Acts, ch 1121, §6, 9; 2006 Acts, ch 1068, §36
Referred to in §321.105A

322.28 Distributor or wholesaler's license.

A distributor or wholesaler of new motor vehicles shall not sell or offer for sale a new motor vehicle at retail unless licensed as a new motor vehicle dealer. A licensed distributor or wholesaler of a new motor vehicle shall not register or title a new motor vehicle held for sale and shall transfer ownership of a new motor vehicle by assigning the manufacturer's statement of origin for the vehicle.

[C66, 71, 73, 75, 77, 79, 81, §322.28]

2001 Acts, ch 32, §33, 40

322.29 Issuance of license — fees.

1. Application for license shall be made to the department by a manufacturer, distributor, or wholesaler, in a form and containing information as the department requires and shall be accompanied by the required license fee. The license shall be granted or refused within thirty days after application. A license expires, unless sooner revoked or suspended, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

2. License fees for each two-year period or part thereof are as follows:

a. For a motor vehicle manufacturer, seventy dollars.

b. For a new motor vehicle distributor or wholesaler, forty dollars.

3. A license shall not be issued to a person as a distributor or wholesaler for a new motor vehicle model unless the distributor or wholesaler has written authorization from the manufacturer as a distributor or wholesaler of the motor vehicle model.

4. Upon payment of the license fee as provided in this section, a person who rebuilds new completed motor vehicles by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, fire vehicle, or towing or recovery vehicle as defined in chapter 321 may be issued a license as a wholesaler of new motor vehicles of the make and model rebuilt without written authorization from the manufacturer.

5. Upon payment of the license fee as provided in this section, a person who installs cranes, hook loaders, buckets, aerial ladders, tanks, or special equipment on new completed motor trucks with a gross vehicle weight rating of fourteen thousand five hundred pounds or more may be issued a license as a wholesaler of new motor vehicles of the make and model on which the equipment is installed without written authorization from the manufacturer.

6. Notwithstanding section 322.3, subsection 15, a person licensed as a wholesaler under subsection 4 may be licensed as a used motor vehicle dealer.

[C66, 71, 73, 75, 77, 79, 81, §322.29]

88 Acts, ch 1047, §2; 97 Acts, ch 108, §38; 2000 Acts, ch 1016, §21, 22; 2001 Acts, ch 32, §34; 2006 Acts, ch 1068, §37, 49 – 51, 57; 2007 Acts, ch 102, §2; 2008 Acts, ch 1018, §27

322.30 Display.

The licenses of manufacturers and distributors shall specify the location of the office and must be conspicuously displayed at such location. In case such location be changed, the department shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

[C66, 71, 73, 75, 77, 79, 81, §322.30]

2000 Acts, ch 1154, §25

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322.31 Denial of license.

The department may deny the application of any person for a license as a manufacturer, distributor, or wholesaler, if after reasonable notice and a hearing the department determines that such applicant has violated any provision of this chapter and may revoke or suspend any such license that has been issued if the department shall determine after reasonable notice and a hearing that such licensee has violated any provision of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §322.31]

97 Acts, ch 108, §39

322.32 Construction of applicability to contracts.

Nothing in this chapter shall be construed to impair the obligations of a contract or to prevent a licensee under this chapter from requiring performance of a written contract entered into with another licensee under this chapter, nor shall the requirement of such performance constitute a violation of any of the provisions of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §322.32]

2020 Acts, ch 1063, §166

322.33 Applicability of the Iowa consumer credit code.

1. The provisions of the Iowa consumer credit code, chapter 537, shall apply to a consumer credit sale in which a licensed motor vehicle dealer participates or engages, and any violation of that code shall be a violation of this chapter.

2. Chapter 537, article 2, parts 5 and 6, and chapter 537, article 3, sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306, shall apply to any credit transaction, as defined in section 537.1301, that is a retail installment transaction. For the purpose of applying provisions of the consumer credit code in those transactions, *"consumer credit sale"* shall include a sale for a business purpose.

3. A provision of the Iowa consumer credit code, chapter 537, shall supersede a conflicting provision of this chapter.

[C75, 77, 79, 81, §322.33]

2003 Acts, ch 44, §114; 2013 Acts, ch 30, §69

Referred to in §322.19

322.34 Reserved.

322.35 Disclosure of manufacturer's suggested price for certain motor vehicles — penalty.

1. A person shall not sell or offer for sale at retail a new car, multipurpose vehicle, or pickup, as those terms are defined in section 321.1, without a label securely affixed to the windshield or side window containing the manufacturer's clear and legible endorsement disclosing the following true and correct information:

a. The retail price of the vehicle suggested by the manufacturer.

b. The retail delivered price suggested by the manufacturer for each accessory or item of optional equipment, physically attached to the vehicle at the time of its delivery to the retail seller, which is not included within the price of the vehicle as stated pursuant to paragraph "*a*".

c. The amount charged, if any, to the retail seller for the transportation of the vehicle to the location at which it is delivered to the retail seller.

d. The total of the amounts specified pursuant to paragraphs "*a*", "*b*", and "*c*".

2. A person who violates this section commits a simple misdemeanor. Violation with respect to each vehicle constitutes a separate offense.

86 Acts, ch 1084, §1

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322.36 Motorcycle and autocycle dealer business hours.

A person in the business of selling motorcycles or autocycles under chapter 322D is not required to maintain regular business hours at the dealer's principal place of business or other place of business.

97 Acts, ch 69, §1; 2016 Acts, ch 1098, §22

CHAPTER 322A

MOTOR VEHICLE FRANCHISERS

Referred to in §307.27, 321.16A, 523H.1, 537A.10

322A.1 Definitions.
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322A.3 New franchise.
322A.3A Alteration of franchise.
322A.4 Additional franchise.
322A.5 Warranties and recalls.
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322A.24 Construction.

322A.1 Definitions.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them:

1. *"Additional motor vehicle dealership"* includes a facility providing manufacturer-authorized or distributor-authorized service or warranty work for motor vehicles, except motor homes, of a line-make in a community in which the same line-make is represented.

2. *"Community"* means the franchisee's area of responsibility as stipulated in the franchise.

3. *"Consumer care"* means to perform, for the public, necessary maintenance and repairs to motor vehicles.

4. *"Department"* means the state department of transportation.

5. *a. "Franchise"* means a contract between two or more persons when all of the following conditions are included:

(1) A commercial relationship of definite duration or continuing indefinite duration is involved.

(2) The franchisee is granted the right to offer and sell motor vehicles manufactured or distributed by the franchiser.

(3) The franchisee, as an independent business, constitutes a component of the franchiser's distribution system.

(4) The operation of the franchisee's business is substantially associated with the franchiser's trademark, service mark, trade name, advertising, or other commercial symbol designating the franchiser.

(5) The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of motor vehicles, parts, and accessories.

b. "Franchise" includes a separate written agreement between the franchisee and the franchiser which materially affects the franchise, whether entered into prior to the date

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of the franchise, contemporaneously with the franchise, or subsequent to the date of the franchise.

6. *"Franchisee"* means a person who receives motor vehicles from the franchiser under a franchise and who offers and sells such motor vehicles to the general public.

7. *"Franchiser"* means a person who manufactures or distributes motor vehicles and who may enter into a franchise as hereinafter defined.

8. *"Motor vehicle"* means *"motor vehicles"* as defined in chapter 321 which are subject to registration pursuant to the provisions thereof.

9. *"Person"* means a sole proprietor, partnership, corporation, or any other form of business organization.

10. *"Substantially detrimental"* means that, by a preponderance of the evidence, the market share of the franchiser's motor vehicles in the community will be significantly reduced in comparison to the franchiser's historical market share in the community.

11. *"Termination or noncontinuance"* includes a reduction of the geographic area of a community.

[C71, 73, 75, 77, 79, 81, §322A.1; 81 Acts, ch 22, §22]

86 Acts, ch 1245, §1940; 91 Acts, ch 27, §3; 99 Acts, ch 69, §2; 2001 Acts, ch 32, §35, 40; 2010 Acts, ch 1081, §1; 2013 Acts, ch 30, §70; 2024 Acts, ch 1145, §27

Referred to in §322.5

322A.2 Discontinuing franchise.

1. Unless otherwise provided in subsection 2, notwithstanding the terms, provisions, or conditions of any agreement or franchise, a franchiser shall not terminate or refuse to continue any franchise unless the franchiser has first established, in a hearing held under the provisions of this chapter, that both of the following apply:

a. The franchiser has good cause for termination or noncontinuance.

b. Upon termination or noncontinuance, another franchise in the same line-make will become effective in the same community, without diminution of the motor vehicle service formerly provided, or that the community cannot be reasonably expected to support such a dealership.

2. A franchiser may terminate a franchise for a particular line-make if the franchiser discontinues that line-make and a franchiser may terminate a franchise if the franchisee's license as a motor vehicle dealer is revoked pursuant to the provisions of chapter 322.

[C71, 73, 75, 77, 79, 81, §322A.2]

2010 Acts, ch 1069, §110

Referred to in §322A.22

322A.3 New franchise.

In the event that a franchiser is permitted to terminate or not continue a franchise, and is further permitted not to enter into a franchise for the line-make in the community, no franchise shall thereafter be entered into for the sale of motor vehicles of that line-make in the community, unless the franchiser has first established, in a hearing held under the provisions of this chapter, that there has been a change of circumstances so that the community at that time can be reasonably expected to support the dealership.

[C71, 73, 75, 77, 79, 81, §322A.3]

322A.3A Alteration of franchise.

1. A franchiser shall not unreasonably alter a franchisee's community.

2. A franchiser shall notify a franchisee of a proposed alteration to the franchisee's community at least sixty days prior to the effective date of the proposed alteration. Within thirty days of a request by the affected franchisee, unless otherwise provided in the notice, the franchiser shall provide the franchisee with an explanation of the basis for the proposed alteration.

3. Prior to the effective date of a proposed alteration of a franchisee's community and after the receipt of the explanation of the basis for the proposed alteration, a franchisee may object to the proposed alteration of the franchisee's community. Upon a franchisee's objection, a franchiser shall provide an internal appeal process for the franchisee. However,

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the franchiser is not required to provide an internal appeal process if the franchiser has already provided the franchisee with an opportunity to object to the alteration of the franchisee's community and to provide information in objection to the alteration for the franchiser's consideration prior to the franchiser's issuance of notice of the proposed alteration.

4. *a.* Within fifteen days of the completion of the franchiser's internal appeal process, a franchisee may challenge the reasonableness of the proposed alteration of the franchisee's community by filing an application with the department requesting a hearing to be held pursuant to section 322A.7.

b. After a hearing held as described in this subsection, the department of inspections, appeals, and licensing may affirm, deny, or modify the proposed alteration of a franchisee's community, may enter any other orders necessary to ensure that an alteration of the franchisee's community is reasonable in light of all the relevant circumstances, and may assess the costs of the hearing among the parties to the hearing as appropriate.

5. No change to the franchisee's community shall take effect during the pendency of the internal appeals process specified in subsection 3 or the hearing specified in subsection 4.

6. A franchiser shall not take any adverse action against a franchisee as a result of an alteration of the franchisee's community for at least twelve months after the effective date of the alteration.

2013 Acts, ch 63, §1; 2023 Acts, ch 19, §1970

322A.4 Additional franchise.

No franchiser shall enter into any franchise for the purpose of establishing an additional motor vehicle dealership in any community in which the same line-make is then represented, unless the franchiser has first established in a hearing held under the provisions of this chapter that there is good cause for such additional motor vehicle dealership under such franchise, and that it is in the public interest.

[C71, 73, 75, 77, 79, 81, §322A.4]

322A.5 Warranties and recalls.

1. Every franchiser and franchisee shall fulfill the terms of any express or implied warranty concerning the sale of a motor vehicle to the public of the line-make which is the subject of a contract or franchise agreement between the parties. If it is determined by the district court that either the franchiser or franchisee, or both, have violated an express or implied warranty, the court shall add to any award or relief granted an additional award for reasonable attorney fees and other necessary expenses for maintaining the litigation.

2. *a.* A franchiser shall specify in writing to each of the franchiser's franchisees operating in this state the franchisee's obligations for preparation, delivery, and warranty services related to the franchiser's products. The franchiser shall compensate the franchisee for the warranty services the franchiser requires the franchisee to provide, including warranty and recall obligations related to repairing and servicing motor vehicles of the franchiser and all parts and components authorized by the manufacturer to be installed in or manufactured for installation in such motor vehicles.

b. The franchiser shall provide to the franchisee a schedule of compensation that specifies reasonable compensation the franchiser will pay to the franchisee for such warranty services, including for parts, labor, and diagnostics.

(1) In determining the schedule of compensation for parts, the franchiser may multiply the price paid by the franchisee for parts, including all shipping costs and other charges, by the sum of one and the franchisee's average percentage markup. The franchisee's average percentage markup is calculated by subtracting one from the result of dividing the total amounts charged by the franchisee for parts used in warranty-like repairs by the total cost to the franchisee for the parts in the retail service orders submitted pursuant to subparagraph (3).

(2) In determining the schedule of compensation for labor-related warranty services, the franchiser may calculate the franchisee's retail labor rate by dividing the total amount of retail

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sales attributable to labor for warranty-like services by the number of hours of labor spent to generate the retail sales in the retail service orders submitted pursuant to subparagraph (3).

(3) (a) The franchisee may establish its average percentage markup for parts or its labor rate by submitting to the franchiser copies of one hundred sequential retail service orders paid by the franchisee's customers, or all of the franchisee's retail service orders paid by the franchisee's customers in a ninety-day period, whichever is less, for services provided within the previous one-hundred-eighty-day period. The franchiser shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service.

(b) Within thirty days of receiving the franchisee's submission, the franchiser may choose to audit the submitted orders. The franchiser shall then approve or deny the establishment of the franchisee's average percentage markup or labor rate. If the franchiser approves the establishment of the franchisee's average percentage markup or labor rate, the markup or rate calculated under this subparagraph shall go into effect forty-five days after the date of the franchiser's approval. If the franchiser denies the establishment of the franchisee's average percentage markup or labor rate, the franchisee may file a complaint with the department and a hearing shall be held before the department of inspections, appeals, and licensing. The franchiser shall have the burden of proof to establish that the franchiser's denial was reasonable. If the department of inspections, appeals, and licensing finds the denial was not reasonable, the denial shall be deemed a violation of this chapter and the department of inspections, appeals, and licensing shall determine the franchisee's average percentage markup or labor rate for purposes of calculating a reasonable schedule of compensation. In making such a determination, the department of inspections, appeals, and licensing shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service.

(c) A franchiser shall not require a franchisee to establish an average percentage markup or labor rate by a methodology, or by requiring the submission of information, that is unduly burdensome or time-consuming to the franchisee, including but not limited to requiring part-by-part or transaction-by-transaction calculations.

(d) A franchisee shall not request a change in the franchisee's average percentage markup or labor rate more than once in any one-year period.

(4) The compensation to the franchisee for warranty parts and labor shall not be less than the rates charged by the franchisee for like parts and services to retail customers, provided the rates are reasonable.

c. The franchiser shall provide to the franchisee a list of time allowances for the performance of warranty services. Time allowances for the performance of warranty services, including diagnostic services, shall be reasonable and adequate for the services to be performed.

3. A franchiser shall not do any of the following:

a. Fail to perform any warranty obligation.

b. Fail to compensate any of the franchiser's franchisees operating in this state for repairs relating to a recall.

4. *a.* A claim made by a franchisee for warranty services pursuant to this section shall be paid within thirty days after the claim's approval. A franchiser shall either approve or deny a claim within thirty days after the franchiser receives a claim if the claim is submitted on a proper form generally used by the franchiser and the claim contains the information required by the franchiser. If a franchiser does not deny a claim in writing within thirty days after the receipt of the claim, the claim shall be deemed to be approved by the franchiser and payment shall be made to the franchisee within thirty days.

b. A franchiser may deny a franchisee's claim for compensation for warranty or recall services if the franchisee's claim is based on a repair not related to warranty or recall services, the repair was not properly performed, the franchisee lacks the reasonably required documentation for the claim, the franchisee fails to comply with the terms and conditions of the franchiser's warranty or recall compensation program, or the franchiser has a bona fide belief based on factual evidence that the franchisee's claim was submitted containing an intentionally false or fraudulent statement or misrepresentation. A franchiser may reject,

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but shall not deny, a claim based solely on a franchisee's unintentional failure to comply with a specific claim processing requirement, such as a clerical error, that does not otherwise affect the legitimacy of the claim. If a claim is rejected for such a failure, the franchisee may resubmit a corrected claim in a timely manner to the franchiser.

c. The requirement to approve a claim within thirty days or to pay an approved claim within thirty days as provided in this subsection shall not be construed to preclude denials, reductions, or chargebacks not otherwise prohibited under section 322.3, subsection 14.

5. The obligations set forth in this section shall apply to any franchiser as defined in this chapter and any franchiser of new motor vehicle transmissions, engines, or rear axles that separately warrants such components to customers.

[C71, 73, 75, 77, 79, 81, §322A.5]

2018 Acts, ch 1095, §4; 2021 Acts, ch 38, §5; 2023 Acts, ch 19, §1971

322A.6 Application filed with the department.

1. If a franchiser seeks to terminate or not continue a franchise, or seeks to enter into a franchise establishing an additional motor vehicle dealership of the same line-make, the franchiser shall file an application with the department for permission to terminate or not continue the franchise, or for permission to enter into a franchise for additional representation of the same line-make in that community.

2. An applicant seeking permission to enter into a franchise for additional representation of the same line-make in a community shall deposit with the department at the time the application is filed, an amount of money to be determined by the department of inspections, appeals, and licensing to pay the costs of the hearing.

[C71, 73, 75, 77, 79, 81, §322A.6; 81 Acts, ch 22, §22]

86 Acts, ch 1244, §42; 89 Acts, ch 273, §5; 2023 Acts, ch 19, §1972

322A.7 Department of inspections, appeals, and licensing to hold hearing.

1. Upon receiving an application, the department shall notify the department of inspections, appeals, and licensing which shall enter an order fixing a time, which shall be within ninety days of the date of the order, and place of hearing, and shall send by certified or registered mail, with return receipt requested, a copy of the order to the franchisee whose franchise the franchiser seeks to terminate or not continue, or to the franchiser who is seeking to alter a franchisee's community, as applicable. If the application requests permission to establish an additional motor vehicle dealership, a copy of the order shall be sent to all franchisees in the community who are then engaged in the business of offering to sell or selling the same line-make. If the application challenges the reasonableness of a proposed alteration to a franchisee's community, a copy of the order shall be sent to all franchisees located in Iowa surrounding the affected community which are then engaged in the business of offering to sell or selling the same line-make. Copies of orders shall be addressed to the franchisee at the place where the business is conducted. The department of inspections, appeals, and licensing may also give notice of the franchiser's application to any other parties deemed interested persons, the notice to be in the form and substance and given in the manner the department of inspections, appeals, and licensing deems appropriate.

2. Any person who can show an interest in the application may become a party to the hearing, whether or not that person receives notice. However, a party not receiving notice shall be limited to participation at the hearing on the question of the public interest in the termination or continuation of the franchise or in the establishment of an additional motor vehicle dealership.

[C71, 73, 75, 77, 79, 81, §322A.7; 81 Acts, ch 22, §22]

86 Acts, ch 1245, §1941; 2013 Acts, ch 63, §2; 2023 Acts, ch 19, §1973

Referred to in §322A.3A

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322A.8 Continuation.

If the department of inspections, appeals, and licensing finds it desirable it may upon request continue the date of hearing for a period of ninety days, and may upon application, but not ex parte, continue the date of hearing for an additional period of ninety days.

[C71, 73, 75, 77, 79, 81, §322A.8; 81 Acts, ch 22, §22]
2023 Acts, ch 19, §1974

322A.9 Burden of proof.

1. Upon hearing, the franchiser shall have the burden of proof to establish that under the provisions of this chapter the franchiser should be granted permission to terminate or not continue the franchise, or to enter into a franchise establishing an additional motor vehicle dealership, or to alter a franchisee's community.

2. Nothing contained in this chapter shall be construed to require or authorize any investigation by the department of any matter before the department under this chapter. Upon hearing, the department of inspections, appeals, and licensing shall hear the evidence introduced by the parties and shall make its decision solely upon the record so made.

[C71, 73, 75, 77, 79, 81, §322A.9; 81 Acts, ch 22, §22]
2013 Acts, ch 63, §3; 2023 Acts, ch 19, §1975

322A.10 Rules of evidence.

1. The rules of civil procedure relating to discovery and inspection shall apply to hearings held under the provisions of this chapter, and the department of inspections, appeals, and licensing may issue orders to give effect to such rules.

2. In the event issues are raised which would involve violations of any state or federal antitrust or price-fixing law, all discovery and inspection proceedings which would be available under such issues in a state or federal court action shall be available to the parties to the hearing, and the department of inspections, appeals, and licensing may issue orders to give effect to such proceedings.

3. Evidence which would be admissible under the issues in a state or federal court action is admissible in a hearing held by the department of inspections, appeals, and licensing. The department of inspections, appeals, and licensing shall apportion all costs between the parties.

[C71, 73, 75, 77, 79, 81, §322A.10; 81 Acts, ch 22, §22]
2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1976

322A.11 Condition barring change in franchise.

Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the following shall not be considered facts supporting a finding of good cause for the termination or noncontinuation of a franchise, or for entering into a franchise for the establishment of an additional dealership in a community for the same line-make:

1. The sole fact that franchiser desires further penetration of the market.

2. The change of ownership of the franchisee's dealership or the change of executive management of the franchisee's dealership, unless the franchiser, having the burden of proof, proves that such change of ownership or executive management will be substantially detrimental to the distribution of the franchiser's motor vehicles in the community and that good cause for the termination or noncontinuation of the franchise or for the establishment of an additional dealership otherwise exists.

3. The fact that the franchisee refused to purchase or accept delivery of any motor vehicle or vehicles, parts, accessories or any other commodity or service not ordered by the franchisee.

4. The fact that the dealership moved to another facility and location within the dealership's community which are equal to or superior to the dealership's former location and facility or the fact that the dealership added an additional line-make to the dealership if the dealership's facility is adequate to accommodate the additional line-make.

5. The fact that the dealership does not meet an index or standard established by the franchiser, unless the franchiser proves that the failure of the dealership to meet the index or

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standard will be substantially detrimental to the distribution of the franchiser's motor vehicles in the community and that good cause for the termination or noncontinuation of the franchise or for the establishment of an additional dealership otherwise exists.

[C71, 73, 75, 77, 79, 81, §322A.11]

98 Acts, ch 1075, §27; 2000 Acts, ch 1232, §26; 2001 Acts, ch 32, §36, 37, 40

Referred to in §322A.12, 322A.15, 322A.22

322A.12 Sale or transfer of ownership.

1. Notwithstanding the terms, provisions, or conditions of an agreement or franchise, subject to the provisions of section 322A.11, subsection 2, in the event of the sale or transfer of ownership of a franchisee's dealership by sale or transfer of the business or by stock transfer or in the event of a change in the executive management of a franchisee's dealership, the franchiser shall give effect to the change in the franchise unless the transfer of the franchisee's license under chapter 322 is denied or the new owner is unable to obtain a license under that chapter.

2. Notwithstanding the terms, provisions, or conditions of an agreement or franchise, the sale or transfer, or the proposed sale or transfer, of a franchisee's dealership, or the change or proposed change in the executive management of a franchisee's dealership shall not make applicable any right of first refusal of the franchiser.

[C71, 73, 75, 77, 79, 81, §322A.12]

2002 Acts, ch 1063, §39

322A.13 Compulsory attendance at hearings.

The department of inspections, appeals, and licensing may issue subpoenas, administer oaths, compel the attendance of witnesses and production of books, papers, documents, and all other evidence. The department of inspections, appeals, and licensing may apply to the district court of the county wherein the hearing is being held for a court order enforcing this section.

[C71, 73, 75, 77, 79, 81, §322A.13; 81 Acts, ch 22, §22]

2023 Acts, ch 19, §1977

322A.14 License to dealer denied.

In the event that a franchiser enters into or attempts to enter into a franchise, whether upon termination or refusal to continue another franchise or upon the establishment of an additional motor vehicle dealership in a community where the same line-make is then represented, without first complying with the provisions of this chapter, no license under chapter 322 shall be issued to that franchisee or proposed franchisee to engage in the business of selling motor vehicles manufactured or distributed by that franchiser.

[C71, 73, 75, 77, 79, 81, §322A.14]

322A.15 Guidelines.

1. In determining whether good cause has been established for terminating or not continuing a franchise, the department of inspections, appeals, and licensing shall take into consideration the existing circumstances, including, but not limited to:

a. Amount of business transacted by the franchisee.

b. Investment necessarily made and obligations incurred by the franchisee in the performance of the franchisee's part of the franchise.

c. Permanency of the investment.

d. Whether it is injurious to the public welfare for the business of the franchisee to be disrupted.

e. Whether the franchisee has adequate motor vehicle service facilities, equipment, parts and qualified service personnel to reasonably provide consumer care for the motor vehicles sold at retail by the franchisee and any other motor vehicles of the same line-make.

f. Whether the franchisee refuses to honor warranties of the franchiser to be performed by the franchisee, provided that the franchiser reimburses the franchisee for such warranty work performed by the franchisee.

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g. Except as provided in section 322A.11, failure by the franchisee to substantially comply with those requirements of the franchise which are determined by the department of inspections, appeals, and licensing to be reasonable and material.

h. Except as provided in section 322A.11, bad faith by the franchisee in complying with those terms of the franchise which are determined by the department of inspections, appeals, and licensing to be reasonable and material.

2. Good cause does not include a realignment, relocation, or reduction of dealerships.

[C71, 73, 75, 77, 79, 81, §322A.15; 81 Acts, ch 22, §22]

97 Acts, ch 108, §40; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §1978, 1979

322A.16 Additional guidelines.

In determining whether good cause has been established for entering into an additional franchise for the same line-make, the department of inspections, appeals, and licensing shall take into consideration the existing circumstances, including, but not limited to:

1. Amount of business transacted by other franchisees of the same line-make in that community.

2. Investment necessarily made and obligations incurred by other franchisees of the same line-make, in that community, in the performance of their part of their franchises.

3. Permanency of the investment.

4. Effect on the retail motor vehicle business as a whole in that community.

5. Whether it is injurious to the public welfare for an additional franchise to be established.

6. Whether the franchisees of the same line-make in that community are providing adequate consumer care for the motor vehicles of the line-make which shall include the adequacy of motor vehicle service facilities, equipment, supply of parts and qualified service personnel.

[C71, 73, 75, 77, 79, 81, §322A.16; 81 Acts, ch 22, §22]

2023 Acts, ch 19, §1980

322A.17 Review.

1. A decision of the department of inspections, appeals, and licensing is subject to review by the state department of transportation, whose decision is final agency action for the purpose of judicial review.

2. Judicial review of actions of the state department of transportation may be sought in the manner provided for in section 322.10.

[C71, 73, 75, 77, 79, 81, §322A.17; 81 Acts, ch 22, §22]

89 Acts, ch 273, §6; 2023 Acts, ch 19, §1981

322A.18 Duty of good faith.

A franchise imposes on the parties a duty of good faith in performance and enforcement of the franchise agreement. *"Good faith"* means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

2010 Acts, ch 1081, §2

322A.19 Jurisdiction.

1. A condition, stipulation, or provision in a franchise restricting jurisdiction to a forum outside this state is void.

2. A condition, stipulation, or provision in a franchise providing that the franchisee consents to the jurisdiction of a forum outside this state is void.

3. A civil action or proceeding arising out of a franchise may be commenced wherever jurisdiction over the parties or subject matter exists, even if the franchise limits actions or proceedings to a designated jurisdiction.

2010 Acts, ch 1081, §3

322A.20 Choice of law.

1. A condition, stipulation, or provision in a franchise requiring the application of the law of another state in lieu of this chapter is void.

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2. A condition, stipulation, or provision in a franchise that the franchise is to be governed by or construed in accordance with the law of another state is void.

2010 Acts, ch 1081, §4

322A.21 Waivers void.

A condition, stipulation, or provision in a franchise requiring a franchisee to waive compliance with or relieving a person of a duty or liability imposed by or a right provided by this chapter or order under this chapter is void. This section shall not affect the settlement of disputes, claims, controversies or civil lawsuits arising or brought pursuant to this chapter by written release or other written document where separate and adequate consideration is offered and accepted.

2010 Acts, ch 1081, §5

322A.22 Other line-makes.

A condition, stipulation, or provision in a franchise prohibiting or restricting the franchisee from continuing another line-make at the dealership or adding an additional line-make to the dealership is void. This section does not limit a franchiser from establishing good cause for the termination of a franchise pursuant to sections 322A.2 and 322A.11 on the grounds that the franchisee's dealership facility is not adequate to accommodate an additional line-make that has been added to the franchisee's dealership.

2010 Acts, ch 1081, §6

322A.23 Customer lists.

A condition, stipulation, or provision in a franchise which requires the franchisee to provide its customer lists or service files to the franchiser is void. This section shall not apply to notification by the franchisee to the franchiser of the delivery of a new motor vehicle to a customer, including information necessary to complete the sale of the vehicle, or to the submission to the franchiser of a claim for warranty parts, recalls, repairs, or services supplied or performed by the franchisee.

2010 Acts, ch 1081, §7

322A.24 Construction.

This chapter shall be liberally construed to effectuate its purposes.

2010 Acts, ch 1081, §8

CHAPTER 322B

MANUFACTURED OR MOBILE HOME RETAILERS

Repealed by 2006 Acts, ch 1090, §24, 26; see chapter 103A, subchapter IV

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CHAPTER 322C

TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS

Referred to in §307.27, 321.1, 321.16A, 321.48, 321.50, 523H.1, 537A.10, 714.27A

Court action required for termination of installment contract, foreclosure of mortgage, or repossession of property during military service; application for relief respecting obligation or liability incurred prior to military service; §29A.102, 29A.103, 29A.104, 29A.105

322C.1 Administration.
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322C.16 Repurchase or sale of inventory.
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322C.18 Warranty obligations.
322C.19 Indemnification — warrantor and dealer.
322C.20 Inspection and rejection by dealer.
322C.21 Civil action — mediation.

322C.1 Administration.

This chapter shall be administered by the director of transportation. The state department of transportation may employ persons necessary for the administration of this chapter.

[C81, §322C.1]

322C.2 Definitions.

As used in this chapter unless the context otherwise requires:

1. To sell *"at retail"* means to sell a towable recreational vehicle to a person who will devote it to a consumer use.
2. *"Community"* means a towable recreational vehicle dealer's area of responsibility as stipulated in the manufacturer-dealer agreement.
3. *"Department"* means the state department of transportation.
4. *"Distributor"* means a person who sells or distributes towable recreational vehicles to towable recreational vehicle dealers either directly or through a representative employed by a distributor.
5. *"Factory campaign"* means an effort by or on behalf of a warrantor to contact towable recreational vehicle dealers or owners to address an equipment or part issue.
6. *"Family member"* means a spouse, child, grandchild, parent, sibling, niece, or nephew, or the spouse of a child, grandchild, parent, sibling, niece, or nephew.
7. *"Fifth-wheel travel trailer"* means a vehicle mounted on wheels that has an overall length of forty-five feet or less, is designed to provide temporary living quarters for recreational, camping, or travel use, is of such a size and weight as to not require a permit under chapter 321E when moved on a highway, and is designed to be towed by a motor vehicle equipped with a towing mechanism located above or forward of the motor vehicle's rear axle. *"Fifth-wheel travel trailer"* includes a toy-hauler fifth-wheel travel trailer.
8. *"Folding camping trailer"* means a vehicle mounted on wheels and constructed with collapsible side walls designed to be folded when towed by a motor vehicle and unfolded to provide temporary living quarters for recreational, camping, or travel use.
9. *"Line-make"* means a specific series of towable recreational vehicles meeting all of the following criteria:

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a. The vehicles are identified by a common series trade name or trademark.

b. The vehicles are targeted at a particular market segment, as determined by the vehicles' decoration, features, equipment, size, weight, and price range.

c. The vehicles have lengths and interior floor plans distinguishable from other towable recreational vehicles with substantially similar decoration, features, equipment, weight, and price.

d. The vehicles belong to a single, distinct classification of a towable recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame, and body.

e. A manufacturer-dealer agreement authorizes a dealer to sell the vehicles.

10. *"Manufacturer"* means a person engaged in the manufacture of towable recreational vehicles.

11. *"Manufacturer-dealer agreement"* means a written agreement or contract entered into between a manufacturer or distributor and a towable recreational vehicle dealer that specifies the rights and responsibilities of the parties and authorizes the dealer to sell and service new towable recreational vehicles.

12. *"New towable recreational vehicle"* means a towable recreational vehicle that has not been sold at retail.

13. *"Park model recreational vehicle"* means a vehicle meeting all of the following criteria:

a. The vehicle is designed to provide, and marketed as providing, temporary living quarters for recreational, camping, travel, or seasonal use.

b. The vehicle is not permanently affixed to real property for use as a permanent dwelling.

c. The vehicle is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred square feet in the vehicle's set-up mode.

d. The vehicle is certified by the manufacturer as in compliance with the American national standard for park model recreational vehicles, commonly cited as "ANSI A 119.5".

14. *"Person"* includes any individual, partnership, corporation, association, fiduciary, or other legal entity engaged in business, other than a unit or agency of government or governmental subdivision.

15. *"Place of business"* means a designated location where facilities are maintained for displaying, reconditioning, and repairing either new or used towable recreational vehicles.

16. *"Proprietary part"* means any part manufactured by or for, and sold exclusively by, a manufacturer.

17. *"Sell"* includes barter, exchange, and other methods of dealing.

18. *"Supplier"* means a person engaged in the manufacture of towable recreational vehicle parts, accessories, or components.

19. *"Towable recreational vehicle"* means a vehicle designed to be towed by a motor vehicle owned by a consumer and to provide temporary living quarters for recreational, camping, or travel use, that complies with all applicable federal regulations, and that is certified by the vehicle's manufacturer as in compliance with the national fire protection association standard on recreational vehicles, commonly cited as "NFPA 1192", or the American national standard for park model recreational vehicles, commonly cited as "ANSI A 119.5", as applicable. *"Towable recreational vehicle"* includes a travel trailer, toy-hauler travel trailer, fifth-wheel travel trailer, toy-hauler fifth-wheel travel trailer, folding camping trailer, truck camper, and park model recreational vehicle. For purposes of registration and titling under chapter 321, a towable recreational vehicle shall be considered a travel trailer or fifth-wheel travel trailer, as those terms are defined in section 321.1, as applicable.

20. *"Towable recreational vehicle dealer"* or *"dealer"* means a person required to be licensed under this chapter who is authorized to sell and service towable recreational vehicles.

21. *"Toy-hauler fifth-wheel travel trailer"* means a fifth-wheel travel trailer equipped with a back wall capable of being lowered to form a ramp for loading and unloading a specialized rear compartment that can then be resecured for travel.

22. *"Toy-hauler travel trailer"* means a travel trailer equipped with a back wall capable of being lowered to form a ramp for loading and unloading a specialized rear compartment that can then be resecured for travel.

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23. *"Transient consumer"* means a consumer who is temporarily traveling through a towable recreational vehicle dealer's community.

24. *"Travel trailer"* means a vehicle mounted on wheels that has a width of eight feet six inches or less and an overall length of forty-five feet or less, is designed to provide temporary living quarters for recreational, camping, or travel use, and is of such a size and weight as to not require a permit under chapter 321E when towed by a motor vehicle on a highway. *"Travel trailer"* includes a toy-hauler travel trailer. *"Travel trailer"* does not include a vehicle that is so designed as to permit it to be towed exclusively by a motorcycle.

25. *"Truck camper"* means a vehicle designed to be placed in the bed of a pickup truck to provide temporary living quarters for recreational, camping, or travel use.

26. *"Used towable recreational vehicle"* means a towable recreational vehicle which has been sold at retail and previously registered in this or any other state.

27. *"Warrantor"* means a person, including a manufacturer, distributor, or supplier, that provides a written warranty to a consumer in connection with a new towable recreational vehicle or any part, accessory, or component of a new towable recreational vehicle. *"Warrantor"* does not include a dealer, distributor, supplier, or other person that is not owned or controlled by a manufacturer that provides a service contract, mechanical or other insurance, or an extended warranty sold for separate consideration to a consumer.

[C81, §322C.2]

2000 Acts, ch 1016, §24; 2002 Acts, ch 1119, §156; 2012 Acts, ch 1048, §5, 6; 2015 Acts, ch 123, §39; 2019 Acts, ch 67, §2, 20; 2019 Acts, ch 89, §13

322C.3 Prohibited acts — exception.

1. A person shall not engage in this state in the business of selling at retail new towable recreational vehicles of any line-make, or represent or advertise that the person is engaged in or intends to engage in such business in this state, unless the person is authorized by a manufacturer-dealer agreement between that person and the manufacturer or distributor of that line-make of new towable recreational vehicles to sell the vehicles in this state, and unless the department has issued to the person a license as a towable recreational vehicle dealer for the same line-make of towable recreational vehicle which the dealer is authorized to sell under the manufacturer-dealer agreement.

2. A person, other than a licensed dealer in new towable recreational vehicles, shall not engage in the business of selling at retail used towable recreational vehicles or represent or advertise that the person is engaged in or intends to engage in such business in this state unless the department has issued to the person a license as a used towable recreational vehicle dealer.

3. A person is not required to obtain a license as a dealer if the person is disposing of a towable recreational vehicle acquired or repossessed, so long as the person is exercising a power or right granted by a lien, title-retention instrument, or security agreement given as security for a loan or a purchase money obligation.

4. A dealer shall not enter into a contract, agreement, or understanding, expressed or implied, with a manufacturer or distributor that the dealer will sell, assign, or transfer an agreement or contract arising from the retail installment sale of a towable recreational vehicle only to a designated person or class of persons. Any such condition, agreement, or understanding between a manufacturer or distributor and a dealer is against the public policy of this state and is unlawful and void.

5. A manufacturer or distributor of towable recreational vehicles or an agent or representative of the manufacturer or distributor shall not refuse to renew a manufacturer-dealer agreement for a term of less than twelve months, and shall not terminate or threaten to terminate a contract, agreement, or understanding for the sale of new towable recreational vehicles to a dealer in this state without just, reasonable, and lawful cause or because the dealer failed to sell, assign, or transfer a contract or agreement arising from the retail sale of a towable recreational vehicle to only a person or a class of persons designated by the manufacturer or distributor.

6. A dealer shall not make and enter into a security agreement or other contract unless the agreement or contract meets the following requirements:

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a. The security agreement or contract is in writing, is signed by both the buyer and the seller, and is complete as to all essential provisions prior to the signing of the agreement or contract by the buyer except that, if delivery of the towable recreational vehicle is not made at the time of the execution of the agreement or contract, the identifying numbers of the towable recreational vehicle or similar information and the due date of the first installment may be inserted in the agreement or contract after its execution.

b. The agreement or contract complies with the Iowa consumer credit code, chapter 537, where applicable.

7. A manufacturer or distributor of towable recreational vehicles or an agent or representative of a manufacturer or distributor shall not coerce or attempt to coerce a dealer to accept delivery of a towable recreational vehicle, or parts or accessories thereof, or any other commodity which has not been ordered by the dealer.

8. Except as provided under subsection 9, a person licensed under section 322C.4 shall not, either directly or through an agent, salesperson, or employee, engage or represent or advertise that the person is engaged in or intends to engage in this state in the business of buying or selling new or used towable recreational vehicles on Sunday.

9. A dealer may display new towable recreational vehicles at fairs, shows, and exhibitions on any day of the week as provided in this subsection. Dealers, in addition to selling towable recreational vehicles at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new towable recreational vehicles for sale and negotiate sales of new towable recreational vehicles at fairs, shows, and exhibitions. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days. The department may issue multiple consecutive temporary permits.

10. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any other indictable offense in connection with selling or other activity relating to vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed towable recreational vehicle dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed towable recreational vehicle dealer.

[C81, §322C.3]

2001 Acts, ch 32, §39; 2003 Acts, ch 44, §114; 2006 Acts, ch 1068, §39; 2011 Acts, ch 38, §23; 2019 Acts, ch 67, §3, 20

Referred to in §322C.11, 322C.14

322C.4 Dealer's license application and fees.

1. Upon application and payment of a fee, a person may be licensed as a towable recreational vehicle dealer. The license fee is seventy dollars for a two-year period or part thereof. The person shall pay an additional fee of twenty dollars for a two-year period or part thereof for each towable recreational vehicle lot in addition to the principal place of business unless the lot is adjacent to the principal place of business. For purposes of this subsection, *"adjacent"* means that the principal place of business and each additional lot are adjoining parcels of property. The applicant shall file in the office of the department a verified application for license as a dealer in the form the department prescribes, which shall include the following:

a. The name of the applicant and the applicant's principal place of business.

b. The name of the applicant's business and whether the applicant is an individual, partnership, corporation, or other legal entity.

(1) If the applicant is a partnership, the name under which the partnership intends to engage in business and the name and post office address of each partner.

(2) If the applicant is a corporation, the state of incorporation and the name and post office address of each officer and director.

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c. The line-make or line-makes of new towable recreational vehicles, if any, which the applicant will offer for sale at retail in this state.

d. The location of each place of business within this state to be used by the applicant for the conduct of the business.

e. If the applicant is a party to a contract, agreement including a manufacturer-dealer agreement, or understanding with a manufacturer or distributor of towable recreational vehicles or is about to become a party to a contract, agreement, or understanding, the applicant shall state the name of each manufacturer and distributor and the line-make or line-makes of new towable recreational vehicles, if any, which are the subject matter of the contract, agreement, or understanding.

f. Other information concerning the business of the applicant the department reasonably requires for administration of this chapter.

2. The license shall be granted or refused within thirty days after application. A license is valid for a two-year period and expires, unless revoked or suspended by the department, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant does business as a dealer.

3. A licensee shall file with the department a supplemental statement when there is a change in an item of information required under subsection 1, paragraphs *"a"* through *"e"*, within fifteen days after the change. Upon filing a supplemental statement, the licensee shall surrender its license to the department together with a thirty-five-dollar fee. The department shall issue a new license modified to reflect the changes on the supplemental statement.

4. Before the issuance of a dealer's license, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of seventy-five thousand dollars, be conditioned upon the faithful compliance by the applicant as a dealer with all statutes of this state regulating or applicable to a dealer, and indemnify any person dealing or transacting business with the dealer from loss or damage caused by the failure of the dealer to comply with the provisions of chapter 321 and this chapter, including the furnishing of a proper and valid certificate of title to a towable recreational vehicle. The bond shall be filed with the department prior to the issuance of the license.

[C81, §322C.4]

92 Acts, ch 1175, §17, 18; 97 Acts, ch 108, §41; 98 Acts, ch 1075, §29; 2000 Acts, ch 1016, §25; 2006 Acts, ch 1068, §54, 55, 57; 2019 Acts, ch 53, §1, 2; 2019 Acts, ch 67, §4, 20; 2020 Acts, ch 1063, §167

Referred to in §322C.3, 322C.5, 322C.6

322C.5 Display of license.

A license issued under section 322C.4 shall specify the location of the principal place of business and the location of each additional place of business, if any, for which the license is issued, and the license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modification.

[C81, §322C.5]

322C.6 Denial, suspension, or revocation of license.

A license issued under section 322C.4 or 322C.9 may be denied, revoked, or suspended, after opportunity for a hearing before the department of inspections, appeals, and licensing in accordance with chapters 10A and 17A, if it is determined that the licensee or applicant has done any of the following:

1. Violated a provision of this chapter.

2. Made a material misrepresentation to the department in connection with an application for a license, certificate of title, or registration of a towable recreational vehicle or other vehicle.

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3. Been convicted of a fraudulent practice in connection with selling or offering for sale vehicles or parts of vehicles subject to registration under chapter 321.

4. Failed to maintain an established principal place of business in the county.

5. Had a license issued under this chapter, chapter 321H, or chapter 322, suspended or revoked within the previous three years.

6. Been convicted of a violation of any provision of section 321.52, 321.78, 321.92, 321.97, 321.98, 321.99, 321.100, or 714.16.

7. Knowingly made misleading, deceptive, untrue, or fraudulent representations in the business as a distributor of towable recreational vehicles or engaged in unethical conduct or practice harmful or detrimental to the public.

[C81, §322C.6]

89 Acts, ch 273, §9; 2019 Acts, ch 67, §5, 20; 2023 Acts, ch 19, §1982

Fraudulent practices, see §714.8 – 714.14

322C.7 Manufacturer's or distributor's license.

A manufacturer or distributor of towable recreational vehicles shall not engage in business in this state without a license pursuant to this chapter.

[C81, §322C.7]

2019 Acts, ch 67, §6, 20

Referred to in §322C.11

322C.8 Applicability to agreements.

If a towable recreational vehicle dealer also sells and services motorized recreational vehicles or other motor vehicles, the provisions of this chapter relating to manufacturer-dealer agreements apply only to such agreements, or those provisions of such agreements, applicable to towable recreational vehicles.

2019 Acts, ch 67, §7, 20

322C.9 License application and fees.

Upon application and payment of a seventy dollar fee for a two-year period or part thereof, a person may be licensed as a manufacturer or distributor of towable recreational vehicles. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee.

[C81, §322C.9]

2000 Acts, ch 1016, §26; 2000 Acts, ch 1154, §26; 2006 Acts, ch 1068, §56, 57; 2019 Acts, ch 67, §8, 20

Referred to in §322C.6

322C.10 Fees.

Fees accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and credited to the road use tax fund.

[C81, §322C.10]

322C.11 Penalties.

A person violating a provision of section 322C.3 or 322C.7 is guilty of a serious misdemeanor.

[C81, §322C.11]

2000 Acts, ch 1154, §27

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322C.12 Semitrailer or towable recreational vehicle retail installment contract — finance charges.

1. A retail installment contract or agreement for the sale of a semitrailer or towable recreational vehicle may include a finance charge not in excess of the following rates:

a. Class 1. Any new semitrailer or towable recreational vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed.

b. Class 2. Any new semitrailer or towable recreational vehicle not in class 1 and any used semitrailer designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to two percent per month simple interest on the declining balance of the amount financed.

c. Class 3. Any used semitrailer or towable recreational vehicle not in class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made, an amount equivalent to two and one-fourth percent per month simple interest on the declining balance of the amount financed.

2. *"Amount financed"* means the same as defined in section 537.1301.

3. The limitations contained in this section do not apply in a transaction referred to in section 535.2, subsection 2. With respect to a consumer credit sale, as defined in section 537.1301, the limitations contained in this section supersede conflicting provisions of chapter 537, article 2, part 2.

[C81, §322C.12; 82 Acts, ch 1153, §3, 18(1)]
2010 Acts, ch 1061, §180; 2019 Acts, ch 67, §9, 20
This section was not enacted as a part of this chapter; 79 Acts, ch 128, §1

322C.13 Manufacturer-dealer agreement required — community.

1. A manufacturer or distributor shall not sell a new towable recreational vehicle in this state to or through a towable recreational vehicle dealer without first entering into a manufacturer-dealer agreement with the dealer that has been signed by both parties. A dealer shall not sell a new towable recreational vehicle in this state without first entering into a manufacturer-dealer agreement with a manufacturer or distributor that has been signed by both parties.

2. Except as provided in subsection 3, a manufacturer-dealer agreement shall designate the community exclusively assigned to a dealer by the manufacturer or distributor, and the manufacturer or distributor shall not change the community or contract with another dealer for the sale of the same line-make of towable recreational vehicle in the community for the duration of the agreement.

3. The community designated in a manufacturer-dealer agreement may be reviewed or changed with the consent of both parties not less than twelve months after execution of the agreement.

2019 Acts, ch 67, §10, 20

322C.14 Manufacturer-dealer agreement — termination, cancellation, nonrenewal, or alteration by manufacturer or distributor.

1. Notwithstanding section 322C.3, subsection 5, a manufacturer or distributor may, either directly or through any authorized officer, agent, or employee, terminate, cancel, or fail to renew a manufacturer-dealer agreement with or without good cause. If the manufacturer or distributor terminates, cancels, or fails to renew a manufacturer-dealer agreement without good cause, the manufacturer or distributor shall comply with the repurchase requirements set forth in section 322C.16.

2. A manufacturer or distributor shall have the burden of proof to demonstrate good cause for terminating, canceling, or failing to renew a manufacturer-dealer agreement. For purposes of determining whether good cause exists for the manufacturer's or distributor's termination, cancellation, or failure to renew a manufacturer-dealer agreement, any of the following factors may be considered:

a. The extent of the dealer's presence in the community.

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b. The nature and extent of the dealer's investment in the dealer's business.

c. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel.

d. The effect that the proposed termination, cancellation, or nonrenewal of the manufacturer-dealer agreement would have on the community.

e. The extent and quality of the dealer's service under the warranties of the towable recreational vehicles sold by the dealer.

f. The dealer's failure to follow procedures or standards related to the overall operation of the dealership that were agreed to by the dealer.

g. The dealer's performance under the terms of the manufacturer-dealer agreement.

3. *a.* Except as otherwise provided in this subsection or subsection 4, a manufacturer or distributor shall provide to a dealer written notice of termination, cancellation, or nonrenewal of a manufacturer-dealer agreement for good cause at least ninety days prior to terminating, canceling, or failing to renew the manufacturer-dealer agreement.

b. (1) The notice shall state all of the reasons for the termination, cancellation, or nonrenewal and shall further state that if, within thirty days following receipt of the notice, the dealer provides to the manufacturer or distributor a written notice of intent to cure all claimed deficiencies, the dealer shall then have ninety days following receipt of the notice to cure the deficiencies.

(2) If the deficiencies are cured within ninety days, the manufacturer's or distributor's notice is voided. If the dealer fails to provide the notice of intent to cure the deficiencies within thirty days, or fails to cure the deficiencies within ninety days, the termination, cancellation, or nonrenewal takes effect as provided in the original notice. If the dealer has possession of new and untitled inventory, the inventory may be sold pursuant to section 322C.16.

c. The notice period for termination, cancellation, or nonrenewal of a manufacturer-dealer agreement for good cause may be reduced to thirty days if the grounds for termination, cancellation, or nonrenewal are due to any of the following factors:

(1) The dealer or one of the dealer's owners has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony.

(2) The dealer has abandoned or closed the dealer's business operations for ten consecutive business days. This subparagraph does not apply if the closing is due to a normal seasonal closing and the dealer notifies the manufacturer or distributor of the planned closing, or is due to an act of God, a strike, a labor difficulty, or any other cause over which the dealer has no control.

(3) The dealer has made a significant misrepresentation that materially affects the business relationship of the manufacturer or distributor and the dealer.

(4) The dealer's license has been suspended, revoked, denied, or has not been renewed by the department.

(5) The dealer has committed a material violation of this chapter which is not cured within thirty days after receipt of written notice of the violation.

4. Subsection 3 does not apply if the manufacturer or distributor terminates, cancels, or fails to renew the manufacturer-dealer agreement because the dealer is insolvent, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors.

2019 Acts, ch 67, §11, 20; 2020 Acts, ch 1063, §168

322C.15 Manufacturer-dealer agreement — termination, cancellation, nonrenewal, or alteration by dealer.

1. A dealer may terminate, cancel, or fail to renew a manufacturer-dealer agreement with or without good cause. If the dealer terminates, cancels, or fails to renew a manufacturer-dealer agreement with good cause, the manufacturer or distributor shall comply with the repurchase requirements set forth in section 322C.16.

2. The dealer shall have the burden of proof to demonstrate good cause for terminating, canceling, or failing to renew a manufacturer-dealer agreement. For purposes of determining whether good cause exists for the dealer's termination, cancellation, or failure to renew a manufacturer-dealer agreement, any of the following factors shall be deemed to be good cause:

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a. The manufacturer or distributor has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony.

b. The manufacturer's or distributor's business operations have been abandoned or caused the dealer's business operations to close for ten consecutive business days. This paragraph does not apply if the closing is due to a normal seasonal closing and the manufacturer or distributor notifies the dealer of the planned closing, or is due to an act of God, a strike, a labor difficulty, or any other cause over which the manufacturer or distributor has no control.

c. The manufacturer or distributor has made a significant misrepresentation that materially affects the business relationship of the manufacturer or distributor and the dealer.

d. The manufacturer or distributor has committed a material violation of this chapter which is not cured within thirty days after receipt of written notice of the violation.

e. The manufacturer or distributor is insolvent, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors.

3. *a.* A dealer shall provide to a manufacturer or distributor written notice of termination, cancellation, or nonrenewal of a manufacturer-dealer agreement at least thirty days prior to terminating, canceling, or failing to renew the manufacturer-dealer agreement.

b. (1) If a termination or cancellation is for good cause, the notice shall state all of the reasons for the termination or cancellation and shall further state that if, within thirty days following receipt of the notice, the manufacturer or distributor provides to the dealer a written notice of intent to cure all claimed deficiencies, the manufacturer or distributor shall then have ninety days following receipt of the notice to cure the deficiencies.

(2) If the deficiencies are cured within ninety days, the dealer's notice is voided. If the manufacturer or distributor fails to provide the notice of intent to cure the deficiencies within thirty days, or fails to cure the deficiencies within ninety days, the termination or cancellation takes effect as provided in the original notice.

2019 Acts, ch 67, §12, 20; 2019 Acts, ch 89, §14; 2020 Acts, ch 1063, §169

322C.16 Repurchase or sale of inventory.

1. If a manufacturer-dealer agreement is terminated, canceled, or not renewed by the manufacturer or distributor without good cause, or by a dealer with good cause and, in the case of termination or cancellation, the manufacturer or distributor fails to provide notice or cure the deficiencies claimed by the dealer, the manufacturer or distributor shall, at the dealer's option and within forty-five days after termination, cancellation, or nonrenewal, repurchase all of the following:

a. All new, untitled towable recreational vehicles that the dealer acquired from the manufacturer or distributor within twelve months prior to the effective date of the notice of termination, cancellation, or nonrenewal of the manufacturer-dealer agreement that have not been used other than for demonstration purposes, and that have not been altered or damaged, at one hundred percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer. If any of the towable recreational vehicles repurchased pursuant to this paragraph are damaged, but do not require a disclosure under section 321.69A, the amount due to the dealer shall be reduced by the cost to repair the vehicle. Damage incurred by a vehicle prior to delivery to the dealer that was disclosed at the time of delivery shall not disqualify repurchase pursuant to this paragraph.

b. All undamaged proprietary parts for any line-make subject to the termination, cancellation, or nonrenewal that was sold to the dealer for resale within twelve months prior to the effective date of the termination, cancellation, or nonrenewal of the manufacturer-dealer agreement, if accompanied by the original invoice, at one hundred five percent of the original net price paid to the manufacturer or distributor.

c. All properly functioning diagnostic equipment, special tools, current signage, or other equipment and machinery that was purchased by the dealer upon the request of the manufacturer or distributor for any line-make subject to the termination, cancellation, or nonrenewal within five years prior to the effective date of the termination, cancellation, or nonrenewal of the manufacturer-dealer agreement that can no longer be used in the normal course of the dealer's ongoing business.

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2. If towable recreational vehicles of a particular line-make subject to a terminated, canceled, or nonrenewed manufacturer-dealer agreement are not repurchased or required to be repurchased pursuant to the agreement, the dealer may continue to sell such vehicles existing in the dealer's inventory until the vehicles are no longer in the dealer's inventory.

2019 Acts, ch 67, §13, 20
Referred to in §322C.14, 322C.15

322C.17 Transfer of ownership — family succession — objection.

1. *a.* If a towable recreational vehicle dealer makes or intends to make a change in ownership of a dealership by sale of the business assets, a stock transfer, or in another manner, the dealer shall provide to a manufacturer or distributor that is a party to a manufacturer-dealer agreement with the dealer written notice of the proposed change at least fifteen business days before the change becomes effective. The notice shall include all supporting documentation that may be reasonably required by the manufacturer or distributor to determine whether to make an objection to the change.

b. In the absence of a breach by the dealer of the manufacturer-dealer agreement or a violation of this chapter, the manufacturer or distributor shall not object to the proposed change in ownership unless the objection is to the prospective transferee for any of the following reasons:

(1) The transferee has previously been a party to a manufacturer-dealer agreement with the manufacturer or distributor and the agreement was terminated, canceled, or not renewed by the manufacturer or distributor for good cause.

(2) The transferee has been convicted of a felony or any crime of fraud, deceit, or moral turpitude.

(3) The transferee lacks any license required by law.

(4) The transferee does not have an active line of credit sufficient to purchase the manufacturer's or distributor's products.

(5) The transferee is insolvent or has been within the previous ten years, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors within the previous ten years.

c. If a manufacturer or distributor objects to a proposed change in ownership of a dealership, the manufacturer or distributor shall provide written notice of the reasons for the objection to the dealer within fifteen business days after receipt of the dealer's notification and supporting documentation about the proposed change. The manufacturer or distributor shall have the burden of proof to demonstrate that the objection complies with the requirements of this subsection. If the manufacturer or distributor does not provide the dealer with timely notice of the objection, the dealer's proposed change in ownership of the dealership shall be deemed approved.

2. *a.* A manufacturer or distributor shall provide to a dealer the opportunity to designate, in writing, a family member as a successor to ownership of a dealership in the event of the death, incapacity, or retirement of the dealer. If a dealer desires to designate a family member as a successor to ownership of a dealership, the dealer shall provide to the manufacturer or distributor that is a party to the manufacturer-dealer agreement with the dealer written notice of the proposed designation, or modification of a previous designation, at least fifteen business days before the designation or proposed modification of a designation becomes effective. The notice shall include all supporting documentation as may be reasonably required by the manufacturer or distributor to determine whether to make an objection to the succession plan.

b. In the absence of a breach by the dealer of the manufacturer-dealer agreement or a violation of this chapter, the manufacturer or distributor shall not object to the designation or proposed modification of a designation unless the objection is to the designated successor for any of the following reasons:

(1) The designated successor has previously been a party to a manufacturer-dealer agreement with the manufacturer or distributor and the agreement was terminated, canceled, or not renewed by the manufacturer or distributor for good cause.

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(2) The designated successor has been convicted of a felony or any crime of fraud, deceit, or moral turpitude.

(3) The designated successor lacks any license required by law at the time of succession.

(4) The designated successor does not have an active line of credit sufficient to purchase the manufacturer's or distributor's products at the time of succession.

(5) The designated successor is insolvent or has been within the previous ten years, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors within the previous ten years.

c. If a manufacturer or distributor objects to a succession plan, the manufacturer or distributor shall provide written notice of the reasons for the objection to the dealer within fifteen business days after receipt of the dealer's notification and supporting documentation about the proposed designation or proposed modification of a designation. The manufacturer or distributor shall have the burden of proof to demonstrate that the objection complies with the requirements of this subsection. If the manufacturer or distributor does not provide the dealer with timely notice of the objection, the dealer's proposed succession plan shall be deemed approved. A manufacturer or distributor shall allow the succession of ownership of a dealership to a designated family member when a dealer is deceased, incapacitated, or has retired, unless the manufacturer or distributor has provided to the dealer written notice of the manufacturer's or distributor's objections to the succession within fifteen days after receipt of notice of the succession. However, a family member of a dealer shall not succeed to ownership of a dealership if the succession involves, without the manufacturer's or distributor's consent, a relocation of the dealership or alteration of the terms and conditions of the manufacturer-dealer agreement.

2019 Acts, ch 67, §14, 20

322C.18 Warranty obligations.

1. A warrantor shall do all of the following:

a. Specify in writing to each dealer what obligations the dealer has, if any, for the preparation and delivery of, and warranty services on, the warrantor's products.

b. Compensate the dealer for warranty services the warrantor requires the dealer to perform.

c. Provide the dealer with a schedule of compensation and time allowances for the performance of warranty services. The schedule of compensation shall include reasonable compensation for warranty services performed by the dealer, including diagnostic services.

2. *a.* Time allowances for the performance of warranty services, including diagnostic services, shall be reasonable for the service to be performed.

b. In determining what constitutes reasonable compensation under this section, the principle factors to be given consideration shall be the actual wage rates being paid by the dealer and the actual retail wage rates being charged by other dealers in the community in which the dealer is doing business. The compensation of a dealer for warranty services shall not be less than the lowest actual retail wage rates charged by the dealer for similar nonwarranty services, as long as the actual retail wage rates are reasonable.

3. A warrantor shall reimburse a dealer for any warranty part, accessory, or complete component at actual wholesale cost to the dealer plus a minimum of a thirty percent handling charge, not to exceed one hundred fifty dollars, and plus the cost, if any, to the dealer to return such part, component, or accessory to the warrantor.

4. A warrantor may conduct a warranty audit of a dealer's records within twelve months after the payment of a warranty claim. A warrantor shall not deny a dealer's claim for warranty compensation except for good cause, including performance of nonwarranty repairs, material noncompliance with the warrantor's published policies and procedures, lack of material documentation, fraud, or misrepresentation.

5. A dealer shall submit claims for compensation for the performance of warranty services to the warrantor within forty-five days after completion of the warranty services.

6. A dealer shall immediately notify a warrantor in writing if the dealer is unable to perform warranty services, including diagnostic services, within ten days of receipt of a written complaint from a consumer.

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7. A warrantor shall deny a claim submitted by a dealer for compensation for the performance of warranty services, in writing, within thirty days after submission of the claim in the manner and form prescribed by the warrantor. A claim not specifically denied as required by this subsection shall be deemed approved and shall be paid within sixty days of submission of the claim.

8. A warrantor shall not do any of the following:

a. Fail to perform any of the warrantor's obligations with respect to its warranted products.

b. Fail to include, in written notices of a factory campaign to towable recreational vehicle owners and dealers, the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, will be available to dealers to perform the factory campaign work. The warrantor may ship parts to a dealer for purposes of factory campaign work, and, if such parts are in excess of the dealer's requirements, the dealer may return unused, undamaged parts to the warrantor for credit after completion of the factory campaign.

c. Fail to compensate the warrantor's dealers for authorized repairs performed by the dealer on merchandise damaged in manufacture or in transit to the dealer by a carrier designated by the warrantor, factory branch, distributor, or distributor branch.

d. Fail to compensate the warrantor's dealers in accordance with the schedule of compensation provided to the dealer pursuant to this section, if the warranty services for which compensation is claimed are performed by the dealer in a timely and competent manner as required in this section.

e. Intentionally misrepresent in any way to consumers that warranties with respect to the manufacture, performance, or design of towable recreational vehicles are made by the dealer as warrantor or co-warrantor.

f. Require the warrantor's dealers to make warranties to a consumer that are in any manner related to the manufacture of a towable recreational vehicle.

9. A dealer shall not do any of the following:

a. Fail to perform predelivery inspection functions, as specified by the warrantor, in a competent and timely manner.

b. Fail to perform warranty services, as authorized by the warrantor, in a competent and timely manner on any transient consumer's towable recreational vehicle of a line-make sold or serviced by the dealer.

c. Fail to accurately document the time spent completing each repair, the total number of repair attempts conducted on a single towable recreational vehicle, and the number of repair attempts for the same repair conducted on a single towable recreational vehicle.

d. Fail to notify the warrantor within ten days of a second repair attempt on a towable recreational vehicle which impairs the use, value, or safety of the vehicle.

e. Fail to maintain written records, including a consumer's written or electronic verification or signature, regarding the amount of time a towable recreational vehicle is stored for the consumer's convenience during a repair.

f. Make fraudulent warranty claims or misrepresent the terms of any warranty.

2019 Acts, ch 67, §15, 20

322C.19 Indemnification — warrantor and dealer.

1. *a.* Notwithstanding the terms of a manufacturer-dealer agreement, a warrantor shall indemnify and hold harmless the warrantor's dealer against any loss or damage, to the extent the loss or damage is caused by willful misconduct of the warrantor.

b. A warrantor shall not deny a dealer indemnification for failure to discover, disclose, or remedy a defect in the design or manufacture of a new towable recreational vehicle. A warrantor may deny a dealer indemnification if the dealer fails to remedy a known and announced defect in accordance with the written instructions of the warrantor for whom the dealer is obligated to perform warranty services.

c. A warrantor shall provide to the dealer a copy of any pending lawsuit in which allegations are made against the warrantor of willful misconduct. The warrantor shall provide the copy to the dealer within ten days after receiving notice of the lawsuit.

2. *a.* Notwithstanding the terms of a manufacturer-dealer agreement, a dealer shall

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indemnify and hold harmless the dealer's warrantor against any loss or damage, to the extent that the loss or damage is caused by willful misconduct of the dealer.

b. A dealer shall provide to the warrantor a copy of any pending lawsuit in which allegations are made against the dealer of willful misconduct. The dealer shall provide the copy to the warrantor within ten days after receiving notice of the lawsuit.

3. Notwithstanding any provision of law to the contrary, this section continues to apply after a new towable recreational vehicle is titled.

2019 Acts, ch 67, §16, 20

322C.20 Inspection and rejection by dealer.

1. Whenever a new towable recreational vehicle is damaged prior to transit or is damaged in transit to a dealer and the carrier or means of transportation has been selected by the manufacturer or distributor, the dealer shall notify the manufacturer or distributor of the damage within the time frame specified in the manufacturer-dealer agreement and shall do either of the following:

a. Request from the manufacturer or distributor authorization to replace the components, parts, or accessories damaged, or otherwise repair the vehicle to make it ready for sale at retail.

b. Reject the vehicle within the time frame set forth in the manufacturer-dealer agreement pursuant to subsection 4.

2. If the manufacturer or distributor refuses to authorize repair of the new towable recreational vehicle within ten days after receipt of a dealer's notification, or if the dealer rejects the new towable recreational vehicle because of damage to the vehicle, ownership of the vehicle shall revert to the manufacturer or distributor.

3. The dealer shall exercise due care when in custody of a damaged new towable recreational vehicle, but the dealer shall have no other obligations, financial or otherwise, with respect to the vehicle following rejection in accordance with the manufacturer-dealer agreement pursuant to subsection 4.

4. The time frame for inspection and rejection of a damaged new towable recreational vehicle by a dealer shall be specified in the manufacturer-dealer agreement, but shall not be less than two business days after the physical delivery of the vehicle to the dealer.

2019 Acts, ch 67, §17, 20

322C.21 Civil action — mediation.

1. A dealer, manufacturer, distributor, or warrantor injured by another party's violation of this chapter may bring a civil action in district court to recover actual damages resulting from the violation. The court shall award reasonable attorney fees and costs to the prevailing party in such an action. Venue for a civil action authorized by this section shall be exclusively in the county in which the dealer's business is located. In an action involving more than one dealer, venue may be in any county in which any dealer that is a party to the action is located.

2. *a.* Prior to bringing a civil action under this section, the party alleging a violation of this chapter shall serve a written demand for mediation upon the alleged offending party.

b. The demand for mediation shall be served upon the alleged offending party via certified mail at the address stated in the manufacturer-dealer agreement between the parties, if applicable.

c. The demand for mediation shall contain a statement of the dispute or violation alleged and the relief sought by the party serving the demand.

d. Within twenty days after service of a demand for mediation, the parties shall mutually select an independent certified mediator and shall meet with the mediator for the purpose of attempting to resolve the dispute or alleged violation. The meeting place for the mediation shall be in this state at a location selected by the mediator. The mediator may extend the date before which the parties are required to have the meeting for good cause shown by either party or upon a stipulation by both parties.

e. The service of a demand for mediation under this section shall toll the period during which a party is required to file any complaint, petition, protest, or other action under this chapter until representatives of both parties have met with the mutually agreed-upon

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mediator for the purpose of attempting to resolve the dispute or alleged violation. If a complaint, petition, protest, or other action has been filed before the mediation meeting, the court shall enter an order suspending any proceeding or action relating to such complaint, petition, protest, or other action until the mediation meeting has occurred and may, upon written stipulation by all parties to the proceeding or action that the parties wish to continue mediation under this section, enter an order suspending the proceeding or action for any period the court considers appropriate.

f. Each party to the mediation shall pay the party's own costs for attorney fees. The costs of the mediation services shall be allocated equally amongst the parties.

3. In addition to the remedies provided in this section, and notwithstanding the existence of any remedy at law, a manufacturer, distributor, warrantor, or dealer may petition the district court for a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of this chapter, or from failing or refusing to comply with the requirements of this chapter. Such injunction shall be issued, upon a hearing and for cause shown, without bond. A single act in violation of this chapter shall be considered sufficient cause to authorize the issuance of an injunction pursuant to this subsection.

2019 Acts, ch 67, §18, 20; 2020 Acts, ch 1063, §170, 171

CHAPTER 322D

FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES

Referred to in §322.36, 523H.1, 537A.10

For provisions applicable to certain agricultural equipment dealership agreements, see chapter 322F, §322F.9

322D.1 Definitions.
322D.2 Franchisee's rights to payment.
322D.3 Exceptions.
322D.4 Franchiser failure to comply — civil penalty.
322D.5 Death of a franchisee or majority stockholder.
322D.6 Security interests not affected.
322D.7 Application — farm implement franchise agreements.
322D.8 Application — motorcycle or autocycle franchise agreements.
322D.9 Application — all-terrain vehicles.
322D.10 Application — snowmobile franchise agreements.

322D.1 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"All-terrain vehicle"* means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

2. *"Attachment"* means a machine or part of a machine designed to be used on and in conjunction with a farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile.

3. *"Autocycle"* means as defined in section 321.1.

4. *"Farm implement"* means a machine designed or adapted and used exclusively for agricultural or horticultural operations or livestock raising.

5. *"Franchise"* means a contract between two or more persons when all of the following conditions are included:

a. A commercial relationship of definite duration or continuing indefinite duration is involved.

b. The franchisee is granted the right to offer and sell farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments manufactured or distributed by the franchiser.

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c. The franchisee, as an independent business, constitutes a component of the franchiser's distribution system.

d. The operation of the franchisee's business is substantially associated with the franchiser's trademark, service mark, trade name, advertising, or other commercial symbol designating the franchiser.

e. The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments.

6. *"Franchisee"* means a person who receives farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments from the franchiser under a franchise and who offers and sells the farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments to the general public.

7. *"Franchiser"* means a person who manufactures, wholesales, or distributes farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments, and who enters into a franchise.

8. *"Motorcycle"* means a motor vehicle as defined in section 321.1 other than an all-terrain vehicle, which has a saddle or seat for the use of a rider and that is designed to travel on not more than two wheels in contact with the ground, but excluding a motorized bicycle, a low-speed electric bicycle, or autocycle as defined in section 321.1.

9. *"Net cost"* means the price the franchisee actually paid for the merchandise to the franchiser less any applicable trade, volume, cash or bonus discounts.

10. *"Net price"* means the price listed in the franchiser's price list in effect at the time the franchise is canceled, less any applicable trade, volume or cash discounts.

11. *"Person"* means a sole proprietor, partnership, corporation, or any other form of business organization.

12. *"Snowmobile"* means the same as defined in section 321G.1.

84 Acts, ch 1087, §1; 85 Acts, ch 47, §1 – 4; 2002 Acts, ch 1011, §1 – 4; 2003 Acts, ch 28, §1 – 4, 8; 2004 Acts, ch 1132, §82; 2010 Acts, ch 1186, §11; 2016 Acts, ch 1098, §23 – 26; 2021 Acts, ch 125, §6

322D.2 Franchisee's rights to payment.

1. A franchisee who enters into a written franchise with a franchiser to maintain a stock of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments has the following rights to payment, at the option of the franchisee, if the franchise is terminated:

a. One hundred percent of the net cost of new, unused, complete farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related attachments, which were purchased from the franchiser. In addition, the franchisee shall have a right of payment for transportation charges on the farm implements, motorcycles, autocycles, all-terrain vehicles, or snowmobiles, which have been paid by the franchisee.

b. Eighty-five percent of the net prices of any repair parts, including superseded parts, which were purchased from the franchiser and held by the franchisee on the date that the franchise terminated.

c. Five percent of the net prices of parts resold under paragraph *"b"* for handling, packing, and loading of the parts. However, this payment shall not be due to the franchisee if the franchiser elects to perform the handling, packing, and loading.

2. Upon receipt of the payments due under subsection 1, the franchiser is entitled to possession of and title to the farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments.

3. The cost of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related attachments and the price of repair parts shall be determined by reference to the franchiser's price list or catalog in effect at the time of the franchise termination.

84 Acts, ch 1087, §2; 85 Acts, ch 26, §1; 85 Acts, ch 47, §5 – 7; 2002 Acts, ch 1011, §5; 2003 Acts, ch 28, §5, 8; 2016 Acts, ch 1098, §27

Referred to in §322D.8, 322D.9, 322D.10

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322D.3 Exceptions.

This chapter does not require repurchase from a franchisee of:

1. A repair part which has a limited storage life or is otherwise subject to deterioration, such as rubber items, gaskets or batteries.
2. A repair part which is in a broken or damaged package.
3. A single repair part which is priced as a set of two or more items.
4. A repair part which because of its condition is not resalable as a new part without repackaging or reconditioning.
5. Any inventory for which the franchisee is unable to furnish evidence of title and ownership in the franchisee that is free and clear of all claims, liens and encumbrances to the satisfaction of the franchiser.
6. Any inventory which a franchisee desires to keep, provided the franchisee has a contractual right in the franchise agreement to do so.
7. A farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile which is not in new, unused, undamaged, or complete condition.
8. A repair part which is not in new, unused, or undamaged condition.
9. A farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile which was purchased twenty-four months or more prior to the termination of the franchise.
10. Any inventory which was ordered by the franchisee on or after the date of notification of termination of the franchise.
11. Any inventory which was acquired by the franchisee from a source other than the franchiser with whom the franchise is being terminated.
12. A repair part not listed in the franchiser's current price list in effect on the date of notice of termination or classified as nonreturnable or obsolete by the franchiser as of the date of termination. However, this exception to the repurchase requirement applies only if the franchiser provided the franchisee with an opportunity to return the exempted part prior to notice of termination of the franchise.

84 Acts, ch 1087, §3; 85 Acts, ch 47, §8; 85 Acts, ch 67, §39; 2002 Acts, ch 1011, §6; 2003 Acts, ch 28, §6, 8; 2016 Acts, ch 1098, §28

322D.4 Franchiser failure to comply — civil penalty.

In the event that any franchiser fails to make payment to the franchisee or the franchisee's heir or heirs as required by this chapter within sixty days after the inventory has been received by the franchiser, the franchiser is civilly liable for one hundred percent of the current net price of the inventory; transportation charges which have been paid by the franchisee; eighty-five percent of the current net price of repair parts; five percent of the current net price of repair parts to cover handling, packing and loading, if applicable; and attorney fees incurred by the franchisee or the franchisee's heir or heirs.

84 Acts, ch 1087, §4; 85 Acts, ch 47, §9

322D.5 Death of a franchisee or majority stockholder.

If the franchisee is a natural person, the rights under this chapter may be exercised by the heirs of the franchisee upon the death of the franchisee. If the franchisee is a business organization, the rights may be exercised by the heirs of a majority stockholder of the franchisee upon the death of the majority stockholder.

84 Acts, ch 1087, §5

322D.6 Security interests not affected.

The provisions of this chapter shall not be construed to affect, in any way, the existence or enforcement of any security interest which a supplier, any financial institution or any other person may have in the inventory of the retailer.

84 Acts, ch 1087, §6; 94 Acts, ch 1121, §1

322D.7 Application — farm implement franchise agreements.

This chapter applies until July 1, 1990, to all farm implement franchise agreements in effect before July 1, 1990, which have no expiration date and to all other such agreements entered

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into or renewed after April 12, 1985, but before July 1, 1990, which will expire after April 12, 1985. Any agreement in effect on April 12, 1985, which by its own terms will terminate on a subsequent date shall be governed by the law as it existed prior to April 12, 1985.

85 Acts, ch 26, §2; 90 Acts, ch 1077, §1

For provisions applicable on and after July 1, 1990, to agricultural equipment dealership agreements having no expiration date or entered into or renewed on or after July 1, 1990, see chapter 322F; §322F.9

322D.8 Application — motorcycle or autocycle franchise agreements.

The rights under section 322D.2, subsection 1, apply to motorcycle or autocycle franchise agreements in effect on July 1, 1985, which have no expiration date and are continuing agreements, and to those entered into or renewed after July 1, 1985, but only to motorcycles, autocycles, and motorcycle or autocycle attachments and parts purchased after July 1, 1985.

85 Acts, ch 47, §10; 2016 Acts, ch 1098, §29

322D.9 Application — all-terrain vehicles.

1. This chapter applies to a franchise for all-terrain vehicles only if chapter 322F does not apply to a dealership engaged in the retail sale of equipment designed to be principally used for agricultural operations under chapter 322F.

2. The rights under section 322D.2, subsection 1, shall apply to a franchise for all-terrain vehicles as follows:

a. All franchises in effect on July 1, 2002, that have no expiration date and are continuing franchises.

b. Franchises that have been executed or renewed on or after July 1, 2002, but only for all-terrain vehicles and related parts or attachments purchased on or after July 1, 2002.

2002 Acts, ch 1011, §7

322D.10 Application — snowmobile franchise agreements.

The rights under section 322D.2, subsection 1, apply to snowmobile franchises in effect on January 1, 2003, which have no expiration date and are continuing franchises, and to franchises executed or renewed on or after January 1, 2003, but only to snowmobiles and related parts or attachments purchased on or after January 1, 2003.

2003 Acts, ch 28, §7, 8

CHAPTER 322E

MOTOR HOMES AND MANUFACTURER'S CLUB RALLIES

Repealed pursuant to terms of former §322E.3 effective June 30, 2012; 2007 Acts, ch 131, §4

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CHAPTER 322F

EQUIPMENT DEALERSHIP AGREEMENTS

Referred to in §322D.9, 523H.1, 537A.10

For provisions applicable to certain farm implement and all-terrain vehicle franchise agreements, see chapter 322D, §322D.7

322F.1 Definitions.
322F.2 Notice of termination.
322F.3 Termination of agreement — repurchase of equipment.
322F.4 Security interests not affected.
322F.5 Death or incapacity of dealer.
322F.5A Transfer of dealership.
322F.6 Assignees and successors in interest.
322F.7 Violations.
322F.8 Supplier liability.
322F.9 Applicability.

322F.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Agricultural equipment"* means a device, part of a device, or an attachment to a device designed to be principally used for an agricultural purpose. *"Agricultural equipment"* includes but is not limited to equipment associated with livestock or crop production, horticulture, or floriculture. *"Agricultural equipment"* includes but is not limited to tractors; trailers; combines; tillage, planting, and cultivating implements; balers; irrigation implements; and all-terrain vehicles.

2. *"All-terrain vehicle"* means the same as defined in section 321I.1.

3. *"Construction equipment"*, *"industrial equipment"*, or *"utility equipment"* means a device, part of a device, or an attachment to a device designed to be principally used for a construction or industrial purpose. *"Construction equipment"*, *"industrial equipment"*, or *"utility equipment"* includes equipment associated with earthmoving, industrial material handling, mining, forestry, highway construction or maintenance, and landscaping. *"Construction equipment"*, *"industrial equipment"*, or *"utility equipment"* includes but is not limited to tractors, graders, excavators, loaders, and backhoes.

4. *"Dealer"* or *"dealership"* means a person engaged in the retail sale of equipment.

5. *"Dealership agreement"* means an oral or written agreement, either express or implied, between a supplier and a dealer which provides that the dealer is granted the right to sell, distribute, or service the supplier's equipment, regardless of whether the equipment carries a trade name, trademark, service mark, logotype, advertisement, or other commercial symbol, and which provides evidence of a continuing commercial relationship between the supplier and the dealer.

6. *"Equipment"* means agricultural equipment, construction equipment, industrial equipment, utility equipment, or outdoor power equipment. However, *"equipment"* does not include self-propelled machines designed primarily for the transportation of persons or property on a street or highway.

7. *"Good cause"* means a condition which occurs under any of the following circumstances:

a. The dealer fails to substantially comply with an essential and reasonable requirement imposed upon the dealer by the dealership agreement, but only if that requirement is also generally imposed upon similarly situated dealers.

b. The dealer has made a material misrepresentation or falsification of any record, contract, report, or other document which the dealer has submitted to the supplier.

c. The dealer transfers an interest in the dealership; a person with a substantial interest in the ownership or control of the dealership withdraws from the dealership, including an individual proprietor, partner, major shareholder, or manager; or a substantial reduction occurs in the interest of a partner or major shareholder in the dealership. However, good cause does not exist if the supplier consents to an action described in this paragraph.

d. The dealer has filed a voluntary petition in bankruptcy.

e. An involuntary petition in bankruptcy has been filed against the dealership and has not been discharged within thirty days after the filing.

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f. The dealership is subject to a closeout or sale of a substantial part of the dealership equipment or assets related to the equipment.

g. A dissolution or liquidation of dealership assets has commenced.

h. The dealer's principal place of business is relocated, unless the supplier consents to the change in location.

i. The dealer has defaulted under a security agreement, including but not limited to a chattel mortgage, between the dealer and the supplier or any subsidiary or affiliate of the supplier.

j. A guarantee of the dealer's present or future obligations to the supplier is revoked or discontinued.

k. The dealer has failed to operate in the normal course of business for seven consecutive business days or has otherwise abandoned business operations.

l. The dealer has pleaded guilty to or has been convicted of a felony.

m. The dealer has engaged in conduct which is injurious or detrimental to the dealer's customers or to the public welfare, including but not limited to, misleading advertising, failing to provide reasonable service or replacement parts, or failing to honor warranty obligations.

n. The dealer consistently fails to comply with applicable state licensing requirements relating to the products and services represented on behalf of the supplier.

o. The dealer has inadequately represented the manufacturer's product relating to sales when compared to similarly situated dealers.

8. *"Net cost"* means the price the dealer paid to the supplier for the equipment, less applicable discounts.

9. *"Net price"* means the current price listed in the supplier's effective price list or catalog, less any applicable trade or cash discount.

10. *"Outdoor power equipment"* means equipment using small motors or engines, if the equipment is used principally for outside service, including but not limited to aerators, augers, blowers, brush clearers, brush cutters, chain saws, dethatchers, edgers, hedge trimmers, lawn mowers, pole saws, power rakes, snowblowers, and tillers.

11. *"Supplier"* means the manufacturer, wholesaler, or distributor of equipment sold by a dealer.

90 Acts, ch 1077, §2; 2002 Acts, ch 1011, §8, 9; 2003 Acts, ch 55, §1 – 3; 2004 Acts, ch 1086, §62; 2004 Acts, ch 1132, §83
Referred to in §16.79A, 214A.1, 322F.2

322F.2 Notice of termination.

1. *a.* A supplier shall terminate a dealership agreement for equipment other than outdoor power equipment by cancellation, nonrenewal, or a substantial change in competitive circumstances only upon good cause and upon at least ninety days' prior written notice delivered to the dealer by certified mail or restricted certified mail. A supplier shall terminate a dealership agreement for outdoor power equipment by cancellation or nonrenewal only upon good cause and upon at least ninety days' prior written notice delivered to the dealer by restricted certified mail or hand delivered by a representative of the supplier to the dealer or a designated representative of the dealer.

b. A written termination notice must specify each deficiency constituting good cause for the action. The notice must also state that the dealer has sixty days to cure a specified deficiency. If the deficiency is cured within sixty days from the date that the notice is delivered, the notice is void. However, if the deficiency is based on a dealer's inadequate representation of a manufacturer's product relating to sales, as provided in section 322F.1, the notice must state that the dealer has eighteen months to cure the deficiency. If the deficiency based on inadequate representation of a manufacturer's product relating to sales is cured within eighteen months from the date that notice is delivered, the notice is void.

2. The supplier shall have the right to terminate immediately without notice in the event the action is for good cause as defined in section 322F.1, subsection 7, paragraphs *"b"* through *"m"*.

90 Acts, ch 1077, §3; 2003 Acts, ch 55, §4
Referred to in §322F.8

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322F.3 Termination of agreement — repurchase of equipment.

1. If a dealership agreement is terminated by cancellation or nonrenewal by either the dealer or supplier, the supplier must repurchase equipment and parts in the dealer's inventory and must repurchase special tools and computer hardware or software required for the dealership. The repurchase is subject to the following conditions:

a. The supplier must pay to the dealer or credit the dealer's account with one hundred percent of the net cost of all unused complete equipment including attachments. The equipment must be in new condition and purchased by the dealership from the supplier within twenty-four months preceding notification by either party of an intent to terminate the contract.

b. The supplier must pay to the dealer or credit the dealer's account with ninety percent of the net price for repair parts, including superseded parts listed in the price lists or catalogs in use by the supplier on the date of termination. The supplier shall also pay the dealer or credit the dealer's account with five percent of the net price on the date of termination on all parts returned for the dealer's handling, packing, and loading of the parts to be returned to the supplier. However, the supplier is not required to pay or credit the five percent if the supplier elects to perform the handling, packing, and loading.

c. The supplier shall pay to the dealer or credit the dealer's account with the amortized value of any specific computer hardware or software that the supplier required the dealer to purchase within the five years immediately preceding notification by either party of an intent to terminate the contract.

d. The supplier shall pay to the dealer or credit the dealer's account with the following amounts for special repair tools that were unique to the supplier's product line and that are in complete and resalable condition:

(1) Seventy-five percent of the net cost of special repair tools purchased within the three years immediately preceding notification by either party of an intent to terminate the contract.

(2) Fifty percent of the net cost of special repair tools purchased within the four to six years immediately preceding notification by either party of an intent to terminate the contract.

e. The supplier shall only be required to repurchase the items described in paragraphs "*c*" and "*d*" if the items are free and clear of all claims, liens, and encumbrances, to the satisfaction of the supplier.

f. The supplier must pay to the dealer or credit the dealer's account with one hundred percent of the net cost of all equipment used in demonstrations, including equipment leased primarily for demonstration or lease, at the equipment's agreed-upon depreciated value, provided that such equipment is in new condition and has not been abused.

2. Upon payment or allowance of a credit to the dealer's account as required in this section, the title to the repurchased equipment is transferred to the supplier making the repurchase, and the supplier may take immediate possession of the repurchased equipment.

3. The supplier must make payment or allowance of a credit as required under this section not later than ninety days from the date that the supplier takes possession of the repurchased equipment.

4. This section does not require repurchase from the dealer of repair parts which have a limited storage life or are otherwise subject to deterioration, including but not limited to rubber items, gaskets, and batteries. This section also does not require repurchase from the dealer of parts in broken or damaged packages, single repair parts priced as a set of two or more items, or repair parts which because of their condition are not resalable as new parts without new packaging or reconditioning.

90 Acts, ch 1077, §4; 2001 Acts, ch 42, §1, 2; 2003 Acts, ch 55, §5; 2021 Acts, ch 70, §1
Referred to in §322F.5, 322F.8

322F.4 Security interests not affected.

This chapter shall not be construed to affect the existence or enforcement of a security interest which any person, including a supplier or financial institution, may have in the inventory of the dealer.

90 Acts, ch 1077, §5; 94 Acts, ch 1121, §2

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322F.5 Death or incapacity of dealer.

If a dealer or a person holding a majority interest in a business entity operating a dealership dies or is incapacitated, the rights under this chapter may be exercised as an option by the heirs at law if the dealer or majority interest holder died intestate, or by the executor under the terms of the dealer's or majority interest holder's will. If the heirs or the executor do not exercise this option within twelve months from the date of death of the dealer or majority interest holder, the supplier must repurchase the equipment as if the supplier had terminated the dealership agreement pursuant to section 322F.3. However, this section does not entitle an heir, executor, administrator, legatee, or devisee of a deceased dealer or majority interest holder to continue to operate the dealership without the consent of the supplier.

90 Acts, ch 1077, §6; 2003 Acts, ch 55, §6

322F.5A Transfer of dealership.

1. If a supplier has contractual authority to approve or deny a request for a sale or transfer of a dealer's business or an equity ownership interest in the business, the supplier shall approve or deny the request within sixty days after receiving a written request from the dealer. If the supplier has not approved or denied the request within the sixty-day period, the request shall be deemed approved. The dealer's request shall include reasonable financial information, personal background information, character references, and work histories for each acquiring person.

2. If a supplier denies a request made pursuant to this section, the supplier shall provide the dealer with a written notice of the denial that states the reasons for the denial. A supplier may only deny a request based on the failure of a proposed transferee to meet the reasonable requirements consistently imposed by the supplier in determining whether to approve a transfer or a new dealership.

2005 Acts, ch 27, §1

Referred to in §322F.9

322F.6 Assignees and successors in interest.

The obligations under this chapter apply to the supplier's assignee or successor in interest. A successor in interest includes, but is not limited to, a purchaser of assets or stock, a surviving corporation resulting from a merger or liquidation, a receiver, or a trustee of the supplier.

90 Acts, ch 1077, §7

322F.7 Violations.

A violation of this chapter includes but is not limited to a supplier doing any of the following:

1. Requires a dealer to accept delivery of equipment that the dealer has not ordered.

2. Requires a dealer to order or accept delivery of equipment with special features or accessories not included in the base price list of equipment as publicly advertised by the supplier.

3. Requires a dealer to enter into any agreement, whether written or oral, which amends or supplements an existing dealership agreement with the supplier, unless the supplementary or amendatory agreement is imposed on other similarly situated dealers.

4. Requires as a condition of renewal or extension of a dealership agreement that the dealer complete substantial renovation of the dealer's place of business, or acquire new or additional space to serve as the dealer's place of business, unless the supplier provides at least one year's written notice of the condition which states all grounds supporting the condition. The supplier must provide a reasonable time for the dealer to complete the renovation or acquisition.

5. Requires a dealer to refuse to purchase equipment distributed by another supplier.

6. Discriminates in the prices charged for equipment of like grade and quality sold by the supplier to similarly situated dealers. This subsection does not prevent the use of differentials which make only due allowance for costs related to the manufacture, sale, or delivery of equipment, or to methods or quantities of equipment sold or delivered.

7. *a.* (1) For a dealership agreement governing equipment other than outdoor power

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equipment, takes action terminating, canceling, or failing to renew the dealership agreement, or substantially changes the competitive circumstances intended by the dealership agreement, due to the results of conditions beyond the dealer's control, including drought, flood, labor disputes, or economic recession.

(2) For a dealership agreement governing outdoor power equipment, takes action terminating, canceling, or failing to renew the dealership agreement due to the results of conditions beyond the dealer's control, including drought, flood, labor disputes, or economic recession.

b. This subsection shall not apply if the dealer is in default of a security agreement in effect with the supplier.

90 Acts, ch 1077, §8; 2003 Acts, ch 55, §7; 2004 Acts, ch 1086, §63; 2011 Acts, ch 44, §1
Referred to in §322F.8

322F.8 Supplier liability.

1. *a.* (1) A dealer may bring a legal action against a supplier for damages sustained by the dealer as a consequence of the supplier's violation of any provision of this chapter, including but not limited to a violation described in section 322F.7. A supplier violating this chapter shall compensate the dealer for damages sustained by the dealer as a consequence of the supplier's violation, together with the actual costs of the action, including reasonable attorney fees.

(2) For a dealership agreement governing equipment other than outdoor power equipment, a dealer may be granted injunctive relief against unlawful termination, cancellation, or the nonrenewal of the dealership agreement, or a substantial change of competitive circumstances as provided in section 322F.2.

(3) For a dealership agreement governing outdoor power equipment, a dealer may be granted injunctive relief against unlawful termination, cancellation, or the nonrenewal of the dealership agreement as provided in section 322F.2.

b. The remedies in this section are in addition to any other remedies permitted by law.

2. *a.* If the payment or allowance of equipment repurchased pursuant to section 322F.3 is not made as required, or the supplier is found liable for damages pursuant to subsection 1, paragraph *"a"*, subparagraph (1), the amount due to the dealer shall bear interest at the rate of one and one-half percent per month calculated from the date that the dealership agreement was terminated.

b. Upon termination of a dealership agreement by nonrenewal or cancellation, by a dealer or supplier, if the supplier fails to make payment or credit the account of the dealer as provided in any provision of this chapter, the supplier is liable in a civil action brought by the dealer for the repurchase amount set forth in section 322F.3, plus interest as calculated pursuant to paragraph *"a"*. The supplier's civil liability as provided in this paragraph shall be in addition to and not in lieu of any remedy provided by subsection 1, paragraph *"a"*, subparagraph (1).

3. The requirements of this chapter supplement any agreement between a dealer and a supplier. The dealer may elect either to pursue contractual remedies under the dealership agreement or remedies provided under this chapter. An election by the dealer to pursue a remedy provided under this chapter does not bar the dealer from pursuing any other remedy under law or equity, including contractual remedies. This chapter does not affect rights of the supplier to charge back to the dealer's accounts amounts previously paid or credited as a discount to the dealer's purchase of goods, including equipment.

90 Acts, ch 1077, §9; 2003 Acts, ch 55, §8, 9; 2011 Acts, ch 44, §2, 3

322F.9 Applicability.

1. A term of a dealership agreement that is inconsistent with the terms of this chapter is void and unenforceable and does not waive any rights that are provided to a person by this chapter.

2. *a.* For all dealership agreements other than those provided for in this section, this chapter applies to those dealership agreements in effect that have no expiration date and all other dealership agreements entered into or renewed on or after July 1, 1990. Any such

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dealership agreement in effect on June 30, 1990, which by its own terms will terminate on a subsequent date, shall be governed by the law as it existed prior to July 1, 1990.

b. For all dealership agreements governing all-terrain vehicles, this chapter applies to those dealership agreements in effect that have no expiration date and all other such dealership agreements entered into or renewed on or after July 1, 2002. Any such dealership agreement in effect on July 1, 2002, which by its own terms will terminate on a subsequent date, shall be governed by the law as it existed prior to July 1, 2002.

c. For all dealership agreements governing agricultural equipment used principally for floriculture and for all dealership agreements governing construction equipment, industrial equipment, utility equipment, and outdoor power equipment, this chapter applies to those dealership agreements in effect that have no expiration date and all other such dealership agreements entered into or renewed on or after July 1, 2003. Any dealership agreement in effect on July 1, 2003, which by its own terms will terminate on a subsequent date, shall be governed by the law as it existed prior to July 1, 2003.

d. For all dealership agreements governing the sale or transfer of a dealer's business, section 322F.5A applies to those dealership agreements in effect that have no expiration date and all other such dealership agreements entered into or renewed on or after July 1, 2005. Any dealership agreement in effect on July 1, 2005, which by its own terms will terminate on a subsequent date, shall be governed by the law as it existed prior to July 1, 2005.

90 Acts, ch 1077, §10; 2002 Acts, ch 1011, §10; 2003 Acts, ch 55, §10; 2005 Acts, ch 27, §2

Applicability of chapter 322D to farm implement and all-terrain vehicle franchise agreements; §322D.7, 322D.9

CHAPTER 322G

DEFECTIVE MOTOR VEHICLES (LEMON LAW)

Referred to in §321.24, 321.105A

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322G.1 Legislative intent.

The general assembly recognizes that a motor vehicle is a major consumer acquisition and that a defective motor vehicle undoubtedly creates a hardship for the consumer. The general assembly further recognizes that a duly franchised motor vehicle dealer is an authorized service agent of the manufacturer. It is the intent of the general assembly that a good faith motor vehicle warranty complaint by a consumer be resolved by the manufacturer within a specified period of time. It is further the intent of the general assembly to provide the statutory procedures whereby a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the warranty provided for in this chapter. However, this chapter does not limit the rights or remedies which are otherwise available to a consumer under any other law.

91 Acts, ch 153, §1

322G.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Collateral charges"* means those additional charges to a consumer wholly incurred as

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a result of the acquisition of the motor vehicle. For the purposes of this chapter, collateral charges include, but are not limited to, charges for manufacturer-installed or agent-installed items, earned finance charges, use taxes, and title charges.

2. *"Condition"* means a general problem that may be attributable to a defect in more than one part.

3. *"Consumer"* means the purchaser or lessee, other than for purposes of lease or resale, of a new or previously untitled motor vehicle, or any other person entitled by the terms of the warranty to enforce the obligations of the warranty during the duration of the lemon law rights period.

4. *"Days"* means calendar days.

5. *"Department"* means the attorney general.

6. *"Incidental charges"* means those reasonable costs incurred by the consumer, including, but not limited to, towing charges and the costs of obtaining alternative transportation, which are the direct result of the nonconformity or nonconformities which are the subject of the claim. Incidental charges do not include loss of use, loss of income, or personal injury claims.

7. *"Lease price"* means the aggregate of the following:

a. Lessor's actual purchase costs.

b. Collateral charges, if applicable.

c. Any fee paid to another to obtain the lease.

d. Any insurance or other costs expended by the lessor for the benefit of the lessee.

e. An amount equal to state and local use taxes, not otherwise included as collateral charges, paid by the lessor when the vehicle was initially purchased.

f. An amount equal to five percent of the lessor's actual purchase cost.

8. *"Lemon law rights period"* means the term of the manufacturer's written warranty, the period ending two years after the date of the original delivery of a motor vehicle to a consumer, or the first twenty-four thousand miles of operation attributable to a consumer, whichever expires first.

9. *"Lessee"* means any consumer who leases a motor vehicle for one year or more pursuant to a written lease agreement which provides that the lessee is responsible for repairs to the motor vehicle.

10. *"Lessee cost"* means the aggregate of the deposit and rental payments previously paid to the lessor for the leased vehicle.

11. *"Lessor"* means a person who holds the title to a motor vehicle leased to a lessee under a written lease agreement or who holds the lessor's rights under the agreement.

12. *"Manufacturer"* means a person engaged in the business of constructing or assembling new motor vehicles or installing on previously assembled vehicle chassis special bodies or equipment which, when installed, form an integral part of the new motor vehicle, or a person engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing the new motor vehicles to new motor vehicle dealers.

13. *"Motor vehicle"* means a self-propelled vehicle purchased or leased in this state, except as provided in section 322G.15, and primarily designed for the transportation of persons or property over public streets and highways, but does not include mopeds, motorcycles, autocycles, motor homes, or vehicles over fifteen thousand pounds gross vehicle weight rating.

14. *"Nonconformity"* means a defect, malfunction, or condition in a motor vehicle such that the vehicle fails to conform to the warranty, but does not include a defect, malfunction, or condition that results from an accident, abuse, neglect, modification, or alteration of the motor vehicle by persons other than the manufacturer or its authorized service agent.

15. *"Person"* means person as defined in section 714.16.

16. *"Program"* means an informal dispute settlement procedure established by a manufacturer which mediates and arbitrates motor vehicle warranty disputes arising in this state.

17. *"Purchase price"* means the cash price paid for the motor vehicle appearing in the sales agreement or contract, including any net allowance given for a trade-in vehicle.

18. *"Reasonable offset for use"* means the number of miles attributable to a consumer up

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to the date of the third attempt to repair the same nonconformity which is the subject of the claim, or the first attempt to repair a nonconformity that is likely to cause death or serious bodily injury, or the twentieth cumulative day when the vehicle is out of service by reason of repair of one or more nonconformities, whichever occurs first, multiplied by the purchase price of the vehicle, or in the event of a leased vehicle, the lessor's actual lease price plus an amount equal to two percent of the purchase price, and divided by one hundred twenty thousand.

19. *"Replacement motor vehicle"* means a motor vehicle which is identical or reasonably equivalent to the motor vehicle to be replaced, and as the motor vehicle to be replaced would have existed without the nonconformity at the time of original acquisition.

20. *"Substantially impair"* means to render the motor vehicle unfit, unreliable, or unsafe for warranted or ordinary use, or to significantly diminish the value of the motor vehicle.

21. *"Warranty"* means any written warranty issued by the manufacturer; or any affirmation of fact or promise made by the manufacturer, excluding statements made by the dealer, in connection with the sale or lease of a motor vehicle to a consumer, which relates to the nature of the material or workmanship and affirms or promises that the material or workmanship is free of defects or will meet a specified level of performance.

91 Acts, ch 153, §2; 95 Acts, ch 45, §6; 2014 Acts, ch 1072, §1, 2; 2016 Acts, ch 1098, §30

322G.3 Duties of manufacturer.

1. At the time of the consumer's purchase or lease of the vehicle, the manufacturer shall provide to the consumer a written statement that explains the consumer's rights and obligations under this chapter. The written statement shall be prepared by the attorney general and shall contain a telephone number that the consumer can use to obtain information from the attorney general regarding the rights and obligations provided under this chapter.

2. At the time of the consumer's purchase or lease of the vehicle, the manufacturer shall provide to the consumer the address and phone number for the zone, district, or regional office of the manufacturer for this state where a claim may be filed by the consumer. This information shall be provided to the consumer in a clear and conspicuous manner. Within thirty days of the introduction of a new model year for each make and model of motor vehicle sold in this state, the manufacturer shall notify the attorney general of such introduction. The manufacturer shall also inform the attorney general that a copy of the owner's manual and applicable written warranties shall be provided upon request and provide information as to where the request should be made. The manufacturer shall inform the attorney general where such a request should be directed and shall provide the copy of the owner's manual and applicable written warranties within five business days of a request by the attorney general.

3. A manufacturer or the authorized service agent of the manufacturer shall make repairs as necessary to conform the vehicle to the warranty if a motor vehicle does not conform to the warranty and the consumer reports the nonconformity to the manufacturer or authorized service agent during the lemon law rights period. Such repairs shall be made irrespective of whether they can be made prior to the expiration of the lemon law rights period.

4. A manufacturer or the authorized service agent of the manufacturer, shall provide to the consumer, each time the motor vehicle is returned after being examined or repaired under the warranty, a fully itemized, legible statement or repair order indicating any diagnosis made, and all work performed on the motor vehicle including, but not limited to, a general description of the problem reported by the consumer or an identification of the defect or condition, parts and labor, the date and the odometer reading when the motor vehicle was submitted for examination or repair, and the date when the repair or examination was completed.

5. Upon request from the consumer, the manufacturer, or the authorized service agent of the manufacturer, shall provide a copy of either or both of the following:

a. Any report or printout of any diagnostic computer operation compiled by the manufacturer or authorized service agent regarding an inspection or diagnosis of the motor vehicle.

b. A copy of any technical service bulletin issued by the manufacturer regarding the year

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and model of the motor vehicle as it pertains to any material, feature, component, or the performance of the motor vehicle.

91 Acts, ch 153, §3
Referred to in §322G.15

322G.4 Nonconformity of motor vehicles.

1. *a.* After three attempts have been made to repair the same nonconformity that substantially impairs the motor vehicle, or after one attempt to repair a nonconformity that is likely to cause death or serious bodily injury, the consumer may give written notification, which shall be by certified or registered mail or by overnight service, to the manufacturer of the need to repair the nonconformity in order to allow the manufacturer a final attempt to cure the nonconformity. The manufacturer shall, within ten days after receipt of such notification, notify and provide the consumer with the opportunity to have the vehicle repaired at a reasonably accessible repair facility and after delivery of the vehicle to the designated repair facility by the consumer, the manufacturer shall, within ten days, conform the motor vehicle to the warranty. If the manufacturer fails to notify and provide the consumer with the opportunity to have the vehicle repaired at a reasonably accessible repair facility or perform the repairs within the time periods prescribed in this subsection, the requirement that the manufacturer be given a final attempt to cure the nonconformity does not apply.

b. After twenty or more cumulative days when the motor vehicle has been out of service by reason of repair of one or more nonconformities, the consumer may give written notification to the manufacturer which shall be by certified or registered mail or by overnight service. Commencing upon the date such notification is received, the manufacturer has ten cumulative days when the vehicle has been out of service by reason of repair of one or more nonconformities to conform the motor vehicle to the warranty.

2. *a.* If the manufacturer, or its authorized service agent, has not conformed the motor vehicle to the warranty by repairing or correcting one or more nonconformities that substantially impair the motor vehicle after a reasonable number of attempts, the manufacturer shall, within forty days of receipt of payment by the manufacturer of a reasonable offset for use by the consumer, replace the motor vehicle with a replacement motor vehicle acceptable to the consumer, or repurchase the motor vehicle from the consumer or lessor and refund to the consumer or lessor the full purchase or lease price, less a reasonable offset for use. The replacement or refund shall include payment of all collateral and reasonably incurred incidental charges. The consumer has an unconditional right to choose a refund rather than a replacement. If the consumer elects to receive a refund, and the refund exceeds the amount of the payment for a reasonable offset for use, the requirement that the consumer pay the reasonable offset for use in advance does not apply, and the manufacturer shall deduct that amount from the refund due to the consumer. If the consumer elects a replacement motor vehicle, the manufacturer shall provide the consumer a substitute motor vehicle to use until such time as the replacement vehicle is delivered to the consumer. At the time of the refund or replacement, the consumer, lienholder, or lessor shall furnish to the manufacturer clear title to and possession of the original motor vehicle.

b. Refunds shall be made to the consumer and lienholder of record, if any, as their interests appear. If applicable, refunds shall be made to the lessor and lessee as follows: the lessee shall receive the lessee's cost less a reasonable offset for use, and the lessor shall receive the lease price less the aggregate deposit and rental payments previously paid to the lessor for the leased vehicle. If it is determined that the lessee is entitled to a refund pursuant to this chapter, the consumer's lease agreement with the lessor is terminated upon payment of the refund and no penalty for early termination shall be assessed. The department of revenue shall refund to the manufacturer any use tax or fee for new registration which the manufacturer refunded to the consumer, lessee, or lessor under this section, if the manufacturer provides to the department of revenue a written request for a refund and evidence that the use tax or fee for new registration was paid when the vehicle was purchased and that the manufacturer refunded the use tax or fee for new registration to the consumer, lessee, or lessor.

3. *a.* It is presumed that a reasonable number of attempts have been undertaken to

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conform a motor vehicle to the warranty if, during the lemon law rights period, any of the following occur:

(1) The same nonconformity that substantially impairs the motor vehicle has been subject to examination or repair at least three times by the manufacturer or its authorized service agent, plus a final attempt by the manufacturer to repair the motor vehicle if undertaken as provided for in subsection 1, and such nonconformity continues to exist.

(2) A nonconformity that is likely to cause death or serious bodily injury has been subject to examination or repair at least one time by the manufacturer or its authorized service agent, plus a final attempt by the manufacturer to repair the motor vehicle if undertaken as provided for in subsection 1, and such nonconformity continues to exist.

(3) The motor vehicle has been out of service by reason of repair by the manufacturer, or its authorized service agent, of one or more nonconformities that substantially impair the motor vehicle for a cumulative total of thirty or more days, exclusive of down time for routine maintenance prescribed by the owner's manual. The thirty-day period may be extended by any period of time during which repair services are not available to the consumer because of war, invasion, strike, fire, flood, or natural disaster.

b. The terms of this subsection shall be extended for a period of up to two years after the date of the original delivery of a motor vehicle to a consumer, or the first twenty-four thousand miles of operation attributable to a consumer, whichever occurs first, if a nonconformity has been reported but has not been cured by the manufacturer, or its authorized service agent, before the expiration of the lemon law rights period.

4. A manufacturer, or its authorized service agent, shall not refuse to examine or repair any nonconformity for the purpose of avoiding liability under this chapter.

91 Acts, ch 153, §4; 2003 Acts, ch 145, §286; 2008 Acts, ch 1113, §107; 2010 Acts, ch 1061, §180

Referred to in §321.105A, 322G.6, 322G.8, 322G.12

322G.5 Affirmative defenses.

Any of the following is an affirmative defense to a claim under this chapter:

1. The alleged nonconformity or nonconformities do not substantially impair the motor vehicle.

2. A nonconformity is the result of an accident, abuse, neglect, or unauthorized modification or alteration of the motor vehicle by a person other than the manufacturer or its authorized service agent.

3. The claim by the consumer was not filed in good faith.

4. Any other defense allowed by law which may be raised against the claim.

91 Acts, ch 153, §5

322G.6 Informal dispute settlement procedures — operations and certification.

1. At the time of the consumer's purchase or lease of the vehicle, a manufacturer who has established a program certified pursuant to this section shall, at a minimum, clearly and conspicuously disclose to the consumer in written materials accompanying the vehicle how and where to file a claim with the program.

2. A certified program shall be funded and competently staffed at a level sufficient to ensure fair and expeditious resolution of all disputes, and shall not charge consumers any fee for use of the program. The manufacturer shall take all steps necessary to ensure that a certified program and its staff and decision makers are sufficiently insulated from the manufacturer so that the performance of the staff and the decisions of the decision makers are not influenced by the manufacturer. Such steps, at a minimum, shall ensure that the manufacturer does not make decisions on whether a consumer's dispute proceeds to the decision maker. Staff and decision makers of a certified program shall be trained in the provisions of this chapter and rules adopted under this chapter.

3. *a.* A certified program shall allow an oral presentation by a party, or by a party's employee, agent, or representative.

b. Within five days following the consumer's notification to the certified program of the dispute, the program shall inform each party of their right to make an oral presentation.

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c. Meetings of a certified program to hear and decide disputes shall be open to observers, including either party to the dispute, on reasonable and nondiscriminatory terms.

4. A certified program shall render a decision no later than sixty days from the day of the consumer's notification of the dispute, provided that a significant number of decisions are rendered within forty days. For the purposes of this section, notification is deemed to have occurred when a certified program has received the consumer's name and address; the current date and the date of the original delivery of the motor vehicle to a consumer; the year, make, model, and identification number of the motor vehicle; and a description of the nonconformity. If the consumer has not previously notified the manufacturer of the nonconformity, the sixty-day period is extended for an additional seven days.

5. A certified program shall, in rendering decisions, take into account the provisions of this chapter and all legal and equitable factors germane to a fair and just decision. The decision shall disclose to the consumer and the manufacturer the reasons for the decision, and the manufacturer's required actions, if applicable. If the decision is in favor of the consumer, the consumer shall have up to twenty-five days from the date of receipt of the certified program's decision to indicate acceptance of the decision. The decision shall prescribe a reasonable period of time, not to exceed thirty days from the date the consumer notifies the manufacturer of acceptance of the decision, within which the manufacturer must fulfill the terms of the decision. If the manufacturer has had a reasonable number of attempts to conform a motor vehicle to the warranty as set forth in section 322G.4, subsection 3, including a final attempt by the manufacturer to repair the motor vehicle, if undertaken as provided for in section 322G.4, subsection 1, and the consumer is entitled to a replacement vehicle or a refund under section 322G.4, subsection 2, the decision shall be limited to relief as allowed under section 322G.4, subsection 2. In an action brought by a consumer under this chapter, the decision of a certified program is admissible in evidence.

6. A certified program shall establish written procedures which explain operation of the certified program. Copies of the written procedures shall be made available to any person upon request and shall be sent to the consumer upon notification of the dispute.

7. A certified program shall retain all records for each dispute for at least four years after the final disposition of the dispute. A certified program shall have an independent audit conducted annually to determine whether the manufacturer and its performance and the program and its implementation are in compliance with this chapter. All records for each dispute shall be available for the audit. Such audit, upon completion, shall be forwarded to the attorney general.

8. Any manufacturer licensed to sell motor vehicles in this state may apply to the attorney general for certification of its program. A manufacturer seeking certification of its program in this state shall submit to the attorney general an application for certification on a form prescribed by the attorney general.

9. A program certified in this state or a program established by a manufacturer applying for certification in this state shall submit to the attorney general a copy of each settlement approved by the program or decision made by the decision maker within thirty days after the settlement is reached or the decision is rendered. The decision or settlement shall contain information prescribed by the attorney general.

10. The attorney general shall review the operations of any certified program at least once annually. The attorney general shall prepare annual and periodic reports evaluating the operation of certified programs serving consumers in this state or programs established by motor vehicle manufacturers applying for certification in this state. The reports shall indicate whether certification should be granted, renewed, denied, or revoked.

11. If a manufacturer has established a program which the attorney general has certified as substantially complying with the provisions of and the rules adopted under this chapter, and has informed the consumer how and where to file a claim with the program pursuant to subsection 1, the provisions of section 322G.4, subsection 2, do not apply to any consumer who has not first resorted to the program.

91 Acts, ch 153, §6; 2010 Acts, ch 1061, §180

Referred to in §322G.7, 322G.15

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322G.7 Informal dispute settlement procedure — certification uniformity.

To facilitate uniform application, interpretation, and enforcement of this section and section 322G.6, and in implementing rules adopted pursuant to section 322G.14, the attorney general may cooperate with agencies that perform similar functions in any other states that enact these or similar sections. The cooperation authorized by this section may include any of the following:

1. Establishing a central depository for copies of all applications and accompanying materials submitted by manufacturers for certification, and all reports prepared, notices issued, and determinations made by the attorney general under section 322G.6.
2. Sharing and exchanging information, documents, and records pertaining to program operations.
3. Sharing personnel to perform joint reviews, surveys, and investigations of program operations.
4. Preparing joint reports evaluating program operations.
5. Granting joint certifications and certification renewals.
6. Issuing joint denials or revocations of certification.
7. Holding a joint administrative hearing.
8. Formulating, in accordance with chapter 17A, the administrative procedure Act, rules or proposed rules on matters such as guidelines, forms, statements of policy, interpretative opinions, and any other information necessary to implement section 322G.6.

91 Acts, ch 153, §7; 2019 Acts, ch 59, §99

322G.8 Consumer remedies.

1. If a consumer resorts to a manufacturer's certified program and a decision is not rendered within the time periods allowed in this chapter, or a manufacturer has no certified program and the consumer has notified the manufacturer pursuant to section 322G.4, subsection 1, the consumer may file an action in district court under this chapter within one year from the expiration of the lemon law rights period or an extension of the period pursuant to section 322G.4, subsection 3.

2. If a consumer resorts to a manufacturer's certified program and is not satisfied with the performance of the manufacturer as ordered in the decision, or the manufacturer does not perform as directed by the decision within the time period specified in the decision, the consumer may file an action in district court under this chapter within six months after the date prescribed in the decision by which the manufacturer must fulfill the terms of the decision. If the consumer declines to accept the decision of the manufacturer's certified program, the consumer may appeal the decision pursuant to subsection 4. For purposes of this subsection, *"not satisfied with the performance of the decision"* means, following the consumer's acceptance of the decision, the consumer indicates that the manufacturer failed to comply with the terms of the decision within the time specified in the decision or failed to cure the nonconformity within the time specified in the decision if further repairs were ordered.

3. In an action under either subsection 1 or 2, the court shall award a consumer who prevails the amount of any pecuniary loss, including relief the consumer is entitled to under section 322G.4, subsection 2, reasonable attorney's fees, and costs. In addition, if the court affirms the decision of the certified program, the court may award any additional amounts allowed under subsection 7.

4. A certified program's decision is final unless appealed by either party. A petition to the district court to appeal a decision must be made within fifty days after receipt of the decision or within twenty-five days from the date the consumer indicates acceptance of the decision to the manufacturer, whichever occurs first. Within seven days after the petition has been filed, the appealing party must send, by certified, registered, or express mail, a copy of the petition to the attorney general. If the attorney general receives no notice of the petition within sixty days after the manufacturer's receipt of a decision in favor of the consumer, and the consumer has indicated acceptance of the decision within the twenty-five days of receipt of the decision, but the manufacturer has neither complied with, nor petitioned to appeal the decision, the attorney general may apply to the court to impose a fine up to one thousand dollars per day

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against the manufacturer until the amount stands at twice the purchase price of the motor vehicle, unless the manufacturer provides clear and convincing evidence that the delay or failure was beyond its control or was acceptable to the consumer as evidenced by a written statement signed by the consumer. If the manufacturer fails to provide such evidence or fails to pay the fine, the attorney general shall initiate proceedings against the manufacturer for failure to pay the fine. The proceeds from the fine imposed shall be placed in the attorney general's motor vehicle fraud and odometer law enforcement fund for implementation and enforcement of this chapter.

5. If the manufacturer fails to comply with a decision which has been timely accepted by the consumer or fails to file a timely petition for appeal, the court shall affirm the board's decision upon application by the consumer.

6. An appeal of a decision by a certified program to the court by a consumer or a manufacturer shall be tried de novo, and may be based upon stipulated facts. In a written petition to appeal a decision by the board, the appealing party must state the action requested and the grounds relied upon for appeal.

7. If a decision of the certified program in favor of the consumer is affirmed or upheld by the court, recovery by the consumer shall include the pecuniary value of the award, including relief the consumer is entitled to under section 322G.4, subsection 2, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in an amount of twenty-five dollars per day for all days beyond the twenty-five-day period following the manufacturer's receipt of the consumer's acceptance of the certified program's decision. If a court determines that a manufacturer filed a petition for appeal to be tried de novo in bad faith or brought such an appeal solely for the purpose of harassment, the court shall double, and may triple, the amount of the total award, after consideration of all circumstances.

8. Appellate review of a court decision in favor of the consumer may be conditioned upon payment by the manufacturer of the consumer's attorney's fees and giving security for costs and expenses resulting from the review period.

9. This chapter does not prohibit a consumer from pursuing other rights or remedies under any other law.

91 Acts, ch 153, §8

322G.9 Compliance and disciplinary action.

The attorney general may enforce and ensure compliance with the provisions of this chapter and rules adopted pursuant to section 322G.14, may issue subpoenas requiring the attendance of witnesses and the production of evidence, and may petition any court having jurisdiction to compel compliance with the subpoenas. The attorney general may levy and collect an administrative fine in an amount not to exceed one thousand dollars for each violation against any manufacturer found to be in violation of this chapter or rules adopted pursuant to section 322G.14. A manufacturer may request a hearing pursuant to chapter 17A, the administrative procedure Act, if the manufacturer contests the fine levied against it. The proceeds from any fine levied and collected pursuant to this section shall be placed in the attorney general's motor vehicle fraud and odometer law enforcement fund for implementation and enforcement of this chapter.

91 Acts, ch 153, §9

322G.10 Unfair or deceptive trade practice.

A violation by a manufacturer of this chapter is an unfair or deceptive trade practice in violation of section 714.16, subsection 2, paragraph *"a"*.

91 Acts, ch 153, §10

322G.11 Dealer liability.

This chapter, except for the requirements of section 322G.12, does not impose any liability on a franchised motor vehicle dealer or create a cause of action by a consumer against a dealer. A dealer shall not be made a party defendant in any action involving or relating to this chapter, except as provided in this section. The manufacturer shall not charge back or require reimbursement by the dealer for any costs, including but not limited to any refunds or

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vehicle replacements, incurred by the manufacturer pursuant to this chapter, in the absence of a finding by a court that the related repairs had been carried out by the dealer in a manner substantially inconsistent with the manufacturer's published instructions. A manufacturer who is found by a court to have improperly charged back a dealer because of a violation of this section is liable to the injured dealer for full reimbursement plus reasonable costs and any attorney's fees.

91 Acts, ch 153, §11; 95 Acts, ch 45, §7

322G.12 Resale of returned vehicles.

1. A manufacturer who accepts the return of a motor vehicle pursuant to a settlement, determination, or decision under this chapter shall notify the state department of transportation, report the vehicle identification number of that motor vehicle within ten days after the acceptance, and obtain a new certificate of title for the vehicle in the manufacturer's name pursuant to section 321.46. In obtaining a new certificate of title, the manufacturer shall title the vehicle in the county of the transferor's residence and shall be exempt from the registration fee requirements of section 321.46 and the fee for new registration under section 321.105A. The new certificate of title, and all subsequent registration receipts and certificates of title issued for the motor vehicle, shall contain a designation indicating that the motor vehicle was returned to the manufacturer pursuant to this chapter or a similar law of another state. The state department of transportation shall determine the manner in which the designation is to be indicated on registration receipts and certificates of title and may determine that a "REBUILT" or "SALVAGE" designation supersedes the designation required by this subsection and include the "REBUILT" or "SALVAGE" designation on the registration receipt and certificate of title in lieu of the designation required by this subsection.

2. A person shall not knowingly lease, sell, either at wholesale or retail, or transfer a title to a motor vehicle returned by reason of a settlement, determination, or decision pursuant to this chapter or a similar law of another state unless the nature of the nonconformity is clearly and conspicuously disclosed to the prospective transferee, lessee, or buyer. The attorney general shall prescribe by rule the form, content, and procedure pertaining to such a disclosure statement, recognizing the need of manufacturers to implement a uniform disclosure form. The manufacturer shall make a reasonable effort to ensure that such disclosure is made to the first subsequent retail buyer or lessee. For purposes of this section,"*settlement*" includes an agreement entered into between the manufacturer and the consumer that occurs after the thirtieth day following the manufacturer's receipt of the consumer's written notification pursuant to section 322G.4.

91 Acts, ch 153, §12; 95 Acts, ch 45, §8; 2000 Acts, ch 1047, §3, 4; 2008 Acts, ch 1113, §108; 2020 Acts, ch 1062, §44

Referred to in §312.2, 321.46, 321.105A, 322G.11

322G.13 Certain agreements void.

Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter is void as contrary to public policy.

91 Acts, ch 153, §13

322G.14 Rulemaking authority.

1. The attorney general shall adopt rules as necessary to implement this chapter.

2. In prescribing rules and forms under this chapter, the attorney general may cooperate with agencies that perform similar functions in other states with a view to effectuating the policy of this chapter to achieve maximum uniformity in the form and content of certification, regulation, and procedural evaluation of manufacturer-established programs, required recordkeeping, required reporting wherever practicable, and required notices to consumers.

91 Acts, ch 153, §14

Referred to in §322G.7, 322G.9

322G.15 Applicability.

1. This chapter takes effect July 1, 1991, and applies to motor vehicles originally purchased or leased by consumers on or after that date.

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2. This chapter applies to motor vehicles originally purchased or leased in this state and, except for section 322G.3, subsections 1 and 2, and section 322G.6, subsection 1, applies to motor vehicles originally purchased or leased in other states, if the consumer is a resident of this state at the time the consumer's rights are asserted under this chapter.

91 Acts, ch 153, §15; 95 Acts, ch 45, §9; 96 Acts, ch 1079, §10
Referred to in §322G.2

CHAPTER 323

MOTOR FUEL AND SPECIAL FUEL

323.1 Definitions.
323.2 Discontinuing distributor franchise.
323.3 Discontinuing dealer franchise.
323.4 Continuance.
323.4A Use of renewable fuel.
323.5 Burden of proof.
323.6 Conditions barring change in distributor franchise.
323.7 Department's guidelines.
323.8 Compulsory attendance at hearings.
323.9 Violations.
323.10 Intent.
323.11 Hearing.
323.12 Appeal.
323.13 Waiver.
323.14 Death of franchisee — successor — penalty.

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323.1 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Blender pump"* means a motor fuel blender pump as defined in section 214.1 that dispenses motor fuel or special fuel in a manner required pursuant to chapters 214 and 214A.

2. *"Dealer"* means a person, other than an employee of a distributor or franchiser, who operates, maintains or conducts a place of business from which motor fuel or special fuel is sold or offered for sale at retail to the ultimate consumer, and who holds a license, issued as provided in chapter 214, for each pump and meter operated upon the retail premises.

3. *"Dealer franchise"* means an agreement or contract, either written or oral, between a franchiser and a dealer or between a distributor and a dealer when all of the following conditions are included:

a. A commercial relationship of definite duration or continuing indefinite duration is involved.

b. The dealer is granted the right to offer and sell motor fuel or special fuel that is imported, refined or distributed by the franchiser or by the distributor.

c. The dealer's business is substantially reliant on the franchiser or distributor for the continued supply of motor fuel or special fuel.

4. *"Department"* means the department of inspections, appeals, and licensing.

5. *a. "Dispenser"* means a meter or similar commercial weighing and measuring device used to measure and dispense motor fuel or special fuel, including renewable fuel, originating from a storage tank used to store fuel.

b. "Dispenser" includes but is not limited to a motor fuel pump or blender pump.

6. *"Distributor"* means distributor as defined in section 452A.2.

7. *"Distributor franchise"* means a written agreement or contract, either written or oral, between a franchiser and a distributor when all of the following conditions are included:

a. A commercial relationship of definite duration or continuing indefinite duration is involved.

b. The distributor is granted the right to offer and sell motor fuel or special fuel that is imported, refined or distributed by the franchiser.

c. The distributor, as an independent business, constitutes a component of the franchiser's distribution system.

d. The distributor's business, or a portion of it which is related to motor fuel or special fuel purchased from the franchiser is substantially reliant on the franchiser for the continued supply of motor fuel or special fuel.

e. The distributor's business or a portion of it which is related to motor fuel or special fuel purchased from the franchiser is substantially associated with the franchiser's trademark, service mark, trade name, advertising or other commercial symbol designating the franchiser.

8. *"Franchiser"* means a person who is engaged in the importation, refining or distribution of motor fuel or special fuel and who has entered into a distributor franchise or a dealer franchise.

9. *"Motor fuel"* means motor fuel as defined in chapter 452A.

10. *"Motor fuel pump"* means the same as defined in section 214.1 that dispenses motor fuel or special fuel in a manner that complies with standards set forth in chapters 214 and 214A.

11. *"Refiner"* means a person engaged in the refining of crude oil to produce motor fuel or special fuel, and includes any affiliate of such person.

12. *"Renewable fuel"* means the same as defined in section 214A.1 that complies with standards set forth in section 214A.2.

13. *"Retail premises"* means real estate either owned or leased by the dealer and used primarily for the sale at retail to the ultimate consumer of motor fuel or special fuel.

14. *"Retaliatory action"* means action contrary to the purpose or intent of this chapter and may include a refusal to continue to sell or lease, a reduction in the quality or quantity of services or products customarily available for sale or lease, a violation of privacy, or an inducement of others to retaliate.

15. *"Special fuel"* means special fuel as defined in chapter 452A.

16. *"Storage tank"* means a motor fuel storage tank as defined in section 214.1, including an underground storage tank subject to regulation under chapter 455B, subchapter IV, part 8, section 455E.11, subsection 2, paragraph *"d"*, subparagraph (2), or section 455G.31.

17. *"Supplier"* means the same as defined in section 452A.2.

[C75, 77, 79, 81, §323.1]

88 Acts, ch 1158, §68; 95 Acts, ch 155, §1; 96 Acts, ch 1034, §28; 2013 Acts, ch 127, §4; 2023 Acts, ch 19, §1983; 2024 Acts, ch 1054, §15

323.2 Discontinuing distributor franchise.

Notwithstanding the terms, provisions or conditions of any distributor franchise, a franchiser shall not terminate or refuse to renew a distributor franchise except as provided in this chapter. A franchiser shall not terminate or refuse to renew a distributor franchise unless the franchiser gives to the distributor thirty days' written notice of franchiser's intent to terminate or not renew. Notice shall be given by restricted certified mail, as defined in section 618.15. If a distributor, within thirty days after the date of delivery of the notice from the franchiser, applies to the department for a hearing under this chapter, the distributor franchise shall remain in effect pending a final order by the department. The application filed by the distributor shall state, under oath, that the distributor has not filed a petition in bankruptcy or been declared bankrupt within six months preceding the filing of the application, that the franchiser has not withdrawn entirely from the sale for resale of motor fuel and special fuel in this state, that there are no past due sums owing by the distributor to the franchiser, and that the distributor has not consented in writing to the termination or nonrenewal of the distributor franchise.

[C75, 77, 79, 81, §323.2]

95 Acts, ch 155, §2

323.3 Discontinuing dealer franchise.

Notwithstanding the terms, provisions, or conditions of any dealer franchise, a distributor or franchiser shall not terminate or refuse to renew a dealer franchise except as provided in this chapter. A distributor or franchiser shall not terminate or refuse to renew a dealer franchise unless the distributor or franchiser gives to the dealer thirty days' written notice of distributor's or franchiser's intent to terminate or not renew. Notice shall be given by restricted certified mail, as defined in section 618.15. If a dealer, within thirty days after the date of delivery of the notice from the distributor or franchiser, applies to the department for a hearing under this chapter, the dealer franchise shall remain in effect pending a final

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order by the department. The application filed by the dealer shall state, under oath, that the dealer's license, issued pursuant to chapter 214, for pumps and meters located on the retail premises occupied by the dealer has not been canceled, that the dealer has not filed a petition in bankruptcy or been declared bankrupt within six months preceding the filing of the application, that the franchiser or distributor has not withdrawn entirely from the sale for resale of motor fuel and special fuel in this state, that there are no past due sums owing by the dealer to the franchiser or distributor, and that the dealer has not consented in writing to the termination or nonrenewal of the dealer franchise.

[C75, 77, 79, 81, §323.3]

323.4 Continuance.

The department may continue the date of hearing for a period of thirty days, and may upon application, but not ex parte, continue the date of hearing for an additional period of thirty days.

[C75, 77, 79, 81, §323.4]

323.4A Use of renewable fuel.

1. Except as provided in subsection 3, this section applies to a supply agreement or other document executed on or after July 1, 2013, by parties who are receiving and furnishing motor fuel or special fuel as follows:

a. A dealer who is a party receiving motor fuel or special fuel from another party who is a refiner, supplier, or distributor furnishing the motor fuel or special fuel.

b. A distributor who is a party receiving motor fuel or special fuel from another party who is a refiner, supplier, or other distributor furnishing the motor fuel or special fuel.

2. A supply agreement or other document shall not contain a provision restricting a dealer or distributor who is a party receiving motor fuel or special fuel from the other party furnishing the motor fuel or special fuel as described in subsection 1 from doing any of the following:

a. Installing, converting, or operating a storage tank or a dispenser located on the distributor's or dealer's business premises for use in storing or dispensing renewable fuel. However, this paragraph does not apply to a dealer or distributor whose business premises are leased from the other party furnishing the renewable fuel.

b. Using a dispenser to dispense ethanol blended gasoline, including gasoline with a specified blend or a range of blends under chapter 214A, if the dispenser is approved as required by the director of the department of inspections, appeals, and licensing for dispensing the specified blend or range of blends, including as provided in section 455G.31.

c. Purchasing, selling, or dispensing motor fuel or special fuel that is a renewable fuel from a source other than the party furnishing other motor fuel or special fuel, if such party furnishing the other motor fuel or special fuel does not furnish motor fuel or special fuel that is a renewable fuel for sale by the distributor or dealer.

d. Marketing the sale of any renewable fuel, including but not limited to advertising its availability or price on a sign, on a dispenser, or by media.

e. Selling or dispensing renewable fuel in any specified area located on the distributor's or dealer's business premises, including but not limited to any area in which a name or logo of a franchiser or any other entity appears.

f. Using a payment form for the sale of a renewable fuel by the retail dealer that is the same type as the payment form used for the sale of another type of motor fuel or special fuel by the dealer on the dealer's retail premises.

3. This section does not apply to any activity that constitutes mislabeling, misbranding, willful adulteration, or other trademark violation by a dealer.

2013 Acts, ch 127, §5; 2023 Acts, ch 19, §1657

Legislative intent regarding use of renewable fuels; 2013 Acts, ch 127, §1

323.5 Burden of proof.

1. Upon hearing, if the department finds the statements contained in the application are true, then the franchiser or distributor that intends to terminate or not renew the distributor

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franchise or dealer franchise shall have the burden of proof to establish that the franchiser or distributor, as the case may be, has good cause for terminating or not renewing the franchise.

2. If the department finds the statements contained in the application are not true, the application shall be denied. Nothing contained in this chapter shall be construed to require or authorize any investigation by the department of any matter before the department under this chapter. Upon hearing, the department shall hear the evidence introduced by the parties and shall make its decision solely upon the record made. If the department denies the termination or nonrenewal of the franchise, it may make such further order as may be necessary to require compliance with the terms of the franchise and to prevent retaliatory action.

[C75, 77, 79, 81, §323.5]
2021 Acts, ch 76, §150

323.6 Conditions barring change in distributor franchise.

Notwithstanding the terms, provisions or conditions of a distributor franchise, the following shall not constitute good cause for the termination or refusal to renew a distributor franchise:

1. The sole fact that the franchiser desires further penetration of the market.
2. The change of executive management of the distributor, unless the franchiser, having the burden of proof, proves that the change of executive management will be substantially detrimental to the distribution of the franchiser's motor fuels or special fuels in the area served by the distributor.
3. The sale or change of ownership of the distributor's business.

[C75, 77, 79, 81, §323.6]
95 Acts, ch 155, §3
Referred to in §323.7

323.7 Department's guidelines.

In determining whether good cause has been established for terminating or not renewing a distributor franchise or dealer franchise, the department shall take into consideration the existing circumstances, including, but not limited to:

1. Amount of business transacted by the distributor or dealer.
2. Investments made and obligations incurred by the distributor or dealer in performance of the franchise.
3. Permanency of the investment.
4. Whether it is injurious to the public welfare for the business of the distributor or dealer to be disrupted.
5. Ability of the distributor or dealer to timely pay financial obligations.
6. Whether the distributor or dealer has adequate equipment and qualified personnel to reasonably provide for the distribution and marketing of the motor fuel or special fuel sold to the distributor or dealer.
7. Except as provided in section 323.6, failure of the distributor to substantially comply with those requirements of the distributor franchise that are determined by the department to be reasonable and material.
8. Failure of the dealer to substantially comply with those requirements of the dealer franchise that are determined by the department to be reasonable and material.

[C75, 77, 79, 81, §323.7]

323.8 Compulsory attendance at hearings.

The department may issue subpoenas, administer oaths, compel the attendance of witnesses and production of books, papers, documents and other evidence. The department may apply to the district court of the county in which the hearing is to be held for a court order to enforce actions taken under this section.

[C75, 77, 79, 81, §323.8]

323.9 Violations.

Any person violating the provisions of this chapter is guilty of a simple misdemeanor.

[C75, 77, 79, 81, §323.9]

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323.10 Intent.

The provisions of this chapter are enacted in the exercise of the police powers of this state for the purpose of protecting the health, safety and general welfare of the people of this state and because methods and practices in the marketing and distribution of motor fuel and special fuel have impaired the availability to the public of the fuel and the services supplied by distributors and dealers who have entered into a franchise agreement with their respective suppliers.

[C75, 77, 79, 81, §323.10]

323.11 Hearing.

1. Upon receiving an application, the department shall order a hearing. The hearing shall be held within thirty days of receipt of the application and in accordance with the Iowa administrative procedure Act, chapter 17A. The department shall notify the franchiser or distributor of the time and place of the hearing. The department may also give notice of the application to any other party the department deems an interested person. The notice shall be in the form and substance and given in the manner determined by the department.

2. Any person who can show an interest in the application may become a party to the hearing, whether or not the person receives notice; but a party not receiving notice shall be limited to participation at the hearing on the question of the public interest in the termination or continuation of the franchise.

[C75, 77, 79, 81, §323.11]

2003 Acts, ch 44, §114; 2021 Acts, ch 76, §150

323.12 Appeal.

Appeal may be taken from the final order of the department by either the distributor, franchiser or dealer, to the district court of the county where the distributor or dealer either resides or maintains the principal place of business, within thirty days from the time the decision is filed with the department, by giving at least ten days' notice to the department to be served on its chairperson or secretary in the same manner as original notices are now served, and by filing with the clerk of court a bond for costs in the sum of not less than five hundred dollars. Appeal shall be taken in accordance with the provisions of the Iowa administrative procedure Act, chapter 17A.

[C75, 77, 79, 81, §323.12]

2003 Acts, ch 44, §114

323.13 Waiver.

Any provision of a dealer franchise or distributor franchise which is an attempted waiver of the benefits of this chapter shall be void and unenforceable.

[C75, 77, 79, 81, §323.13]

323.14 Death of franchisee — successor — penalty.

1. It is unlawful to include in any distributor franchise or dealer franchise agreement a term which provides for the termination of the franchise by the franchiser upon the death of the franchisee if the franchisee, prior to the franchisee's death, designates a successor-in-interest in a form prescribed by and delivered to the franchiser. For the purposes of this section, "successor-in-interest" is restricted to either a surviving spouse or adult child of the franchisee who, at the time of the franchisee's death, is able to meet reasonable qualifications then being required of distributors or dealers by the franchiser.

2. The successor-in-interest designated as provided in subsection 1 shall have twenty-one days after the death of the franchisee to give written notice of an election to assume and operate the franchise. The notification shall contain such information regarding business experience and credit worthiness as is reasonably required by the franchiser. The successor-in-interest must offer to assume and commence operation of the franchise within ten days after the franchiser approves the assumption.

3. The franchise available to the successor-in-interest pursuant to this section shall be

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the same as that which existed in the name of the deceased franchisee at the time of the franchisee's death.

4. A franchisee may designate a primary and one alternate successor-in-interest. The alternate, if one is designated, has no rights under this section in the event of an exercise of rights by the primary successor-in-interest. If an alternate desires to assume and operate the franchise in the event the primary successor-in-interest fails to do so, the alternate must give notice of such election and otherwise comply with subsection 2.

5. Unless otherwise specifically provided in this section, actions to be performed by the franchiser or by the successor-in-interest under this section shall be performed within a reasonable time.

6. Following the death of a franchisee, and prior to the operation of the franchise by the successor-in-interest as provided in this section, the executor or administrator of the estate of the deceased franchisee may operate the franchise.

7. If the successor-in-interest assumes the franchise, the successor-in-interest shall account to the heirs or estate of the deceased franchisee for the value of personal property of the franchisee located at or related to the franchise.

8. If the successor-in-interest does not assume the franchise, the franchiser shall account to the heirs or the estate of the deceased franchisee for the value of branded products purchased directly from the franchiser.

9. A franchisee or successor-in-interest may commence a civil action to compel compliance by a franchiser with this section, or to obtain damages caused by a failure to comply with this section, or both, within two years after the date the franchiser fails to comply with the requirements of this section.

[81 Acts, ch 114, §1, 2]

CHAPTER 323A

PURCHASING FUEL FROM ALTERNATE SOURCES

323A.1 Definitions.
323A.2 Purchase from other source.
323A.2A Purchase of E-85 gasoline from other source.
323A.3 Effective date.

323A.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"E-85 gasoline"* means the same as defined in section 214A.1.

2. *"Ethanol blended gasoline"* means the same as defined in section 214A.1.

3. *"Franchise"* means a contract between a refiner and a distributor, a refiner and a retailer, a distributor and another distributor, or a distributor and a retailer under which a refiner or distributor authorizes a retailer or distributor to use, in connection with the sale, consignment, or distribution of motor fuel, a trademark which is owned or controlled by the refiner or by a refiner which supplies motor fuel to the distributor which authorizes the use. *"Franchise"* includes any contract under which a retailer or distributor is permitted to occupy leased premises, which premises are to be used in connection with the sale, consignment, or distribution of motor fuel under a trademark which is owned or controlled by a refiner or a refiner which supplies motor fuel to the distributor and permits the occupancy of the leased premises.

4. *"Franchisor"* means a refiner or distributor who authorizes or permits, under a franchise, a retailer or distributor to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

5. *"Franchisee"* means a retailer or distributor who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

6. *"Motor fuel"* means the same as motor fuel as defined in section 214A.1, which is of

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a type distributed for use as a fuel in self-propelled vehicles designed primarily for use on public streets, roads, and highways.

[C81, §323A.1]

2006 Acts, ch 1142, §21, 22, 27

323A.2 Purchase from other source.

1. The orderly flow of an adequate supply of motor fuel is declared to be essential to the economy and to the welfare of the people of this state. Therefore, in the public interest and notwithstanding the terms, provisions, or conditions of any franchise, a franchisee unable to obtain motor fuel from the franchisor may purchase the fuel from another available source, subject to subsections 2 through 5 and provided the franchisee has done all of the following:

a. At least forty-eight hours prior to entering into an agreement to purchase motor fuel from another source, the franchisee has requested delivery of motor fuel from the franchisor and the requested motor fuel has not been delivered and the franchisor has given the franchisee notice that the franchisor is unable to provide the requested motor fuel, or prior to entering into an agreement the franchisor has stated to the franchisee that the requested motor fuel will not be delivered. The request to the franchisor for delivery shall be for a type of fuel normally provided by the franchisor to the franchisee and for a quantity of fuel not exceeding the average amount sold by the franchisee in one week, based upon average weekly sales in the three months preceding the request, except that this provision shall not restrict a franchisee from purchasing ethanol blended gasoline from a source other than the franchisor or limit the quantity to be purchased when the franchisor does not normally supply the franchisee with ethanol blended gasoline. A franchisee may also purchase E-85 gasoline as provided in section 323A.2A.

b. The franchisee has requested and has been denied delivery of motor fuel sold or distributed under the trademark named in the franchise from a person other than the franchisor.

c. The director of the economic development authority determines that the franchisee has demonstrated that a special hardship exists in the community served by the franchisee relating to the public health, safety, and welfare, as specified under the rules of the authority.

2. The quantity of motor fuel requested or purchased from another source including the source listed in subsection 1, paragraph "*b*", shall not exceed the quantity requested from the franchisor.

3. At the time a franchisee enters into an agreement to purchase motor fuel from a source other than the franchisor, the franchisee shall inform the franchisor by the quickest available means.

4. If the franchisee sells motor fuel supplied from a source other than the franchisor, the franchisee shall prominently post a sign disclosing this fact to the public on each motor fuel pump used for dispensing the motor fuel. The size of the sign shall not be less than eight inches by ten inches and the letters on the sign shall be at least three inches in height.

5. A franchisee who sells motor fuel supplied from a source other than the franchisor shall also fully indemnify the franchisor against any claims asserted by a user on which the claimant prevails and in which the court determines that motor fuel not acquired from the franchisor was the proximate cause of the injury.

6. Purchases of motor fuel in accordance with this section are not good cause for termination of a franchise.

[C81, §323A.2]

89 Acts, ch 83, §47; 91 Acts, ch 87, §2; 2006 Acts, ch 1142, §23, 27; 2009 Acts, ch 108, §15, 41; 2011 Acts, ch 25, §32; 2011 Acts, ch 118, §50, 87, 89; 2021 Acts, ch 80, §187

323A.2A Purchase of E-85 gasoline from other source.

1. *a.* When on and after May 30, 2006, a franchise is entered into or renewed, the franchisor shall provide for the delivery of volumes of E-85 gasoline at times demanded by the franchisee or shall allow the franchisee to purchase those volumes of E-85 gasoline at those times from another source.

b. If a franchise is in effect on May 30, 2006, and does not have an expiration date, the

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franchisor shall provide for the delivery of volumes of E-85 gasoline at times demanded by the franchisee or shall allow the franchisee to purchase those volumes of E-85 gasoline at those times from another source.

2. If the franchisee sells E-85 gasoline delivered from a source other than the franchisor, the franchisee shall prominently post a sign disclosing this fact to the public on each motor fuel pump used for dispensing the E-85 gasoline. The size of the sign shall not be less than eight inches by ten inches and the letters on the sign shall be at least three inches in height.

3. A franchisee who sells E-85 gasoline delivered from a source other than the franchisor shall also fully indemnify the franchisor against any claims asserted by a user on which the claimant prevails and in which the court determines that E-85 gasoline not acquired from the franchisor was the proximate cause of the injury.

4. *a.* A purchase of E-85 gasoline in accordance with this section is not good cause for the termination of a franchise.

b. A term of a franchise that is inconsistent with this section is void and unenforceable.

2006 Acts, ch 1142, §24, 27

Referred to in §323A.2

323A.3 Effective date.

The provisions of this chapter shall be applicable only to franchise agreements entered into or renewed after July 1, 1980.

[C81, §323A.3]

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SUBTITLE 3

CARRIERS

CHAPTER 324

RESERVED

CHAPTER 324A

TRANSPORTATION PROGRAMS

Referred to in §23A.2, 28M.1, 307.26, 321.145

This chapter not enacted as a part of this title; transferred from chapter 601J in Code 1993

324A.1	Definitions.	324A.5	Coordination of transportation services.
324A.2	Technical assistance.	324A.6	Public transit assistance moneys.
324A.3	Fiscal and service plan.	324A.6A	Public transit infrastructure grant fund.
324A.4	Federal, state, local, and private aid — report.	324A.7	Urban public transit systems — intent.

324A.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Department"* means the state department of transportation.

2. *"Federal aid"* means any federal grants, loans, or other federal assistance whether or not state or local funds are required to match or contribute toward the costs of the program for which the aid is available.

3. *"Private aid"* means any grants, loans, or other assistance available from nonprofit corporations, foundations, and all private or nongovernmental sources, whether or not state or local funds are required to match or contribute toward the costs of the program for which the aid is available.

4. *"Public transit system"* means an urban or regional transit system providing transit services accessible to the general public and receiving federal, state or local tax support.

5. *"Regional transit system"* means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor except as agreed upon by the county and the department. Each county, through the county board of supervisors, within the region shall be responsible for determining the service and funding within its own county. However, the administration and overhead support services for the regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members.

6. *"Transportation"* means the movement of individuals in a four or more wheeled motorized vehicle designed to carry passengers, including a car, van, or bus, between one geographic point and another geographic point. *"Transportation"* does not include emergency or incidental transportation or transportation conducted by the department of health and human services at its institutions.

7. *"Transportation disadvantaged persons"* means persons with physical or mental disabilities, persons who are determined by the department to be economically disadvantaged and other persons or groups determined by the department to be disadvantaged in terms of the transportation services that are available to them.

8. *"Urban transit system"* means a system designated by the department in which motor buses are operated primarily upon the streets of cities for the transportation of passengers

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who present themselves for transportation without discrimination up to the limit of the capacity of each motor bus. *"Urban transit system"* also includes motor buses operated upon the streets of adjoining cities, whether interstate or intrastate for the transportation of passengers without discrimination up to the limit of the capacity of each motor bus. A privately chartered bus service or interurban carrier subject to the jurisdiction of the state department of transportation is not an urban transit system.

[C77, 79, 81, §601J.1]
84 Acts, ch 1200, §1
C93, §324A.1
96 Acts, ch 1129, §80; 2023 Acts, ch 19, §1079
Referred to in §321.1, 321.276, 321.377, 321E.11, 423.3

324A.2 Technical assistance.

The department shall, at the request of a state agency, political subdivision, or public transit system or organization affected by this chapter, provide to them the following technical transportation assistance:

1. An evaluation of existing public transit systems, including but not limited to an evaluation of rolling stock, the costs of operation including the costs of fuel, maintenance and personnel and the development of common management and operating systems and procedures.

2. An analysis of existing urban and rural transit system services provided for transportation disadvantaged persons and the service needs of transportation disadvantaged persons, including an evaluation of specialized equipment required to meet the service needs of transportation disadvantaged persons.

[C77, 79, 81, §601J.2]
83 Acts, ch 60, §1; 84 Acts, ch 1200, §2
C93, §324A.2
2002 Acts, ch 1112, §1

324A.3 Fiscal and service plan.

The department shall at the request of a political subdivision, or public and private providers of transportation services affected by this chapter assist the providers in the development of a fiscal and service plan which may be used by them to coordinate and consolidate all forms of urban and rural transportation services except public school transportation, including but not limited to, the following:

1. Senior citizen transportation.
2. Head start transportation.
3. Services for persons with disabilities.
4. Cab companies.
5. Common carriers.
6. Transportation services provided by private nonprofit agencies to their clients or the general public.

[C77, 79, 81, §601J.3]
84 Acts, ch 1200, §3
C93, §324A.3
96 Acts, ch 1129, §81

324A.4 Federal, state, local, and private aid — report.

1. The department shall compile and maintain current information on the use of federal, state, local, and private aid affecting urban and rural public transit programs. Public, private, and private nonprofit organizations applying for or receiving federal, state, or local aid for providing transit services shall annually report to the department the costs of their transportation programs, depicting funds used for public transit programs and such other information as the department may require prior to receiving any federal or state funds or any aid from a political subdivision of the state. The report shall list all of the funding sources of the organization along with the listing of funds expended by that organization during the

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preceding fiscal year. The department, in cooperation with the regional planning agencies as the responsible agency for annual updating the regional transit development programs, shall compile this information annually. A state agency or organization administering funds for transit services is required to submit all funding requests through the regional and state clearinghouse and the department. An organization, state agency, political subdivision, or public transit system, except public school transportation, receiving federal, state, or local aid to provide or contract for public transit services or transportation to the general public and specific client groups, must coordinate and consolidate funding and resulting service, to the maximum extent possible, with the urban or regional transit system.

2. *a.* Upon request, the department shall provide assistance to political subdivisions, state agencies, and organizations affected by this chapter for federal aid applications for urban and rural transit system program aid. The department, in cooperation with the regional planning agencies, shall maintain current information reflecting the amount of federal, state, and local aid received by the public and private nonprofit organizations providing public transit services and the purpose for which the aid is received. The department shall biennially prepare a report to be submitted to the general assembly and the governor prior to December 15 of even-numbered years. The report shall recommend methods to increase transportation coordination and improve the efficiency of federal, state, and local government programs used to finance public transit services and may address other topics as appropriate. The department of health and human services and the officers and agents of the other affected state and local government units shall provide input as requested by the department.

b. The department shall use the following criteria to adopt rules to determine compliance with and exceptions to subsection 1:

(1) Elimination of duplicative and inefficient administrative costs, policies, and management.

(2) Utilization of resources for transportation services effectively and efficiently.

(3) Elimination of duplicative and inefficient transportation services.

(4) Development of transportation services which meet the needs of the general public and insure services adequate to the needs of transportation disadvantaged persons.

(5) Protection of the rights of private enterprise public transit providers.

(6) Coordination of planning for transportation services at the urban and regional level by all agencies or organizations receiving public funds that are purchasing or providing transportation services.

(7) Management of equipment and facilities purchased with public funds so that efficient and routine maintenance and replacement is accomplished.

(8) Training of transit management, drivers, and maintenance personnel to provide safe, efficient, and economical transportation services.

c. Eligibility to receive or expend federal, state, or local funds for transportation services by all agencies or organizations purchasing or providing these services shall be contingent upon compliance with these criteria as determined by the department.

3. The department shall receive and distribute federal aid to public transit systems unless precluded by federal statute; however, the department shall not retain or redirect any portion of funds received by the department for a particular public transit system except that the department may redirect unused funds after a project is completed in order to prevent the lapse of funds. The department may designate the public transit systems as the direct recipients of federal aid.

[C77, 79, 81, §601J.4]

84 Acts, ch 1200, §4, 5; 91 Acts, ch 27, §5

C93, §324A.4

2002 Acts, ch 1112, §2, 3; 2009 Acts, ch 23, §62; 2011 Acts, ch 38, §31; 2023 Acts, ch 19, §1080

Referred to in §324A.5

324A.5 Coordination of transportation services.

The department of health and human services and the officers and agents of other state and local governmental units shall assist the department in carrying out section 324A.4,

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subsections 1 and 2, insofar as the functions of these respective officers and departments are concerned with the health, welfare and safety of any recipient of transportation services.

1. Any agency or organization found to be in noncompliance with section 324A.4 shall be notified in writing by the department of those activities which are not in compliance. The notice shall also provide for a period of thirty days during which compliance with section 324A.4 can be accomplished without penalty or sanction.

2. If noncompliant activities continue after the period of thirty days, the department shall, in cooperation with the attorney general and the director of the department of administrative services, initiate the following actions:

a. If the activities that are not in compliance with section 324A.4 are funded with state or federal funds which are administered by the state and can be used by agencies or organizations that are in compliance with section 324A.4, then upon notice by the department, the director of the department of administrative services shall not permit the expenditure of ten percent of the funds during the fiscal year immediately following the notice, an additional twenty percent of funds during the following year, an additional thirty percent during the third year, and the remaining funds in the fourth year that the activities remain in noncompliance. Any funds retained by the director of the department of administrative services shall be returned to the originating state agency for redistribution to agencies and organizations eligible to receive the funds for transportation purposes.

b. If the activities that are not in compliance with section 324A.4 are funded with state, federal or local funds which are not administered by the state or cannot be used by agencies and organizations that are in compliance with section 324A.4, then upon notice by the department, the attorney general shall file an action to enjoin agencies or organizations from expending funds for transportation purposes until and unless compliance with section 324A.4 is achieved. If federal funds are involved in such cases, then the attorney general shall notify the responsible federal agency of the actions and request its cooperation.

c. The department of inspections, appeals, and licensing shall establish an appeal process pursuant to chapters 10A and 17A which allows those agencies or organizations determined to not be in compliance with this chapter an opportunity for a timely hearing before the department of inspections, appeals, and licensing. A decision by the department of inspections, appeals, and licensing is subject to review by the state department of transportation. The state department of transportation's decision is the final agency action. Judicial review of the action of the department may be sought in accordance with chapter 17A.

d. The department shall, in accordance with chapter 17A, adopt and enforce rules setting minimum standards for determination of compliance and certification. The rules and standards required by this section shall be formulated in consultation with all affected state agencies, local government units with professional and consumer groups affected, and shall be designed to further the accomplishment of the purposes of this chapter.

84 Acts, ch 1200, §6
C85, §601J.5
89 Acts, ch 273, §40; 90 Acts, ch 1233, §35
C93, §324A.5
2002 Acts, ch 1112, §4, 5; 2003 Acts, ch 145, §286; 2009 Acts, ch 23, §63; 2023 Acts, ch 19, §1081, 1984

324A.6 Public transit assistance moneys.

1. *a.* Moneys appropriated for purposes of public transit assistance under this chapter shall be expended for providing assistance to public transit for the development, improvement, and maintenance of public transit systems. Moneys received by the department by agreements, grants, gifts, or other means from individuals, companies or other business entities, or cities and counties for the purposes stated in this section shall be credited to the general fund of the state.

b. Moneys received by the department by agreements, grants, gifts, or other means and deposited into the state general fund as a result of this subsection are appropriated to the department for purposes of this subsection.

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2. The department may enter into agreements with public transit systems, the United States government, cities, counties, business entities, or other persons for carrying out the purposes of this section.

3. The department may accept federal funds to carry out this section. Federal funds received under this section are appropriated for the purposes set forth in the federal grants.

4. Notwithstanding chapter 8, funds appropriated for public transit purposes to implement a state assistance plan shall be allocated in whole or in part to a public transit system prior to the time actual expenditures are incurred if the allocation is first approved by the department. A public transit system shall make application for advance allocations to the department specifically stating the reasons why an advance allocation is required and this allocation shall be included in the total to be audited.

84 Acts, ch 1151, §1
C85, §601J.6
86 Acts, ch 1245, §1968; 91 Acts, ch 260, §1249
C93, §324A.6
93 Acts, ch 131, §13; 94 Acts, ch 1107, §52; 2010 Acts, ch 1061, §180

324A.6A Public transit infrastructure grant fund.

A public transit infrastructure grant fund is established within the department. Moneys in the fund shall be awarded to public transit systems within the state for construction and infrastructure projects that meet the definition of "*vertical infrastructure*" in section 8.57, subsection 3, paragraph "*c*". The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. In awarding grant assistance, the office of public transit within the department shall, by rule, specify certain criteria that must be included in a grant application, which shall include but not be limited to information on the feasibility of completion of an individual infrastructure project. Notwithstanding section 8.33, moneys in the public transit infrastructure grant fund shall not revert to the fund from which they are appropriated but shall remain available indefinitely for expenditure under this section.

2006 Acts, ch 1179, §55; 2012 Acts, ch 1021, §138

324A.7 Urban public transit systems — intent.

An urban public transit system shall, to the extent practicable, utilize private-sector operators in the planning and provision of transit services.

2003 Acts, ch 8, §23

CHAPTER 325

RESERVED

CHAPTER 325A

MOTOR CARRIER AUTHORITY

Referred to in §307.27, 321.16A, 805.8A(13)(f)

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SUBCHAPTER I

GENERAL PROVISIONS

Referred to in §325A.11

325A.1 Definitions.

As used in this chapter:

1. *"Bulk liquid commodities"* means liquid commodities or compressed gases transported in a vehicle having a total cargo tank shell capacity of more than two thousand gallons.

2. *"Department"* means the state department of transportation.

3. *"Highway"* means a street, road, bridge, or thoroughfare of any kind in this state.

4. *"Interstate motor carrier number"* means a United States department of transportation number or motor carrier number issued by the federal highway administration to a motor carrier engaged in interstate commerce.

5. *"Intrastate"* means a movement of property or passengers from one location to another within this state. *"Intrastate"* does not include transportation of property or passengers which is a furtherance of an interstate movement.

6. *"Intrastate motor carrier number"* means a United States department of transportation number or motor carrier number issued by the federal highway administration to a motor carrier engaged only in intrastate commerce.

7. *"Motor carrier"* means a person defined in subsection 9, 10, 11, or 12, but does not include a transportation network company or a transportation network company driver, as defined in section 321N.1.

8. *"Motor carrier certificate"* means a certificate issued by the department to a motor carrier of passengers. This certificate is transferable.

9. *"Motor carrier of bulk liquid commodities"* means a person engaged in the transportation, for hire, of bulk liquid commodities upon a highway in this state.

10. *"Motor carrier of household goods"* means a person engaged in the transportation, for hire, of personal effects and property used or to be used in a dwelling, and includes the following:

a. Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such establishment; except, this paragraph shall not be construed to include the stock-in-trade of any establishment, except when transported as an incident to the removal of the establishment from one location to another.

b. Articles including objects of art, displays, and exhibits, which because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

11. *"Motor carrier of passengers"* means any person transporting passengers on

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any highway of this state for hire, other than a transportation network company or a transportation network company driver, as defined in section 321N.1.

12. *"Motor carrier of property"* means a person engaged in the transportation, for hire, of property by motor vehicle including a carrier transporting liquid commodities or compressed gases in a vehicle having a total cargo tank shell capacity of two thousand gallons or less.

13. *"Motor carrier permit"* means a permit issued by the department to any person operating any motor vehicle on any highway of this state to transport property for hire. A motor carrier permit is not transferable unless it was issued to a motor carrier of household goods.

14. *"Motor vehicle"* means an automobile, motor truck, truck tractor, road tractor, motor bus, or other self-propelled vehicle, or a trailer, semitrailer, or other device used in connection with the transportation of property or passengers. *"Motor vehicle"* does not include a motor vehicle owned by a school district or used exclusively in conveying school children to and from school or school activities.

15. *"Private carrier"* means a person who provides transportation of property or passengers by motor vehicle or who transports commodities of which the person is the owner, lessee, or bailee and the transportation is a furtherance of the person's primary business or occupation, but is not a for-hire motor carrier or a transportation network company or a transportation network company driver, as defined in section 321N.1.

16. *"Transportation for hire"* means all transportation of property or passengers made available by a person for compensation.

97 Acts, ch 104, §32, 61; 2001 Acts, ch 132, §18, 19; 2016 Acts, ch 1101, §17, 24; 2017 Acts, ch 29, §101; 2018 Acts, ch 1070, §1, 2

Referred to in §8C.7A, 15.274, 321.514, 321.518, 321E.27, 321N.3, 325B.1

325A.2 Duties of department and local authorities.

1. The department shall do all of the following:

a. Prescribe and enforce safety and financial responsibility regulations for motor carriers and require the filing of reports regarding safety and financial responsibility.

b. Approve a tariff for motor carriers of household goods.

c. Issue, amend, suspend, or revoke motor carrier permits and certificates.

2. A local authority, as defined in section 321.1, shall not impose any regulations, including special registration or inspection requirements, upon the operation of motor carriers that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450. This subsection does not, however, prohibit a local authority from exercising the home rule power of the local authority to impose additional or more restrictive regulations or requirements upon the operation of taxicabs or limousines engaged in nonfixed route transportation for hire, except to the extent such regulations or requirements conflict with section 321.241, section 325A.6, or any other provision of the Code.

97 Acts, ch 104, §33, 61; 98 Acts, ch 1178, §10; 2000 Acts, ch 1016, §30; 2010 Acts, ch 1035, §11; 2016 Acts, ch 1101, §18, 24

Referred to in §325A.7B

325A.3 Application and issuance of permit or certificate.

1. Upon the filing of an application by a motor carrier and compliance with the terms and conditions of this chapter, the department shall issue to the applicant a permit or certificate. The actual operation by a motor carrier of a motor vehicle shall not begin without the permit or certificate being issued by the department.

2. All applications shall be in writing and contain the following:

a. The name and tax identification number of the person making the application.

b. The applicant's principal place of business.

c. The type of permit or certificate being requested.

d. A signed statement agreeing to comply with all applicable safety regulations as prescribed by the department.

e. A copy of all existing tariffs provided to the department for approval by motor carriers of household goods.

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f. A financial statement completed by motor carriers of bulk liquid commodities or passengers from which the department can determine the financial fitness of the applicant to engage in the transport of bulk liquid commodities or passengers.

g. A verification of liability and property damage insurance coverage as required in section 325A.6, in a form prescribed by the department.

3. In addition to the application requirements set forth in subsection 2, all applications for a taxicab service passenger certificate shall include the applicant's interstate motor carrier number or intrastate motor carrier number. If the applicant has both an interstate and intrastate motor carrier number, only the interstate motor carrier number must be included.

4. The provisions of subsection 2, paragraph "*f*", and subsection 5 shall not apply to the transportation of dairy products.

5. Motor carriers of bulk liquid commodities or passengers shall complete a motor carrier safety education seminar provided by or approved by the department. This seminar must be completed within six months of the permit or certificate issuance.

6. A motor carrier shall keep a permit or certificate issued to the motor carrier under this section, or a copy of such permit or certificate, in the vehicle being operated by the motor carrier and shall show the permit or certificate, or copy thereof, to any peace officer upon request.

7. The department may deny issuance of a permit or certificate if the department determines that evidence exists showing that the motor carrier cannot comply with the requirements of this chapter or the rules adopted pursuant to this chapter, including safety regulations and financial fitness and insurance requirements.

97 Acts, ch 104, §34, 61; 2000 Acts, ch 1016, §27, 31, 32; 2001 Acts, ch 132, §20, 21; 2018 Acts, ch 1070, §3

Referred to in §805.8A(13)(e), 805.8A(13)(f)

For applicable scheduled fines, see §805.8A, subsection 13

325A.3A Hearings.

A person whose application for a permit or certificate under this chapter has been denied, or whose permit or certificate has been suspended, may contest the decision under chapter 17A and in accordance with rules adopted by the department. The request for a hearing shall be submitted in writing to the department's office of vehicle and motor carrier services.

97 Acts, ch 104, §47, 61

CS97, §325A.16

2000 Acts, ch 1016, §36; 2000 Acts, ch 1232, §93

C2001, §325A.3A

2018 Acts, ch 1070, §4; 2019 Acts, ch 24, §46

325A.4 Fees.

1. The department shall charge the following fees:

a. One hundred fifty dollars for a new application.

b. One hundred fifty dollars for a reinstatement.

c. Twenty-five dollars to change an address or name.

d. Ten dollars for tariff updates.

e. Twenty-five dollars for a duplicate permit or certificate.

2. Changes in ownership of motor carrier permits require a new application and the new application fee of one hundred fifty dollars shall be assessed.

3. The department shall collect a fee of two hundred dollars to cover the cost of the motor carrier safety education seminar.

97 Acts, ch 104, §35, 61; 2011 Acts, ch 38, §24

325A.5 Fees — credited to road use tax fund — seminar receipts.

All fees received for applications and permits or certificates under this chapter shall be remitted to the treasurer of state and credited to the road use tax fund. All fees collected for the motor carrier safety education seminar shall be considered appropriated receipts as

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defined in section 8.2, and shall be remitted to the department to be used to pay for the seminars.

97 Acts, ch 104, §36, 61; 2024 Acts, ch 1185, §168

325A.6 Insurance.

1. Except as provided in subsection 2, all motor carriers subject to this chapter shall have minimum insurance coverage which meets the limits established in the federal motor carrier safety regulations in 49 C.F.R. pt. 387.

2. All motor vehicles providing taxicab services, having a seating capacity of less than seven passengers, and not operating on a regular route or between specified points shall maintain primary automobile insurance in the amount of at least one million dollars because of bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident. A political subdivision of the state shall not enact an ordinance requiring insurance coverage for such vehicles in an amount different than the amount required by this subsection.

97 Acts, ch 104, §37, 61; 2014 Acts, ch 1092, §178; 2016 Acts, ch 1101, §19, 24

Referred to in §321.20B, 321.236, 321A.33, 322.7B, 325A.2, 325A.3

325A.7 Charges.

All charges filed under the tariff by any motor carrier of household goods for any service shall be just, reasonable, and nondiscriminating and every unjust, unreasonable, or discriminating charge for such service or any part thereof is prohibited and declared unlawful.

97 Acts, ch 104, §38, 61

Referred to in §325A.7B

325A.7A Tariffs — approval by department.

1. *Transportation prohibited.* A motor carrier of household goods shall not undertake to perform any service for, engage in, or participate in the transportation of personal effects or property between points within this state until the motor carrier's tariff has been filed, posted, and approved by the department.

2. *Change in tariff.* Unless the department orders otherwise, a motor carrier of household goods shall give thirty days' notice to the department and to the public, as provided by rules adopted by the department, prior to making a change in a tariff.

3. *Changes without notice.* The department, for good cause shown, may allow changes in a tariff without the thirty days' notice required in subsection 2 by issuing an order specifying the changes to be made and the time they shall take effect.

4. *Power to revise tariff.* Any time a tariff is filed with the department, the department may hold a hearing for the purpose of determining that the tariff is just, reasonable, and nondiscriminating. The hearing shall be conducted by the director or the director's designee.

5. *Suspension of tariff.* Pending the hearing and the decision of the department, the tariff shall not be put into effect; however, this period of suspension of the tariff shall not exceed one hundred twenty days beyond the time the tariff would otherwise have been effective after filing and thirty days' notice.

6. *Decision.* Following the hearing, the department shall establish the tariff changes proposed by the motor carrier in whole or in part, or establish other changes the department determines to be just, reasonable, and nondiscriminating.

2003 Acts, ch 8, §24, 29

325A.7B Agency tariffs.

1. *Authorization.* Sections 325A.2 and 325A.7 shall not be construed to prohibit the making of rates by two or more motor carriers of household goods.

2. *Agency tariffs.* The names of the several motor carriers that are parties to an agency tariff shall be specified in the tariff. Unless otherwise required by the department, the agency tariff may be filed by only one of the parties to the agency tariff, or by a tariff filing agent,

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under a power of attorney granted by each of the parties to the agency tariff not doing the filing and filed with the department on forms prescribed by the department.

2003 Acts, ch 8, §25, 29

325A.8 Required marking.

1. The motor carrier shall attach distinctive markings or tags to each motor vehicle. If a motor vehicle has both an interstate and intrastate motor carrier number, only the interstate motor carrier number must be displayed.

2. If a motor carrier is renting a vehicle on a daily basis, a copy of the lease must be carried in the vehicle. Violation of this section is a scheduled violation subject to the fine provided in section 805.8A, subsection 13, paragraph *"e"*.

97 Acts, ch 104, §39, 61; 2001 Acts, ch 137, §5

Referred to in §805.8A(13)(e), 805.8A(13)(f)

Section not amended; internal reference change applied

325A.9 Advertising.

An advertisement to the general public concerning for-hire transportation must include the permit or motor carrier certificate number issued under this chapter.

97 Acts, ch 104, §40, 61

325A.10 Rules for operation.

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

97 Acts, ch 104, §41, 61; 2023 Acts, ch 85, §21

SUBCHAPTER II

PASSENGER TRANSPORTATION

325A.11 Passenger transportation.

In addition to the requirements of subchapter I, motor carriers of passengers and charter carriers shall comply with the requirements of this subchapter. A transportation network company or a transportation network company driver, as defined in section 321N.1, need not comply with the requirements of subchapter I or this subchapter.

97 Acts, ch 104, §42, 61; 2016 Acts, ch 1101, §20, 24

325A.12 Definitions.

As used in this subchapter:

1. *"Car pool"* means transportation of a group of at least two riders in a motor vehicle having a seating capacity of not more than eight passengers between a rider's, owner's, or operator's residence or other designated location and a rider's, owner's, or operator's place of employment or other common destination of the group, if the motor vehicle is driven by one of the members of the group.

2. *"Charter"* means an agreement whereby the owner of a motor vehicle lets the motor vehicle to a group of persons as one party for a specified sum and for a specified act of transportation at a specified time and over an irregular route.

3. *"Charter carrier"* means a person engaged in the business of transporting the public by motor vehicle under charter. *"Charter carrier"* does not include any of the following:

a. Taxicabs with a seating capacity of less than seven passengers, or persons having a license, contract, or franchise with a city in this state to carry or transport passengers for hire while operating within the guidelines of the license, contract, or franchise.

b. A city engaged in the business of carrying or transporting passengers for hire over regular routes.

c. School bus operators when engaged in transportation involving any school activity.

d. A regular-route motor carrier of passengers.

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e. A transportation network company or a transportation network company driver, as defined in section 321N.1.

4. *"Regional transit system"* means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor except as agreed upon by the county or the department. Each county board of supervisors within the region is responsible for determining the service and funding within its county. However, the administration and overhead support services for the overall regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members. Privately chartered bus services and uses other than providing services that are open and public on a shared-ride basis shall not be construed to be a regional transit system.

5. *"Regular-route motor carrier of passengers"* means a person engaged in the for-hire transportation of passengers by motor vehicle over regular routes by scheduled service and available to the general public.

6. *"Taxicab service"* means a person engaged in the for-hire transportation of passengers in a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points.

7. *"Van pool"* means transportation of a group of riders in a vehicle having a seating capacity of not less than eight passengers and not more than fifteen passengers between a rider's, owner's, or operator's residence or other designated location and a rider's, owner's, or operator's place of employment or other common destination of the group, if the vehicle is driven by one of the members of the group.

97 Acts, ch 104, §43, 61; 2016 Acts, ch 1101, §21, 24; 2018 Acts, ch 1070, §5, 6
Referred to in §321N.3, 327C.2, 327D.1

325A.13 Passenger certificate required — exceptions.

1. It is unlawful for a charter carrier to transport passengers by motor vehicle for hire from any place in this state to another place in this state irrespective of the route or highway traversed, without first having obtained a charter passenger certificate from the department.

2. *a.* It is unlawful for a regular-route motor carrier of passengers to transport passengers for hire upon the highways of this state in intrastate commerce without first having obtained from the department a regular-route passenger certificate. The department shall issue a regular-route passenger certificate if the department finds that the applicant is fit, willing, and able.

b. In determining whether a regular-route motor carrier of passengers is fit, willing, and able, the department shall only consider the applicant's compliance with safety, financial fitness, and insurance requirements.

c. A regular-route passenger certificate authorizing the transportation of passengers includes the authority to transport newspapers, baggage of passengers, express packages, or mail in the same motor vehicle with passengers.

d. A regular-route motor carrier of passengers holding a regular-route passenger certificate may at any time commence scheduled service over any regular route from any point or place in this state to another place in this state irrespective of the route or highway traversed and may at any time discontinue any part of its regular-route service.

e. A regular-route motor carrier of passengers granted a certificate prior to January 1, 1998, which authorized motor carrier passenger operations, may continue to provide motor carrier passenger service with all rights and privileges granted by a regular-route passenger certificate issued under this section.

f. An Iowa urban transit system as defined in section 452A.57, subsection 6, may operate within the metropolitan area which it serves and between its service area and another city which is located not more than ten miles from its service area without obtaining a regular-route passenger certificate if the other city is not served by another motor carrier of passengers operating under a regular-route passenger certificate.

3. It is unlawful for a taxicab service to transport passengers by motor vehicle for hire from any place in this state to another place in this state, irrespective of the route or highway traversed, without first having obtained a taxicab service passenger certificate from the

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department. However, a taxicab service passenger certificate issued by the department does not authorize a taxicab service to transport passengers within the boundaries of an area governed by a local authority that licenses or regulates such vehicles pursuant to section 321.236, subsection 7, unless the taxicab service is in compliance with all applicable regulations of the local authority.

4. A person shall not operate as a charter carrier, regular-route motor carrier of passengers, or taxicab service in this state unless the person possesses a certificate issued by the department applicable to the type of operation in which the person is engaged.

5. A motor carrier providing primarily passenger service for persons who are elderly, persons with disabilities, and other transportation-disadvantaged persons is exempt from the certification requirements of this section if it satisfies all of the following requirements:

a. The motor carrier is not a corporation organized for profit under the laws of Iowa or any other state or the motor carrier is a governmental organization.

b. The motor carrier received or receives operating funds from federal, state, or local government sources.

c. The motor carrier does not duplicate a transportation service provided by a motor carrier issued a regular-route passenger certificate.

6. A person operating a motor vehicle in a car pool or van pool is exempt from the requirements of this chapter.

7. Except for a person operating a car pool or van pool, each motor carrier exempt from the requirement for obtaining a certificate under this section shall obtain a nontransferable permit from the department. Such motor carriers shall comply with all safety, insurance, and other rules of the department pertaining to a publicly funded transit system.

97 Acts, ch 70, §15; 97 Acts, ch 104, §44, 61; 2000 Acts, ch 1016, §33 – 35; 2018 Acts, ch 1070, §7, 8; 2019 Acts, ch 59, §100

325A.14 and 325A.15 Repealed by 2000 Acts, ch 1016, §38.

325A.16 Reserved.

325A.17 through 325A.20 Repealed by 2000 Acts, ch 1016, §38.

325A.21 Regular-route certificate nontransferable.

A regular-route passenger certificate shall not be sold, transferred, leased, or assigned.

97 Acts, ch 104, §52, 61; 2000 Acts, ch 1016, §37; 2011 Acts, ch 38, §25

325A.22 Riding on outside part.

Passengers shall not ride on the running boards, fenders, or on any other outside part of passenger-carrying motor vehicles.

97 Acts, ch 104, §53, 61

SUBCHAPTER III

SANCTIONS

325A.23 Suspension or revocation of permit or certificate.

The department may, in addition to other penalties, revoke or suspend the permit or certificate of a motor carrier for a violation of this chapter or a rule adopted under this chapter. For flagrant or persistent violations of safety or hazardous materials rules by the holder of a permit or certificate or the holder's agent, the department may suspend the permit or certificate of necessity until the rules adopted by the department are complied with, or the department may revoke the permit or certificate for continued noncompliance.

97 Acts, ch 104, §54, 61

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325A.24 Scheduled fines — penalty.

A person who violates this chapter or a rule adopted pursuant to this chapter for which a penalty is not otherwise established, or who aids or abets a person in a failure to comply with this chapter or a rule adopted pursuant to this chapter, is subject to the fine provided in section 805.8A, subsection 13, paragraph *"f"*.

97 Acts, ch 104, §55, 61; 2001 Acts, ch 137, §5
Section not amended; internal reference change applied

SUBCHAPTER IV

TRANSITION PROVISIONS

325A.25 Certificates prior to January 1, 1998. Repealed by 2019 Acts, ch 59, §238.

CHAPTER 325B

MOTOR CARRIERS — TRANSPORTATION CONTRACTS — EMPLOYMENT STATUS

325B.1 Contents of motor carrier transportation contracts — certain provisions void.
325B.2 Prohibited factors in determining employment status.

325B.1 Contents of motor carrier transportation contracts — certain provisions void.

1. As used in this section:

a. "Motor carrier" means the same as defined in section 325A.1.

b. "Motor carrier transportation contract" means a contract, agreement, or understanding related to any of the following:

(1) The transportation for hire of property by a motor carrier.

(2) The entrance upon property by a motor carrier for the purpose of loading, unloading, or transporting property for transportation for hire.

(3) A service incidental to the activities described in subparagraph (1) or (2), including but not limited to the storage of property.

c. "Transportation for hire" means the same as defined in section 325A.1.

2. Notwithstanding any provision of law to the contrary, a motor carrier transportation contract, whether express or implied, shall not contain a provision, clause, covenant, or agreement that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, a promisee from or against any liability for injury, death, loss, or damage resulting from the negligence or intentional acts or omissions of that promisee, or any agents, employees, servants, or independent contractors who are directly responsible to that promisee. This prohibition applies to any provisions or agreements collateral to or affecting a motor carrier transportation contract. Any such provisions, clauses, covenants, or agreements are void and unenforceable. If any provision, clause, covenant, or agreement is deemed void and unenforceable under this section, the remaining provisions of the motor carrier transportation contract are severable and shall be enforceable unless otherwise prohibited by law.

3. This section does not apply to the uniform intermodal interchange and facilities access agreement administered by the intermodal association of north America, as amended, or other contracts or agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

4. This section applies to motor carrier transportation contracts entered into, extended, or renewed on or after July 1, 2010.

2010 Acts, ch 1155, §1
Referred to in §325B.2

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325B.2 Prohibited factors in determining employment status.

1. The deployment, implementation, or use of a motor carrier safety improvement by or as required by a motor carrier, or any of the carrier's related entities, including the use of such improvement in accordance with a motor carrier transportation contract, as defined in section 325B.1, shall not be considered when determining whether a person is an employee, independent contractor, or jointly employed employee under any state law.

2. For purposes of this section, *"motor carrier safety improvement"* means any device, equipment, software, technology, procedure, training, policy, program, or operational practice intended and primarily used to improve or facilitate compliance with traffic safety laws, including motor carrier safety, safety of a motor vehicle, safety of the operator of a motor vehicle, and safety of other highway users.

2025 Acts, ch 5, §1

CHAPTER 326

REGISTRATION RECIPROCITY

Referred to in §307.27, 321.1, 321.16A, 321.18, 321.19, 321.20, 321.20A, 321.24, 321.34, 321.40, 321.46A, 321.56, 321.105, 321.105A, 321.106, 321.123, 321.126, 321.127, 321.134, 321F.8, 452A.68

326.1 Policy.
326.2 Definitions.
326.3 Additional definitions.
326.4 Reserved.
326.5 Reciprocity agreements.
326.6 Apportionable registration fees.
326.7 through 326.9 Repealed by 2012 Acts, ch 1093, §39.
326.10 Repealed by 2002 Acts, ch 1063, §54.
326.10A Payment.
326.11 Subsequently acquired vehicles.
326.12 Vehicles deleted — registration transferred.
326.13 Information under oath.
326.14 Credentials — registration year and renewal — penalty.
326.15 Refunds of registration fees.
326.16 Delinquent fees.
326.17 through 326.19 Repealed by 2012 Acts, ch 1093, §39.
326.19A Failure to maintain operational records — penalty.
326.20 Benefits extended to leased vehicles. Repealed by 2012 Acts, ch 1093, §39.
326.21 Laws of other jurisdictions — Iowa interests.
326.22 Operational laws of Iowa applicable.
326.23 Trip permits.
326.24 Registration denied or suspended.
326.25 Applications — investigations.
326.26 Forms.
326.27 Violations to negate agreements.
326.28 Copies of records — fee.
326.29 Fees to road use tax fund.
326.30 Motor vehicle law applicable.
326.31 Filing incorrect information — effect.
326.32 Additional fees or restrictions by other jurisdictions — effect.
326.33 Rules adopted.
326.34 through 326.45 Reserved.
326.46 Temporary unladen weight registration.

326.1 Policy.

It is the policy of this state to promote and encourage the fullest possible use of the state's highway system by authorizing the negotiation and execution of motor vehicle reciprocity agreements. Apportioned registration shall be conducted in accordance with the international registration plan with respect to vehicles registered in this and other jurisdictions, thus contributing to the economic and social development and growth of this state.

[C71, 73, 75, 77, 79, 81, §326.1]

2012 Acts, ch 1093, §16

326.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commercial vehicle"* means any vehicle which is operated in interstate commerce or

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combined intrastate and interstate commerce and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

2. *"Department"* means the department of transportation.

3. *"Director"* means the director of transportation or the director's designee.

4. *"International registration plan"* or *"plan"* means the registration reciprocity agreement among states of the United States, the District of Columbia, and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions, in effect on January 1, 2011, or as later amended, published by international registration plan, inc., and available on the plan's internet site.

5. *"Registration fee"* means the annual motor vehicle registration fee imposed pursuant to section 321.105, unless otherwise specified.

6. *"Trip"* for purposes of section 326.23 means:

a. A one-way movement from one point originating outside this state and destined for another point outside this state.

b. A round-trip movement between two points within this state.

c. A round-trip movement originating in this state or destined for a point within this state.

7. The terms *"combination"* or *"combination of vehicles"*, *"gross weight"*, *"highway"*, *"motor vehicle"*, *"nonresident"*, *"owner"*, *"person"*, *"semitrailer"*, *"trailer"*, *"truck tractor"*, and *"vehicle"* mean as defined in section 321.1.

[C71, 73, 75, 77, 79, 81, §326.2]

2006 Acts, ch 1068, §40; 2008 Acts, ch 1113, §109; 2012 Acts, ch 1093, §17; 2013 Acts, ch 30, §71

326.3 Additional definitions.

As used in this chapter, unless the context otherwise requires, the following terms have the following meaning, as provided in the international registration plan, or the meaning ascribed in the international registration plan as it may exist at the time of its applicability to the provisions of this chapter:

1. *"Applicant"* means a person in whose name an application is filed for registration under the plan.

2. *"Apportionable fee"* means any periodic recurring fee or tax required for registering vehicles, such as registration, license, or weight fees.

3. *a. "Apportionable vehicle"* means any power unit that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property if one of the following applies:

(1) The power unit has two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds.

(2) The power unit has three or more axles, regardless of weight.

(3) The power unit is used in combination, when the gross vehicle weight of such combination exceeds twenty-six thousand pounds.

b. A recreational vehicle, a vehicle displaying restricted plates, a bus used in the transportation of chartered parties, or a government-owned vehicle is not an apportionable vehicle; except that a truck or truck tractor, or the power unit in a combination of vehicles having a gross vehicle weight of twenty-six thousand pounds or less, or a bus used in the transportation of chartered parties may be registered under the plan at the option of the registrant.

4. *"Apportioned vehicle"* means an apportionable vehicle that has been registered under the plan.

5. *"Audit"* means the physical examination of a registrant's operational records, including source documents, to verify the distances reported in the registrant's application for apportioned registration and the accuracy of the registrant's record-keeping system for its fleet. Such an examination may be of multiple fleets for multiple years.

6. *"Audit procedures manual"* or *"APM"* means the audit procedures manual required to be maintained in the plan.

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7. *"Auxiliary axle"* means an auxiliary undercarriage assembly with a fifth wheel and tow bar used to convert a semitrailer to a trailer.

8. *"Axle"* means an assembly of a vehicle consisting of two or more wheels whose centers are in one horizontal plane, by means of which a portion of the weight of a vehicle and its load, if any, is continually transmitted to the roadway. For purposes of registration under the plan, an "axle" is any such assembly whether or not it is load-bearing only part of the time.

9. *"Base jurisdiction"* means the member jurisdiction, selected in accordance with the plan, to which an applicant applies for apportioned registration under the plan or the member jurisdiction that issues apportioned registration to a registrant under the plan.

10. *"Cab card"* means an evidence of registration, other than a plate, issued for an apportioned vehicle registered under the plan by the base jurisdiction and carried in or on the identified vehicle.

11. *"Chartered party"* means a group of persons who, pursuant to a common purpose and under a single contract, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the group after leaving the place of origin. *"Chartered party"* includes services rendered to a number of passengers that a passenger carrier or its agent has assembled into a travel group through sales of a ticket to each individual passenger covering a round trip from one or more points of origin to a single advertised destination.

12. *"Credentials"* means the cab card and plate issued in accordance with the plan.

13. *"Fleet"* means one or more apportionable vehicles designated by a registrant for distance reporting under the plan.

14. *"Jurisdiction"* means a country or a state, province, territory, possession, or federal district of a country.

15. *"Lease"* means a transaction evidenced by a written document in which a lessor vests exclusive possession, control, and responsibility for the operation of a vehicle in a lessee for a specific term. A long-term lease is for a period of thirty calendar days or more. A short-term lease is for a period of less than thirty calendar days.

16. *"Lessee"* means a person that is authorized to have exclusive possession and control of a vehicle owned by another person under terms of a lease agreement.

17. *"Lessor"* means a person that, under the terms of a lease agreement, authorizes another person to have exclusive possession of, control of, and responsibility for the operation of a vehicle.

18. *"Member jurisdiction"* means a jurisdiction that has applied and has been approved for membership in the plan in accordance with the plan.

19. *"Operational records"* means source documents that evidence distance traveled by a fleet in each member jurisdiction, such as fuel reports, trip sheets, and driver logs, including those which may be generated through on-board devices and maintained electronically, as required by the audit procedures manual.

20. *"Plate"* means the license plate, including renewal decals, if any, issued for a vehicle registered under the plan by the base jurisdiction.

21. *"Power unit"* means a motor vehicle as distinguished from a trailer, semitrailer, or auxiliary axle, but not including an automobile or a motorcycle.

22. *"Properly registered vehicle"* means a vehicle which has been registered in full compliance with the laws of all jurisdictions in which it is intended to operate.

23. *"Reciprocity"* means the reciprocal grant by one jurisdiction of operating rights or privileges in properly registered vehicles registered by another jurisdiction, especially but not exclusively including privileges generally conferred by vehicle registration.

24. *"Reciprocity agreement"* means an agreement, arrangement, or understanding between two or more jurisdictions under which each of the participating jurisdictions grants reciprocal rights or privileges to properly registered vehicles that are registered under the laws of other participating jurisdictions.

25. *"Recreational vehicle"* means a vehicle used for personal pleasure or personal travel and not in connection with any commercial endeavor.

26. *"Registrant"* means a person in whose name a properly registered vehicle is registered.

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27. *"Registration year"* means the twelve-month period during which, under the laws of the base jurisdiction, the registration issued to a registrant by the base jurisdiction is valid.

28. *"Reporting period"* means the period of twelve consecutive months immediately prior to July 1 of the calendar year immediately preceding the beginning of the registration year for which apportioned registration is sought. However, if the registration year begins on any date in July, August, or September, the reporting period shall be the previous such twelve-month period.

29. *"Restricted plate"* means a plate that has a time, geographic area, distance, or commodity restriction or a mass transit or other special plate issued for a bus leased or owned by a municipal government, a state or provincial transportation authority, or a private party, and operated as part of an urban mass transit system, as defined by the jurisdiction that issues the plate.

30. *"Total distance"* means all distance, including that accrued on trip permits, operated by a fleet of apportioned vehicles in all member jurisdictions during the reporting period.

31. *"Trip permit"* means a permit issued by a member jurisdiction in lieu of apportioned or full registration.

32. *"Truck"* means a power unit designed, used, or maintained primarily for the transportation of property.

2012 Acts, ch 1093, §18; 2012 Acts, ch 1138, §67

326.4 Reserved.

326.5 Reciprocity agreements.

The director may enter into reciprocity agreements with the authorized representatives of any jurisdiction, exempting nonresidents of this state using the highways of this state from the registration requirements of chapter 321 and payment of fees to this state, with conditions, restrictions, and privileges the director deems advisable.

[S13, §1571-m16; C24, 27, 31, 35, §4866; C39, §**5003.04;** C46, 50, 54, 58, §321.56; C62, 66, §326.2; C71, 73, 75, 77, 79, 81, §326.5]

86 Acts, ch 1245, §1948

326.6 Apportionable registration fees.

The department may determine the sum total amount of registration fees necessary to register each and every vehicle in a fleet based on the annual registration fees prescribed in chapter 321.

[C71, 73, 75, 77, 79, 81, §326.6]

90 Acts, ch 1230, §89; 2012 Acts, ch 1093, §19

326.7 through 326.9 Repealed by 2012 Acts, ch 1093, §39.

326.10 Repealed by 2002 Acts, ch 1063, §54.

326.10A Payment.

The department shall accept payment of fees under this chapter by personal or corporate check, cash, wire transfer, or other means allowed by the department. A fee shall be deemed to have been paid upon receipt of the payment in full. If the payment is not honored, all fees and penalties shall accumulate as if the fee were not paid. After appropriate warning from the department, the registration account shall be suspended, collection pursued, and the delinquent registration fees shall become a debt due the state of Iowa. After a dishonored payment has been received from an applicant, payments submitted by the applicant during the following year must be made with guaranteed funds. However, the department may instead accept payment in the form of a corporate check made on behalf of the applicant from an approved company with a satisfactory payment history.

85 Acts, ch 61, §1; 2002 Acts, ch 1063, §40; 2007 Acts, ch 143, §24; 2012 Acts, ch 1093, §20

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326.11 Subsequently acquired vehicles.

Vehicles acquired by a registrant after the commencement of the registration year and subsequently added to the fleet shall be apportioned pursuant to the provisions of chapter 321 and the international registration plan.

[C71, 73, 75, 77, 79, 81, §326.11; 81 Acts, ch 115, §1]

89 Acts, ch 317, §38; 2002 Acts, ch 1063, §41; 2005 Acts, ch 8, §41; 2012 Acts, ch 1093, §21

326.12 Vehicles deleted — registration transferred.

Registrants who delete commercial vehicles displaying Iowa base plates from the fleet after the commencement of the registration year shall be allowed to transfer registration credit to a replacement vehicle in accordance with this section. Iowa shall allow credit for non-Iowa based deleted vehicles only if the jurisdiction designated by the registrant as the base jurisdiction of the deleted vehicle permits transfer of registration credit to the replacement vehicle. Allowance of credit for deleted vehicles shall be subject to the following conditions:

1. The fee for issuance of registration credentials for a replacement vehicle shall be seven dollars.
2. If a leased vehicle is to be deleted from the fleet and unexpired registration fees applied to the replacement vehicle, the lessee shall refund any unexpired registration fees paid by the lessor to the lessee on the transferred vehicle.
3. Credit shall be given for unexpired months.
4. The registration of the vehicle being added to the fleet is not delinquent under chapter 321.

[C71, 73, 75, 77, 79, 81, §326.12]

2002 Acts, ch 1063, §42; 2012 Acts, ch 1093, §22

326.13 Information under oath.

The department shall require registrants to submit under oath any information deemed necessary by the department to carry out the provisions of this chapter.

[S13, §1517-m16; C24, 27, 31, 35, §4866; C39, §**5003.04;** C46, 50, 54, 58, §321.56; C62, 66, §326.3; C71, 73, 75, 77, 79, 81, §326.13]

2012 Acts, ch 1093, §23

326.14 Credentials — registration year and renewal — penalty.

1. The department shall issue a single registration plate and registration receipt for each vehicle pursuant to apportionment agreements or provisions authorized under this chapter.
2. *a.* Each registration year for a vehicle registered pursuant to this chapter is a twelve-month period commencing on the first day of a calendar month and ending on the last day of the twelfth month in that twelve-month period. Vehicles subject to registration shall be registered for a registration year as determined by the department. The department may adjust the renewal or expiration date of a vehicle's registration when deemed necessary to equalize the number of vehicles registered in each twelve-month period or for the administrative efficiency of the department.

b. The department may establish a procedure for the implementation of a staggered registration system for vehicles registered pursuant to the international registration plan. Procedures established under this section may provide for a one-time collection of fewer than twelve or up to eighteen months of registration fees.

3. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than the last day of the registration expiration month. A late filing penalty equal to five percent of the fees due to the state of Iowa shall be assessed to an application for renewal postmarked or received on or after the first day following the last day of the registration expiration month, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The

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enforcement deadline for failure to display a registration plate and registration is 12:01 a.m. of the first day following the last day of the registration expiration month.

[C71, 73, 75, 77, 79, 81, §326.14]

2002 Acts, ch 1063, §43; 2012 Acts, ch 1093, §24; 2015 Acts, ch 123, §40, 42

Referred to in §321.1

326.15 Refunds of registration fees.

1. Refunds of registration fees paid for motor vehicles under this chapter shall be in accordance with section 321.126. In addition, if a motor vehicle is removed from an apportioned fleet, the registrant shall return the registration plate to the department and make a claim for refund. A refund shall not be allowed without documentation of the subsequent registration of the motor vehicle.

2. A qualified registrant may certify to the department that the registration plate has been destroyed in lieu of surrendering the plate. The department shall adopt rules to define a qualified registrant.

[C71, 73, 75, 77, 79, 81, §326.15]

83 Acts, ch 161, §1; 2002 Acts, ch 1063, §44 – 47; 2004 Acts, ch 1013, §32, 35; 2012 Acts, ch 1093, §25

326.16 Delinquent fees.

1. If the fees for apportioned registration are not paid to each member jurisdiction entitled thereto on the basis of the apportioned registration application and supporting documents filed with the department by the registrant within a reasonable amount of time as determined by the department, the department shall calculate late payment penalties. The registrant shall be notified by regular mail that fees and penalties are due and must be paid within thirty days of the invoice date. If fees and penalties are not received, the registrant shall be notified by regular mail that the registration has been suspended.

2. A late payment penalty equal to five percent of the fees due to the state of Iowa shall be assessed if an invoice is not paid within thirty days of the invoice date, with an additional five percent penalty assessed the first of each month thereafter until all fees and penalties are paid. In addition, the fees due for registration in this state shall be a debt due to the state of Iowa.

3. Failure to receive a renewal notice or an invoice by mail, facsimile transmission, or any other means of delivery does not relieve the registrant of the financial responsibility for the renewal fees, invoiced amount, or accrued penalties. Late penalties calculated by the department in accordance with this chapter shall remain due to the state of Iowa until the fees and penalties are received.

[S13, §1571-m16; C24, 27, 31, 35, §4866; C39, §**5003.04;** C46, 50, 54, 58, §321.56; C62, 66, §326.3; C71, 73, 75, 77, 79, 81, §326.16]

2002 Acts, ch 1063, §48; 2007 Acts, ch 143, §25; 2012 Acts, ch 1093, §26; 2015 Acts, ch 123, §41, 42

326.17 through 326.19 Repealed by 2012 Acts, ch 1093, §39.

326.19A Failure to maintain operational records — penalty.

1. The department may assess a penalty in an amount equal to twenty percent of the apportioned fees if an audit conducted pursuant to the international registration plan confirms that the registrant has failed to maintain operational records on all of the following:

a. Verification of distance for the preceding year.

b. Reciprocity agreements to which the department may be a party.

2. The department shall adopt rules specifying the records and other information required for an audit under the international registration plan.

92 Acts, ch 1100, §7; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1093, §27

326.20 Benefits extended to leased vehicles. Repealed by 2012 Acts, ch 1093, §39.

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326.21 Laws of other jurisdictions — Iowa interests.

In the absence of an agreement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles or owners of vehicles properly registered or licensed in such other jurisdiction. The department shall consider the interests of the state of Iowa and its citizens, the interests of the other jurisdictions and their citizens, and the benefits which will accrue to the economy of the state of Iowa from the uninterrupted flow of commerce in declarations made pursuant to this section. Each declaration shall specify that the extent of exemptions, benefits, and privileges is subject to revision without notice upon adoption by the general assembly of legislation in conflict with the terms of any such declaration.

[C71, 73, 75, 77, 79, 81, §326.21]

2012 Acts, ch 1093, §28

326.22 Operational laws of Iowa applicable.

A nonresident registered vehicle is subject to all laws and rules governing the operation of such vehicle on the highways of this state. The registration credentials assigned and furnished to any vehicle for the current registration year by the jurisdiction in which the vehicle is registered shall be displayed on the vehicle substantially as provided in chapter 321 for vehicles registered pursuant to the provisions of this chapter. In addition, a fee set by the department to cover actual cost shall be charged for each plate, sticker, or other identification furnished for each vehicle registered in accordance with the provisions of this section or extended reciprocity in accordance with the provisions of this section. A charge shall not be made for the initial credentials issued for each vehicle registered pursuant to an apportioned registration agreement. A fee set by the department to cover actual costs shall be charged for issuance of duplicate plates, stickers, other required identification, or other credentials.

[S13, §1517-m16; C24, 27, 31, 35, §4866; C39, §**5003.04;** C46, 50, 54, 58, §321.56; C62, 66, §326.5; C71, 73, 75, 77, 79, 81, §326.22]

2002 Acts, ch 1063, §50; 2012 Acts, ch 1093, §29

Referred to in §805.8A(13)(a)

For applicable scheduled fines, see §805.8A, subsection 13

326.23 Trip permits.

1. The owner of a commercial vehicle which is properly registered and licensed in some other jurisdiction and is to be operated occasionally on highways in this state may, in lieu of payment of the annual registration fee for such vehicle, obtain a trip permit authorizing operation of the vehicle on the highways of this state for a period of not to exceed seventy-two hours. The fee for the trip permit shall be ten dollars.

2. The department may enter into agreements with owners and operators of truck stops to permit the owners and operators of truck stops to issue trip permits subject to any conditions imposed by the department. In addition to the trip permit fee, the owner or operator of a truck stop may charge an issuance fee which shall be disclosed to the purchaser. For the purposes of this section, *"truck stop"* means any place of business which sells fuel normally used by trucks and which is open twenty-four hours per day.

[C66, §326.7; C71, 73, 75, §326.23, 326.24; C77, 79, 81, §326.23]

2002 Acts, ch 1063, §51; 2005 Acts, ch 8, §42

Referred to in §326.2, 805.8A(13)(a)

For applicable scheduled fines, see §805.8A, subsection 13

326.24 Registration denied or suspended.

If the international fuel tax agreement license issued to an applicant or registrant under chapter 452A is suspended or revoked or if the director refuses to issue an international fuel tax agreement license because of unpaid debt, the director may deny or suspend the applicant's or registrant's registration under this chapter.

2007 Acts, ch 143, §26

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326.25 Applications — investigations.

1. The department shall examine and determine the genuineness, regularity, and legality of every application lawfully made pursuant to this chapter, and may in all cases make investigations as may be deemed necessary or require additional information. The department shall reject any such application if not satisfied of the genuineness, regularity, or legality of the application or the truth of any statement contained in the application, or for any other reason, when authorized by law. The department is authorized to take possession of any indicia of apportioned registration or reciprocity upon expiration, revocation, cancellation, or suspension of the registration, or which is fictitious, or which has been unlawfully or erroneously issued.

2. The department may suspend or revoke the registration indicia of a vehicle registered on an apportioned basis in any one of the following events:

a. When the department is satisfied that such registration indicia was issued upon fraudulent application. Bona fide errors shall be corrected within fifteen days after notification by the department.

b. When the department determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand.

c. When the registration indicia is knowingly displayed on a vehicle which is not in the apportioned fleet of the registrant.

d. Upon a determination that the motor vehicle does not have financial liability coverage as required under section 321.20B.

[C71, 73, 75, 77, 79, 81, §326.25]

97 Acts, ch 139, §14, 17, 18; 98 Acts, ch 1121, §8; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1093, §30

326.26 Forms.

The department shall prescribe and provide suitable forms of application, credentials, and all other forms requisite or deemed necessary to carry out the provisions of this chapter.

[C71, 73, 75, 77, 79, 81, §326.26]

2012 Acts, ch 1093, §31

326.27 Violations to negate agreements.

Operation of a commercial vehicle or vehicles in violation of the requirements of this chapter, the motor vehicle registration laws of this state, or the terms of any agreement negotiated by the department pursuant to this chapter may, after due notice and hearing, be grounds for denial of reciprocal or apportioned registration privileges for the vehicle or vehicles of an owner so operated. An owner denied such reciprocal or apportioned registration privileges shall be subject to payment of full annual Iowa registration fees for any such vehicle operated on Iowa highways. In addition to denial of reciprocal or apportioned registration privileges, it shall be a simple misdemeanor, unless such act is declared under Iowa law to be a felony, for any person to operate under reciprocity or apportioned registration in violation of any requirements of this chapter.

[C66, §326.7; C71, 73, 75, 77, 79, 81, §326.27]

2012 Acts, ch 1093, §32

326.28 Copies of records — fee.

A fee shall be charged for copies of records provided by the department or the director.

[C71, 73, 75, 77, 79, 81, §326.28]

2012 Acts, ch 1093, §33

326.29 Fees to road use tax fund.

Fees collected by the department pursuant to this chapter shall be remitted to the treasurer of state for deposit in the road use tax fund except that fees collected for other jurisdictions shall be placed in a special fund known as the "reciprocity fund". The department, at least monthly, shall order the disbursement of such fees collected to the appropriate jurisdictions.

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Interest earned on the reciprocity fund shall be retained by the state and shall be credited to the road use tax fund.

[C71, 73, 75, 77, 79, 81, §326.29]

2012 Acts, ch 1093, §34

326.30 Motor vehicle law applicable.

All provisions of chapter 321, insofar as applicable, are extended to include owners who register and title vehicles in this state on an apportioned registration basis or who operate interstate on Iowa highways under reciprocity.

[C71, 73, 75, 77, 79, 81, §326.30]

87 Acts, ch 108, §9; 2012 Acts, ch 1093, §35

326.31 Filing incorrect information — effect.

1. If the director has reason to believe that a registrant has filed incorrect information with the department, for the purpose of reducing the registrant's obligation for registration fees or fuel taxes, the director may revoke the apportioned registration privileges on all of the vehicles owned by the person. A person who has such privileges revoked shall be required to register all of the vehicles owned by the person with the appropriate county treasurer for a period of no less than one year and no more than five years thereafter. The department may use all reports pertaining to the registration fees and motor fuel taxes in ascertaining the accuracy of reports filed pertaining to registration fees and motor fuel taxes.

2. A person whose privileges are revoked may request an administrative hearing of the action in accordance with chapter 17A, and during the period pending the hearing, the apportioned registration privileges shall be reinstated if the registrant posts security with the department in an amount sufficient to pay the full annual fees if an adverse decision is rendered at the hearing. At the hearing, the registrant shall have the burden of proof as to the accuracy of any report filed by the registrant with the department. Judicial review of any decision reached at the administrative hearing may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

[C71, 73, 75, 77, 79, 81, §326.31]

2002 Acts, ch 1063, §52; 2003 Acts, ch 44, §114; 2012 Acts, ch 1093, §36

326.32 Additional fees or restrictions by other jurisdictions — effect.

If the laws of any other jurisdiction impose any taxes, fees, charges, penalties, obligations, prohibitions, or limitations of any kind upon the vehicles of residents of Iowa, in addition to those imposed upon the vehicles of residents of such other jurisdiction by the state of Iowa, the department may impose and collect fees and charges in the same amount and impose the same obligations, prohibitions, or limitations upon the owner or operator of a vehicle registered in such other jurisdiction.

[C71, 73, 75, 77, 79, 81, §326.32]

2012 Acts, ch 1093, §37

326.33 Rules adopted.

The department shall promulgate rules pursuant to chapter 17A as necessary to carry out the provisions of this chapter.

[C71, 73, 75, 77, 79, 81, §326.33]

326.34 through 326.45 Reserved.

326.46 Temporary unladen weight registration.

The department may issue temporary registration for unregistered vehicles subject to registration under this chapter upon application by the owner and payment of a fee of ten dollars for each vehicle. The registration shall be valid for fifteen days and for one trip between specified points of origin and destination, with intermediate points authorized by

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the department. Property or passengers shall not be transported while the vehicle is subject to temporary registration.

[C81, §326.46]

2012 Acts, ch 1093, §38

CHAPTERS 327 and 327A

RESERVED

CHAPTER 327B

REGISTRATION OF CARRIER AUTHORITY

Referred to in §307.27, 321.16A

327B.1	Authority secured and registered.	327B.5	Penalty.
327B.2	Enforcement. Repealed by 2023 Acts, ch 85, §24.	327B.6	Insurance or bond. Repealed by 2008 Acts, ch 1031, §71.
327B.3	Fees — use.	327B.7	Reciprocity for exempt commodity base state registration system. Repealed by 2007 Acts, ch 143, §34, 35.
327B.4	Private carriers exempt. Repealed by 2007 Acts, ch 143, §34, 35.		

327B.1 Authority secured and registered.

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

2. The department shall participate in the unified carrier registration plan and agreement for regulated motor carriers as provided in 49 U.S.C. §14504a and United States department of transportation regulations.

3. As provided in 49 U.S.C. §14504a, a foreign or domestic motor carrier, motor private carrier, leasing company, broker, or freight forwarder shall not operate any motor vehicle on the highways of this state without first registering the motor vehicle under the unified carrier registration agreement and paying all required fees.

[C66, 71, 73, 75, 77, 79, 81, §327B.1]

93 Acts, ch 174, §2; 95 Acts, ch 118, §31; 2003 Acts, ch 108, §57; 2005 Acts, ch 20, §10; 2005 Acts, ch 179, §129; 2006 Acts, ch 1144, §5; 2007 Acts, ch 143, §27, 35; 2011 Acts, ch 38, §26

Referred to in §805.8A(13)(g)

For applicable scheduled fines, see §805.8A, subsection 13

327B.2 Enforcement. Repealed by 2023 Acts, ch 85, §24.

327B.3 Fees — use.

All fees paid under the provisions of this chapter shall be remitted to the treasurer of state and credited to the road use tax fund.

[C66, 71, 73, 75, 77, 79, 81, §327B.3]

327B.4 Private carriers exempt. Repealed by 2007 Acts, ch 143, §34, 35.

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327B.5 Penalty.

Any person violating the provisions of this chapter shall, upon conviction, be subject to a scheduled fine as provided in section 805.8A, subsection 13, paragraph *"g"*.

[C77, 79, 81, §327B.5]

2005 Acts, ch 20, §11; 2011 Acts, ch 131, §61, 158

Section not amended; internal reference change applied

327B.6 Insurance or bond. Repealed by 2008 Acts, ch 1031, §71.

327B.7 Reciprocity for exempt commodity base state registration system. Repealed by 2007 Acts, ch 143, §34, 35.

CHAPTER 327C

SUPERVISION OF CARRIERS

Referred to in §307.26

327C.1 Definition.
327C.2 General jurisdiction of department.
327C.3 Removal of interfering lights.
327C.4 Inspection — notice to repair.
327C.5 Schedule violations — penalties.
327C.6 Changes in operation and improvements.
327C.7 Withdrawal of service.
327C.8 Objections — hearing.
327C.9 Order of department.
327C.10 Investigation and inquiry.
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327C.12 Aid from courts.
327C.13 Hindering or obstructing department.
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327C.16 Mandatory injunction — contempt.
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327C.24 Choice of remedies.
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327C.28 Violation of order — petition — notice.
327C.29 Interested party may begin proceedings.
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327C.31 Hearing in equity — injunction.
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327C.34 Suits by the department.
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327C.36 Rights and remedies not exclusive.
327C.37 Accidents — investigations of — report.
327C.38 Annual reports from companies.
327C.39 and 327C.40 Reserved.
327C.41 Additional reports.
327C.42 Uniform accounts.
327C.43 Violations.

327C.1 Definition.

As used in this chapter, unless the context otherwise requires, *"department"* means the department of transportation.

[C75, §474.54; C77, 79, 81, §327C.1; 81 Acts, ch 22, §22]

86 Acts, ch 1245, §1958

327C.2 General jurisdiction of department.

The department has general supervision of all railroads in the state, express companies, car companies, freight and freight-line companies, motor carriers, and any common carrier engaged in the transportation of passengers or freight. However, the provisions of this

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chapter regarding the supervision of carriers do not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325A.12.

[C97, §2112; S13, §2120-n; C24, 27, 31, 35, 39, §**7874;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.10; C77, 79, 81, §327C.2]

86 Acts, ch 1161, §16; 98 Acts, ch 1100, §51
Referred to in §6A.21, 6B.42

327C.3 Removal of interfering lights.

The department is hereby vested with authority to order the removal or alteration of any lights erected for illuminating purposes, whether on public or private property, when such lights interfere with the easy observation of railroad signals by those engaged in the operation of railroad trains or equipment.

[C39, §**7874.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.11; C77, 79, 81, §327C.3]

327C.4 Inspection — notice to repair.

The department shall inspect the condition of each railroad's rail track, and may inspect the condition of each railroad's rail facilities, equipment, rolling stock, operations and pertinent records at reasonable times and in a reasonable manner to insure proper operations. Employees of the department shall have proper identification which shall be displayed upon request. If found unsafe, the department shall immediately notify the railroad corporation whose duty it is to put the same in repair, which shall be done by it within such time as the department shall fix. If any corporation fails to perform this duty the department may forbid and prevent it from running trains over the defective portion while unsafe or may regulate the speed and operation of trains moving over the defective portion of the railroad. If the railroad corporation violates any requirement provided by the department, the railroad corporation shall be subject to a schedule "two" penalty for each day the repairs have not been made from the date the department set for repairs to be completed. The court may consider the willingness and ability of the railroad corporation to cooperate in removing the safety hazard. Notwithstanding the provisions of chapter 669, the state shall not be held liable for damages for any act or failure to act under the provisions of this section.

[C97, §2113; S13, §2113; C24, 27, 31, 35, 39, §**7875;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.12; C77, 79, 81, §327C.4]

93 Acts, ch 87, §9
Referred to in §327C.6

327C.5 Schedule violations — penalties.

Violations of the provisions of this chapter and chapters 327D through 327G shall be punished as a schedule "one" penalty unless otherwise indicated. Violations of a continuing nature shall constitute a separate offense for each violation unless otherwise provided. The schedule of violations shall be:

1. *"Schedule one"* means a penalty of one hundred dollars per violation.
2. *"Schedule two"* means a penalty of not less than one hundred dollars nor more than five hundred dollars per violation.
3. *"Schedule three"* means a penalty of not less than five hundred dollars nor more than one thousand dollars per violation.
4. *"Schedule four"* means a penalty of not less than five hundred dollars nor more than five thousand dollars per violation.
5. *"Schedule five"* means a penalty of not less than five hundred dollars nor more than five thousand dollars for the first violation and not less than five thousand dollars nor more than ten thousand dollars for each subsequent violation.

[C79, 81, §327C.5]

2006 Acts, ch 1010, §92; 2007 Acts, ch 22, §70
Referred to in §327F.13, 327F.39, 327G.32

327C.6 Changes in operation and improvements.

When, in the judgment of the department, any railroad corporation fails in any respect to comply with the laws of the state; or if any railroad corporation fails to operate its railroad and

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business in a reasonable and expedient manner which is safe and convenient to the public, the department may order such changes as it finds to be proper and shall serve an order upon such corporation. Nothing in this section or section 327C.4 shall be construed as to nullify responsibility or liability for damage to person or property by any railroad corporation.

[C97, §2113; S13, §2113; C24, 27, 31, 35, 39, §**7877;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.14; C77, 79, 81, §327C.6]

327C.7 Withdrawal of service.

It shall be unlawful for any railroad corporation owning or operating any railroad in this state, to withdraw agency service, unless it shall first have filed notice of its intention with the department and otherwise complied with the provisions of this section and sections 327C.8 and 327C.9. Upon the receipt of such notice the department shall specify a notice be published and the railroad corporation shall, at its own expense, cause such notice to be published at least fifteen days in advance of the action to discontinue such agency and shall file proof of publication with the department. The notice shall be in such form as prescribed by the department and shall be published in a newspaper published in the county in which the station is located. An alternative notice procedure giving comparable public notice by registered mail to affected shippers may be prescribed by the department according to rules promulgated under chapter 17A.

[C39, §**7877.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.15; C77, 79, 81, §327C.7]

Referred to in §327C.8

327C.8 Objections — hearing.

A person directly affected by the proposed discontinuance of an agency may file written objections with the department stating the grounds for the objections, within fifteen days from the time of the publication of the notice as provided in section 327C.7. Upon the filing of objections the department shall request the department of inspections, appeals, and licensing to hold a hearing, which shall be held within sixty days from the filing of the objections. Written notice of the time and place of the hearing shall be mailed by the department of inspections, appeals, and licensing to the railroad corporation and the person filing objections at least ten days prior to the date fixed for the hearing.

[C39, §**7877.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.16; C77, 79, 81, §327C.8; 81 Acts, ch 22, §22]

89 Acts, ch 273, §19; 2023 Acts, ch 19, §1985

Referred to in §327C.7

327C.9 Order of department.

Upon said hearing the department may prohibit the discontinuance of such agency or may make such other order as is warranted by the evidence produced at such hearing. But if no objections are filed the department may make an order permitting the railroad corporation to proceed with such discontinuance.

[C39, §**7877.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.17; C77, 79, 81, §327C.9; 81 Acts, ch 22, §22]

Referred to in §327C.7

327C.10 Investigation and inquiry.

The department may investigate and inquire into the management of all common carriers subject to its jurisdiction. The department may obtain from the carriers full and complete information necessary to enable the department to perform its duties including the administration of railroad assistance agreements. The department may require the attendance and testimony of witnesses, and the production of all books, papers, tariff schedules, contracts, agreements, and documents, relating to any matter under investigation, and may inspect them; and may examine under oath or otherwise any officer, director, agent, or employee of a common carrier; and may issue subpoenas and enforce obedience to them.

[C97, §2115, 2133; C24, 27, 31, 35, 39, §**7878;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.18; C77, 79, 81, §327C.10; 81 Acts, ch 22, §22]

86 Acts, ch 1245, §1959

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327C.11 Reserved.

327C.12 Aid from courts.

The department or the department of inspections, appeals, and licensing may invoke the aid of any court of record in the state in requiring the attendance and testimony of witnesses and the production of books, papers, tariff schedules, agreements, and other documents. If a person refuses to obey a subpoena or other process, a court having jurisdiction of the inquiry shall issue an order requiring any of the officers, agents, or employees of a carrier or other person to appear before either department and produce all books and papers required by the order and testify in relation to any matter under investigation.

[C97, §2133; C24, 27, 31, 35, 39, §**7879;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.20; C77, 79, 81, §327C.12; 81 Acts, ch 22, §22]

89 Acts, ch 273, §20; 2023 Acts, ch 19, §1986

Contempts, chapter 665

327C.13 Hindering or obstructing department.

Any person who shall willfully obstruct the department in the performance of their duties, or who shall refuse to give any information within that person's possession that may be required by the department within the line of their duty, shall, upon conviction, be subject to a schedule "two" penalty.

[C97, §2115; C24, 27, 31, 35, 39, §**7880;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.21; C77, 79, 81, §327C.13; 81 Acts, ch 22, §22]

See §327C.5

327C.14 Cumulative remedies.

Nothing in this chapter or chapter 327D shall be construed to estop or hinder any persons from bringing action against any railway corporation for any violation of the laws of the state.

[C97, §2118; C24, 27, 31, 35, 39, §**7882;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.23; C77, 79, 81, §327C.14]

327C.15 Reserved.

327C.16 Mandatory injunction — contempt.

It shall be the duty of the court in which any such cause shall be pending to require the issue to be made up within twenty days after commencement of the action and to give the same precedence over other civil business. If the court shall find that such rule, regulation, or order is reasonable and just, and that in refusing compliance therewith said railway company is neglecting and omitting the performance of any public duty or obligation, the court shall decree a mandatory and perpetual injunction, compelling obedience to and compliance with such rule, order, or regulation by said railroad company or person, its officers, agents, servants and employees, and may grant such other relief as may be deemed just and proper. All violations of such decree shall render the company, persons, officers, agents, servants and employees who are in any manner instrumental in such violation, guilty of contempt of court, and the court may punish such contempt by a fine not exceeding one thousand dollars for each offense. Such decree shall continue and remain in effect and be enforced until the rule, order, or regulation shall be modified or vacated by the department.

[C97, §2119; S13, §2119; C24, 27, 31, 35, 39, §**7884;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.25; C77, 79, 81, §327C.16]

Referred to in §327C.21, 364.8

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327C.17 Penalty.

If a railroad fails or refuses to comply with a rule or order made by the state department of transportation or the department of inspections, appeals, and licensing within the time specified, the railroad is, for each day of such failure, subject to a schedule "two" penalty.

[S13, §2119; C24, 27, 31, 35, 39, §**7885;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.26; C77, 79, 81, §327C.17; 81 Acts, ch 22, §22]

89 Acts, ch 273, §21; 2023 Acts, ch 19, §1987

Referred to in §327C.21
See §327C.5

327C.18 Time may be extended to test legality.

The time for the taking effect of any rule, order, or regulation affecting public rights, made by the department, may, in its discretion, be extended; and said extension of time may be granted for the purpose of testing the legality thereof, upon application by any such aggrieved railroad, showing reasonable grounds therefor, and that said application is made in good faith and not for the purpose of delay.

[S13, §2119; C24, 27, 31, 35, 39, §**7886;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.27; C77, 79, 81, §327C.18]

Referred to in §327C.21

327C.19 Review.

1. A decision of the department of inspections, appeals, and licensing is subject to review by the state department of transportation.

2. Judicial review of the actions of the state department of transportation may be sought in accordance with chapter 17A.

[S13, §2119; C24, 27, 31, 35, 39, §**7887;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.28; C77, 79, 81, §327C.19]

89 Acts, ch 273, §22; 2021 Acts, ch 76, §150; 2023 Acts, ch 19, §1988

Referred to in §327C.21

327C.20 Remitting penalty.

If a common carrier fails in a judicial review proceeding to secure a vacation of the order objected to, it may apply to the court in which the review proceeding is finally adjudicated for an order remitting the penalty which has accrued during the review proceeding. Upon a satisfactory showing that the petition for judicial review was filed in good faith and not for the purpose of delay, and that there were reasonable grounds to believe that the order was unreasonable or unjust or that the power of the department of transportation or the department of inspections, appeals, and licensing to make the order was doubtful, the court may remit the penalty that has accrued during the review proceeding.

[S13, §2119; C24, 27, 31, 35, 39, §**7888;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.29; C77, 79, 81, §327C.20; 81 Acts, ch 22, §22]

89 Acts, ch 273, §23; 2023 Acts, ch 19, §1989

Referred to in §327C.21

327C.21 Costs — attorney fees.

When a decree is entered against a railroad corporation or person under sections 327C.16 through 327C.20, the court shall render judgment for costs, and attorney fees for counsel representing the state.

[C97, §2120; C24, 27, 31, 35, 39, §**7889;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.30; C77, 79, 81, §327C.21]

2021 Acts, ch 80, §188

327C.22 Interstate freight rates.

The department shall exercise constant diligence to ascertain the rates, charges, rules, and practices of common carriers operating in this state, in relation to the transportation of freight in interstate business. When it shall ascertain from any source or have reasonable grounds to believe that the rates charged on such interstate business or the rules or practices in relation thereto discriminate unjustly against any of the citizens, industries, interests, or localities

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of the state, or place any of them at an unreasonable disadvantage as compared with those of other states, or are in violation of the laws of the United States regulating commerce, or in conflict with the rulings, orders, or regulations of the surface transportation board, the department shall take the necessary steps to prevent the continuance of such rates, rules, or practices.

[S13, §2120-a; C24, 27, 31, 35, 39, §**7890;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.31; C77, 79, 81, §327C.22]

2003 Acts, ch 108, §59

327C.23 Application to surface transportation board.

When any common carrier has put in force any rates, rules, or practices in relation to interstate freight business, in violation of the laws of the United States regulating commerce, or of the orders, rules, or regulations of the surface transportation board, or shall unjustly discriminate against any of the citizens, industries, interests, or localities of the state, the department shall present the material facts involved in such violations or discrimination to the surface transportation board and seek relief therefrom, and, if deemed necessary or expedient, the department shall prosecute any charge growing out of such violation or discrimination, at the expense of the state, before the surface transportation board.

[S13, §2120-b; C24, 27, 31, 35, 39, §**7891;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.32; C77, 79, 81, §327C.23]

2003 Acts, ch 108, §60

327C.24 Choice of remedies.

Any person claiming damages from a common carrier on account of any violation of the provisions of chapter 327D may either make complaint to the department, or may bring action on the person's behalf for the recovery of such damages; but the person shall not have the right to pursue both of said remedies at the same time.

[C97, §2131; C24, 27, 31, 35, 39, §**7892;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.33; C77, 79, 81, §327C.24]

327C.25 Complaints.

A person may file with the department a petition setting forth any particular in which a common carrier has violated the law to which it is subject and the amount of damages sustained by reason of the violation. The department shall furnish a copy of the complaint to the carrier against which a complaint is filed. The department shall request the department of inspections, appeals, and licensing to schedule a hearing in which the carrier shall answer the petition or satisfy the demands of the complaint. If the carrier fails to satisfy the complaint within the time fixed or there appears to be reasonable grounds for investigating the matters set forth in the petition, the department of inspections, appeals, and licensing shall hear and determine the questions involved and make orders it finds proper. If the department of transportation has reason to believe that a carrier is violating any of the laws to which it is subject, the department may institute an investigation and request the department of inspections, appeals, and licensing to conduct a hearing in relation to the matters as if a petition had been filed.

[C97, §2134; C24, 27, 31, 35, 39, §**7893;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.34; C77, 79, 81, §327C.25; 81 Acts, ch 22, §22]

89 Acts, ch 273, §24; 2023 Acts, ch 19, §1990

327C.26 Reports.

When a hearing has been held before the department of inspections, appeals, and licensing after notice, it shall make a report in writing setting forth the findings of fact and its conclusions together with its recommendations as to what reparation, if any, the offending carrier shall make to a party who has suffered damage. The findings of fact are prima facie evidence in all further legal proceedings of every fact found. All reports of hearings and investigations made by the department of inspections, appeals, and licensing shall be entered of record and a copy furnished to the carrier against which the complaint was filed,

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to the party complaining, and to any other person having a direct interest in the matter. A reasonable fee not to exceed the actual duplication costs may be charged for the copies.

[C97, §2135; C24, 27, 31, 35, 39, §**7894;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.35; C77, 79, 81, §327C.26; 81 Acts, ch 22, §22]

89 Acts, ch 273, §25; 2023 Acts, ch 19, §1991

327C.27 Orders — compliance.

When the department finds as the result of any investigation or hearing that a common carrier has violated or is violating any of the provisions of law to which it is subject, or that any complainant or other person has sustained damages by reason of such violation, the department shall order such carrier to cease such violation at once and shall fix a time within which it shall pay the amount of damage which has been found due to any person as a result of such violation.

[C97, §2136; C24, 27, 31, 35, 39, §**7895;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.36; C77, 79, 81, §327C.27; 81 Acts, ch 22, §22]

327C.28 Violation of order — petition — notice.

If a person violates or fails to obey a lawful order or requirement of the department of transportation or the department of inspections, appeals, and licensing, the department of transportation or the department of inspections, appeals, and licensing shall apply by petition in the name of the state against the person, to the district court, alleging the violation or failure to obey. The court shall hear and determine the matter set forth in the petition on reasonable notice to the person, to be fixed by the court and to be served in the same manner as an original notice for the commencement of action.

[C97, §2137; C24, 27, 31, 35, 39, §**7896;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.37; C77, 79, 81, §327C.28; 81 Acts, ch 22, §22]

89 Acts, ch 273, §26; 2023 Acts, ch 19, §1992

Referred to in §327C.29, 327C.30

Manner of service, R.C.P. 1.302 – 1.315

327C.29 Interested party may begin proceedings.

A person interested in enforcing an order or requirement of the department of transportation or the department of inspections, appeals, and licensing, may file a petition against the violator, alleging the failure to comply with the order or requirement and asking for summary relief to the same extent and in the same manner as the department of transportation or the department of inspections, appeals, and licensing may under section 327C.28, and the proceedings after the filing of the petition shall be the same as in section 327C.28.

[C97, §2137; C24, 27, 31, 35, 39, §**7897;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.38; C77, 79, 81, §327C.29; 81 Acts, ch 22, §22]

89 Acts, ch 273, §27; 2023 Acts, ch 19, §1993

Referred to in §327C.30

327C.30 Duty of department, attorney general, and county attorney.

When any proceeding has been instituted under sections 327C.28 and 327C.29, the attorney general shall prosecute the same, and the county attorney of the county in which such proceeding is pending shall render such assistance as the attorney general may require.

[C97, §2137; C24, 27, 31, 35, 39, §**7898;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.39; C77, 79, 81, §327C.30; 81 Acts, ch 22, §22]

2023 Acts, ch 19, §2066, 2073

Referred to in §331.756(49)

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327C.31 Hearing in equity — injunction.
All such causes shall be in equity, and the order or report of the department in question shall be considered prima facie evidence. If the court shall find that the order or requirement in question is lawful and has been violated, it shall issue an injunction or other proper process.
[C97, §2137; C24, 27, 31, 35, 39, §**7899;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.40; C77, 79, 81, §327C.31; 81 Acts, ch 22, §22]

327C.32 Reserved.

327C.33 Appeal — effect.
An appeal to the supreme court shall not stay or supersede the order of the court or the execution of any writ or process thereon. When appeal is taken by the department, it shall not be required to give an appeal bond or security for costs.
[C97, §2137; C24, 27, 31, 35, 39, §**7901;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.42; C77, 79, 81, §327C.33; 81 Acts, ch 22, §22]

327C.34 Suits by the department.
When the department has reason to believe that any person has been guilty of unjust discrimination, the department shall cause action to be commenced against such person. Such action may be brought in the district court of any county through which the railway owned or operated by such person may extend.
[C97, §2149, 2150; C24, 27, 31, 35, 39, §**7902;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.43; C77, 79, 81, §327C.34; 81 Acts, ch 22, §22]

327C.35 Reserved.

327C.36 Rights and remedies not exclusive.
Nothing in this chapter shall abridge any rights or remedies existing at common law or by statute, but shall be in addition to such remedies.
[C24, 27, 31, 35, 39, §**7904;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.45; C77, 79, 81, §327C.36]

327C.37 Accidents — investigations of — report.
Upon the occurrence of any serious accident upon any railroad within this state, which shall result in personal injury, or loss of life, the corporation operating the road upon which the accident occurred shall give immediate notice thereof to the department whose duty it shall be, if they deem it necessary, to investigate the same, and promptly report to the governor the extent of the personal injuries, or loss of life, and whether the same was the result of mismanagement or neglect of the corporation on whose line the injury or loss of life occurred; but such report shall not be evidence or referred to in any case in any court.
[S13, §2120-k; C24, 27, 31, 35, 39, §**7905;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.46; C77, 79, 81, §327C.37]

327C.38 Annual reports from companies.
The department shall require annual reports from all common carriers subject to the provisions of chapter 327D and prescribe the manner in which specific answers to all questions upon which it may need information shall be made.
[C73, §1280; C97, §2143; C24, 27, 31, 35, 39, §**7906;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.47; C77, 79, 81, §327C.38]

327C.39 and 327C.40 Reserved.

327C.41 Additional reports.
The department may also require of any and all common carriers subject to the provisions of chapter 327D such other reports, and fix the time for filing the same, as in its judgment

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shall be necessary and reasonable, which reports shall be in such form, and concerning such subjects, and be from such sources as it shall direct, except as otherwise provided herein.

[C97, §2143; C24, 27, 31, 35, 39, §**7909;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.50; C77, 79, 81, §327C.41]

327C.42 Uniform accounts.

The department may prescribe uniformity and methods of keeping accounts, as near as may be, and fix a time when such regulations shall take effect.

[C97, §2143; C24, 27, 31, 35, 39, §**7910;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.51; C77, 79, 81, §327C.42]

327C.43 Violations.

Any corporation, company, or individual owning or operating a railway within the state, neglecting or refusing to make the required reports by the date fixed by rule of the department, shall, upon conviction, be subject to a schedule "one" penalty for each and every day of delay in making the same after the date thus fixed.

[C73, §1281, 1282; C97, §2143; C24, 27, 31, 35, 39, §**7911;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.52; C77, 79, 81, §327C.43]

See §327C.5

CHAPTER 327D

REGULATION OF CARRIERS

Referred to in §307.26, 327C.5, 327C.14, 327C.24, 327C.38, 327C.41

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SUBCHAPTER I

GENERAL PROVISIONS

327D.1 Applicability of chapter.

This chapter applies to intrastate transportation by for-hire common carriers of persons and property. However, this chapter does not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325A.12, or a transportation network company or a transportation network company driver, as defined in section 321N.1.

[C97, §2122; C24, 27, 31, 35, 39, §**8036;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.1; C77, 79, 81, §327D.1]

83 Acts, ch 121, §3; 86 Acts, ch 1161, §17; 98 Acts, ch 1100, §52; 2016 Acts, ch 1101, §22, 24
Referred to in §327D.40

327D.2 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Department"* means the state department of transportation.
2. *"Joint tariffs"* embraces joint rates, tolls, contracts, classifications and charges.
3. *"Railroad"* means the terminal facilities necessary in the transportation of persons and property and includes bridges, railroad right-of-way, trackage, switches and other appurtenances necessary for the operation of a railroad, whether owned, leased or operated under some other contractual agreement.

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4. *"Railroad corporation"* means a railway corporation as defined in subsection 6.

5. *"Railway"* means a railroad as defined in subsection 3.

6. *"Railway corporation"* means all corporations, companies, or persons owning or operating any railroad or carrier in whole or in part within the state.

7. *"Rates"* means fares, tariffs, tolls, charges, and all classifications, contracts, practices and rules of common carriers relating to such rates.

8. *"Switching service"* means the shifting of a car between two points, both of which are within the industrial vicinity of an industry, a group of industries, a station, or a city, as such industrial vicinity may be defined by the department.

9. *"Transportation"* means all instrumentalities of shipment or carriage as well as services in connection with the actual transport.

[C97, §2122; SS15, §2125; C24, 27, 31, 35, 39, §**8037, 8082;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.2, 479.48; C77, 79, 81, §327D.2; 81 Acts, ch 22, §22]

86 Acts, ch 1245, §1960

Referred to in §307.26, 327D.40

327D.3 Duty to furnish cars and transport freight.

Every railway corporation shall upon reasonable notice, and within a reasonable time, furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight, and receive and transport such freight with all reasonable dispatch, and provide and keep suitable facilities for the receiving and handling thereof at any depot on the line of its road.

[C97, §2116; S13, §2116; C24, 27, 31, 35, 39, §**8038;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.3; C77, 79, 81, §327D.3]

Referred to in §327D.5, 327D.40

327D.4 Connections.

If a railroad corporation in this state refuses to connect by proper switches or tracks with the tracks of another railroad corporation or refuses to receive, transport, load, discharge, reload, or return cars furnished by another connecting railroad corporation, a petition requesting resolution of the dispute may be filed with the department. The department shall notify the department of inspections, appeals, and licensing which shall hold a hearing on the dispute. Upon conclusion of the hearing, the department of inspections, appeals, and licensing shall issue an order to resolve the dispute. The order may include the allocation of costs between the parties. The order is subject to review by the department which review shall be the final agency action.

[C97, §2113, 2116; S13, §2113, 2116; C24, 27, 31, 35, 39, §**7876, 8039;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.13, 479.4; C77, 79, 81, §327D.4; 81 Acts, ch 22, §22]

91 Acts, ch 27, §4; 2023 Acts, ch 19, §1994

Referred to in §327D.5, 327D.40

327D.5 Burden of proof.

In any action in court, or before the department, brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of this section and sections 327D.3 and 327D.4, the burden of proving that the provisions thereof have been complied with by such railroad corporation, shall be upon such railroad corporation.

[S13, §2116; C24, 27, 31, 35, 39, §**8041;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.6; C77, 79, 81, §327D.5]

2023 Acts, ch 64, §52

Referred to in §327D.40

327D.6 Reserved.

327D.7 Transporting persons or property for hire — limitation on liability.

A contract, receipt or rule shall not exempt any person engaged in transporting for hire from the liability of a common carrier, or carrier of passengers, which would exist had no

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contract, receipt or rule been made except as may be provided for liability for property loss by order of the department.

[C73, §2184; C97, §3136; C24, 27, 31, 35, 39, §**8043;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.8; C77, 79, 81, §327D.7; 81 Acts, ch 22, §22]

Referred to in §327D.40

327D.8 Preference prohibited — exception.

It shall be unlawful for any common carrier to give any preference or advantage to, or entail any prejudice or disadvantage upon any particular person, company, firm, corporation, locality, or any class of business or traffic, by any rate, rule, regulation, or practice whatsoever. This provision shall not prevent any common carrier from giving preference as to time of shipping livestock, live poultry, uncured meats, fruits, vegetables, or other perishable property.

[C97, §2125; SS15, §2125; C24, 27, 31, 35, 39, §**8044;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.9; C77, 79, 81, §327D.8]

Referred to in §327D.40

327D.9 Interchange of traffic — switching and forwarding.

Common carriers shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and switching of cars and property to and from their several lines, and to and from other lines and places connected therewith; and shall not discriminate in their accommodations, rates, and charges between such connecting lines. Any common carrier may be required to switch and transfer cars for another, for the purpose of being loaded or unloaded, upon such terms and conditions as may be ordered by the department.

[C97, §2125; SS15, §2125; C24, 27, 31, 35, 39, §**8045;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.10; C77, 79, 81, §327D.9; 81 Acts, ch 22, §22]

Referred to in §327D.40

327D.10 Unjust discrimination — exceptions.

If any common carrier subject to the provisions of this chapter shall directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property subject to the provisions of this chapter, than it charges, demands, collects, or receives from any other person or persons for doing a like and contemporaneous service in the transportation of a like kind of traffic, such common carrier shall be guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful; but this section shall not be construed as prohibiting a less rate per one hundred pounds in a carload lot than is charged, collected, or received for the same kind of freight in less than a carload lot.

[C97, §2124; C24, 27, 31, 35, 39, §**8046;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.11; C77, 79, 81, §327D.10]

Referred to in §327D.40

327D.11 Reconsignment without charge.

Upon request of the consignee it shall be the duty of any common carrier of freight to reconsign, rebill, and reship from any place of destination within the state to any other place within the state any property in carload lots brought to said place of destination over its own or other line and treat the same in all respects as an original shipment between such places, provided the charges to first place of destination are paid or secured to the satisfaction of such corporation.

[S13, §2157-r; C24, 27, 31, 35, 39, §**8047;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.12; C77, 79, 81, §327D.11]

Referred to in §327D.40

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327D.12 Charges to be reasonable.

All rates and charges made for any service rendered or to be rendered in the transportation of passengers or property in this state, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just.

[C97, §2123; C24, 27, 31, 35, 39, §**8048;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.13; C77, 79, 81, §327D.12]

Referred to in §327D.40

327D.13 Rates.

1. *a.* A common carrier subject to this chapter shall not charge more for the transportation of persons or property than a fair and just rate or charge.

b. A common carrier shall not:

(1) Charge more for the transportation of persons or property for a shorter distance than for a longer distance in the same direction on the same route.

(2) Charge more for a through rate than the aggregate of the intermediate rates.

2. However, upon application by a common carrier, the department may in special cases and after investigation prescribe the extent to which the carrier is relieved from compliance with this section.

[C97, §2126; C24, 27, 31, 35, 39, §**8049;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.14; C77, 79, 81, §327D.13; 81 Acts, ch 22, §22]

86 Acts, ch 1245, §1961; 2010 Acts, ch 1061, §180

Referred to in §327D.40

327D.14 Pooling contracts.

It shall be unlawful for any common carrier subject to the provisions of this chapter to enter into any contract, agreement, or combination with any other common carrier for the pooling of freight of different and competing railroads, or divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof without the approval of the department when determined to be in the public interest by the department; and in case of an agreement for the pooling of freights without such approval, each day of its continuance shall be a separate offense.

[C73, §1297 – 1299; C97, §2127; C24, 27, 31, 35, 39, §**8050;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.15; C77, 79, 81, §327D.14; 81 Acts, ch 22, §22]

Referred to in §327D.40

327D.15 Continuous shipments.

It shall be unlawful for any common carrier subject to the provisions of this chapter to enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time schedules, carriage in different cars, or, by other means or device, the carriage of freights from being continuous from place of shipment to the place of destination in the state; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage, or to evade any of the provisions of this chapter.

[C97, §2129; C24, 27, 31, 35, 39, §**8051;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.16; C77, 79, 81, §327D.15]

Referred to in §327D.40

327D.16 Violations — treble damages.

In case any common carrier subject to the provisions of this chapter shall do, cause, or permit to be done anything prohibited or declared to be unlawful under this chapter, or shall willfully fail to do anything in this chapter required to be done, it shall be liable to the person injured thereby for three times the amount of damages sustained in consequence, together with costs of suit, and a reasonable attorney fee to be fixed by the court, on appeal or otherwise, which shall be taxed and collected as part of the costs in the case; but in all cases demand in writing shall be made of the carrier for the money damages sustained

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before action is brought for a recovery under this section, and no action shall be brought until the expiration of fifteen days after such demand.

[C97, §2130; C24, 27, 31, 35, 39, §**8052;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.17; C77, 79, 81, §327D.16]

2025 Acts, ch 30, §57
Referred to in §327D.40

327D.17 Criminal liability.

Except as otherwise specially provided for in this chapter, and unless relieved from the consequences of a violation of the law as provided in this chapter, any common carrier subject to the provisions of this chapter, or, when such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party shall willfully do or cause to be done, or shall willfully suffer or permit to be done any act, matter, or thing in this chapter prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this chapter required to be done, or shall cause or willingly suffer or permit any act, matter, or thing, so directed or required by the provisions of this chapter to be done, not to be so done; or shall aid or abet any such omission or failure, or shall be guilty of any infraction of the provisions of this chapter, or shall aid or abet therein, shall be guilty of a misdemeanor, and shall, upon conviction, be subject to a schedule "four" penalty.

[C97, §2132; C24, 27, 31, 35, 39, §**8053;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.18; C77, 79, 81, §327D.17]

2025 Acts, ch 30, §58
Referred to in §327D.40
For schedule of violations, see §327C.5

327D.18 Reserved.

327D.19 Discrimination — prima facie evidence.

The provisions of the following subsections shall constitute prima facie evidence of undue and unjust discriminating rates, charges, accommodations, collections or receipts.

1. Charge, collect, or receive for the transportation of any passenger or freight of any description upon its railroad, for any distance within the state, a greater amount of toll or compensation than is at the same time charged, collected or received for the transportation in the same direction of any passenger or like quantity of freight of the same class, over a greater distance of the same railway; or

2. Charge, collect, or receive at any point upon its road a higher rate of toll or compensation for receiving, handling, or delivering freight of the same class and quantity than it shall at the same time charge, collect, or receive at any other point upon the same railway; or

3. Charge, collect, or receive for the transportation of any passenger or freight of any description over its railway a greater amount as toll or compensation than shall at the same time be charged, collected, or received by it for the transportation of any passenger or like quantity of freight of the same class being transported in the same direction over any portion of the same railway of equal distance; or

4. Charge, collect, or receive from any person a higher or greater amount of toll or compensation than it shall at the same time charge, collect, or receive from any other person for receiving, handling, or delivering freight of the same class and like quantity at the same point upon its railway; or

5. Charge, collect, or receive from any person for the transportation of any freight upon its railway a higher or greater rate of toll or compensation than it shall at the same time charge, collect, or receive from any other person or persons for the transportation of the like quantity of freight of the same class being transported from the same point in the same direction over equal distances of the same railway; or

6. Charge, collect, or receive from any person for the use and transportation of any railway car or cars upon its railroad for any distance, a greater amount of toll or compensation than

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is at the same time charged, collected, or received from any other person for the use and transportation of any railway car of the same class or number, for a like purpose, being transported in the same direction over a greater distance of the same railway; or

7. Charge, collect, or receive from any person for the use and transportation of any railway car upon its railway a higher or greater compensation in the aggregate than it shall, at the same time, charge, collect, or receive from any other person for the use and transportation of any railway car of the same class for a like purpose, being transported from the same original point in the same direction, over an equal distance of the same railway; or

8. Charge any undue or unjust discriminatory rates, charges, accommodations, collections or receipts whether made directly or indirectly by means of a rebate or other method.

[C97, §2145; S13, §2145; C24, 27, 31, 35, 39, §**8055;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.20; C77, 79, 81, §327D.19]

Referred to in §327D.40

327D.20 through 327D.26 Reserved.

327D.27 Penalty for discrimination.

Any corporation making any unjust discrimination as to freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering freight, shall, upon conviction, be subject to a schedule "four" penalty; or shall be subject to the liability prescribed in section 327D.28, to be recovered as therein provided.

[C97, §2147; C24, 27, 31, 35, 39, §**8064;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.29; C77, 79, 81, §327D.27]

Referred to in §327D.40
For schedule of violations, see §327C.5

327D.28 Penalty.

Any railway corporation making any unjust discrimination as to passenger or freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering freight, shall, upon conviction, forfeit and pay to the state an amount within the limits of a schedule "five" penalty. Money collected shall be deposited in the general fund of the state.

[C97, §2148; C24, 27, 31, 35, 39, §**8065;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.30; C77, 79, 81, §327D.28]

Referred to in §327D.27, 327D.40
For schedule of violations, see §327C.5

327D.29 Free or reduced freight rates permitted.

Nothing in this chapter shall apply to free or reduced rates for the transportation, storage or handling of:

1. Property for the United States, this state, or political subdivisions of this state.
2. Materials to be used by public authorities in constructing or maintaining public facilities.
3. Property for charitable purposes.
4. Property for exhibition at fairs or expositions.
5. Private property or goods for the family use of such employees as are entitled to free passenger transportation.
6. Private property in less than carload lots.
7. Coal.
8. Products transported to be recycled.

[C97, §2150; C24, 27, 31, 35, 39, §**8066;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.31; C77, 79, 81, §327D.29]

Referred to in §327D.40

327D.30 through 327D.39 Reserved.

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SUBCHAPTER II

JOINT RATES

327D.40 Authorization.

Sections 327D.1 through 327D.29 shall not be construed to prohibit the making of rates by two or more railway companies for the transportation of property over two or more of their respective lines within the state; and a lower charge by each of said companies for its portion of such joint shipment than it charges for a shipment for the same distance wholly over its own line within the state shall not be considered a violation of this chapter, and shall not render such company subject to any of the penalties of this chapter.

[C97, §2152; C24, 27, 31, 35, 39, §**8067;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.32; C77, 79, 81, §327D.40]

2021 Acts, ch 80, §189

327D.41 Reserved.

327D.42 Connecting lines.

Every owner or consignor of freight to be transported by railway from any point within this state to any other point within this state shall have the right to require that the same shall be transported over two or more connecting lines of railway, to be transferred at the connecting point or points without change of car or cars if in carload lots, and with or without change of car or cars if in less than carload lots, whenever the distance from the place of shipment to destination, both being within this state, is less over two or more connecting lines of railway than it is over a single line of railway, or where the initial line does not reach the place of destination; and it shall be the duty, upon the request of any such owner or consignor of freight, made to the initial company, of such railway companies whose lines so connect, to transport the freight without change of car or cars if the shipment be in a carload lot or lots, and with change of car or cars if it be in less than carload lots, from the place of shipment to destination, whenever the distance from the place of shipment to destination, both being within this state, is less than the distance over a single line, or when the initial line does not reach the point of destination, for a reasonable joint through rate.

[C97, §2153; S13, §2153; C24, 27, 31, 35, 39, §**8069;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.34; C77, 79, 81, §327D.42]

327D.43 Routing intrastate shipments.

It shall be the duty of every common carrier subject to the provisions of this chapter, when shipments are tendered for transportation between points in this state, to route such shipments from shipping point to point of destination over the cheapest available route between such points except in cases where the shipper, in shipping orders or bills of lading, specifically designates a particular route over which it is desired such shipments shall be moved.

[C31, 35, §8069-d1; C39, §**8069.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.35; C77, 79, 81, §327D.43]

327D.44 Reserved.

327D.45 Schedules of joint rates.

The department may order a schedule of joint through railway rates for such traffic and on such routes as in its judgment the fair and reasonable conduct of business requires.

[C97, §2155; S13, §2155; C24, 27, 31, 35, 39, §**8071;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.37; C77, 79, 81, §327D.45; 81 Acts, ch 22, §22]

327D.46 through 327D.52 Reserved.

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327D.53 Division of joint rates.

Before the adoption of the rates, the department shall notify the railroad corporations interested in the schedule of joint rates fixed, and give them a reasonable time to agree upon a division of the charges provided. If the corporations fail to agree upon a division, and to notify the department of their agreement, the department shall, after a hearing conducted by the department of inspections, appeals, and licensing, decide the rates, taking into consideration the value of terminal facilities and all the circumstances of the haul, and the division so determined by it is, in all controversies or actions between the railroad corporations interested, prima facie evidence of a just and reasonable division.

[C97, §2156; C24, 27, 31, 35, 39, §**8080;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.46; C77, 79, 81, §327D.53; 81 Acts, ch 22, §22]

89 Acts, ch 273, §28; 2023 Acts, ch 19, §1995

327D.54 through 327D.65 Reserved.

SUBCHAPTER III

RATE SCHEDULES

327D.66 Rate schedules — filing and public access.

1. Every common carrier, except railway corporations, subject to the provisions of this chapter shall file with the department and shall print schedules showing the rates for the transportation within this state of persons and property from each point upon its route to all other points on the route and from all points upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate have been established or ordered between any two points. If no joint rate over a through route has been established, the schedules of the several carriers in the through route shall show the separately established rates, applicable to the through transportation.

2. The schedules shall be plainly printed and a copy of often used schedules shall be kept by every carrier readily accessible to and for inspection by the public in every station and office of the carrier where passengers or property are received for transportation when the station or office is in the charge of an agent. A notice printed in bold type and stating that the often used schedules are on file with the agent and open to public inspection, and that the agent will assist any person to determine from the schedule any rate shall be posted by the carrier in public and conspicuous places in each station or office. The department shall, by rule, provide that adequate public access to schedules not often used be provided in a different manner.

3. Railway corporations shall maintain a copy of schedules and rates on file in the office of the carrier readily accessible to and for inspection by the public.

[C73, §1304; C97, §2128; C24, 27, 31, 35, 39, §**8083, 8085, 8087;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.49, 479.51, 479.53; C77, 79, 81, §327D.66; 81 Acts, ch 22, §16]

89 Acts, ch 57, §1, 2; 2017 Acts, ch 54, §76

Referred to in §327D.69

327D.67 Detailed requirements.

1. The schedules shall plainly state the places between which such property and persons will be carried, and, separately, all terminal charges, storage charges, refrigeration charges, and all other charges which the department may require to be stated, all privileges or facilities granted or allowed, and all rules which may in any way change, affect, or determine any part or the aggregate of such rates, or the value of the various services rendered to the passenger, shipper, or consignee.

2. The form of every schedule shall be prescribed by the department and shall conform,

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in the case of common carriers, as nearly as may be to the form prescribed by the United States department of transportation.

[C73, §1304; C97, §2128; C24, 27, 31, 35, 39, §**8084, 8088;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.50, 479.54; C77, 79, 81, §327D.67; 81 Acts, ch 22, §22]

2003 Acts, ch 108, §61; 2018 Acts, ch 1041, §127

Referred to in §327D.69

327D.68 Reserved.

327D.69 Right to inspect.

Any or all of such schedules kept as provided in sections 327D.66 and 327D.67 shall be immediately produced by such carrier for inspection upon the demand of any person.

[C24, 27, 31, 35, 39, §**8086;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.52; C77, 79, 81, §327D.69]

2023 Acts, ch 66, §77

327D.70 and 327D.71 Reserved.

327D.72 Interstate commerce schedules.

When schedules and classifications required by the United States department of transportation contain in whole or in part the information required by the provisions of this chapter, the posting and filing of a copy of such schedules and classifications with the United States department of transportation shall be deemed a compliance with the filing requirements of this chapter insofar as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted and filed in a supplementary schedule.

[C24, 27, 31, 35, 39, §**8089;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.55; C77, 79, 81, §327D.72; 81 Acts, ch 22, §22]

89 Acts, ch 57, §3; 2003 Acts, ch 108, §62

327D.73 Partial schedules.

In lieu of filing its often used schedule in each station or office, any common carrier may file with the department and keep posted at the stations or offices, schedules of the rates applicable at, to, and from the places where the stations or offices are located.

[C97, §2128; C24, 27, 31, 35, 39, §**8090;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.56; C77, 79, 81, §327D.73; 81 Acts, ch 22, §17]

327D.74 Changes in schedules.

The department shall have power from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this chapter as it may find expedient, and to modify the requirements of any of its orders or rules in respect thereto.

[C97, §2128; C24, 27, 31, 35, 39, §**8091;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.57; C77, 79, 81, §327D.74; 81 Acts, ch 22, §22]

327D.75 Joint tariff schedules.

The names of the several common carriers which are parties to any joint tariff shall be specified in the schedule showing the same. Unless otherwise ordered by the department, a schedule showing such joint tariff need be filed with the department by only one of the parties if there is also filed with the department, in such form as the department may require, a concurrence in such joint tariff by each of the other parties thereto.

[C97, §2128; C24, 27, 31, 35, 39, §**8092;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.58; C77, 79, 81, §327D.75; 81 Acts, ch 22, §22]

327D.76 Reserved.

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327D.77 Transportation prohibited.

A common carrier shall not undertake to perform any service nor engage or participate in the transportation of persons or property between points within this state, until the carrier's schedule of rates has been filed and posted as provided in this chapter.

[C24, 27, 31, 35, 39, §**8094;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.60; C77, 79, 81, §327D.77]

2022 Acts, ch 1021, §80

327D.78 Change in rate.

Unless the department otherwise orders, no change shall be made by any common carrier in any rate, except after thirty days' notice to the department and to the public as provided in this chapter. The department shall adopt rules to ensure public notice is provided in any action instituted under this section.

[C97, §2128; C24, 27, 31, 35, 39, §**8095;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.61; C77, 79, 81, §327D.78; 81 Acts, ch 22, §22]

2022 Acts, ch 1021, §81

327D.79 Notice of change.

Such notice shall be given by filing with the department new schedules or supplements stating plainly the change to be made in the schedule then in effect, and the time when the change will go into effect.

[C97, §2128; C24, 27, 31, 35, 39, §**8096;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.62; C77, 79, 81, §327D.79; 81 Acts, ch 22, §22]

327D.80 Changes without notice.

The department, for good cause shown, may allow changes without requiring thirty days' notice by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published.

[C97, §2128; C24, 27, 31, 35, 39, §**8097;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.63; C77, 79, 81, §327D.80; 81 Acts, ch 22, §22]

327D.81 Indicating change.

When any change is proposed in any rate, such proposed change shall be plainly indicated on the new schedule filed with the department, by some typographic character immediately preceding or following the item.

[C97, §2128; C24, 27, 31, 35, 39, §**8098;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.64; C77, 79, 81, §327D.81; 81 Acts, ch 22, §22]

327D.82 Schedule charge mandatory — refunds and discrimination.

No common carrier, except as otherwise provided, shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares, and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified except upon order of the courts or of the department as may be now or hereafter by law provided, nor extend to any shipper or person any privilege or facility in the transportation of passengers or property except such as are specified in such schedules.

[C97, §2128; C24, 27, 31, 35, 39, §**8099;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.65; C77, 79, 81, §327D.82; 81 Acts, ch 22, §22]

327D.83 Rate hearing.

If a schedule is filed with the department stating a rate, the department may, either upon complaint or upon its own motion, request the department of inspections, appeals, and licensing to conduct a hearing concerning the propriety of the rate.

[C24, 27, 31, 35, 39, §**8100;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.66; C77, 79, 81, §327D.83; 81 Acts, ch 22, §22]

89 Acts, ch 273, §29; 2023 Acts, ch 19, §1996

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327D.84 Suspension of rates.

Pending the hearing and the decision thereon, such rate shall not go into effect; but the period of suspension of such rate shall not extend more than one hundred twenty days beyond the time when such rate would otherwise go into effect.

[C24, 27, 31, 35, 39, §**8101;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.67; C77, 79, 81, §327D.84]

327D.85 Rate proposal — review.

At the hearing the department of inspections, appeals, and licensing shall propose the rates on the schedule, in whole or in part, or others in lieu thereof, which the department of inspections, appeals, and licensing finds are just and reasonable rates. The action of the department of inspections, appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action.

[C24, 27, 31, 35, 39, §**8102;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.68; C77, 79, 81, §327D.85; 81 Acts, ch 22, §22]

89 Acts, ch 273, §30; 2023 Acts, ch 19, §1997

327D.86 When rates effective.

All such rates not so suspended shall, on the expiration of thirty days from the time of filing the same with the department or of such less time as the said department may grant, go into effect and be the established and effective rates, subject to the power of the department after a hearing had upon its own motion or upon complaint, as herein provided, to alter or modify the same.

[C24, 27, 31, 35, 39, §**8103;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.69; C77, 79, 81, §327D.86; 81 Acts, ch 22, §22]

327D.87 Posting and filing of revised schedules.

After such changes have been authorized by the department, copies of the new or revised schedules shall be posted or filed as provided in this chapter within such reasonable time as may be fixed by the department.

[C24, 27, 31, 35, 39, §**8104;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.70; C77, 79, 81, §327D.87; 81 Acts, ch 22, §22]

327D.88 Reserved.

327D.89 Complaint of violation.

When a person complains to the department that the rate charged or published by a railway corporation, or the maximum rate fixed by law, is unreasonably high or discriminating, the department may investigate the matter, and request the department of inspections, appeals, and licensing to conduct a hearing. The department of inspections, appeals, and licensing shall give the parties notice of the time and place of the hearing.

[C97, §2139; C24, 27, 31, 35, 39, §**8106;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.72; C77, 79, 81, §327D.89; 81 Acts, ch 22, §22]

89 Acts, ch 273, §31; 2023 Acts, ch 19, §1998

327D.90 Hearing — evidence.

At the time of the hearing the department of inspections, appeals, and licensing shall receive any evidence and listen to any arguments presented by either party relevant to the matter under investigation, and the burden of proof is not upon the person making the complaint. The complainant shall add to the showing made at the hearing whatever information the complainant then has, or can obtain from any source. The department of inspections, appeals, and licensing shall propose just and reasonable rates, which may be adopted in whole or in part or modified as the state department of transportation determines.

[C97, §2140; C24, 27, 31, 35, 39, §**8107;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.73; C77, 79, 81, §327D.90; 81 Acts, ch 22, §22]

89 Acts, ch 273, §32; 2023 Acts, ch 19, §1999

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327D.91 through 327D.101 Reserved.

SUBCHAPTER IV

LIVESTOCK

327D.102 Movement of livestock — burden of proof.

It is hereby made the duty of all common carriers of freight within this state to move cars of livestock at the highest practicable speed consistent with reasonable safety and the reasonable movement of its general traffic. The burden of proof that cars of livestock are so moved shall be upon the carrier, and proof that such cars were moved according to schedule or timetable shall not be prima facie evidence that they were moved at the highest practicable speed consistent with reasonable safety.

[S13, §2157-s; C24, 27, 31, 35, 39, §**8114;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.80; C77, 79, 81, §327D.102]

327D.103 through 327D.112 Reserved.

SUBCHAPTER V

PASSENGER RATES

327D.113 Names of free pass beneficiaries reported.

Every common carrier of passengers within the provisions of this chapter shall, whenever so requested by the department, file with the department a sworn statement showing the names of all persons within this state holding, or to whom during the preceding year such carrier issued, furnished, or gave a free ticket, free pass, free transportation, or a discriminating reduced rate, except wage earners of common carriers in their ordinary employment and families of such wage earners, and disclosing such further information as will enable the department to determine whether the person to whom it was issued was within the exception of said provisions.

[S13, §2157-j; C24, 27, 31, 35, 39, §**8132;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.98; C77, 79, 81, §327D.113]

327D.114 Passenger tickets — redemption.

Every railroad corporation shall redeem in whole or in part any unused passenger ticket at a rate equal to the transportation value of the unused portion. Any redemption shall be made not more than forty-five days from the date of the refund request.

[S13, §2128-a; C24, 27, 31, 35, 39, §**8133;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.99; C77, 79, 81, §327D.114]

Referred to in §327D.116

327D.115 Reserved.

327D.116 Violations.

Any railroad company, corporation, person, or persons, who as common carriers shall sell or issue tickets as set forth in section 327D.114, and shall refuse or neglect to redeem the same, as by said section provided, within ten days of date of demand, shall forfeit and pay to the owner of such ticket the purchase price of said ticket, and the further sum of one hundred dollars.

[S13, §2128-c; C24, 27, 31, 35, 39, §**8135;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.101; C77, 79, 81, §327D.116]

327D.117 through 327D.126 Reserved.

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SUBCHAPTER VI

WEIGHING BULK COMMODITIES

327D.127 Railroad track scales — weighing — fee.

Every railroad corporation operating within the state and having track scales shall maintain the scales in good order and of sufficient capacity to weigh carloads of bulk commodities transported over the railroad. The railroad shall weigh car lots of bulk commodities at the request of any owner, consignor, or consignee of such commodities, and furnish written certificates of the weights to the owner, consignor, or consignee. A reasonable charge may be made for such requested weighing.

[S13, §2157-l; C24, 27, 31, 35, 39, §**8137;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.103; C77, 79, 81, §327D.127]

Referred to in §215.25, 327D.131, 327D.132

327D.128 Weighing — disagreement.

If a railroad corporation and the owner, consignor, or consignee of car lots of bulk commodities cannot reach agreement relative to the weighing of the commodities, appeal may be made to the state department of transportation. The state department of transportation, after a hearing by the department of inspections, appeals, and licensing, shall issue an order equitable to all parties including but not limited to allocation of costs and specification of the place and manner of weighing.

[C77, 79, 81, §327D.128; 81 Acts, ch 22, §22]

89 Acts, ch 273, §33; 2023 Acts, ch 19, §2000

Referred to in §327D.131, 327D.132

327D.129 Weight at destination.

Bulk commodities shall be weighed at the destination upon request of the consignee when there are track scales at the destination. If the destination is not equipped with track scales, the weighing shall be done at the nearest practicable point agreed to by both parties.

[S13, §2157-n; C24, 27, 31, 35, 39, §**8139;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.105; C77, 79, 81, §327D.129]

Referred to in §327D.131, 327D.132

327D.130 Weighing commodities.

A scale ticket printed or stamped by automatic recorders pursuant to section 215.19, shall be furnished to the consignee. Settlement of freight charges shall be based upon those weights, but weight shall not be warranted for any other commercial purpose unless so stated upon the face of the scale ticket.

[S13, §2157-o; C24, 27, 31, 35, 39, §**8140;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.106; C77, 79, 81, §327D.130]

Referred to in §327D.131, 327D.132

327D.131 Prima facie evidence.

Certificates mentioned in sections 327D.127 through 327D.130, this section, and section 327D.132 shall be prima facie evidence of the facts recited in the certificates in any action arising between consignors and consignees and common carriers.

[S13, §2157-p; C24, 27, 31, 35, 39, §**8141;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.107; C77, 79, 81, §327D.131]

2021 Acts, ch 80, §190

Referred to in §327D.132

327D.132 Violation — penalty.

Any common carrier operating in this state violating any of the provisions of sections 327D.127 through 327D.131 by neglecting or refusing to weigh cars or to furnish certificates

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of weights as provided in those sections shall, upon conviction, be subject to a schedule "one" penalty.

[S13, §2157-q; C24, 27, 31, 35, 39, §**8142;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.108; C77, 79, 81, §327D.132]

2021 Acts, ch 80, §191

Referred to in §327D.131

For schedule of violations, see §327C.5

327D.133 through 327D.159 Reserved.

SUBCHAPTER VII

ADJUSTMENT OF CLAIMS

327D.160 Rules.

The department shall prescribe, pursuant to chapter 17A, rules reasonably necessary for the orderly disposition of claims arising from loss or damage to property tendered for transportation.

[S13, §2074-c; C24, 27, 31, 35, 39, §**8150;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.116; C77, 79, 81, §327D.160; 81 Acts, ch 22, §18]

327D.161 through 327D.172 Reserved.

SUBCHAPTER VIII

TERMINATING CARRIER'S LIABILITY

327D.173 Notice of arrival of shipment.

All companies, corporations, or individuals that now, or hereafter, may own or operate any railroads, in whole or in part, in the state, and all persons, firms, or companies, and all associations of persons, whether incorporated or not, that shall do business as a common carrier upon any of the lines of railway in this state, shall be and remain liable as a common carrier upon all less than carload shipments until the consignee shall be notified of the arrival of the shipment and has reasonable time and opportunity to receive same.

[SS15, §2074-f; C24, 27, 31, 35, 39, §**8153;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.119; C77, 79, 81, §327D.173]

Referred to in §327D.174

327D.174 Notice prescribed.

A deposit in the United States post office or public mailing box of a written notice addressed to the consignee at the address given upon the bill of lading will constitute service of the notice required by section 327D.173, and forty-eight hours from the date of the mailing of such notice shall be a reasonable time in which to receive said shipment.

[SS15, §2074-f; C24, 27, 31, 35, 39, §**8154;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.120; C77, 79, 81, §327D.174]

327D.175 through 327D.185 Reserved.

SUBCHAPTER IX

NEGLIGENCE OF EMPLOYEES

327D.186 Liability for negligence of employees.

Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of the agents,

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or by any mismanagement of the engineers, or other employees thereof, and in consequence of the willful wrongs, whether of commission or omission, of such agents, engineers, or other employees, when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding.

[C73, §1307; C97, §2071; S13, §2071; C24, 27, 31, 35, 39, §**8156;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.122; C77, 79, 81, §327D.186]

Referred to in §327D.187, 327D.188

327D.187 Relief or indemnity contract.

No contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, and no acceptance of any such insurance, relief, benefit, or indemnity by the person injured, the person's surviving spouse, heirs, or legal representatives after the injury, from such corporation, person, or association, shall constitute any bar or defense to any cause of action brought under the provisions of section 327D.186; but nothing contained in this section shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received.

[S13, §2071; C24, 27, 31, 35, 39, §**8157;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.123; C77, 79, 81, §327D.187]

2023 Acts, ch 66, §78

327D.188 Contributory and comparative negligence.

In all actions brought against any railway corporation to recover damages for the personal injury or death of any employee under or by virtue of any of the provisions of section 327D.186, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery; but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

[S13, §2071; C24, 27, 31, 35, 39, §**8158;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.124; C77, 79, 81, §327D.188]

327D.189 Unallowable pleas.

No such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier or corporation of any statute enacted for the safety of employees contributed to the injury or death of such employee; nor shall it be any defense to such action that the employee who was injured or killed assumed the risks of the person's employment.

[S13, §2071; C24, 27, 31, 35, 39, §**8159;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.125; C77, 79, 81, §327D.189]

327D.190 Damages by fire.

Any corporation operating a railway shall be liable for all damages sustained by any person on account of loss of or injury to the person's property occasioned by fire set out or caused by the operation of such railway. Such damages may be recovered by the party injured in the manner set out in sections 327G.6 through 327G.8 and to the same extent, save as to double damages.

[C73, §1289; C97, §2056; C24, 27, 31, 35, 39, §**8160;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.126; C77, 79, 81, §327D.190]

2021 Acts, ch 80, §192

327D.191 Reserved.

327D.192 Spot checks for hazardous cargo.

An employee designated by the director of the department may conduct spot inspections of vehicles subject to registration which are owned or operated by a railroad corporation to determine whether a vehicle is used to transport products or property which may be a safety

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hazard for the operator of the vehicle subject to registration or any other employee of the railroad corporation who is transported in the vehicle.

[C77, 79, 81, §327D.192]

88 Acts, ch 1134, §71; 2024 Acts, ch 1182, §32

327D.193 through 327D.199 Reserved.

SUBCHAPTER X

RELATED FEDERAL LAW

327D.200 Inconsistency with federal law — railroads.

If any provision of this chapter is inconsistent or conflicts with federal laws, rules, or regulations applicable to railway corporations subject to the jurisdiction of the surface transportation board, the department shall suspend the provision, but only to the extent necessary to eliminate the inconsistency or conflict.

83 Acts, ch 121, §4; 2003 Acts, ch 108, §63

327D.201 Railroad intrastate rates — rules.

The department may issue rules relating to the regulation of railroad intrastate rates, classifications, rules, and practices in accordance with the standards and procedures of the surface transportation board applicable to rail carriers.

83 Acts, ch 121, §4; 2003 Acts, ch 108, §64

CHAPTER 327E

RAILWAY CORPORATIONS — POWERS

Referred to in §307.26, 327C.5

327E.1 Foreign railway corporations.
327E.2 Sale or lease of railroad property.
327E.3 Motorbuses.

327E.1 Foreign railway corporations.

1. Any railway corporation organized or created by or under the laws of any other state, owning and operating a line or lines of railroad in such state, may build its road or branches into this state, and shall possess all the powers and privileges, and be subject to the same liabilities, as like corporations organized and incorporated under the laws of this state, if the railway corporation files with the secretary of state a copy of its articles of incorporation, if incorporated under a general law of such state, or a certified copy of the statute incorporating it if the charter was granted by statute.

2. Any such railway corporation may take and hold voluntary grants of real estate and other property as are made to it to aid in the construction, maintenance, and continued operation of its railway. However, all real estate so received shall be held only as long as the real estate is used for the construction, maintenance, and continued operation of a railway.

[C97, §2048; C24, 27, 31, 35, 39, §**7941;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §476.22; C77, 79, 81, §327E.1; 82 Acts, ch 1207, §1]

2021 Acts, ch 76, §60

327E.2 Sale or lease of railroad property.

Any railway corporation may sell or lease its property and franchises to, or make joint running arrangements not in conflict with law with, any corporation owning or operating

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any connecting railway, and any corporation operating the railway of another shall be liable in the same manner and extent as though such railway belonged to it.

[C73, §1300; C97, §2066; C24, 27, 31, 35, 39, §**7942;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §476.23; C77, 79, 81, §327E.2]

Referred to in §617.4

327E.3 Motorbuses.

Any person operating a railroad in this state may own and operate any other common carrier subject to applicable state laws. Any such person may purchase and own capital stock and securities of a corporation organized for or engaged in the business of a common carrier.

[C31, 35, §7945-c1; C39, §**7945.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §476.27; C77, 79, 81, §327E.3]

CHAPTER 327F

CONSTRUCTION AND OPERATION OF RAILWAYS

Referred to in §307.26, 327C.5

327F.1	Crossing railway, canal or watercourse.	327F.26	Freight offices. Repealed by 2015 Acts, ch 123, §43.
327F.2	Maintenance of bridges — damages.	327F.27	Vegetation on right-of-way.
327F.3	Catwalks and handrails.	327F.28	Violations.
327F.4	Rights of riparian owners.	327F.29	Enforcement.
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327F.6	through 327F.12 Reserved.	327F.31	Political subdivision ordinances.
327F.13	Close-clearance warning devices.	327F.32	Railroad employee credentials.
327F.14	Lights on track power cars. Repealed by 2015 Acts, ch 123, §43.	327F.33	Reserved.
327F.15	through 327F.17 Reserved.	327F.34	and 327F.35 Repealed by 2015 Acts, ch 123, §43.
327F.18	through 327F.20 Repealed by 2015 Acts, ch 123, §43.	327F.36	Screen exhaust fire controls.
327F.21	through 327F.25 Reserved.	327F.37	Reserved.
		327F.38	First aid and medical treatment for employees.
		327F.39	Transportation of railroad employees and equipment.

327F.1 Crossing railway, canal or watercourse.

Any railroad company may build its railway across, over, or under any other railway, canal or watercourse, when necessary, but shall not thereby unnecessarily impede travel, transportation or navigation. It shall be liable for all damages caused by such crossing.

[R60, §1325; C73, §1265; C97, §2020; C24, 27, 31, 35, 39, §**7946;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.1; C77, 79, 81, §327F.1]

327F.2 Maintenance of bridges — damages.

Every railroad company shall build, maintain, and keep in good repair all bridges, abutments, or other construction necessary to enable it to cross over or under any canal, watercourse, other railway, public highway, or other way, except as otherwise provided by law, and shall be liable for all damages sustained by any person by reason of any neglect or violation of the provisions of this section.

[R60, §1326, 1327; C73, §1266, 1267; C97, §2021; C24, 27, 31, 35, 39, §**7947;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.2; C77, 79, 81, §327F.2]

327F.3 Catwalks and handrails.

Any person operating a railroad in this state shall construct and maintain in good repair a catwalk and handrail on at least one side of every railway bridge and trestle which shall be

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constructed, or the structure of which is renovated in any manner, after January 1, 1976. The catwalk and handrail shall extend the length of the bridge or trestle.

[C77, 79, 81, §327F.3]

327F.4 Rights of riparian owners.

All owners or lessees of lands or lots situated upon the Iowa banks of the Mississippi or Missouri rivers upon which any business is carried on which is in any way connected with the navigation of either of said rivers, or to which such navigation is a proper or convenient adjunct, are authorized to construct and maintain in front of their property, piers, cribs, booms, and other proper and convenient erections and devices for the use of their respective pursuits, and the protection and harbor of rafts, logs, floats, and watercraft, in such manner as to create no material or unreasonable obstruction to the navigation of the stream, or to a similar use of adjoining property.

[C97, §2032; C24, 27, 31, 35, 39, §**7948;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.3; C77, 79, 81, §327F.4]

Referred to in §327F.5, 420.165

327F.5 Railroad on riparian land or lots.

No person or corporation shall construct or operate any railroad or other obstruction between the lots or lands referred to in section 327F.4 and either of said rivers, or upon the shore or margin thereof, unless the injury and damage to owners or lessees occasioned thereby shall be first ascertained and paid in the manner provided for taking private property for works of internal improvement.

[C97, §2033; C24, 27, 31, 35, 39, §**7949;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.4; C77, 79, 81, §327F.5]

Referred to in §420.165
Condemnation procedure, chapter 6B

327F.6 through 327F.12 Reserved.

327F.13 Close-clearance warning devices.

1. The owner of a railroad track shall place a warning device at a location where the close clearance between the track and a building, machinery, trees, brush, or other object is such that the building, machinery, trees, brush, or other object physically impedes a person who is lawfully riding the side of a train in the course of the person's duties in service to a railroad company from clearing the building, machinery, trees, brush, or other object.

2. The warning device shall be placed in a location which provides adequate notice to a person riding the side of a train so that the person may prepare for the close clearance. Any signs posted shall not be a danger to other persons working on the property.

3. Placement of a warning device pursuant to this section does not relieve the owner of a railroad track from any duties required under chapter 317 or section 327F.27.

4. A violation of this section is punishable as a schedule "one" penalty under section 327C.5.

5. This section does not apply to a railroad that operates locomotives powered by overhead or suspended electric power lines.

6. The department of transportation shall adopt rules to implement this section. Notwithstanding any other provision, the department of transportation shall be allowed to enter any property on which railroad track is located for the purpose of administering and enforcing this section. Entry upon any private property shall be with knowledge and notice to the property owner.

7. This section only applies to a location where a close-clearance warning device is required to be placed pursuant to rules of the department when funds are available from the department to reimburse the owner of the railroad track for the cost of the close-clearance warning device, including cost of installation.

2007 Acts, ch 164, §1

327F.14 Lights on track power cars. Repealed by 2015 Acts, ch 123, §43.

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327F.15 through 327F.17 Reserved.

327F.18 through 327F.20 Repealed by 2015 Acts, ch 123, §43.

327F.21 through 327F.25 Reserved.

327F.26 Freight offices. Repealed by 2015 Acts, ch 123, §43.

327F.27 Vegetation on right-of-way.

1. Every railroad corporation shall ensure that vegetation on railroad property which is on or immediately adjacent to the roadbed be controlled so that it does not:

a. Become a fire hazard to track-carrying structures.

b. Obstruct visibility of railroad signs and signals.

c. Interfere with railroad employees performing normal trackside duties.

d. Prevent proper functioning of signal and communication lines.

e. Prevent railroad employees from visually inspecting moving equipment from their normal duty stations.

2. Nothing in this section shall be construed to exempt a railroad corporation from carrying out noxious weed control programs as provided in chapter 317.

[S13, §2110-i; C24, 27, 31, 35, 39, §**7992;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.53; C77, 79, 81, §327F.27]

2010 Acts, ch 1061, §180; 2020 Acts, ch 1063, §172

Referred to in §327F.13, 327F.28, 327F.29

327F.28 Violations.

Any failure to comply with the provisions of section 327F.27 shall, upon conviction, be subject to a schedule "one" penalty.

[S13, §2110-j; C24, 27, 31, 35, 39, §**7993;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.54; C77, 79, 81, §327F.28]

Referred to in §327F.29

For schedule of violations, see §327C.5

327F.29 Enforcement.

It shall be the duty of the county attorneys in the respective counties to enforce the provisions of sections 327F.27 and 327F.28.

[S13, §2110-k; C24, 27, 31, 35, 39, §**7994;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.55; C77, 79, 81, §327F.29]

Referred to in §331.756(50)

327F.30 Power to eject passenger.

Any conductor of a railway train carrying passengers shall have the right to refuse to permit any person, not in the custody of an officer, to enter any passenger car on the train in the conductor's charge, who shall be in a state of intoxication; and shall have the further right to eject from the train at any station, or at any regular stop, any person found in a state of intoxication or disturbing the peace and for that purpose may call to the conductor's aid any employee of the railway.

[S13, §2461-g; C24, 27, 31, 35, 39, §**7996;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.57; C77, 79, 81, §327F.30]

327F.31 Political subdivision ordinances.

An ordinance or resolution adopted by a political subdivision of this state which relates to the speed of a train in an area within the jurisdiction of the political subdivision is subject to approval by the state department of transportation. Any speed ordinance or resolution adopted by a political subdivision of the state prior to July 1, 1988, which has not been approved by the department shall be referred to the department by the political subdivision and shall be in full force and effect upon approval of the ordinance or resolution by the department. This section does not abrogate, modify, or alter any historical or contractual

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agreement between a political subdivision of the state and a railroad corporation in existence on July 1, 1975.

88 Acts, ch 1079, §1; 2019 Acts, ch 59, §101

327F.32 Railroad employee credentials.

An engineer, conductor, brake operator, or any other member of the crew of a locomotive or railroad train operated upon a railroad track, including a railroad track intersecting with a street or highway at a railroad grade crossing, is not required to provide a driver's license to a law enforcement officer in connection with the operation of the locomotive or railroad train.

2014 Acts, ch 1030, §1

327F.33 Reserved.

327F.34 and 327F.35 Repealed by 2015 Acts, ch 123, §43.

327F.36 Screen exhaust fire controls.

1. No locomotive or other rolling stock shall be operated unless it is equipped with proper deflector and screen exhaust fire controls and uses adequate devices to prevent the escape of blowing or burning materials or substances and is maintained in good working order to protect against the start and spread of fires along the right-of-way.

2. A violation of this section is a public offense. The railroad corporation, and any officer, agent, lessee, or independent contractor found guilty of a violation of this section, upon conviction, shall be subject to a schedule "one" penalty.

3. In the event a right-of-way fire can be attributed to faulty screen exhaust fire control equipment, a local fire department may collect reasonable hourly charges, not to exceed a total of two hundred fifty dollars for each call from the railroad corporation.

[C71, 73, 75, §477.63; C77, 79, 81, §327F.36]

2010 Acts, ch 1069, §112

For schedule of violations, see §327C.5

327F.37 Reserved.

327F.38 First aid and medical treatment for employees.

The department shall adopt rules requiring railroad corporations within the state to provide reasonable and adequate access to first aid and medical treatment for employees injured in the course of employment. A railroad corporation found guilty of a rule adopted pursuant to this section shall, upon conviction, be subject to a schedule "one" penalty.

2004 Acts, ch 1175, §334

For schedule of violations, see §327C.5

327F.39 Transportation of railroad employees and equipment.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Administrator" means the department's administrator for modal programs, or the director's designee.

b. "Department" means the state department of transportation.

c. "Director" means the director of transportation.

d. "Driver" means a person who operates a motor vehicle for the transportation of railroad workers in the motor vehicle on behalf of a railroad worker transportation company, whether the person is employed by the company for wages or drives for the company as an independent contractor.

e. "Motor vehicle" means a vehicle which is self-propelled and designed primarily for highway use, and which may or may not be equipped with retractably flanged wheels for operation on railroad tracks.

f. "Owner" means a person having the lawful use or control of a motor vehicle as holder of the legal title of the motor vehicle or under contract or lease or otherwise.

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g. *"Place of employment"* means that location where one or more workers are actually performing the labor incident to their employment.

h. *"Railroad worker transportation company"* means a person, other than a railroad corporation, organized for the purpose of or engaged in the business of transporting, for hire, railroad workers to or from their places of employment or in the course of their employment in motor vehicles designed to carry seven or more persons but fewer than sixteen persons including the driver.

i. *"Worker"* means an individual employed for any period in work for which the individual is compensated, whether full-time or part-time.

2. *Compliance with regulations.* Motor vehicles, as defined in section 321.1, which are subject to registration and which are provided by a railroad company and used to transport railroad workers to and from their places of employment or during the course of their employment shall:

a. Meet all state and federal regulations pertaining to safe construction and maintenance of motor vehicles, including their coupling devices, lighting devices and reflectors, motor exhaust systems, rear-vision mirrors, service and parking brakes, steering mechanisms, tires, warning and signaling devices, and windshield wipers.

b. Meet all state and federal requirements for safety devices, first-aid kits, and sidewalls, canopies, tailgates, or other means of retaining freight safely.

c. Be operated in compliance with all state and federal regulations pertaining to driving, loading, carrying freight and employees, road warning devices, and the transportation of flammable material.

3. *Motor vehicle maintained in safe manner.* A motor vehicle provided by a railroad company and used to transport one or more workers to and from their places of employment or during the course of their employment shall be maintained in a safe manner at all times, whether or not used upon a public highway.

4. *Heating system.* The director shall adopt rules requiring a motor vehicle, as defined in section 321.1, which is subject to registration and which is provided by a railroad company and used to transport railroad workers to and from their places of employment or during the course of their employment to be provided with a safe heating system to maintain a reasonable comfort level in those spaces of the vehicle where the workers are required to ride.

5. *Rest periods for drivers.*

a. A railroad worker transportation company shall not require a driver to operate a motor vehicle in violation of section 321.449A. A railroad worker transportation company may require a period of uninterrupted rest for a driver at any time. The period of uninterrupted rest shall not be less than eight hours. A railroad worker transportation company shall clearly communicate to a driver when a period of uninterrupted rest is to begin.

b. A railroad company shall not require a driver to operate a motor vehicle in violation of section 321.449A or this subsection.

c. For purposes of this subsection, *"uninterrupted rest"* and *"on duty"* mean the same as defined in section 321.449A.

6. *Rule violations.* When the administrator finds that a motor vehicle used to transport workers to and from their places of employment or during the course of their employment violates a rule adopted under this section, the administrator shall make, enter, and serve upon the owner of the motor vehicle an order as necessary to protect the safety of workers transported in the motor vehicle. The administrator may direct in the order, as a condition to the continued use of the motor vehicle for transporting workers to and from their places of employment or during the course of their employment, that additions, repairs, improvements, or changes be made and that safety devices and safeguards be furnished and used as required to satisfy the rules in the manner and within the time specified in the order. The order may also require that any driver of the motor vehicle satisfy the minimum standards for a driver under the rules.

7. *Penalty.*

a. Violation by the owner of a motor vehicle of this section, a rule adopted under this section, or an order issued under subsection 6, or willful failure to comply with such an order is, upon conviction, subject to a schedule "one" penalty as provided under section 327C.5.

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b. A violation of subsection 5 or rules adopted pursuant to subsection 5 by a railroad worker transportation company or a railroad company is punishable as a schedule "one" penalty under section 327C.5.

88 Acts, ch 1079, §2; 92 Acts, ch 1163, §80; 2013 Acts, ch 30, §261; 2013 Acts, ch 47, §2 – 4; 2013 Acts, ch 140, §64; 2024 Acts, ch 1182, §33

Referred to in §321.449A

CHAPTER 327G

RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING

Referred to in §307.26, 327C.5, 476.27

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SUBCHAPTER I

FENCES, CROSSINGS, AND INTERLOCKING SWITCHES

327G.1 Definition.

As used in this subchapter, unless the context otherwise requires, *"department"* means the state department of transportation.

[C75, §478.37; C77, 79, 81, §327G.1; 81 Acts, ch 22, §22]

86 Acts, ch 1245, §1962; 2017 Acts, ch 54, §76

327G.2 Crossings — signs.

Every corporation constructing or operating a railway shall make and construct at all points where such railway crosses any public road good, sufficient, and safe crossings and erect at such points, at a sufficient elevation from such road as to admit a free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railway, and warn persons of the necessity of looking out for trains. Any railway company neglecting or refusing to comply with the provisions of this section shall be liable for all damages sustained by reason of such refusal or neglect, and it shall only be necessary, in order to recover, for the injured party to prove such neglect or refusal.

[R60, §1331; C73, §1288; C97, §2054; C24, 27, 31, 35, 39, §**8000;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.1; C77, 79, 81, §327G.2]

Referred to in §307.26

327G.3 Railway fences required.

All railway corporations owning or operating a line of railway within the state shall construct, maintain, and keep in repair a fence on each side of the right-of-way, to prevent livestock getting upon the tracks.

[C97, §2057; S13, §2057; C24, 27, 31, 35, 39, §**8001;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.2; C77, 79, 81, §327G.3]

327G.4 Specifications.

1. All fences shall be not less than fifty-four inches high and may be of any of the following types:

a. Not less than five barbed wires, properly spaced.

b. Not less than three barbed wires above and not less than twenty-four inches of woven wire below.

c. Entirely of woven wire.

d. Five boards properly spaced.

e. Any other type which the fence viewers of any township through which it passes may determine as efficient as any of the above types.

2. Each of the above types shall be securely nailed to posts firmly set, not more than twenty feet apart for the first three types, nor more than eight feet apart for the fourth.

[C97, §2057; S13, §2057; C24, 27, 31, 35, 39, §**8003;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.4; C77, 79, 81, §327G.4]

2010 Acts, ch 1061, §180

327G.5 Hog-tight fences.

When any person owning land abutting on the right-of-way is maintaining a hog-tight fence on all sides thereof or any division of such land except along such right-of-way, the railway company owning such right-of-way shall, on written request of the landowner, make such right-of-way fence along such enclosed land hog-tight by the addition of barbed or woven wire or other equally efficient means.

[S13, §2057; C24, 27, 31, 35, 39, §**8004;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.5; C77, 79, 81, §327G.5]

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327G.6 Failure to fence.

Any corporation operating a railway and failing to fence its right-of-way shall be liable to the owner of any stock killed or injured by reason of the want of such fence for the full amount of the damages sustained by the owner, unless it was occasioned by the willful act of such owner or the owner's agent; and to recover the same it shall only be necessary for the owner to prove the loss of or injury to the owner's property.

[C73, §1289; C97, §2055; C24, 27, 31, 35, 39, §**8005;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.6; C77, 79, 81, §327G.6]

Referred to in §327D.190

327G.7 Double damages.

If such corporation fails or neglects to pay such damages within ninety days after notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, served upon any officer or station or ticket agent employed by said corporation in the county where such loss or injury occurred, such owner shall be entitled to recover from the corporation double the amount of damages actually sustained by the owner.

[C73, §1289; C97, §2055; C24, 27, 31, 35, 39, §**8006;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.7; C77, 79, 81, §327G.7]

Referred to in §327D.190

327G.8 Laws and local regulations not applicable.

No law of the state or any local or police regulations of any county, township or city, relating to the restraint of domestic animals, or in relation to the fences of farmers or landowners, shall be applicable to railway rights-of-way, unless specifically so stated in such law and regulation.

[C73, §1289; C97, §2055; C24, 27, 31, 35, 39, §**8007;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.8; C77, 79, 81, §327G.8]

Referred to in §327D.190

327G.9 Failure to fence — general penalty.

If the railroad corporation refuses or neglects to comply with any provision of this chapter relating to the fencing of the tracks, such railroad corporation shall, upon conviction, be subject to a schedule "two" penalty and every thirty days' continuance of such refusal or neglect shall constitute a separate and distinct offense.

[C97, §2058; C24, 27, 31, 35, 39, §**8009;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.10; C77, 79, 81, §327G.9]

See §327C.5

327G.10 Killing of stock — interpretative clause.

Nothing herein contained shall be construed to relieve the corporation from liability arising from the killing or maiming of livestock on said track or right-of-way by its negligence or that of its employees, nor shall anything in this chapter interfere with the right of open or private crossings, or with the right of persons to such crossings, nor in any way limit or qualify the liability of any corporation or person owning or operating a railway that fails to fence the same against livestock running at large for any stock injured or killed by reason of the want of such fence.

[C97, §2058; C24, 27, 31, 35, 39, §**8010;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.11; C77, 79, 81, §327G.10]

327G.11 Private farm crossings.

When a person owns farmland on both sides of a railway, or when a railway runs parallel with a public highway thereby separating a farm from such highway, the corporation owning or operating the railway, on request of the owner of the farmland, shall construct and maintain a safe and adequate farm crossing or roadway across the railway and right-of-way at such reasonable place as the owner of the farmland may designate. A private farm

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crossing established or installed pursuant to this section shall be used solely for farming or agricultural purposes.

[R60, §1329; C73, §1268; C97, §2022; S13, §2022; C24, 27, 31, 35, 39, §**8011;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.12; C77, 79, 81, §327G.11]

90 Acts, ch 1184, §1
Referred to in §327G.81

327G.12 Overhead, underground, or more than one crossing.

The owner of land may serve upon the railroad corporation a request in writing for more than one private crossing, or for an overhead or underground crossing, accompanied by a plat of the owner's land designating the location and character of crossing desired. If the railroad corporation refuses or neglects to comply within thirty days of a written request, the owner of the land may make written application to the department to determine the owner's rights. The department of inspections, appeals, and licensing, after notice to the railroad corporation, shall hear the application and all objections to the application, and make an order which is reasonable and just, and if it requires the railroad company to construct any crossing or roadway, fix the time for compliance with the order and apportion the costs as appropriate. The order of the department of inspections, appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action.

[S13, §2022; C24, 27, 31, 35, 39, §**8012;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.13; C77, 79, 81, §327G.12; 81 Acts, ch 22, §22]

89 Acts, ch 273, §34; 2023 Acts, ch 19, §2001
Referred to in §327G.81

327G.13 and 327G.14 Repealed by 2015 Acts, ch 123, §43.

327G.15 Railway and highway crossing at grade.

1. Wherever a railway track crosses or shall hereafter cross a highway, street or alley, the railway corporation owning such track and the department, in the case of primary highways, the board of supervisors of the county in which such crossing is located, in the case of secondary roads, or the council of the city, in the case of streets and alleys located within a city, may agree upon the location, manner, vacation, physical structure, characteristics and maintenance of the crossing and flasher lights or gate arm signals at the crossing and allocation of costs thereof. The department shall become a party to the agreement if grade crossing safety funds are to be used. Up to seventy-five percent of the maintenance cost of flasher lights or gate arm signals at the crossing and an unlimited portion of the cost of installing flasher lights or gate arm signals at the crossing may be paid from the grade crossing safety fund.

2. Notwithstanding other provisions of this section, maintenance of flasher lights or gate signals installed or ordered to be installed before July 1, 1973, shall be assumed wholly by the railroad corporation.

3. *a.* Payments from the grade crossing safety fund shall be made by the treasurer of state upon certification by the department that the terms of the agreement have been followed.

b. The department shall promulgate rules according to chapter 17A for processing claims to the grade crossing safety funds.

4. The provisions of this section shall not apply to the repair of the grade crossing surface.

[R60, §1321, 1322; C73, §1262, 1263; C97, §2017, 2018; §SS15, §2017; C24, 27, 31, 35, 39, §**8020**, **8024**, **8025**; C46, §478.21, 478.25, 478.26; C50, 54, 58, 62, 66, 71, 73, 75, §478.21; C77, 79, 81, §327G.15]

2010 Acts, ch 1061, §180
Referred to in §327G.16, 331.362

327G.16 Disagreement — application — notice.

If the persons specified in section 327G.15 cannot reach an agreement, either party may make written application to the department requesting resolution of the disagreement. The department shall request the department of inspections, appeals, and licensing to set a date

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for hearing. The department of inspections, appeals, and licensing shall give ten days' written notice of the hearing date.

[SS15, §2017; C24, 27, 31, 35, 39, §**8021;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.22; C77, 79, 81, §327G.16; 81 Acts, ch 22, §19]

89 Acts, ch 273, §35; 2023 Acts, ch 19, §2002
Referred to in §327G.31

327G.17 Hearing — order.

1. The department of inspections, appeals, and licensing shall hear the evidence of each party to the controversy and shall make an order, which may include, pursuant to chapters 6A and 6B, authority to condemn, resolving the controversy. The order shall include the portion of the expense to be paid by each party to the controversy. In determining what portion of the expense shall be paid by each party, the department of inspections, appeals, and licensing may consider the ratio of the benefits accruing to the railroad or the governmental unit or both, to the general public use and benefit.

2. The order of the department of inspections, appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action.

[SS15, §2017; C24, 27, 31, 35, 39, §**8022;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.23; C77, 79, 81, §327G.17; 81 Acts, ch 22, §22]

89 Acts, ch 273, §36; 2018 Acts, ch 1041, §127; 2023 Acts, ch 19, §2003
Referred to in §327G.31

327G.18 Railroad corporation to hold in trust.

Any portion of the expense of making such crossing changes and alterations borne by any municipal corporation or township, the state or any person, shall forever be held in trust by such railroad corporation or its successors, and no part of such funds shall constitute any part of the value of its property on which it is entitled to receive a return.

[SS15, §2017; C24, 27, 31, 35, 39, §**8023;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.24; C77, 79, 81, §327G.18]

327G.19 Grade crossing fund.

There is hereby created a fund which shall be known as the highway grade crossing safety fund and shall be made up of the amount allocated by the state treasurer from the road use tax fund.

[C62, 66, 71, 73, 75, §478.25; C77, 79, 81, §327G.19]

327G.20 Reserved.

327G.21 Condition after change — temporary ways.

When a railroad company changes, alters, or repairs a highway crossing, it shall upon completion of the work leave it free from obstructions to travel and in good condition. If travel will be obstructed while any alterations or repairs are being made, the railroad company shall provide safe and convenient temporary ways for the public to avoid or pass such obstructions.

[R60, §1321, 1324; C73, §1262, 1264; C97, §2017, 2019; SS15, §2017; C24, 27, 31, 35, 39, §**8026;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.27; C77, 79, 81, §327G.21]

327G.22 and 327G.23 Repealed by 2015 Acts, ch 123, §43.

327G.24 Removal of tracks from crossings.

Upon consummation of an abandonment of a railway line authorized under 49 U.S.C. §10903 adopted as of a specific date by rule by the department, or upon interim use of railroad rights-of-way to establish appropriate trails pursuant to 16 U.S.C. §1247(d) adopted as of a specific date by rule by the department, if the railway tracks adjacent to a crossing have been removed, but the railway tracks in the crossing have not been removed, the city, county, or other jurisdiction having authority over the highway, street, or alley containing the crossing may remove the tracks from the crossing. However, this section shall not be

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construed as reducing the obligation or liability of a railway corporation to remove the railway tracks from the crossing.

90 Acts, ch 1132, §1

327G.25 Closing of crossing for repair or upgrade.

A railway corporation shall not close a railway crossing to the traveling public for more than thirty days for the purpose of repairing or upgrading the crossing. A railway corporation violating this section shall, upon conviction, be subject to a schedule "one" penalty.

2000 Acts, ch 1134, §5

327G.26 and 327G.27 Reserved.

327G.28 Compulsory establishment. Repealed by 2015 Acts, ch 123, §43.

327G.29 Grade crossing surface repair fund.

1. There is established a highway railroad grade crossing surface repair fund in the office of the treasurer of state. The department may credit to this fund:

a. Moneys appropriated to the department from the general fund of the state.

b. Moneys appropriated to the department from the road use tax fund or the primary road fund.

c. Available federal funds.

d. Moneys acquired by the department from any gift, grant, or contributions from any source.

2. Notwithstanding the provisions of section 8.33, unencumbered funds remaining in the highway railroad grade crossing surface repair fund at the close of each fiscal year ending on June 30 shall revert to the road use tax fund.

[C77, 79, 81, §327G.29]

2010 Acts, ch 1061, §180

327G.30 Adjustment of expense.

1. If a grade crossing surface of a railroad track and a highway, street, or alley shall require repairs or maintenance, the costs for the maintenance may be paid as provided in section 312.2, subsection 2.

2. If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute costs as provided in section 312.2, subsection 2, a copy of the agreement shall be filed with the department which shall allocate an amount of the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate notification if the fund is exhausted in which case agreements shall not be made under this section until additional funds are available. The fund shall be administered by the department.

3. Upon completion of the agreed repair work, a statement of costs shall be filed with the department by the railroad corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount of the cost of the work from the highway railroad grade crossing surface repair fund as provided in section 312.2, subsection 2. The owner of the track and the jurisdiction entering into the agreement shall each pay the cost as provided in section 312.2, subsection 2.

[C77, 79, 81, §327G.30]

83 Acts, ch 198, §22; 2009 Acts, ch 133, §240

327G.31 Disagreement resolved.

If a railroad corporation and the jurisdiction having authority cannot reach agreement on grade crossing surface repair and maintenance, either party may appeal to the department of inspections, appeals, and licensing if prior to disagreement both parties have filed a statement with the state department of transportation to the effect that they have entered into negotiations on grade crossing surface repair and maintenance of a particular crossing.

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The department of inspections, appeals, and licensing shall resolve the dispute in the manner provided in sections 327G.16 and 327G.17, except for the allocation of costs.

[C77, 79, 81, §327G.31; 81 Acts, ch 22, §22]

2023 Acts, ch 19, §2004

327G.32 Blocking highway crossing.

1. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street, or alley for a period of time in excess of ten minutes except in any of the following circumstances:

a. When necessary to comply with signals affecting the safety of the movement of trains.

b. When necessary to avoid striking an object or person on the track.

c. When the train is disabled.

d. When necessary to comply with governmental safety regulations including but not limited to speed ordinances and speed regulations.

2. *a.* An officer or employee of a railroad corporation violating a provision of this section is, upon conviction, subject to a schedule "two" penalty under section 327C.5.

b. An employee is not guilty of a violation if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

3. Other portions of this section notwithstanding, a political subdivision may pass an ordinance regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates that an ordinance is necessary for public safety or convenience. If an ordinance is passed, the political subdivision shall, within thirty days of the effective date of the ordinance, notify the department and the railroad corporation using the crossing affected by the ordinance. The ordinance does not become effective unless the department and the railroad corporation are notified within thirty days. The ordinance becomes effective thirty days after notification unless a person files an objection to the ordinance with the department. If an objection is filed, the department shall notify the department of inspections, appeals, and licensing which shall hold a hearing. After a hearing by the department of inspections, appeals, and licensing, the state department of transportation may disapprove the ordinance if public safety or convenience does not require the ordinance. The decision of the state department of transportation is final agency action. The ordinance approved by the political subdivision is prima facie evidence that the ordinance is adopted to preserve public safety or convenience.

4. The department of inspections, appeals, and licensing when considering rebuttal evidence shall weigh the benefits accruing to the political subdivision as they affect the general public use compared to the burden placed on the railroad operation. Public safety or convenience may include, but is not limited to, high traffic density at a specific crossing of a main artery or interference with the flow of authorized emergency vehicles.

5. A resolution regulating the length of time a specific crossing may be blocked, which was adopted before July 1, 1989, is an ordinance for the purposes of this section.

[C77, 79, 81, §327G.32; 81 Acts, ch 22, §20, 22]

85 Acts, ch 195, §39; 89 Acts, ch 39, §4, 5; 89 Acts, ch 273, §37; 2010 Acts, ch 1061, §180; 2016 Acts, ch 1073, §111; 2023 Acts, ch 19, §2005

327G.33 through 327G.60 Reserved.

SUBCHAPTER II

PRIVATE BUILDINGS AND SPUR TRACKS

327G.61 Definitions.

As used in this subchapter:

1. *"Department"* means the state department of transportation.
2. *"Spur track"* means a railroad track located wholly within the state connected to a main

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or branch line of a railroad and used to originate or terminate traffic at one or more industries or a railroad track not subject to the jurisdiction of the surface transportation board. A spur track shall not include a railroad line used to provide line-haul or intercity transportation.

[C75, §481.9; C77, 79, 81, §327G.61; 81 Acts, ch 22, §22]

86 Acts, ch 1245, §1963; 2003 Acts, ch 108, §65; 2017 Acts, ch 54, §76

327G.62 Controversies — hearing — order — review.

When a disagreement arises between a railroad corporation, its grantee, or its successor in interest, and the owner, lessee, or licensee of a building or other improvement, including trackage, used for receiving, storing, transporting, or manufacturing an article of commerce transported or to be transported, situated on a present or former railroad right-of-way or on land owned or controlled by the railroad corporation, its grantee, or its successor in interest, as to the terms and conditions on which the article is to be continued or removed, the railway corporation, its grantee, or its successor in interest, or the owner, lessee, or licensee may make written application to the department. The department shall notify the department of inspections, appeals, and licensing which shall hear and determine the controversy and make an order which is just and equitable between the parties. That order is subject to review by the state department of transportation. The decision of the state department of transportation is final agency action.

[S13, §2110-l; C24, 27, 31, 35, 39, §**8169;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.1; C77, 79, 81, §327G.62; 81 Acts, ch 22, §22; 82 Acts, ch 1207, §2]

86 Acts, ch 1245, §1964; 89 Acts, ch 273, §38; 2023 Acts, ch 19, §2006

Referred to in §327G.63

327G.63 Destruction of buildings.

In the event that any building referred to in section 327G.62, situated on the right-of-way or other land of a railroad company used for railway purposes, shall be injured or destroyed by the negligence of the railroad company, or the servants or agents thereof in the conduct of the business of such company, the railroad company causing such injury or destruction shall be liable therefor to the same extent as if such building used for said purposes was not situated on the right-of-way or other land of such railroad company used for railway purposes, any provision in any lease or contract to the contrary notwithstanding.

[S13, §2110-m; C24, 27, 31, 35, 39, §**8170;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.2; C77, 79, 81, §327G.63]

327G.64 Spur tracks.

1. Every railroad corporation may acquire, by condemnation or purchase, the necessary rights-of-way and may construct, connect, operate and maintain a reasonably adequate and suitable spur track if the construction and operation is not unsafe and is in the public interest.

2. Any party may make application to the department to require a railroad corporation to construct a spur track. The department shall consider the location, necessity and expense of such a track and other equitable considerations.

3. A railroad corporation or any other party may make application to the department for permission to discontinue service on or remove a spur track. The department shall consider the location, necessity and expense of maintaining such track and other equitable considerations. The department may order the railroad company to discontinue service or remove the spur track, and may allocate the cost of removal between the parties in an equitable manner.

4. Any action commenced under the provisions of subsection 2 or 3 shall be completed within one year from the effective date of the department order. The department shall make a final determination of any action commenced under subsection 2 or 3 within one year from the date of the application.

[C24, 27, 31, 35, 39, §**8171;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.3; C77, 79, 81, §327G.64; 81 Acts, ch 22, §22]

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327G.65 Cost of construction.

The railroad corporation may require the person primarily to be served to pay the legitimate cost and expense of acquiring, by condemnation or purchase, the necessary right-of-way for the spur track and of constructing it, as determined in separate items by the department. Except as provided in section 327G.66, the total cost as ascertained by the department shall be deposited with the railroad corporation before it is required to incur expense. If an agreement cannot be reached, the question shall be referred to the department which may, after a hearing conducted by the department of inspections, appeals, and licensing, issue an order.

[C24, 27, 31, 35, 39, §**8172;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.4; C77, 79, 81, §327G.65; 81 Acts, ch 22, §22]

89 Acts, ch 273, §39; 2023 Acts, ch 19, §2007

Referred to in §327G.68

327G.66 Bond for construction.

When the total estimated cost has been ascertained by the department such person, firm, corporation, or association shall have the option to either deposit said amount with the railroad company or to file with such company its written election to build and construct such spur track accompanied by a good and sufficient surety company bond running to such railroad company and conditioned upon the construction of such spur track in a good and skillful manner according to plans and specifications furnished by such railroad company and approved by the department. If such person, firm, corporation, or association so elects to build such spur track it shall only be required to deposit with such railroad company the estimated cost of the necessary right-of-way for such spur track as ascertained by the department, and the total amount stated in such written election.

[C24, 27, 31, 35, 39, §**8173;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.5; C77, 79, 81, §327G.66]

Referred to in §327G.65, 327G.68

327G.67 Costs in excess of deposit.

In any event before the railroad company shall be required to incur any expense whatever in the construction of such spur track the person, firm, corporation, or association primarily to be served thereby shall give the railroad company a bond to be approved by the department as to form, amount, and surety, securing the railroad company against loss on account of any expense incurred beyond the amount so deposited with the railroad company.

[C24, 27, 31, 35, 39, §**8174;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.6; C77, 79, 81, §327G.67]

Referred to in §327G.68

327G.68 Failure of company to act.

In case of failure, neglect, or refusal of any railroad company to comply with any of the provisions of sections 327G.65 through 327G.67, the person, firm, corporation, or association primarily to be served thereby may file a complaint with the department setting forth the facts upon which such grievance is based. The department after reasonable notice to the railroad company shall investigate and determine all matters in controversy and make such order as the facts in relation thereto will warrant. Any such order shall have the same force and effect as other orders made by the department in other proceedings within its jurisdiction and shall be enforced in the same manner.

[C24, 27, 31, 35, 39, §**8175;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.7; C77, 79, 81, §327G.68]

2021 Acts, ch 80, §193

327G.69 Connections with original spurs.

Whenever such spur track is so connected with the main line, as provided in this chapter, at the expense of the owner of such proposed or existing mill, elevator, storehouse, dock, wharf, pier, manufacturing establishment, and any person, firm, corporation, or association shall desire a connection with such spur track, application therefor shall be made to the department, and such person, firm, corporation, or association shall be required to pay to the person, firm, corporation, or association that shall have paid or contributed to the primary cost and expense of acquiring the right-of-way for such original spur track, and of constructing the same, an equitable proportion thereof, to be determined by the department,

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upon such application and notice, to the persons, firms, corporations, or associations that have paid or contributed toward the original cost and expense of acquiring the right-of-way and constructing the same.

[C24, 27, 31, 35, 39, §**8176;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.8; C77, 79, 81, §327G.69]

327G.70 through 327G.75 Reserved.

SUBCHAPTER III

REVERSION TO OWNERS UPON ABANDONMENT

327G.76 Time of reversion.

Railroad property rights which are extinguished upon cessation of service by the railroad divest when the department of transportation or the railroad, having obtained authority to abandon the rail line, removes the track materials to the right-of-way. If the department of transportation does not acquire the line and the railway company does not remove the track materials, the property rights which are extinguished upon cessation of service by the railroad divest one year after the railway obtains the final authorization necessary from the proper authority to remove the track materials.

[C24, 27, 31, 35, 39, §**7861;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §473.1; C77, 79, 81, §327G.76]

83 Acts, ch 121, §5; 2009 Acts, ch 97, §10

Referred to in §327G.77

327G.77 Reversion of railroad right-of-way.

1. If a railroad easement is extinguished under section 327G.76, the property shall pass to the owners of the adjacent property at the time of abandonment. If there are different owners on either side, each owner will take to the center of the right-of-way. Section 614.24 which requires the filing of a verified claim does not apply to rights granted under this subsection.

2. An adjoining property owner may perfect title under subsection 1 by filing an affidavit of ownership with the county recorder. The affidavit shall include the name of the adjoining property owner, a description of the property, the present name of the railroad, the jurisdiction, docket number, and date of order authorizing the railroad to terminate service, and the approximate date the track materials on the right-of-way were removed. A copy of the affidavit must be mailed by the landowner by certified mail to the railroad. The landowner shall pay taxes on the right-of-way from the date the affidavit is filed.

3. Utility facilities located on abandoned railroad right-of-way shall remain on the right-of-way subject to payment by the utility of the fair market value of an easement for the facilities. The utility shall, within sixty days from the time the property is transferred from the railroad, extend a written offer to the landowner to purchase the easement at fair market value. The landowner shall accept or reject the utility's offer within sixty days from the time of receipt. If a disagreement arises between the parties concerning the price or other terms of the transaction, either party may make written application to a compensation commission as established pursuant to chapter 6B to resolve the disagreement. This application shall be made within sixty days from the time the landowner's response is served upon the utility. The compensation commission shall hear the controversy and make a final determination of the fair market value of the easement and the other terms of the transaction which were in dispute within ninety days after the application is filed. All correspondence shall be by certified mail.

[C73, §1260; C97, §2015; C24, 27, 31, 35, 39, §**7862;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §473.2; C77, 79, 81, §327G.77; 81 Acts, ch 22, §22]

83 Acts, ch 121, §6

Referred to in §327G.78

327G.78 Sale of railroad property.

1. Subject to section 6A.16 and 327G.77, when a railroad corporation, its trustee, or its successor in interest has interests in real property adjacent to a railroad right-of-way that are

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abandoned by order of the surface transportation board, reorganization court, bankruptcy court, or the department, or when a railroad corporation, its trustee, or its successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation, its trustee, or its successor in interest shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the department to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The department shall notify the department of inspections, appeals, and licensing which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. The determination is subject to review by the department and the department's decision is the final agency action. All correspondence shall be by certified mail.

2. The decision of the department is binding on the parties, except that a person who seeks to purchase the real property may withdraw the offer to purchase within thirty days of the decision of the department. If a withdrawal is made, the railroad corporation, trustee, or successor in interest may sell or dispose of the real property without further order of the department.

3. This section does not apply when a rail line is being sold for continued railroad use.

[82 Acts, ch 1207, §3]

83 Acts, ch 121, §7; 84 Acts, ch 1067, §34; 86 Acts, ch 1245, §1965; 93 Acts, ch 47, §16; 2003 Acts, ch 108, §66; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §2008

327G.79 Valuing property in controversy.

1. The department of inspections, appeals, and licensing's determination and order shall be just and equitable and, in the case of the determination of the fair market value of the property, shall be based in part upon at least three independent appraisals prepared by certified appraisers. Each party shall select one appraiser and each appraisal shall be paid for by the party for whom the appraisal is prepared. The two appraisers shall select a third appraiser and the costs of this appraisal shall be divided equally between the parties. If the appraisers selected by the parties cannot agree on selection of a third appraiser, the state department of transportation shall appoint a third appraiser and the costs of this appraisal shall be divided equally between the parties.

2. The department of inspections, appeals, and licensing's determination and order is final for the purpose of administrative review to the district court as provided in chapter 17A. The district court's scope of review shall be confined to whether there is substantial evidence to support the department of inspections, appeals, and licensing's determination and order.

3. For purposes of this subchapter, unless the context otherwise requires, *"department"* means the state department of transportation.

[82 Acts, ch 1207, §3]

86 Acts, ch 1245, §1966; 2017 Acts, ch 54, §47; 2018 Acts, ch 1026, §119; 2023 Acts, ch 19, §2009

327G.80 Reserved.

SUBCHAPTER IV

ACQUISITION OF RIGHT-OF-WAY

327G.81 Maintenance of improvements along rights-of-way.

1. A person, including a state agency or political subdivision of the state, who acquires

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a railroad right-of-way after July 1, 1979, for a purpose other than farming has all of the following responsibilities concerning that right-of-way:

a. Construction, maintenance, and repair of the fence on each side of the property, however, this requirement may be waived by a written agreement with the adjoining landowner.

b. Private crossings as provided for in section 327G.11.

c. Drainage as delineated in chapter 468, subchapter V.

d. Overhead, underground, or multiple crossings in accord with section 327G.12.

e. Weed control in accord with chapter 317.

2. This section does not absolve the property owners of other duties and responsibilities that they may be assigned as property owners by law. Subsection 1, paragraph "*a*", does not apply to rights-of-way located on land within the corporate limits of a city except where the acquired right-of-way is contiguous to land assessed as agricultural land.

[C81, §327G.81]

2010 Acts, ch 1061, §122

CHAPTER 327H

RAILWAY ASSISTANCE

Referred to in §307.26

327H.1	through 327H.17 Repealed by 78 Acts, ch 1110, §25.	327H.21	Federal funds.
327H.18	Railroad assistance. Repealed by 2005 Acts, ch 178, §34.	327H.22	Repealed by 81 Acts, ch 116, §7.
327H.19	Repealed by 78 Acts, ch 1110, §25.	327H.23	Repealed by 81 Acts, ch 117, §1097.
327H.20	Assistance agreements. Repealed by 2005 Acts, ch 178, §34.	327H.24	Repealed by 94 Acts, ch 1107, §98.
327H.20A	Railroad revolving loan and grant fund.	327H.25	Energy policy council agreements. Repealed by 2015 Acts, ch 123, §43.
		327H.26	Definition.

327H.1 through 327H.17 Repealed by 78 Acts, ch 1110, §25.

327H.18 Railroad assistance. Repealed by 2005 Acts, ch 178, §34.

327H.19 Repealed by 78 Acts, ch 1110, §25.

327H.20 Assistance agreements. Repealed by 2005 Acts, ch 178, §34.

Continuation of assistance agreements entered into pursuant to this chapter or former chapter 327I prior to July 1, 2009; 2009 Acts, ch 97, §15

327H.20A Railroad revolving loan and grant fund.

1. A railroad revolving loan and grant fund is established in the office of the treasurer of state under the control of the department. Moneys in the fund shall be expended for the following purposes:

a. Grants or loans to provide assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, sidings, rail connections, intermodal yards, highway grade separations, and other railroad-related improvements.

b. Grants or loans for rail economic development projects that improve rail facilities, including the construction of branch lines, sidings, rail connections, intermodal yards, and other rail-related improvements that spur economic development and job growth.

2. The department shall administer a program for the granting and administration of loans and grants under this section. The department may establish a limit on the amount that may

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be awarded as a grant for any given project in order to maximize the use of the moneys in the fund. The department may enter into agreements with railroad corporations, the United States government, cities, counties, and other persons for carrying out the purposes of this section.

3. Notwithstanding any other provision to the contrary, on or after July 1, 2006, moneys received as repayments for loans made pursuant to this chapter or chapter 327I, Code 2009, before, on, or after July 1, 2005, other than repayments of federal moneys subject to section 327H.21, shall be credited to the railroad revolving loan and grant fund. Notwithstanding section 8.33, moneys in the railroad revolving loan and grant fund shall not revert to the fund from which the moneys were appropriated but shall remain available indefinitely for expenditure under this section.

98 Acts, ch 1223, §39; 2005 Acts, ch 178, §31; 2009 Acts, ch 97, §11; 2010 Acts, ch 1184, §93; 2011 Acts, ch 34, §82

Continuation of assistance agreements entered into pursuant to this chapter or former chapter 327I prior to May 4, 2009; 2009 Acts, ch 97, §15

327H.21 Federal funds.

The department may accept federal funds to carry out the purposes of this chapter. All federal funds received under this section and all interest and earnings on federal funds received under this section are appropriated for the purposes set forth in the federal grants.

[C77, 79, 81, S81, §327H.21; 81 Acts, ch 116, §3]

94 Acts, ch 1107, §55

Referred to in §327H.20A

327H.22 Repealed by 81 Acts, ch 116, §7.

327H.23 Repealed by 81 Acts, ch 117, §1097.

327H.24 Repealed by 94 Acts, ch 1107, §98.

327H.25 Energy policy council agreements. Repealed by 2015 Acts, ch 123, §43.

327H.26 Definition.

As used in this chapter, unless the context otherwise requires, *"department"* means the state department of transportation.

[S81, §327H.26; 81 Acts, ch 116, §6]

2005 Acts, ch 178, §32; 2009 Acts, ch 97, §12

CHAPTER 327I

RAILWAY FINANCE AUTHORITY

Repealed by 2009 Acts, ch 97, §14
Continuation of assistance agreements entered into pursuant to this chapter and chapter 327H prior to July 1, 2009, effective date of this Code chapter repeal; 2009 Acts, ch 97, §15

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CHAPTER 327J

PASSENGER RAIL SERVICE

Referred to in §307.26

327J.1 Definitions.
327J.2 Passenger rail service revolving fund.
327J.3 Administration.

327J.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"AMTRAK"* means the national railroad passenger corporation created under 45 U.S.C. §24101.
2. *"Department"* means the state department of transportation.
3. *"Director"* means the director of transportation.
4. *"Fund"* means the passenger rail service revolving fund created under section 327J.2.
5. *"Midwest regional rail system"* means the passenger rail system identified through a multistate planning effort in cooperation with AMTRAK.
6. *"Passenger rail service"* means long-distance, intercity, and commuter passenger transportation, including the midwest regional rail system, which is provided on railroad tracks.

92 Acts, ch 1210, §2; 2000 Acts, ch 1168, §1; 2009 Acts, ch 97, §16; 2014 Acts, ch 1092, §179

327J.2 Passenger rail service revolving fund.

1. *Fund created.* The passenger rail service revolving fund is established as a separate fund in the state treasury under the control of the department. Moneys deposited in the fund shall be administered by the director and shall be used to pay the costs associated with the initiation, operation, and maintenance of passenger rail service.
2. *Funding.* To achieve the purposes of this chapter, moneys shall be credited to the passenger rail service revolving fund by the treasurer of state from the following sources:
   a. Appropriations made by the general assembly.
   b. Private grants and gifts intended for these purposes.
   c. Federal, state, and local grants and loans intended for these purposes.
3. *No reversion.* Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the fund from which it was appropriated.

92 Acts, ch 1210, §3; 2009 Acts, ch 97, §17; 2010 Acts, ch 1184, §94

Referred to in §327J.1

Legislative intent that moneys directed to be deposited in road use tax fund under §312.1 not be used for loans, grants, or other financial assistance for passenger rail service; 2000 Acts, ch 1168, §4

327J.3 Administration.

1. The director may expend moneys from the fund to pay the costs associated with the initiation, operation, and maintenance of passenger rail service. The director shall report by February 1 of each year to the legislative services agency concerning the status of the fund including anticipated expenditures for the following fiscal year.
2. The director may enter into agreements with AMTRAK, other rail operators, local jurisdictions, and other states for the purpose of developing passenger rail service serving Iowa. The agreements may include any of the following:
   a. Cost-sharing agreements associated with initiating service, capital costs, operating subsidies, and other costs necessary to develop and maintain service.
   b. Joint powers agreements and other institutional arrangements associated with the administration, management, and operation of passenger rail service.
3. The director shall enter into discussions with members of Iowa's congressional delegation to foster passenger rail service in this state and the midwest and to maximize the level of federal funding for the service.
4. The director may provide assistance and enter into agreements with local jurisdictions along the proposed route of the midwest regional rail system or other passenger rail service

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operations serving Iowa to ensure that rail stations and terminals are designed and developed in accordance with the following objectives:

a. To meet safety and efficiency requirements outlined by AMTRAK and the federal railroad administration.

b. To aid intermodal transportation.

c. To encourage economic development.

5. The director shall report annually to the general assembly concerning the development and operation of the midwest regional rail system and the state's passenger rail service.

92 Acts, ch 1210, §4; 2000 Acts, ch 1168, §2; 2003 Acts, ch 35, §45, 49; 2009 Acts, ch 97, §18

CHAPTER 327K

MIDWEST INTERSTATE PASSENGER RAIL COMPACT

Repealed by 2011 Acts, ch 131, §100, 158

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SUBTITLE 4

AVIATION

CHAPTER 328

AERONAUTICS

Referred to in §307.26, 692A.101

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328.1 Definitions.

1. The following words, terms, and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings given in this section, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

a. "Aeronautics" means transportation by aircraft, the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes, the design, establishment, construction, extension, operation, improvement, repair, or maintenance of landing areas, or other air navigation facilities, and air instruction.

b. "Aeronautics instructor" means any individual giving or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward.

c. "Air carrier airport" means an existing public airport regularly served by an air carrier, other than a supplemental air carrier, certificated by the civil aviation board under section 401 of the federal Aviation Act of 1958.

d. "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air, for the purpose of transporting persons or property, or both.

e. "Air instruction" means the imparting of aeronautical information, by any aeronautics instructor, or in or by any air school or flying club.

f. "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any landing area within this state.

g. "Air navigation facility" means any facility, other than one owned or controlled by the federal government, used, available for use, or designed for use, in aid of air navigation, including landing areas, and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

h. "Airperson" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, aircraft appliances, or parachutes; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator. It shall not include individuals engaged in aeronautics as an employee of the United States or any state or foreign country and any individuals employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, and any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual.

i. "Airport" means any landing area used regularly by aircraft for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. *"Airport"* includes land within a city with a population greater than one hundred seventy-five thousand which is acquired to replace or mitigate land used in an airport runway project at an existing airport when federal law, grant, or action requires such replacement or mitigation.

j. "Air school" means any person engaged in giving, or offering to give, instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward, and who employs other persons for such purposes. It does not include any public school or university of this state, or any institution of higher learning duly accredited and approved for carrying on collegiate work.

k. "Air taxi operator" means an operator who engages in the air transportation of passengers, property, and mail by aircraft on public demand for compensation and does not directly or indirectly utilize aircraft with a capacity of more than thirty passengers or seventy-five hundred pounds maximum payload, unless exempted by the aeronautics and public transit administrator of the department.

l. "Civil aircraft" means any aircraft other than a public aircraft.

m. "Commission" means the state transportation commission of the state department of transportation.

n. "Commuter air carrier" means an air taxi operator which operates not less than five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week, and places between which such flights are performed or transports mail pursuant to a current contract with the United States postal service.

o. "Department" means the state department of transportation.

p. "Director" means the director of transportation or the director's designee.

q. "General aviation airport" means any airport that is not an air carrier airport.

r. "Governmental subdivision" means any county or city of this state, and any other political subdivision, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate landing areas and other air navigation facilities.

s. "Landing area" means any locality, either of land or water, including intermediate landing fields, which is used or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for

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receiving or discharging passengers or cargo; it does not include any intermediate landing field established or maintained by the federal government as a part of any civil airway.

t. *"Operation for hire"* shall mean hire to the general public or members or classes thereof, and shall not include such operations as are incidental to the carrying on of the general business of an aircraft owner engaged in business other than aeronautics.

u. *"Operation of aircraft"* or *"operate aircraft"* means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft and shall embrace any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control, in the capacity of owner, lessee, or otherwise.

v. *"Owner"* means a person owning or renting an aircraft, or having the exclusive use of an aircraft, for a period of more than thirty days.

w. *"Person"* means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

x. *"Public aircraft"* means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

2. The singular shall include the plural, and the plural the singular.

[C31, 35, §8338-c1; C39, §**8338.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.1]

88 Acts, ch 1063, §1; 2005 Acts, ch 178, §11; 2010 Acts, ch 1069, §113; 2015 Acts, ch 29, §46; 2023 Acts, ch 66, §79

Referred to in §6A.21, 423.3

328.2 through 328.11 Reserved.

328.12 Duties and powers.

The director in carrying out the director's duties relating to aeronautics shall:

1. *Promotion of aeronautics.* Encourage, foster, and assist in the general development and promotion of aeronautics in this state, and make disbursements from moneys available for such purposes.

2. *Rules.* Make reasonable rules, consistent with this chapter, as deemed by the director to be necessary and expedient for the administration and enforcement of this chapter, and amend the rules at any time.

3. *Filing of rules.* Keep on file at the office of the director, for public inspection, a copy of all the department's aeronautic rules with all amendments, and mail copies to all registered landing areas in this state.

4. *Technical services available.* So far as reasonably possible, make available the engineering, management consulting, and other technical services of the department, without charge, in connection with aeronautics.

5. *Intervention.* Participate, at the director's discretion, as party plaintiff or defendant, or as intervenor, complainant, or movant, on behalf of the state or any governmental subdivision or citizen of the state, in any proceeding having to do with aeronautics.

6. *Enforcement of aeronautics laws.* Enforce and assist in the enforcement of this chapter and of all rules issued pursuant to this chapter, and of all other laws of this state relating to aeronautics; and, in the aid of enforcement and within the scope of the director's duties, general powers of peace officers are conferred upon the director, and officers and employees of the department designated by the director to exercise such powers. The director, in the name of this state, may enforce this chapter and the rules issued pursuant to this chapter by injunction in the courts of this state.

7. *Use of existing facilities.* In the discharge of all functions prescribed by this chapter, to every feasible extent, use the facilities of other agencies of the state; and other state agencies are authorized and directed to make available to the director such facilities and services.

8. *Investigations and inquiries.* Hold investigations and inquiries.

a. The director or the director's designee when acting for and with the authority of the

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director, may hold investigations and inquiries concerning matters covered by this chapter and orders and rules of the department. In an investigation or inquiry, the person acting for the director may administer oaths and affirmations, certify to all official acts, issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books, and documents.

b. The reports of investigations or inquiries, or any part of them, shall not be admitted in evidence or used for any purpose in a civil suit growing out of a matter referred to in an investigation, inquiry, or report, except in criminal or other proceedings instituted in behalf of the director or this state under this chapter and other laws of this state relating to aeronautics.

9. *Authority to contract.* Enter into contracts necessary to the execution of the powers granted the director by this chapter.

10. *No exclusive rights granted.* Grant no exclusive right for the use of an airway, airport, landing area, or other air navigation facility under the director's jurisdiction.

11. *Sufficiency reports.* Issue sufficiency reports for all airports in the state, which are owned and operated by a governmental subdivision, based on the functional classification of those airports as set out in the department's transportation plan.

12. *Centralized purchasing agency.* Encourage governmental subdivisions to utilize the department's services as a centralized purchasing agency for items, including but not limited to airport and aeronautics equipment.

13. *Safety inspections.* Enter into agreements, at the director's discretion, and otherwise cooperate with federal authorities in the safety inspection of registered landing areas, and adopt safety standards for airports.

14. *Newsletter.* Have authority to publish and distribute by subscription a state aeronautics newsletter or magazine. The department may charge a reasonable fee for subscriptions to the newsletter or magazine.

15. *Commuter air carrier demonstration projects.* The department may encourage the development of commuter air carrier service in the state by:

a. Recommending routes between cities that may support such service.

b. Making available funding for demonstration projects from any federal funds made available to the state or from any state funds appropriated for such purposes.

c. Establishing specifications, operational requirements, terms and conditions under which demonstration projects will be participated in by the state.

[C35, §8338-f5, -f6, -f8, -f9, -f10, -f13; C39, §**8338.05, 8338.06, 8338.08, 8338.09, 8338.10, 8338.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.12]

86 Acts, ch 1245, §1967; 94 Acts, ch 1107, §65; 98 Acts, ch 1075, §30

328.13 Commercial air service retention and expansion committee. Repealed by 2024 Acts, ch 1170, §368.

328.14 Authority to receive federal moneys for the state and governmental subdivisions.

1. The department shall act as agent for the state and shall upon request act as agent for a governmental subdivision which owns a general aviation or air carrier airport in accepting, receiving and receipting for all federal moneys provided that the request is submitted to the department by March 1 of each year. The department when acting as agent shall contract for all airport projects in which planning, construction, acquisition or improvements include federal or state funds, and the political subdivision owning the airport shall select all consultants. The department shall not have jurisdiction over the operation or maintenance of the airport after completion of the project, except for those contractual stipulations agreed to by all parties prior to receipt of state funds.

2. The department shall include in the annual report made by the department to the governor a report of all federal moneys it accepts, receives and receipts for under the provisions of this section.

3. The department is the authorized agency of the state to receive and disburse federal funds for general aviation airports owned by political subdivisions of the state.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.14]

Referred to in §328.16

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328.15 Contracts — law governing.

All contracts for the planning, acquisition, construction, improvement, maintenance, and operation of airports, or other air navigation facilities made by the department, either as the agent of this state or of any governmental subdivision, shall be made pursuant to the laws of this state governing the making of like contracts; provided, however, that where such undertaking is financed wholly or partially with federal moneys, the department, as such agent, or the governmental subdivision acting for itself, may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other state law to the contrary.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.15]

328.16 Disposition of federal funds.

All moneys accepted for disbursement by the department pursuant to section 328.14 shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be expended in accordance with federal laws and regulations and with this chapter. The department is authorized, whether acting for this state or as the agent of any of its governmental subdivisions, or when requested by the United States government or any agency or department thereof, to disburse such moneys for the designated purposes, but this shall not preclude any other authorized method of disbursement.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.16]

328.17 and 328.18 Reserved.

328.19 Registration of airports.

The department shall promulgate rules pursuant to chapter 17A governing the issuance by the department of certificates of registration to all airports in this state which are open for use by the public and governing the annual renewal of those certificates. These rules shall require that an airport applying for a certificate of registration or for a renewal shall comply with minimum standards of safety as promulgated by the department before the certificate of registration or certificate of renewal may be issued. Certificates of registration or renewal may be issued subject to any conditions the department deems necessary to carry out the purposes of this section. The department may, after notice and opportunity for hearing as provided in chapter 17A, revoke any certificate of registration or renewal, or may refuse to issue a renewal, when the department determines that any of the following have occurred:

1. The airport has been abandoned.
2. The airport is no longer in compliance with the conditions of the registration or renewal.
3. A change in physical or legal conditions or circumstances has made the airport either unsafe or unusable for the aeronautical purposes for which the registration or renewal was issued.

[C31, 35, §8338-c2; C39, §**8338.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.19]

2022 Acts, ch 1025, §1, 2

Referred to in §328.26, 328.35

328.20 Registration of aircraft.

1. A civil aircraft owned either wholly or in part by persons residing in this state, or operated, or otherwise controlled within the boundaries of the state for a period of more than thirty days, unless specifically excepted under this chapter, shall be registered annually with the department, by the owner thereof.

2. The registration year begins on the first day of the calendar month in which the civil aircraft is registered for the first time in the state and ends on the last day of the twelfth month of the registration year.

3. For aircraft registered in this state before July 1, 1988, the registration year begins on

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the first day of the calendar month assigned by the department and ends on the last day of the twelfth month of the registration year.

[C31, 35, §8338-c2; C39, §**8338.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.20]

88 Acts, ch 1063, §2; 2017 Acts, ch 54, §76

Referred to in §328.26, 328.35, 423.3, 423.5, 423.6

Implementation of staggered registration; §328.56A

328.21 Aircraft registration fees.

An annual registration fee for each aircraft shall be paid to the department at the time of registration, to be computed as follows:

1. Unless otherwise provided in this section, for the first registration, a sum equal to one percent of the manufacturer's list price of the aircraft, not to exceed five thousand dollars.

2. The second year's registration fee is seventy-five hundredths of one percent of the manufacturer's list price of the aircraft; the third year's fee is fifty hundredths of one percent; and the fourth and subsequent year's fee is twenty-five hundredths of one percent. When an aircraft other than a new aircraft is registered in Iowa, the registration fee shall be based upon the number of years the aircraft was previously registered. However, an aircraft shall not be registered for a fee of less than thirty-five dollars or more than five thousand dollars.

3. The registration fee for an aircraft operated in scheduled interstate airline operation, owned by an Iowa person and operated part-time within this state shall be a fee of one hundred dollars. The application for registration shall be supported by such records as the department shall prescribe.

4. Should the department find and determine that no established manufacturer's list price exists for any such aircraft, the department is hereby authorized and empowered to determine and fix the fair value of such aircraft which fair value shall be used in lieu of a manufacturers' list price in computing the registration fee for each such aircraft as otherwise provided by this section. When the fee as so computed results in a fractional part of a dollar, it shall be computed to the nearest dollar.

5. An aircraft thirty years old or older, which is used exclusively for noncommercial purposes, shall be registered as an antique aircraft for a fee of thirty-five dollars.

6. An aircraft, unless exempt under section 328.35, which is not airworthy and is not in flying condition is not subject to registration fees if the owner of the aircraft submits information required by the department. Upon receipt of that information, the department shall issue a certificate that states that the registration fee has not been paid and that the aircraft shall not use the airports or the air space overlying the state until the fee has been paid.

7. The registration fee for a helicopter used exclusively as an air ambulance is one thousand dollars.

8. An aircraft owned and operated by an aviation business located at a publicly owned, public use airport and providing, under agreement with the governing body of the airport, a specified minimum level of aviation services to the general public, shall be registered for a fee of one hundred dollars.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.21]

88 Acts, ch 1063, §3 – 5; 90 Acts, ch 1063, §1 – 4; 98 Acts, ch 1182, §1 – 3; 2002 Acts, ch 1112, §6; 2010 Acts, ch 1069, §114

Referred to in §328.36

328.22 Used aircraft. Repealed by 98 Acts, ch 1182, §7.

328.23 Reserved.

328.24 Refunds of fees.

1. If, during the year for which an aircraft, except aircraft used for the application of herbicides and pesticides, was registered and the required fee paid, the aircraft is destroyed by fire or accident or junked, and the aircraft's identity as an aircraft entirely eliminated, or the aircraft is removed and continuously used beyond the boundaries of the state, then the owner in whose name the aircraft was registered at the time of destruction, dismantling, or

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removal from the state shall provide notice to the department within thirty days and make affidavit of the destruction, dismantling, or removal and make claim for the refund. The refund shall be paid from the general fund of the state.

2. The registration fee for the unexpired portion of the year shall be refunded pro rata to the nearest full calendar month, except that a refund shall not be allowed if the unused portion of the fee is less than thirty-five dollars per aircraft.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.24]

88 Acts, ch 1063, §6; 94 Acts, ch 1107, §66; 2014 Acts, ch 1123, §20; 2016 Acts, ch 1098, §36; 2019 Acts, ch 28, §1

328.25 Fees in lieu of taxes.

The registration fees imposed by this chapter upon aircraft shall be in lieu of all taxes, general or local, except state sales or use tax, to which aircraft might otherwise be subject.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.25]

328.26 Application for registration.

1. Every application for registration pursuant to sections 328.19 and 328.20 shall be made upon such forms, and shall contain such information, as the department may prescribe, and every application shall be accompanied by the full amount of the registration fee.

2. When an aircraft is registered to a person for the first time, the fee submitted to the department shall include the tax imposed by section 423.2 or 423.5 or evidence of the exemption of the aircraft from the tax imposed under section 423.2 or 423.5.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.26]

88 Acts, ch 1205, §18; 96 Acts, ch 1152, §23; 98 Acts, ch 1182, §4; 2003 Acts, 1st Ex, ch 2, §174, 205; 2023 Acts, ch 64, §53

328.27 Issuance of certificates.

The department shall issue, upon receipt of proper application and fee for registration, a certificate of registration which shall be numbered and recorded by the department, shall state the name and address of the person to whom it is issued, shall be titled with the designation of the class of registrant covered, and shall contain other information as the department may prescribe including, in the case of aircraft, a description of the aircraft. A certificate of registration expires at midnight on the last day of the twelfth month of the registration year.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.27]

88 Acts, ch 1063, §7; 2002 Acts, ch 1112, §7

328.28 Operation under special certificate.

1. A manufacturer or dealer owning an aircraft otherwise required to be registered under this chapter may operate the aircraft for up to three years for purposes of transporting, testing, demonstrating, or selling the aircraft without registering the aircraft, upon condition that a special certificate be obtained by the owner for each year the owner operates the aircraft as provided in this section and sections 328.29 through 328.33.

2. A transporter may operate an aircraft described in subsection 1 solely for the purpose of delivery upon obtaining a special certificate issued to the transporter as provided in this section and sections 328.29 through 328.33.

3. The provisions of this section and sections 328.29 through 328.33 shall not apply to aircraft owned by a manufacturer, transporter, or dealer which are used for hire or principally for transportation of persons and property, aside from the transporting of the aircraft itself, or testing or demonstrating thereof.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.28]

2002 Acts, ch 1112, §8; 2022 Acts, ch 1125, §1, 6, 7

Referred to in §328.34

2022 amendment to subsection 1 applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

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328.29 Application for special certificate — fee.

A manufacturer, transporter, or dealer may, upon payment of a four hundred dollar fee, make application to the department upon such forms as the department may prescribe for a special certificate. The applicant shall also submit such reasonable proof of the applicant's status as a bona fide manufacturer, transporter, or dealer as the department may require. Dealers in new aircraft shall furnish satisfactory evidence of a valid franchise with the manufacturer or distributor of such aircraft authorizing such dealership.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.29]

90 Acts, ch 1063, §5; 2002 Acts, ch 1112, §9; 2022 Acts, ch 1125, §2, 6, 7

Referred to in §328.28, 328.32, 328.36

2022 amendment applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

328.30 Issuance of special certificate.

The department upon granting an application shall issue to the applicant a special certificate containing the applicant's name, address, and other information as the department may prescribe.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.30]

90 Acts, ch 1063, §6; 2002 Acts, ch 1112, §10

Referred to in §328.28

328.31 Special certificates — inventory removals or additions. Repealed by 2002 Acts, ch 1112, §15.

328.32 Expiration of special certificate.

A special certificate expires at midnight on October 31, and a new special certificate for the ensuing year may be obtained by the person to whom the expired special certificate was issued, upon application to the department and payment of the fee provided in section 328.29.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.32]

88 Acts, ch 1063, §8; 2002 Acts, ch 1112, §11; 2022 Acts, ch 1125, §3, 6, 7

Referred to in §328.28

2022 amendment applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

328.33 Records required.

A manufacturer, transporter, or dealer shall keep a written record of the aircraft in the manufacturer's, transporter's, or dealer's inventory, which records shall be open to inspection of any peace officer, or any officer or employee of the department.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.33]

2002 Acts, ch 1112, §12

Referred to in §328.28

328.34 Grounds for refusing, revoking, or suspending certificates.

The department may refuse to issue, or may revoke or suspend a certificate of registration or special certificate for any one, or any combination, of the following reasons:

1. That the application contains any false or fraudulent material statement, or that the applicant has failed to furnish required information or reasonable additional information requested, or that the applicant is not entitled to registration of the aircraft under this chapter.
2. That the department has reasonable ground to believe that the aircraft is a stolen or embezzled aircraft, or that granting of registration would constitute a fraud against the rightful owner.
3. That the required fee has not been paid.
4. That the department has reasonable ground to believe that fraudulent use, against the state or any municipality or citizen thereof, is being made of such certificate of registration or special certificate.
5. That the person making application for, or holding, the certificate is not certificated or licensed by the government of the United States or any authorized agency thereof, pursuant to the laws of the United States or any rules or regulations promulgated thereunder, to do the

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acts for which the person has been, or seeks to be, registered as performing, or to perform, pursuant to the provisions of this chapter.

6. That the aircraft registered, or for which application for registration is made, is not certificated or licensed for operation by the government of the United States or any authorized agency thereof, pursuant to the laws of the United States or any rules or regulations promulgated thereunder.

7. That the person making application for, or holding, a special certificate operated an aircraft for purposes of transporting, testing, demonstrating, or selling the aircraft, without registering the aircraft, after three years of holding a special certificate for the aircraft in violation of section 328.28.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.34]

2022 Acts, ch 1125, §4, 6, 7

Subsection 7 applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

328.35 Exceptions to registration requirements.

1. The provisions of sections 328.19 and 328.20 shall not apply to:

a. An aircraft which has been registered by a foreign country with which the United States has a reciprocal agreement covering the operations of registered aircraft.

b. An aircraft which is owned by a resident of this state but which is continuously located and operated beyond the boundaries of the state.

c. Any airport, landing area, or other air navigation facility owned or operated by the federal government within this state.

d. A lighter than air aircraft that is not engine driven.

e. An aircraft which is displayed in a museum.

f. An aircraft in the inventory of a manufacturer, transporter, or dealer who has a special certificate issued by the department and the special certificate is in effect.

2. No registration is required for an airport maintained for private use.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.35]

90 Acts, ch 1063, §8; 93 Acts, ch 87, §10, 11; 2000 Acts, ch 1168, §3; 2002 Acts, ch 1112, §13

Referred to in §328.21, 328.37

328.36 Deposit and use of revenues.

All moneys received by the department pursuant to sections 328.21 and 328.29 shall be deposited into the state aviation fund created in section 328.56.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.36]

88 Acts, ch 1205, §19; 91 Acts, ch 260, §1229; 93 Acts, ch 131, §16; 94 Acts, ch 1107, §67; 2006 Acts, ch 1179, §56, 66; 2022 Acts, ch 1125, §5 – 7; 2023 Acts, ch 66, §80

Referred to in §328.56

2022 amendment applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

328.37 Operations unlawful without certificate.

Except as provided in section 328.35, it is unlawful for a person to operate, or cause or authorize to be operated, a civil aircraft, airport, or landing area in this state, unless there has been issued for the aircraft or to the airport or landing area an appropriate certificate of registration by the department and the certificate is in effect.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.37]

88 Acts, ch 1063, §9; 2002 Acts, ch 1112, §14

328.38 Exhibition of certificates. Repealed by 2015 Acts, ch 123, §2.

328.39 Order of department — review.

1. In any case where the department refuses to issue a certificate of registration or special certificate, or in any case where it shall issue any order requiring certain things to be done, or revoking or suspending any certificate, it shall set forth its reasons and shall state the requirements to be met before such certificate will be issued or such order will be modified

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or changed. Any order made by the department pursuant to the provisions of this chapter shall be served upon the interested persons by certified mail or in person.

2. Any order of the department or any refusal to issue, revocation or suspension of any certificate shall be subject to judicial review in accordance with chapter 17A.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.39]

328.40 Penalties.

Any person who violates any of the provisions of this chapter, or who makes any material false statement or representation in any application or statement filed with the department as required by this chapter or any of the rules and regulations issued pursuant thereto shall be guilty of a fraudulent practice.

[C31, 35, §8338-c8; C39, §**8338.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.40]

Fraudulent practices, see §714.8 – 714.14

328.41 Operating recklessly or while intoxicated.

It shall be unlawful for any person to operate an aircraft in the air space above this state or on the ground or water within this state, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air space above this state or on the ground or water within this state in a careless or reckless manner so as to endanger the life or property of another.

1. Any person who operates an aircraft in a careless or reckless manner in violation of the provisions of this section shall be guilty of a simple misdemeanor.

2. Any person who operates any aircraft, while in an intoxicated condition or under the influence of narcotic drugs in violation of this section, shall, upon conviction or a plea of guilty, be guilty of:

a. A serious misdemeanor for the first offense.

b. An aggravated misdemeanor for the second offense.

c. A class "D" felony for a third offense.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.41]

2010 Acts, ch 1061, §123

328.42 Nonresident registration.

Nonresident owners of aircraft operated within this state for the intrastate transportation of persons or property for compensation or the furnishing of services for compensation or for the intrastate transportation of merchandise, shall register each such aircraft and pay the same fees therefor as is required with reference to like aircraft owned by residents of this state.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.42]

328.43 Transfer notice.

Upon the transfer of ownership of any registered aircraft, the owner shall immediately provide notice to the department stating the date of such transfer, the name and post office address with street number, if in a city, of the person to whom the aircraft was transferred, the number of the registration certificate, and such other information as the department may require.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.43]

2019 Acts, ch 28, §2

328.44 Application by new owner.

The purchaser of the aircraft shall join in the notice of transfer to the department and shall, at the same time, make application for a new certificate of registration.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.44]

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328.45 New registration upon transfer.
The department, if satisfied of the genuineness and regularity of such transfer, shall register said aircraft in the name of the transferee and issue a new certificate of registration as provided in this chapter.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.45]

328.46 Penalty for delay.
If a transfer of ownership of an aircraft subject to registration is not completed within thirty days of the actual change of possession, a penalty of five dollars shall accrue against the aircraft and a certificate of registration shall not be issued until the penalty is paid.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.46]
96 Acts, ch 1152, §24

328.47 Lien of fees.
All registration fees provided for in this chapter shall be and continue a lien against the aircraft for which said fees are payable until such time as they are paid as provided by law, with any accrued penalties.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.47]

328.48 Attachment of lien.
The lien of the original registration fee attaches at the time it is payable as provided by law and the liens of all renewals of registration attach on the first day of each registration year.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.48]
88 Acts, ch 1063, §10

328.49 Collection of fees.
The collection of all fees and penalties provided for in the chapter may be enforced against any aircraft or they may be collected by suit against the owner who shall remain personally liable therefor until such time as the transfer thereof shall be reported to the department or until such time as the identity of such aircraft as an aircraft has been entirely eliminated and all fees and penalties to such date shall be paid.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.49]

328.50 Penalty on delinquent registration.
On the first day of the second month following the end of an aircraft registration period, a penalty of five percent of the annual registration fee shall be added to a fee not paid by that date, and five percent of the annual registration fee shall be added to the fee on the first day of each following month that the fee remains unpaid; however, the penalty shall not be less than one dollar.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.50]
88 Acts, ch 1063, §11

328.51 Accrual of penalty.
Failure to register shall be considered delinquent and a penalty shall accrue the first day of the month following thirty days from the date of the purchase of a new aircraft or the date an aircraft is brought into the state.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.51]
90 Acts, ch 1063, §9; 96 Acts, ch 1152, §25

328.52 Waiver.
The department, if it finds that a delinquency in registration was excusable and upon making a record of such finding and the reasons for such delinquency, shall have the power to waive or reduce any of the penalties provided for delinquent registrations.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.52]

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328.53 Marking public aircraft.

All aircraft owned by the state or a governmental subdivision of the state shall be marked to show ownership in a readily apparent manner. The department may promulgate regulations for marking such aircraft.

[C77, 79, 81, §328.53]

328.54 Biennial report.

The department shall publish biennially an airport directory which shall contain a listing of all airports in the state which are open to public use. The department may charge a reasonable fee based on the cost of publication and distribution to those persons receiving a copy of the directory.

[C77, 79, 81, §328.54]

328.55 Inspections of governmental subdivision airports. Repealed by 2016 Acts, ch 1073, §186.

328.56 State aviation fund.

1. A state aviation fund is created under the authority of the department. The fund shall consist of moneys deposited in the fund pursuant to sections 328.36 and 452A.82 and other moneys appropriated to the fund.

2. Moneys in the state aviation fund are appropriated to the department of transportation for use by the department for airport engineering studies, construction or improvements, and the windsock program for public airports and marketing at commercial service airports. In awarding moneys, the department shall give preference to projects that demonstrate a collaborative effort between airports.

2006 Acts, ch 1179, §57, 66; 2007 Acts, ch 22, §115; 2007 Acts, ch 219, §40

Referred to in §328.36, 452A.82

328.56A Staggered registration for aircraft — implementation.

To implement the change from fiscal year registration to the registration system provided for in this chapter, aircraft registered after July 1, 1988, shall be registered as follows:

1. Aircraft shall be registered for the registration year as defined in this chapter. If the registration period is for a period of less than twelve months, the registration fee shall be prorated for the remaining unexpired months, except as provided in subsection 2.

2. The owner of an aircraft for which the registration year begins on August 1 may elect to register the aircraft for a period of one month or thirteen months. The owner of an aircraft for which the registration year begins on September 1 may elect to register the aircraft for a period of two months or fourteen months. The owner of an aircraft for which the registration year begins on October 1 may elect to register the aircraft for a period of three months or fifteen months.

88 Acts, ch 1063, §12

328.57 Short title.

This chapter may be cited as the *"State Aeronautics Act"*.

[C46, §328.41; C50, 54, 58, 62, 66, 71, 73, 75, §328.53; C77, 79, 81, §328.57]

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CHAPTER 329

AIRPORT ZONING

Referred to in §8C.8, 307.26, 331.304, 331.321, 476A.5

329.1 Definitions.
329.2 Airport hazards contrary to public interest.
329.3 Zoning regulations — powers granted.
329.4 Extraterritorial airport hazard areas.
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329.6 Zoning powers.
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329.11 Variances.
329.12 Board of adjustment — creation — powers — duties.
329.13 Administration of airport zoning regulations.
329.14 Enforcement and remedies.
329.15 Short title.

329.1 Definitions.

The following words, terms, and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meaning given in this section, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

1. *"Airport"* means any area of land or water designed and set aside for the landing and take-off of aircraft and utilized, or to be utilized, in the interest of the public for such purposes.

2. *"Airport hazard"* means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. §77.21, 77.23 and 77.25 as revised March 4, 1972, and which obstruct the air space required for the flight of aircraft and landing or take-off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

3. *"Airport hazard area"* means any area of land or water upon which an airport hazard might be established if not prevented as provided by this chapter.

4. *"Department"* means the state department of transportation.

5. *"Municipality"* means any county or city of this state.

6. *"Obstruction"* means any tangible, inanimate physical object, natural or artificial, protruding above the surface of the ground.

7. *"Person"* means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

8. *"Structure"* means any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.

9. *"Tree"* means any object of natural growth.

10. The singular shall include the plural, and the plural the singular.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.1]

2008 Acts, ch 1032, §106; 2023 Acts, ch 66, §81

329.2 Airport hazards contrary to public interest.

It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land and other persons in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question.

2. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented.

3. That this should be accomplished, to the extent legally possible, by proper exercise of the police power.

4. That the prevention of the creation or establishment of airport hazards, and the

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elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which municipalities may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.2]

See §657.2(8)

329.3 Zoning regulations — powers granted.

Every municipality having an airport hazard area within its territorial limits may adopt, administer, and enforce in the manner and upon the conditions prescribed by this chapter, zoning regulations for such airport hazard area, which regulations may divide such area into zones and, within such zones, specify the land uses permitted, and regulate and restrict, for the purpose of preventing airport hazards, the height to which structures and trees may be erected or permitted to grow. Regulations adopted under this chapter shall be made with consideration of the smart planning principles under section 18B.1.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.3]

2010 Acts, ch 1184, §20

Referred to in §329.4, 329.6

329.4 Extraterritorial airport hazard areas.

When any airport hazard area appertaining to an airport owned or controlled by a municipality is located outside the territorial limits of said municipality:

1. *Ordinances.* The municipality owning or controlling the airport, and the municipality within which the airport hazard area is located, may by duly adopted ordinance adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area.

2. *Petition to district court.* If the municipality within which is located such airport hazard area has failed or refused, within sixty days after demand has been made upon it by any municipality owning or controlling the airport, to adopt reasonably adequate airport zoning regulations under section 329.3, or to join in adopting joint airport zoning regulations as authorized in subsection 1 of this section, the municipality owning or controlling the airport may, upon a resolution of necessity therefor duly adopted by its governing body, petition the district court of the county in which such airport hazard area or any part thereof is located, in the name of the municipality owning or controlling the affected airport, praying that zoning regulations be established for the airport hazard area in question.

3. *Petition — contents.* Such petition shall allege all essential facts showing the necessity for bringing such action, the relief sought including proposed zoning regulations, and the necessity therefor.

4. *Parties.* The parties defendant in such action shall be the municipality in which such airport hazard area is located, and all persons having an apparent or contingent interest in the property located within such area, who may be joined in said action generally as a class.

5. *Procedure.* The action shall be triable in equity and in accordance with general rules of civil procedure, except that such action shall have precedence over any other business of the court except criminal cases, and the court shall set said petition for hearing not less than sixty days nor more than one hundred twenty days from the date it is filed with the clerk of said court.

6. *Notice.* The original notice in such action shall be served upon the municipality in which such airport hazard area is located, and in the same manner as original notice of any other action but not less than thirty days prior to the date set for trial; and upon all other defendants by the publication of said notice in some newspaper or newspapers of general circulation within the area described in the petition, or as near thereto as possible, which publication shall be in the same manner as provided for the publication of other original notices, provided, however, that the last publication thereof shall be not less than thirty days prior to the date set for trial.

7. *Decree and modification.* Upon trial the court may enter decree establishing such zoning regulations as it shall find reasonable and necessary. The court having once taken jurisdiction of such matter shall retain continuing jurisdiction thereof for such subsequent modification as it may deem advisable, upon proper application of interested parties, and

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due showing made thereunder after such notice to possible adverse parties as the court shall prescribe.

8. *Appeal.* Any person or municipality adversely affected or aggrieved by any findings of the court may appeal therefrom as in other civil actions.

9. *Enforcement.* Following the entry of any final decree by the district court, and unless appeal has been taken therefrom, the zoning regulations established by such decree may be enforced, and violations thereof punished, as provided by section 329.14.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.4; 81 Acts, ch 117, §1050]

Referred to in §329.6
Service of notice, R.C.P. 1.302 – 1.315

329.5 Prevention of airport hazards.

Any municipality owning or controlling an airport may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards appertaining to said airport, in violation of any zoning regulations adopted or established pursuant to the provisions of this chapter for any area whether within or without the territorial limits of said municipality.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.5]

See §657.2(8)

329.6 Zoning powers.

1. If any municipality owning or controlling an airport adjacent to which there is an airport hazard area fails or refuses, within sixty days after a demand is made by the department, to adopt reasonably adequate airport zoning regulations under section 329.3, or to proceed as provided in section 329.4, the department may petition the district court of the county in which the airport hazard area, or any part thereof, is located, in the name of the state, praying that zoning regulations be established for the airport hazard area in question. The provisions of section 329.4, subsections 3 through 9, shall apply to such actions provided, however, that the municipality shall be joined as a party defendant in the action.

2. The department may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards appertaining to any airport within the state, in violation of any zoning regulations adopted or established pursuant to the provisions of this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.6]

2021 Acts, ch 80, §194; 2022 Acts, ch 1032, §53

329.7 Relation to comprehensive zoning regulations.

Any municipality which adopts zoning ordinances under chapter 414 or chapter 335 may incorporate therein airport hazard area zoning regulations and administer and enforce them as provided in this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.7; 81 Acts, ch 117, §1051]

329.8 Conflicting regulations.

In the event of any conflict between any airport zoning regulations adopted or established under this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.8]

329.9 Procedure for adopting zoning regulations — zoning commission.

In adopting, amending, and repealing airport zoning regulations under this chapter the governing body of a city shall follow the procedure in sections 414.4 and 414.6 and the board of supervisors of a county shall follow the procedure in sections 335.6 and 335.8. The commission so appointed shall be known as the airport zoning commission. The airport zoning commission shall consist of two members from each municipality selected by the governing body and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the municipality. The terms of the members of

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the airport zoning commission shall be for six years excepting that when the board is first created, one of the members appointed by each municipality shall be appointed for a term of two years and one for a term of four years. Members may be removed for cause by the appointing authority upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.9; 81 Acts, ch 117, §1052]

Referred to in §331.321

329.10 Airport zoning requirements.

1. All airport zoning regulations adopted under this chapter shall be reasonable and none shall impose any requirement or restriction which is not necessary to effectuate the purposes of this chapter.

2. *a.* Airport zoning regulations adopted under this chapter may require, at the municipality's expense, the removal, lowering, or other change or alteration of any structure or tree, or a change in use, not conforming to the regulations when adopted or amended.

b. Airport zoning regulations adopted under this chapter may require a property owner to permit the municipality at its own expense to install, operate, and maintain on the property markers and lights as necessary to indicate to operators of aircraft the presence of the airport hazard.

3. All such regulations may provide that a preexisting nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.10]

90 Acts, ch 1022, §1

329.11 Variances.

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use the person's property in violation of airport zoning regulations adopted under this chapter, may apply to the board of adjustment for a variance from the zoning regulations. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of the regulations and this chapter; provided, however, that any such variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this chapter, including the reservation of the right of the municipality, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.11]

329.12 Board of adjustment — creation — powers — duties.

1. The governing body of any municipality seeking to exercise powers under this chapter shall by ordinance provide for the appointment of a board of adjustment, as provided in section 414.7 for a city, or as provided in section 335.10 for a county. The board of adjustment has the same powers and duties, and its procedure and appeals are subject to the same provisions as established in sections 414.9 through 414.18 for a city, or sections 335.12 through 335.21 for a county.

2. *a.* The board of adjustment shall consist of two members from each municipality, selected by the governing body thereof, and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the municipality.

b. The terms of the members of the board of adjustment shall be for five years, excepting that when the board shall first be created, one of the members appointed by each municipality shall be appointed for a term of two years and one for a term of four years.

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c. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which that member was selected.

d. Members shall be removable for cause by the appointing authority upon written charges and after public hearing.

3. The concurring vote of a majority of the board shall be necessary to do any of the following:

a. Reverse any order, requirement, decision, or determination of any administrative official.

b. Decide in favor of the applicant on any matter upon which the board is required to pass under any regulations adopted pursuant to this chapter.

c. Effect any variance from any regulations adopted pursuant to this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.12; 81 Acts, ch 117, §1053]
2010 Acts, ch 1069, §116; 2019 Acts, ch 59, §102

329.13 Administration of airport zoning regulations.

All airport zoning regulations adopted under this chapter shall provide for the administration and enforcement of such regulations by an administrative agency, which may be an agency created by such regulations, or by any official, board, or other existing agency of the municipality adopting the regulations, or of one or both of the municipalities which participated therein, but in no case shall such administrative agency be or include any member of the board of adjustment. The duties of any administrative agency designated pursuant to this chapter shall not include any of the powers herein delegated to the board of adjustment.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.13]
2005 Acts, ch 3, §64

329.14 Enforcement and remedies.

Each violation of this chapter or of any regulations, order, or rules promulgated pursuant to this chapter, shall constitute a simple misdemeanor and each day a violation continues to exist shall constitute a separate offense.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.14]
Referred to in §329.4

329.15 Short title.

This chapter shall be known and may be cited as the *"Airport Zoning Act"*.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.15]

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CHAPTER 330

AIRPORTS

Referred to in §307.26

330.1 Definition.
330.2 Aviation hangar revolving loan fund. Repealed by 2003 Acts, ch 8, §7.
330.3 Reserved.
330.4 Joint exercise of powers.
330.5 through 330.8 Reserved.
330.9 Plans and specifications.
330.10 through 330.12 Reserved.
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330.17 Airport commission — election.
330.18 Notice of election.
330.19 Form of question.
330.20 Appointment of commission — terms.
330.21 Powers — funds.
330.22 Annual report — publishing.
330.23 No restriction on administrative agencies.
330.24 No restrictions on former commissions.

330.1 Definition.

The word *"airport"* as used in this chapter, shall include landing field, airdrome, aviation field, or other similar term used in connection with aerial traffic.

[C31, 35, §5903-c1; C39, §**5903.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.1]

330.2 Aviation hangar revolving loan fund. Repealed by 2003 Acts, ch 8, §7.

330.3 Reserved.

330.4 Joint exercise of powers.

Agreements between political subdivisions for joint exercise of any powers relating to airports may provide for the creation and establishment of a joint airport commission which, when so created or established, shall function in accordance with the provisions of sections 330.17 through 330.24 insofar as provided by the agreements.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.4]

2020 Acts, ch 1063, §173

330.5 through 330.8 Reserved.

330.9 Plans and specifications.

1. Before an airport is acquired by a city or county, the plans and specifications for it shall be submitted to the state department of transportation which shall require that they show the legal description and plat of the site, distance from the nearest post office and railroad station, location and type of highways, location and type of obstructions on and near the site, kind of soil and subsoil, costs and details of grading and draining, and location of proposed runways, hangars, buildings, and other structures.

2. The department shall issue approval of the plans and specifications if it finds that they are in substantial accord with the rules promulgated by the department or with the regulations of the federal aviation administration or other department of the federal government having general supervision of air navigation as it relates to plans and specifications for airports.

[C31, 35, §5903-c7; C39, §**5903.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.9]

83 Acts, ch 101, §75

330.10 through 330.12 Reserved.

330.13 Federal aid.

1. Any subdivision of government is authorized to accept, receive, and receipt for federal moneys, and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, and other air navigation facilities, and sites for airports and other navigation facilities, and to comply

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with the laws of the United States and any regulations for the expenditure of federal moneys upon airports and other air navigation facilities.

2. All preapplications for funds authorized to be received pursuant to this section by any governmental subdivision, commission, or authority, whether acting alone or jointly with another governmental or private entity, shall be approved by the state transportation commission prior to being submitted to any federal agency or department. Approval shall be based on criteria consistent with the Iowa aviation system plan. However, this subsection does not apply to preapplications from airports which receive federal primary commercial service entitlement funds if the airport making the preapplication files a copy of the preapplication with the state department of transportation.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.13]
93 Acts, ch 87, §12; 2020 Acts, ch 1062, §45

330.14 through 330.16 Reserved.

330.17 Airport commission — election.

1. The council of any city or county which owns or acquires an airport may, and upon the council's receipt of a valid petition as provided in section 362.4, or receipt of a petition by the board of supervisors as provided in section 331.306 shall, at an election held on a date specified in section 39.2, subsection 4, paragraph *"a"* or *"b"*, as applicable, submit to the voters the question as to whether the management and control of the airport shall be placed in an airport commission. If a majority of the voters favors placing the management and control of the airport in an airport commission, the commission shall be established as provided in this chapter.

2. The management and control of an airport by an airport commission may be ended in the same manner. If a majority of the voters does not favor continuing the management and control of the airport in an airport commission, the commission shall stand abolished sixty days from and after the date of the election, and the power to maintain and operate the airport shall revert to the city or county.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.17; 81 Acts, ch 117, §1054]
91 Acts, ch 129, §24; 2008 Acts, ch 1115, §54, 71
Referred to in §330.4, 330.23, 330.24, 331.381, 331.382

330.18 Notice of election.

Notice of the election shall be given by publication in a newspaper of general circulation in the city, subject to section 362.3 or in the county, subject to section 331.305.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.18; 81 Acts, ch 117, §1055]
Referred to in §330.4, 330.23, 330.24, 331.381, 331.382

330.19 Form of question.

The question to be submitted shall be in the following form:

> Shall the City (or County) of ..... place (or continue) the management and control of its airport (or airports) in an Airport Commission?

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.19; 81 Acts, ch 117, §1056]
Referred to in §330.4, 330.23, 330.24, 331.381, 331.382

330.20 Appointment of commission — terms.

When a majority of the voters favors airport control and management by a commission, the governing body shall, within ten days, appoint an airport commission of three or five members, each of whom shall be a resident of the city or county establishing the commission or a resident of a city or county in this state served by the airport. At least two of the members of a three-member commission and at least three of the members of a five-member commission shall be residents of the city or county establishing the commission. The governing body shall by ordinance set the commencement dates of office and the length of the terms of office which shall be no more than six and no less than three years. The terms

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of the first appointees of a newly created commission shall be staggered by length of term and all subsequent appointments shall be for full terms. Vacancies shall be filled in the same manner as original appointments are made. Members of the airport commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the governing body and filed with the city clerk of the city, or county auditor of the county, establishing the commission. The commission shall elect from its own members a chairperson and a secretary who shall serve for a term as the commission shall determine.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.20]

83 Acts, ch 123, §131, 209; 91 Acts, ch 76, §1; 2009 Acts, ch 114, §1; 2011 Acts, ch 34, §83

Referred to in §330.4, 330.23, 330.24, 331.321, 331.381, 331.382

330.21 Powers — funds.

1. The commission has all of the powers in relation to airports granted to cities and counties under state law, except powers to sell the airport. The commission shall annually certify the amount of tax within the limitations of state law to be levied for airport purposes, and upon certification the governing body may include all or a portion of the amount in its budget.

2. All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the commission for the purposes prescribed by law, and shall be deposited with the county treasurer or city clerk to the credit of the airport commission, and shall be disbursed only on the written warrants or orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and their maintenance, operation, and extension.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.21; 81 Acts, ch 117, §1057; 82 Acts, ch 1104, §10]

2020 Acts, ch 1062, §94

Referred to in §330.4, 330.24

330.22 Annual report — publishing.

The airport commission shall immediately after the close of each municipal fiscal year, file with the city clerk or county auditor a detailed and audited written report of all money received and disbursed by the commission during said fiscal year, and shall publish a summary thereof in an official newspaper.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.22]

Referred to in §330.4, 330.24

330.23 No restriction on administrative agencies.

1. This chapter does not prohibit a city from establishing an administrative agency pursuant to chapter 392 to manage and control all or part of its airport in lieu of an airport commission under this chapter. A city may abolish an airport commission and provide for the management and control of its airport by an administrative agency.

2. Sections 330.17 through 330.20 do not apply to the abolition of an airport commission by a city pursuant to this section for the purpose of establishing an administrative agency pursuant to chapter 392 to manage and control all or part of its airport. The commission shall stand abolished sixty days from the date of the city council's final approval abolishing the airport commission pursuant to this section, unless the council designates a different effective date.

88 Acts, ch 1229, §1; 89 Acts, ch 182, §1; 2020 Acts, ch 1062, §94

Referred to in §330.4

330.24 No restrictions on former commissions.

Nothing in sections 330.17 through 330.22 shall be interpreted as limiting or affecting airport commissions of cities in the above classification which have already been in existence and operation prior to January 1, 1941, under the provisions of this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.24]

2020 Acts, ch 1063, §174

Referred to in §330.4

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CHAPTER 330A

AVIATION AUTHORITIES

Referred to in §331.382, 331.424

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330A.1 Citation.

This chapter shall be known and may be cited as the *"Aviation Authority Act"*.

[C71, 73, 75, 77, 79, 81, §330A.1]

330A.2 Definitions.

The following terms whenever used, or referred to, in this chapter shall have the following meanings, except in those instances where the context clearly indicates otherwise:

1. The term *"authority"* shall mean any aviation authority created pursuant to the provisions of this chapter.

2. The term *"aviation facilities"* shall mean and include airports, buildings, structures, terminal buildings, or space hangars, lands, warehouses, or other aviation facilities of any kind or nature, or any other facilities of any kind or nature related to or connected with said airports and other aviation facilities which an authority is authorized by law to construct, acquire, own, lease, or operate, including but not limited to parking facilities, restaurants, and related facilities together with all fixtures, equipment, and property, real or personal, tangible or intangible, necessary, appurtenant, or incidental thereto.

3. The term *"board"* shall mean the governing body of an authority.

4. The term *"federal government"* shall mean and include the United States of America, the president of the United States of America, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by the United States of America.

5. The term *"member municipality"* shall mean any municipality which shall join in the creation of an aviation authority as provided herein.

6. The term *"municipality"* shall mean any county or city of this state, and any political subdivision of any state whose borders are at any point conterminous with those of this state and whose laws shall permit the entry of and submission by such political subdivision to an authority created and operating pursuant to the provisions of this chapter.

7. The term *"person"* shall mean any individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or similar representative thereof.

8. The term *"state"* shall mean the state of Iowa.

9. The term *"state government"* shall mean and include the state, the governor of the state, and any department thereof, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by the state, exclusive of counties and cities.

[C71, 73, 75, 77, 79, 81, §330A.2]

Referred to in §715.9

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330A.3 Creation.

One or more municipalities may provide by ordinance for the creation of an airport authority in the manner and for the purposes provided under this chapter. The authority shall be created by agreement adopted by ordinance between two or more municipalities, or by ordinance of a single municipality. An authority is a public instrumentality and public body corporate to be known as "..... Airport Authority". An airport authority may exercise its jurisdiction, powers, and duties as set forth in this chapter. Provisions for the disposition of the authority's rights and properties in the event of dissolution of the authority shall be set forth in the agreement or ordinance creating the authority.

[C71, 73, 75, 77, 79, 81, §330A.3]

89 Acts, ch 182, §2

330A.4 Repealed by 89 Acts, ch 182, §12.

330A.5 Board.

Each authority shall have a board of an odd number of three or more members and the board shall be the governing body of the authority exercising all of the rights, duties, and powers conferred by this chapter upon the authority. The board members shall be appointed by the governing bodies of the member municipalities. The number to be appointed by each municipality shall be provided for in the agreement or ordinance creating the authority. However, an elected official or full-time paid employee of a member municipality is not eligible for appointment to the board. Board members shall serve for terms of four years at the pleasure of the municipality appointing the members except members of the initial board shall determine their respective terms by lot so the terms of one-half of the members expire at the end of two years. The remaining initial terms shall expire at the end of four years. Each member of the board shall qualify by taking an oath to faithfully perform the duties of office. Within forty-five days after a vacancy occurs on the board by death, resignation, change of residence or removal of a member, or from any other cause, the successor of the member shall be appointed by the member municipality represented by the vacancy and shall serve until the term expires. The board shall, within ten days after its appointment, organize by electing a chairperson, a secretary, and a treasurer, each for a term of two years. The treasurer shall execute an adequate surety bond in a penal sum to be fixed by the authority, conditioned upon the faithful performance of the duties of office, the premium on which shall be paid by the authority. Board members and officers shall serve until their successors are duly elected and qualified. A salary shall not be paid to a board member; however, each board member shall be reimbursed for actual expenses incurred in the performance of the member's duties. All actions by an authority require the affirmative vote of a majority of the board of the authority.

[C71, 73, 75, 77, 79, 81, §330A.5]

89 Acts, ch 182, §3

Referred to in §330A.21

330A.6 Creation of an authority.

1. Whenever the governing body of any municipality shall desire to participate in the creation of an authority it shall adopt a resolution signifying its intention to do so and shall publish said resolution at least one time in a newspaper of general circulation in such municipality giving notice of a hearing to be held on the question of the municipality's entry into such authority. Such resolution shall be published at least fourteen days prior to the date of hearing, and shall contain therein the following information:

a. Intention to join in the creation of an authority pursuant to the provisions of this chapter.

b. The names of other municipalities which have expressed their intention to join in the creation of the authority.

c. Number of board members to be appointed by the municipality.

d. Name of authority.

e. Place, date and time of hearing.

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2. After the hearing, and if in the best interests of the municipality, the municipality shall enact an ordinance authorizing the creation of the authority.

[C71, 73, 75, 77, 79, 81, §330A.6]

89 Acts, ch 182, §4, 5

Referred to in §330A.7, 330A.15

330A.7 Withdrawal.

1. One or more of the member municipalities may withdraw from the authority, except that a municipality shall not withdraw after any obligations have been incurred by the authority unless satisfactory provision has been made by the withdrawing municipality for the payment of its portion of the outstanding obligations. If an authority has been created pursuant to this chapter, a municipality which did not join in the original agreement may subsequently join the authority with the approval of the member municipalities.

2. A municipality wishing to withdraw from or to become a member of an existing authority shall signify its intention by resolution and shall publish the resolution at least one time in a newspaper of general circulation in the municipality giving notice of a hearing to be held on the question of withdrawing or joining and its intention to withdraw or join. The resolution shall be published at least fourteen days prior to the date of the hearing. A withdrawing municipality shall state in the resolution how it intends to pay its portion of the outstanding obligations of the authority, if any. A joining municipality shall state in the resolution the information required in section 330A.6. A copy of the resolution shall be certified to the authority by the municipality at least fourteen days in advance of the hearing. The board shall by resolution indicate whether a satisfactory provision has been made for the payment of the outstanding obligations of the authority, as required under subsection 1. After the hearing and if the outstanding obligations of the authority have been adequately provided for by the municipality, the municipality may enact an ordinance to withdraw from or join the authority.

3. An application to withdraw or join shall be submitted to the authority and shall in all cases be executed by the proper officers of the withdrawing or incoming municipality under its municipal seal and accompanied by a certified copy of the authorizing ordinance, and shall be joined in by the proper officers of the governing body of the authority.

4. A municipality that joins initially or subsequently or withdraws shall file notice of such joining or withdrawal with the secretary of state and the county recorder in which such municipality is located. Upon its creation, the authority shall file with the secretary of state and with the county recorder wherein each municipality or part thereof is located a copy of the agreement creating the authority.

[C71, 73, 75, 77, 79, 81, §330A.7]

89 Acts, ch 182, §6

330A.8 Purposes and powers — general.

An authority is hereby granted the following rights and powers, and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the powers enumerated in this chapter:

1. To sue and be sued in all courts.
2. To adopt, use, and alter at will a seal.
3. To acquire, hold, construct, improve, maintain, operate, own, and lease as lessor or lessee, aviation facilities, provided that no lease of the authority's property whose primary term is in excess of three years shall be entered by the authority until after publication of notice of the terms of the proposed lease once in the county in which said property is located, in the manner provided by section 618.14, together with the date, time, and place of a public hearing which shall be held not less than fourteen days thereafter, at which the authority will hear proponents for and objectors against the lease and may, thereafter, cause it to be executed.
4. To acquire, purchase, hold, own, operate, and lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of an authority and this chapter, and to sell, mortgage,

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lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

5. To enter into and make leases, either as lessee or lessor, for such period or periods of time and under such terms and conditions as an authority shall determine. Such leases may be entered into for buildings, structures, or facilities constructed or acquired or to be constructed or acquired by an authority, or may be entered into for lands owned by an authority where the lessee of said lands agrees as a consideration for said lease to construct or acquire buildings, structures, or facilities on said lands which will become the property of an authority under such terms, rentals, and other conditions as the authority shall deem proper.

6. To acquire by purchase, lease, or otherwise, and to construct, improve, maintain, repair, and operate aviation facilities.

7. To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services and facilities of aviation facilities, or any part thereof, at reasonable and uniform rates to be determined exclusively by an authority for the purposes of carrying out the provisions of this chapter.

8. To borrow money, make and issue negotiable bonds, certificates, refunding bonds, and other obligations (herein called *"bonds"*) and notes of an authority and to secure the payment of such bonds or any part thereof by a pledge of any or all of an authority's revenues, rates, fees, rentals, or other charges, and any other funds which it has a right to, or may hereafter have the right to pledge for such purposes (hereafter sometimes referred to as *"revenues"*), and to mortgage its property as security for the payment of such bonds; and in general, to provide for the security of said bonds and the rights and remedies of the holders thereof. Such bonds may be issued to finance either one or more or a combination of aviation facilities and the revenues of any one or more aviation facilities may, subject to any prior rights of bondholders, be pledged for any one or more or a combination of aviation facilities. Any revenues from existing aviation facilities theretofore constructed or acquired pursuant to this chapter or existing laws, or existing aviation facilities constructed or acquired by an authority from any source may be pledged for any one or more or a combination of aviation facilities financed under this chapter, regardless of whether or not such existing aviation facilities are then being improved or financed by the proceeds of the bonds to be issued to finance the one or more or the combination of aviation facilities for which such revenues of such existing aviation facilities are to be pledged.

9. To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its business.

10. Without limitation of the foregoing, to borrow money and accept grants, contributions or loans from, and to enter into contracts, leases, or other transactions with, municipal, county, state, or federal government.

11. To have the power of eminent domain, but only as provided in section 330A.13.

12. To pledge, hypothecate, or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of an authority as security for all or any of the obligations issued by an authority.

13. To pledge, mortgage, hypothecate, or otherwise encumber all or any part of the property, real or personal, of the authority as security for all or any of the obligations issued by an authority.

14. To employ technical experts necessary to assist an authority in carrying out or exercising any powers granted hereby, including but not limited to architects, engineers, attorneys, fiscal advisors, fiscal agents, investment bankers, and aviation consultants.

15. To do all acts and things necessary or convenient for the promotion of its business and the general welfare of an authority, in order to carry out the powers granted to it by this chapter or any other laws. An authority shall have no power at any time or in any manner to pledge the taxing power of the state or any political subdivision or agency thereof, nor shall any of the obligations issued by an authority be deemed to be an obligation of the state or any political subdivision or agency thereof secured by and payable from ad valorem taxes thereof, nor shall the state or any political subdivision or agency thereof be liable for the payment of

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principal of or interest on such obligations except from the special funds provided for in this chapter.

16. To designate employees upon whom are conferred all the powers of a peace officer as defined in section 801.4. The maximum age for a person designated as a peace officer pursuant to this subsection is sixty-five years of age.

[C71, 73, 75, 77, 79, 81, §330A.8]

89 Acts, ch 182, §7; 98 Acts, ch 1183, §111; 2006 Acts, 1st Ex, ch 1001, §30, 49

Referred to in §152C.5B, 157.4A, 801.4

330A.9 Purposes and powers — bonds and notes.

1. The bonds issued by an authority pursuant to this chapter shall be authorized by resolution of the board and shall be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding that permitted by chapter 74A payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, within or without the state, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority as the resolution or any subsequent resolution may provide. The bonds shall be executed either by manual or facsimile signature by the officers as an authority shall determine, provided that the bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to the bonds shall bear the facsimile signature or signatures of the officer or officers as shall be designated by an authority and the bonds shall have the seal of the authority, affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in the resolution or resolutions. The bonds may be sold at public or private sale at the price or prices as the authority shall determine to be in the best interests of the authority. However, the net interest cost shall not exceed that permitted by chapter 74A. Pending the preparation of definitive bonds, interim certificates or temporary bonds may be issued to the purchaser or purchasers of the bonds, and may contain terms and conditions as the authority may determine.

2. An authority shall have the power, at any time and from time to time after the issuance of bonds shall have been authorized, to borrow money for the purposes for which the bonds are to be issued in anticipation of the receipt of the proceeds of the sale of the bonds and within the authorized maximum amount of the bond issue. Any loan shall be paid within three years after the date of the initial loan. Bond anticipation notes shall be issued for all moneys borrowed under this section, and the notes may be renewed from time to time, but all renewal notes shall mature within the time above limited for the payment of the initial loan. The notes shall be authorized by resolution of the board and shall be in such denomination or denominations, shall bear interest at such rate or rates not exceeding the maximum rate permitted by the resolution authorizing the issuance of the bonds, shall be in such form and shall be executed in such manner, all as the authority shall prescribe. The notes may be sold at public or private sale or, if the notes shall be renewal notes, they may be exchanged for notes then outstanding on such terms as the board shall determine. The board may, in its discretion, retire the notes from the revenues derived from its aviation facilities or from other moneys of the authority which are lawfully available or from a combination of each, in lieu of retiring them by means of bond proceeds. However, before the retirement of the notes by any means other than the issuance of bonds it shall amend or repeal the resolution authorizing the issuance of the bonds, in anticipation of the proceeds of the sale of which the notes were issued, so as to reduce the authorized amount of the bond issue by the amount of the notes retired. The amendatory or repealing resolution takes effect upon its passage.

3. Any such resolution or resolutions authorizing any bonds hereunder may contain provisions which shall be part of the contract with the holders of such bonds, as to:

a. The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of an authority derived by an authority from all or any of its aviation facilities.

b. The construction, improvement, operation, extensions, enlargement, maintenance, repair, or lease of such aviation facilities and the duties of an authority with reference thereto.

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c. Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the federal government or the state government or the county or any municipality therein, may be applied.

d. The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the aviation facilities of an authority, or any part thereof.

e. The setting aside of reserves or sinking funds or repair and replacement funds or other funds and the regulation and disposition thereof.

f. Limitations on the issuance of additional bonds.

g. The terms and provisions of any deed of trust, mortgage, or indenture securing the bonds or under which the same may be issued.

h. Any other or additional agreements with the holders of the bonds as are customary and proper and which in the judgment of an authority will make said bonds more marketable.

4. An authority may enter into any deeds of trust, mortgages, indentures, or other agreements, with any bank or trust company or any other lender within or without the state as security for such bonds, and may assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of an authority thereunder. Such deeds of trust, mortgages, indentures, or other agreements, may contain such provisions as may be customary in such instruments, or, as an authority may authorize, including, but without limitation, provisions as to:

a. The construction, improvement, operation, leasing, maintenance, and repair of the aviation facilities and duties of an authority with reference thereto.

b. The application of funds and the safeguarding and investment of funds on hand or on deposit.

c. The appointment of consulting engineers or architects and approval thereof by the holders of the bonds.

d. The rights and remedies of said trustee and the holders of the bonds.

e. The terms and provisions of the bonds or the resolution authorizing the issuance of the same.

5. Any of the bonds issued pursuant to this chapter are, and are hereby declared to be, negotiable instruments, and shall have all the qualities and incidents of negotiable instruments.

[C71, 73, 75, 77, 79, 81, §330A.9]

93 Acts, ch 118, §1; 2010 Acts, ch 1061, §124

330A.10 Funds of an authority.

1. Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle said moneys with any other moneys, but shall deposit them in a separate account or accounts. The moneys in said accounts shall be paid out by check of the treasurer on requisition of the chairperson of the authority, or of such other person, or persons, as the authority may authorize to make such requisition.

2. Notwithstanding subsection 1, an authority is hereby authorized, and shall have the right, to deposit any of its rates, fees, rentals, or other charges, receipts or income with any bank or trust company within the state and to deposit the proceeds of any bonds issued hereunder with any bank or trust company within the state, all as may be provided in any agreement with the holders of bonds issued hereunder.

[C71, 73, 75, 77, 79, 81, §330A.10]

2009 Acts, ch 133, §125; 2011 Acts, ch 34, §84

330A.11 Transfer of existing facilities to authority.

1. Any municipality, airport commission, authority, or person may, and they are hereby authorized to sell, lease, lend, grant, or convey to the authority, any aviation facilities or any part or parts thereof, or any interest in real or personal property, which are within or without geographical boundaries of one or more of the municipal members and which may be used by an authority in the construction, improvement, maintenance, leasing, or operation of any aviation facilities. Any municipality, airport commission, authority, or person is additionally authorized hereby to transfer, assign, and set over to an authority any contract or contracts

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which may have been awarded by said municipality, airport commission, authority, or person for the construction of aviation facilities not begun or, if begun, not completed.

2. The proposed action of an authority, and the proposed agreement to acquire, shall be approved by the governing body of the owner of the aviation facilities. Whenever the governing body of any municipality, airport commission, or authority, shall desire to sell, lease, lend, grant, or convey to the authority, any aviation facilities or any part or parts thereof, as aforesaid, it shall adopt a resolution signifying its intention to do so and shall publish said resolution at least one time in a newspaper of general circulation in said municipality and in a newspaper or newspapers, if necessary, of general circulation of the area served by said airport commission or authority giving notice of a hearing to be held on the question of said sale, lease, loan, grant, or conveyance. Such resolution shall be published at least fourteen days prior to the date of hearing. After the hearing and if in the public interest, said municipality shall enact an ordinance authorizing said sale, lease, loan, grant, or conveyance and said airport commission or authority shall pass a resolution authorizing said sale, lease, loan, grant, or conveyance.

3. An owner, transferring existing facilities to an authority under the provisions of this section must notify the authority of and make provision in the transfer documents for, where necessary, existing rights, liens, securities, and rights of reentry belonging to the state and federal government.

4. This section, without reference to any other law, shall be deemed complete authority for the acquisition by agreement, of aviation facilities as defined in this chapter, any provision of other laws to the contrary notwithstanding, and no proceedings or other action shall be required except as herein prescribed.

[C71, 73, 75, 77, 79, 81, §330A.11]

330A.12 Award of contract.

All contracts entered into by an authority for the construction, reconstruction, and improvement of aviation facilities shall be entered into pursuant to and shall comply with the competitive bid procedures in chapter 26. However, where an authority determines an emergency exists, it may enter into contracts obligating the authority for not in excess of the competitive bid threshold in section 26.3, or as established in section 314.1B per emergency without regard to the requirements of chapter 26 and the authority may proceed with the necessary action as expeditiously as possible to the extent necessary to resolve such emergency.

[C71, 73, 75, 77, 79, 81, §330A.12]

2006 Acts, ch 1017, §30, 42, 43

330A.13 Acquisition of lands and property.

An authority shall have the power to acquire, within or without the geographical boundaries of the member municipalities, by purchase or eminent domain proceedings, either the fees or such rights, title, interest, or easement in such lands and property, including but not limited to air rights and avigation easements, as the authority may deem necessary for any of the purposes of this chapter. The right of eminent domain herein conferred shall be exercised by the authority in the manner provided by law, as though the authority were a municipal corporation.

[C71, 73, 75, 77, 79, 81, §330A.13]

Referred to in §330A.8

330A.14 Use of aviation facilities.

The use of aviation facilities and the services and facilities thereof, by an authority and the operation of its business shall be subject to the rules and regulations, from time to time, adopted by the authority and applicable federal laws and regulations; provided, however, that an authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the authority or violate any agreements with them or for their benefit.

[C71, 73, 75, 77, 79, 81, §330A.14]

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330A.15 Tax for purposes of an authority.

The governing body of a municipality after joining an authority and after determination by the authority pursuant to planning studies may by ordinance provide for the assessment of an annual levy not to exceed twenty-seven cents per one thousand dollars of assessed value upon all the taxable property in such municipality for a period not to exceed forty years as shall be agreed by the member municipalities or for such longer time as any revenue bonds of an authority shall be outstanding or until such municipality withdraws from the authority, whichever is sooner. A county which is a member municipality may levy such tax only upon the property in the unincorporated area of such county. Such tax may be levied in excess of any tax limitation imposed by statute. Such ordinance shall be enacted only after publication of notice and hearing in the manner prescribed in section 330A.6. Upon such enactment, a copy thereof shall be certified to the authority. An authority shall have the power to enforce the collection of such levy by mandamus or other appropriate remedy and such levy shall be collected in the manner other taxes are collected and allocated and paid to the authority for the exclusive and proper use of the authority, including but not limited to the purchase of land, and the acquiring, establishing, constructing, enlarging, operating, and maintaining of aviation facilities. In addition to the purposes listed above, moneys in said fund may be pledged to the payment of the principal, interest, and redemption premium, if any, on bonds of the authority. Money paid to the authority pursuant to this section shall be deposited by the authority in a special trust fund to be called the "..... Authority Capital Reserve Fund". Member municipalities may, in addition, deposit money from current operating funds in the capital reserve fund pursuant to agreement for the purpose of providing initial funds to the authority to be used for funding studies, plans, and other expenses of an authority pending receipt of funds from the annual levy herein authorized. Any such money so deposited shall be considered a gift and is not repayable.

[C71, 73, 75, 77, 79, 81, §330A.15]

Referred to in §331.424, 384.12

330A.16 Exemption from taxation.

The effectuation of the authorized purposes of an authority shall be in all respects for the benefit of the people of the state and the member municipalities, for the increase of their commerce and prosperity, and for the improvement of their welfare, health, and living conditions, and since an authority will be performing essential governmental functions in effectuating such purposes, an authority shall not be required to pay any taxes or assessments of any kind or nature whatsoever upon any property required or used by it for such purposes, or any rates, fees, rentals, receipts, or incomes at any time received by it, and the bonds issued by an authority, their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation of any kind by the state, or any political subdivision or taxing agency or instrumentality thereof.

[C71, 73, 75, 77, 79, 81, §330A.16]

Referred to in §422.7(2)(p)

330A.17 Statute complete and additional authority.

The powers conferred by this chapter shall be in addition and supplemental to any other law and this chapter shall not be construed so as to repeal any other law, except to the extent of any conflict between the provisions of this chapter and the provisions of any other law, in which event the provisions of this chapter shall be controlling and shall, to the extent of any such conflict, supersede the provisions of any other law. This chapter is intended to and shall provide an alternative and complete method for the exercise of the powers granted by this chapter, and the aviation facilities authorized by this chapter may be constructed, acquired, or improved and bonds or other obligations issued pursuant to this chapter upon compliance with the provisions of this chapter without regard to or necessity for compliance with the limitations or restrictions contained in any other law. No approval of the registered voters or qualified freeholders of the state, or of any other political subdivision or taxing unit or agency

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thereof, or of the member municipalities shall be required for the issuance of any bonds by an authority pursuant to this chapter.

[C71, 73, 75, 77, 79, 81, §330A.17]

2001 Acts, ch 56, §20

330A.18 Cooperation between municipalities and authorities.

The effectuation of the authorized purposes of an authority being in all respects for the benefit of the people of the state and the member municipalities, each member municipality is hereby authorized to aid and cooperate with an authority in carrying out any authorized purposes of the authority. Each member municipality is hereby authorized to enter into cooperation agreements for the making of a loan, gift, grant, or contribution to the authority for the carrying out of its authorized purposes. Each member municipality is hereby further authorized to grant and convey to an authority real or personal property, of any kind or nature, or any interest therein, for the carrying out of its authorized purposes. Each member municipality is, further and additionally, authorized to covenant in any such cooperation agreement made pursuant to this section to pay all or any part of the costs of operation and maintenance of the aviation facilities of an authority from moneys derived from ad valorem taxation or from any other available funds of the municipality. Any such cooperation agreement may be made and entered into pursuant to this chapter for such time or times not exceeding forty years as shall be agreed by the parties thereto or for such longer time as any revenue bonds of an authority, including refundings thereof, remain outstanding and unpaid and may contain such other details, terms, provisions, and conditions as shall be agreed upon by the parties thereto. Any such cooperation agreement may be made and entered into for the benefit of the holders of any revenue bonds of an authority as well as the parties thereto and shall be enforceable in any court of competent jurisdiction by the holders of any such revenue bonds or of the coupons appertaining thereto.

[C71, 73, 75, 77, 79, 81, §330A.18]

330A.19 Eligibility as investments and security for public funds.

Notwithstanding the provisions of any other law or laws, all bonds issued by an authority pursuant to this chapter shall be and constitute legal investments for banks, savings banks, trustees, executors, and all other fiduciaries, and all such bonds shall be and constitute securities eligible for deposit for the securing of all state, municipal, and other public funds.

[C71, 73, 75, 77, 79, 81, §330A.19]

330A.20 Dissolution of an authority.

When an authority has fully discharged all of its debts and obligations or has arranged for the assumption of its debts and obligations by another public agency, it may be dissolved by unanimous consent of the member municipalities upon enactment of an ordinance to dissolve the authority by each member municipality. If all members withdraw from the authority, the authority is dissolved. When the business and affairs of an authority have been closed upon dissolution, that fact shall be certified by the chairperson of the board to the recorders of the counties in which the authority was situated and to the secretary of state.

89 Acts, ch 182, §8

330A.21 Transition.

For those authorities established prior to July 1, 1989, the terms of all board members in office shall expire on December 31, 1989. The provision for successor board members shall be by agreement of the member municipalities and in accordance with section 330A.5. Authorities in existence prior to July 1, 1989, remain in existence on or after July 1, 1989, except as provided in this chapter.

89 Acts, ch 182, §9

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CHAPTER 330B

RESERVED

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TITLE IX

LOCAL GOVERNMENT

Referred to in §199.1

SUBTITLE 1

COUNTIES

CHAPTER 331

COUNTY HOME RULE IMPLEMENTATION

Referred to in §8A.311B, 28E.41, 28E.42, 28J.9, 169C.1, 192.141, 200.22, 206.34, 214A.41, 354.1, 455D.21, 717.1, 717B.1

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SUBCHAPTER I

DEFINITIONS — COUNTY OF RESIDENCE

331.101 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Amendment"* means a revision or repeal of an existing ordinance or code of ordinances.
2. *"Auditor"* means the county auditor or a deputy auditor or employee designated by the county auditor.
3. *"Board"* means the board of supervisors of a county.
4. *"Book"*, *"record"*, and *"register"* include any mode of permanent recording including but not limited to, card files, microfilm or microfiche, electronic records and the like.
5. *"Charter"* means a formal document establishing the functions, powers, organization, structure, privileges, rights, and duties of county government not inconsistent with state law.
6. *"Clerk"* means the clerk of the district court or the clerk's designee.
7. *"Commission"* means a body of eligible electors authorized to study, review, analyze, and recommend an alternative form of county government.
8. *"County attorney"* means the county attorney or a deputy county attorney or assistant county attorney designated by the county attorney.
9. *"Measure"* means an ordinance, amendment, resolution, or motion.
10. *"Ordinance"* means a county law of a general and permanent nature.
11. *"Recorded vote"* means a record, roll call vote.
12. *"Recorder"* means the county recorder or a deputy recorder or employee designated by the county recorder.
13. *"Resolution"* or *"motion"* means a statement of policy or an order for action to be taken.
14. *"Sheriff"* means the county sheriff or a deputy sheriff designated by the sheriff.
15. *"State law"* includes the Constitution of the State of Iowa and state statutes.
16. *"Supervisor"* means a member of the board of supervisors.
17. *"Treasurer"* means the county treasurer or a deputy treasurer or employee designated by the county treasurer.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.13; S81, §331.101; 81 Acts, ch 117, §100]
88 Acts, ch 1229, §2; 90 Acts, ch 1233, §23
Referred to in §137.104, 228.1, 422D.1

331.102 through 331.189 Reserved.

331.190 County of residence — dispute resolution.

1. *"County of residence"* means the county in this state in which, at the time a person applies for or receives services, the person is living and has established an ongoing presence with the declared, good faith intention of living for a permanent or indefinite period of time. The county of residence of a homeless person is the county in which the homeless person usually sleeps. A person maintains residency in the county or state in which the person last resided during the time period that the person is present in a different county or state

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receiving services in a hospital, a correctional facility, a halfway house for community-based corrections or substance use disorder treatment, a nursing facility, an intermediate care facility for persons with an intellectual disability, a residential care facility, or for the purpose of attending a college or university.

2. *a.* The dispute resolution process in this subsection shall apply to county of residence disputes. The dispute resolution process shall not be applicable to any of the following:

(1) Disputes involving persons committed to a state facility pursuant to chapter 812.

(2) Disputes involving Iowa rule of criminal procedure 2.22(8)(b), commitment for evaluation.

(3) Disputes involving chapter 12 of Iowa court rules, rules for involuntary hospitalization of mentally ill persons.

b. If a county objects to a billing for services or a residency determination and asserts that either the person has residency in a different county or the person is not a resident of this state, the person's county of residence shall be determined as provided in this subsection. If the county asserts that the person has residency in a different county in this state, the county shall notify that county in writing within one hundred twenty calendar days of receiving the billing for services or of the county of residence determination.

c. The county that receives the notification under paragraph *"b"* shall respond in writing to the county that provided the notification within forty-five calendar days of receiving the notification. If the parties cannot agree as to the person's county of residence within ninety calendar days of the date of notification, on motion of either of the parties, the matter shall be referred to the administrative hearings division of the department of inspections, appeals, and licensing for a contested case proceeding under chapter 17A, before an administrative law judge assigned in accordance with section 10A.801, to determine the person's county of residence.

d. (1) Notwithstanding section 17A.15, the administrative law judge's determination of a person's county of residence shall be considered final agency action. Judicial review of the determination may be sought in accordance with section 17A.19.

(2) If following the determination of a person's county of residence under this subsection additional evidence becomes available that merits a change in the determination of the person's county of residence, the affected parties may change the determination of county of residence by mutual agreement. Otherwise, a party may move that the matter be reconsidered by the county, or by an administrative law judge assigned in accordance with section 10A.801.

e. Unless a petition is filed for judicial review, the administrative law judge's determination of the person's county of residence shall result in one of the following:

(1) If a county is determined to be the person's county of residence, that county shall pay any amounts due and shall reimburse the other county for any amounts paid for services provided to the person by the other county prior to the county of residence determination.

(2) If it is determined that the person is not a resident of this state, neither the state nor either county shall be liable for payment of amounts due for services provided to the person prior to the determination of the person's county of residence.

f. (1) The party that does not prevail in a contested case proceeding or a subsequent judicial review pursuant to this subsection shall be liable for costs associated with the proceeding or judicial review, including reimbursement of the administrative hearings division of the department of inspections, appeals, and licensing's actual costs associated with the administrative proceeding, court costs, and reasonable attorney fees.

(2) A payment or reimbursement pursuant to this subsection shall be remitted within forty-five calendar days of the date the county of residence determination is issued by the administrative law judge or the date the court files an order determining the person's county of residence, whichever is later. After forty-five calendar days, the prevailing party may add a penalty of up to one percent per month to any amounts due.

2024 Acts, ch 1161, §181, 184

Referred to in §35D.9, 232.141, 252.24, 347.16

331.191 through 331.200 Reserved.

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SUBCHAPTER II

ALTERNATIVE FORMS OF COUNTY GOVERNMENT

PART 1

BOARD OF SUPERVISORS

Referred to in §331.231, 331.233, 331.238

331.201 Board membership — qualifications — term.

1. The board shall consist of three members unless the membership is increased to five as provided in section 331.203.

2. A supervisor must be a registered voter of the county or supervisor district of the county which the supervisor represents.

3. The office of supervisor is an elective office except that if a vacancy occurs on the board, a successor may be appointed to the unexpired term as provided in section 69.14A, subsection 1, paragraph "*a*", if the population of the county is less than one hundred twenty-five thousand based on the most recent federal decennial census and if the county does not include the main campus of an institution of higher learning governed by the state board of regents.

4. The term of office of a supervisor is four years unless a change in the supervisor district representation plan or in the number of supervisors on the board requires the election of one or two supervisors for an initial term of two years.

[R60, §303; C73, §294, 299; C97, §410; SS15, §410; C24, 27, 31, 35, 39, §**5106;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.1; S81, §331.201; 81 Acts, ch 117, §200]

94 Acts, ch 1169, §64; 2009 Acts, ch 57, §83; 2025 Acts, ch 15, §7, 9

Referred to in §331.238, 331.248, 331.261

331.202 Reserved.

331.203 Membership increased — vote.

1. The board may by resolution, or shall upon petition of the number of eligible electors of the county as specified in section 331.306, submit to the registered voters of the county at a general election a proposition to increase the number of supervisors to five.

2. If a majority of the votes cast on the proposition is in favor of the increase to five members, the board shall be increased to five members effective on the first day in January which is not a Sunday or holiday following the next general election. The five-member board shall be elected according to the supervisor representation plan in effect in the county.

a. If plan "one" as defined in section 331.206 is in effect, two additional supervisors shall be elected at the next general election, one for a two-year term and one for a four-year term.

b. If plan "two" or plan "three" as defined in section 331.206 is in effect, the temporary county redistricting commission shall divide the county into five equal-population districts by December 15 of the year preceding the year of the next general election and at that general election, five board members shall be elected, two for initial terms of two years and three for four-year terms. The districts shall be drawn in the manner provided under sections 331.209 and 331.210. The terms of the three incumbent supervisors shall expire on the date that the five-member board becomes effective.

c. The length of term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

[R60, §303; C73, §294, 299; C97, §410; SS15, §410; C24, 27, 31, 35, 39, §**5107;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.2; S81, §331.203; 81 Acts, ch 117, §202; 82 Acts, ch 1091, §2, ch 1104, §29]

88 Acts, ch 1119, §35; 94 Acts, ch 1179, §19; 95 Acts, ch 67, §53

Referred to in §331.201, 331.209, 331.210A, 331.238, 331.248, 331.261

331.204 Membership reduced — vote — new members.

1. In a county having a five-member board, the board may by resolution, or shall upon petition of the number of eligible electors of the county as specified in section 331.306, submit

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to the registered voters of the county at a general election a proposition to reduce the number of supervisors to three.

2. If a majority of the votes cast on the proposition is in favor of the reduction to three members, the membership of the board shall remain at five until the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the five members shall expire.

3. At the next general election following the one at which the proposition to reduce the membership of the board to three is approved, the membership of the board shall be elected according to the supervisor representation plan in effect in the county. If the supervisor representation plan includes equal-population districts, the districts shall be designated by December 15 of the year preceding the year of the next general election by the temporary county redistricting commission. The districts shall be drawn in the manner provided under sections 331.209 and 331.210. One member of the board shall be elected to a two-year term and the remaining two members shall be elected to four-year terms. The length of the term for which a person is a candidate and the date when the term begins shall be indicated on the ballot.

[C73, §299; C97, §410; SS15, §410; C24, 27, 31, 35, 39, §**5108 – 5110;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.3, 331.6, 331.7; S81, §331.204; 81 Acts, ch 117, §203; 82 Acts, ch 1091, §3, ch 1104, §30]

88 Acts, ch 1119, §36; 94 Acts, ch 1179, §20; 95 Acts, ch 67, §53

Referred to in §331.209, 331.210A, 331.238, 331.248, 331.261

331.205 Petition and vote in certain counties — exception. Repealed by 2005 Acts, ch 125, §1.

331.206 Supervisor districts.

1. One of the following supervisor district representation plans shall be used for the election of supervisors:

a. Plan "one". Election at large without district residence requirements for the members.

b. Plan "two". Election at large but with equal-population district residence requirements for the members.

c. Plan "three". Election from single-member equal-population districts, in which the electors of each district shall elect one member who must reside in that district.

2. *a.* The plan used under subsection 1 shall be selected by the board or by a special election as provided in section 331.207. A plan selected by the board shall remain in effect for at least six years and shall only be changed by a special election as provided in section 331.207. However, a county with the main campus of an institution of higher learning governed by the state board of regents shall use plan "three" for the election of supervisors.

b. A plan selected by the board shall become effective on the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 331.208, 331.209, or 331.210 shall commence.

[C97, §416; S13, §416; C24, 27, 31, 35, 39, §**5111;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.8; S81, §331.206; 81 Acts, ch 117, §205]

93 Acts, ch 143, §46; 2010 Acts, ch 1061, §125; 2018 Acts, ch 1151, §1, 6; 2025 Acts, ch 15, §1, 9

Referred to in §49.4, 331.203, 331.207, 331.208, 331.209, 331.210, 331.210A, 331.248, 331.261

For transition for 2026 general election for counties with the main campus of an institution of higher learning governed by the state board of regents, see 2025 Acts, ch 15, §3

331.207 Special election — supervisor districts.

1. The board, upon petition of the number of eligible electors of the county as specified in section 331.306, shall call a special election to be held for the purpose of selecting one of the supervisor representation plans specified in section 331.206 under which the board of supervisors shall be elected.

2. The petition shall be filed with the county commissioner by June 1 of an odd-numbered

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year, subject to subsection 7. The special election shall be held on the first Tuesday after the first Monday in November of the odd-numbered year. Notice of the special election shall be published once each week for three successive weeks in an official newspaper of the county, shall state the representation plans to be submitted to the electors, and shall state the date of the special election. The last in the series of publications shall occur not less than four nor more than twenty days before the election.

3. The supervisor representation plans submitted at the special election shall be stated in substantially the following manner:

> The individual members of the board of supervisors in ..... county, Iowa, shall be elected:
>
> Plan "one". At large and without district residence requirements for the members.
>
> Plan "two". At large but with equal-population district residence requirements for the members.
>
> Plan "three". From single-member equal-population districts in which the electors of each district shall elect one member who must reside in that district.

4. If the plan adopted by a plurality of the ballots cast in the special election is not the supervisor representation plan currently in effect in the county, the terms of the county supervisors serving at the time of the special election shall continue until the first day in January which is not a Sunday or holiday following the next general election, at which time the terms of the members shall expire and the terms of the members elected under the requirements of the new supervisor representation plan at the general election as specified in section 331.208, 331.209, or 331.210 shall commence.

5. If the plan adopted by a plurality of the ballots cast in the special election represents a change from plan "one" to plan "two" or "three", or from plan "two" to plan "three", as each plan is defined in section 331.206, the temporary county redistricting commission shall divide the county into districts as provided in sections 331.209 and 331.210. The plan shall be completed not later than December 31 following the special election and shall be submitted to the state commissioner of elections. The plan shall become effective the following January 1.

6. Notwithstanding any provision of this section to the contrary, a county with a population of sixty thousand or more based on the most recent federal decennial census that elects supervisors under plan "three" shall not change from plan "three" to plan "one" or plan "two" pursuant to a special election under this section unless a plan "one" or plan "two" representation plan is adopted by a two-thirds vote of the ballots cast in the special election. This subsection does not apply to a county with the main campus of an institution of higher learning governed by the state board of regents required to use plan "three" under section 331.206, subsection 2.

7. A supervisor representation plan adopted at a special election shall remain in effect for at least six years.

[C97, §417; C24, 27, 31, 35, 39, §**5112;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.9; S81, §331.207; 81 Acts, ch 117, §206; 82 Acts, ch 1104, §31]

88 Acts, ch 1119, §37; 2002 Acts, ch 1134, §93, 94, 115; 2010 Acts, ch 1033, §43; 2016 Acts, ch 1011, §55; 2018 Acts, ch 1151, §2, 6; 2025 Acts, ch 15, §2, 9

Referred to in §331.206, 331.208, 331.209, 331.210, 331.261

331.208 Plan "one" terms of office.

If plan "one" is selected pursuant to section 331.206 or 331.207, the board shall be elected as provided in this section.

1. In the primary and general elections, the number of supervisors, or candidates for the offices, which constitutes the board in the county, shall be elected by the registered voters of the county at large without district residence requirements.

2. In counties with three county supervisors, one person shall be elected as a member of

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the board for an initial term of two years and two persons shall be elected as members of the board for four years.

3. In counties with five supervisors, two persons shall be elected as members of the board for initial terms of two years and three persons shall be elected as members of the board for four years.

4. The determination as to whether a term of office shall be for two or four years shall be decided by lot before the primary election, and the results of the determination indicated on the ballot in the primary and general elections.

[C71, 73, 75, 77, 79, 81, §331.25; S81, §331.208; 81 Acts, ch 117, §207]
95 Acts, ch 67, §53
Referred to in §39.18, 331.206, 331.207, 331.209, 331.238, 331.248, 331.261

331.209 Plan "two" terms of office.

If plan "two" is selected pursuant to section 331.206 or 331.207, the board shall be elected as provided in this section.

1. Not later than ninety days after the redistricting of congressional and legislative districts becomes law, or October 15 of the year immediately following each year in which the federal decennial census is taken, whichever is later, the temporary county redistricting commission shall divide the county into a number of supervisor districts corresponding to the number of supervisors in the county. However, if the plan is selected pursuant to section 331.207, the temporary county redistricting commission shall divide the county before February 15 of the election year. The supervisor districts shall be drawn, to the extent applicable, in compliance with the redistricting standards provided for senatorial and representative districts in section 42.4, and if a supervisor redistricting plan is challenged in court, the requirement of justifying any variance in excess of one percent contained in section 42.4, subsection 1, paragraph "c" applies to the board. If the temporary county redistricting commission adopts a supervisor redistricting plan with a variance in excess of one percent, the board shall publish the justification for the variance in one or more official newspapers as provided in chapter 349 within ten days after the action is taken. If more than one incumbent supervisor resides in the same supervisor district after the districts have been redrawn following the federal decennial census, the terms of office of those supervisors shall expire on the first day of January that is not a Sunday or a holiday following the next general election.

2. Each supervisor must reside in a separate supervisor district but shall be elected by the electors of the county at large. Election ballots shall be prepared to specify the district which each candidate seeks to represent and each elector may cast a vote for one candidate from each district for which a supervisor is to be chosen in the general election.

3. At the primary and general elections the number of supervisors, or candidates for the offices, which constitute the board in the county shall be elected as provided in this section. Terms of supervisors shall be the same as provided in section 331.208.

4. Each temporary county redistricting commission shall notify the state commissioner of elections when the boundaries of supervisor districts are changed, shall provide a map delineating the new boundary lines, and shall certify to the state commissioner of elections the populations of the new supervisor districts as determined under the latest federal decennial census. Upon failure of a temporary county redistricting commission to make the required changes by the dates specified by this section and sections 331.203 and 331.204 as determined by the state commissioner of elections, the state commissioner of elections shall make or cause to be made the necessary changes as soon as possible, and shall assess to the county the expenses incurred in so doing. Except for a representation plan drawn pursuant to section 331.210A, subsection 2, paragraph "*f*", the state commissioner of elections may request the services of personnel and materials available to the legislative services agency to

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assist the state commissioner in making required changes in supervisor district boundaries which become the state commissioner's responsibility.

[C71, 73, 75, 77, 79, 81, §331.26; S81, §331.209; 81 Acts, ch 117, §208; 82 Acts, ch 1091, §4, 5]

89 Acts, ch 296, §38; 90 Acts, ch 1233, §24; 91 Acts, ch 190, §1; 94 Acts, ch 1179, §21, 22; 2003 Acts, ch 35, §44, 49; 2018 Acts, ch 1151, §4, 6

Referred to in §39.18, 49.3, 49.7, 49.8, 331.203, 331.204, 331.206, 331.207, 331.210, 331.210A, 331.238, 331.248, 331.261

331.210 Plan "three".

If plan "three" is selected pursuant to section 331.206 or 331.207, the supervisor districts shall be drawn and supervisors shall be elected as provided in section 331.209, except the boundaries of supervisor districts shall follow voting precinct lines and each member of the board and each candidate for the office shall be elected or nominated at the primary and general elections by only the electors of the district which that candidate seeks to represent.

[C71, 73, 75, 77, 79, 81, §331.27; S81, §331.210; 81 Acts, ch 117, §209]

Referred to in §331.203, 331.204, 331.206, 331.207, 331.238, 331.248, 331.261

331.210A Temporary county redistricting commission.

1. *Appointment of members.*

a. Not later than May 15 of each year ending in one, a temporary county redistricting commission shall be established as provided by this section for counties which have either plan "two" or plan "three" supervisor representation plans. If a county has either plan "two" or plan "three" supervisor representation plans and the number of members of the board is increased or decreased under section 331.203 or 331.204, the temporary county redistricting commission shall be established by May 15 of the year preceding the year of the next general election.

b. The board shall determine the size of the membership of the temporary county redistricting commission which may be three, five, or seven in number. The minimum number of members constituting a majority of the membership shall be appointed by the majority party members of the board. The remaining number of members of the temporary county redistricting commission shall be appointed by the minority party members of the board. If the members of the board are all members of one political party or if the minority members of the board are not all members of only one political party, the minority representation of the temporary county redistricting commission shall be appointed by the chair of the county central committee for the party, other than the party of the majority members of the board, which received the most votes in that county cast for its candidate for president of the United States or for governor at the last preceding general election, as the case may be. If that party's county central committee has no chair, the appointments shall be made by the chair of that party's state central committee.

c. A member of the county board of supervisors may be appointed as a member of the temporary county redistricting commission. No person shall be appointed to the temporary county redistricting commission who is not an eligible elector of the county at the time of appointment.

d. A vacancy on the temporary county redistricting commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

e. Members of the temporary county redistricting commission shall receive a per diem as specified by the board, travel expenses at the rate provided by section 70A.9, and reimbursement for other necessary expenses incurred in performing their duties.

f. Each of the appointing authorities shall certify to the county commissioner of elections the authority's appointment of a person to serve on the temporary county redistricting commission.

2. *Adoption of plans.*

a. The temporary county redistricting commission, upon appointment, shall acquire official census population data from the latest federal decennial census including the corresponding census maps and shall use that information in drawing and adopting the county's supervisor districting plan. The commission shall draw the plan, to the extent

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applicable, in accordance with section 42.4. If the county has a plan "three" supervisor representation plan, the temporary county redistricting commission shall also draw and adopt the county's corresponding precinct plan in accordance with sections 49.3, 49.4, and 49.6.

b. After the temporary county redistricting commission has finished its preliminary proposed county supervisor districting plan and corresponding precinct plan, if applicable, the commission shall at the earliest feasible time make available to the public all of the following information:

(1) Copies of the legal description of the plans.

(2) Maps illustrating the plans.

(3) A summary of the standards prescribed by law for development of the plans.

(4) A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

(5) A statement of the population of each precinct, if applicable.

c. Upon the completion of the county's preliminary proposed plans, the temporary county redistricting commission shall do all of the following:

(1) As expeditiously as possible, schedule and conduct at least one public hearing on the proposed plans.

(2) Allow members of the public to present alternative plans at the public hearing.

(3) Following the hearings, promptly prepare and make available to the public a report summarizing information and testimony received by the temporary county redistricting commission in the course of the hearings. The report shall include any comments and conclusions which its members deem appropriate regarding the information and testimony received at the hearings, or otherwise presented to the temporary county redistricting commission.

d. (1) After the requirements of paragraphs *"a"* through *"c"* have been met, the temporary county redistricting commission shall adopt a supervisor district plan and corresponding precinct plan, if applicable, and shall submit the plan to the board of supervisors for their approval. Prior to adoption of a plan by the commission, any member of the temporary county redistricting commission may submit precinct or district plans to the commission for a vote, either independently or as an amendment to a plan presented by other members of the commission.

(2) The board of supervisors shall review the plan submitted by the temporary county redistricting commission and shall approve or reject the plan. If the plan is rejected, the board shall give written reasons for the rejection of the plan and shall direct the commission to prepare a second plan. The board of supervisors may amend the second plan submitted for approval by the commission. Any amendment must be accompanied by a written statement declaring that the amendment is necessary to bring the submitted plan closer in conformity to the standards in section 42.4.

e. (1) The plan approved by the board of supervisors shall be submitted to the state commissioner of elections for approval. If the state commissioner or the Iowa ethics and campaign disclosure board finds that the plan does not meet the standards of section 42.4, the state commissioner shall reject the plan, and the board of supervisors shall direct the commission to prepare and adopt an acceptable plan.

(2) For purposes of determining whether the standards of section 42.4 have been met, an eligible elector may file a complaint with the state commissioner of elections within fourteen days after a plan is approved by the board of supervisors of the county in which the eligible elector resides, on a form prescribed by the commissioner, alleging that the plan was drawn for improper political reasons as described in section 42.4, subsection 5. If a complaint is filed with the state commissioner of elections, the state commissioner shall forward the complaint to the Iowa ethics and campaign disclosure board established in section 68B.32 for resolution.

(3) If, after the initial proposed supervisor district plan or precinct plan has been submitted to the state commissioner for approval, it is necessary for the temporary county redistricting commission to make subsequent attempts at adopting an acceptable plan, the subsequent plans do not require public hearings.

f. (1) (a) For purposes of this paragraph *"f"*, *"qualifying county"* means a county that

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elects supervisors under plan "three" as defined in section 331.206, or a county with a population of one hundred eighty thousand or more that has adopted a charter for a city-county consolidated form of government or a community commonwealth form of government and which charter provides for representation by districts.

(b) Notwithstanding any provision of this section to the contrary, for a qualifying county, the legislative services agency, and not the temporary county redistricting commission, shall draw a representation plan as provided by paragraph *"a"*.

(c) A county subject to the requirements of this paragraph *"f"* shall notify the state commissioner of elections that a representation plan to be drawn pursuant to this paragraph *"f"* is required and shall submit to the state commissioner of elections the precinct plan to be used to draw the representation plan. Upon notification and submission of a precinct plan, the state commissioner of elections shall review and approve the precinct plan to be used. Following approval of the precinct plan to be used, the state commissioner of elections shall notify the legislative council which shall direct the legislative services agency to prepare a representation plan for the county.

(d) The plan drawn by the legislative services agency shall be based upon the precinct plan adopted and approved for use by the county and shall be drawn in accordance with section 42.4, to the extent applicable. After the legislative services agency has drawn the plan, the legislative services agency shall at the earliest feasible time make available to the public all of the information required to be made public by paragraph *"b"*.

(2) The legislative services agency shall submit the plan to the governing body, and the governing body shall comply with the duties required by paragraph *"c"*, to the extent applicable.

(3) After the requirements of paragraphs *"a"* through *"c"* have been met, the governing body shall review the plan submitted by the legislative services agency and shall approve or reject the plan. If the plan is rejected, the governing body shall give written reasons for the rejection and shall direct the legislative services agency to prepare a second plan, as provided in paragraph *"d"*. The second plan may be amended by the governing body in accordance with the provisions of paragraph *"d"*. After receiving the second plan, the governing body shall approve either the first plan or the second plan.

(4) The governing body, after approving a plan, shall comply with the requirements of paragraph *"e"*.

3. *Open meetings and public records.* Chapters 21 and 22 shall apply to the temporary county redistricting commission.

4. *Termination.* The terms of the members of the temporary county redistricting commission shall expire twenty days following the date the county's supervisor district plan and corresponding precinct plan, if applicable, are approved or imposed by the state commissioner of elections under sections 49.7 and 331.209.

94 Acts, ch 1179, §23; 2004 Acts, ch 1066, §1, 31; 2008 Acts, ch 1115, §107; 2017 Acts, ch 54, §48; 2018 Acts, ch 1151, §5, 6

Referred to in §49.8, 68B.32A, 331.209, 331.238, 331.248, 331.261

331.211 Organization of the board.

1. The board, at its first meeting in each year, shall choose one of its members as chairperson who shall preside at all of its meetings during the year. The board may also select a vice chairperson who shall serve during the absence of the chairperson.

2. The auditor shall serve as clerk to the board unless the board, with the consent of the auditor, appoints a permanent clerk. In the absence of the auditor, the auditor's designee as clerk, or the permanent clerk, the board may appoint a temporary clerk. The permanent or temporary clerk appointed by the board shall provide the auditor with all information necessary for the auditor to carry out the requirements of section 331.504.

[R60, §308, 312(1); C73, §300, 303(1); C97, §415, 422; SS15, §422; C24, 27, 31, 35, 39, §**5116, 5130;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.13, 332.3(1); S81, §331.211; 81 Acts, ch 117, §210]

86 Acts, ch 1004, §1; 2013 Acts, ch 90, §244; 2023 Acts, ch 19, §2777

Referred to in §331.238, 331.248, 331.261

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331.212 Quorum — majority vote required.

1. A majority of the members of the board constitutes a quorum to transact the official business of the county. If the board is equally divided on a question when less than the full membership is present, the question shall be continued until all of the members of the board are present.

2. The following actions of the board require the affirmative vote of a majority of its membership:

a. Levying of a tax.

b. Entering into a contract for the erection of a public building.

c. Making a settlement with a county officer.

d. Buying or selling real estate.

e. Designating a new site for a county building.

f. Changing the boundaries of a township.

g. Appropriating money to aid in the construction of a highway or a bridge.

h. Appointing or removing an officer from office.

i. Setting the compensation schedule of elected county officers, if the board has not established or has dissolved a county compensation board pursuant to section 331.905.

j. Dissolving a county compensation board.

[R60, §308, 313; C73, §297, 305; C97, §413, 440; C24, 27, §5117, 5121; C31, 35, §5903-c10, 5117, 5121; C39, §**5903.10, 5117, 5121;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.12, 331.14, 331.18; S81, §331.212; 81 Acts, ch 117, §211]

2024 Acts, ch 1094, §49

Referred to in §331.261

331.213 Meetings of the board.

1. The board shall hold its first meeting of each year on the first day in January which is not a Saturday, Sunday or holiday and shall hold all subsequent meetings of the year as scheduled by the board. All meetings of the board shall be scheduled and conducted in compliance with chapter 21.

2. If a quorum of the board fails to appear at a meeting, the clerk shall adjourn the meeting from day to day until a quorum is present.

[R60, §307, 309; C73, §296, 301; C97, §412, 420; S13, §412; C24, 27, 31, 35, 39, §**5118 – 5120;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.15 – 331.17; S81, §331.213; 81 Acts, ch 117, §212; 82 Acts, ch 1104, §32]

Referred to in §331.238, 331.248, 331.261

331.214 Vacancy of supervisor's office.

1. The circumstances which constitute a vacancy in office under section 69.2 shall be treated as a resignation of the office. At its next meeting after the sixty-day absence, the board, by resolution adopted and included in its minutes, shall declare the absent supervisor's seat vacant.

2. *a.* If the physical or mental status of a supervisor is in question, the board shall decide whether a vacancy exists. The board shall comply with the notice and hearing requirements of section 69.2, subsection 2. After a hearing, the board, by resolution adopted and included in its minutes, may declare the supervisor's seat vacant if the board determines either of the following:

(1) That the supervisor is physically or mentally incapable of performing the duties of office and there is reasonable cause to believe that the supervisor will not be able to perform the duties of office for the remainder of the supervisor's term. To make this determination, the board shall appoint a physician and the family of the supervisor shall appoint a physician to examine the supervisor. For purposes of this subsection, "*family*" means the parent, spouse, or child of the supervisor. If the family does not appoint a physician, the board shall appoint two physicians to examine the supervisor. The board shall receive the report of the physicians as evidence at the hearing. The board may only declare the supervisor's seat vacant if both physicians concur that the supervisor is physically or mentally incapable of performing the duties of office and there is reasonable cause to believe that the supervisor will not be able

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to perform the duties of office for the remainder of the supervisor's term. However, if the physicians concur that the supervisor is mentally incapable of performing the duties of office, the board shall not declare the supervisor's seat vacant for one year from the date of the hearing if the supervisor is receiving treatment for the mental incapacity.

(2) That the supervisor refuses or is unavailable for the examination required in subparagraph (1).

b. A supervisor whose seat is declared vacant under this subsection may appeal the board's decision to the district court.

c. If the board declares a vacancy under this subsection and the remaining balance of the supervisor's unexpired term is two and one-half years or more, a special election shall be held to fill the office as provided in section 69.14A, subsection 1, paragraph "*c*", if the population of the county is one hundred twenty-five thousand or more based on the most recent federal decennial census or the county includes the main campus of an institution of higher learning governed by the state board of regents. However, if the population of the county is less than one hundred twenty-five thousand based on the most recent federal decennial census and if the county does not include the main campus of an institution of higher learning governed by the state board of regents, an appointment shall be made to fill the office as provided in section 69.14A, subsection 1, paragraph "*a*".

[C73, §298; C97, §414; C24, 27, 31, 35, 39, §**5115;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.12; S81, §331.214; 81 Acts, ch 117, §213]

2006 Acts, ch 1065, §3; 2025 Acts, ch 15, §8, 9

Referred to in §69.14A, 331.261

331.215 Compensation and expenses.

1. The supervisors shall receive an annual salary or per diem compensation as determined under section 331.907. The annual salary or per diem shall be full payment for all services rendered to the county except for reimbursement for mileage and other expenses authorized in subsection 2.

2. A supervisor is entitled to reimbursement for mileage expenses incurred while engaged in the performance of official duties at the rate specified in section 70A.9. The total mileage expense for all supervisors in a county shall not exceed the product of the rate of mileage specified in section 70A.9 multiplied by the total number of supervisors in the county times ten thousand. The board may also authorize reimbursement for mileage and other actual expenses incurred by its members when attending an educational course, seminar, or school which is related to the performance of their official duties.

[R60, §317; C73, §3791; C97, §469; S13, §469; C24, 27, 31, 35, 39, §**5125, 5127, 5260;** C46, 50, 54, 58, 62, 66, §331.22, 331.24, 343.12; C71, 73, 75, 77, 79, 81, §331.22, 343.12; S81, §331.215; 81 Acts, ch 117, §214, 216]

Referred to in §331.238, 331.261, 331.324

331.216 Membership on appointive boards, committees, and commissions.

Unless otherwise provided by state statute, a supervisor may serve as a member of any appointive board, commission, or committee of this state, a political subdivision of this state, or a nonprofit corporation or agency receiving county funds.

[C81, §331.28; S81, §331.216; 81 Acts, ch 117, §215]

Referred to in §331.261

331.217 through 331.230 Reserved.

PART 2

ALTERNATIVE FORMS

331.231 Alternative forms of county government.

The alternative forms of county government are as follows:

1. Board of supervisor form as provided in subchapter II, part 1.

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2. Board-elected executive form as provided in section 331.239.
3. Board-manager form as provided in section 331.241.
4. Charter government form as provided in section 331.246.
5. City-county consolidated form as provided in sections 331.247 through 331.252.
6. Multicounty consolidated form as provided in sections 331.253 through 331.257.
7. Community commonwealth form as provided in sections 331.260 through 331.263.

88 Acts, ch 1229, §3; 91 Acts, ch 256, §2, 3; 2004 Acts, ch 1066, §2, 31; 2018 Acts, ch 1041, §127
Referred to in §373.4

331.232 Plan for an alternative form of government.

1. A charter to change a form of county government may be submitted to the electors of a county only by a commission established by resolution of the board upon petition of the number of eligible electors of the county equal to at least twenty-five percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election or the signatures of at least ten thousand eligible electors of the county, whichever number is fewer. The board shall within ten days of the filing of a valid petition adopt such a resolution.

2. The council of any city wishing to participate in a city-county consolidation charter commission must notify the board by resolution within thirty days of the creation of the commission pursuant to subsection 1. A city's participation in a city-county consolidation charter commission may be proposed by the city council adopting a resolution in favor of participation or by eligible electors of the city equal in number to at least twenty-five percent of the persons who voted at the last regular city election petitioning the council to adopt a resolution in favor of participation. The council shall within ten days of the filing of a valid petition adopt such a resolution.

3. An alternative form of county government shall be submitted to the electorate by the commission in the form of a charter.

88 Acts, ch 1229, §4; 91 Acts, ch 256, §4; 2004 Acts, ch 1066, §3, 4, 31
Referred to in §28E.40, 331.260, 373.4

331.233 Appointment of commission members.

1. The members of a commission created to study the alternative forms of county government under subchapter II, part 1, and sections 331.239, 331.241, 331.246, and 331.253, shall be appointed within forty-five days after the adoption of the resolution creating the commission as follows:

a. Two members shall be appointed by each of the following officers:
(1) County auditor.
(2) County recorder.
(3) County treasurer.
(4) County sheriff.
(5) County attorney.

b. Two members shall be appointed by each member of the board.

c. Two members shall be appointed by each state representative whose legislative district is located in the county if a majority of the constituents of that legislative district resides in the county. However, if a county does not have a state representative's legislative district which has a majority of a state representative's constituency residing in the county, the state representative having the largest plurality of constituents residing in the county shall appoint two members.

2. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. The membership shall be bipartisan and each appointing authority under subsection 1 shall provide for representation of various age groups, racial minorities, economic groups, and representatives of identifiable geographically defined populations, all in reasonable relationship to the proportions in which these groups are present in the population of the commission area. A vacancy on the

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commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

3. The legislative appointing authorities shall be considered one appointing authority for the purpose of complying with subsection 2. The senior legislative appointing authority in terms of length of legislative service shall convene the legislative appointing authorities to consult for the purpose of complying with subsection 2.

4. If at any time during the commission process, the commission adopts a resolution by majority vote to prepare a charter proposing city-county consolidation or the community commonwealth form, additional members shall be appointed to the commission in order to comply with section 331.233A. The life of the commission shall be extended up to six months after the appointment of the additional members.

88 Acts, ch 1229, §5; 91 Acts, ch 256, §5 – 7; 2010 Acts, ch 1069, §118; 2018 Acts, ch 1041, §127; 2024 Acts, ch 1004, §40

Referred to in §331.233A, 373.4

331.233A Appointment of commission members — city-county consolidation or community commonwealth.

1. The members of a commission created to study city-county consolidation or the community commonwealth form shall be appointed within thirty days after the adoption of a resolution creating the commission as follows:

a. One city council member shall be appointed by the city council of each city participating in the charter process.

b. Two members of the board of supervisors shall be appointed by the board of each county participating in the charter process. One supervisor must be a resident of the unincorporated area of the county for each participating county. However, if no supervisor resides in the unincorporated area, the board shall appoint a resident of the unincorporated area of the county in lieu of appointing a supervisor.

c. One member shall be appointed by each state legislator whose legislative district is located in the commission area if a majority of the constituents of that legislative district resides in the commission area. However, if a commission area does not have a state legislative district which has a majority of its constituents residing in the commission area, the legislative district having the largest plurality of constituents residing in the commission area shall appoint one member.

d. An additional member shall be appointed by each city council and each county board for every twenty-five thousand residents in the participating city or unincorporated area of the county, whichever is applicable. The member shall be a resident of the city or county, as applicable. The member shall be a person who is not holding elected office at the time of the appointment.

2. A vacancy on the commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

3. If at any time during the commission process, the commission adopts a resolution by majority vote to prepare a charter proposing an alternative form other than city-county consolidation or the community commonwealth form, the resolution shall be submitted to the board of supervisors of the participating county, and the board shall proceed pursuant to section 331.233. The life of the commission shall be extended up to six months after the appointment of the new members.

91 Acts, ch 256, §8; 2004 Acts, ch 1066, §5, 31

Referred to in §331.233, 331.234, 331.247, 373.4

331.234 Organization and expenses.

1. Within thirty days after the appointment of the members of the commission, the county auditor shall give written notice of the date, time, and location of the first meeting of the commission. At the first meeting the commission shall organize by electing a chairperson, vice chairperson, and other officers as necessary. The commission shall adopt rules governing the conduct of its meetings, subject to chapter 21.

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2. The members of the commission shall serve without compensation, but they are entitled to travel and other necessary expenses relating to their duties of office.

3. The board shall make available to the commission in-kind services such as office space, printing, supplies, and equipment and shall pay the other necessary expenses of the commission including compensation for secretarial, clerical, professional, and consultant services. The total annual expenses, not including the value of in-kind expenses, to be paid from public funds shall not exceed one hundred thousand dollars or an amount equal to thirty cents times the population of the commission area, according to the most recent certified federal census. The commission may employ staff as necessary.

4. Except as otherwise provided in subsection 5, the expenses of the commission may be paid from the general fund of the county. Expenses of the commission may also be paid from any combination of public or private funds available for that purpose. The commission's annual expenses may exceed the amount in subsection 3 only if the excess is paid from private funds. If a proposed charter is submitted to the electorate, private funds donated to the commission may be used to promote passage of the proposed charter.

5. In the case of a city-county consolidation charter commission or a community commonwealth charter commission, the expenses of the commission shall be paid by each city and county participating in the charter process pursuant to section 331.233A. Each participating city's share shall be its pro rata share of the expenses based upon the ratio that the population of the city bears to the total population in the county. The remainder shall be paid from the general fund of the county. The amount paid by each city and county participating in the charter process shall be deposited in a segregated account maintained by the county.

88 Acts, ch 1229, §6; 91 Acts, ch 256, §9; 2004 Acts, ch 1066, §6, 7, 31
Referred to in §373.4

331.235 Commission procedures and reports.

1. Within sixty days after its organization, the commission shall hold at least one public hearing for the purpose of receiving information and material which will assist in the drafting of a charter. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

2. Within seven months after the organization of the commission, the commission shall submit a preliminary report to the board, which report may include the text of the proposed charter. If a proposed charter is included in the preliminary report, the report shall also include an analysis of the fiscal impact of the proposed charter. Sufficient copies of the report shall be made available for distribution to residents of the county who request a copy. The commission shall hold at least one public hearing after submission of the preliminary report to obtain public comment. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

3. Within twelve months after organization, the commission shall submit the final report to the board. However, a commission may adopt a motion granting itself a sixty-day extension of time for submission of its final report. If the commission recommends a charter including a form of government other than the existing form of government, the final report shall include the full text and an explanation of the proposed charter, an analysis of the fiscal impact of the proposed charter, any comments deemed desirable by the commission, and any minority reports. The final report may recommend no change to the existing form of government and that no charter be submitted to the electorate, in which case, the report shall state the reasons for and against a change in the existing form of government. The final report shall be made available to the residents of the county upon request. A summary of the final report shall be published by the commission in the official newspapers of the county and in a newspaper of general circulation in each participating city.

4. If a provision of this part is amended by enactment of the general assembly after a charter commission has submitted its final report to the board and before the proposed charter is submitted at an election, the commission may amend the proposed charter, only to the extent the charter amendment addresses the changes in the newly enacted law, and shall submit the amended proposed charter and an amended final report to the board in

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lieu of the original proposed charter. The amended proposed charter shall be placed on the ballot for the next general election if it is received by the board within the time set out in section 331.237, subsection 1. A summary of any amendments to the proposed charter shall be published by the commission as provided in subsection 3.

5. The commission is dissolved on the date of the general election at which the proposed charter is submitted to the electorate. However, if a charter proposing the city-county consolidated form or the community commonwealth form is adopted, the commission is dissolved on the date that the terms of office of the members of the governing body for the alternative form of government commence. If a charter is not recommended, the commission is dissolved upon submission of its final report to the board.

88 Acts, ch 1229, §7; 91 Acts, ch 256, §10; 2004 Acts, ch 1066, §8, 31
Referred to in §373.4

331.236 Ballot requirements.

1. Unless otherwise provided, the question of adopting the proposed alternative form of government shall be submitted to the electors in substantially the following form:

Should the (charter or amendment) described below be adopted
for (insert name of local government)?

2. The ballot must contain a brief description and summary of the proposed charter or amendment.

88 Acts, ch 1229, §8; 91 Acts, ch 256, §11; 2010 Acts, ch 1061, §126
Referred to in §331.244, 373.4

331.237 Referendum — effective date.

1. If a proposed charter for county government is received not less than five working days before the filing deadline for candidates for county offices specified in section 44.4 for the next general election, the board shall direct the county commissioner of elections to submit to the registered voters of the county at the next general election the question of whether the proposed charter shall be adopted. A summary of the proposed charter or amendment shall be published in the official county newspapers and in a newspaper of general circulation in each participating city, if applicable, at least ten but not more than twenty days before the date of the election. Except as otherwise provided in sections 331.247 and 331.260, if a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

2. If a proposed charter for county government is adopted:

a. The adopted charter shall take effect July 1 following the general election at which it is approved unless the charter provides a later effective date. If the adopted charter calls for a change in the form of government, officers to fill elective offices shall be elected in the general election in the even-numbered year following the adoption of the charter. Those county officers holding office at the time of the adoption of the charter shall continue in office until the general election in the even-numbered year following the adoption of the charter. If the charter provides that one or more elective offices are combined, the board of supervisors shall appoint one of the elective officers of the combined offices to serve until the general election in the even-numbered year. If the charter calls for the elimination of an elective office, that elective officer's term of office shall expire on the date the adopted charter takes effect.

b. The adoption of the alternative form of county government does not alter any right or liability of the county in effect at the time of the election at which the charter was adopted.

c. All departments and agencies shall continue to operate until replaced.

d. All ordinances or resolutions in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted charter.

e. Upon the effective date of the adopted charter, the county shall adopt the alternative form by ordinance, and shall file a copy with the secretary of state, and maintain available copies for public inspection.

f. The former governing bodies shall continue to perform their duties until the new governing body is sworn into office, and shall assist the new governing body in planning the transition to the charter government.

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3. If a charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for two years. If a charter is adopted, it may be amended at any time. If a charter is adopted, a proposed charter for another alternative form of county government shall not be submitted to the electorate for six years.

4. Subsections 2 and 3 do not apply to the city-county consolidated form of government or the community commonwealth form of government.

88 Acts, ch 1229, §9; 91 Acts, ch 129, §25; 91 Acts, ch 256, §12 – 14; 94 Acts, ch 1180, §45, 46; 95 Acts, ch 67, §53; 2004 Acts, ch 1066, §9, 10, 31

Referred to in §331.235, 331.244, 373.4

331.238 Limitations to alternative forms of county government.

1. A county may adopt or amend an alternative form of county government subject to the requirements and limitations provided in this section.

2. *a.* An alternative form of county government shall provide for the exercise of home rule power and authority not inconsistent with state law and may include provisions for any of the following:

(1) A board of an odd number of members which may exceed the number of members specified in sections 331.201, 331.203, and 331.204.

(2) A supervisor representation plan for the county which may differ from the supervisor representation plans as provided in subchapter II, part 1.

(3) The initial compensation for members of the board which, thereafter, shall be determined as provided in section 331.215.

(4) The method of selecting officers of the board and fixing their terms of office which may differ from the requirements of sections 331.208 through 331.211.

(5) Determining meetings of the board and rules of procedure which may differ from the requirements of section 331.213, except the meetings shall be scheduled and conducted in compliance with chapter 21.

(6) The combining of duties of elected officials or the elimination of elected offices and the assumption of the duties of those offices by appointed officials.

(7) The organization of county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a board or a commission and the assumption of its powers and duties by the board of supervisors or another officer.

(8) In lieu of the election or appointment of township trustees, a method providing for the exercise of their powers and duties by the board of supervisors or other governing body of the county or another office.

(9) Consolidating city-county government or government functions.

(10) Consolidating county-county government or government functions.

b. This subsection does not apply to the board of trustees of a county hospital.

3. An alternative form of county government shall provide for the partisan election of its officers.

4. Subsections 1 and 2 do not apply to the city-county consolidated form of government or the community commonwealth form of government.

88 Acts, ch 1229, §10; 91 Acts, ch 256, §15 – 18; 2004 Acts, ch 1066, §11, 31; 2010 Acts, ch 1061, §180; 2018 Acts, ch 1041, §127; 2019 Acts, ch 59, §103

Referred to in §331.246, 373.4

BOARD-ELECTED EXECUTIVE FORM

331.239 Board-elected executive form.

The board-elected executive form consists of an elected board of an odd number with staggered terms of office and one elected executive whose term shall be the same as that of a member of the board. If the administrative offices of the county, excluding the county executive, are appointive under the plan, the board shall have at least five members. The board shall have a chairperson who shall be elected by the members of the board from their own number for a term established by ordinance, and who shall vote as a member of the

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board. The elected executive may veto ordinances and resolutions, subject to an override by a two-thirds vote of the board.

88 Acts, ch 1229, §11
Referred to in §331.231, 331.233, 373.4

331.240 Duties of executive.

The executive shall:

1. Enforce laws, ordinances, and resolutions of the county.
2. Perform duties required by law, ordinance, or resolution of the county.
3. Administer affairs of the county government.
4. Carry out policies established by the board.
5. Recommend measures to the board.
6. Report to the board on the affairs and financial condition of the county government.
7. Execute bonds, notes, contracts, and written obligations of the board, subject to the approval of the board.
8. Report to the board as the board may require.
9. Attend board meetings and take part in discussion, but shall not vote.
10. Prepare and execute the budget adopted by the board.
11. Appoint, with the consent of the board, all members of county boards, except the executive may appoint without the consent of the board temporary advisory committees established by the executive.
12. Appoint and remove all employees.

88 Acts, ch 1229, §12
Referred to in §373.4

BOARD-MANAGER GOVERNMENT

331.241 Board-manager form.

1. The board-manager form consists of an elected board and a manager appointed by the board, who shall be the chief administrative officer of the county government. The board shall have staggered terms of office. The chairperson shall be elected by the members of the board from their own number for a term established by ordinance and shall vote as a member of the board. If the administrative offices of the county are appointive under the plan, the board shall have at least five members.
2. The manager shall be appointed by the board and removed only by a majority vote of the membership of the board. The manager shall be responsible to the board for the administration of all county government affairs placed in the manager's charge by law, ordinance, or resolution.

88 Acts, ch 1229, §13; 2019 Acts, ch 24, §104
Referred to in §331.231, 331.233, 331.261, 373.4

331.242 Duties of manager.

The manager shall:

1. Enforce laws, ordinances, and resolutions.
2. Perform the duties required of the manager by law, ordinance, or resolution.
3. Administer the affairs of the county government.
4. Direct, supervise, and administer all departments, agencies, and offices of the county government unit except as otherwise provided by law or ordinance.
5. Carry out policies established by the board.
6. Prepare the board agenda.
7. Recommend measures to the board.
8. Report to the board on the affairs and financial condition of the county government.
9. Execute bonds, notes, contracts, and written obligations of the board, subject to the approval of the board.
10. Report to the board as the board may require.
11. Attend board meetings and take part in the discussion, but shall not vote.

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12. Prepare and present the budget to the board for its approval and execute the budget adopted by the board.

13. Appoint, suspend, and remove all employees of the county government except as otherwise provided by law or ordinance.

14. Appoint members of temporary advisory committees.

88 Acts, ch 1229, §14
Referred to in §331.261, 373.4

331.243 Employees of board-manager government.

1. Employees appointed by the manager or subordinates shall be administratively responsible to the manager.

2. The board or its members shall not dictate the appointment or removal of any employee appointed by the manager or any subordinate of the manager.

3. Except for the purpose of inquiry or investigation, the board or its members shall deal with the county employees who are subject to the direction and supervision of the manager solely through the manager, and the board or its members shall not give orders to an employee under the manager's direction or supervision.

88 Acts, ch 1229, §15
Referred to in §331.261, 373.4

AMENDMENT TO COUNTY GOVERNMENT

331.244 Amendment to county government.

1. An amendment to county government organization shall only be made by submitting the question of amendment to the electors of the county government pursuant to section 331.236. To become effective, a proposed amendment must receive an affirmative vote of a majority of the electors voting on the question. An amendment approved by the electors becomes effective pursuant to section 331.237.

2. An amendment to a county government organization may be proposed by initiative upon petition of the number of eligible electors of the county equal to at least ten percent of the votes cast at the preceding election for the office of president of the United States or governor, or by resolution adopted by the governing body. The question on amendment of county government organization shall be submitted to the electors as soon as possible after the submission of a petition or adoption of a resolution, either at a general election or at a special election.

3. This section does not apply to the city-county consolidated form of government or the community commonwealth form of government.

88 Acts, ch 1229, §16; 2004 Acts, ch 1066, §12, 31
Referred to in §373.4

331.245 Limitations on amendments to county government.

1. The electors of a county who have adopted an amendment to county government may not vote on the question of amending the county government for two years. An amendment shall not include an alternative form of county government.

2. This section does not apply to the city-county consolidated form of government or the community commonwealth form of government.

88 Acts, ch 1229, §17; 2004 Acts, ch 1066, §13, 31; 2019 Acts, ch 24, §104
Referred to in §373.4

CHARTER FORM

331.246 Charter form of government.

The charter form of government shall be specified in a proposed charter written by a charter committee. The proposed charter shall establish an elected legislative body. The charter shall specify the number of members and term of office pursuant to section 331.238. If the

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administrative offices of the county, excluding an elected county executive, are appointive under the charter, the board shall have at least five members. The charter may establish legislative or administrative organizational structure. The charter may include the provisions necessary to permit an orderly transition to the charter form of government. However, the provisions shall be limited in scope consistent with the intent of, and in accordance with, section 331.238.

88 Acts, ch 1229, §18
Referred to in §331.231, 331.233, 373.4

CITY-COUNTY CONSOLIDATION

331.247 City-county consolidated form.

1. A commission appointed pursuant to section 331.233A may propose a charter under which a county and one or more cities within the county may unite to form a single unit of local government, or may propose a charter under which a county and one or more cities within the county may create a unified government empowered to govern a city and a county with each retaining the separate status and power of a city or a county for all purposes and constituting separate political subdivisions under combined governance. Either option proposed shall be referred to as a city-county consolidated form of government. If more than fifty percent of the population of a city resides within the affected county, it is a city within the county for the purposes of this section and may continue its status as a city within the county even if the population of such city falls below the more than fifty percent threshold in a future census.

2. A majority vote by the charter commission is required for the submission to the electorate of a proposed charter for a city-county consolidated form of government.

3. A city-county consolidated form of government does not need to include more than one city. A city shall not be included unless the city participates in the commission process.

4. Adoption of the proposed consolidation charter requires the approval of a majority of the votes cast in the entire county and requires the approval of a majority of the votes cast in one or more cities named on the ballot. The consolidation charter shall be effective in regard to a city named on the ballot only if a majority of the votes cast in that city approves the consolidation charter.

5. An adopted charter takes effect July 1 following the general election at which it is approved unless the charter provides a later effective date. If the adopted charter calls for a change in the form of government, officers to fill elective offices created by the charter shall be elected in the general election in the even-numbered year following the adoption of the charter.

6. A city may request to join an existing city-county consolidated government by resolution of the city council or upon petition of eligible electors of the city equal in number to at least twenty-five percent of the persons who voted at the last regular city election. Within fifteen days after receiving a valid petition, the city council of the petitioning city shall adopt a resolution in favor of participation and shall, within ten days of adoption, forward the resolution to the governing body of the city-county consolidated government. If a majority of the governing body of the city-county consolidated government approves the resolution, the question of joining the city-county consolidated government shall be submitted to the electorate of the petitioning city within sixty days after approval of the resolution.

7. *a.* If a charter is adopted, it may be amended at any time by one of the following methods:

(1) The governing body of the city-county consolidated government, by resolution, may submit a proposed amendment to the voters, and the proposed amendment becomes effective only upon approval by a majority of those voting on the proposed amendment within the city-county consolidated area.

(2) The governing body of the city-county consolidated government, by ordinance, may amend the charter. However, within thirty days following publication of the ordinance, if a petition valid under the provisions of section 331.306 is filed with the governing body of the city-county consolidated government, the governing body must submit the charter

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amendment to the voters and, in such event, the amendment becomes effective only upon approval of a majority of those voting on the proposed amendment within the city-county consolidated area.

(3) If a petition valid under the provisions of section 331.306 is filed with the governing body of the city-county consolidated government, proposing an amendment to the charter, the governing body must submit the proposed amendment to the voters and, in such an event, the amendment becomes effective only upon approval of a majority of those voting on the proposed amendment within the city-county consolidated area.

b. The proposed amendment shall be submitted at the general election. However, if the amendment is proposed pursuant to paragraph *"a"*, subparagraph (1), the proposed amendment may be submitted at a special election if the resolution submitting the amendment to the voters is adopted by a two-thirds majority of the membership of the governing body.

c. (1) If an election is held, the governing body shall submit the question of amending the charter to the electors in substantially the following form:

> Should the amendment described below be adopted for the city-county consolidated charter of (insert name of county and of each consolidated city)?

(2) The ballot must contain a brief description and summary of the proposed amendment.

d. An amendment shall not adopt an alternative form of county government.

e. Notwithstanding paragraph *"b"*, if an amendment to a charter proposes to increase or decrease the number of members on the governing body, the amendment shall be submitted to the voters at a general election.

88 Acts, ch 1229, §19; 91 Acts, ch 256, §19, 20; 2004 Acts, ch 1066, §14, 31; 2010 Acts, ch 1061, §127

Referred to in §331.231, 331.237, 331.260, 331.262, 372.1, 373.4

331.248 Charter of consolidation.

1. The charter commission proposing a city-county consolidated form of government shall prepare, adopt, and cause to be submitted to the voters the charter.

2. The charter for a city-county consolidated form of government shall:

a. Provide for adjustment of existing bonded indebtedness and other obligations in a manner which will provide for a fair and equitable burden of taxation for debt service.

b. Provide for establishment of service areas, except that formation of a city-county consolidated form of government shall not affect the assignment of electric utility service territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

c. Provide for the transfer or other disposition of property and other rights, claims, assets, and franchises of the county and each city consolidated under the alternative form.

d. Provide the official name of the city-county consolidated government.

e. Provide for the transfer, reorganization, abolition, absorption, and adjustment of boundaries of all existing boards, bureaus, commissions, agencies, special districts, and political subdivisions of the city-county consolidated government.

f. Provide for the exercise of home rule power and authority not inconsistent with state law.

g. Provide for a governing body of an odd number of members, not less than five, but which may exceed the number of members specified in sections 331.201, 331.203, and 331.204. The titles of the members of the governing body shall be determined by the charter.

h. Provide for a representation plan for the governing body which representation plan may differ from the representation plans provided in section 331.206 and in chapter 372. If the plan calls for representation by districts and the charter has been approved in a county whose population is one hundred eighty thousand or more, the plan shall be drawn pursuant to section 331.210A, subsection 2, paragraph *"f"*. The initial representation plan for such a county shall be drawn as provided in section 331.210A, subsection 2, paragraph *"f"*, within one hundred twenty days after the election at which the charter is approved. For the initial

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representation plan, the charter commission shall assume the role of the governing body for purposes of this paragraph and section 331.210A, subsection 2, paragraphs *"d"* through *"f"*.

i. Provide for the initial compensation for members of the governing body and for a method of changing the compensation.

3. The charter may grant the legislative body of the consolidated government the authority to transfer, reorganize, and provide a method for adjusting the boundaries of the entities within the consolidated government.

4. *a.* The consolidation charter may include other provisions which the commission elects to include and which are not irreconcilable with state law. These provisions may include but are not limited to the following:

(1) Provide for a method of selecting officers of the governing body and fixing their terms of office which may differ from the requirements of sections 331.208 through 331.211 and the provisions of chapter 372.

(2) Provide for meetings of the governing body and rules of procedure which may differ from the requirements of section 331.213, except that the meetings shall be scheduled and conducted in compliance with chapter 21.

(3) Provide for combining the duties of elected officials of the county, for eliminating elected offices and the assumption of the duties of those offices by appointed officials, and for adding to, deleting from, or otherwise changing the duties of officials, elected or otherwise, of the county and each consolidated city. If the charter provides that one or more elective offices are combined, the board of supervisors shall appoint one of the elective officers of the combined offices to serve until new officers have been elected at the general election in the even-numbered year and have qualified for office. If the charter calls for the elimination of an elective office, that elective officer's term of office shall expire on the date specified in the charter.

(4) Provide for the organization of city and county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a department, agency, board, or commission and the assumption of its powers and duties by the governing body or by another department, agency, board, or commission.

(5) Provide for a method for the governing body or another office to exercise the powers and duties of the township trustees, in lieu of their election or appointment.

(6) Provide for a chief executive officer, a method of selecting that officer, the compensation for that officer, a method of changing the compensation, and the powers and duties of that officer.

(7) If the charter provides for a chief executive office, provide for the appointment of a chief executive officer pro tem, the compensation for that officer, a method of changing the compensation, and the manner in which that officer would exercise the powers and duties of the chief executive officer.

(8) Provide for the appointment of a city manager, a method for determining and changing the compensation for the city manager, and the powers and duties of the city manager.

b. This subsection does not apply to the board of trustees of a county hospital or to the board of trustees of a city hospital.

88 Acts, ch 1229, §20; 91 Acts, ch 256, §21, 22; 2004 Acts, ch 1066, §15 – 17, 31; 2010 Acts, ch 1061, §180

Referred to in §331.231, 331.261, 372.1, 373.4

331.249 Effect of consolidation.

1. *a.* A city-county consolidated form of government under which a county and one or more cities within the county unite to form a single unit of local government shall create a unified government which includes a municipal corporation and a county. The consolidated unit shall have the separate status of a county and a city for all purposes and shall constitute two political subdivisions, a consolidated city and a county, under combined governance. The consolidated unit shall retain one separate constitutional debt limitation with respect to its status as a city and a separate constitutional debt limitation with respect to its status as a county.

b. The governing body of a city-county consolidated form of government under which a

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county and one or more cities within the county create a unified government empowered to govern a city and a county shall have, with respect to the county, the power and authority of the board of supervisors of a county, and, with respect to each city, the power and authority of the city council of a city. Each consolidated city and the county constitute separate political subdivisions. Each consolidated city and the county shall each retain a separate constitutional debt limitation and shall each have the authority to issue bonds and incur financial obligations in accordance with the provisions of state law applicable to a city or a county, respectively.

2. *a.* The city-county consolidated form of government may include an area which is located in another county, but which is within the corporate boundaries of one of the consolidated cities. Services may be provided in the extra-county area and taxes to fund those services may be collected in the extra-county area by the consolidated government, to the extent permitted by the Constitution of the State of Iowa. In addition to the right to vote in the county of residence, electors residing in the extra-county area shall have the right to vote on any matter related to the city-county consolidated government, including election of its governing body and its chief executive officer, if any.

b. If a city-county consolidation charter is proposed, within ninety days following the final report of the commission, a resident or property owner of the commission area proposed to be consolidated may bring an action in district court for declaratory judgment to determine the legality of the proposed charter and to otherwise declare the effect of the charter. The court shall expedite its review and determination in this matter. The referendum on the proposed charter shall be stayed during pendency of the action and for such additional time during which the proposed charter or its enabling legislation does not conform to the Constitution or laws of the State of Iowa. If in its final judgment the court determines that the proposed charter fails to conform to the Constitution or laws of this state, the commission shall have a period of six months in which to revise and resubmit the proposed charter.

3. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to counties and cities shall remain in full force with respect to each city and the county comprising a city-county consolidated government.

4. The adoption of a charter for a city-county consolidated government does not alter any right or liability of the county or consolidated city in effect at the time of the election at which the charter was adopted.

5. All departments and agencies of the county and of each consolidated city shall continue to operate until their authority to operate is superseded by action of the governing body.

6. Upon the effective date of the adopted charter, the county and each participating city shall adopt the city-county consolidated form of government by ordinance, and shall file a copy with the secretary of state and maintain available copies for public inspection. The county shall provide each participating city with a copy of the county's ordinance. Each participating city shall provide a copy of that city's ordinance to the county and to the other participating cities.

7. *a.* Members of the governing body of the county shall continue in office after the effective date of the charter until the members of the governing body and the chief executive officer, if any, of the city-county consolidated government have been elected and qualified, at which time the offices of the former governing body of the county shall be abolished and the terms of the members of the former governing body shall be terminated. Members of the governing body and the mayor of each consolidated city shall continue in office after the effective date of the charter until the members of the governing body of the city-county consolidated government and the chief executive officer, if any, have been elected and qualified, at which time the office of mayor and of the former governing body of each consolidated city shall be abolished and the term of the members of each governing body and the term of each mayor shall be terminated.

b. During the period between the effective date of the charter and the election and qualification of the members of the governing body of the city-county consolidated government and the election and qualification of the chief executive officer, if any, the former governing bodies of the county and each city and the mayor of each city shall continue to exercise the power of, and to perform the duties for, their respective county and city. The charter shall provide that these incumbent officers assist in planning and carrying out the

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transition to the city-county consolidated form of government. The board of supervisors shall include in its budget for the fiscal year in which the charter becomes effective funds sufficient to provide for the operating expenses of a transition committee and for expenses incurred in initially establishing districts if the charter provides for representation by districts and for salaries for newly elected officers of the city-county consolidated government, after consultation with the transition committee.

8. If a city-county consolidation charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for at least two years from the date of the election at which the charter was rejected. If a city-county consolidation charter is adopted, a proposed charter for another alternative form of county government shall not be submitted to the electorate for at least six years from the date of the election at which the charter was adopted.

88 Acts, ch 1229, §21; 91 Acts, ch 256, §23, 24; 2004 Acts, ch 1066, §18, 31; 2010 Acts, ch 1061, §180

Referred to in §331.231, 372.1, 373.4

331.250 General powers of consolidated local governments.

The consolidation charter shall provide for the delivery of services to specified areas of the county and of each consolidated city. The governing body of the consolidated government shall supervise the administration of the provision of services in each of the designated service areas and shall have the authority to determine the boundaries of the service areas. For each service provided by the consolidated government, the consolidated government shall assume the same statutory rights, powers, and duties relating to the provision of the service as if the county or the member city were itself providing the service to its citizens.

88 Acts, ch 1229, §22; 91 Acts, ch 256, §25; 2004 Acts, ch 1066, §19, 31

Referred to in §331.231, 372.1, 373.4

331.251 Rules, ordinances, and resolutions of consolidated government.

1. Each rule, ordinance, or resolution in force within a county or within a city on the effective date of the charter shall remain in force within that county or within that city until superseded by action of the new governing body, unless the rule, ordinance, or resolution is in conflict with a provision of the charter, in which case, the charter provision shall supersede the conflicting rule, ordinance, or resolution. The governing body of a participating city or county in office on the effective date of the charter shall retain its powers to adopt motions, resolutions, or ordinances provided that such motions, resolutions, or ordinances do not conflict with the provisions of the charter. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments shall remain in effect until paid in full.

2. If a charter creating a city-county consolidated form of government provides for a chief executive officer with the power to veto an ordinance, an amendment to an ordinance, or a resolution, the governing body shall adopt legislation in accordance with the provisions of chapter 380. If a charter creating a city-county consolidated form of government does not provide for a chief executive officer, the governing body shall adopt legislation in accordance with the provisions of section 331.302. However, a charter may provide that approval of certain ordinances, amendments, or resolutions shall require the affirmative vote of more than a majority of all members of the governing body.

88 Acts, ch 1229, §23; 2004 Acts, ch 1066, §20, 31

Referred to in §331.231, 372.1, 373.4

331.252 Form of ballot — city-county consolidation.

1. The question of city-county consolidation shall be submitted to the electors in substantially the following form:

Should the charter described below be adopted for (insert name of county and each city proposing to consolidate)?

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2. The ballot must contain a brief description and summary of the proposed charter.

88 Acts, ch 1229, §24; 91 Acts, ch 256, §26; 2004 Acts, ch 1066, §21, 31; 2010 Acts, ch 1061, §128

Referred to in §331.231, 331.260, 372.1, 373.4

MULTICOUNTY CONSOLIDATION

331.253 Requirements for multicounty government consolidation.

1. Consolidation may be placed on the ballot only by a joint report by two or more counties.

2. A final report must contain a consolidation charter if multicounty consolidation is recommended. The consolidation charter must conform to the provisions and requirements in accordance with this part.

88 Acts, ch 1229, §25; 91 Acts, ch 256, §27

Referred to in §331.231, 331.233

331.254 Charter of consolidation.

1. When multicounty consolidation is recommended, the consolidation charter shall provide for all of the following:

a. Adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service.

b. Establishment of subordinate service districts.

c. The transfer or other disposition of property and other rights, claims, assets, and franchises of the counties consolidated under the charter.

d. The official name of the consolidated county.

e. The transfer, reorganization, abolition, absorption, and adjustment of boundaries of existing boards, subordinate service districts, local improvement districts, and agencies of the consolidated counties.

f. The merger of the elective offices of each consolidating county with the election of new officers within sixty days after the effective date of the charter. The elections shall be conducted by the county commissioner of elections of each county. No primary election shall be held. Nominations shall be made pursuant to section 43.78 and chapters 44 and 45, as applicable, except that the filing deadline shall be forty days before the election.

g. The merger of the appointive offices of each consolidating county.

2. The consolidation charter may include other provisions that are not inconsistent with state law.

88 Acts, ch 1229, §26; 91 Acts, ch 256, §28, 29; 94 Acts, ch 1180, §47; 2004 Acts, ch 1066, §22, 23, 31; 2010 Acts, ch 1061, §180

Referred to in §331.231

331.255 Form of ballot — multicounty consolidation.

1. The question of multicounty consolidation shall be submitted to the electors in substantially the following form:

Should the consolidation charter described below be adopted for (name of applicable county)?

2. The ballot must contain a brief description and summary of the proposed charter.

88 Acts, ch 1229, §27; 91 Acts, ch 256, §30; 2010 Acts, ch 1061, §129

Referred to in §331.231, 331.257

331.256 Joining existing multicounty consolidated government.

A county may join an existing multicounty consolidated government by resolution of the board of supervisors or upon petition of eligible electors of the county equal in number to at least twenty-five percent of the persons who voted at the last general election for the office of governor or president of the United States, whichever is fewer. Within fifteen days after receiving a valid petition, the board of the petitioning county shall adopt a resolution in favor of participation and shall immediately forward the resolution to the legislative body of the multicounty consolidated government. If a majority of the multicounty consolidated board

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of supervisors approves the resolution, the question of joining the multicounty consolidated government shall be submitted to the electorate of the petitioning county within sixty days after approval of the resolution.

91 Acts, ch 256, §31
Referred to in §331.231, 331.257

331.257 Recognition of change in boundaries by general assembly.

If a charter for multicounty consolidation is adopted pursuant to section 331.255 or if the question of joining a multicounty consolidated government is approved pursuant to section 331.256, the general assembly next convening following the election required by section 331.255 or 331.256 shall pass legislation recognizing the change in boundaries of the counties where the question of multicounty consolidation was approved. The boundaries recognized in the legislation shall conform to the boundaries contained in the consolidation charter. The legislation shall contain the official name of the consolidated county as that name is given in the consolidation charter.

2004 Acts, ch 1066, §24, 31
Referred to in §331.231

331.258 and 331.259 Reserved.

COMMUNITY COMMONWEALTH

331.260 Community commonwealth.

1. A county and one or more cities or townships within the county, a contiguous county, and a city or a township within a contiguous county may unite to establish an alternative form of local government for the purpose of making more efficient use of their resources by providing for the delivery of regional services.

2. *a.* A charter proposing a community commonwealth as an alternative form of government may be submitted to the voters only by a commission established under section 331.232. A majority vote by the commission is required for the submission of a charter proposing a community commonwealth as an alternative form of local government. The commission submitting a community commonwealth form of government shall issue a final report and proposal. Adoption of the proposed community commonwealth charter requires the approval of a majority of the votes cast in the entire county and requires the approval of a majority of the votes cast in one or more cities named on the ballot. A city named on the ballot is included in the community commonwealth only if the proposed community commonwealth charter is approved by a majority of the votes cast in the city.

b. The question of forming a community commonwealth shall be submitted to the electorate in substantially the same form as provided in section 331.252. The effective date of the charter and election of new officers of the community commonwealth shall be as provided in section 331.247, subsection 5.

91 Acts, ch 256, §32; 2004 Acts, ch 1066, §25, 31; 2005 Acts, ch 19, §43; 2010 Acts, ch 1061, §180
Referred to in §28E.40, 331.231, 331.237, 372.1

331.261 Charter — community commonwealth.

1. The community commonwealth charter shall provide for the following:

a. The official name of the community commonwealth government.

b. An elective legislative body established in the manner provided for county boards of supervisors under sections 331.201 through 331.216 and section 331.248, subsection 2, the initial compensation for members of that body, and for a method of changing the compensation.

c. Appointment of a manager pursuant to sections 331.241 through 331.243.

d. Adjustment of existing bonded indebtedness and other obligations to the extent it relates to the delivery of services.

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e. The transfer or other disposition of property and other rights, claims, assets, and franchises as they relate to the delivery of services.

f. The transfer, reorganization, abolition, adjustment, and absorption of existing boards, existing subordinate service districts, local improvement districts, and agencies of the participating county and cities.

g. A system of delivery of services to the entire community commonwealth pursuant to section 331.263.

h. A formula for the transfer of taxing authority from member cities to the community commonwealth governing body to fund the delivery of regional services.

i. The transfer into the community commonwealth of areawide services which had been provided by other boards, commissions, and local governments, except that formation of a community commonwealth shall not affect the assignment of electric utility service territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

j. A process by which the governing body of the community commonwealth and the governing bodies of the member cities provide by mutual agreement for the delivery of specified services to the community commonwealth.

k. The partisan election of community commonwealth government officials.

2. The community commonwealth charter may include other provisions which the commission elects to include and which are not irreconcilable with state law, including, but not limited to, those provisions in section 331.248, subsection 4.

91 Acts, ch 256, §33; 2004 Acts, ch 1066, §26, 27, 31; 2010 Acts, ch 1061, §180
Referred to in §28E.40, 331.231, 372.1

331.262 Adoption of charter — effect.

1. *a.* As a political subdivision of the state, the community commonwealth unit of local government shall have the statutory and constitutional status of a county and of a city to the extent the community commonwealth governing body assumes the powers and duties of cities as those powers and duties relate to the delivery of services. For each service provided by the community commonwealth, the community commonwealth shall assume the same statutory rights, powers, and duties relating to the provision of the service as if the member city were itself providing the service to its citizens.

b. On its effective date, the community commonwealth charter operates to replace the existing county government structure. The governments of participating cities shall remain in existence to render those services not transferred to the community commonwealth government.

2. The adoption of the community commonwealth form of government does not alter any right or liability of the county or member city in effect at the time of the election at which the charter was adopted.

3. All departments and agencies of the county and of each member city shall continue to operate until their authority to operate is superseded by action of the governing body.

4. All ordinances or resolutions in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted charter.

5. Upon the effective date of the adopted charter, the county shall adopt the community commonwealth form of government by ordinance, and shall file a copy with the secretary of state and maintain available copies for public inspection.

6. Members of the governing body of the county and of each member city shall continue in office until the members of the governing body of the community commonwealth have been elected and sworn into office, at which time the offices of the former governing bodies shall be abolished, and the terms of the members of the former governing bodies shall be terminated. During the period between the effective date of the charter and the election and qualification of the elected members of the new governing body, the former governing bodies of each member city and of the county shall continue to perform their duties and shall assist in planning the transition to the community commonwealth form of government.

7. If a community commonwealth charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for at least two years from the date

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of the election at which the charter was rejected. If a community commonwealth charter is adopted, a proposed charter for another alternative form of county government shall not be submitted to the electorate for at least six years from the date of the election at which the charter was adopted.

8. If a community commonwealth charter is adopted, the charter may be amended at any time. The charter shall be amended in the manner provided in section 331.247, subsection 7.

9. *a.* A city or county wishing to terminate its membership in the community commonwealth government must do so pursuant to the existing charter procedure under this chapter or chapter 372, whichever is applicable.

b. A city or county may join an existing community commonwealth government by resolution of the board or council, whichever is applicable, or upon petition of eligible electors of the city or county, whichever is applicable, equal in number to at least twenty-five percent of the persons who voted at the last general election for the office of governor or president of the United States, whichever is fewer. Within fifteen days after receiving a valid petition, the applicable governing body shall adopt a resolution in favor of participation and shall immediately forward the resolution to the governing body of the community commonwealth. If a majority of the community commonwealth governing body approves the resolution, the question of joining the community commonwealth shall be submitted to the electorate of the petitioning city or county within sixty days after approval of the resolution.

91 Acts, ch 256, §34; 2004 Acts, ch 1066, §28, 31; 2010 Acts, ch 1061, §130
Referred to in §28E.40, 331.231, 372.1

331.263 Service delivery.

1. The governing body of the community commonwealth government shall administer the provision of services in each of the designated service areas and shall have the authority to determine the boundaries of the service areas.

2. The governing body of the community commonwealth shall have the authority to levy county taxes and shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the community commonwealth. A city participating in the community commonwealth shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the governing body of the community commonwealth. The maximum rates of taxes authorized to be levied under sections 384.1 and 384.12 by a city participating in the community commonwealth shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the governing body of the community commonwealth.

91 Acts, ch 256, §35
Referred to in §331.231, 331.261, 372.1

331.264 through 331.300 Reserved.

SUBCHAPTER III

POWERS AND DUTIES OF A COUNTY

PART 1

GENERAL POWERS AND DUTIES

331.301 General powers and limitations.

1. A county may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to

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an exercise of an independent county power, or to enact private or civil law which violates section 675.4.

2. A power of a county is vested in the board, and a duty of a county shall be performed by or under the direction of the board except as otherwise provided by law.

3. The enumeration of a specific power of a county, the repeal of a grant of power, or the failure to state a specific power does not limit or restrict the general grant of home rule power conferred by the Constitution and this section. A county may exercise its general powers subject only to limitations expressly imposed by a state law.

4. An exercise of a county power is not inconsistent with a state law unless it is irreconcilable with the state law.

5. A county shall substantially comply with a procedure established by a state law for exercising a county power unless a state law provides otherwise. If a procedure is not established by state law, a county may determine its own procedure for exercising the power.

6. *a.* A county shall not set standards and requirements which are lower or less stringent than those imposed by state law, but may set standards and requirements which are higher or more stringent than those imposed by state law, unless a state law provides otherwise.

b. A county shall not impose any fee or charge on any individual or business licensed by the plumbing and mechanical systems board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems work within the scope of the license. This paragraph does not prohibit a county from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

c. (1) A county shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any state law. For purposes of this paragraph:

(a) *"Consumer merchandise"* means merchandise offered for sale or lease, or provided with a sale or lease, primarily but not exclusively for personal, family, or household purposes, and includes any container used for consuming, carrying, or transporting such merchandise.

(b) *"Container"* means a bag, cup, package, container, bottle, or other packaging that is all of the following:

(i) Designed to be either reusable or single-use.

(ii) Made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, or postconsumer recycled or similar material or substrates, including coated, laminated, or multilayer substrates.

(iii) Designed for consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.

(2) An ordinance, motion, resolution, or amendment adopted prior to March 30, 2017, that violates this paragraph is void and unenforceable on and after March 30, 2017.

(3) This paragraph *"c"* shall not apply to county solid waste or recycling collection or county solid waste or recycling programs.

d. A county shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that restricts an owner of real property from refinancing existing debt on, selling, or otherwise transferring title to the property by requiring the owner to take or show compliance with any action with respect to the property or pay any fee before, during, or after refinancing existing debt on, selling, or otherwise transferring title to the property.

7. A county shall not levy a tax unless specifically authorized by a state statute.

8. A county is a body corporate for civil and political purposes and shall have a seal as provided in section 331.552, subsection 4.

9. Supervisors and other county officers may administer oaths and take affirmations as provided in chapter 63A.

10. Pursuant to the general grant of home rule power conferred by the Constitution of the State of Iowa and if not inconsistent with the laws of the general assembly, a county that has designated more than one city to be a county seat may consolidate or reduce the number of county seats by ordinance.

11. A county may enter into leases or lease-purchase contracts for real or personal property in accordance with the following terms and procedures:

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a. A county shall lease or lease-purchase property only for a term which does not exceed the economic life of the property, as determined by the board.

b. A lease or lease-purchase contract entered into by a county may contain provisions similar to those sometimes found in leases between private parties, including, but not limited to, the obligation of the lessee to pay any of the costs of operation or ownership of the leased property and the right to purchase the leased property.

c. A provision of a lease or lease-purchase contract which stipulates that a portion of the rent payments be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 is not applicable. A county enterprise is a separate entity under this subsection, whether it is governed by the board or another governing body.

d. The board must follow substantially the same authorization procedure required for the issuance of general obligation bonds issued for the same purpose to authorize a lease or a lease-purchase contract made payable from the debt service fund.

e. The board may authorize a lease or lease-purchase contract which is payable from the general fund if the contract would not cause the total of lease and lease-purchase payments due from the general fund of the county in any single future fiscal year for all lease or lease-purchase contracts in force on the date of the authorization, excluding payments to exercise purchase options or to pay the expenses of operation or ownership of the property, to exceed ten percent of the last certified general fund budget amount in accordance with the following procedures:

(1) (a) The board must follow substantially the authorization procedures of section 331.443 to authorize a lease or lease-purchase contract for personal property which is payable from the general fund. The board must follow substantially the authorization procedures of section 331.443 to authorize a lease or lease-purchase contract for real property which is payable from the general fund if the principal amount of the lease-purchase contract does not exceed the following limits:

(i) Five hundred twenty thousand dollars in a county having a population of twenty-five thousand or less.

(ii) Six hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

(iii) Seven hundred eighty thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

(iv) One million forty thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

(v) One million three hundred thousand dollars in a county having a population of more than two hundred thousand.

(b) However, if the principal amount of a lease or lease-purchase contract pursuant to this subparagraph (1) is less than thirty-two thousand five hundred dollars, the board may authorize the lease or lease-purchase contract without following the authorization procedures of section 331.443.

(2) The board must follow the following procedures to authorize a lease or lease-purchase contract for real property which is payable from the general fund if the principal amount of the lease or lease-purchase contract exceeds the limits set forth in subparagraph (1):

(a) The board must institute proceedings for entering into a lease or lease-purchase contract payable from the general fund by causing a notice of the meeting to discuss entering into the lease or lease-purchase contract, including a statement of the principal amount and purpose of the lease or lease-purchase and the right to petition for an election, to be published as provided in section 331.305 at least ten days prior to the discussion meeting. No sooner than thirty days following the discussion meeting shall the board hold a meeting at which it is proposed to take action to enter into the lease or lease-purchase contract.

(b) (i) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the lease or lease-purchase contract, a petition is filed with the auditor in the manner provided by section 331.306, asking that the question of entering into the lease or lease-purchase contract be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to enter into the lease or lease-purchase contract to have been abandoned or shall direct the county commissioner of elections to call

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a special election upon the question of entering into the lease or lease-purchase contract. However, for purposes of this subparagraph (2), the petition shall not require signatures in excess of one thousand persons.

(ii) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the county of ..... enter into a lease or lease-purchase contract in an amount of $ ..... for the purpose of .....?

(iii) Notice of the election and its conduct shall be in the manner provided in section 331.442, subsections 2 through 4.

(c) If a petition is not filed or if a petition is filed and the proposition of entering into a lease or lease-purchase contract is approved at the election, the board may proceed and enter into the lease or lease-purchase contract.

f. The governing body may authorize a lease or lease-purchase contract payable from the net revenues of a county enterprise or combined county enterprise by following the authorization procedures of section 331.464.

g. A lease or lease-purchase contract to which a county is a party or in which a county has a participatory interest is an obligation of a political subdivision of this state for the purposes of chapters 502 and 636, and is a lawful investment for banks, trust companies, savings associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and any other fiduciaries responsible for the investment of funds.

h. Property that is lease-purchased by a county is exempt under section 427.1, subsection 2.

i. A contract for construction by a private party of property to be lease-purchased by a county is a contract for a public improvement and is subject to section 331.341, subsection 1.

12. A county may enter into insurance agreements obligating the county to make payments beyond its current budget year to procure or provide for a policy of insurance, a self-insurance program, or a local government risk pool to protect the county against tort liability, loss of property, or any other risk associated with the operation of the county. Such a self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C. However, those self-insurance plans regulated pursuant to section 509A.14 shall remain subject to the requirements of section 509A.14 and rules adopted pursuant to that section.

13. The board of supervisors may credit funds to a reserve for the purposes authorized by subsection 12 of this section; section 331.424, subsection 1, paragraph *"a"*, subparagraph (5); and section 331.441, subsection 2, paragraph *"b"*. Moneys credited to the reserve, and interest earned on such moneys, shall remain in the reserve until expended for purposes authorized by subsection 12 of this section; section 331.424, subsection 1, paragraph *"a"*, subparagraph (5); or section 331.441, subsection 2, paragraph *"b"*.

14. The board of supervisors may waive a tax penalty, interest, or costs related to the collection of a tax if the board finds that a clerical error resulted in the penalty, interest, or cost. This subsection does not apply to bonded special assessments without the approval of the affected taxing jurisdiction.

15. The county may establish a department of public works. The department shall be administered by the county engineer or other person appointed by the board of supervisors. In addition to other duties assigned by the board, the department shall provide technical assistance to political subdivisions in the county including special districts relating to their physical infrastructure and may provide managerial and administrative services for special districts and combined special districts.

16. *a.* A county may adopt and enforce an ordinance requiring the construction of a storm shelter at a manufactured home community or mobile home park which is constructed after July 1, 1999. In lieu of requiring construction of a storm shelter, a county may require a community or park owner to provide a plan for the evacuation of community or park residents to a safe place of shelter in times of severe weather including tornadoes and high winds if the county determines that a safe place of shelter is available within a reasonable distance

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of the manufactured home community or mobile home park for use by community or park residents. Each evacuation plan prepared pursuant to this subsection shall be filed with, and approved by, the local emergency management agency. If construction of a storm shelter is required, an ordinance adopted or enforced pursuant to this subsection shall not include any of the following requirements:

(1) That the size of the storm shelter be larger than the equivalent of seven square feet for each manufactured or mobile home space in the manufactured home community or mobile home park.

(2) That the storm shelter include a restroom if the shelter is used exclusively as a storm shelter.

(3) That the storm shelter exceed the construction specifications approved by a licensed professional engineer and presented by the owner of the manufactured home community or mobile home park.

(4) That the shelter be located any closer than one thousand three hundred twenty feet from any manufactured or mobile home in the manufactured home community or mobile home park.

b. For the purposes of this subsection:

(1) *"Manufactured home community"* means the same as land-leased community defined in sections 335.30A and 414.28A.

(2) *"Manufactured home community or mobile home park"* means a manufactured home community or mobile home park as defined in section 562B.7.

(3) *"Storm shelter"* means a single structure or multiple structures designed to provide persons with temporary protection from a storm.

17. The board of supervisors may by ordinance or resolution prohibit or limit the use of consumer fireworks or display fireworks, as described in section 727.2, on any day other than July 3, July 4, and December 31 in accordance with section 727.2, subsection 4, if the board determines that the use of such devices would constitute a threat to public safety or private property, or if the board determines that the use of such devices would constitute a nuisance to neighboring landowners.

18. *a.* For purposes of this subsection, *"short-term rental property"* means any individually or collectively owned single-family house or dwelling unit; any unit or group of units in a condominium, cooperative, or timeshare; or an owner-occupied residential home that is offered for a fee for thirty days or less. *"Short-term rental property"* does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use.

b. A county shall not adopt or enforce any regulation, restriction, or other ordinance, including a conditional use permit requirement, relating to short-term rental properties within the county. A short-term rental property shall be classified as a residential land use for zoning purposes.

c. Notwithstanding paragraph *"b"*, a county may enact or enforce an ordinance that regulates, prohibits, or otherwise limits short-term rental properties for the following primary purposes if enforcement is performed in the same manner as enforcement applicable to similar properties that are not short-term rental properties:

(1) Protection of public health and safety related to fire and building safety, sanitation, or traffic control.

(2) Residential use and zoning purposes related to noise, property maintenance, or nuisance issues.

(3) Limitation or prohibition of use of property to house sex offenders; to manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or to operate an adult-oriented entertainment establishment as described in section 239B.5, subsection 4, paragraph *"a"*.

(4) To provide the county with an emergency contact for a short-term rental property.

d. A county shall not require a license or permit fee for a short-term rental property in the county.

19. *a.* A county shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment, or use any other means, to restrict, impede, regulate, or prohibit, intentionally or effectively, any of the following:

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(1) The provision of natural gas service by a public utility as defined in section 476.1, a competitive natural gas provider as defined in section 476.86, or a retail propane marketer or retail propane dispenser as those terms are defined in section 101C.2 to a person, business, municipality, or other wholesale or retail customer within or outside the county.

(2) The purchase of natural gas or propane from a competitive natural gas provider as defined in section 476.86 or a retail propane marketer or retail propane dispenser as those terms are defined in section 101C.2, or the receipt of natural gas or propane service from a public utility as defined in section 476.1, by any person, business, municipality, or other wholesale or retail customer within or outside the county.

b. Paragraph *"a"* does not apply to an ordinance, motion, resolution, or amendment that regulates a retail propane marketer or retail propane dispenser, as those terms are defined in section 101C.2, adopted before July 1, 2021.

20. A county shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that requires the owner of real property to implement a policy relating to the use of facial coverings that is more stringent than a policy imposed by the state.

21. A county shall not adopt or enforce an ordinance, motion, resolution, or amendment imposing any requirement to obtain a permit or license, or to pay a fee, for an eligible business operated on an occasional basis for no more than eighty-nine calendar days in a calendar year by a person or persons under the age of eighteen. For purposes of this subsection, *"eligible business"* means an on-site transactional business traditionally operated exclusively by a person under the age of eighteen, including a *"stand operated by a minor"* as defined in section 137F.1, that a person under the age of eighteen is not otherwise prohibited by law from operating.

22. A county shall not require the payment of a penalty, fine, or fee due to a resident's noncompliance with rules adopted by the county sanitarian regarding periodic septic tank pumping as part of routine maintenance.

23. For purposes of this subsection, *"energy benchmarking"* means requiring a decrease in the average energy use of a property or requiring the average energy use of a property to be less than the average energy use of a similarly situated property. A county shall not adopt or enforce an ordinance, motion, resolution, or amendment to require energy benchmarking requirements for a private property.

24. *a.* Unless expressly authorized by state law, a county shall not adopt, enforce, or maintain an ordinance, order, or rule for the purpose of making payments to individuals under a guaranteed income program.

b. The attorney general shall send a cease and desist order to any county that adopts or enforces an ordinance, order, or rule in violation of this subsection.

c. If the county fails to comply with the cease and desist order, the attorney general shall bring an action in the name of the state for injunctive relief against any county that has adopted an ordinance, order, or rule in violation of this subsection.

d. For purposes of this subsection, the term *"guaranteed income program"* means a program under which individuals are provided with regular periodic cash payments that are unearned and that may be used for any purpose, but does not include a program under which an individual is required to perform work or attend training.

e. A guaranteed income program operating prior to or on May 1, 2024, may remain in effect until January 1, 2025, or until expiration of the program, whichever is earlier. A county shall not start a guaranteed income program or extend an existing guaranteed income program after May 1, 2024.

25. *a.* For purposes of this subsection:

(1) *"Construction site"* means the same as used in a storm water general permit adopted by rule pursuant to section 455B.103A.

(2) *"Topsoil"* means the same as used in a storm water general permit adopted by rule pursuant to section 455B.103A.

b. A county shall not adopt or enforce an ordinance, motion, resolution, or amendment relating to the preservation, compaction, placement, or depth of topsoil at a construction site that is more restrictive than those requirements provided in the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources.

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A county may develop standards to evaluate topsoil quantities before and after construction and ensure compliance with general permit no. 2. A county may request that the department of natural resources review the soil of a construction site to verify that the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources is proper for the construction site.

c. (1) A county may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff at a construction site only to the extent that such regulation for rainfall events having a return frequency ranging from five through one hundred years does not require a post-construction storm water flow rate that is more restrictive than the existing flow rate of a rainfall event having a return frequency of five years, with all such runoff rates based on the actual existing condition of the site at the time the construction commences.

(2) A county may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff from upstream properties adjacent to a construction site to the extent that storm water runoff shall be allowed to pass through downstream storm water basins at the same flow rates as off-site storm water runoff entering the construction site.

(3) A county may impose a storm water runoff requirement that is more restrictive than what is allowed or required by this paragraph at the construction site if the county meets all of the following conditions:

(a) The county pays for all study, design, and engineering costs for implementing the more restrictive storm water runoff requirement that includes an analysis by a licensed professional engineer of the difference in costs between the requirements of this paragraph and the more restrictive county storm water runoff requirement.

(b) The county pays for the difference of costs between the requirements of this paragraph and the more restrictive requirement imposed by the county for installation of equipment or practices required for a property owner to comply with the storm water runoff requirement.

(c) If the storm water runoff requirement results in the county using a person's private property, whether by easement or otherwise taking an interest in the property, the county pays the property owner the fair market value of the property taken for any additional land required beyond the requirements of this paragraph.

(d) A county shall not impose a special assessment or otherwise recover the costs from the property owner for the portion of the costs attributable to the county.

(e) The costs attributable to the county shall only apply to the storm water management practices addressed in this paragraph.

26. *a.* A county shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or building code that prohibits or limits, either directly or indirectly, the use of a specific style of exterior cladding or finish materials for residential buildings in a manner that is more restrictive than the state building code as adopted pursuant to section 103A.7. This section does not prohibit a county from regulating the use of a specific style of exterior cladding or finish materials for a residential building that meets any of the following conditions:

(1) The building is located in an area designated and declared as a state or local historic district under applicable law.

(2) The building is designated as a local, state, or national historic landmark.

(3) The building is in a common interest community as defined in chapter 499C.

(4) The building is located on a property that is governed by a policy of regulation of an overlay or special purpose zoning district that is adopted pursuant to applicable law.

b. For purposes of this subsection, "*residential building*" means any single or multifamily residential dwelling and includes single-family and two-family dwellings and townhouses, condominiums and apartments with a maximum of twelve units per building, and all secondary structures to such a single or multifamily residential dwelling.

27. A county shall not adopt or enforce an ordinance, motion, resolution, or amendment that imposes restrictions, qualifications, or requirements on developers, contractors, or subcontractors related to a developer's or contractor's employee compensation or training beyond what is expressly authorized by state law. A county shall not make receipt of any

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incentives, or the eligibility for such incentives, contingent upon compliance with any such restrictions, qualifications, or requirements.

28. A county shall not adopt or continue in effect any regulation, including in the form of an ordinance or resolution, that governs fuel-powered equipment as provided in chapter 214A, subchapter IV.

29. *a.* A county shall allow a minimum of one accessory dwelling unit on the same lot as a single family residence within a zoning district where a single family residence is an allowed principal use, in accordance with the following conditions:

(1) An accessory dwelling unit shall comply with all applicable building regulations as defined in chapter 103A.

(2) An accessory dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single family residence, whichever is larger. The size calculation of an accessory dwelling unit shall exclude unfinished basements.

(3) An accessory dwelling unit shall be prohibited or limited only to the extent that a deed restriction or a rule of a common interest community, as defined in section 499C.1, limits or prohibits the construction or use of an accessory dwelling unit. The imposition of an ordinance, motion, resolution, or amendment regulating accessory dwelling units that is more restrictive when applied to a common interest community than when applied to a single family residence is prohibited. An accessory dwelling unit proposed for a lot within a historic preservation district as defined in section 15.445, subsection 3, shall be regulated only to the extent that the historic preservation commission as defined in section 15.445, subsection 2, determines that the proposed accessory dwelling unit would be incongruous with the historical, architectural, archaeological, or cultural aspects of the district, and enters into its records the reasons for such determination.

(4) If a manufactured home as defined in section 435.1, subsection 3, or a mobile home as defined in section 435.1, subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26.

b. Except as otherwise provided in paragraph "*a*" or by state law, a county shall not impose any of the following limitations or restrictions:

(1) Requirements related to the placement or appearance of an accessory dwelling unit that are more restrictive than those imposed on a single family residence including but not limited to the following: maximum building heights; minimum setback requirements; minimum lot sizes; minimum building frontages; maximum lot coverages; density requirements; and aesthetic or architectural standards or requirements. Additionally, a county shall not require an accessory dwelling unit to match the exterior design, roof pitch, or finishing materials of the single family residence.

(2) Regulations on the use of an accessory dwelling unit as a rental property that are more restrictive than those provided for in subsection 18 of this section and chapter 562A.

(3) A requirement that the lot containing a single family residence and an accessory dwelling unit have additional parking beyond that required for a single family residence or payment of a fee in lieu of providing additional parking.

(4) Restrictions on the occupancy of either the single family residence or the accessory dwelling unit by any of the following manners: requiring the property owner to be a resident; requiring a familial, marital, or employment relationship to exist between the occupants of the single family residence and the occupants of the accessory dwelling unit; or restricting the occupancy of an accessory dwelling unit based on income or age.

(5) The requirement of new or separate utility lines between the accessory dwelling unit and public utility service connections. However, if full utility access that includes a separate metering system for billing purposes cannot be provided to the accessory dwelling unit, then the county can require new or separate utility lines.

(6) Imposition of a different county impact fee structure or development standard for an accessory dwelling unit than those used for the single family residence on the same lot.

(7) The requirement of improvements or repairs to public streets or sidewalks beyond those imposed on the single family residence on the same lot.

c. A county shall approve an accessory dwelling unit permit application that meets the

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requirements set forth in paragraph *"a"* and by state law without discretionary review or hearing and consistent with the time frame assigned to the approval of a single family residence. An accessory dwelling unit permit application shall not have a review timeline or schedule in excess of a county's normal review schedule for a single family residence. If the county denies an accessory dwelling unit permit, the reason for denial shall be provided in writing to the applicant and include any remedy necessary to secure approval.

d. A county ordinance, motion, resolution, or amendment regulating accessory dwelling units in a manner that conflicts with this subsection is void. Nothing in this subsection prohibits a county from adopting an ordinance, motion, resolution, or amendment that is more permissive than the requirements provided in this subsection.

e. For the purposes of this subsection:

(1) *"Accessory dwelling unit"* means an additional residential dwelling unit located on the same lot as a single family residence that is either attached to or detached from the single family residence.

(2) *"Detached"* includes being part of any accessory structure such as a detached garage.

(3) *"Dwelling unit"* means the same as defined in section 562A.6, subsection 3.

(4) *"Single family residence"* means the same as defined in section 562A.6, subsection 15, except to the extent that a single family residence may share utility lines with the accessory dwelling unit if full utility access that includes a separate metering system for billing purposes can be provided to the accessory dwelling unit.

(5) *"Size"* means the gross living area of the primary dwelling unit excluding garages, decks, and unheated porches.

30. *a.* For purposes of this subsection, *"battery-charged security alarm system"* means an outdoor alarm system that does all of the following:

(1) Interfaces with an alarm system in a manner that enables the outdoor alarm system to cause the connected alarm system to transmit a signal intended to alert the business and a monitoring station operator in response to a burglary or attempted burglary.

(2) Is energized by a commercial storage battery not exceeding twelve volts direct current and designed to periodically deliver voltage impulses to the outdoor alarm system.

(3) Includes a battery-charging device used exclusively to charge the battery.

b. A county shall not consider a battery-charged security alarm system to be a fence or to be subject to regulation by fence codes, and shall not require a fence permit for the installation or use of a battery-charged security alarm system on property that is not used exclusively for residential purposes.

c. A county shall not adopt, enforce, or apply any ordinance, building code, zoning regulation, or other requirement that prohibits or otherwise regulates the installation or use of a battery-charged security alarm system on nonresidential property, provided that the battery-charged security alarm system complies with all of the following requirements:

(1) The energizer is certified to meet the current international electrotechnical commission standard 60335-2-76, or a successor standard.

(2) The battery-charged security alarm system is located behind a nonelectric perimeter fence or wall that is not less than five feet in height.

(3) The battery-charged security alarm system is the greater of ten feet in height or two feet higher than the nonelectric perimeter fence or wall.

(4) Warning signs, in capitalized type, reading "WARNING — ELECTRIC FENCE" or similar language, are posted at intervals not greater than thirty feet along the fence.

d. This subsection does not apply to property used exclusively for residential occupancy.

e. Notwithstanding paragraph *"c"*, a county may only require an alarm system operator license or permit for battery-charged security alarm systems in the same manner as is required for any other security alarm systems.

f. Nothing in this section shall be construed to apply to security alarm systems that do not meet the definition of battery-charged security alarm system.

31. *a.* A county shall not issue a county-specific identification card to any resident of the county except as provided in paragraph *"b"*.

b. (1)

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A county authorized pursuant to chapter 321M may issue driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices.

(2) A county may issue an identification card to a county employee or elected official relating to the employee's or official's job duties.

[C51, §93; R60, §221; C73, §279; C97, §394; C24, 27, 31, 35, 39, §**5128;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §332.1; S81, §331.301; 81 Acts, ch 117, §300]

85 Acts, ch 156, §1; 86 Acts, ch 1211, §19; 87 Acts, ch 115, §51; 89 Acts, ch 101, §1; 92 Acts, ch 1138, §1; 92 Acts, ch 1204, §8; 95 Acts, ch 67, §53; 95 Acts, ch 206, §8, 12; 99 Acts, ch 186, §1; 2001 Acts, ch 143, §1; 2001 Acts, ch 153, §9, 16; 2004 Acts, ch 1119, §1; 2006 Acts, ch 1010, §93; 2009 Acts, ch 100, §8, 21; 2010 Acts, ch 1061, §131, 132, 177; 2011 Acts, ch 100, §13, 15; 2012 Acts, ch 1017, §72; 2013 Acts, ch 77, §33, 36; 2014 Acts, ch 1092, §86; 2017 Acts, ch 20, §1, 5; 2017 Acts, ch 115, §6, 12; 2018 Acts, ch 1013, §1; 2018 Acts, ch 1075, §10, 12, 13; 2018 Acts, ch 1172, §71, 72, 74; 2020 Acts, ch 1074, §1, 93; 2020 Acts, ch 1118, §147; 2021 Acts, ch 44, §1; 2021 Acts, ch 139, §29, 31; 2021 Acts, ch 179, §1, 3; 2022 Acts, ch 1024, §1; 2022 Acts, ch 1153, §19; 2023 Acts, ch 71, §138, 154; 2023 Acts, ch 147, §2; 2024 Acts, ch 1003, §1, 7, 8; 2024 Acts, ch 1011, §1; 2024 Acts, ch 1094, §37, 47; 2024 Acts, ch 1109, §2, 4; 2024 Acts, ch 1174, §1; 2025 Acts, ch 6, §21, 23; 2025 Acts, ch 26, §4; 2025 Acts, ch 38, §1; 2025 Acts, ch 81, §1; 2026 Acts, ch 1012, §1; 2026 Acts, ch 1013, §1, 2; 2026 Acts, ch 1036, §1

Referred to in §13.2, 346.27
See also Iowa Constitution, Art. III, §39A
Subsection 29, paragraph a amended
Subsection 29, paragraph e, NEW subparagraph (5)
NEW subsections 30 and 31

331.302 County legislation.

1. The board shall exercise a power or perform a duty only by the passage of a motion, a resolution, an amendment, or an ordinance.

2. For a violation of an ordinance a county shall not provide a penalty in excess of the maximum fine and term of imprisonment for a simple misdemeanor under section 903.1, subsection 1, paragraph *"a"*. The crime services surcharge required by section 911.1 shall be added to a county fine and is not a part of the county's penalty.

3. The subject matter of an ordinance or amendment shall be generally described in its title.

4. An amendment to an ordinance or to a code of ordinances shall specifically repeal the ordinance or code, or the section, subsection, paragraph, or subpart to be amended, and shall set forth the ordinance, code, section, subsection, paragraph, or subpart as amended.

5. *a.* A county may by ordinance adopt by reference any portion of the Code of Iowa in effect at the time of the adoption in the manner provided in section 380.8 for adoption of a proposed code of ordinances containing a proposed new ordinance or amendment, subject to the following limitations:

(1) The ordinance shall describe the subject matter and identify the portion of the Code of Iowa adopted by chapter, section, and subsection or other subpart, as applicable.

(2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed the maximum fine and term of imprisonment for a simple misdemeanor under section 903.1, subsection 1, paragraph *"a"*.

(3) Amendments or other changes to those portions of the Code of Iowa which have been adopted by reference shall serve as an automatic modification of the applicable ordinance.

b. An ordinance which adopts by reference any portion of the Code of Iowa may provide that violations of the ordinance are county infractions and subject to the limitations of section 331.307.

6. *a.* A proposed ordinance or amendment shall be considered and voted on for passage at two meetings of the board prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than a majority of the supervisors.

b. However, if a summary of the proposed ordinance or amendment is published as provided in section 331.305 prior to its first consideration and copies are available at the time of publication at the office of the auditor, the ordinance or amendment shall be considered and voted on for passage at one meeting prior to the meeting at which it is to be finally

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passed, unless this requirement is suspended by a recorded vote of not less than a majority of the supervisors.

7. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the supervisors. Each supervisor's vote on an ordinance, amendment, or resolution shall be recorded.

8. A resolution becomes effective upon passage and an ordinance or amendment becomes a law when a summary of the ordinance or the complete text of the ordinance is published, unless a subsequent effective date is provided within the measure. As used in this subsection, "*summary*" shall mean a narrative description of the terms and conditions of an ordinance setting forth the main points of the ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the ordinance. The description shall include the title of the ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the ordinance may be inspected, when the ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

9. The auditor shall promptly record each measure, publish a summary of all ordinances or a complete text of the ordinances and amendments as provided in section 331.305, authenticate all measures except motions with signature and certification as to time and manner of publication, if any, and maintain for public use copies of all effective ordinances and codes. A copy of the complete text of an ordinance or amendment shall also be available for distribution to the public at the office of the county auditor. The auditor's certification is presumptive evidence of the facts stated therein.

10. *a.* At least once every five years, the board shall compile a code of ordinances containing all of the county ordinances in effect.

(1) If a proposed code of ordinances contains only existing ordinances edited and compiled without change in substance, the board may adopt the code by ordinance.

(2) If a proposed code of ordinances contains a proposed new ordinance or amendment, the board shall hold a public hearing on the proposed code before adoption. The auditor shall publish notice of the hearing as provided in section 331.305. Copies of the proposed code of ordinances shall be available at the auditor's office and the notice shall so state. Within thirty days after the hearing, the board may adopt the proposed code of ordinances which becomes law upon publication of the ordinance adopting it. If the board substantially amends the proposed code of ordinances after a hearing, notice and hearing shall be repeated.

b. Ordinances and amendments which become effective after adoption of a code of ordinances may be compiled as a supplement to the code, and upon adoption of the supplement by resolution, become part of the code of ordinances.

c. An adopted code of ordinances is presumptive evidence of the passage, publication, and content of the ordinances therein as of the date of the auditor's certification of the ordinance adopting the code or supplement.

11. The compensation paid to a newspaper for a publication required by this section shall not exceed the fee provided in section 618.11. The compensation paid to a newspaper for publication of the complete text of an ordinance shall not exceed three-fourths of the fee provided in section 618.11.

12. The board may adopt the provisions of a statewide or nationally recognized standard code or portions of any such code by an ordinance which identifies the code by subject matter, source, and date, and incorporates the provisions either by reference or by setting them forth in full. The code or portion shall be adopted only after notice and hearing in the manner provided in subsection 10.

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13. Immediately after the effective date of a measure establishing a zoning district, building lines, or fire limits, the auditor shall certify the measure and a plat showing the district, lines, or limits, to the recorder. The recorder shall record the measure and plat in the miscellaneous record or other book provided for special records, and shall index the record.

14. A measure voted upon is not invalid because a supervisor has a conflict of interest, unless the vote of the supervisor was decisive to passage of the measure. If a majority or unanimous vote of the board is required by statute, the majority or vote shall be computed on the basis of the number of supervisors not disqualified by reason of conflict of interest. However, a majority of all supervisors is required for a quorum. For the purposes of this subsection, the statement of a supervisor that the supervisor declines to vote by reason of conflict of interest is conclusive and shall be entered of record.

15. A valid measure adopted by a county prior to July 1, 1981, remains valid unless the measure is irreconcilable with a state law.

16. A county shall not provide a civil penalty in excess of seven hundred fifty dollars for the violation of an ordinance which is classified as a county infraction or if the infraction is a repeat offense, a civil penalty not to exceed one thousand dollars for each repeat offense. A county infraction is not punishable by imprisonment.

1. [C31, 35, §5903-c9; C39, §**5903.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.11; S81, §331.302(1); 81 Acts, ch 117, §301]

2. [C97, §1349; C24, 27, 31, 35, 39, §**5587, 7180;** C46, §361.7, 444.19; C50, 54, 58, §358A.26, 361.7, 444.19; C62, 66, 71, 73, 75, §332.30, 358A.26, 444.19; C77, 79, 81, §332.30, 332.51, 358A.26; S81, §331.302(2); 81 Acts, ch 117, §301]

3 – 5. [S81, §331.302(3 – 5); 81 Acts, ch 117, §301]

6. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.9; S81, §331.302(6); 81 Acts, ch 117, §301]

7 – 10. [S81, §331.302(7 – 10); 81 Acts, ch 117, §301]

11. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.25; S81, §331.302(11); 81 Acts, ch 117, §301]

12 – 14. [S81, §331.302(12 – 14); 81 Acts, ch 117, §301]

84 Acts, ch 1219, §30; 86 Acts, ch 1202, §3; 91 Acts, ch 145, §1, 2; 96 Acts, ch 1098, §1; 98 Acts, ch 1144, §1; 99 Acts, ch 153, §7, 8; 2000 Acts, ch 1203, §17, 18; 2003 Acts, ch 178, §21; 2004 Acts, ch 1111, §1; 2009 Acts, ch 21, §3, 4; 2020 Acts, ch 1074, §2, 93

Referred to in §321P.2, 331.251, 331.304A, 335.6, 368.26, 455B.146, 455B.175, 455B.192
See also Iowa Constitution, Art. III, §39A

331.303 General duties of the board.

The board shall:

1. Keep record books as follows:

a. A *"minute book"* which records all orders and decisions other than those relating to drainage districts. The minute book or a separate index book must contain an alphabetical index by subject matter categories of the proceedings shown by the minutes.

b. A *"warrant book"* which records each warrant drawn in the order of issuance by number, date, amount, and name of drawee, and refers to the order in the minute book authorizing its drawing. The board may authorize the auditor to issue checks in lieu of warrants. If the issuance of checks is authorized, the word "check" shall be substituted for the word "warrant" in those sections of this chapter and chapters 6B, 11, 35B, 336, 349, 350, 427B, and 468 in which the issuance of a check is authorized in lieu of a warrant.

c. A *"claim register"* which records all claims for money filed against the county. Claims shall be numbered consecutively in order of filing and entered alphabetically by the claimant's name. The claim register shall show the date of filing, the number of the claim and its general nature, and the action of the board on the claim including the fund against which it is allowed if it is allowed. The claims allowed at each meeting shall be listed in the minute book by claim number.

2. Maintain its records in accordance with chapter 22.

3. Act upon applications for cigarette tax permits in accordance with chapter 453A.

4. Act upon applications for retail alcohol licenses in accordance with section 123.32.

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5. Select official newspapers and cause official publications to be made in accordance with chapters 349 and 618.

6. Adopt rules relating to the labor of prisoners in the county jail in accordance with sections 356.16 through 356.19, and may establish the cost of board and provide for the transportation of certain prisoners in accordance with section 356.30.

7. Divide the county into townships, and proceed upon a petition to divide, dissolve or change the name of a township in accordance with chapter 359.

8. Approve the written investment policy for the county required under section 12B.10B.

9. Cause on-site inspections of pipeline construction projects as required in section 479.29, subsection 2, and the board may petition for rules as provided in that section.

10. Defend, save harmless, and indemnify its officers, employees, and agents against tort claims, and may settle the claims, in accordance with sections 670.8 and 670.9.

11. Perform other duties as required by law.

[R60, §318; C73, §308; C97, §442; C24, 27, 31, 35, 39, §**5122, 5123;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §331.19, 331.20; S81, §331.303; 81 Acts, ch 117, §302; 82 Acts, ch 1104, §33]

83 Acts, ch 186, §10069, 10201; 92 Acts, ch 1156, §13; 99 Acts, ch 204, §35; 2001 Acts, ch 45, §1; 2001 Acts, ch 176, §67; 2004 Acts, ch 1019, §27; 2021 Acts, ch 80, §195; 2022 Acts, ch 1099, §100, 102

Referred to in §331.504

331.304 Procedural limitations on general county powers.

If a county proposes to exercise any of the following powers, it shall do so in accordance with the following limitations:

1. The power to act jointly with other political subdivisions or public or private agencies shall be exercised in accordance with chapter 28E or 28I or other applicable state law.

2. The power to adopt, administer, and enforce the state building code shall be exercised in accordance with chapter 103A. The power to adopt by ordinance, administer, and enforce a county building code, is subject to the following restrictions:

a. A county building code shall not apply within the incorporated area of a city except at the option of the city, and shall not apply within a city's two-mile limit referred to in section 414.23, to the extent that the city has adopted a building code within the two-mile limit.

b. A county building code shall not apply to farm houses or other farm buildings which are primarily adapted for use for agricultural purposes, while so used or under construction for that use.

3. A county shall not license elevator inspectors or regulate elevator conveyances except as provided in section 89A.15.

4. The power to adopt airport zoning regulations applicable to airport hazard areas shall be exercised in accordance with chapter 329.

5. The power to adopt county zoning regulations shall be exercised in accordance with chapter 335.

6. The board may file a petition with the city development board as provided in section 368.11.

7. The power to take private property for public use shall only be exercised by counties for public purposes which are reasonable and necessary as an incident to the powers and duties conferred upon counties, and in accordance with chapters 6A and 6B. Section 306.19 is also applicable to condemnation of right-of-way for secondary roads. Sections 306.27 through 306.37 are applicable to the condemnation of right-of-way that is contiguous to existing road right-of-way and necessary for the maintenance, safety improvement, or upgrade of the existing secondary road.

8. The board, upon application, may grant permits for the use of display fireworks as provided in section 727.2.

9. A county shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for or relating to owner-occupied manufactured or mobile homes including the lots, lands, or manufactured home community or mobile home park upon or in which they are located. A county shall not adopt or enforce

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any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any rules of the department of health and human services or local board of health if those rules apply to other rental properties or to owner-occupied housing intended for human habitation.

10. A county shall not adopt or enforce any ordinance imposing any limitation on the amount of rent that can be charged for leasing private residential or commercial property. This subsection does not prevent the right of a county to manage and control residential property in which the county has a property interest.

11. A county shall not adopt or enforce any ordinance or regulation in violation of section 562A.27B or 562B.25B.

12. *a.* A county shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment providing for any terms or conditions of employment that exceed or conflict with the requirements of federal or state law relating to a minimum or living wage rate, any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms or conditions of employment.

b. An ordinance, motion, resolution, or amendment adopted prior to March 30, 2017, that violates this subsection is void and unenforceable on and after March 30, 2017.

13. A county shall not adopt or enforce an ordinance or regulation that prohibits an owner, lessor, sublessor, managing agent, or other person having the right to lease, sublease, or rent out a dwelling unit from refusing to lease or rent out the dwelling unit to a person because of the person's use of a federal housing choice voucher issued by the United States department of housing and urban development. Such an ordinance or regulation in effect on January 1, 2021, is void and unenforceable on and after January 1, 2023. For purposes of this subsection, *"dwelling unit"* means the same as defined in section 562A.6.

1, 2. [S81, §331.304(1, 2); 81 Acts, ch 117, §303]

3. [C50, 54, 58, 62, §358A.3; C66, 71, 73, 75, 77, 79, 81, §332.3(22), 358A.3; S81, §331.304(3); 81 Acts, ch 117, §303]

4 – 7. [S81, §331.304(4 – 7); 81 Acts, ch 117, §303]

8. [S13, §1644-a, -e, 2024-f; C24, 27, 31, 35, 39, §**7806;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.4; S81, §331.304(8); 81 Acts, ch 117, §303]

9. [S81, §331.304(9); 81 Acts, ch 117, §303]

86 Acts, ch 1245, §1116; 99 Acts, ch 171, §33, 42; 2000 Acts, ch 1083, §1; 2004 Acts, ch 1101, §37; 2007 Acts, ch 16, §16; 2008 Acts, ch 1191, §60; 2015 Acts, ch 99, §53; 2016 Acts, ch 1120, §1; 2017 Acts, ch 20, §2, 5; 2017 Acts, ch 115, §7, 12; 2021 Acts, ch 49, §1, 3; 2023 Acts, ch 19, §1082; 2024 Acts, ch 1170, §424

331.304A Limitations on county legislation.

1. As used in this section:

a. "Aerobic structure", *"animal"*, *"animal feeding operation"*, *"animal feeding operation structure"*, and *"manure"* mean the same as defined in section 459.102.

b. "County legislation" means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.

2. A county shall not adopt or enforce county legislation regulating a condition or activity occurring on land used for the production, care, feeding, or housing of animals unless the regulation of the production, care, feeding, or housing of animals is expressly authorized by state law. County legislation adopted in violation of this section is void and unenforceable and any enforcement activity conducted in violation of this section is void. A condition or activity occurring on land used for the production, care, feeding, or housing of animals includes but is not limited to the construction, operation, or management of an animal feeding operation, an animal feeding operation structure, or aerobic structure, and to the storage, handling, or application of manure or egg washwater.

98 Acts, ch 1209, §9, 53

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331.305 Publication of notices — electronic delivery authorization.

1. Unless otherwise provided by state law, if notice of an election, hearing, or other official action is required by this chapter, the board shall publish the notice at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action, in one or more newspapers which meet the requirements of section 618.14. Notice of an election shall also comply with section 49.53.

2. *a.* If the board is required or authorized by law to publish a notice or any other information regarding the county budget or a county property tax levy, the county shall also provide the notice or information by electronic means to all persons who have by electronic or other means authorized the receipt of such items under this subsection.

b. An authorization to receive notices or other information by electronic means under this subsection shall continue until revoked in writing by the person. Such revocation may be provided to the board electronically in a manner approved by the board.

c. Electronic means includes delivery to an electronic mail address or by other electronic means reasonably calculated to apprise the person of the information that is being provided, as designated by the authorizing person.

d. Information compiled or possessed by the board for the purposes of complying with authorizations for delivery by electronic means including but not limited to taxpayer electronic mail addresses, post office addresses, revocations, and passwords or other methods of protecting taxpayer information are not public records and are not subject to disclosure under chapter 22.

[R60, §312(23); C73, §303(24); C97, §423; SS15, §423; C24, 27, 31, 35, 39, §**5261;** C46, 50, 54, 58, §330.18, 345.1; C62, 66, §111A.6, 330.18, 345.1; C71, §111A.6, 313A.35, 330.18, 345.1; C73, §111A.6, 313A.35, 330.18, 345.1, 361.5; C75, 77, 79, §111A.6, 313A.35, 330.18, 332.3(13), 345.1, 361.5; C81, §111A.6, 313A.35, 330.18, 332.3(13), 345.1, 361.5, 444.9(2); S81, §331.305; 81 Acts, ch 117, §304]

2021 Acts, ch 132, §1

Referred to in §6B.11, 28J.21, 69.14A, 137.104, 306.30, 309.65, 311.12, 330.18, 331.301, 331.302, 331.361, 331.402, 331.425, 331.442, 331.443, 331.447, 331.464, 331.471, 331.479, 335.5, 335.6, 336.13, 336.16, 350.5, 357.4, 357C.3, 357E.4, 357H.3, 357H.10, 358.4, 358.6, 358.27, 358.29, 358.30A, 358.33, 358C.5, 358C.7, 358C.18, 358C.21, 358C.22, 359.7, 404.2, 404B.2, 404B.3, 427B.26, 461A.31A, 468.15

331.306 Petitions of eligible electors.

1. If a petition of the voters is authorized by this chapter, the petition is valid if signed by eligible electors of the county equal in number to at least ten percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election, unless otherwise provided by state law. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

2. Petitions authorized by this chapter shall be filed with the board of supervisors not later than eighty-two days before the date of the general election if the question is to be voted upon at the general election. If the petition is found to be valid, the board of supervisors shall, not later than sixty-nine days before the general election, notify the county commissioner of elections to submit the question to the registered voters at the general election.

3. A petition shall be examined before it is accepted for filing. If it appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioners.

4. Petitions which have been accepted for filing are valid unless written objections are filed. Objections must be filed with the county auditor within five working days after the petition was filed. The objection process in section 44.7 shall be followed for objections filed pursuant to this section.

[C73, §299; C97, §410; SS15, §410; C24, 27, 31, 35, 39, §**5107, 5108;** C46, 50, 54, §330.17, 331.2; C58, 62, 66, §111A.2, 330.17, 331.2; C71, 73, 75, 77, 79, §111A.2, 330.17, 331.2, 331.9; C81, §111A.2, 174.10, 330.17, 331.2, 331.9; S81, §331.306; 81 Acts, ch 117, §305]

89 Acts, ch 136, §69; 94 Acts, ch 1180, §48; 95 Acts, ch 67, §53; 2016 Acts, ch 1011, §121

Referred to in §69.14A, 99F.7, 330.17, 331.203, 331.204, 331.207, 331.247, 331.301, 331.402, 331.441, 331.442, 331.471, 350.2

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331.307 County infractions.

1. A county infraction is a civil offense punishable by a civil penalty of not more than seven hundred fifty dollars for each violation or if the infraction is a repeat offense a civil penalty not to exceed one thousand dollars for each repeat offense.

2. A county by ordinance may provide that a violation of an ordinance is a county infraction.

3. A county shall not provide that a violation of an ordinance is a county infraction if the violation is a felony, an aggravated misdemeanor, or a serious misdemeanor under state law or if the violation is a simple misdemeanor under chapters 687 through 747.

4. An officer authorized by a county to enforce a county code or regulation may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service as provided in rule of civil procedure 1.305, by certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rule of civil procedure 1.310 and subject to the conditions of rule of civil procedure 1.311. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

a. The name and address of the defendant.

b. The name or description of the infraction attested to by the officer issuing the citation.

c. The location and time of the infraction.

d. The amount of civil penalty to be assessed or the alternate relief sought, or both.

e. The manner, location, and time in which the penalty may be paid.

f. The time and place of court appearance.

g. The penalty for failure to appear in court.

5. In proceedings before the court for a county infraction:

a. The matter shall be tried before a magistrate or district associate judge in the same manner as a small claim.

b. The county has the burden of proof that the county infraction occurred and that the defendant committed the infraction. The proof shall be by clear, satisfactory, and convincing evidence.

c. The court shall ensure that the defendant has received a copy of the charges and that the defendant understands the charges. The defendant may question all witnesses who appear for the county and produce evidence or witnesses on the defendant's behalf.

d. The defendant may be represented by counsel of the defendant's own selection and at the defendant's own expense.

e. The defendant may answer by admitting or denying the infraction.

f. If a county infraction is proven, the court shall enter judgment against the defendant. If the infraction is not proven, the court shall dismiss it.

6. Notwithstanding section 602.8106, subsection 3, penalties or forfeitures collected by the court for county infractions shall be remitted to the county in the same manner as fines and forfeitures are remitted to cities for criminal violations under section 602.8106. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

7. A person against whom judgment is entered, shall pay court costs and fees as in small claims under chapter 631. If the action is dismissed, the county is liable for the court costs and court fees. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the county.

8. Seeking a civil penalty as authorized in this section does not preclude a county from seeking alternative relief from the court in the same action.

9. *a.* When judgment has been entered against a defendant, the court may do any of the following:

(1) Impose a civil penalty by entry of a personal judgment against the defendant.

(2) Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

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(3) Grant appropriate alternative relief ordering the defendant to abate or cease the violation.

(4) Authorize the county to abate or correct the violation.

(5) Order that the county's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

b. If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

10. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to section 631.1, subsection 1, for magistrates and section 602.6306, subsection 2, for district associate judges. If the county seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to section 631.13.

11. A defendant or the county may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to section 631.13. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same defendant.

12. This section does not preclude a peace officer of a county from issuing a criminal citation for a violation of a county code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted by the defendant to exist, constitutes a separate offense.

13. The issuance of a civil citation for a county infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

86 Acts, ch 1202, §4; 87 Acts, ch 99, §1 – 3; 89 Acts, ch 150, §1 – 4; 98 Acts, ch 1144, §2; 2003 Acts, ch 178, §22; 2010 Acts, ch 1061, §133

Referred to in §137.117, 331.302, 455B.146, 455B.175, 455B.192

331.308 Neglected animals.

A county may rescue, provide maintenance, or dispose of neglected livestock or another animal, as provided in chapters 717 and 717B.

94 Acts, ch 1103, §2

331.309 Elections on public measures.

Unless otherwise stated, the dates of elections on public measures authorized in this chapter are limited to those specified for counties in section 39.2.

2008 Acts, ch 1115, §55, 71

331.310 Mineral interests.

1. For purposes of this section:

a. "Mineral interests" means any real property interest in one or more natural resources or minerals underlying the surface of a tract of land, which can be owned separately from the surface estate.

b. "Minerals" means coal, any naturally occurring gas, oil, or other gaseous, liquid, or solid hydrocarbons; oil shale; gemstones; metals; fissionable or nonfissionable ore; or steam or other geothermal resources. *"Minerals"* does not mean minerals as defined in section 208.2.

2. A county shall divest itself of any mineral interest owned or controlled by the county and shall convey such mineral interest to the surface owner of the land to which the mineral interest pertains except when the county is the fee simple surface owner of the land. A conveyance under this section shall be made without consideration and shall be without cost to the surface owner of the land.

3. A county shall complete all conveyances required under this section no later than five

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years after June 2, 2026. Conveyances pursuant to section 458A.20 shall be completed within one hundred fifty days of service of the required notice. Any interest in minerals acquired by the county after June 2, 2026, shall be conveyed as required under this section within ninety days.

2026 Acts, ch 1176, §1, 14
Referred to in §446.7, 458A.20, 557C.6
NEW section

331.311 through 331.320 Reserved.

PART 2

DUTIES AND POWERS OF THE BOARD
RELATING TO COUNTY AND
TOWNSHIP OFFICERS AND EMPLOYEES

331.321 Appointments — removal.

1. The board shall appoint:

a. A veterans memorial commission in accordance with sections 37.9, 37.10, and 37.15, when a proposition to erect a memorial building or monument has been approved by the voters.

b. A county conservation board in accordance with section 350.2, when a proposition to establish the board has been approved by the voters.

c. The members of the county board of health in accordance with section 137.105.

d. One member of the convention to elect the state fair board as provided in section 173.2, subsection 3.

e. The members of the advisory board in accordance with section 217.43.

f. A county commission of veteran affairs in accordance with sections 35B.3 and 35B.4.

g. A general assistance director in accordance with section 252.26.

h. One or more county engineers in accordance with sections 309.17 through 309.19.

i. A weed commissioner in accordance with section 317.3.

j. A county medical examiner in accordance with section 331.801, and the board may provide facilities, deputy examiners, and other employees in accordance with that section.

k. Two members of the county compensation board in accordance with section 331.905, if the board of supervisors has established a county compensation board.

l. Members of an airport zoning commission as provided in section 329.9, if the board adopts airport zoning under chapter 329.

m. Members of an airport commission in accordance with section 330.20 if a proposition to establish the commission has been approved by the voters.

n. Two members of the civil service commission for deputy sheriffs in accordance with section 341A.2 or 341A.3, and the board may remove the members in accordance with those sections.

o. A temporary board of hospital trustees in accordance with sections 347.9, 347.9A, and 347.10 if a proposition to establish a county hospital has been approved by the voters.

p. An initial board of hospital trustees in accordance with section 347A.1 if a hospital is established under chapter 347A.

q. A county zoning commission, an administrative officer, and a board of adjustment in accordance with sections 335.8 through 335.11, if the board adopts county zoning under chapter 335.

r. A board of library trustees in accordance with sections 336.4 and 336.5, if a proposition to establish a library district has been approved by the voters, or section 336.18 if a proposition to provide library service by contract has been approved by the voters.

s. Local representatives to serve with the city development board as provided in section 368.14.

t. Members of a city planning and zoning commission and board of adjustment when a city extends its zoning powers outside the city limits, in accordance with section 414.23.

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u. A list of residents eligible to serve as a compensation commission in accordance with section 6B.4, in condemnation proceedings under chapter 6B.

v. A member of the judicial election district magistrate appointing commission in accordance with section 602.6503.

w. Members of a county enterprise commission or joint county enterprise commission if the commission is approved by the voters as provided in section 331.471.

x. Other officers and agencies as required by state law.

2. If the board proposes to appoint a county surveyor, it shall appoint a person qualified in accordance with chapter 542B and provide the surveyor with a suitable book in which to record field notes and plats.

3. Except as otherwise provided by state law, a person appointed as provided in subsection 1 may be removed by the board by written order. The order shall give the reasons and be filed in the office of the auditor, and a copy shall be sent by certified mail to the person removed who, upon request filed with the auditor within thirty days of the date of mailing the copy, shall be granted a public hearing before the board on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed unless the person removed requests a later date.

4. A board or commission appointed by the board of supervisors shall notify the county auditor of the name and address of its clerk or secretary.

5. A supervisor serving on another county board or commission shall be paid only as a supervisor for a day which includes official service on both boards.

1. [S81, §331.321(1, 2); 81 Acts, ch 117, §320]

2. [C51, §208; R60, §418; C73, §375; C97, §539; C24, 27, 31, 35, 39, §**5487;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §355.6; S81, §331.321(3); 81 Acts, ch 117, §320]

3. [C51, §411; R60, §642; C73, §766; C97, §298, 481, 491, 496, 510; S13, §496; SS15, §298, 481, 491, 510-b; C24, 27, 31, 35, 39, §**5240;** C46, 50, 54, 58, §341.3; C62, 66, 71, 73, 75, 77, 79, 81, §111A.2, 341.3; S81, §331.321(4); 81 Acts, ch 117, §320]

4. [S81, §331.321(5); 81 Acts, ch 117, §320]

5. [C39, §**3661.011;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §234.10; S81, §331.321(6); 81 Acts, ch 117, §320]

83 Acts, ch 186, §10070, 10201; 84 Acts, ch 1067, §35; 87 Acts, ch 227, §24; 88 Acts, ch 1161, §12; 90 Acts, ch 1236, §45; 92 Acts, ch 1139, §24; 92 Acts, ch 1212, §30; 93 Acts, ch 54, §10; 94 Acts, ch 1173, §16; 98 Acts, ch 1075, §16; 2000 Acts, ch 1011, §1; 2000 Acts, ch 1057, §1; 2001 Acts, ch 95, §1; 2001 Acts, 2nd Ex, ch 4, §8, 9; 2009 Acts, ch 110, §4; 2010 Acts, ch 1036, §21; 2010 Acts, ch 1061, §53; 2013 Acts, ch 90, §88, 245; 2021 Acts, ch 80, §196; 2023 Acts, ch 19, §1083, 2778; 2024 Acts, ch 1094, §50; 2024 Acts, ch 1161, §111, 137; 2026 Acts, ch 1063, §1, 25

Referred to in §350.2

2026 amendment to subsection 1, paragraph v effective November 1, 2026; 2026 Acts, ch 1063, §25

Subsection 1, paragraph v amended

331.322 Duties relating to county and township officers.

The board shall:

1. Require and approve official bonds in accordance with chapter 64 and section 636.6, and pay the cost of certain officers' bonds as provided in section 64.11 and section 331.324, subsection 6.

2. Make temporary appointments in accordance with section 66.19, when an officer is suspended under chapter 66.

3. Fill vacancies in county offices in accordance with sections 69.8 through 69.12 and section 69.14A, and make appointments in accordance with section 4A.12 unless a special election is called pursuant to section 69.14A.

4. Provide suitable offices for the meetings of the county conservation board and the safekeeping of its records.

5. Furnish offices within the county for the sheriff, and at the county seat for the recorder, treasurer, auditor, county attorney, county surveyor or engineer, county assessor, and city assessor. The board shall furnish the officers with fuel, lights, and office supplies. However, the board is not required to furnish the county attorney with law books. The board shall not

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furnish an office also occupied by a practicing attorney to an officer other than the county attorney.

6. Annually prepare and review the compensation schedule, or review the final compensation schedule of the county compensation board if the board of supervisors has established a county compensation board, and determine the final compensation schedule in accordance with section 331.907.

7. Provide necessary office facilities and the technical and clerical assistance requested by the county compensation board to accomplish the purposes of sections 331.905 and 331.907, if the board of supervisors has established a county compensation board.

8. Provide the sheriff with county-owned automobiles or contract for privately owned automobiles as needed for the sheriff and deputies to perform their duties, the need to be determined by the board.

9. Provide the sheriff and the sheriff's full-time deputies with necessary uniforms and accessories in accordance with section 331.657.

10. Pay for the cost of board furnished prisoners in the sheriff's custody, as provided in section 331.658, appoint and pay salaries of assistants at the jails, furnish supplies, and inspect the jails.

11. Furnish necessary equipment and materials for the sheriff to carry out the provisions of section 690.2.

12. Install radio materials in the office of the sheriff as provided in section 693.4.

13. Provide for the examination of the accounts of an officer who neglects or refuses to report fees collected, if a report is required by state law. The expense of the examination shall be charged to the officer and collectible on the officer's bond.

14. Establish and pay compensation of township trustees and township clerk, as provided in sections 359.46 and 359.47.

15. Furnish quarters for meetings of the board of review of assessments.

1. [R60, §312; C73, §303; C97, §422; SS15, §422; C24, 27, 31, 35, 39, §**5130;** C46, 50, 54, 58, 62, 66, 71, §322.3(8); C73, 75, 77, 79, 81, §332.3(8), 332.43; S81, §331.322; 81 Acts, ch 117, §321]

2, 3. [S81, §331.322(2, 3); 81 Acts, ch 117, §321]

4. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §111A.3; S81, §331.322(4); 81 Acts, ch 117, §321]

5. [C73, §3844; C97, §468; C24, 27, 31, 35, 39, §**5133, 5134;** C46, §332.9, 332.10, 405.12; C50, 54, 58, §332.9, 332.10, 405.12, 441.7; C62, §332.9, 332.10, 441.14; C66, 71, 73, 75, 77, 79, 81, §332.9, 332.10, 336A.9, 441.14; S81, §331.322(5); 81 Acts, ch 117, §321; 82 Acts, ch 1104, §34]

6. [C66, 71, 73, 75, §340.3; C77, 79, 81, §340A.6; S81, §331.322(6); 81 Acts, ch 117, §321]

7. [C77, 79, 81, §340A.5; S81, §331.322(7); 81 Acts, ch 117, §321]

8. [C31, 35, 39, §**5130;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §332.3(18); C77, 79, 81, §332.3(18), 332.35; S81, §331.322(8); 81 Acts, ch 117, §321]

9. [C66, 71, 73, §332.10; C75, 77, 79, §332.10, 337A.2; C81, §337A.2; S81, §331.322(9); 81 Acts, ch 117, §321]

10. [C51, §2536; R60, §4145; C73, §3788; C24, 27, §5197-d1; C31, 35, §5197-d1, -d2, -d3, -d5; C39, §**5191, 5197.01 – 5197.03, 5197.05;** C46, 50, 54, 58, 62, 66, 71, 73, §337.11, 338.1 – 338.3, 338.5; C75, 77, 79, 81, §338.1 – 338.3, 338.5; S81, §331.322(10); 81 Acts, ch 117, §321]

11. [C27, 31, 35, §13417-b2; C39, §**13417.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §749.3; C79, 81, §690.3; S81, §331.322(11); 81 Acts, ch 117, §321]

12. [C31, 35, §13417-d4; C39, §**13417.6;** C46, 50, 54, 58, §750.4; C62, 66, 71, 73, 75, 77, §750.4, 750.6; C79, 81, §693.4, 693.6; S81, §331.322(12); 81 Acts, ch 117, §321]

13. [C97, §548; C24, 27, 31, 35, 39, §**5253;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.5; S81, §331.322(13); 81 Acts, ch 117, §321]

14. [C51, §2548; R60, §911, 4156; C73, §3808, 3809; C97, §590, 591; S13, §590, 591; C24, 27, 31, 35, 39, §**5571, 5572;** C46, 50, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.46, 359.47; S81, §331.322(14); 81 Acts, ch 117, §321]

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15. [C46, 50, 54, 58, §405.17; C62, 66, 71, 73, 75, 77, 79, 81, §441.34; S81, §331.322(15); 81 Acts, ch 117, §321]

16. [C24, 27, 31, 35, 39, §**10858;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §608.11; S81, §331.322(16); 81 Acts, ch 117, §321]

83 Acts, ch 14, §3; 83 Acts, ch 186, §10071, 10201; 86 Acts, ch 1108, §1; 87 Acts, ch 227, §25; 88 Acts, ch 1161, §13; 89 Acts, ch 215, §5; 2017 Acts, ch 133, §1; 2020 Acts, ch 1063, §175; 2024 Acts, ch 1094, §51

Referred to in §331.324

331.323 Powers relating to county officers — combining duties.

1. *a.* A county may combine the duties of two or more of the following county officers and employees as provided in this subsection:

(1) Sheriff.
(2) Treasurer.
(3) Recorder.
(4) Auditor.
(5) Medical examiner.
(6) General assistance director.
(7) Commission on veteran affairs.
(8) Executive officer of the advisory board in accordance with section 217.43.
(9) County assessor.
(10) County weed commissioner.

b. If a petition of electors equal in number to twenty-five percent of the votes cast for the county office receiving the greatest number of votes at the preceding general election is filed with the auditor no later than five working days before the filing deadline for candidates for county offices as specified in section 44.4 for the next general election, the board shall direct the commissioner of elections to call an election for the purpose of voting on the proposal. If the petition contains more than one proposal for combining duties, each proposal shall be listed on the ballot as a separate issue. If the majority of the votes cast is in favor of a proposal, the board shall take all steps necessary to combine the duties as specified in the petition.

c. The petition shall state the offices and positions to be combined and the offices or positions to be abolished. Offices and positions that have been combined may be subsequently separated by a petition and election in the same manner.

d. If an appointive officer or position is abolished, the term of office of the incumbent shall terminate one month from the day the proposal is approved. If an elective office is abolished, the incumbent shall hold office until the completion of the term for which elected, except that if a proposal is approved at a general election which fills the abolished office, the person elected shall not take office.

e. When the duties of an officer or employee are assigned to one or more elected officers, the board shall set the initial salary for each elected officer. Thereafter, the salary shall be determined as provided in section 331.907.

2. The board may:

a. Require additional security on an officer's bond, in accordance with sections 65.2 and 65.3, or hear a petition of the surety for release and require a new bond, in accordance with sections 65.4 through 65.8.

b. Require any county officer to make a report to it under oath on any subject connected with the duties of the office, and remove from office by majority vote an officer who refuses or neglects to make a report or give a bond required by the board within twenty days after the requirement is made known to the officer.

c. Compromise an unsatisfied judgment rendered in favor of the county against a county officer and the sureties on the officer's bond, if the county is satisfied that the full amount cannot be collected. The county may compromise with one or more of the sureties and release those sureties if the officer and each of the sureties on the officer's bond execute a written consent to the compromise and to the release of each of the sureties who agree to the compromise, and in the writing agree that the compromise and release do not release any of the sureties who do not agree to the compromise. The written consent shall be filed with the

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auditor. If the judgment is based upon a default in county funds, the money received under the compromise shall be paid pro rata to the funds in proportion to the amount each fund was in default at the time the judgment was rendered.

d. Authorize a county officer to destroy records in the officer's possession which have been on file for more than ten years, and are not required to be kept as permanent records.

e. Enter into an agreement with one or more other counties to share the services of a county attorney, in accordance with section 331.753.

f. Provide that the county attorney be a full-time or part-time officer in accordance with section 331.752.

g. Establish the number of deputies, assistants, and clerks for the offices of auditor, treasurer, recorder, sheriff, and county attorney.

h. Exercise other powers authorized by state law.

1. [C62, 66, 71, 73, 75, 77, 79, 81, §332.17 – 332.22; S81, §331.323(1); 81 Acts, ch 117, §322]

2. a. [S81, §331.323(2); 81 Acts, ch 117, §322]

b. [R60, §312; C73, §303; C97, §422; SS15, §422; C24, 27, 31, 35, 39, §**5130(8, 9);** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §332.3(8, 9); S81, §331.323; 81 Acts, ch 117, §322]

c. [C97, §437 – 439; C24, 27, 31, 35, 39, §**5136 – 5138;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §332.12 – 332.14; S81, §331.323(2); 81 Acts, ch 117, §322]

d. [C24, 27, 31, 35, 39, §**5139;** C46, 50, §332.15; C54, 58, 62, 66, 71, §332.15, 343.13; C73, 75, 77, §110.9, 332.15, 335.11, 343.13; C79, 81, §110.16, 332.15, 335.11, 343.13; S81, §331.323; 81 Acts, ch 117, §322]

e, f. [S81, §331.323(2); 81 Acts, ch 117, §322]

g. [C97, §298, 303, 481, 491, 496, 510, 2734; S13, §303-a; SS15, §298, 481, 491, 510-b, 2734-b; C24, 27, 31, 35, 39, §**5238;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §341.1; S81, §331.323(2); 81 Acts, ch 117, §322]

h. [S81, §331.323(2); 81 Acts, ch 117, §322]

83 Acts, ch 186, §10072, 10073, 10201; 86 Acts, ch 1155, §3; 87 Acts, ch 115, §52; 87 Acts, ch 227, §26; 92 Acts, ch 1212, §31; 93 Acts, ch 143, §47; 2010 Acts, ch 1061, §180; 2021 Acts, ch 80, §197; 2022 Acts, ch 1021, §82; 2023 Acts, ch 19, §1084; 2024 Acts, ch 1161, §112, 137

Referred to in §331.502, 331.552, 331.602, 331.610, 331.653, 331.756(74), 441.56

331.324 Duties and powers relating to county and township officers and employees.

1. The board shall:

a. Carry out the duties of a public employer to engage in collective bargaining in accordance with chapter 20.

b. Grant claims for mileage and expenses of officers and employees in accordance with sections 70A.9 through 70A.13 and section 331.215, subsection 2.

c. Provide workers' compensation benefits to officers and employees as required by chapter 85.

d. Provide occupational disease compensation to employees as required by chapter 85A.

e. Cooperate with the workers' compensation commissioner and comply with requirements imposed upon counties under chapter 10A, subchapter III, and chapter 87.

f. Comply with occupational safety and health standards as required by chapter 88.

g. Comply with wage payment requirements imposed upon counties under chapter 91A.

h. Comply with employment security requirements imposed upon counties under chapter 96.

i. Participate in the Iowa public employees' retirement system as required by chapter 97B.

j. Participate in the federal Social Security Act as required by chapter 97C.

k. Provide for support of the civil service commission for deputy sheriffs in accordance with section 341A.20.

l. Establish the compensation of deputies and assistants in accordance with section 331.904.

m. Provide a deferred compensation program for any employee, in accordance with section 509A.12.

n. Employ persons who are blind or partially blind and persons with disabilities in accordance with section 216C.2.

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o. Fix the compensation for services of county and township officers and employees if not otherwise fixed by state law.

p. Use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees. The board shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

q. Perform other duties required by state law.

2. If the board wishes to participate in a program of interchange of employees, it shall do so in accordance with chapter 28D.

3. In exercising its power to resolve disputes with officers and employees, the board may arbitrate disputes in accordance with chapter 679B.

4. If the liability of a county officer or employee in the performance of official duties is not fully indemnified by insurance, the board shall pay a loss for which the officer or employee is found liable beyond the amount of insurance, and may compromise and settle any such claim.

5. If a board provides group insurance for county employees, it shall also provide the insurance to a full-time county extension office assistant employed in the county, if the county is reimbursed for the premium by the county extension district.

6. In carrying out the requirement of section 331.322, subsection 1, the board may purchase an individual or a blanket surety bond insuring the fidelity of county officers and county employees who are accountable for county funds or property subject to the minimum surety bond requirements of chapter 64. An elected county officer is deemed to have furnished surety if the officer is covered by a blanket bond purchased as provided in this subsection.

1. a – n. [S81, §331.324(1); 81 Acts, ch 117, §323]

o. [R60, §312; C73, §303; C97, §422; SS15, §422; C24, 27, 31, 35, 39, §**5130;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §332.3(10); S81, §331.324(1); 81 Acts, ch 117, §323]

p. [S81, §331.324(1); 81 Acts, ch 117, §323]

2, 3. [S81, §331.324(2 – 4); 81 Acts, ch 117, §323]

4. [C73, 75, 77, 79, 81, §332.43; S81, §331.324(5); 81 Acts, ch 117, §323; 82 Acts, ch 1104, §35]

5. [C75, 77, 79, 81, §509A.7; 82 Acts, ch 1101, §1]

83 Acts, ch 14, §4; 83 Acts, ch 186, §10074, 10075, 10201; 94 Acts, ch 1173, §17; 96 Acts, ch 1129, §83; 98 Acts, ch 1061, §11; 2010 Acts, ch 1079, §11; 2021 Acts, ch 80, §198; 2023 Acts, ch 19, §2010; 2026 Acts, ch 1156, §23, 35

Referred to in §137.110, 331.322

Subsection 1, NEW paragraph p and former paragraph p redesignated as q

331.325 Control and maintenance of pioneer cemeteries — cemetery commission.

1. As used in this section, "*pioneer cemetery*" means a cemetery where there have been twelve or fewer burials in the preceding fifty years.

2. Each county board of supervisors may adopt an ordinance assuming jurisdiction and control of pioneer cemeteries in the county. The board shall exercise the powers and duties of township trustees relating to the maintenance and repair of cemeteries in the county as provided in sections 359.28 through 359.40 except that the board shall not certify a tax levy pursuant to section 359.30 or 359.33 and except that the maintenance and repair of all cemeteries under the jurisdiction of the county including pioneer cemeteries shall be paid from the county general fund. The maintenance and improvement program for a pioneer cemetery may include restoration and management of native prairie grasses and wildflowers.

3. *a.* In lieu of management of the cemeteries, the board of supervisors may create, by ordinance, a cemetery commission to assume jurisdiction and management of the pioneer cemeteries in the county. The ordinance shall delineate the number of commissioners, the appointing authority, the term of office, officers, employees, organizational matters, rules of procedure, compensation and expenses, and other matters deemed pertinent by the board.

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The board may delegate any power and duties relating to cemeteries that may otherwise be exercised by township trustees pursuant to sections 359.28 through 359.40 to the cemetery commission except the commission shall not certify a tax levy pursuant to section 359.30 or 359.33 and except that the expenses of the cemetery commission shall be paid from the county general fund.

b. The cemetery commission, once created, may continue to assume jurisdiction and management of a cemetery that would no longer qualify as a pioneer cemetery due to recent burials if the cemetery qualified as a pioneer cemetery upon or after creation of the cemetery commission. The choice to continue retaining jurisdiction and control of a cemetery that no longer qualifies as a pioneer cemetery shall be made jointly between the county board of supervisors and the cemetery commission.

c. The board of supervisors and the cemetery commission may jointly decide to allow the cemetery commission to care for any cemetery that had between thirteen and twenty-four burials within the previous fifty years. However, a cemetery that had thirteen or more burials within the previous fifty years shall not be considered a pioneer cemetery.

d. A cemetery that does not otherwise qualify to be under the jurisdiction and control of a county board of supervisors or county cemetery commission may designate a portion of the cemetery as a pioneer section if at least fifty percent of the burials in that portion occurred at least one hundred years prior to the designation. Upon approval by the cemetery, the county board of supervisors, and the county cemetery commission, the county cemetery commission may use its resources to restore and maintain the pioneer section of the cemetery as though that section was a pioneer cemetery. However, a cemetery with a designated pioneer section and the pioneer section itself shall not be considered a pioneer cemetery.

4. Notwithstanding sections 359.30 and 359.33, the costs of management, repair, and maintenance of pioneer cemeteries shall be paid from the county general fund.

96 Acts, ch 1182, §1; 2005 Acts, ch 128, §1; 2009 Acts, ch 132, §3; 2019 Acts, ch 29, §1; 2022 Acts, ch 1153, §54

Referred to in §331.424B, 359.28, 459.102, 523I.102, 523I.403

331.326 through 331.340 Reserved.

PART 3

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY CONTRACTS

Referred to in §331.486, 468.586

Subject to reciprocal resident bidder preference in §8A.311B

331.341 Contracts.

1. When the estimated total cost of a public improvement, other than improvements which may be paid for from the secondary road fund, exceeds the competitive bid threshold in section 26.3, or as established in section 314.1B, the board shall follow the competitive bid procedures for governmental entities in chapter 26 and the contract letting procedures in section 384.103. As used in this section, "*public improvement*" means the same as defined in section 26.2 as modified by this subsection.

2. The board shall give preference to Iowa products in accordance with chapter 73 and shall comply with bid and contract requirements in chapter 26.

3. Contracts for improvements which may be paid for from the secondary road fund shall be awarded in accordance with sections 309.40 through 309.41, 309.43, 310.14, 314.1, 314.2, and other applicable state law.

4. If the contract price for a public improvement is twenty-five thousand dollars or more, the board shall require a contractor's bond in accordance with chapter 573.

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5. In exercising its power to contract for public improvements, the board may contract for the application of contract termination procedures in accordance with chapter 573A.

[C24, 27, 31, 35, 39, §**351, 5131, 5132;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §23.1, 332.7, 332.8; C77, 79, 81, §23.1, 332.7; S81, §331.341; 81 Acts, ch 117, §340]

94 Acts, ch 1173, §18; 95 Acts, ch 71, §2; 98 Acts, ch 1153, §1; 2006 Acts, ch 1017, §31, 32, 42, 43; 2007 Acts, ch 144, §13; 2011 Acts, ch 133, §8, 10, 11; 2021 Acts, ch 80, §199

Referred to in §28J.3, 28M.4, 331.301, 331.471, 346A.2, 350.6, 357H.7

331.342 Conflicts of interest in public contracts.

1. As used in this section, *"contract"* means a claim, account, or demand against or agreement with a county, express or implied, other than a contract to serve as an officer or employee of the county. However, contracts subject to section 314.2 are not subject to this section.

2. An officer or employee of a county shall not have an interest, direct or indirect, in a contract with that county. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

a. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

b. An employee of a bank or trust company, who serves as treasurer of a county.

c. Contracts made by a county upon competitive bid in writing, publicly invited and opened.

d. Contracts in which a county officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in paragraph *"h"*, or both, if the contracts are made by competitive bid, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

e. The designation of official newspapers.

f. A contract in which a county officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract shall not be renewed.

g. A contract with volunteer fire fighters or civil defense volunteers.

h. A contract with a corporation in which a county officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of the officer or employee.

i. A contract made by competitive bid, publicly invited and opened, in which a member of a county board, commission, or administrative agency has an interest, if the member is not authorized by law to participate in the awarding of the contract. The competitive bid qualification of this paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

j. Contracts not otherwise permitted by this section, for the purchase of goods or services by a county, which benefit a county officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of six thousand dollars in a fiscal year.

k. A contract that is a bond, note, or other obligation of the county and the contract is not acquired directly from the county, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract.

[S81, §331.342; 81 Acts, ch 117, §341]

90 Acts, ch 1209, §3, 4; 2003 Acts, ch 36, §2, 3; 2010 Acts, ch 1061, §134; 2019 Acts, ch 74, §2

Referred to in §28J.3, 28M.4, 331.471

331.343 through 331.360 Reserved.

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PART 4

DUTIES AND POWERS OF THE BOARD
RELATING TO COUNTY PROPERTY

331.361 County property.

1. Counties bounded by a body of water have concurrent jurisdiction over the entire body of water lying between them.

2. In disposing of an interest in real property by sale or exchange, by lease for a term of more than three years, or by gift, the following procedures shall be followed, except as otherwise provided by state law:

a. The board shall set forth its proposal in a resolution and shall publish notice of the time and place of a public hearing on the proposal, in accordance with section 331.305.

b. After the public hearing, the board may make a final determination on the proposal by resolution.

c. When unused highway right-of-way is not being sold or transferred to another governmental authority, the county shall comply with the requirements of section 306.23.

3. An interest in real property which is assessed for taxation as residential or commercial multifamily property may be disposed of through a public request for proposals process. A proposal submitted pursuant to this section shall state the housing use planned by the person submitting the proposal. The board shall publish the proposals in a notice of the time and place of a public hearing on the proposals, in accordance with section 331.305. After the public hearing, the board may choose by resolution from among the proposals submitted or may reject all proposals and submit a new request for proposals.

4. The board shall not dispose of real property by gift except for a public purpose, as determined by the board, in accordance with other state law.

5. The board shall:

a. Proceed upon a petition to establish a memorial hall or monument under chapter 37, as provided in that chapter.

b. Comply with section 103A.10, subsection 4, in the construction of new buildings.

c. Proceed upon a petition to, or with approval of the voters, establish a county public hospital under chapter 347 or sell or lease a county hospital for use as a private hospital or as a merged area hospital under chapter 145A or sell or lease a county hospital in conjunction with the establishment of a merged area hospital in accordance with procedures set out in chapter 347.

d. Bid for real property at a tax sale as required under section 446.19, and handle the property in accordance with section 446.31 and chapter 569.

e. Require the conduction of a life cycle cost analysis for county facilities in accordance with chapter 470.

f. Comply with chapter 216D if food service is provided in public buildings.

g. Comply with section 216C.9 if curb ramps and sloped areas are constructed.

h. Provide facilities for the district court in accordance with section 602.1303.

i. Perform other duties required by state law.

6. In exercising its power to manage county real property, the board may lease land for oil and gas exploration as provided in section 458A.21.

7. The board shall not lease, purchase, or construct a facility or building before considering the leasing of a vacant facility or building which is located in the county and owned by a public school corporation. The board may lease a facility or building owned by the public school corporation with an option to purchase the facility or building in compliance with section 297.22. The lease shall provide that the public school corporation may terminate the lease if the corporation needs to use the facility or building for school purposes. The public school corporation shall notify the board at least thirty days before the termination of the lease.

1. [C51, §95; R60, §223; C73, §280; C97, §395; C24, 27, 31, 35, 39, §**5129;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §332.2; S81, §331.361(1); 81 Acts, ch 117, §360]

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2, 3. [C24, 27, 35, 39, §**5130;** C46, 50, 54, 58, 62, 66, §332.3; C71, 73, 75, 77, 79, §332.3, 569.8; C81, §332.3(13); S81, §331.361(2, 3); 81 Acts, ch 117, §360]

4. [C39, §**5130.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §332.5; S81, §331.361(4); 81 Acts, ch 117, §360]

5. [C24, 27, 31, 35, 39, §**487;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.5; S81, §331.361(5); 81 Acts, ch 117, §360]

6. [S81, §331.361(6); 81 Acts, ch 117, §360]

7. [82 Acts, ch 1148, §3]

83 Acts, ch 186, §10076, 10201; 85 Acts, ch 185, §1; 87 Acts, ch 35, §2; 94 Acts, ch 1173, §19; 96 Acts, ch 1204, §30; 97 Acts, ch 184, §5; 2007 Acts, ch 54, §32; 2010 Acts, ch 1079, §12

Referred to in §350.4, 446.19A, 569.8, 589.28

331.362 Roads and traffic.

1. A county has jurisdiction over secondary roads as provided in section 306.4, subsection 2, section 306.4, subsection 5, paragraph "*b*", and section 306.4, subsection 6, paragraph "*b*".

2. The board shall exercise the county's jurisdiction over secondary roads in accordance with chapters 306, 309, 310, 314, and other applicable laws.

3. The board may establish secondary road assessment districts as provided in chapter 311.

4. If a county has land subject to section 312.8, the board shall administer road funds available under that section as prescribed in that section.

5. The board may enter into agreements with the department of transportation as provided in section 313.2.

6. The board shall provide for the control or eradication of noxious weeds in accordance with chapter 317.

7. The board shall cause the removal of obstructions on the secondary roads, in accordance with chapter 318.

8. The board shall proceed upon a petition to construct a sidewalk in accordance with sections 320.1 through 320.3. The board may grant permission to lay gas and water mains, construct and maintain cattleways, or construct sidewalks in connection with the secondary roads, in accordance with sections 320.4 through 320.8.

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 through 321.239, 321.241, 321.247 through 321.250, 321.254, 321.255, 321.285, subsection 4, sections 321.352, 321.471 through 321.473, and other applicable provisions of chapter 321, chapter 321E, and sections 321G.9, 321I.10, and 327G.15.

[S81, §331.362; 81 Acts, ch 117, §361]

2004 Acts, ch 1132, §84; 2006 Acts, ch 1097, §17; 2009 Acts, ch 133, §241; 2013 Acts, ch 30, §72; 2013 Acts, ch 49, §26; 2019 Acts, ch 59, §104; 2021 Acts, ch 80, §200

331.363 through 331.380 Reserved.

PART 5

DUTIES AND POWERS OF THE BOARD RELATING TO COUNTY SERVICES

331.381 Duties relating to services.

The board shall:

1. Proceed in response to a petition to establish a unified law enforcement district in accordance with sections 28E.21 through 28E.28A, or the board may proceed under those sections on its own motion.

2. Provide for emergency management planning in accordance with sections 29C.9 through 29C.13.

3. Proceed in response to a petition to establish a county conservation board in accordance with section 350.2.

4. Comply with chapter 222 in regard to the care of persons with an intellectual disability.

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5. Comply with chapters 229 and 230 in regard to the care of persons with mental illness.

6. Audit and pay the burial expense for indigent veterans, as provided in section 35B.14, subsection 4.

7. Make determinations regarding emergency relief services in accordance with sections 251.5 and 251.6.

8. Administer general assistance for the poor in accordance with chapter 252.

9. Comply with chapter 256, subchapter V, in regard to the payment of costs for pupils at the Iowa school for the deaf.

10. Enforce the interstate library compact in accordance with sections 8A.231 through 8A.234.

11. Proceed in response to a petition to establish or end an airport commission in accordance with sections 330.17 through 330.20.

12. Proceed in response to a petition for a city hospital to become a county hospital in accordance with section 347.23.

13. Provide for the seizure, impoundment, and disposition of dogs in accordance with chapter 351.

14. Proceed in response to a petition to establish a county library district in accordance with sections 336.2 through 336.5, or a petition to provide library service by contract or to terminate the service under section 336.18.

15. Establish a sanitary disposal project in accordance with sections 455B.302, 455B.305, and 455B.306.

16. *a.* Furnish a place for the confinement of prisoners as required in section 903.4, and in accordance with chapter 356 or 356A.

b. Notwithstanding paragraph "*a*", after consulting with and obtaining the approval of the chief judge of the judicial district, the board of a county with a population of less than fifteen thousand according to the 1990 census may enter into an agreement with a contiguous county to share costs and to provide space for the county's prisoners and space for the district court.

17. Perform other duties required by state law.

1 – 7. [S81, §331.381(1 – 7); 81 Acts, ch 117, §380]

8. [C51, §820, 825 – 827; R60, §1388, 1393 – 1395; C73, §1365, 1369 – 1371; C97, §2234, 2238 – 2240; S13, §2234; C24, 27, §5329, 5334 – 5336; C31, 35, §5329, 5334, 5334-c1, 5335, 5336; C39, §**3828.106, 3828.110 – 3828.113;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §252.34, 252.38 – 252.41; S81, §331.381(8); 81 Acts, ch 117, §380]

9. [C35, §2554-g9; C39, §**2554.09;** C46, 50, 54, 58, 62, §150.9; C66, 71, 73, 75, 77, 79, 81, §150.9, 150A.5; S81, §331.381(9); 81 Acts, ch 117, §380]

10 – 13. [S81, §331.381(10 – 13); 81 Acts, ch 117, §380]

14. [C97, §458; S13, §458; C24, 27, 31, 35, 39, §**5425;** C46, 50, 54, 58, §351.6; C62, 66, 71, 73, 75, 77, 79, 81, §332.3(21), 351.6; S81, §331.381(14); 81 Acts, ch 117, §380]

15. [S81, §331.381(15); 81 Acts, ch 117, §380]

16. [C62, 66, 71, 73, 75, 77, 79, §332.31; S81, §331.381(16); 81 Acts, ch 117, §380]

17, 18. [S81, §331.381(17, 18); 81 Acts, ch 117, §380]

83 Acts, ch 79, §3; 92 Acts, ch 1139, §25; 92 Acts, ch 1164, §1; 92 Acts, ch 1212, §32; 93 Acts, ch 48, §52; 94 Acts, ch 1173, §20; 96 Acts, ch 1129, §113; 2005 Acts, ch 167, §53, 66; 2012 Acts, ch 1019, §113; 2014 Acts, ch 1116, §51; 2020 Acts, ch 1102, §25; 2021 Acts, ch 80, §201; 2022 Acts, ch 1021, §83; 2023 Acts, ch 19, §2508; 2024 Acts, ch 1161, §113, 137

Referred to in §23A.2, 602.6105

331.382 Powers and limitations relating to services.

1. The board may exercise the following powers in accordance with the sections designated, and may exercise these or similar powers under its home rule powers or other provisions of law:

a. Establishment of parks outside of cities as provided in section 461A.34.

b. Establishment of a water recreational area as provided in sections 461A.59 through 461A.78.

c. Establishment of a merged area hospital as provided in chapter 145A.

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d. Acquisition and operation of a limestone quarry for the sale of agricultural lime, in accordance with chapter 353.

e. Provision of relocation programs and payments as provided in chapter 316.

f. Establishment of an airport commission as provided in sections 330.17 through 330.20.

g. Creation of an airport authority as provided in chapter 330A.

2. The power to establish reserve peace officers is subject to chapter 80D.

3. The power to establish a county hospital is subject to the licensing requirements of chapter 135B and the power to establish a county health care facility is subject to the licensing requirements of chapter 135C.

4. The board shall not regulate, license, inspect, or collect license fees from food establishments or food and beverage vending machines except as provided in chapter 137F or from hotels except as provided in chapter 137C.

5. The power to operate juvenile detention and shelter care homes is subject to approval of the homes by the director of health and human services or the director's designee, as provided in section 232.142.

6. If a law library is provided in the county courthouse, judges of the district court of the county shall supervise and control the law library.

7. *a.* The board is subject to chapter 161F, chapters 357 through 358, chapter 468, subchapters I through III, chapter 468, subchapter IV, parts 1 and 2, or chapter 468, subchapter V, as applicable, in acting relative to a special district authorized under any of those chapters.

b. However, the board may assume and exercise the powers and duties of a governing body under chapter 357, 357A, 357B, 358, or chapter 468, subchapter III, if a governing body established under one of those chapters has insufficient membership to perform its powers and duties, and the board, upon petition of the number of property owners within a proposed district and filing of a bond as provided in section 357A.2, may establish a service district within the unincorporated area of the county and exercise within the district the powers and duties granted in chapters 357, 357A, 357B, 357C, 357I, 358, 359, chapter 384, subchapter IV, or chapter 468, subchapter III.

8. The power to establish and administer an air pollution control program in lieu of state administration is subject to sections 455B.144 and 455B.145.

9. The board shall issue permits, conduct inspections, and adopt standards related to the construction of semipublic sewage disposal systems, as defined in section 455B.171, in relation to authority delegated by the department of natural resources pursuant to sections 455B.174 and 455B.183. Construction standards adopted pursuant to this subsection shall be consistent with and equivalent to the construction standards adopted by the environmental protection commission pursuant to section 455B.173, subsection 3. The county may adopt such standards by reference.

1. a – f. [S81, §331.382(1); 81 Acts, ch 117, §381]

g. [C51, §828; R60, §1396; C73, §1372; C97, §2241; SS15, §2241; C24, 27, 31, 35, §5338; C39, §**3828.115;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §253.1; S81, §331.382; 81 Acts, ch 117, §381]

h – j. [S81, §331.382(1); 81 Acts, ch 117, §381]

2 – 6. [S81, §331.382(2 – 6); 81 Acts, ch 117, §381]

7. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §332.6; S81, §331.382(7); 81 Acts, ch 117, §381]

8. [C77, 79, 81, §332.3(33); S81, §331.382(8); 81 Acts, ch 117, §381]

9. [S81, §331.382(9); 81 Acts, ch 117, §381]

83 Acts, ch 96, §157, 159; 83 Acts, ch 101, §76; 89 Acts, ch 20, §17; 98 Acts, ch 1162, §27, 30; 2008 Acts, ch 1124, §19; 2009 Acts, ch 41, §120; 2011 Acts, ch 97, §1; 2013 Acts, ch 30, §73; 2014 Acts, ch 1026, §79; 2018 Acts, ch 1041, §127; 2021 Acts, ch 80, §202; 2023 Acts, ch 19, §1085; 2024 Acts, ch 1161, §114, 115, 137

Contracts to provide services to tax-exempt property; see §364.19

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331.383 Duties and powers relating to elections.

The board shall ensure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 through 43.51, 43.60 through 43.62, 46.24, 50.13, 50.24 through 50.29, 50.44 through 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 through 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election duties required by state law. The board shall provide for the use of an optical scan voting system as provided in sections 52.2 and 52.3, and exercise other election powers as provided by state law.

[S81, §331.383; 81 Acts, ch 117, §382; 82 Acts, ch 1104, §36]

2007 Acts, ch 190, §40; 2009 Acts, ch 57, §84; 2010 Acts, ch 1060, §7; 2020 Acts, ch 1063, §176

331.384 Abatement of public health and safety hazards — special assessments.

1. A county may:

a. Require the abatement of a nuisance, public or private, in any reasonable manner.

b. Require the removal of diseased trees or dead wood, except on publicly owned property or right-of-way.

c. Require the removal, repair, or dismantling of an abandoned or dangerous building or structure.

d. Require the numbering of buildings.

e. Require connection to public drainage systems from abutting property when necessary for public health or safety.

f. Require the cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

2. If the property owner does not perform an action required under this section within a reasonable time after notice, a county may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be in the form of an ordinance or by certified mail to the property owner as shown by the records of the county auditor, and shall state the time within which action is required. However, in an emergency, a county may perform any action which may be required under this section without prior notice and assess the costs as provided in this section after notice to the property owner and hearing.

3. If any amount assessed against property under this section exceeds five hundred dollars, a county may permit the assessment to be paid in up to ten annual installments in the same manner and with the same interest rates provided for assessments against benefited property under chapter 384, subchapter IV.

4. A special assessment levied pursuant to this section, including all interest and penalties, is a lien against the benefited property from the date of filing the schedule of assessments until the assessment is paid. A special assessment has equal precedence with ordinary taxes and is not divested by judicial sale.

5. The procedures for making and levying a special assessment pursuant to this section and for an appeal of the assessment are the same procedures as provided in sections 384.59 through 384.67 and sections 384.72 through 384.75, provided that the references in those sections to the council shall be to the board of supervisors and the references to the city shall be to the county.

90 Acts, ch 1197, §1; 96 Acts, ch 1204, §25; 2012 Acts, ch 1138, §97; 2018 Acts, ch 1041, §127

331.385 Powers and duties relating to emergency services.

1. A county may, by resolution, assume the exercise of the powers and duties of township trustees relating to fire protection service and emergency medical service for any township located in the unincorporated area of the county.

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2. The board of supervisors shall publish notice of the proposed resolution, and of a public hearing to be held on the proposed resolution, in a newspaper of general circulation in the county at least ten days but no more than twenty days before the date of the public hearing. If, after notice and hearing, the resolution is adopted, the board of supervisors shall assume the exercise of the powers and duties of township trustees relating to fire protection service and emergency medical service as set forth in sections 359.42 through 359.45.

3. All of the real and personal township property used to provide fire protection service or emergency medical service shall be transferred to the county. The county shall assume all of the outstanding obligations of the township relating to fire protection service or emergency medical service. If the township provides fire protection outside of the county's boundaries, the county shall continue to provide fire protection to this area for at least ninety days after adoption of the resolution.

4. Fire protection service and emergency medical service shall be paid from the emergency services fund of the county authorized in section 331.424C.

5. *a.* Notwithstanding subsection 1, if as of July 1, 2006, a township has in force an agreement entered into pursuant to chapter 28E for a city or another township to provide fire protection service or fire protection service and emergency medical service for the township, or if a township is otherwise contracting with a city or another township for provision to the township of fire protection service or fire protection service and emergency medical service, the county board of supervisors shall, for the fiscal year beginning July 1, 2007, and subsequent fiscal years, negotiate for and enter into an agreement pursuant to chapter 28E providing for continued fire protection service, or fire protection service and emergency medical service, to the township, and shall certify taxes for levy in the township, pursuant to section 331.424C, in amounts sufficient to meet the financial obligations pertaining to the agreement.

b. This subsection applies to a county with a population in excess of three hundred thousand. This subsection does not prohibit a county with a population in excess of three hundred thousand from also assuming the powers and duties of township trustees in accordance with the provisions of subsections 1 through 4, for those townships in the county that are not subject to paragraph *"a"*.

2000 Acts, ch 1117, §18; 2004 Acts, ch 1146, §1, 2; 2005 Acts, ch 74, §1, 3, 4
Referred to in §331.424C, 359.42

331.386 and 331.387 Reserved.

PART 6

MENTAL HEALTH AND DISABILITY SERVICES — REGIONAL SERVICE SYSTEM — CHILDREN'S BEHAVIORAL HEALTH SYSTEM

331.388 through 331.400 Transferred to §225C.55 through 225C.69; 2023 Acts, ch 140, §15.
Chapter 225C repealed by 2024 Acts, ch 1161, §134; for behavioral health service system, see chapter 225A

SUBCHAPTER IV

POWERS AND DUTIES OF THE BOARD RELATING TO COUNTY FINANCES

PART 1

GENERAL FINANCIAL POWERS AND DUTIES

331.401 Duties relating to finances.

1. The board shall:

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a. Audit expenses charged to the county for the annual examination by the auditor of state and approve or object to the expenses as provided in section 11.21.

b. Establish budgets for the farm-to-market road fund and the secondary road fund in accordance with sections 309.10 and 309.93 through 309.97.

c. Pay expenses of administration of juvenile justice, attributable to the county under section 232.141.

d. Provide for the expense of persons committed to the county jail or a regional detention facility in accordance with section 356.15.

e. Adopt resolutions authorizing the county assessor to provide forms for homestead tax exemption and credit claimants as provided in chapter 425, subchapter I, and military service tax exemptions as provided in section 426A.14.

f. Examine and allow or disallow claims for homestead tax exemption and credit in accordance with chapter 425, subchapter I, and claims for military service tax exemption in accordance with chapter 426A. The board, by a single resolution, may allow or disallow the exemptions recommended by the assessor.

g. Hear appeals relating to the agricultural land tax credit in accordance with section 426.6.

h. Order the suspension of property taxes of certain persons in accordance with section 427.9.

i. Approve or deny an application for a property tax exemption for impoundment structures, as provided in section 427.1, subsection 20.

j. Serve on the conference board as provided in section 441.2.

k. Levy taxes as certified to it by tax-certifying bodies in the county, in accordance with the statutes authorizing the levies and in accordance with chapter 24, sections 444.1 through 444.4, and sections 444.6 through 444.8, and levy taxes as required in chapters 434, 437, and 438.

l. Carry out duties in regard to the collection of taxes as provided in sections 445.16, 445.60, and 445.62.

m. Apportion taxes upon receipt of a petition, in accordance with sections 449.1A through 449.3.

n. Comply with chapters 12B and 12C in the management of public funds.

o. Allocate payments from flood control projects as provided in sections 161E.13 and 161E.14.

p. Examine and settle all accounts of the receipts and expenditures of the county and all claims against the county, except as otherwise provided by state law.

q. Require a local historical society to submit to it a proposed budget, including the amount of available funds and estimated expenditures, as a prerequisite to receiving funds. A local historical society receiving funds shall present to the board an annual report describing in detail its use of the funds received.

r. Retain overpayments of moneys paid to the county in an amount of five dollars or less, unless the payor has requested a refund of the overpayment.

s. Perform other financial duties as required by state law.

2. The board shall not pay membership dues for a county officers association in this state other than the Iowa state association of counties or an organization affiliated with it. This subsection does not prohibit expenditures for organizations with which the Iowa state association or its affiliates are affiliated.

3. The board shall not pay bounties on crows, rattlesnakes, foxes, or wolves other than coyotes.

4. The board shall not approve for payment to the auditor, treasurer, recorder, sheriff, county attorney, or to a supervisor a separation allowance or severance pay.

1. a – o. [S81, §331.401(1); 81 Acts, ch 117, §400]

p. [R60, §312; C73, §303; C97, §422; SS15, §422; C24, 27, 31, 35, 39, §**5130;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §332.3(5); S81, §331.401(1); 81 Acts, ch 117, §400]

r. [S81, §331.401(1); 81 Acts, ch 117, §400]

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2. [C73, 75, 77, 79, 81, §332.3(27); S81, §331.401(2); 81 Acts, ch 117, §400]

3. [79, 81, §350.2; S81, §331.401(3); 81 Acts, ch 117, §400]

83 Acts, ch 123, §132 – 135, 209; 86 Acts, ch 1001, §18; 90 Acts, ch 1236, §46; 91 Acts, ch 191, §7; 2002 Acts, ch 1150, §1; 2007 Acts, ch 75, §1; 2007 Acts, ch 185, §1; 2015 Acts, ch 55, §1; 2018 Acts, ch 1158, §2, 28; 2021 Acts, ch 80, §203; 2023 Acts, ch 71, §27, 48, 49; 2026 Acts, ch 1115, §128, 148

Referred to in §331.902

2023 amendment to subsection 1, paragraphs e and f applies retroactively to assessment years beginning on or after January 1, 2023; 2023 Acts, ch 71, §49

2026 amendment to subsection 1, paragraphs e and f applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148

Subsection 1, paragraphs e and f amended

331.402 Powers relating to finances — limitations.

1. The payment of county obligations by anticipatory warrants is subject to chapters 74 and 74A and other applicable state law. Anticipatory warrants drawn on the secondary road fund are also subject to sections 309.46 through 309.55.

2. The board may:

a. Require a person who is not a part of county government but is receiving county funds to submit to audit by auditors chosen by the county. The person shall make available all pertinent records needed for the audit.

b. Enter into an agreement with the department of health and human services for assistance in accordance with section 249A.12.

c. Levy within a township at a rate not to exceed the rate permitted under sections 359.30 and 359.33 for the care and maintenance of cemeteries, if the township officials fail to levy the tax as needed.

d. Authorize the county auditor to issue warrants for certain purposes as provided in section 331.506, subsection 3.

e. Authorize the auditor to issue checks in lieu of warrants. The checks shall be charged directly against a bank account controlled by the county treasurer.

f. Impose a hotel and motel tax in accordance with chapter 423A.

g. Order the suspension of property taxes or cancel and remit the taxes of certain persons as provided in sections 427.8 and 427.10.

h. Provide for a partial exemption from property taxation in accordance with chapter 427B.

i. Contract with certified public accountants to conduct the annual audit of the financial accounts and transactions of the county as provided in section 11.6.

3. A county may enter into loan agreements to borrow money for any public purpose in accordance with the following terms and procedures:

a. A loan agreement entered into by a county may contain provisions similar to those sometimes found in loan agreements between private parties, including, but not limited to, the issuance of notes to evidence its obligations.

b. A provision of a loan agreement which stipulates that a portion of the payments be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 is not applicable. A county enterprise is a separate entity under this subsection, whether it is governed by the board or another governing body.

c. The board shall follow substantially the same authorization procedure required for the issuance of general obligation bonds issued for the same purpose to authorize a loan agreement made payable from the debt service fund.

d. The board may authorize a loan agreement which is payable from the general fund if the loan agreement would not cause the total of scheduled annual payments of principal or interest or both principal and interest due from the general fund of the county in any single future fiscal year with respect to all loan agreements in force on the date of the authorization to exceed ten percent of the last certified general fund budget amount in accordance with the following procedures:

(1) The board shall follow substantially the authorization procedures of section 331.443 to authorize a loan agreement for personal property which is payable from the general fund. The board must follow substantially the authorization procedures of section 331.443 to authorize

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a loan agreement for real property which is payable from the general fund if the principal amount of the loan agreement does not exceed the following limits:

(a) Five hundred twenty thousand dollars in a county having a population of twenty-five thousand or less.

(b) Six hundred fifty thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

(c) Seven hundred eighty thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

(d) One million forty thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

(e) One million three hundred thousand dollars in a county having a population of more than two hundred thousand.

(2) The board must follow the following procedures to authorize a loan agreement for real property which is payable from the general fund if the principal amount of the loan agreement exceeds the limits set forth in subparagraph (1):

(a) The board must institute proceedings for entering into a loan agreement payable from the general fund by causing a notice of the meeting to discuss entering into the loan agreement, including a statement of the principal amount and purpose of the loan agreement and the right to petition for an election, to be published as provided in section 331.305 at least ten days prior to the discussion meeting. No sooner than thirty days following the discussion meeting shall the board hold a meeting at which it is proposed to take action to enter into the loan agreement.

(b) (i) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the loan agreement, a petition is filed with the auditor in the manner provided by section 331.306 asking that the question of entering into the loan agreement be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to enter into the loan agreement to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the loan agreement. However, for purposes of this subparagraph (2), the petition shall not require signatures in excess of one thousand persons.

(ii) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the county of ..... enter into a loan agreement in amount of $ ..... for the purpose of .....?

(iii) Notice of the election and its conduct shall be in the manner provided in section 331.442, subsections 2 through 4.

(c) If a petition is not filed or if a petition is filed and the proposition of entering into the loan agreement is approved at an election, the board may proceed and enter into the loan agreement.

e. The governing body may authorize a loan agreement payable from the net revenues of a county enterprise or combined county enterprise by following the authorization procedures of section 331.464.

f. A loan agreement to which a county is a party or in which a county has a participatory interest is an obligation of a political subdivision of this state for the purpose of chapters 502 and 636, and is a lawful investment for banks, trust companies, savings associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and any other fiduciaries responsible for the investment of funds.

1. [S81, §331.402(1); 81 Acts, ch 117, §401]

2. a. [C77, 79, 81, §332.3(31); S81, §331.402(2); 81 Acts, ch 117, §401]

b. [S81, §331.402(2); 81 Acts, ch 117, §401]

c. [C77, 79, 81, §24.37(14), 332.3(30); S81, §331.402(2); 81 Acts, ch 117, §401]

d – g. [S81, §331.402(2); 81 Acts, ch 117, §401]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1123, §2; 87 Acts, ch 103, §1; 92 Acts, ch 1138, §2; 95 Acts, ch 67, §53; 2001 Acts, ch 45, §2; 2009 Acts, ch 100, §9, 21; 2010 Acts, ch 1061, §135;

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2011 Acts, ch 34, §85; 2012 Acts, ch 1017, §73; 2021 Acts, ch 80, §204; 2023 Acts, ch 19, §1103; 2023 Acts, ch 71, §139, 154

331.403 Annual reports — financial report — urban renewal report.

1. Not later than December 1 of each year on forms and pursuant to instructions prescribed by the department of management, a county shall prepare an annual financial report showing for each county fund the financial condition as of June 30 and the results of operations for the year then ended. Copies of the report shall be maintained as a public record at the auditor's office and shall be filed with the director of the department of management and with the auditor of state by December 1. A summary of the report, in a form prescribed by the director, shall be published by each county not later than December 1 of each year in one or more newspapers which meet the requirements of section 618.14. Beginning with the annual financial report filed by December 1, 2025, each report shall include a list of bonds, notes, or other obligations issued by the county during the most recently completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the county or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.

2. Beginning with the fiscal year ending June 30, 1985, the annual financial report required in subsection 1 shall be prepared in conformity with generally accepted accounting principles.

3. *a.* Each county that had an urban renewal plan and area in effect at any time during the most recently ended fiscal year shall complete for each such urban renewal plan and area and file with the department of management an urban renewal report by December 1 following the end of such fiscal year. Each report shall be approved by the affirmative vote of a majority of the board and be prepared in the format and submitted electronically pursuant to the instructions prescribed by the department of management in consultation with the legislative services agency.

b. The report required under this subsection shall include all of the following as of June 30 of the most recently ended fiscal year or the information for such fiscal year, as applicable:

(1) Whether the urban renewal area is determined by the county to be a slum area, blighted area, economic development area or a combination of those areas, and the date such determination was made.

(2) A map clearly identifying the boundaries of the urban renewal area.

(3) A copy of the ordinance providing for a division of revenue in the urban renewal area under section 403.19.

(4) A copy of the urban renewal plan adopted for the urban renewal area, the date of each amendment to the plan, and a copy of such amendment.

(5) A list and description of all urban renewal projects within the urban renewal area that are in process and all urban renewal projects that were completed during the fiscal year.

(6) A description of each expenditure during the fiscal year from the county's special fund created in section 403.19. Each such expenditure shall be classified by the county according to categories established by the department of management and shall be designated as corresponding to the specific loan, advance, indebtedness, or bond which qualifies for payment from the special fund under section 403.19. Each such expenditure shall also be designated as corresponding to one or more specific urban renewal projects. This description shall not be required for the report required to be filed on or before December 1, 2012.

(7) The amount of loans, advances, indebtedness, or bonds, including interest negotiated on such loans, advances, indebtedness, or bonds, which qualify for payment from the special fund created in section 403.19, and which were incurred or issued during the fiscal year. Each such loan, advance, debt, or bond shall be classified by the county according to categories established by the department of management and shall be designated as corresponding to one or more specific urban renewal projects.

(8) The amount of loans, advances, indebtedness, or bonds that remain unpaid at the close

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of the fiscal year, and which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds.

(9) The total amount of property taxes that were exempted, rebated, refunded, or reimbursed by the county, used to fund a grant provided by the county, or directly paid by the county during the fiscal year for property in the urban renewal area using moneys in the county's special fund created in section 403.19 and such amounts agreed to by the county for future fiscal years.

(10) A list of all properties, including the owner of such properties, and the amount of property taxes due and payable for the fiscal year that were exempted, rebated, refunded, or reimbursed by the county, used to fund a grant provided by the county, or directly paid by the county during the fiscal year using moneys in the county's special fund created in section 403.19 and information for such amounts agreed to by the county for future fiscal years.

(11) The balance of the county's special fund created in section 403.19.

(12) The aggregate assessed value of the taxable property in the urban renewal area, as shown on the assessment roll used to calculate the amount of taxes under section 403.19, subsection 1, for the fiscal year.

(13) The aggregate assessed value of each classification of taxable property located in the urban renewal area.

(14) That portion of the assessed value of all taxable property located in the urban renewal area that was used to calculate the amount of excess taxes under section 403.19, subsection 2.

(15) The amount of taxes determined under section 403.19, subsection 2, in excess of the amount required to pay the applicable loans, advances, indebtedness, and bonds, if any, and interest thereon, for the fiscal year that was paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(16) Interest or earnings received by each urban renewal area during the fiscal year on amounts deposited into the special fund created in section 403.19 and the net proceeds during the fiscal year from the sale of assets purchased using amounts deposited into the special fund created in section 403.19.

(17) For each taxing district for which the county divided taxes, the amount of taxes determined under section 403.19, subsection 2, that, in lieu of allocation to the taxing district, were deposited into the county's special fund during the fiscal year.

(18) The amount of expenditures by the county during the fiscal year for the purpose of providing or aiding in the provision of public improvements related to housing and residential development.

(19) When required as part of an urban renewal development or redevelopment agreement that includes the use of incremental taxes collected pursuant to section 403.19, subsection 2, the total number of jobs to be created, the wages associated with those jobs, the total private capital investment, and the total cost of the public infrastructure constructed.

(20) All other additional information or documentation relating to a county's urban renewal activities or use of divisions of revenue under chapter 403 deemed relevant by the department of management, in consultation with the county finance committee.

c. By December 1, 2012, the department of management, in collaboration with the legislative services agency, shall make publicly available on an internet site a searchable database of all such information contained in the reports required under this subsection. Reports from previous years shall be retained by the department and shall continue to be available and searchable on the internet site.

d. The legislative services agency, in consultation with the department of management, shall annually prepare a report for submission to the governor and the general assembly that summarizes and analyzes the information contained in the reports submitted under this subsection, section 357H.9, subsection 2, and section 384.22, subsection 2. The report prepared by the legislative services agency shall be submitted not later than February 15 following the most recently ended fiscal year for which the reports were filed.

e. For purposes of this subsection, "*indebtedness*" includes but is not limited to written agreements whereby the county agrees to exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys

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in the special fund created in section 403.19, and bonds, notes, or other obligations that are secured by or subject to repayment from moneys appropriated by the county from moneys in the special fund created in section 403.19.

4. The annual financial report shall be prepared on forms and pursuant to instructions prescribed by the department of management and shall be filed with the department of management. The urban renewal report shall be filed with the department of management. Each report must be filed prior to the publication and adoption of the county budget under section 331.434 for the fiscal year beginning July 1 following the date such reports are due. If such reports are not filed pursuant to the requirements of this section, the department of management shall not certify the county's taxes back to the county auditor under section 24.17.

83 Acts, ch 123, §2, 209; 86 Acts, ch 1245, §113; 97 Acts, ch 206, §14, 15, 24; 2003 Acts, ch 178, §2; 2012 Acts, ch 1124, §5, 6, 25; 2023 Acts, ch 71, §140, 154; 2026 Acts, ch 1115, §95, 106

Referred to in §11.11, 331.431, 331.434, 333A.4, 357H.9, 403.5, 403.23

Subsection 3, paragraph b, subparagraph (19) stricken and former subparagraphs (20) and (21) renumbered as (19) and (20)

331.404 to 331.420 Reserved.

PART 2

COUNTY LEVIES, FUNDS, BUDGETS, AND EXPENDITURES

331.421 Definitions.

As used in this part, unless the context otherwise requires:

1. *"Basic levy"* means a levy authorized and limited by section 331.423 for general county services and rural county services.
2. *"Committee"* means the county finance committee established in chapter 333A.
3. *"Debt service"* means expenditures for servicing the county's debt.
4. *"Debt service levy"* means a levy authorized and limited by section 331.422, subsection 3.
5. *"Emergency services levy"* means a levy authorized and limited by section 331.424C.
6. *"Fiscal year"* means the period of twelve months beginning July 1 and ending on the following June 30.
7. *"General county services"* means the services which are primarily intended to benefit all residents of a county, including secondary road services, but excluding services financed by other statutory funds.
8. *"Rural county services"* means the services which are primarily intended to benefit those persons residing in the county outside of incorporated city areas, including secondary road services, but excluding services financed by other statutory funds.
9. *"Secondary road services"* means the services related to secondary road construction and maintenance, excluding debt service and services financed by other statutory funds.
10. *"Supplemental levy"* means a levy authorized and limited by section 331.424 for general county services and rural county services.

83 Acts, ch 123, §5, 209; 84 Acts, ch 1178, §6; 86 Acts, ch 1237, §21; 2000 Acts, ch 1117, §19

331.422 County property tax levies.

Subject to this section and sections 331.423 through 331.425 or as otherwise provided by state law, the board of each county shall certify property taxes annually at its April session to be levied for county purposes as follows:

1. Taxes for general county services shall be levied on all taxable property within the county.
2. Taxes for rural county services shall be levied on all taxable property not within incorporated areas of the county.
3. Taxes in the amount necessary for debt service shall be levied on all taxable property within the county, except as otherwise provided by state law.

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4. Other taxes shall be levied as provided by state law.

83 Acts, ch 123, §6, 209; 2023 Acts, ch 71, §1, 10, 80, 98

Referred to in §331.421

2023 amendment to unnumbered paragraph 1 by 2023 Acts, ch 71, §1 applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

2023 amendment to unnumbered paragraph 1 by 2023 Acts, ch 71, §80 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

331.423 Basic levies — maximums — adjustments.

Annually, the board may certify basic levies, subject to the following limits:

1. For general county services on all taxable property in the county:

a. For fiscal years beginning before July 1, 2024, three dollars and fifty cents per thousand dollars of assessed value.

b. (1) For each fiscal year beginning on or after July 1, 2024, but before July 1, 2027, subject to subparagraph (3), the greater of three dollars and fifty cents per thousand dollars of assessed value used to calculate taxes for general county services for the budget year and the adjusted general county basic levy rate, as adjusted under subparagraph (2), if applicable.

(2) (a) If the total assessed value used to calculate taxes for general county services under this paragraph for the budget year exceeds one hundred two and seventy-five hundredths percent, but is less than one hundred four percent, of the total assessed value used to calculate taxes for general county services for the current fiscal year, the adjusted general county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred one percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include property tax dollar amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(b) If the total assessed value used to calculate taxes for general county services under this paragraph for the budget year is equal to or exceeds one hundred four percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes for general county services for the current fiscal year, the adjusted general county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred two percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include property tax dollar amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(c) If the total assessed value used to calculate taxes for general county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for general county services for the current fiscal year, the adjusted general county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred three percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include property tax dollar amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(3) (a) (i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this subsection 1 for the current fiscal year is three dollars and fifty cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for general county services under this paragraph for the budget year exceeds

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one hundred two and seventy-five hundredths percent, but is less than one hundred four percent, of the total assessed value used to calculate taxes for general county services for the current fiscal year, the levy rate imposed under this subsection 1 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred one percent of the total assessed value used to calculate taxes for general county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 1 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(b) (i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this subsection 1 for the current fiscal year is three dollars and fifty cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for general county services under this paragraph for the budget year is equal to or exceeds one hundred four percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes for general county services for the current fiscal year, the levy rate imposed under this subsection 1 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred two percent of the total assessed value used to calculate taxes for general county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 1 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(c) (i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this subsection 1 for the current fiscal year is three dollars and fifty cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for general county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for general county services for the current fiscal year, the levy rate imposed under this subsection 1 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by one hundred three percent of the total assessed value used to calculate taxes for general county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 1 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 1 shall also include amounts levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(4) Subject to adjustment under subparagraph (2), for purposes of this paragraph, "*adjusted general county basic levy rate*" means a levy rate per thousand dollars of assessed value equal to the sum of three dollars and fifty cents plus the amount per thousand dollars of assessed value levied for general county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

c. For fiscal years beginning on or after July 1, 2027, but before July 1, 2030, a levy rate per one thousand dollars of assessed value equal to one thousand multiplied by the quotient

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of one hundred two percent of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by the remainder of the total assessed value used to calculate such taxes for the budget year minus value attributable to new valuation.

d. For each fiscal year beginning on or after July 1, 2030, the lesser of:

(1) A levy rate per one thousand dollars of assessed value equal to one thousand multiplied by the quotient of one hundred two percent of the current fiscal year's actual property tax dollars certified for levy under this subsection 1 divided by the remainder of the total assessed value used to calculate such taxes for the budget year minus value attributable to new valuation.

(2) Three dollars and fifty cents per thousand dollars of assessed value.

2. For rural county services on all taxable property in the county outside of incorporated city areas:

a. For fiscal years beginning before July 1, 2024, three dollars and ninety-five cents per thousand dollars of assessed value.

b. (1) For each fiscal year beginning on or after July 1, 2024, but before July 1, 2027, subject to subparagraph (3), the greater of three dollars and ninety-five cents per thousand dollars of assessed value used to calculate taxes for rural county services for the budget year and the adjusted rural county basic levy rate, as adjusted under subparagraph (2), if applicable.

(2) (a) If the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year exceeds one hundred two and seventy-five hundredths percent, but is less than one hundred four percent, of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the adjusted rural county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred one percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection 2 shall also include property tax dollar amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(b) If the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year is equal to or exceeds one hundred four percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the adjusted rural county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred two percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection 2 shall also include property tax dollar amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(c) If the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the adjusted rural county basic levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred three percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection 2 shall also include property tax dollar amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(3) (a) (i) In addition to the limitation under subparagraph (2), if the county's actual levy

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rate imposed under this paragraph for the current fiscal year is three dollars and ninety-five cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year exceeds one hundred two and seventy-five hundredths percent, but is less than one hundred four percent, of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the levy rate imposed under this subsection 2 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred one percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 2 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 2 shall also include amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(b) (i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this paragraph for the current fiscal year is three dollars and ninety-five cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year exceeds one hundred four percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the levy rate imposed under this subsection 2 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred two percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 2 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 2 shall also include amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(c) (i) In addition to the limitation under subparagraph (2), if the county's actual levy rate imposed under this subsection 2 for the current fiscal year is three dollars and ninety-five cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes for rural county services under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year, the levy rate imposed under this subsection 2 for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by one hundred three percent of the total assessed value used to calculate taxes for rural county services for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the county's actual levy rate imposed under this subsection 2 for the current fiscal year shall also include the amount per thousand dollars of assessed value levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023, and the current fiscal year's actual property tax dollars certified for levy under this subsection 2 shall also include amounts levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

(4) Subject to adjustment under subparagraph (2), for purposes of this paragraph, *"adjusted rural county basic levy rate"* means a levy rate per thousand dollars of assessed value equal to the sum of three dollars and ninety-five cents plus the amount per thousand

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dollars of assessed value levied for rural county services by the county under section 331.426, Code 2023, for the fiscal year beginning July 1, 2023.

c. For fiscal years beginning on or after July 1, 2027, but before July 1, 2030, a levy rate per one thousand dollars of assessed value equal to one thousand multiplied by the quotient of one hundred two percent of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by the remainder of the total assessed value used to calculate such taxes for the budget year minus value attributable to new valuation.

d. For each fiscal year beginning on or after July 1, 2030, the lesser of:

(1) A levy rate per one thousand dollars of assessed value equal to one thousand multiplied by the quotient of one hundred two percent of the current fiscal year's actual property tax dollars certified for levy under this subsection 2 divided by the remainder of the total assessed value used to calculate such taxes for the budget year minus value attributable to new valuation.

(2) Three dollars and ninety-five cents per thousand dollars of assessed value.

3. The amount of property tax dollars calculated under this section includes those amounts budgeted and received by the county as replacement taxes under chapter 437A or 437B, if applicable.

4. For purposes of this section:

a. "Budget year" is the fiscal year beginning during the calendar year in which a budget is certified.

b. "Current fiscal year" is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

c. "New valuation" means the increase from the current fiscal year to the budget year in taxable valuation, as shown on the assessment roll due to the following, the amount of each as reported under section 331.510 by the county auditor to the department of management:

(1) New construction.

(2) Additions or improvements to existing structures that are not normal and necessary repairs under section 441.21, subsection 8.

(3) Net boundary adjustments, including annexation, severance, incorporation, consolidation, or discontinuance as those terms are defined in section 368.1.

83 Acts, ch 123, §7, 209; 86 Acts, ch 1237, §22; 2023 Acts, ch 71, §2, 10; 2023 Acts, ch 153, §1, 2; 2024 Acts, ch 1094, §55, 56, 58; 2026 Acts, ch 1115, §1 – 10

Referred to in §28M.5, 331.421, 331.422, 331.424, 331.425, 331.434, 331.435, 347.7, 347A.3, 444.25

2023 amendment by 2023 Acts, ch 71, §2 applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

2024 amendment to subsection 1, paragraph b, subparagraphs (2) and (3) applies to taxes and budgets for fiscal years beginning on or after July 1, 2025; 2024 Acts, ch 1094, §58

2024 amendment to subsection 2, paragraph b, subparagraphs (2) and (3) applies to taxes and budgets for fiscal years beginning on or after July 1, 2025; 2024 Acts, ch 1094, §58

2026 amendments by 2026 Acts, ch 1115, §1 – 8, apply to property taxes and budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §10

2026 amendments by 2026 Acts, ch 1115, §1 – 8, effective January 1, 2027; 2026 Acts, ch 1115, §9

Section amended and editorially internally renumbered

331.424 Supplemental levies.

To the extent that the basic levies under section 331.423 are insufficient to meet the county's needs for the following services, the board may certify supplemental levies as follows:

1. *a.* For general county services, an amount sufficient to pay the charges for the following:

(1) To the extent that the county is obligated by statute to pay the charges for:

(a) The costs of inpatient or outpatient substance use disorder admission, commitment, transportation, care, and treatment at any of the following:

(i) The alcoholic treatment center at Oakdale. However, the county may require that an admission to the center shall be reported to the board by the center within five days as a condition of the payment of county funds for that admission.

(ii) A state mental health institute, or a community-based public or private facility or service.

(b) Clothing, transportation, medical, or other services provided persons attending the Iowa school for the deaf or the university of Iowa hospitals and clinics' center for disabilities

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and development for children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12 and 256.99.

(2) Foster care and related services provided under court order to a child who is under the jurisdiction of the juvenile court, including court-ordered costs for a guardian ad litem under section 232.71C.

(3) Elections, and voter registration pursuant to chapter 48A.

(4) Employee benefits under chapters 96, 97B, and 97C, which are associated with salaries for general county services.

(5) Tort liability insurance, property insurance, and any other insurance that may be necessary in the operation of the county, costs of a self-insurance program, costs of a local government risk pool, and amounts payable under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

(6) The maintenance and operation of the courts, including but not limited to the salary and expenses of the clerk of the district court and other employees of the clerk's office, and bailiffs, court costs if the prosecution fails or if the costs cannot be collected from the person liable, costs and expenses of prosecution under section 189A.17, salaries and expenses of juvenile court officers under chapter 602, court-ordered costs in domestic abuse cases under section 236.5, sexual abuse cases under section 236A.7, and elder abuse cases under section 235F.6, the county's expense for confinement of prisoners under chapter 356A, temporary assistance to the county attorney, county contributions to a retirement system for bailiffs, reimbursement for judicial magistrates under section 602.6501, sign language interpreters' fees under section 622B.7, uniform citation and complaint supplies under section 805.6, and costs of prosecution under section 815.13.

(7) Court-ordered costs of conciliation procedures under section 598.16.

(8) Establishment and maintenance of a joint county indigent defense fund pursuant to an agreement under section 28E.19.

(9) The maintenance and operation of a local emergency management agency established pursuant to chapter 29C.

b. The board may require a public or private facility, as a condition of receiving payment from county funds for services it has provided, to furnish the board with a statement of the income, assets, and legal residence including township and county of each person who has received services from that facility for which payment has been made from county funds under paragraph "*a*", subparagraphs (1) and (2). However, the facility shall not disclose to anyone the name or street or route address of a person receiving services for which commitment is not required, without first obtaining that person's written permission.

c. Parents or other persons may voluntarily reimburse the county or state for the reasonable cost of caring for a patient or an inmate in a county or state facility.

2. For rural county services, an amount sufficient to pay the charges for the following:

a. Employee benefits under chapters 96, 97B, and 97C, which are associated with salaries for rural county services.

b. An aviation authority under chapter 330A, to the extent that the county contributes to the authority under section 330A.15.

83 Acts, ch 123, §8, 209; 84 Acts, ch 1178, §7; 84 Acts, ch 1312, §8; 86 Acts, ch 1211, §20; 90 Acts, ch 1233, §25; 92 Acts, ch 1139, §26; 94 Acts, ch 1169, §59; 94 Acts, ch 1170, §52; 95 Acts, ch 206, §9, 12; 96 Acts, ch 1129, §84; 96 Acts, ch 1219, §102; 97 Acts, ch 35, §22, 25; 2001 Acts, ch 181, §25; 2010 Acts, ch 1061, §136; 2012 Acts, ch 1060, §1, 7; 2014 Acts, ch 1107, §14; 2017 Acts, ch 121, §24; 2019 Acts, ch 100, §9; 2021 Acts, ch 76, §61; 2021 Acts, ch 77, §1; 2023 Acts, ch 19, §1104, 2509; 2023 Acts, ch 71, §3, 10; 2026 Acts, ch 1192, §21

Referred to in §23A.2, 29C.17, 123.38, 331.301, 331.421, 331.422, 331.425, 331.427, 331.428, 331.434, 331.435

2023 amendment to unnumbered paragraph 1 applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

Subsection 1, paragraph a, subparagraph (6) amended

331.424A County mental health and disabilities services fund. Repealed by its own terms; 2021 Acts, ch 177, §99.

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331.424B Cemetery levy.

The board may levy annually a tax not to exceed six and three-fourths cents per thousand dollars of the assessed value of all taxable property in the county to repair and maintain all cemeteries under the jurisdiction of the board including pioneer cemeteries and to pay other expenses of the board or the cemetery commission as provided in section 331.325. The proceeds of the tax levy shall be credited to the county general fund.

96 Acts, ch 1182, §2; 2002 Acts, ch 1119, §158

Referred to in §331.422, 331.434, 331.435

331.424C Emergency services fund.

A county that is providing fire protection service or emergency medical service to a township pursuant to section 331.385 shall establish an emergency services fund and may certify taxes for levy in the township not to exceed the amounts authorized in section 359.43. The county has the authority to use a portion of the taxes levied and deposited in the fund for the purpose of accumulating moneys to carry out the purposes of section 359.43, subsection 4.

2000 Acts, ch 1117, §20; 2003 Acts, ch 44, §63; 2004 Acts, ch 1146, §3; 2005 Acts, ch 74, §2, 3

Referred to in §331.385, 331.421, 331.422, 331.434, 331.435

331.425 Additions to levies — special levy election.

The board may certify an addition to a levy in excess of the amounts otherwise permitted under sections 331.423 and 331.424 if the proposition to certify an addition to a levy has been submitted at a special levy election and received a favorable majority of the votes cast on the proposition. A special levy election is subject to the following:

1. The election shall be held only if the board gives notice to the county commissioner of elections, not later than February 15, that the election is to be held.
2. The election shall be held on the first Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.
3. The proposition to be submitted shall be substantially in the following form:

> Vote for only one of the following:
>
> Shall the county of ..... levy an additional tax at a rate of $..... each year for ..... years beginning next July 1 in excess of the statutory limits otherwise applicable for the (general county services or rural county services) fund?
>
> or
>
> The county of ..... shall continue the (general county services or rural county services fund) under the maximum rate of $.....

4. The canvass shall be held on the second day that is not a holiday following the special levy election, and shall begin no earlier than 1:00 p.m. on that day.
5. Notice of the proposed special levy election shall be published at least twice in a newspaper as specified in section 331.305 prior to the date of the special levy election. The first notice shall appear as early as practicable after the board has decided to seek a special levy.
6. *a.* If the addition to a levy approved under this section is due to unusual circumstances resulting from the following, the duration of such approval at election shall not exceed the following period of years:

(1) Unusual problems relating to major new functions required by state law, three years.

(2) Unusual need for a new program which will provide substantial benefit to county residents, if the county establishes the need and the amount of necessary increased cost, one year.

b. For an election to approve an addition to a levy for a reason specified in paragraph *"a"* or as the result of a natural disaster, the ballot shall include a statement of the major reasons for the difference between the proposed basic tax rate and the maximum basic tax rate, including a description of the major new functions required by state law and the specific

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new costs to the county to implement the new functions, a description of the new program that will provide substantial benefits to county residents and specific new costs to the county for the program, or the conditions and damage resulting from the natural disaster that the county must remedy.

83 Acts, ch 123, §9, 209; 2009 Acts, ch 57, §85; 2010 Acts, ch 1033, §44; 2023 Acts, ch 71, §4, 5, 10

Referred to in §331.422, 331.434, 331.435

2023 amendment to unnumbered paragraph 1 applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

Subsection 6 applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

331.426 Additions to basic levies. Repealed by 2023 Acts, ch 71, §9, 10.

2023 repeal applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

331.427 General fund.

1. Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 9I.11, 101A.3, 101A.7, 123.36, 142D.9, 176A.8, 321.105, 321.152, 321G.7, 321I.8, section 331.554, subsection 6, sections 341A.20, 364.3, 368.21, 423A.7, 428A.8, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the following:

a. License fees for business establishments.

b. Moneys remitted by the clerk of the district court and received from a magistrate or district associate judge for fines and forfeited bail imposed pursuant to a violation of a county ordinance.

c. Other amounts in accordance with state law.

2. Fees and charges including service delivery fees, credit card fees, and electronic funds transfer charges payable to a third party, not to the county, that are imposed for completing an electronic financial transaction with the county are not considered county revenues for purposes of subsection 1.

3. The board may make appropriations from the general fund for general county services, including but not limited to the following:

a. Expenses of a local emergency management commission under chapter 29C.

b. Development, operation, and maintenance of memorial buildings or monuments under chapter 37.

c. Purchase of voting systems and equipment under chapter 52.

d. Expenses incurred by the county conservation board established under chapter 350, in carrying out its powers and duties.

e. Local health services. The county auditor shall keep a complete record of appropriations for local health services and shall issue warrants on them only on requisition of the local or district health board.

f. Expenses relating to county fairs, as provided in chapter 174.

g. Maintenance of a juvenile detention home under chapter 232.

h. Relief of veterans under chapter 35B.

i. Care and support of the poor under chapter 252.

j. Operation, maintenance, and management of a health center under chapter 346A.

k. For the use of a nonprofit historical society organized under chapter 504, Code 1989, or current chapter 504, a city-owned historical project, or both.

l. Services listed in section 331.424, subsection 1, and section 331.554.

m. Closure and postclosure care of a sanitary disposal project under section 455B.302.

4. Appropriations specifically authorized to be made from the general fund shall not be made from the rural services fund, but may be made from other sources.

83 Acts, ch 123, §11, 209; 84 Acts, ch 1107, §1; 84 Acts, ch 1206, §1; 85 Acts, ch 195, §40; 85 Acts, ch 201, §2; 89 Acts, ch 83, §48; 90 Acts, ch 1230, §90; 90 Acts, ch 1236, §47; 91 Acts, ch 191, §8; 92 Acts, ch 1139, §27; 94 Acts, ch 1074, §3; 95 Acts, ch 216, §37; 97 Acts, ch 158, §2; 2000 Acts, ch 1090, §2, 6; 2001 Acts, ch 155, §2, 9 – 11; 2003 Acts, ch 18, §3; 2003 Acts, ch 108, §67; 2003 Acts, ch 178, §3; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1132, §85; 2004 Acts, ch

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1175, §394; 2005 Acts, ch 140, §17; 2007 Acts, ch 174, §92; 2007 Acts, ch 185, §2; 2008 Acts, ch 1084, §14; 2009 Acts, ch 57, §86; 2012 Acts, ch 1021, §68; 2018 Acts, ch 1158, §3, 28; 2023 Acts, ch 66, §83
Referred to in §12C.1, 12C.4, 37.9

331.428 Rural services fund.

1. Except as otherwise provided by state law, county revenues from taxes and other sources for rural county services shall be credited to the rural services fund of the county.

2. The board may make appropriations from the rural services fund for rural county services, including but not limited to the following:

a. Road clearing, weed eradication, and other expenses incurred under chapter 317.

b. Maintenance of a county library and library contracts under chapter 336.

c. Planning, operating, and maintaining sanitary disposal projects under chapter 455B.

d. Services listed under section 331.424, subsection 2.

3. Appropriations specifically authorized to be made from the rural services fund shall not be made from the general fund, but may be made from other sources.

83 Acts, ch 123, §12, 209

331.429 Secondary road fund.

1. Except as otherwise provided by state law, county revenues for secondary road services shall be credited to the secondary road fund, including the following:

a. Transfers from the general fund not to exceed in any year the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county multiplied by the ratio of current taxes actually collected and apportioned for the general basic levy to the total general basic levy for the current year, and an amount equivalent to the moneys derived by the general fund from military service tax credits under chapter 426A, manufactured or mobile home taxes under section 435.22, and delinquent taxes for prior years collected and apportioned to the general basic fund in the current year, multiplied by the ratio of sixteen and seven-eighths cents to three dollars and fifty cents. The limit on transfers in this paragraph applies only to property tax revenue and is not a limit on transfers of revenue generated from sources other than property taxes.

b. Transfers from the rural services fund not to exceed in any year the dollar equivalent of a tax of three dollars and three-eighths cents per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county multiplied by the ratio of current taxes actually collected and apportioned for the rural services basic levy to the total rural services basic levy for the current year and an amount equivalent to the moneys derived by the rural services fund from military service tax credits under chapter 426A, manufactured or mobile home taxes under section 435.22, and delinquent taxes for prior years collected and apportioned to the rural services basic fund in the current year, multiplied by the ratio of three dollars and three-eighths cents to three dollars and ninety-five cents. The limit on transfers in this paragraph applies only to property tax revenue and is not a limit on transfers of revenue generated from sources other than property taxes.

c. Moneys allotted to the county from the state road use tax fund.

d. Moneys provided by individuals from their own contributions for the improvement of any secondary road.

e. Other moneys dedicated to this fund by law including but not limited to sections 306.15, 309.52, 311.23, 311.29, and 313.28.

2. The board may make appropriations from the secondary road fund for the following secondary road services:

a. Construction and reconstruction of secondary roads and costs incident to the construction and reconstruction.

b. Maintenance and repair of secondary roads and costs incident to the maintenance and repair.

c. Payment of all or part of the cost of construction and maintenance of bridges in cities having a population of eight thousand or less and all or part of the cost of construction of

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roads which are located within cities of less than four hundred population and which lead to state parks.

d. Special drainage assessments levied on account of benefits to secondary roads.

e. Payment of interest and principal on bonds of the county issued for secondary roads, bridges, or culverts constructed by the county.

f. A legal obligation in connection with secondary roads and bridges, which obligation is required by law to be taken over and assumed by the county.

g. Secondary road equipment, materials, and supplies, and garages or sheds for their storage, repair, and servicing.

h. Assignment or designation of names or numbers to roads in the county and erection, construction, or maintenance of guideposts or signs at intersections of roads in the county.

i. The services provided under sections 306.15, 309.18, 309.52, 311.7, 311.23, 313A.23, 316.14, 468.43, 468.108, 468.341, and 468.342, or other state law relating to secondary roads.

83 Acts, ch 123, §13, 209; 84 Acts, ch 1178, §8 – 10; 87 Acts, ch 160, §1; 87 Acts, ch 169, §5; 88 Acts, ch 1250, §12; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2008 Acts, ch 1124, §20

Referred to in §309.10, 312.2, 331.432, 357I.11

331.430 Debt service fund.

1. Except as otherwise provided by state law, county revenues from taxes and other sources for debt service shall be credited to the debt service fund of the county. However, moneys pledged or available to service general obligation bonds, and received from sources other than property taxes, shall be deposited in the fund from which the debt is to be retired.

2. The board may make appropriations from the debt service fund for the following debt service:

a. Judgments against the county, except those authorized by law to be paid from sources other than property tax.

b. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation bonds issued by the county.

c. Payments required to be made from the debt service fund under a lease or lease-purchase agreement.

d. Payments authorized to be made from the debt service fund to a flood project fund under section 418.14, subsection 4.

3. A tax levied for the debt service fund is not invalid if it raises moneys in excess of those needed for a specific purpose. Only excess moneys remaining after retirement of all indebtedness payable from the debt service fund may be transferred from the fund to the fund most closely related to the project for which the indebtedness arose, or to the general fund, subject to the terms of the original bond issue. This subsection shall not be construed to give a county board of supervisors authority to increase the debt service levy for the purpose of creating excess moneys in the fund to be used for purposes other than those related to retirement of debt.

4. When the amount in the hands of the treasurer belonging to the debt service fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds which by their terms are subject to redemption, the treasurer shall notify the owner of the bonds. If the bonds are not presented for payment or redemption within thirty days after the date of notice, the interest on the bonds shall cease, and the amount due shall be set aside for payment when presented. Redemptions shall be made in the order of the bond numbers.

5. For the purposes of this section, warrants issued by a county in anticipation of revenue, refunding or refinancing of such warrants, and judgments based on a default in payment of such warrants shall not be considered debt payable from the debt service fund.

6. The taxes realized from the tax levy imposed under section 346.27, subsection 22, for a joint county-city building shall be deposited into a separate account in the county's debt

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service fund for the payment of the annual rent and shall be disbursed pursuant to section 346.27, subsection 22.

83 Acts, ch 123, §14, 209; 84 Acts, ch 1178, §11; 85 Acts, ch 156, §2; 97 Acts, ch 25, §1, 2; 2010 Acts, ch 1069, §119, 120; 2012 Acts, ch 1060, §2, 7; 2012 Acts, ch 1094, §2, 18

Referred to in §331.432, 331.441, 331.447

331.431 Additional funds.

A county may establish other funds in accordance with generally accepted accounting principles. Taxes may be levied for those funds as provided by state law. The condition and operations of each fund shall be included in the annual financial report required in section 331.403.

83 Acts, ch 123, §15, 209

331.432 Interfund transfers.

1. It is unlawful to make permanent transfers of money between the general fund and the rural services fund.

2. Moneys credited to the secondary road fund for the construction and maintenance of secondary roads shall not be transferred.

3. Other transfers, including transfers from the debt service fund made in accordance with section 331.430, and transfers from the general or rural services fund to the secondary road fund in accordance with section 331.429, subsection 1, paragraphs *"a"* and *"b"*, are not effective until authorized by resolution of the board.

4. The transfer of inactive funds is subject to section 24.21.

83 Acts, ch 123, §16, 209; 98 Acts, ch 1213, §1, 2; 2012 Acts, ch 1019, §115; 2012 Acts, ch 1120, §133, 139; 2017 Acts, ch 109, §10, 20, 21; 2021 Acts, ch 177, §100, 108; 2024 Acts, ch 1161, §116, 137

331.433 Estimates submitted by departments.

1. On or before January 15 of each year, each elective or appointive officer or board, except tax certifying boards as defined in section 24.2, subsection 2, having charge of a county office or department, shall prepare and submit to the auditor or other official designated by the board an estimate, itemized in the detail required by the board and consistent with existing county accounts, showing all of the following:

a. The proposed expenditures of the office or department for the next fiscal year.

b. An estimate of the revenues, except property taxes, to be collected for the county by the office during the next fiscal year.

2. On or before January 20 of each year, the auditor or other designated official shall compile the various office and department estimates and submit them to the board. In the preparation of the county budget the board may consult with any officer or department concerning the estimates and requests and may adjust the requests for any county office or department.

83 Acts, ch 123, §17, 209

331.433A Resolution establishing maximum property tax dollars — notice — hearing. Repealed by 2023 Acts, ch 71, §96, 98.

2023 repeal applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

331.434 County budget — notice and hearing — appropriations.

Annually, the board of each county, subject to section 331.403, subsection 4, sections 331.423 through 331.425, the applicable portions of chapter 24, and other applicable state law, shall prepare and adopt a budget, certify taxes, and provide appropriations as follows:

1. The budget shall show the amount required for each class of proposed expenditures, a comparison of the amounts proposed to be expended with the amounts expended for like purposes for the two preceding years, the revenues from sources other than property taxation, and the amount to be raised by property taxation, in the detail and form prescribed by the director of the department of management. For each county that has established an urban renewal area, the budget shall include estimated and actual tax increment financing

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revenues and all estimated and actual expenditures of the revenues, proceeds from debt and all estimated and actual expenditures of the debt proceeds.

2. Not less than twenty days before the date that a budget must be certified under section 24.17 and not less than ten days before the date set for the hearing under subsection 3 of this section, the board shall file the budget with the auditor. The auditor shall make available a sufficient number of copies of the budget to meet the requests of taxpayers and organizations and have them available for distribution at the courthouse or other places designated by the board.

3. Following, and not until, the requirements of section 24.2A are completed, the board shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in the county newspapers selected under chapter 349. A summary of the proposed budget and a description of the procedure for protesting the county budget under section 331.436, in the form prescribed by the director of the department of management, shall be included in the notice. Proof of publication of the notice under this subsection 3 shall be filed with and preserved by the county auditor. A levy is not valid unless and until the notice is published and statements under section 24.2A are mailed or posted. The department of management shall prescribe the form for the public hearing notice for use by counties.

4. At the hearing, a resident or taxpayer of the county may present to the board objections to or arguments in favor of any part of the budget.

5. *a.* After the hearing, the board shall adopt by resolution a budget and certificate of taxes for the next fiscal year and shall direct the auditor to properly certify and file the budget and certificate of taxes as adopted. The board shall not adopt a tax in excess of the estimate published, except a tax which is approved by a vote of the people, and a greater tax than that adopted shall not be levied or collected. A county budget and certificate of taxes adopted for the following fiscal year becomes effective on the first day of that year.

b. If the budget to be approved pursuant to paragraph *"a"* contains any increase in compensation from the county budget for the prior fiscal year for one or more elective county offices, the board shall first adopt a separate detailed resolution to specifically approve any such increase for inclusion in the budget.

6. The board shall appropriate, by resolution, the amounts deemed necessary for each of the different county officers and departments during the ensuing fiscal year. Increases or decreases in these appropriations do not require a budget amendment, but may be provided by resolution at a regular meeting of the board, as long as each class of proposed expenditures contained in the budget summary published under subsection 3 of this section is not increased. However, decreases in appropriations for a county officer or department of more than ten percent or five thousand dollars, whichever is greater, shall not be effective unless the board sets a time and place for a public hearing on the proposed decrease and publishes notice of the hearing not less than ten nor more than twenty days prior to the hearing in the county newspapers selected under chapter 349.

7. *a.* A county may collect taxes for a fiscal year for which no budget has been certified, but the county shall not distribute any funds collected for a fiscal year until the county certifies its budget and transmits the certified budget to the county auditor.

b. Taxes levied by a county whose budget is certified after April 30 shall be limited to the taxes levied for the previous fiscal year subject to applicable levy rate limits in this chapter. However, that amount shall not exceed the amount the county could collect based on property assessments for the fiscal year for which the county failed to certify property taxes.

c. The department of management may waive the limitation in paragraph *"b"* for a county if the department of management finds, after a showing of evidence by the county, that failure to certify the budget by April 30 was caused by one or more of the following:

(1) A newspaper failed to publish a notice of hearing as required under section 24.2A after the county gave the newspaper sufficient time to publish the notice.

(2) A verifiable public emergency or weather-related event which forced the cancellation of a public hearing as required under section 24.2A.

(3) An illness or unexpected vacancy of one or more board members caused a lack of a quorum necessary to hold a hearing as required under section 24.2A.

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(4) A failure of state software or a state process caused the board to miss the required date to certify the county's budget.

83 Acts, ch 123, §18, 209; 86 Acts, ch 1245, §114; 91 Acts, ch 164, §1; 97 Acts, ch 206, §16, 17, 24; 2007 Acts, ch 186, §3; 2012 Acts, ch 1124, §7, 8; 2015 Acts, ch 55, §2; 2019 Acts, ch 165, §6 – 9, 17; 2023 Acts, ch 71, §6, 10, 81 – 84, 98; 2024 Acts, ch 1094, §38, 47; 2026 Acts, ch 1115, §156, 161

Referred to in §331.403, 331.435, 331.907, 333A.4

2023 amendment to unnumbered paragraph 1 by 2023 Acts, ch 71, §6 applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

2023 amendment to unnumbered paragraph 1 by 2023 Acts, ch 71, §81 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2023 amendment to subsection 3 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2023 amendment to subsection 5, paragraph a applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2023 amendment to subsection 7 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2026 amendment to subsection 3 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

Subsection 3 amended

331.435 Budget amendment.

1. The board may amend the adopted county budget, subject to sections 331.423 through 331.425 and other applicable state law, to permit increases in any class of proposed expenditures contained in the budget summary published under section 331.434, subsection 3.

2. The board shall prepare and adopt a budget amendment in the same manner as the original budget as provided in section 331.434, but excluding the requirements for statements under section 24.2A, and the amendment is subject to protest as provided in section 331.436, except that the director of the department of management may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest. A county budget for the ensuing fiscal year shall be amended by May 31 to allow time for a protest hearing to be held and a decision rendered before June 30. An amendment of a budget after May 31 which is properly appealed but without adequate time for hearing and decision before June 30 is void.

83 Acts, ch 123, §19, 209; 86 Acts, ch 1245, §20; 2019 Acts, ch 24, §104; 2019 Acts, ch 165, §10, 17; 2023 Acts, ch 71, §7, 10, 85, 98; 2026 Acts, ch 1115, §157, 161

2023 amendment to subsection 1 applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

2023 amendment to subsection 2 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2026 amendment to subsection 2 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

Subsection 2 amended

331.436 Protest.

Protests to the adopted budget must be made in accordance with sections 24.27 through 24.32 as if the county were the municipality under those sections except that the protest must be filed no later than May 10 and the number of people necessary to file a protest under this section shall not be less than one hundred.

83 Acts, ch 123, §20, 209; 2003 Acts, ch 178, §17; 2019 Acts, ch 165, §11, 17; 2023 Acts, ch 71, §86, 98

Referred to in §331.434, 331.435

2023 amendment applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

331.437 Expenditures exceeding appropriations.

1. It is unlawful for a county official, the expenditures of whose office come under this part, to authorize the expenditure of a sum for the official's department larger than the amount which has been appropriated for that department by the board.

2. A county official in charge of a department or office who violates this section is guilty of a simple misdemeanor. The penalty in this section is in addition to the liability imposed in section 331.476.

83 Acts, ch 123, §21, 209; 2019 Acts, ch 59, §105

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331.438 County mental health, intellectual disability, and developmental disabilities services expenditures — joint state-county planning, implementing, and funding. Repealed by its own terms; 2011 Acts, ch 123, §23.

331.439 Eligibility for state payment. Repealed by its own terms; 2011 Acts, ch 123, §24.

331.440 Mental health, intellectual disability, and developmental disabilities services — central point of coordination process — state case services. Repealed by its own terms; 2011 Acts, ch 123, §25.

331.440A Adult mental health, mental retardation, and developmental disabilities services funding decategorization pilot project. Repealed by 2007 Acts, ch 218, §86.

PART 3

GENERAL OBLIGATION BONDS

Referred to in §28M.3, 331.552, 350.6, 403.12, 423A.7

331.441 Definitions.

1. As used in this part, the use of the conjunctive *"and"* includes the disjunctive *"or"* and the use of the disjunctive *"or"* includes the conjunctive *"and"*, unless the context clearly indicates otherwise.

2. As used in this part, unless the context otherwise requires:

a. "General obligation bond" means a negotiable bond issued by a county and payable from the levy of ad valorem taxes on all taxable property within the county through its debt service fund which is required to be established by section 331.430.

b. "Essential county purpose" means any of the following:

(1) An optical scan voting system.

(2) Bridges on highways or parts of highways which are located along the corporate limits of cities and are partly within and partly without the limits and are in whole or in part secondary roads.

(3) Sanitary disposal projects as defined in section 455B.301.

(4) Works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner, for the collection and disposal of solid waste, and for the collection and disposal of surface waters and streams, including the planning, acquisition, leasing, construction, reconstruction, extension, remodeling, improvement, repair, equipping, maintenance, and operation of the works and facilities.

(5) Public buildings, including the site or grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost does not exceed the following limits:

(a) Seven hundred eighty thousand dollars in a county having a population of twenty-five thousand or less.

(b) Nine hundred seventy-five thousand dollars in a county having a population of more than twenty-five thousand but not more than fifty thousand.

(c) One million one hundred seventy thousand dollars in a county having a population of more than fifty thousand but not more than one hundred thousand.

(d) One million five hundred sixty thousand dollars in a county having a population of more than one hundred thousand but not more than two hundred thousand.

(e) One million nine hundred fifty thousand dollars in a county having a population of more than two hundred thousand.

(6) Funding or refunding outstanding indebtedness if the outstanding indebtedness exceeds five thousand dollars on the first day of January, April, June, or September in any year. However, a county shall not levy taxes to repay refunding bonds for bridges on property within cities.

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(7) Enlargement and improvement of a county hospital acquired and operated under chapter 347A, subject to a maximum of two percent of the assessed value of the taxable property in the county. However, notice of the proposed bond issue shall be published once each week for two consecutive weeks and if, within twenty days following the date of the first publication, a petition requesting an election on the proposal and signed by eligible electors of the county equal in number to at least twenty percent of the votes cast at the preceding election for governor is filed with the county auditor, the proposal is subject to the election requirements in section 331.442, subsections 2, 3, and 4, for general county purpose bonds.

(8) The provision of insurance, or funding a self-insurance program or local government risk pool, including but not limited to the investigation and defense of claims, the payment of claims, and the administration and management of such self-insurance program or local government risk pool.

(9) The acquisition, restoration, or demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance.

(10) The establishment or funding of programs to provide for or assist in providing for the acquisition, restoration, or demolition of housing, as part of a municipal housing project under chapter 403 or otherwise, or for other purposes as may be authorized under chapter 403A.

(11) The acquiring, developing, and improving of a geographic computer data base system suitable for automated mapping and facilities management.

(12) Funding the acquisition, construction, reconstruction, improvement, repair, or equipping of waterworks, water mains and extensions, ponds, reservoirs, capacity, wells, dams, pumping installations, real and personal property, or other facilities available or used for the storage, transportation, or utilization of water.

(a) The county board of supervisors may on its own motion or upon a written petition of a water supplier established under chapter 357A or 504 direct the county auditor to establish a special service area tax district for the purpose of issuing general obligation bonds. The special service area tax district shall include only unincorporated portions of the county and shall be drawn according to engineering recommendations provided by the water supplier or the county engineer and, in addition, shall be drawn in order that an election provided for in subparagraph division (b) can be administered. The county's debt service tax levy for the county general obligation bonds issued for the purposes set out in this subparagraph shall be levied only against taxable property within the county which is included within the boundaries of the special service area tax district. An owner of property not included within the boundaries of the special service area tax district may petition the board of supervisors to be included in the special service area tax district subsequent to its establishment.

(b) General obligation bonds for the purposes described in this subparagraph are subject to an election held in the manner provided in section 331.442, subsections 1 through 4, if not later than fifteen days following the action by the county board of supervisors, eligible electors file a petition with the county commissioner of elections asking that the question of issuing the bonds be submitted to the registered voters of the special service area tax district. The petition must be signed by eligible electors equal in number to at least five percent of the registered voters residing in the special service area tax district. If the petition is duly filed within the fifteen days, the board of supervisors shall either adopt a resolution declaring that the proposal to issue the bonds is abandoned, or direct the county commissioner of elections to call a special election within a special service area tax district upon the question of issuing the bonds.

(13) The acquisition, pursuant to a chapter 28E agreement, of a city convention center or veterans memorial auditorium, including the renovation, remodeling, reconstruction, expansion, improvement, or equipping of such a center or auditorium, provided that debt service funds shall not be derived from the division of taxes under section 403.19.

(14) The aiding of the planning, undertaking, and carrying out of urban renewal projects under the authority of chapter 403 and for the purposes set out in section 403.12. However, bonds issued for this purpose are subject to the right of petition for an election as provided in section 331.442, subsection 5, without limitation on the amount of the bond issue or the

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population of the county, and the board shall include notice of the right of petition in the notice of proposed action required under section 331.443, subsection 2.

(15) The establishment, construction, reconstruction, repair, equipping, remodeling, extension, maintenance, and operation of works, vehicles, and facilities of a regional transit district.

(16) Capital projects for the construction, reconstruction, improvement, repair, or equipping of bridges, roads, and culverts if such capital projects assist in economic development which creates jobs and wealth, if such capital projects relate to damage caused by a disaster as defined in section 29C.2, or if such capital projects are designed to prevent or mitigate future disasters as defined in section 29C.2.

(17) Peace officer communication equipment and other emergency services communication equipment and systems.

(18) The remediation, restoration, repair, cleanup, replacement, and improvement of property, buildings, equipment, and public facilities that have been damaged by a disaster as defined in section 29C.2 and that are located in an area that the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 331.443 for the purposes specified in this subparagraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later.

(19) The reimbursement of the county's general fund or other funds of the county for expenditures made related to remediation, restoration, repair, and cleanup of damage caused by a disaster as defined in section 29C.2, if the damage is located in an area that the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 331.443 for the purposes specified in this subparagraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later.

(20) The construction, reconstruction, and improvement of all waterways, and real and personal property, useful for the protection or reclamation of property from floods or high waters, and for the protection of property from the effects of flood waters, including the deepening, widening, alteration, change, diversion, or other improvement of watercourses, the construction of levees, embankments, structures, impounding reservoirs, pumping stations or conduits, and the establishment, improvement, and widening of streets, avenues, boulevards, and alleys across and adjacent to the project, as well as the development and beautification of the banks and other areas adjacent to flood control improvements.

c. "General county purpose" means any of the following:

(1) A memorial building or monument to commemorate the service rendered by members of the armed services of the United States, including the acquisition of ground and the purchase, erection, construction, reconstruction, and equipment of the building or monument, to be managed by a commission as provided in chapter 37.

(2) Acquisition and development of land for a public museum, park, parkway, preserve, playground, or other recreation or conservation purpose to be managed by the county conservation board. The board may submit a proposition under this subparagraph only upon receipt of a petition from the county conservation board asking that bonds be issued for a specified amount.

(3) The building and maintenance of a bridge over state boundary line streams. The board shall submit a proposition under this subparagraph to an election upon receipt of a petition which is valid under section 331.306.

(4) Contributions of money to the state department of transportation to help finance the construction of toll bridges across navigable rivers constituting boundaries between the county and an adjoining state.

(5) An airport, including establishment, acquisition, equipment, improvement, or enlargement of the airport.

(6) A joint city-county building, established by contract between the county and its county seat city, including purchase, acquisition, ownership, and equipment of the county portion of the building.

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(7) A county health center as defined in section 346A.1, including additions and facilities for the center and including the acquisition, reconstruction, completion, equipment, improvement, repair, and remodeling of the center, additions, or facilities. Bonds for the purpose specified in this subparagraph are exempt from taxation by the state and the interest on the bonds is exempt from state income taxes.

(8) A county public hospital, including procuring a site and the erection, equipment, and maintenance of the hospital, and additions to the hospital, subject to the levy limits in section 347.7.

(9) Public buildings, including the site or grounds of, the erection, equipment, remodeling, or reconstruction of, and additions or extensions to the buildings, and including the provision and maintenance of juvenile detention or shelter care facilities, when the cost exceeds the limits stated in subsection 2, paragraph *"b"*, subparagraph (5).

(10) The undertaking of any project jointly or in cooperation with any other governmental body which, if undertaken by the county alone, would be for a general county purpose, including the joint purchase, acquisition, construction, ownership, or control of any real or personal property.

3. The *"cost"* of a project for an essential county purpose or general county purpose includes construction contracts and the cost of engineering, architectural, technical, and legal services, preliminary reports, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds, interest during the period or estimated period of construction and for twelve months thereafter or for twelve months after the acquisition date, and provisions for contingencies.

1, 2a. [S81, §331.441(1, 2a); 81 Acts, ch 117, §440]

2b(1). [S13, §1137-a14; C24, 27, 31, 35, 39, §**906;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.3; S81, §331.441(2b); 81 Acts, ch 117, §440]

b(2). [SS15, §1527-s3; C24, 27, 31, 35, 39, §**4666;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.73; S81, §331.441(2b); 81 Acts, ch 117, §440]

b(3). [C71, 73, 75, 77, 79, 81, §346.23; S81, §331.441(2b); 81 Acts, ch 117, §440]

b(4). [C79, 81, §332.52; S81, §331.441(2b); 81 Acts, ch 117, §440]

b(5). [C51, §114, 117; R60, §250, 253; C73, §309, 312; C97, §443, 448; SS15, §448; C24, 27, 31, 35, 39, §**5263, 5268;** C46, 50, 54, 58, 62, §345.4, 345.9; C66, 71, 73, 75, 77, §232.22, 345.4, 345.9; C79, 81, §232.142, 345.4, 345.9; S81, §331.441(2b); 81 Acts, ch 117, §440]

b(6). [C73, §289; C97, S13, §403; C24, 27, 31, 35, 39, §**5275, 5276;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §346.1, 346.2; S81, §331.441(2b); 81 Acts, ch 117, §440]

b(7). [C62, 66, 71, 73, 75, 77, 79, 81, §347A.7; S81, §331.441(2b); 81 Acts, ch 117, §440]

2c(1). [C24, 27, 31, 35, 39, §**488;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.6; S81, §331.441(2c); 81 Acts, ch 117, §440; 82 Acts, ch 1104, §45]

c(2). [C62, 66, 71, 73, 75, 77, 79, 81, §111A.6; S81, §331.441(2c); 81 Acts, ch 117, §440]

c(3). [S13, §424-b; C24, 27, 31, 35, 39, §**4682;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.89; S81, §331.441(2b); 81 Acts, ch 117, §440; 82 Acts, ch 1104, §44, 46]

c(4). [C71, 73, 75, 77, 79, 81, §313A.35; S81, §331.441(2c); 81 Acts, ch 117, §440]

c(5). [C31, 35, §5903-c6, -c8; C39, §**5903.06, 5903.08;** C46, 50, §330.8, 330.10, 330.16; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.7, 330.10, 330.16; S81, §331.441(2c); 81 Acts, ch 117, §440]

c(6). [C50, §368.58, 368.59; C54, 58, 62, 66, 71, 73, §368.20, 368.21; C75, 77, 79, 81, §346.26; S81, §331.441(2c); 81 Acts, ch 117, §440]

c(7). [C71, 73, 75, 77, 79, 81, §346A.3 – 346A.5; S81, §331.441(2c); 81 Acts, ch 117, §440]

c(8). [S13, §409-a, -b, -f; C24, 27, 31, 35, §5348 – 5351, 5354; C39, §**5348, 5348.1, 5349 – 5351, 5354;** C46, 50, 54, 58, §347.1 – 347.5, 347.8; C62, 66, 71, 73, 75, 77, 79, 81, §37.27, 347.1 – 347.5, 347.8; S81, §331.441(2c); 81 Acts, ch 117, §440]

c(9). [C51, §114, 117; R60, §250, 253; C73, §309, 312; C97, §443, 448; SS15, §448; C24, 27, 31, 35, 39, §**5263, 5268;** C46, 50, 54, 58, 62, §345.4, 345.9; C66, 71, 73, 75, 77, §232.22, 345.4, 345.9; C79, 81, §232.142, 345.4, 345.9; S81, §331.441(2c); 81 Acts, ch 117, §440]

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c(10, 11). [S81, §331.441(2c); 81 Acts, ch 117, §440]

3. [S81, §331.441(3); 81 Acts, ch 117, §440]

83 Acts, ch 123, §136 – 139, 209; 86 Acts, ch 1211, §21; 87 Acts, ch 103, §2 – 4; 89 Acts, ch 189, §2; 90 Acts, ch 1255, §18; 92 Acts, ch 1102, §1; 92 Acts, ch 1138, §3; 93 Acts, ch 180, §76; 94 Acts, ch 1014, §1; 94 Acts, ch 1182, §5; 95 Acts, ch 67, §53; 96 Acts, ch 1204, §35; 2000 Acts, ch 1188, §1; 2001 Acts, ch 56, §22, 23; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1072, §6; 2004 Acts, ch 1175, §393; 2007 Acts, ch 109, §1, 2; 2007 Acts, ch 190, §41; 2008 Acts, ch 1013, §1, 3; 2009 Acts, ch 41, §263; 2009 Acts, ch 57, §87; 2009 Acts, ch 100, §10, 21; 2009 Acts, ch 173, §33, 36; 2021 Acts, ch 95, §1; 2023 Acts, ch 71, §8, 10, 141, 154

Referred to in §23A.2, 37.6, 37.27, 52.3, 76.1, 232.142, 331.301, 331.443, 331.444, 331.445, 350.6, 359.45, 422.7(2)(q)

2023 strike of former subsection 2, paragraph c, subparagraph (11) applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §10

331.442 General county purpose bonds.

1. A county which proposes to carry out any general county purpose within or without its boundaries, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the costs of a project, shall do so in accordance with this part.

2. *a.* The board shall publish notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, a statement of the estimated cost of the project for which the bonds are to be issued, and an estimate of the annual increase in property taxes as the result of the bond issuance on a residential property with an actual value of one hundred thousand dollars. The notice shall be published as provided in section 331.305 with the minutes of the meeting at which the board adopts a resolution to call a county special election to vote upon the question of issuing the bonds. The cost of the project, as published in the notice pursuant to this paragraph, is an estimate and is not intended to be binding on the board in later proceedings related to the project.

b. Before the board may institute proceedings for the issuance of bonds for a general county purpose, it shall call a county special election to vote upon the question of issuing the bonds. At the election the proposition shall be submitted in the following form:

> Shall the county of ....., state of Iowa, issue its general obligation bonds in an amount not exceeding the amount of $..... for the purpose of .....?

3. *a.* All elections held pursuant to this section shall be held on the date specified in section 39.2, subsection 4, paragraph *"d"*.

b. Notice of the election shall be given by publication as specified in section 331.305. At the election the ballot used for the submission of the proposition shall be in substantially the form for submitting special questions at general elections.

4. The proposition of issuing bonds for a general county purpose is not carried or adopted unless the vote in favor of the proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. If the proposition of issuing the general county purpose bonds is approved by the voters, the board may proceed with the issuance of the bonds.

5. *a.* Notwithstanding subsection 2, a board, in lieu of calling an election, may institute proceedings for the issuance of bonds for a general county purpose by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, and the right to petition for an election, to be published as provided in section 331.305 at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds subject to the following population-based limitations, adjusted and published annually in January by the department of management by applying the percentage change in the consumer price index for all urban consumers for the most recent available twelve-month period published in the federal register by the United States department of labor, bureau of labor statistics:

(1) In counties having a population of twenty thousand or less, in an amount of not more than one hundred thirty thousand dollars.

(2) In counties having a population of over twenty thousand and not over fifty thousand, in an amount of not more than two hundred sixty thousand dollars.

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(3) In counties having a population of over fifty thousand, in an amount of not more than three hundred ninety thousand dollars.

b. Each county's population used to determine the limitations of paragraph *"a"* shall be determined by the greater of the county's population during the most recent federal decennial census or the most recent population estimate produced by the United States census bureau.

c. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the auditor in the manner provided by section 331.306 asking that the question of issuing the bonds be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in subsections 2, 3 and 4.

d. If no petition is filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the board may proceed with the authorization and issuance of the bonds.

[C31, 35, §5903-c5; C39, §**5903.05;** C46, 50, §330.7; C54, 58, §330.7; C62, 66, §111A.6, 330.7; C71, 73, 75, 77, 79, 81, §111A.6, 313A.35, 330.7, 346A.3; S81, §331.442; 81 Acts, ch 117, §441; 82 Acts, ch 1104, §47]

95 Acts, ch 67, §53; 2007 Acts, ch 109, §3; 2009 Acts, ch 2, §1, 3, 4; 2023 Acts, ch 71, §123, 136, 142 – 145, 154

Referred to in §8.5, 37.6, 37.27, 232.142, 331.301, 331.402, 331.441, 331.443, 331.445, 331.461, 359.45

2023 amendment to subsection 3 applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

331.443 Essential county purpose bonds.

1. A county which proposes to carry out an essential county purpose within or without its boundaries, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the cost of a project shall do so in accordance with this part.

2. Before the board may institute proceedings for the issuance of bonds for an essential county purpose, a notice of the proposed action, including a statement of the amount and purposes of the bonds, an estimate of the annual increase in property taxes as the result of the bond issuance on a residential property with an actual value of one hundred thousand dollars, and the time and place of the meeting at which the board proposes to take action for the issuance of the bonds, shall be published as provided in section 331.305. At the meeting, the board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the board, at that meeting or a date to which it is adjourned, may take additional action for the issuance of the bonds or abandon the proposal to issue the bonds. Any resident or property owner of the county may appeal the decision of the board to take additional action to the district court of the county, within fifteen days after the additional action is taken, but the additional action of the board is final and conclusive unless the court finds that the board exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal, are in lieu of any other law.

3. *a.* Notwithstanding subsection 2, a board may institute proceedings for the issuance of bonds for an essential county purpose specified in section 331.441, subsection 2, paragraph *"b"*, subparagraph (18) or (19), in an amount equal to or greater than three million dollars by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the county at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the county auditor, signed by eligible electors of the county equal in number to twenty percent of the persons in the county who voted for the office of president of the United States at the last preceding general election that had such office on the ballot, asking that the question of issuing the bonds be submitted to the registered voters of the county, the board shall either by resolution declare the proposal to issue the bonds to have

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been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 331.442.

c. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the board may proceed with the authorization and issuance of the bonds.

[S81, §331.443; 81 Acts, ch 117, §442]
2009 Acts, ch 100, §11, 21; 2023 Acts, ch 71, §146, 154
Referred to in §37.6, 37.27, 232.142, 331.301, 331.402, 331.441, 359.45

331.443A Restrictions on certain projects.

The term of any indebtedness issued or incurred by a county that will be paid in whole or in part with moneys from the secondary road fund of the counties, the farm-to-market road fund, the county bridge construction fund, or the revitalize Iowa's sound economy fund, or any other moneys that may be allocated from the road use tax fund for use by counties, shall be subject to the provisions of sections 312.2A and 315.4A.

2015 Acts, ch 2, §4, 14
Referred to in §37.6, 37.27, 232.142, 359.45

331.444 Sale of bonds.

1. The board may sell general obligation bonds at public or private sale in the manner prescribed by chapter 75.

2. General obligation funding or refunding bonds issued for the purposes specified in section 331.441, subsection 2, paragraph *"b"*, subparagraph (7), may be exchanged for the evidences of the legal indebtedness being funded or refunded, or the funding or refunding bonds may be sold in the manner prescribed by chapter 75 and the proceeds applied to the payment of the indebtedness. Funding or refunding bonds may bear interest at the same rate as, or at a higher or lower rate or rates of interest than the indebtedness being funded or refunded.

[C24, 27, 31, 35, 39, §**5278;** C46, 50, 54, 58, 62, 66, §346.4; C71, 73, 75, 77, 79, 81, §346.4, 346A.3; S81, §331.444; 81 Acts, ch 117, §443]
Referred to in §37.6, 37.27, 232.142, 359.45

331.445 Categories for general obligation bonds.

The board may issue general obligation bonds pursuant to a resolution adopted at a regular or special meeting by a majority of the total number of supervisors. Each subparagraph of section 331.441, subsection 2, paragraphs *"b"* and *"c"*, describes a separate category. Separate categories of essential county purposes and of general county purposes may be incorporated in a single notice of intention to institute proceedings for the issuance of bonds, or separate categories may be incorporated in separate notices, and after an opportunity has been provided for filing objections, or after a favorable election has been held, if required, the board may include in a single resolution and sell as a single issue of bonds, any number or combination of essential county purposes or general county purposes. If an essential county purpose is combined with a general county purpose in a single notice of intention to institute proceedings to issue bonds, then the entire issue is subject to the election requirement in section 331.442.

[S81, §331.445; 81 Acts, ch 117, §444]
Referred to in §37.6, 37.27, 232.142, 331.447, 359.45

331.446 Form and execution — negotiability.

1. As provided by resolution of the board, general obligation bonds may:

a. Bear dates.
b. Bear interest at rates not exceeding any limitations imposed by chapter 74A.
c. Mature in one or more installments.
d. Be in either coupon or registered form.
e. Carry registration and conversion privileges.
f. Be payable as to principal and interest at times and places.

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g. Be subject to terms of redemption prior to maturity with or without premium.

h. Be in one or more denominations.

i. Be designated with a brief reference to purpose, or if issued for a combination of purposes, be designated "county purpose bond".

j. Contain other provisions not in conflict with state law.

2. General obligation bonds shall be executed by the chairperson of the board and the auditor. If coupons are attached to the bonds, they shall be executed with the original or facsimile signature of the auditor. A general obligation bond is valid and binding if it bears the signatures of the officers in office on the date of the execution of the bonds, notwithstanding that any or all persons whose signatures appear have ceased to be such officers prior to the delivery of the bonds.

3. General obligation bonds issued pursuant to this part are negotiable instruments.

[C73, §289; C97, S13, §403; C24, 27, 31, 35, 39, §**5277;** C46, 50, 54, 58, 62, 66, §346.3; C71, 73, §345.16, 346.3, 346A.3; C75, 77, 79, 81, §330.16, 345.16, 346.3, 346A.3; S81, §331.446; 81 Acts, ch 117, §445]

Referred to in §37.6, 37.27, 232.142, 359.45

331.447 Taxes to pay bonds.

1. Taxes for the payment of general obligation bonds shall be levied in accordance with chapter 76, and the bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the county through its debt service fund required by section 331.430 except that:

a. The amount estimated and certified to apply on principal and interest for any one year shall not exceed the maximum rate of tax, if any, provided by this subchapter for the purpose for which the bonds were issued. If general obligation bonds are issued for different categories, as provided in section 331.445, the maximum rate of levies, if any, for each purpose shall apply separately to that portion of the bond issue for that category and the resolution authorizing the bond issue shall clearly set forth the annual debt service requirements with respect to each purpose in sufficient detail to indicate compliance with the rate of tax levy, if any.

b. The amount estimated and certified to apply on principal and interest for any one year may only exceed the statutory rate of levy limit, if any, by the amount that the registered voters of the county have approved at a special election, which may be held at the same time as the general election and may be included in the proposition authorizing the issuance of bonds, if an election on the proposition is necessary, or may be submitted as a separate proposition at the same election or at a different election. Notice of the election shall be given as specified in section 331.305.

(1) If the proposition includes issuing bonds and increasing the levy limit, it shall be in substantially the following form:

> Shall the county of ....., state of Iowa, be authorized to ..... (here state purpose of project) and issue its general obligation bonds in an amount not exceeding the amount of $..... for that purpose, and be authorized to levy annually a tax not exceeding ..... dollars and ..... cents per thousand dollars of the assessed value of the taxable property within the county to pay the principal of and interest on the bonds?

(2) If the proposition includes only increasing the levy limit it shall be in substantially the following form:

> Shall the county of ....., state of Iowa, be authorized to levy annually a tax not exceeding ..... dollars and ..... cents per thousand dollars of the assessed value of the taxable property within the county to pay principal and interest on the bonded indebtedness of the county for the purpose of .....?

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2. A statutory or voted tax levy limitation does not limit the source of payment of bonds and interest, but only restricts the amount of bonds which may be issued.

3. For the sole purpose of computing the amount of bonds which may be issued as the result of the application of a statutory or voted tax levy limitation, all interest on the bonds in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest on the first annual levy of taxes to pay the bonds and interest does not operate to further restrict the amount of bonds which may be issued, and in certifying the annual levies, the first annual levy of taxes shall be sufficient to pay all principal of and interest on the bonds becoming due prior to the next succeeding annual levy and the full amount of the annual levy shall be entered for collection as provided in chapter 76.

[C66, §309.73; C71, 73, §309.73, 346A.3; C75, 77, 79, 81, §309.73, 330.16, 346A.3; S81, §331.447; 81 Acts, ch 117, §446; 82 Acts, ch 1104, §48]

83 Acts, ch 123, §140, 209; 95 Acts, ch 67, §53; 2009 Acts, ch 2, §2 – 4; 2018 Acts, ch 1041, §127

Referred to in §37.6, 37.27, 232.142, 359.45

331.448 Statute of limitation — powers — conflicts.

1. An action shall not be brought which questions the legality of general obligation bonds or the power of the county to issue the bonds or the effectiveness of any proceedings relating to the authorization and issuance of the bonds from and after sixty days from the time the bonds are ordered issued by the county.

2. The enumeration in this part of specified powers and functions is not a limitation of the powers of counties, but this part and the procedures prescribed for exercising the powers and functions enumerated in this part control in the event of a conflict with any other law.

[S81, §331.448; 81 Acts, ch 117, §447]

Referred to in §37.6, 37.27, 232.142, 359.45

331.449 Prior projects preserved.

Projects and proceedings for the issuance of general obligation bonds commenced before July 1, 1981, may be consummated and completed as required or permitted by any statute amended or repealed by 1981 Iowa Acts, ch. 117, as though the repeal or amendment had not occurred, and the rights, duties, and interests following from such projects and proceedings remain valid and enforceable. Projects commenced prior to July 1, 1981, may be financed by the issuance of general obligation bonds under any such amended or repealed law or by the issuance of general obligation bonds under this part. For the purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for a hearing in connection with any part of the project, and commencement of proceedings for the issuance of general obligation bonds includes but is not limited to action taken by the board to fix a date for either a hearing or a sale in connection with any part of the general obligation bonds, or to order any part thereof to be issued.

[S81, §331.449; 81 Acts, ch 117, §448]

2011 Acts, ch 34, §86; 2014 Acts, ch 1026, §143

Referred to in §37.6, 37.27, 232.142, 359.45

331.450 through 331.460 Reserved.

PART 4

REVENUE BONDS

Referred to in §145A.20, 331.552, 347A.3

331.461 Definitions.

As used in this part, unless the context otherwise requires:

1. *"Combined county enterprise"* means two or more county enterprises combined and operated as a single enterprise.

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2. *"County enterprise"* means any of the following:

a. Airports and airport systems.

b. Works and facilities useful and necessary for the collection, treatment, purification, and disposal in a sanitary manner of the liquid and solid waste, sewage, and industrial waste of the county, including sanitary disposal projects as defined in section 455B.301 and sanitary sewage systems, and including the acquisition, establishment, construction, purchase, equipment, improvement, extension, operation, maintenance, reconstruction, and repair of the works and facilities within or without the limits of the county, and including works and facilities to be jointly used by the county and other political subdivisions.

c. Swimming pools and golf courses, including their acquisition, establishment, construction, purchase, equipment, improvement, extension, operation, maintenance, reconstruction, and repair.

d. The equipment, enlargement, and improvement of a county public hospital previously established and operating under chapter 347, including acquisition of the necessary lands, rights-of-way, and other property, subject to approval by the board of hospital trustees. However, notice of the proposed bond issue shall be published at least once each week for two consecutive weeks and if, within thirty days following the date of the first publication, a petition requesting an election on the proposal and signed by eligible electors of the county equal to at least twenty percent of the votes cast at the preceding election for governor is filed with the county auditor, the proposal is subject to the election requirements in section 331.442, subsections 2, 3, and 4, for general county purpose bonds. Bonds issued under this paragraph shall mature in not more than thirty years from date of issuance.

e. In a county with a population of less than one hundred fifty thousand, a county hospital established under chapter 37 or 347A, including its acquisition, construction, equipment, enlargement, and improvement, and including necessary lands, rights-of-way, and other property. However, bonds issued under this paragraph shall mature in not more than thirty years from date of issuance, and are subject to the notice and election requirements of bonds issued under paragraph *"d"*.

f. A waterworks or single benefited water district under section 357.35, including land, easements, rights-of-way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the waterworks or district.

g. Housing for persons who are elderly or persons with disabilities.

3. *"Gross revenue"* means all income and receipts derived from the operation of a county enterprise or combined county enterprise.

4. *"Net revenues"* means gross revenues less operating expenses.

5. *"Operating expense"* means salaries, wages, cost of maintenance and operation, materials, supplies, insurance, and all other items normally included under recognized accounting practices, but does not include allowances for depreciation in the value of physical property.

6. *"Pledge order"* means a promise to pay out of the net revenues of a county enterprise or combined county enterprise, which is delivered to the contractors or other persons in payment of all or part of the cost of the project.

7. *"Project"* means the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, and equipping of all or part of a county enterprise or combined county enterprise within or without the boundaries of the county.

8. *"Rates"* means rates, fees, tolls, rentals, and charges for the use of or service provided by a county enterprise or combined county enterprise.

9. *"Revenue bond"* means a negotiable bond issued by a county and payable from the net revenues of a county enterprise or combined county enterprise.

[S81, §331.461; 81 Acts, ch 117, §460; 82 Acts, ch 1104, §49]

2a. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.14; S81, §331.461(1); 81 Acts, ch 117, §460]

b. [C35, §6066-f1, -f5, -f8; C39, §**6066.24 – 6066.32;** C46, 50, 54, 58, §394.1, 394.5 – 394.9; C62, 66, 71, 73, §394.1, 394.5 – 394.9, 394.12; C75, 77, §332.44; C79, 81, §332.44, 332.52; S81, §331.461(1); 81 Acts, ch 117, §460]

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c. [C35, §6066-f1, 6066-f3, 6066-f6 – 6066-f8; C39, §**6066.24, 6066.26, 6066.29 – 6066.32;** C46, 50, 54, 58, 62, 66, §394.1, 394.3, 394.6 – 394.9; C71, 73, §394.1, 394.3, 394.6 – 394.9, 394.13; C75, 77, 79, 81, §332.44; S81, §331.461(1); 81 Acts, ch 117, §460]

d. [C73, 75, 77, 79, 81, §347.27; S81, §331.461(1); 81 Acts, ch 117, §460]

e. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347A.1 – 347A.4; S81, §331.461(1); 81 Acts, ch 117, §460]

f. [C79, 81, §332.52; S81, §331.461(1); 81 Acts, ch 117, §460; 82 Acts, ch 1219, §2]

1, 3 – 9. [S81, §331.461(2 – 9); 81 Acts, ch 117, §460]

99 Acts, ch 76, §1, 2; 2001 Acts, ch 56, §24; 2004 Acts, ch 1072, §7; 2005 Acts, ch 37, §5; 2010 Acts, ch 1079, §13

Referred to in §6B.2D, 23A.2, 331.465, 347.7, 347A.1, 357.35, 358.25

331.462 County enterprises — combined county enterprises.

1. A county which proposes to establish, own, acquire by purchase, condemnation, or otherwise, lease, sell, construct, reconstruct, extend, remodel, improve, repair, equip, maintain and operate within or without its corporate limits a county enterprise or combined county enterprise financed by revenue bonds shall do so in accordance with this part.

2. If a combined county enterprise is dissolved, each county enterprise which was a part of the combined county enterprise shall continue in existence as a separate county enterprise until it is abandoned by the board.

3. A combined county enterprise may be established, but if there are obligations outstanding which by their terms are payable from the revenues of any county enterprise involved, the obligations shall be assumed by the board subject to all terms established at the time of the original issue, or refunded through the issuance of revenue bonds of the combined county enterprise as a part of the procedure for the establishment of the combined county enterprise, or funds sufficient to pay the principal of and all interest and premium, if any, on the outstanding obligations at and prior to maturity shall be set aside and pledged for that purpose. Revenues earmarked for payment of the obligations shall be handled by the board in the same manner as they were handled for the county enterprise involved. A county enterprise shall not be abandoned and a combined county enterprise shall not be dissolved so long as there are obligations outstanding which by their terms are payable from the revenues of the county enterprise or combined county enterprise unless funds sufficient to pay the principal of and all interest and premium, if any, on the outstanding obligations at and prior to maturity have been set aside and pledged for that purpose.

[S81, §331.462; 81 Acts, ch 117, §461]

Referred to in §28M.3, 358.25

331.463 Procedure for financing.

1. *a.* The board may carry out projects, borrow money, and issue revenue bonds and pledge orders to pay all or part of the cost of projects, the revenue bonds and pledge orders to be payable solely out of the net revenues of the county enterprise or combined county enterprise involved in the project. The cost of a project includes the construction contracts, interest upon the revenue bonds and pledge orders during the period or estimated period of construction and for twelve months thereafter, or for twelve months after the acquisition date, reserve funds as the board deems advisable in connection with the project and the issuance of revenue bonds and pledge orders, and the costs of engineering, architectural, technical and legal services, preliminary reports, surveys, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds and provisions for contingencies. The board may sell revenue bonds or pledge orders at public or private sale in the manner prescribed by chapter 75 and may deliver revenue bonds and pledge orders to the contractors, sellers, and other persons furnishing materials and services constituting a part of the cost of the project in payment therefor.

b. The board may deliver its revenue bonds to the federal government or any agency

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thereof which has loaned the county money for sanitary or solid waste projects, water projects, or other projects, for which the government has a loan program.

2. The board may issue revenue bonds to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same county enterprise or combined county enterprise, or from a county enterprise comprising a part of the combined county enterprise, at lower, the same, or higher rates of interest. A county may sell refunding revenue bonds at public or private sale in the manner prescribed by chapter 75 and apply the proceeds to the payment of the obligations being refunded, and may exchange refunding revenue bonds in payment and discharge of the obligations being refunded. The principal amount of refunding revenue bonds may exceed the principal amount of the obligations being refunded to the extent necessary to pay any premium due on the call of the obligations being refunded and to fund interest accrued and to accrue on the obligations being refunded.

3. The board may contract to pay not to exceed ninety-five percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month for work, material, or services. Payment may be made in warrants drawn on any fund from which payment for the work may be made. If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter 74A even if a collection of taxes or special assessments or income from the sale of bonds which have been authorized and are applicable to the public improvement takes place after the fiscal year in which the warrants are issued. If the board arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the contractor. The warrants may also be used to pay other persons furnishing services constituting a part of the cost of the public improvement.

[S81, §331.463; 81 Acts, ch 117, §462; 82 Acts, ch 1104, §50]

2010 Acts, ch 1061, §180

Referred to in §28M.3, 358.25

331.464 Revenue bonds.

1. The board may issue revenue bonds pursuant to a resolution adopted at a regular or special meeting by a majority of the total number of members of the board.

2. Before the board institutes proceedings for the issuance of revenue bonds, it shall fix a time and place of meeting at which it proposes to take action, and give notice by publication in the manner directed in section 331.305. The notice must include a statement of the time and place of the meeting, the maximum amount of the proposed revenue bonds, the purpose for which the revenue bonds will be issued, and the county enterprise or combined county enterprise whose net revenues will be used to pay the revenue bonds and interest thereon. At the meeting the board shall receive oral or written objections from any resident or property owner of the county. After all objections have been received and considered, the board, at the meeting or a date to which it is adjourned, may take additional action for the issuance of the bonds or abandon the proposal to issue bonds. Any resident or property owner of the county may appeal a decision of the board to take additional action to the district court of the county within fifteen days after the additional action is taken, but the additional action of the board is final and conclusive unless the court finds that the board exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal are in lieu of those contained in any other law.

3. Revenue bonds may bear dates, bear interest at rates not exceeding those permitted by chapter 74A, mature in one or more installments, be in either coupon or registered form, carry registration and conversion privileges, be payable as to principal and interest at times and places, be subject to terms of redemption prior to maturity with or without premium, and be in one or more denominations, all as provided by the resolution of the board authorizing their issuance. The resolution may also prescribe additional provisions, terms, conditions, and covenants which the board deems advisable, consistent with this part, including provisions for creating and maintaining reserve funds, the issuance of additional revenue bonds ranking on a parity with such revenue bonds and additional revenue bonds junior and subordinate to such revenue bonds, and that such revenue bonds shall rank on a parity with or be junior

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and subordinate to any revenue bonds which may be then outstanding. Revenue bonds are a contract between the county and holders and the resolution is a part of the contract.

4. Revenue bonds shall be executed by the chairperson of the board and the auditor. If coupons are attached to the revenue bonds, they shall be executed with the original or facsimile signature of the auditor. A revenue bond is valid and binding for all purposes if it bears the signatures of the officers in office on the date of the execution of the bonds notwithstanding that any or all persons whose signatures appear have ceased to be such officers prior to the delivery of the bonds. The issuance of revenue bonds shall be recorded in the office of the treasurer, and a certificate of the recording by the treasurer shall be printed on the back of each revenue bond.

5. Revenue bonds, pledge orders and warrants issued under this part are negotiable instruments.

6. The board may issue pledge orders pursuant to a resolution adopted by a majority of the total number of supervisors, at a regular or special meeting, ordering their issuance and delivery in payment for all or part of the cost of a project. Pledge orders may bear interest at rates not exceeding those permitted by chapter 74A.

7. The physical properties of a county enterprise or combined county enterprise shall not be pledged or mortgaged to secure the payment of revenue bonds or pledge orders or the interest thereon.

[S81, §331.464; 81 Acts, ch 117, §463]
Referred to in §28M.3, 331.301, 331.402, 358.25

331.465 Rates for proprietary functions.

1. The board may establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the county enterprise or combined county enterprise and, if revenue bonds or pledge orders are issued and outstanding under this part, shall establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the county enterprise or combined county enterprise, and to leave a balance of net revenues sufficient at all times to pay the principal of and interest on the revenue bonds and pledge orders as they become due and to maintain a reasonable reserve for the payment of the principal and interest, and a sufficient portion of net revenues shall be pledged for that purpose. Rates shall be established by ordinance. Rates or charges for the services of a county enterprise defined in section 331.461, subsection 2, paragraph "*b*", if not paid as provided by ordinance, constitute a lien upon the premises served and may be certified to the county treasurer and collected in the same manner as taxes. The treasurer may charge five dollars for each lien certified as an administrative expense, which amount shall be added to the amount of the lien to be collected at the time of payment of the assessment from the payor and credited to the county general fund.

2. The board may:

a. By ordinance establish, impose, adjust and provide for the collection of charges for connection to a county enterprise or combined county enterprise.

b. Contract for the use of or services provided by a county enterprise or combined county enterprise with persons whose type or quantity of use or service is unusual.

c. Lease for a period not to exceed fifteen years all or part of a county enterprise or combined county enterprise, if the lease will not reduce the net revenues to be produced by the county enterprise or combined county enterprise.

d. Contract for a period not to exceed forty years with other governmental bodies for the use of or the services provided by the county enterprise or combined county enterprise on a wholesale basis.

e. Contract for a period not to exceed forty years with persons including but not limited to other governmental bodies for the purchase or sale of water.

[S81, §331.465; 81 Acts, ch 117, §464]
93 Acts, ch 73, §1
Referred to in §28M.3, 358.25, 445.1
Collection of taxes, see chapter 445

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331.466 Records — accounts — funds.

1. The governing body of each county enterprise or combined county enterprise operated on a revenue producing basis shall maintain a proper system of books, records and accounts.

2. The gross revenues of each county enterprise or combined county enterprise shall be deposited with the treasurer and kept by the treasurer in a separate account apart from the other funds of the county and from each other. The treasurer shall apply the gross revenues of each county enterprise or combined county enterprise only as ordered by the board and in strict compliance with the orders, including the provisions, terms, conditions and covenants of any and all resolutions of the board pursuant to which revenue bonds or pledge orders are issued and outstanding.

[S81, §331.466; 81 Acts, ch 117, §465]
Referred to in §28M.3, 358.25

331.467 Pledge — payment — remedy.

1. The pledge of any net revenues of a county enterprise or combined county enterprise is valid and effective as to all persons including but not limited to other governmental bodies when it becomes valid and effective between the county and the holders of the revenue bonds or pledge orders.

2. Revenue bonds and pledge orders are payable both as to principal and interest solely out of the portion of the net revenues of the county enterprise or combined county enterprise pledged to their payment and are not a debt of or charge against the county within the meaning of any constitutional or statutory debt limitation provision.

3. The sole remedy for a breach or default of a term of a revenue bond or pledge order is a proceeding in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this part and of the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders, or to obtain the appointment of a receiver to take possession of and operate the county enterprise or combined county enterprise, and to perform the duties required by this part and the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders.

[S81, §331.467; 81 Acts, ch 117, §466]
Referred to in §28M.3, 358.25

331.468 Funds — payments.

1. If a county enterprise or combined county enterprise has on hand surplus funds, after making all deposits into all funds required by the terms, covenants, conditions, and provisions of outstanding revenue bonds, pledge orders, and other obligations which are payable from the revenues of the county enterprise or combined county enterprise and after complying with all of the requirements, terms, covenants, conditions and provisions of the proceedings and resolutions pursuant to which revenue bonds, pledge orders, and other obligations are issued, the board may transfer the surplus funds to any other fund of the county in accordance with applicable law, provided that a transfer shall not be made if it conflicts with any of the requirements, terms, covenants, conditions, or provisions of any resolution authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the county enterprise or combined county enterprise which are then outstanding.

2. This part does not prohibit or prevent the board from using funds derived from the issuance of general obligation bonds, the levy of special assessments and the issuance of special assessment bonds, and any other source which may be properly used for such purpose, to pay a part of the cost of a project.

3. The county shall pay for the use of or the services provided by the county enterprise or combined county enterprise as any other customer, except that the county may pay for use or service at a reduced rate or receive free use or service so long as the county complies with the provisions, terms, conditions and covenants of all resolutions pursuant to which revenue bonds or pledge orders are issued and outstanding.

[S81, §331.468; 81 Acts, ch 117, §467]
Referred to in §28M.3, 358.25

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331.469 Statute of limitation — powers — conflicts.

1. An action shall not be brought which questions the legality of revenue bonds, the power of the board to issue revenue bonds, or the effectiveness of any proceedings relating to the authorization and issuance of revenue bonds, from and after sixty days from the time the bonds are ordered issued by the board.

2. The enumeration in this part of specified powers and functions is not a limitation of the powers of counties, but this part and the procedures prescribed for exercising the powers and functions enumerated in this part control in the event of a conflict with any other law.

[S81, §331.469; 81 Acts, ch 117, §468]
Referred to in §28M.3, 358.25

331.470 Prior projects preserved.

Projects and proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations, commenced before July 1, 1981, may be completed as required or permitted by any statute amended or repealed by 1981 Iowa Acts, ch. 117, as though the amendment or repeal had not occurred, and the rights, duties, and interests resulting from the projects and proceedings remain valid and enforceable. Projects commenced prior to July 1, 1981, may be financed by the issuance of revenue bonds, pledge orders, and other temporary obligations under any such amended or repealed law or by the issuance of revenue bonds and pledge orders under this part. For purposes of this section, commencement of a project includes but is not limited to action taken by the board or an authorized officer to fix a date for either a hearing or an election in connection with any part of the project, and commencement of proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations includes but is not limited to action taken by the board to fix a date for either a hearing or a sale in connection with any part of such revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

[S81, §331.470; 81 Acts, ch 117, §469]
2011 Acts, ch 34, §87; 2014 Acts, ch 1026, §143
Referred to in §358.25

331.471 County enterprise commissions.

1. As used in this section, "*commission*" means a commission established under this section to manage a county enterprise or combined county enterprise. Upon receipt of a valid petition as defined in section 331.306 requesting that a proposal for establishment or discontinuance of a commission be submitted to the voters, or upon its own motion, the board shall submit the proposal at the next general election or at an election which includes a proposal to establish, acquire, lease, or dispose of the county enterprise or combined county enterprise.

2. A proposal for the establishment of a county enterprise commission shall specify a commission of either three or five members. If a majority of those voting approves the proposal, the board shall proceed as proposed. If a majority of those voting does not approve the proposal, the same or a similar proposal shall not be submitted to the voters of the county and the board shall not establish a commission for the same purpose for at least four years from the date of the election at which the proposal was defeated.

3. If a proposal to discontinue a commission receives a favorable majority vote, the commission is dissolved at the time provided in the proposal and shall turn over to the board the management of the county enterprise or combined county enterprise and all property relating to it.

4. If a proposal to establish a commission receives a favorable majority vote, the commission is established at the time provided in the proposal. The board shall appoint the commission members, as provided in the proposal and this section. The board shall provide by resolution for staggered six-year terms for and shall set the compensation of commission members.

5. A commission member appointed to fill a vacancy occurring by reason other than the expiration of a term is appointed for the balance of the unexpired term.

6. The title of a commission shall be appropriate to the county enterprise or combined

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county enterprise administered by the commission. A commission may be a party to legal action. A commission may exercise all powers of the board in relation to the county enterprise or combined county enterprise it administers, with the following exceptions:

a. A commission shall not certify taxes to be levied, pass ordinances or amendments, or issue general obligation bonds.

b. The title to all property of a county enterprise or combined county enterprise shall be held in the name of the county, but the commission has all the powers and authorities of the board with respect to the acquisition by purchase, condemnation or otherwise, lease, sale or other disposition of the property, and the management, control and operation of the property, subject to the requirements, terms, covenants, conditions and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the county enterprise or combined county enterprise, and which are then outstanding.

c. A commission shall make to the board a detailed annual report, including a complete financial statement.

d. Immediately following a regular or special meeting of a commission, the secretary of the commission shall prepare a condensed statement of the proceedings of the commission and cause the statement to be published as provided in section 331.305. The statement shall include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the commission shall provide at its office upon request an unconsolidated list of all claims allowed. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the commission, for services regularly performed by the persons shall be published once annually showing the gross amount of the salary. In counties having more than one hundred fifty thousand population the commission shall each month prepare in pamphlet form the statement required in this paragraph for the preceding month, and furnish copies to the public library, the daily and official newspapers of the county, the auditor, and to persons who apply at the office of the secretary, and the pamphlet shall constitute publication as required. Failure by the secretary to make publication is a simple misdemeanor.

7. A commission shall control tax revenues allocated to the county enterprise or combined county enterprise it administers and all moneys derived from the operation of the county enterprise or combined county enterprise, the sale of its property, interest on investments, or from any other source related to the county enterprise or combined county enterprise.

8. All moneys received by the commission shall be held by the county treasurer in a separate fund, with a separate account or accounts for each county enterprise or combined county enterprise. Moneys may be paid out of each account only at the direction of the appropriate commission.

9. A commission is subject to section 331.341, subsections 1, 2, 4 and 5, and section 331.342, in contracting for public improvements.

[S81, §331.471; 81 Acts, ch 117, §470]
83 Acts, ch 42, §1; 2006 Acts, ch 1018, §3
Referred to in §331.321

331.472 through 331.475 Reserved.

PART 5

CURRENT AND NONCURRENT DEBT

331.476 Expenditures confined to receipts.

Except as otherwise provided in section 331.478, a county officer or employee shall not allow a claim, issue a warrant, or execute a contract which will result during a fiscal year in

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an expenditure from a county fund in excess of an amount equal to the collectible revenues in the fund for that fiscal year plus any unexpended balance in the fund from a previous year. A county officer or employee allowing a claim, issuing a warrant, or executing a contract in violation of this section is personally liable for the payment of the claim or warrant or the performance of the contract.

83 Acts, ch 123, §23, 209
Referred to in §331.437

331.477 Current debt authorized.

A debt payable from resources which will have accrued in a fund by the end of the fiscal year in which the debt is incurred may be authorized only by resolution of the board. The debt may take the form of:

1. Anticipatory warrants subject to chapter 74.
2. Loans from other county funds.
3. Other formal short-term debt instruments or obligations.

83 Acts, ch 123, §24, 209

331.478 Noncurrent debt authorized.

1. A county may contract indebtedness and issue bonds as otherwise provided by state law.

2. The board may by resolution authorize noncurrent debt as defined in subsection 3 which is payable from resources accruing after the end of the fiscal year in which the debt is incurred, in accordance with section 331.479, for any of the following purposes:

a. Expenditures for bridges or buildings destroyed by fire, flood, or other extraordinary casualty.

b. Expenditures incurred in the operation of the courts.

c. Expenditures for bridges which are made necessary by the construction of a public drainage improvement.

d. Expenditures for the benefit of a person entitled to receive assistance from public funds.

e. Expenditures authorized by vote of the electorate.

f. Contracts executed on the basis of the budget submitted as provided in section 309.93.

g. Expenditures authorized by supervisors acting in the capacity of trustees or directors of a drainage district or other special district.

h. Expenditures for land acquisition and capital improvements for county conservation purposes not to exceed in any year the monetary equivalent of a tax of six and three-fourths cents per thousand dollars of assessed value on all the taxable property in the county.

i. Expenditures for purposes for which counties may issue general obligation bonds without an election under state law.

3. Noncurrent debt authorized by subsection 2 may take any of the following forms:

a. Anticipatory warrants subject to chapter 74. Anticipatory warrants drawn on the secondary road fund are also subject to sections 309.46 through 309.55.

b. Advances from other funds.

c. Installment purchase contracts.

d. Other formal debt instruments or obligations other than bonds.

4. Noncurrent debt as defined in subsection 3 shall be retired from resources of the fund from which the expenditure was made for which the debt was incurred.

83 Acts, ch 123, §25, 209; 87 Acts, ch 161, §1
Referred to in §331.476, 331.479

331.479 Other noncurrent debt issuance.

Before the board may institute proceedings for the incurrence of debt for the purposes listed in section 331.478, subsection 2, a notice of the proposed action, including a statement of the amount, purposes, and form of the debt, the proposed time of its liquidation, and the time and place of the meeting at which the board proposes to take action to authorize the debt, shall be published as provided in section 331.305. At the meeting, the board shall receive oral or written objections from any resident or property owner of the county. After all objections have

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been received and considered, the board, at that meeting or a date to which it is adjourned, may take additional action to authorize the debt or abandon the proposal.

83 Acts, ch 123, §26, 209
Referred to in §331.478

331.480 through 331.484 Reserved.

PART 6

SPECIAL ASSESSMENT DISTRICTS

331.485 Definitions.

As used in this part, unless the context otherwise requires:

1. *"Cost"* means cost as defined in section 384.37.
2. *"County special assessment district"* means the area of a county outside of cities within boundaries established by the board of supervisors for the purpose of assessment of the cost of a public improvement.
3. *"District"* means a joint special assessment district, and a county special assessment district.
4. *"Joint special assessment district"* means a district defined by a county and one or more other counties or one or more cities within the county or within an adjacent county pursuant to an agreement entered into by the county and one or more other counties or cities in accordance with chapter 28E and this part with respect to public improvements which the parties to the agreement determine benefit the property located in the cities and the designated area of the counties outside of cities, which are parties to the agreement.
5. *"Public improvement"* means public improvement as defined in section 384.37.

90 Acts, ch 1115, §1

331.486 Assessment of costs of public improvements.

A county may assess to property within a county special assessment district the cost of construction and repair of public improvements benefiting the district and may assess to property within a joint special assessment district the cost of construction and repair of public improvements benefiting the district. A county may construct and assess the cost of public improvements within a district in the same manner as a city may proceed under chapter 384, subchapter IV, and chapter 384, subchapter IV, applies to counties with respect to public improvements, the assessment of their costs, and the issuance of bonds for the public improvements. A county may contract for a public improvement benefiting a district under this part pursuant to subchapter III, part 3, of this chapter.

90 Acts, ch 1115, §2; 92 Acts, ch 1073, §5; 2018 Acts, ch 1041, §123, 127

331.487 Special assessment bonds for public improvements.

A county may issue special assessment bonds in anticipation of the collection of special assessments for the cost of public improvements benefiting a district in the same manner as provided for cities under chapter 384, subchapter IV.

90 Acts, ch 1115, §3; 2018 Acts, ch 1041, §127

331.488 Joint agreements for public improvements.

An agreement entered into between a county and a city or another county in accordance with chapter 28E with respect to a public improvement may include, but is not limited to, the following:

1. The sharing of the total cost of the public improvement among all parties to the agreement.
2. The amount of total assessments against private property within each city and within the area of each county outside a city included within the district.
3. The method of specially assessing and determining benefits.

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4. The amount of funds, if any, to be contributed by each city and each county to the project other than special assessments.

5. The rates to be established and imposed upon property within the district to pay the expenses of operation and maintenance of the public improvements.

6. The reduction of the county's debt service tax levy rate against property within a city which is a party to the joint agreement.

90 Acts, ch 1115, §4

331.489 Rates and charges relating to public improvements.

A county which has created a district for a public improvement and, to the extent provided in the agreement creating a joint special assessment district, each county or city which is a party to the agreement, may establish, impose, adjust, and provide for the collection of rates and charges to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of a public improvement, against property within the district and, where appropriate, establish, impose, adjust, and provide for the collection of charges for connection to a public improvement. The rates and charges must be established by ordinance of the governing body of the county or the city imposing the rates or charges. The rates and charges established as provided in this section, if not paid as provided by the ordinance of the governing body, are a lien upon the premises served or benefited by the public improvement and may be certified to the county treasurer and collected in the same manner as property taxes.

90 Acts, ch 1115, §5; 93 Acts, ch 73, §2

Referred to in §445.1

Collection of taxes, see chapter 445

331.490 Cities subject to debt service tax levy — rates.

1. If a county and city have entered into an agreement to create a joint special assessment district and issue county general obligation bonds to fund the costs of a public improvement benefiting that district, the county's debt service tax levy for the county general obligation bonds shall not be levied against property located in any city except a city which has entered into the agreement.

2. Counties and cities entering into an agreement for a joint special assessment district may provide in the agreement for a different rate of the county's debt service tax levy against property in areas of the county outside a city and property within the cities.

90 Acts, ch 1115, §6

331.491 Authority.

The authority of a county or a city under this part with respect to districts and the financing of public improvements is in addition to any other authority of a county or city to contract and levy special assessments and issue bonds to fund the costs.

90 Acts, ch 1115, §7

331.492 through 331.500 Reserved.

SUBCHAPTER V

COUNTY OFFICERS

PART 1

COUNTY AUDITOR

331.501 Office of county auditor.

1. The office of auditor is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

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2. A person elected or appointed to the office of auditor shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in section 64.8.

3. The term of office of the auditor is four years.

[C73, §589; C97, S13, §1072; C24, 27, 31, 35, 39, §**520;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17; S81, §331.501; 81 Acts, ch 117, §500]

2010 Acts, ch 1033, §45

331.502 General duties.

The auditor shall:

1. Have general custody and control of the courthouse, subject to the direction of the board.

2. Provide, upon request and payment of the legal fee, a certified copy of any record or account kept in the auditor's office.

3. Carry out duties relating to the administration of local governmental budgets as provided in chapter 24 and section 384.19.

4. Report the approval of the bond of a public officer approved by the auditor on behalf of the board as provided in section 64.21.

5. Have custody of the official bonds of county and township officers as provided in section 64.23.

6. Take temporary possession of the office and all official books and papers in the office of treasurer when a vacancy occurs and hold the office, books, and records until a successor qualifies as provided in section 69.3. The auditor shall also serve temporarily as the recorder if a vacancy occurs in that office and, if there is no chief deputy assessor, act temporarily as the assessor as provided in section 441.8.

7. Serve as a member of an appointment board to fill a vacancy in the membership of the board as provided in section 69.8, subsection 4.

8. Notify the chairperson of the county agricultural extension education council when the bond of the council treasurer has been filed as provided in section 176A.14.

9. Attest to anticipatory warrants issued by the board for the operation of a county limestone quarry as provided in section 353.7.

10. Collect the costs relating to the treatment and care of private patients at the state psychiatric hospital as provided in sections 225.23, 225.24, and 225.35.

11. Carry out duties relating to the hospitalization and support of persons with mental illness as provided in sections 230.11 and 230.15.

12. Issue warrants and maintain a permanent record of persons receiving veteran assistance as provided in section 35B.10.

13. Make available to schools, voting equipment or sample ballots for instructional purposes as provided in section 280.9A.

14. Order the treasurer to transfer tuition payments from the account of the debtor school corporation to the creditor school corporation as provided in section 282.21.

15. Order the treasurer to transfer transportation service fees from the account of the debtor school corporation to the creditor school corporation as provided in section 285.1, subsection 13.

16. Apportion school taxes, rents, and other money dedicated for public school purposes as provided in section 298.11.

17. Carry out duties relating to school lands and funds as provided in chapter 257B.

18. Carry out duties relating to the establishment, alteration, and vacation of public highways as provided in sections 306.21, 306.25, 306.29, 306.30, 306.37, and 306.40.

19. Carry out duties relating to the establishment and maintenance of secondary roads as provided in chapter 309.

20. Collect costs incurred by the county weed commissioner as provided in section 317.21.

21. Maintain a file of certificates of appointment issued by county officers as provided in section 331.903.

22. Furnish information and statistics requested by the governor or the general assembly as provided in section 331.901, subsection 1.

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23. Carry out duties relating to the organization, expansion, reduction, or dissolution of a rural water district as provided in chapter 357A.

24. Carry out duties related to posting financial information of a township as provided in sections 359.23 and 359.49.

25. Acknowledge the receipt of funds refunded by the state as provided in section 12B.18.

26. Be responsible for all public money collected or received by the auditor's office. The money shall be deposited in a bank approved by the board as provided in chapter 12C.

27. Carry out duties relating to the establishment and management of levee and drainage districts as provided in chapter 468, subchapter I, parts 1 through 5, chapter 468, subchapter II, parts 1, 3, and 6, and chapter 468, subchapters III and V.

28. Serve as a trustee for funds of a cemetery association as provided in section 523I.505.

29. Notify the state department of transportation of claims filed for improvements on public roads payable from the primary road fund as provided in section 573.24.

30. Certify to the district court administrator the name, address, and expiration date of the term of office of the person appointed to the judicial election district magistrate appointing commission as provided in section 602.6503.

31. Destroy outdated records as ordered by the board.

32. Designate newspapers in which official notices of the auditor's office shall be published as provided in section 618.7.

33. Carry out duties relating to lost property as provided in sections 556F.2, 556F.4, 556F.7, 556F.10, and 556F.16.

34. For payment of a permanent school fund mortgage, acknowledge satisfaction of the mortgage by execution of a written instrument referring to the mortgage as provided in section 655.1.

35. Receive and record in a book kept for that purpose, moneys recovered from a person willfully committing waste or trespass on real estate as provided in section 658.10.

36. Have the authority to audit, at the auditor's discretion, the financial condition and transactions of all county funds and accounts for compliance with state and federal law.

37. Carry out other duties required by law and duties assigned pursuant to section 331.323 or 331.610.

1. [C73, §323; C97, §473; C24, 27, 31, 35, 39, §**5141;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §333.1(8); S81, §331.502(1); 81 Acts, ch 117, §501]

2. [R60, C73, §320; C97, §470; C24, 27, 31, 35, 39, §**5141;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §333.1(7); S81, §331.502(2); 81 Acts, ch 117, §501]

3 – 7. [S81, §331.502(3 – 7); 81 Acts, ch 117, §501]

8. [C97, §497; C24, 27, 31, 35, 39, §**5170;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §335.1; S81, §331.502(8); 81 Acts, ch 117, §501]

9 – 49. [S81, §331.502(9 – 52); 81 Acts, ch 117, §501; 82 Acts, ch 1104, §51, 52]

83 Acts, ch 101, §77; 83 Acts, ch 185, §29, 62; 83 Acts, ch 186, §10080 – 10083, 10201; 86 Acts, ch 1108, §2, 3; 86 Acts, ch 1155, §4; 87 Acts, ch 115, §53; 87 Acts, ch 227, §27; 88 Acts, ch 1158, §69; 88 Acts, ch 1262, §7; 93 Acts, ch 148, §1; 94 Acts, ch 1173, §21, 22; 96 Acts, ch 1129, §113; 98 Acts, ch 1107, §9; 2000 Acts, ch 1117, §21; 2003 Acts, ch 35, §42, 49; 2003 Acts, ch 145, §251; 2005 Acts, ch 128, §2; 2005 Acts, ch 167, §54, 66; 2009 Acts, ch 57, §88; 2012 Acts, ch 1019, §124; 2012 Acts, ch 1113, §18; 2012 Acts, ch 1120, §127, 130; 2013 Acts, ch 135, §58; 2014 Acts, ch 1116, §52, 53; 2017 Acts, ch 133, §2; 2018 Acts, ch 1137, §27; 2020 Acts, ch 1045, §22; 2021 Acts, ch 80, §205; 2024 Acts, ch 1161, §117, 118, 137; 2026 Acts, ch 1063, §2, 25

2026 amendment to subsection 30 effective November 1, 2026; 2026 Acts, ch 1063, §25
Subsection 30 amended

331.503 General powers.

The auditor may:

1. Administer oaths and take affirmations on matters relating to the business of the office of auditor.

2. Subject to requirements of section 331.903, appoint and remove deputies, clerks and assistants. If a deputy auditor is not appointed and the requirements of office require the

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temporary employment of assistants, the auditor shall file a bill for the services with the board at its next meeting. The board shall allow reasonable compensation for the temporary appointees.

[C51, §411; R60, §642; C73, §766; C97, §481; SS15, §481; C24, 27, 31, 35, 39, §**5238, 5240, 5244;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §341.1, 341.3, 341.8; S81, §331.503; 81 Acts, ch 117, §502]

Referred to in §331.903

331.504 Duties as clerk to the board.

The auditor shall:

1. Record the proceedings of the board. The minutes of the board shall include a record of all actions taken and the complete text of the motions, resolutions, amendments, and ordinances adopted by the board. Upon the request of a supervisor present at a meeting, the minutes shall include a record of the vote of each supervisor on any question before the board.
2. Maintain the books and records required to be kept by the board under section 331.303.
3. Sign all orders issued by the board for the payment of money.
4. Record the reports of the treasurer of the receipts and disbursements of the county.
5. Maintain a file of all accounts acted upon by the board with the board's action on each account. If the board allows an expenditure from an account, the auditor shall indicate the amount of expenditure and the bill or claim for which the expenditure is allowed.
6. Furnish a copy of the proceedings of the board required to be published as provided in section 349.18.
7. Number each claim consecutively in the order of filing and enter the claim in the claim register alphabetically by the name of the claimant and including the date of filing, the number of the claim and its general nature, the action of the board, and if allowed, the fund from which the claim is paid. A record of the claims allowed at each session of the board shall be included in the minute book by reference to the numbers of the claims as entered in the claim register.
8. File for presentation to the board all unliquidated claims against the county and all claims for fees or compensation, except salaries fixed by state law. The claims, before being audited or paid, shall be itemized to clearly show the basis of the claim and whether for property sold or furnished for services rendered or for another purpose. An action shall not be brought against the county relating to a claim until the claim is filed as provided in this subsection and the payment refused or neglected.

[R60, §319; C73, §320, 2610, 3843; C97, §470, 1300, 3528; C24, 27, 31, 35, 39, §**5123, 5124, 5141;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §333.1(1 – 6), 331.20, 331.21; S81, §331.504; 81 Acts, ch 117, §503]

83 Acts, ch 29, §1

Referred to in §331.211

331.505 Duties relating to elections.

The auditor shall:

1. Serve as county commissioner of elections as provided in chapter 47.
2. Conduct all elections held within the county.
3. Serve as a member of a board to hear and decide objections made to a certification of nomination as provided in section 44.7.
4. Serve as county commissioner of registration as provided in chapter 48A.
5. Serve as clerk of the election contest court as provided in chapter 62.
6. Record the orders of suspension and temporary appointment of county and township officers as provided in section 66.19.

[S81, §331.505; 81 Acts, ch 117, §504]

94 Acts, ch 1169, §60

331.506 Issuance of warrants.

1. *a.* Except as provided in subsections 2 and 3, the auditor shall prepare and sign a county warrant only after issuance of the warrant has been approved by the board by recorded vote. Each warrant shall be numbered and the date, amount, number, name of the person to whom

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issued, and the purpose for which the warrant is issued shall be entered in the county system. Each warrant shall be made payable to the person performing the service or furnishing the supplies for which the warrant makes payment.

b. The auditor shall not issue a warrant to a drawee until the auditor has transmitted to the treasurer a list of the warrants to be issued. The list shall include the date, amount, and number of the warrant, name of the person to whom the warrant is issued, and the purpose for which the warrant is issued. The treasurer shall acknowledge receipt of the list by affixing the treasurer's signature at the bottom of the list and immediately returning the list to the auditor. The requirement that the treasurer sign to acknowledge receipt of the list is satisfied by use of a secure electronic signature if the county auditor and treasurer have complied with the applicable provisions of chapter 554D.

c. The warrant list signed by the treasurer shall be preserved by the auditor for at least two years. The requirement that the list be preserved is satisfied by preservation of the list in electronic form if the requirements of section 554D.113 are met.

d. The requirement that the county auditor sign a warrant is satisfied by use of a secure electronic signature if the county auditor has complied with the applicable provisions of chapter 554D.

e. In lieu of the auditor issuing a warrant to a drawee, the auditor may issue a warrant payment order to the county treasurer. Upon receipt of the warrant payment order, the treasurer may submit payment to the drawee through an electronic funds transfer system.

2. The auditor may issue warrants to pay the following claims against the county without prior approval of the board:

a. Witness fees and mileage for attendance before a grand jury, as certified by the county attorney and the foreman of the jury.

b. Witness fees and mileage in trials of criminal actions prosecuted under county ordinance, as certified by the county attorney.

c. Fees and costs payable to the clerk of the district court or other state officers or employees in connection with criminal and civil actions when due, as shown in the statement submitted by the clerk of court under section 602.8109.

d. Expenses of the grand jury, upon order of a district judge.

3. The board, by resolution, may authorize the auditor to issue warrants to make the following payments without prior approval of the board:

a. For fixed charges including, but not limited to, freight, express, postage, water, light, telephone service or contractual services, after a bill is filed with the auditor.

b. For salaries and payrolls if the compensation has been fixed or approved by the board. The salary or payroll shall be certified by the officer or supervisor under whose direction or supervision the compensation is earned.

4. The bills paid under subsections 2 and 3 shall be submitted to the board for review and approval at its next meeting following the payment. The action of the board shall be recorded in the minutes of the board.

5. An officer certifying an erroneous bill or claim against the county is liable on the officer's official bond for a loss to the county resulting from the error.

[R60, C73, §321; C97, §471; C24, 27, 31, 35, 39, §**5142 – 5147;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §333.2 – 333.7; S81, §331.506; 81 Acts, ch 117, §505]

83 Acts, ch 29, §2; 83 Acts, ch 186, §10084, 10201; 85 Acts, ch 197, §6; 95 Acts, ch 57, §3; 2000 Acts, ch 1084, §1; 2000 Acts, ch 1232, §67; 2005 Acts, ch 19, §44

Referred to in §331.402, 331.552

331.507 Collection of money and fees.

1. The auditor may collect or receive money due the county except when otherwise provided by law.

2. The auditor is entitled to collect the following fees:

a. For a transfer of property made in the transfer records, five dollars for each separate real estate transaction described in section 558.57, or transfer of title certified by the clerk of the district court. However, the fee shall not exceed fifty dollars for a transfer of property which is described in one instrument of transfer.

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(1) For the purposes of this paragraph, a parcel of real estate includes:

(a) For real estate located outside of the corporate limits of a city, all contiguous land lying within a numbered section.

(b) For real estate located within the corporate limits of a city, all contiguous land lying within a platted block or subdivision.

(2) Within a numbered section, platted block, or subdivision, land separated only by a public street, alley, or highway remains contiguous.

b. For indexing a change of name for each parcel of real estate owned in the county, five dollars.

3. Fees collected or received by the auditor shall be accounted for and paid into the county treasury as provided in section 331.902.

1. [C97, §473; C24, 27, 31, 35, 39, §**5149;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §333.9; S81, §331.507(1); 81 Acts, ch 117, §506]

2a. [C73, §3797; C97, §478; C24, 27, 31, 35, 39, §**5155;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §333.15; S81, §331.507(2a – c); 81 Acts, ch 117, §506; 82 Acts, ch 1104, §53]

b. [S13, §4471-i; C24, 27, 31, 35, 39, §**12656;** C46, 50, 54, 58, 62, 66, 71, §674.12; C73, 75, 77, 79, 81, §674.14; S81, §331.507(2d); 81 Acts, ch 117, §506]

3. [S81, §331.507(3); 81 Acts, ch 117, §506]

4. [C97, §480; S13, §550-c; C24, 27, 31, 35, 39, §**5246, 5247;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §342.2, 342.3; S81, §331.507(4); 81 Acts, ch 117, §506]

84 Acts, ch 1198, §1; 85 Acts, ch 97, §1; 85 Acts, ch 159, §1; 94 Acts, ch 1025, §2; 94 Acts, ch 1173, §23; 95 Acts, ch 67, §28; 98 Acts, ch 1032, §8; 2004 Acts, ch 1144, §1

Referred to in §558.66, 598.21, 674.14
Indexing change of name, see §674.14

331.508 Books and records.

The auditor shall keep the following books and records:

1. Election book for contested proceedings as provided in section 62.3.
2. Record of official bonds as provided in section 64.24.
3. Lost property book as provided in chapter 556F.
4. Account book and index of persons receiving mental health treatment as provided in section 230.26.*
5. A permanent record of the names and addresses of persons receiving veteran assistance as provided in section 35B.10.
6. Record of fees as provided in section 331.902.
7. Benefited water district record book as provided in section 357.32.
8. Completed assessment rolls, schedules and book as provided in section 441.26.
9. Tax rate book as provided in section 444.6.
10. Real estate transfer book, index book, and plat book as provided in sections 558.60, 558.63, and 558.65 through 558.67.

[C97, §480; S13, §498; C24, 27, 31, 35, 39, §**5246;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §342.2; S81, §331.508; 81 Acts, ch 117, §507]

86 Acts, ch 1001, §19; 94 Acts, ch 1173, §24; 95 Acts, ch 49, §8; 97 Acts, ch 121, §4; 2010 Acts, ch 1061, §54; 2015 Acts, ch 30, §108

*Section 230.26 repealed by 2024 Acts, ch 1161, §135; corrective legislation is pending

331.509 Reserved.

331.510 Reports by the auditor.

The auditor shall make:

1. A report to the governor of a vacancy, except by resignation, in the office of state representative or senator as provided in section 69.5.
2. A report to the secretary of state of the name, office, and term of office of each appointed or elected county officer within ten days of the officer's election or appointment and qualification.
3. An annual report not later than January 1 to the department of management of the valuation by class of property for each taxing district in the county as instructed by and on

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forms provided by the department of management. The valuations reported shall be those valuations used for determining the levy rates necessary to fund the budgets of the taxing districts for the following fiscal year. Each annual report under this subsection for assessment years beginning on or after January 1, 2024, shall distinguish such values as revaluation or other type of addition to value, as defined and submitted in the assessor's abstract transmitted to the department of revenue under section 441.45.

4. An annual report not later than January 1 to the governing body of each taxing district in the county of the assessed valuations of taxable property in the taxing district as reported to the department of management. Each annual report under this subsection for assessment years beginning on or after January 1, 2024, shall distinguish such values as revaluation or other type of addition to value, as defined and submitted in the assessor's abstract transmitted to the department of revenue under section 441.45.

5. *a.* An annual report not later than September 1 to the department of management containing parcel-level property data, including parcel identification information, location, size, valuation, classification, types of structures and improvements, exemptions, credits, and reporting year amounts of property taxes due and payable.

b. In addition to the information required under paragraph *"a"*, the department of management may require additional parcel-level data deemed necessary by the director of the department of management. The department shall prescribe the form and manner of submitting the annual report under this subsection.

c. The first annual report under this subsection shall be due not later than September 1, 2027.

[R60, §291; C73, §324; C97, §474; C24, 27, 31, 35, 39, §**5150;** C46, 50, 54, 58, 62, 66, 71, §333.10; C73, 75, 77, §333.10, 442.2; C79, 81, §333.10, 333.16; S81, §331.510; 81 Acts, ch 117, §509]

83 Acts, ch 123, §141, 209; 85 Acts, ch 21, §42; 85 Acts, ch 197, §7; 88 Acts, ch 1134, §72; 2023 Acts, ch 71, §63; 2024 Acts, ch 1094, §39, 47; 2026 Acts, ch 1115, §92

Referred to in §331.423, 384.1, 441.45
NEW subsection 5

331.511 Duties relating to platting.

The county auditor shall:

1. Record each plat as provided in section 354.18.
2. Record changes in names of platted streets as provided in section 354.26.
3. Record notations of errors or omissions on recorded plats as provided in section 354.24.
4. Record resurveyed plats as provided in section 354.25.
5. Provide for the platting of real estate which cannot otherwise be accurately assessed for taxation as provided in section 354.13.
6. Carry out other duties as provided by law.

[S81, §331.511; 81 Acts, ch 117, §510]

90 Acts, ch 1236, §48

331.512 Duties relating to taxation.

The auditor shall:

1. Include on the tax list:

a. The levy of county taxes authorized by the board as provided by law.

b. The levy of taxes to pay the principal and interest on bonds as provided in sections 76.2 and 76.3.

c. The levy of a mulct tax against the property of a person maintaining a nuisance as certified by the clerk of the district court as provided in section 99.28.

d. A levy against the property of a bee owner sufficient to pay the costs of disinfecting or destroying diseased bees as provided in section 160.8.

e. The levy of a tax for the operation of a community college as provided in section 260C.17.

f. The levy of a tax to pay the principal and interest under a loan agreement entered into by community college authorities as provided in section 260C.22.

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g. The levy of community school taxes as provided by law.

h. The levy of a tax as certified by the board of trustees of a sanitary district as provided in section 358.18.

i. The levy of taxes certified by the board of trustees of a township as provided in chapters 359 and 360.

j. The levy of city taxes and assessments as certified by the city council as provided by law.

k. Other tax levies as provided by law.

2. Carry out duties relating to tax sales of property within special charter cities as provided in sections 420.220 through 420.229.

3. Carry out duties relating to the homestead tax exemption and credit as provided in chapter 425, subchapter I, and agricultural land tax credit as provided in chapter 426.

4. Prepare and certify to the county treasurer the total amount of dollars for military service tax credits claimed and allowed as provided under sections 426A.3 and 426A.11 through 426A.14.

5. Carry out duties relating to the preparation of the tax list as provided in sections 428.4, 441.17, 441.21, 443.2 through 443.4, 443.6 through 443.9, and 443.21.

6. Transmit to other local government officials the order stating the length of the main track and the assessed value of each railway located within the county as provided in section 434.22.

7. Transmit to other local government officials the order stating the length of the electric transmission lines and the assessed value of the property of the electric transmission line companies located within the county as provided in section 437.10.

8. Carry out duties relating to the valuation and taxation of pipeline companies as provided in sections 438.14 through 438.16.

9. Furnish the assessor a plat book which is platted with the lands and lots within the assessment district as provided in section 441.29.

10. Carry out duties relating to levy of school taxes as provided in chapter 257.

11. Carry out duties relating to the computation of tax rates as provided under chapter 444.

12. When an order of apportionment is made, correct the tax books or records in the auditor's possession as provided in section 449.4.

13. Carry out duties relating to the calculation and payment of commercial and industrial property tax replacement claims under section 441.21A.

14. Carry out other duties as provided by law.

[S81, §331.512; 81 Acts, ch 117, §511]

83 Acts, ch 123, §142, 209; 89 Acts, ch 135, §115; 90 Acts, ch 1253, §110; 91 Acts, ch 191, §9; 94 Acts, ch 1078, §8; 94 Acts, ch 1173, §25; 2002 Acts, ch 1150, §2; 2005 Acts, ch 19, §45; 2010 Acts, ch 1118, §3; 2012 Acts, ch 1023, §42; 2013 Acts, ch 123, §1, 13, 15, 22, 23; 2018 Acts, ch 1158, §4, 28; 2021 Acts, ch 80, §206; 2022 Acts, ch 1061, §29, 38; 2023 Acts, ch 71, §28, 48, 49; 2025 Acts, ch 156, §39; 2026 Acts, ch 1115, §129, 148

For future strike of subsection 13, effective July 1, 2029, see 2021 Acts, ch 177, §110, 120

2023 amendment to subsection 3 applies retroactively to assessment years beginning on or after January 1, 2023; 2023 Acts, ch 71, §49

2026 amendment to subsection 3 applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148

Subsection 3 amended

331.513 through 331.550 Reserved.

PART 2

COUNTY TREASURER

331.551 Office of county treasurer.

1. The office of treasurer is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of treasurer shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.10.

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3. The term of office of the treasurer is four years.

[C51, §96, 151, 239; R60, §224, 473; C73, §589; C97, S13, §1072; C24, 27, 31, 35, 39, §**520;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17; S81, §331.551; 81 Acts, ch 117, §550]

2010 Acts, ch 1033, §46

331.552 General duties.

The treasurer shall:

1. Receive all money payable to the county unless otherwise provided by law.
2. Disburse money owed or payable by the county on warrants or checks drawn and signed by the auditor and sealed with the official county seal.
3. Keep a true account of all receipts and disbursements of the county, which account shall be available for inspection by the board at any reasonable time.
4. Keep the official county seal provided by the county. The official seal shall be an impression seal on the face of which shall appear the name of the county, the word "county", which may be abbreviated, and the word "Iowa". A county shall have only one official county seal.
5. Account for, report, and pay into the state treasury any money, property, or securities received on behalf of the state as provided in sections 8A.506 through 8A.508.
6. Account for and report to the board the amount of swampland indemnity funds received from the treasurer of state under section 12.16.
7. Register and call tax anticipatory warrants issued for a memorial hospital as provided under section 37.30.
8. Serve on a nomination appeals commission to hear nomination objections filed with the county commissioner of elections as provided in section 44.7.
9. Keep on file the bond and oath of the auditor as provided in section 64.23.
10. Reserved.
11. Serve as treasurer of an area hospital located outside the corporate limits of a city as provided in section 145A.15.
12. Register and call anticipatory warrants related to the sale of limestone as provided in section 353.8.
13. Reserved.
14. Transfer funds to pay the expenses of creating or changing the boundaries of a school district as provided in section 275.26.
15. Transfer funds to pay tuition expenses owed by a debtor school district to a creditor school district as provided in section 282.21.
16. Pay to the treasurers of the school corporations located in the county the taxes and other moneys due as provided in section 298.11 and send amounts collected for each fund of a school corporation for direct deposit into the depository and account designated as provided in section 298.13.
17. Pay monthly to the treasurer of state proceeds of public lands sold and escheated estates as provided in section 257B.2 and pay annually on February 1 interest collected from public lands sold on credit as provided in section 257B.5.
18. Maintain a permanent school fund account and records of school funds received as provided in section 257B.31.
19. Carry out duties relating to the sale and redemption of anticipatory certificates for secondary road construction as provided in sections 309.50 through 309.55.
20. Carry out duties relating to the establishment of secondary road assessment districts as provided in chapter 311.
21. Carry out duties relating to the sale and redemption of county bonds as provided in subchapter IV, parts 3 and 4.
22. Notify the chairperson of the county hospital board of trustees and pay to the hospital treasurer the tax revenue collected for the county hospital during the preceding month as provided in section 347A.1.
23. Collect a fee of twenty dollars for issuing a tax sale certificate.
24. Carry out duties relating to the condemnation of property as provided in section 331.656, subsection 4.

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25. Carry out duties relating to the funding of drainage districts as provided in chapter 468, subchapter I, parts 1 through 5, chapter 468, subchapter II, parts 1, 5, and 6, chapter 468, subchapter III, and chapter 468, subchapter IV, parts 1 and 2.

26. Collect and disburse funds for soil and water conservation districts as provided in sections 161A.33 and 161A.34.

27. Credit the remainder of funds received from a hotelkeeper's sale to satisfy a lien to the county general fund as provided in section 583.6.

28. Designate the newspapers in which the official notices of the treasurer's office are to be published as provided in section 618.7.

29. Send, before the fifteenth day of each month, the amount of tax revenue, special assessments, and other moneys collected for each tax-certifying or tax-levying public agency in the county for direct deposit into the depository or financial institution and account designated by the governing body of the public agency. The treasurer shall send notice to the chairperson or other designated officer of the public agency stating the amount deposited, the date, the amount to be credited to each fund according to the budget, and the source of revenue.

30. Carry out other duties as required by law and duties assigned pursuant to section 331.323.

31. Collect all penalties that have accrued prior to April 1, 1992, on unpaid taxes, as defined in section 445.1, and process them as interest.

32. File with the county auditor the name of a designated employee, if other than the first deputy treasurer, authorized to perform the duties of the treasurer during the absence or disability of the treasurer and the name of any employee authorized to sign, on behalf of the treasurer, any form, notice, or document requiring the signature of the treasurer.

33. Carry out duties relating to warrant lists provided by the county auditor pursuant to section 331.506, subsection 1.

34. Destroy tax sale redemption certificates and all associated tax sale records after ten years have elapsed from the end of the fiscal year in which the certificate was redeemed. If a tax sale certificate of purchase is canceled as required by section 446.37 or 448.1, all associated tax sale records shall be destroyed after ten years have elapsed from the end of the fiscal year in which the tax sale certificate of purchase was canceled. This subsection applies to documents described in this subsection that are in existence before, on, or after July 1, 2003.

35. *a.* Destroy special assessment records required by section 445.11 within the county system after ten years have elapsed from the end of the fiscal year in which the special assessment was paid in full. The county treasurer shall also destroy the resolution of necessity, plat, and schedule of assessments required by section 384.51 after ten years have elapsed from the end of the fiscal year in which the entire schedule was paid in full. This paragraph applies to documents described in this paragraph that are in existence before, on, or after July 1, 2003.

b. Destroy assessment records required by chapter 468 within the county system after ten years have elapsed from the end of the fiscal year in which the assessment was paid in full. The county treasurer shall also destroy the accompanying documents including any resolutions, plats, or schedule of assessments after ten years have elapsed from the end of the fiscal year in which the entire schedule was paid in full. This paragraph applies to documents described in this paragraph that are in existence before, on, or after July 1, 2014.

36. Destroy mobile home and manufactured home tax lists after ten years have elapsed from the end of the fiscal year in which the list was created. This subsection applies to mobile home and manufactured home tax lists and associated documents in existence before, on, or after July 1, 2003.

1 – 3. [C51, §152; R60, §360; C73, §327; C97, §482; C24, 27, 31, 35, 39, §**5156;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §334.1; S81, §331.552(1 – 3); 81 Acts, ch 117, §551]

4. [C24, 27, 31, 35, 39, §**5157;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §334.2; S81, §331.552(4); 81 Acts, ch 117, §551]

5 – 15. [S81, §331.552(5 – 17); 81 Acts, ch 117, §551]

16. [S81, §331.552(18); 81 Acts, ch 117, §551; 82 Acts, ch 1195, §2]

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17 – 20. [S81, §331.552(19 – 22); 81 Acts, ch 117, §551]

21. [C73, §290; C97, S13, §404; C24, 27, 31, 35, 39, §**5278 – 5282;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §346.4 – 346.8; S81, §331.552(23); 81 Acts, ch 117, §551]

22. [S81, §331.552(24); 81 Acts, ch 117, §551]

23. [C73, §3797; C97, §478; C24, 27, 31, 35, 39, §**5155;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §333.15; S81, §331.507(2b, c); 81 Acts, ch 117, §506, 82 Acts, ch 1104, §53, 54]

24 – 28 and 30. [S81, §331.552(25 – 33); 81 Acts, ch 117, §551; 82 Acts, ch 1104, §55]

83 Acts, ch 123, §143 – 146, 209; 83 Acts, ch 185, §31, 32, 62; 83 Acts, ch 186, §10088, 10089, 10201, 10204; 84 Acts, ch 1003, §1; 86 Acts, ch 1001, §20; 86 Acts, ch 1155, §5; 91 Acts, ch 191, §10; 92 Acts, ch 1016, §5; 94 Acts, ch 1173, §26; 95 Acts, ch 57, §4; 96 Acts, ch 1129, §113; 2000 Acts, ch 1084, §2; 2001 Acts, ch 45, §3; 2003 Acts, ch 24, §4; 2003 Acts, ch 145, §252; 2004 Acts, ch 1092, §5; 2005 Acts, ch 167, §55, 66; 2006 Acts, ch 1070, §15, 16, 31; 2008 Acts, ch 1018, §28; 2010 Acts, ch 1118, §4; 2013 Acts, ch 30, §76; 2014 Acts, ch 1110, §5; 2014 Acts, ch 1141, §20; 2018 Acts, ch 1041, §127; 2020 Acts, ch 1098, §10; 2020 Acts, ch 1102, §27; 2021 Acts, ch 80, §207; 2021 Acts, ch 147, §49, 54; 2023 Acts, ch 19, §2510; 2024 Acts, ch 1161, §119, 137

Referred to in §176A.12, 260C.17, 260C.22, 331.301, 347.12, 347A.1, 359.21, 446.29, 446.30

331.553 General powers.

The treasurer may:

1. Administer oaths and take affirmations as provided in sections 63A.2 and 421.21.

2. Subject to the requirements of section 331.903, appoint and remove deputies, clerks and assistants.

3. Require that payment be made by guaranteed funds for tax sale redemptions, issuance of plat clearances, issuance of tax clearances for mobile homes, payments of taxes or assessments made within the thirty days prior to the annual tax sale or any adjournment of the tax sale, and any other payment which is to be collected by the county treasurer. For the purposes of this subsection, *"guaranteed funds"* means cash, cashier's check, money order, travelers' check, or certified check.

4. Charge five dollars, as an administrative expense, for every rate, charge, rental, or special assessment certified as a lien to the treasurer for collection. This amount shall be added to the amount of the lien, collected at the time of payment from the payor, and credited to the county general fund. If the amount of the lien is paid in annual installments, an administrative expense charge shall be added to each annual installment.

5. Accept credit cards and electronic transfers of funds in payment of moneys due to the county, including but not limited to credits and reimbursements received from the state, tax payments, and tax sale redemptions. A county treasurer may adjust fees to reflect the cost of processing such payments.

6. Require a payor or an agent of a payor to make payment by electronic transfer of the funds through the county treasurer's authorized internet site when the payment totals fifty thousand dollars or more.

7. Treat a payment made by electronic funds transfer as if it were a paper check for purposes of section 554.3512.

8. Pursuant to an agreement under chapter 28E, collect delinquent parking fines on behalf of a city in conjunction with renewal of motor vehicle registrations pursuant to section 321.40. If the agreement provides for a fee to be paid to or retained by the county treasurer from the collection of parking fines, such fees shall be credited to the county general fund. Fines collected pursuant to this subsection shall be remitted biannually to the city. Notwithstanding section 28E.10, a county treasurer shall utilize the records system described in section 321.31 to facilitate the purposes of this subsection.

[C51, §411; R60, §642; C73, §766; C97, SS15, §491; C24, 27, 31, 35, 39, §**5238, 5240;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §341.1, 341.3; S81, §331.553; 81 Acts, ch 117, §552]

91 Acts, ch 191, §11; 95 Acts, ch 57, §5; 97 Acts, ch 121, §5; 2002 Acts, ch 1043, §3; 2003 Acts, ch 18, §4; 2004 Acts, ch 1092, §6; 2005 Acts, ch 34, §7, 8, 26; 2005 Acts, ch 54, §9, 12; 2013 Acts, ch 90, §257; 2026 Acts, ch 1118, §27, 29

Referred to in §321.40, 321.236, 445.1

For definitions applicable to subsection 3, see §445.1

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2026 amendment to subsection 8 applies on and after December 1, 2028, or the date the department of transportation submits to the Iowa administrative code editor for publication in the Iowa administrative bulletin a statement by the director of transportation that the applicable phase of the department of transportation's new records system is implemented, whichever is earlier; 2026 Acts, ch 1118, §29
Subsection 8 amended

331.554 Duties relating to warrants.

1. Upon receipt of a warrant, scrip, or other evidence of the county's indebtedness, the treasurer shall endorse on it the date of payment.

2. Reserved.

3. The treasurer shall enter into the county system the warrant number, date paid, and interest paid, if any.

4. The treasurer shall return the paid warrants to the auditor. The original warrant shall be preserved for at least two years. The requirement that the original warrant be preserved is satisfied by preservation of the warrant in electronic form if the requirements of section 554D.113 are met. The treasurer shall make monthly reports to show for each warrant the number, date, drawee's name, when paid, to whom paid, original amount, and interest.

5. *a.* When a warrant legally drawn on the county treasury is presented for payment and not paid because of a deficiency, the treasurer shall carry out duties relating to the endorsement and payment of interest on the amount of deficiency as provided in chapter 74.

b. In lieu of the requirements and procedures specified in sections 74.1, 74.2, and 74.3, when warrants other than anticipatory warrants are presented for payment and not paid for want of funds or are only partially paid, the treasurer may issue a warrant order for an amount equal to the unpaid warrants drawn on a fund. The warrant order shall be dated and include the fund name, amount, and the rate of interest established under section 74A.6. The warrant order shall be endorsed by the treasurer, "not paid for want of funds", and include the treasurer's signature. The treasurer shall keep a list of all warrants comprising a warrant order and shall submit a duplicate copy of the warrant order to the auditor. The procedures of sections 74.4 through 74.7 apply to warrant orders.

6. The amount of a check, other than a warrant, outstanding for more than one year shall be canceled, removed from the list of outstanding checks, deposited to the account on which the check was written, and credited as unclaimed fees and trusts. The treasurer shall maintain a list of the checks for one year after cancellation. A person may claim the amount of the canceled treasurer's check for a period of one year after cancellation upon proper proof of ownership by filing a claim with the county auditor.

7. A warrant outstanding for more than one year shall be canceled by the auditor and the amount of the warrant shall be credited to the fund upon which the warrant was drawn. A person may file a claim with the auditor for the amount of the canceled warrant within one year of the date of the cancellation, and upon showing of proper proof that the claim is true and unpaid, the auditor shall issue a warrant drawn upon the fund from which the original canceled warrant was drawn. This subsection does not apply to warrants issued upon drainage or levee district funds or any fund upon which the county treasurer has issued a warrant order or stamped a warrant for want of funds.

1. [R60, §2187; C73, §557; C97, §597; C24, 27, 31, 35, 39, §**5158;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §334.3; S81, §331.554(1); 81 Acts, ch 117, §553]

2. [C51, §154, 490; R60, §362, 755; C73, §329; C97, §485; C24, 27, 31, 35, 39, §**5162;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §334.5; S81, §331.554(2); 81 Acts, ch 117, §553]

3. [C51, §155; R60, §363; C73, §330; C97, §486; C24, 27, 31, 35, 39, §**5163;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §334.6; S81, §331.554(3); 81 Acts, ch 117, §553]

4. [C51, §159, 160; R60, §365, 366; C73, §332, 333; C97, §488; C24, 27, 31, 35, 39, §**5164;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §334.7; S81, §331.554(4); 81 Acts, ch 117, §553]

5. [S81, §331.554(5); 81 Acts, ch 117, §553; 82 Acts, ch 1048, §1]

6. [C97, §456; C24, 27, 31, 35, 39, §**5169;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §334.12; S81, §331.554(6); 81 Acts, ch 117, §553]

83 Acts, ch 65, §1, 2; 83 Acts, ch 123, §147, 209; 95 Acts, ch 57, §6, 7; 2000 Acts, ch 1084, §3, 4; 2000 Acts, ch 1232, §68; 2001 Acts, ch 45, §4; 2021 Acts, ch 80, §208
Referred to in §74.4, 74.6, 74.7, 331.427, 331.558

UNOFFICIAL VERSION: FOR GENERAL PURPOSES

331.555 Fund management.

1. During each term of office, the treasurer shall keep a separate account of the taxes levied for state, county, school, highway, or other purposes and of all other funds created by law whether of regular, special, or temporary nature. The treasurer shall not pay out or use the money in a fund for any purpose except as specifically authorized by law. The treasurer shall be charged with the amount of tax or other funds collected or received by the treasurer and shall be credited with the amount of taxes or other funds disbursed from each account as authorized by law.

2. Except as provided in section 321.153, on or before the fifteenth day of each month, the treasurer shall prepare sworn statements of the amount of money held by the treasurer on the last day of the preceding month belonging to the state treasury and mail a copy of the statement and the remittance to the treasurer of state. Another copy of the statement shall be mailed to the director of the department of administrative services. However, in lieu of mailing the remittance to the treasurer of state, the treasurer may deposit the remittance to the credit of the treasurer of state in an interest-bearing account in a bank in the county as designated by the treasurer of state.

3. If a treasurer fails to comply with the requirements of subsection 2, the treasurer shall forfeit for each failure a sum of not less than one hundred dollars nor more than five hundred dollars to be recovered in an action against the treasurer's bond brought in the name of the director of the department of administrative services or the treasurer of state.

4. The treasurer shall make a complete settlement with the county semiannually and when the treasurer leaves office as provided in section 12B.7.

5. The treasurer shall maintain custody of all public moneys in the treasurer's possession and deposit or invest the moneys as provided in section 12B.10 and chapter 12C.

6. The treasurer shall keep all funds invested to the extent practicable and may invest the funds jointly with one or more counties, judicial district departments of correctional services, cities, city utilities, or rural water districts created under chapter 357A pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.

[C51, §156, 161; R60, §364, 367, 799; C73, §331, 334, 914; C97, §487, 489, 1459; C24, 27, 31, 35, 39, §**5165, 5166, 5168;** C46, 50, 54, §334.8, 334.9 – 334.11; C58, 62, 66, 71, 73, 75, 77, 79, 81, §334.8, 334.9, 334.11; S81, §331.555; 81 Acts, ch 117, §554]

87 Acts, ch 105, §1; 88 Acts, ch 1084, §1; 90 Acts, ch 1233, §26; 92 Acts, ch 1156, §14; 95 Acts, ch 77, §1; 2003 Acts, ch 145, §286

331.556 Reserved.

331.557 Duties relating to vehicle registrations and certificates of title.

The treasurer shall:

1. Issue, renew, and replace lost or damaged vehicle registration cards or plates and issue and transfer certificates of title for vehicles as provided in sections 321.17 through 321.20B, 321.22 through 321.26, 321.28 through 321.32, 321.34, 321.35, and 321.37 through 321.52.

2. Collect, pay to the state, or refund registration fees as provided in sections 321.105 through 321.106, 321.109 through 321.113, 321.115 through 321.117, 321.119 through 321.135, 321.145, and 321.148 through 321.156.

3. Collect and forward the use tax on vehicles subject only to a certificate of title and on manufactured housing as provided in section 423.14, section 423.26, subsection 1, and section 423.26A.

4. Carry out other duties as required by law.

[S81, §331.557; 81 Acts, ch 117, §556]

84 Acts, ch 1305, §72; 96 Acts, ch 1125, §1; 2003 Acts, 1st Ex, ch 2, §175, 205; 2008 Acts, ch 1113, §111; 2010 Acts, ch 1108, §4, 15; 2021 Acts, ch 80, §209

331.557A Duties relating to issuance of driver's licenses.

The treasurer of any county participating in county issuance of driver's licenses under chapter 321M shall:

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1. Issue, renew, and replace lost or damaged nonoperator's identification cards and driver's licenses, including commercial driver's licenses, according to the provisions of chapter 321M.

2. Issue persons with disabilities parking permits under chapter 321L.

3. Collect fees associated with nonoperator's identification cards and driver's licenses, including commercial driver's licenses, and pay to the state amounts in excess of the amount the treasurer is permitted to retain for deposit in the county general fund for license issuance.

4. Accept payment of the civil penalty assessed pursuant to section 321J.17 and remit the penalty to the state department of transportation.

5. Participate in voter registration according to the terms of chapter 48A, and submit completed voter registration forms to the state registrar of voters.

6. Attend initial training as required by chapter 321M, and participate in continuing education as offered by the state department of transportation.

7. Comply with the terms of any applicable agreements created pursuant to chapter 28E, and state department of transportation operating standards for license issuance.

98 Acts, ch 1073, §12; 98 Acts, ch 1143, §21, 26; 2005 Acts, ch 54, §10, 12; 2008 Acts, ch 1018, §29, 31; 2016 Acts, ch 1073, §112; 2020 Acts, ch 1074, §53, 93

331.558 Reports by the treasurer.

The treasurer shall make:

1. A monthly report to the secretary of the school board of the amount of taxes collected for each fund and other information as provided in section 298.13.

2. A monthly report to the department of transportation of the fees and penalties collected relating to the issuance of vehicle registrations and certificates of title as provided in section 321.153.

3. A report to the board of the fees collected during the preceding quarter as provided in section 331.902.

4. A monthly report to the auditor of the county warrants returned to the treasurer for payment as provided in section 331.554, subsection 4.

5. Other reports as required by law.

[C73, §3796; C97, §492; C24, 27, 31, 35, 39, §**5247;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §342.3; S81, §331.558; 81 Acts, ch 117, §557; 82 Acts, ch 1195, §3]

94 Acts, ch 1025, §3

331.559 Duties relating to taxation.

The treasurer shall:

1. Determine and collect taxes on mobile homes and manufactured homes as provided in sections 435.22 through 435.26.

2. Collect the tax levied for the county agricultural extension education fund and pay it to the extension treasurer as provided in section 176A.12.

3. Collect the costs assessed by the secretary of agriculture relating to the treatment or destruction of agricultural or horticultural plants or products as provided in section 177A.17.

4. Collect the tax levied for the erection and equipping of community college facilities as provided in section 260C.22.

5. Collect the costs assessed against a property owner for the destruction or eradication of weeds as provided in sections 317.20 and 317.21.

6. Levy a tax sufficient to pay any deficiency in the assessments collected to pay the principal and interest on bonds issued by a benefited water district as provided in section 357.22.

7. Collect city taxes certified to the auditor as provided in section 384.2.

8. Send the amounts of each city's tax revenue and special assessments collected on its behalf for direct deposit into the depository and account designated as provided in section 384.11.

9. Accept a partial payment of the annual installment of a special assessment before its due date as provided in section 384.65, subsection 6.

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10. Serve as an agent of the director of revenue to collect state taxes as provided in section 422.71, subsection 5.

11. Carry out duties relating to the administration of the homestead tax exemption and credit and other credits as provided in chapter 425.

12. Carry out duties relating to the administration of the agricultural land tax credit as provided in section 426.8.

13. Carry out duties relating to the administration of the military service tax credit as provided in sections 426A.3, 426A.5, 426A.8, and 426A.9.

14. Maintain a suspended tax list book as provided in section 427.12. After ten years from the date of payment, abatement, or cancellation of a suspended tax, special assessment, rate, or charge, the county treasurer may dispose of the official record of the suspended tax, special assessment, rate, or charge. This subsection applies to official records and associated documents in existence before, on, or after July 1, 2003.

15. Collect taxes levied against the property of railway companies as provided in section 434.22.

16. Carry out duties relating to the collection and expenditure of assessment expense funds as provided in section 441.16.

17. Apportion and collect the costs assessed by the district court against the board of review or any taxing district resulting from an appeal of property assessments as provided in section 441.40.

18. Carry out duties relating to the preparation and correction of the tax list as provided in chapter 443. After ten years from the date of receipt, the county treasurer may dispose of the tax list delivered to the county treasurer pursuant to chapter 443. This subsection applies to tax lists and associated documents in existence before, on, or after July 1, 2003.

19. Carry out duties relating to the collection of property taxes as provided in chapter 445.

20. Carry out duties relating to the sale of parcels for delinquent taxes as provided in chapter 446.

21. Carry out duties relating to the redemption of parcels sold for delinquent taxes as provided in chapter 447.

22. Carry out duties relating to the issuance of a tax deed or certificate of title for parcels, as defined in section 445.1, sold for delinquent taxes as provided in chapter 448.

23. Correct tax books or records in accordance with an order of apportionment issued as provided in chapter 449.

24. Carry out duties relating to the calculation and payment of commercial and industrial property tax replacement claims under section 441.21A.

25. Carry out other duties relating to taxation as provided by state law.

[S81, §331.559; 81 Acts, ch 117, §558; 82 Acts, ch 1104, §56, ch 1195, §4]

83 Acts, ch 123, §148, 149, 209; 84 Acts, ch 1003, §5; 90 Acts, ch 1253, §111; 91 Acts, ch 191, §12; 2001 Acts, ch 45, §5; 2002 Acts, ch 1043, §4; 2003 Acts, ch 145, §286; 2004 Acts, ch 1101, §38; 2006 Acts, ch 1070, §17; 2010 Acts, ch 1118, §5; 2012 Acts, ch 1023, §43; 2013 Acts, ch 123, §2, 13, 16, 22, 23; 2017 Acts, ch 151, §1, 29; 2018 Acts, ch 1158, §5, 28; 2021 Acts, ch 41, §1, 36; 2021 Acts, ch 80, §210; 2022 Acts, ch 1061, §30, 38; 2023 Acts, ch 71, §29, 48, 49; 2025 Acts, ch 156, §40; 2026 Acts, ch 1115, §130, 148

For future strike of subsection 24, effective July 1, 2029, see 2021 Acts, ch 177, §111, 120

2023 amendment to subsection 11 applies retroactively to assessment years beginning on or after January 1, 2023; 2023 Acts, ch 71, §49

2026 amendment to subsection 11 applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148

Subsection 11 amended

331.560 through 331.600 Reserved.

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PART 3

COUNTY RECORDER

331.601 Office of county recorder.

1. The office of recorder is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of recorder shall qualify by taking the oath of office as provided in section 63.10 and giving bond as provided in section 64.8.

3. The term of office of the recorder is four years.

4. In counties in which the office of county recorder has been abolished, the board of supervisors shall reassign the duties of the county recorder who also serves as the county registrar pursuant to chapter 144.

[C51, §96, 239; R60, §224, 473; C73, §589; C97, §1072; S13, §1072; C24, 27, 31, 35, 39, §**520;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17; S81, §331.601; 81 Acts, ch 117, §600]

95 Acts, ch 124, §9, 26; 2010 Acts, ch 1033, §47

331.601A Definitions.

As used in this part, unless the context otherwise requires:

1. *"Batch basis"* means the delivery of an accumulation of electronic documents or records recorded or maintained by the county recorder.

2. *"Document"* or *"instrument"* means a writing or drawing presented to the recorder for recording, consisting of one or more pages of text and attachments.

3. *"Electronic document"* means a document or instrument that is received, processed, disseminated, or maintained in an electronic format. The submission of an electronic document through the county land record information system electronic submission service shall be equivalent to delivery of a document through the United States postal service or by personal delivery at designated offices in each county. Persons who submit electronic documents for recording are responsible for ensuring that the electronic documents comply with all requirements for recording.

4. *"File or submit"* means the act of delivering a document or instrument to a recording office for recording into the public records.

5. *"Grantor and grantee"* means the names of the transferor and transferee in the transaction used to create the recording index.

6. *"Legible"* means capable of being read or deciphered without magnification regardless of the recording process.

7. *"Page"* means a writing, printing, or drawing, other than a plat or survey or a drawing related to a plat or survey, occurring on one side only and covering all or part of such side, and not larger than eight and one-half inches in width and fourteen inches in length.

8. *"Record"* means a process whether by manual, mechanical, electronic, optical, magnetic, microfilm, or other methods of storage, after filing or submission, to incorporate a document or instrument into the public record.

9. *"Transaction"* means a specific legal action in the form of or evidenced by one of the following:

a. A title or caption including but not limited to a deed, deed of trust, mortgage, or power of attorney.

b. A subsequent reference to an original document or instrument including but not limited to an assignment or release or satisfaction of mortgage.

2004 Acts, ch 1069, §1, 4; 2009 Acts, ch 159, §1

331.602 General duties.

The recorder shall:

1. Record all documents or instruments presented to the recorder's office for recordation upon payment of the proper fees and compliance with other recording requirements as provided by law.

2. Rerecord an instrument without fee upon presentation of the original instrument by the

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owner if an error is made in recording the instrument. The recorder shall also note on the new record a reference to the original record and on the original record a reference to the new record.

3. If an error is made in indexing an instrument, reindex the instrument without fee.

4. Reserved.

5. Reserved.

6. Carry out duties as a member of a nomination appeals commission as provided in section 44.7.

7. Carry out duties relating to the recordation of oil and gas leases as provided in sections 458A.22 and 458A.24.

8. Endorse on each notice of an unemployment contribution lien the day, hour, and minute that the lien is filed for recording and the document reference number, index the notice of lien, and record the lien as provided in section 96.14, subsection 3.

9. Carry out duties relating to the registration of vessels as provided in sections 462A.5, 462A.23, 462A.51, 462A.52, 462A.54, and 462A.55.

10. Carry out duties relating to the issuance of hunting, fishing, and fur harvester licenses as provided in sections 483A.10, 483A.12, 483A.13, 483A.14, 483A.15, and 483A.22.

11. Collect migratory game bird fees as provided in chapter 484A.

12. Record the orders and decisions of the fence viewers and index the record in the name of each adjoining owner of land affected by the order or decision as provided in section 359A.10. The recorder shall also note that a judgment has been rendered on an appeal of an order or decision of the fence viewers as provided in section 359A.24.

13. Reserved.

14. Reserved.

15. Record without fee a sheriff's deed for land under foreclosure procedures as provided in section 257B.35.

16. Issue snowmobile and all-terrain vehicle registrations and user permits as provided in sections 321G.4, 321G.4B, 321G.6, 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.

17. Record the measure and plat of a zoning district, building line, or fire limit adopted by a city as provided in section 380.11.

18. Carry out duties relating to the platting of land as provided in chapter 354.

19. Submit monthly to the director of revenue a report of the real property transfer tax received.

20. Carry out duties relating to the endorsement, indexing, and recording of income tax liens as provided in section 422.26.

21. Carry out duties relating to the taxation of real estate transfers as provided in chapter 428A.

22. Carry out duties relating to the recording and indexing of affidavits and claims affecting real estate as provided in section 448.17.

23. For deaths occurring before January 1, 2025, forward to the director of revenue a copy of any deed, bill of sale, or other transfer which shows that it is made or intended to take effect at or after the death of the person executing the instrument as provided in section 450.81.

24. Record papers, statements, and certificates relating to the condemnation of property as provided in section 6B.38, and carry out duties related to the filing of certain condemnation documents with the office of secretary of state.

25. Carry out duties relating to the recordation of articles of incorporation and other instruments for state banks as provided in chapter 524.

26. Carry out duties relating to the recordation of articles of incorporation and other instruments for credit unions as provided in chapter 533.

27. Reserved.

28. Carry out duties relating to the filing of financing statements or instruments as provided in chapter 554, article 9, part 5.

29. Record the name and description of a farm as provided in sections 557.22 through 557.26.

30. Record a statement of claim provided in chapter 557C relating to mineral interests in coal.

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31. Record conveyances and leases of agricultural land as provided in section 558.44.

32. Collect the recording fee and the auditor's transfer fee for real property being conveyed as provided in section 558.58.

33. Reserved.

34. Record and index a notice of title interest in land as provided in section 614.35.

35. Designate the newspapers in which the notices pertaining to the office of recorder shall be published as provided in section 618.7.

36. Record a conveyance of property presented by a commissioner appointed by the district court as provided in section 624.35.

37. Carry out duties relating to the indexing of name changes, and the recorder shall charge fees for indexing as provided in section 331.604.

38. Report to the board the fees collected as provided in section 331.902.

39. Accept applications for passports if approved to accept such applications by the United States department of state.

40. Carry out other duties as provided by law and duties assigned pursuant to section 331.323.

1. [C51, §150; R60, §358; C73, §335; C97, S13, §494; C24, 27, 31, 35, 39, §**5171;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §335.2; S81, §331.602(1); 81 Acts, ch 117, §601]

2, 3. [S13, §494; C24, 27, 31, 35, 39, §**5172;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §335.3; S81, §331.602(2, 3); 81 Acts, ch 117, §601]

4. [C39, §**5176.1, 5176.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §335.12, 335.13; S81, §331.602(4); 81 Acts, ch 117, §601]

5. [C66, 71, 73, 75, 77, 79, 81, §335.16; S81, §331.602(5); 81 Acts, ch 117, §601]

6 – 44. [S81, §331.602(6 – 44); 81 Acts, ch 117, §601; 82 Acts, ch 1104, §57]

83 Acts, ch 101, §78; 85 Acts, ch 195, §41; 86 Acts, ch 1091, §1 – 3; 86 Acts, ch 1108, §4; 86 Acts, ch 1155, §6; 87 Acts, ch 30, §17; 88 Acts, ch 1046, §1; 90 Acts, ch 1081, §1; 90 Acts, ch 1205, §11; 90 Acts, ch 1236, §49; 91 Acts, ch 183, §1; 91 Acts, ch 211, §2; 92 Acts, ch 1073, §6 – 8; 92 Acts, ch 1163, §83; 94 Acts, ch 1023, §105; 94 Acts, ch 1025, §4; 94 Acts, ch 1055, §1; 95 Acts, ch 124, §10, 26; 95 Acts, ch 160, §1; 96 Acts, ch 1034, §29; 96 Acts, ch 1186, §23; 97 Acts, ch 23, §37; 97 Acts, ch 116, §1; 98 Acts, ch 1199, §2, 27; 98 Acts, ch 1223, §30; 99 Acts, ch 83, §3, 4, 11; 99 Acts, ch 171, §34, 42; 2000 Acts, ch 1085, §2; 2000 Acts, ch 1149, §168, 187; 2001 Acts, ch 44, §4, 5; 2001 Acts, ch 45, §6; 2002 Acts, ch 1017, §4, 8; 2002 Acts, ch 1113, §5; 2003 Acts, ch 5, §1; 2003 Acts, ch 108, §123; 2003 Acts, ch 145, §286; 2004 Acts, ch 1069, §2, 4; 2004 Acts, ch 1101, §39; 2004 Acts, ch 1132, §86; 2005 Acts, ch 138, §10; 2006 Acts, ch 1031, §1; 2009 Acts, ch 27, §4; 2012 Acts, ch 1017, §74; 2014 Acts, ch 1141, §69; 2021 Acts, ch 80, §211; 2024 Acts, ch 1093, §11; 2025 Acts, ch 148, §29, 53, 54

Referred to in §331.610

2025 amendment to subsection 23 applies retroactively to January 1, 2025, to the estates of decedents dying on or after January 1, 2025; 2025 Acts, ch 148, §54

331.603 General powers.

1. The recorder may administer oaths and take affirmations on matters relating to the business of the office of recorder as provided in section 63A.2.

2. Subject to the requirements of section 331.903, the recorder may appoint and remove deputies, assistants, and clerks.

3. The recorder may reproduce in miniature on a durable medium any instrument to be recorded. When a recorded instrument involves a release, assignment, or other subsequent reference to an original document, the separate instrument filed acknowledging the release, assignment, or other subsequent reference shall be reproduced. In lieu of marginal entries, the recorder shall cross-reference the release, assignment, or other subsequent reference with the record of the original document. When an official record is produced in miniature, a security copy shall be reproduced at the same time and kept outside of the courthouse.

4. The recorder may, in lieu of maintaining separate index books, prepare and maintain a combined index record or system which shall contain the same data and information as required to be kept in the separate index books.

5. *a.* The governing board of the county land record information system shall not enter into an agreement to provide access to electronic documents or records on a batch basis. The

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county recorder may collect reasonable fees for access to electronic documents and records pursuant to an agreement. The fees shall not exceed the actual cost of providing access to the electronic documents and records. *"Actual cost"* means only those expenses directly attributable to providing access to electronic documents and records. *"Actual cost"* shall not include costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the county recorder or the county land record information system.

b. Electronic documents and records made available under this subsection shall not include personally identifiable information and shall be subjected to a redaction process prior to the transfer of the electronic documents or records to another person pursuant to an agreement under paragraph *"a"*.

1, 2. [C51, §411; R60, §642; C73, §766; C97, §496; S13, §496; C24, 27, 31, 35, 39, §**5238, 5240;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §341.1, 341.3; S81, §331.603; 81 Acts, ch 117, §602]

3, 4. [C54, 58, 62, 66, §343.13; C71, 73, 75, 77, 79, 81, §335.17, 343.13; S81, §331.603; 81 Acts, ch 117, §602]

2001 Acts, ch 44, §6; 2006 Acts, ch 1031, §2; 2009 Acts, ch 27, §5; 2009 Acts, ch 159, §2

331.604 Recording and filing fees.

1. Except as otherwise provided by state law, subsection 4, or section 331.605, the recorder shall collect a fee of five dollars for each page or fraction of a page of an instrument which is filed or recorded in the recorder's office. If a page or fraction of a page contains more than one transaction, the recorder shall collect the fee for each transaction.

2. *a.* The recorder shall also collect a fee of one dollar for each recorded transaction for which a fee is paid pursuant to subsection 1 to be used exclusively for the purpose of preserving and maintaining public records. The treasurer, on behalf of the recorder, shall establish and maintain a county recorder's records management fund into which all moneys collected pursuant to this subsection shall be deposited. Interest earned on moneys deposited in the fund shall be credited to the county recorder's records management fund. The recorder shall use the moneys deposited in the fund to produce and maintain public records that meet archival standards, and to enhance the technological storage, retrieval, and transmission capabilities related to archival quality records. The recorder may cooperate with other entities, boards, and agencies to establish methods of records management, and participate in other joint ventures which further the purposes of this subsection.

b. Fees collected pursuant to this subsection shall be used to accomplish the following purposes:

(1) Preserve and maintain public records.

(2) Assist counties in reducing record preservation costs.

(3) Encourage and foster maximum access to public records maintained by county recorders at locations throughout the state.

(4) Establish plans for anticipated and possible future needs, including the handling and preservation of vital statistics.

3. *a.* Each county shall participate in the county land record information system and shall comply with the policies and procedures established by the governing board of the county land record information system.

b. (1) The recorder shall also collect a fee of one dollar for each recorded transaction, regardless of the number of pages, for which a fee is paid pursuant to subsection 1 to be used for the following purposes:

(a) Establishing and implementing standards for recording, processing, and archiving electronic documents and records.

(b) Maintaining the statewide internet site and the county land record information system.

(c) Integrating information contained in documents and records maintained by the recorder and other land record information from other sources with the county land record information system.

(d) Implementing and maintaining a process for redacting personally identifiable

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information contained in electronic documents that are displayed for public access through an internet site or that are transferred to another person.

(2) The fee collected by the recorder under this subsection for recording a plat of survey is one dollar, regardless of the number of pages. For purposes of this subparagraph, *"plat of survey"* means the same as defined in section 355.1, subsection 9.

(3) Fees collected in excess of the amount needed for the purposes specified in this subsection shall be used by the county land record information system to reduce or eliminate service fees for electronic submission of documents and instruments.

c. The county treasurer, on behalf of the recorder, shall establish and maintain a county recorder's electronic transaction fund into which all moneys collected pursuant to paragraph *"b"* shall be deposited. Interest earned on moneys deposited in this fund shall be computed based on the average monthly balance in the fund and shall be credited to the county recorder's electronic transaction fund.

d. The local government electronic transaction fund is established in the office of the treasurer of state under the control of the treasurer of state. Moneys deposited into the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the local government electronic transaction fund shall be credited to the fund. Moneys in the local government electronic transaction fund are not subject to transfer, appropriation, or reversion to any other fund, or any other use except as provided in this subsection. On a monthly basis, the county treasurer shall pay the fees deposited into the county recorder's electronic transaction fund to the treasurer of state for deposit into the local government electronic transaction fund. Moneys credited to the local government electronic transaction fund are appropriated to the treasurer of state for the payment of claims approved by the governing board of the county land record information system. Except as otherwise provided in this subsection, expenditures from the fund shall be for the purpose of planning and implementing electronic recording and electronic transactions in each county, developing county and statewide internet sites to provide electronic access to records and information, and to pay the ongoing costs of integrating and maintaining the statewide internet site.

e. The recorder shall make available any information required by the county auditor or auditor of state concerning the fees collected under this subsection for the purposes of determining the amount of fees collected and the uses for which such fees are expended.

f. The county land record information system agreement may be amended by a vote of the boards of supervisors on behalf of the respective county recorders, pursuant to the terms of the agreement, to provide for the ongoing implementation of the county land record information system. As used in this paragraph, *"county land record information system agreement"* means the agreement entered under chapter 28E between the counties as required by 2005 Iowa Acts, ch. 179, §101, as amended by 2021 Iowa Acts, ch. 126.

g. (1) Upon request by a peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or state or federal judicial officer or state or federal prosecutor, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site.

(2) Upon request by a former peace officer, as defined in section 801.4, or a former civilian employee of a law enforcement agency, the county assessor or the county assessor's staff, or the county recorder or the county recorder's staff, may redact, upon the presentation of evidence that a compelling safety interest is served by doing so, the requestor's name contained in electronic documents that are displayed for public access through an internet site.

(3) This paragraph does not apply to a requestor holding or seeking public office.

(4) The county assessor and the county recorder shall implement and maintain a process to facilitate requests pursuant to this paragraph.

(5) A fee shall not be charged for the administration of this paragraph.

4. A county shall not be required to pay a fee to the recorder for filing or recording

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instruments. However, a county treasurer is required to pay recording fees pursuant to sections 437A.11 and 437B.7.

[C51, §2534; R60, §4143; C73, §3792; C97, S13, §498; C24, 27, 31, 35, 39, §**5177;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §335.14; S81, §331.604; 81 Acts, ch 117, §603]

84 Acts, ch 1124, §1; 91 Acts, ch 191, §13; 92 Acts, ch 1005, §1; 92 Acts, ch 1212, §33; 2009 Acts, ch 27, §6; 2009 Acts, ch 159, §3; 2013 Acts, ch 90, §257; 2013 Acts, ch 94, §2, 35, 36; 2021 Acts, ch 126, §1; 2021 Acts, ch 164, §1; 2021 Acts, ch 183, §7

Referred to in §10A.108, 96.14, 124C.4, 331.602, 331.605B, 331.609, 359A.10, 359A.12, 422.26, 437A.11, 437A.22, 437B.7, 437B.18, 468.628, 499A.1, 499B.3, 501.105, 501B.7, 547.3, 557.24, 557.26, 558.66, 558.69, 598.21, 633.481, 674.14

331.605 Other fees.

1. The recorder shall collect:

a. For the issuance of a registration or transfer for a vessel or boat:

(1) A registration fee as provided in section 462A.5.

(2) A writing fee as provided in section 462A.53.

(3) A transfer and writing fee as provided in section 462A.44.

b. For issuance of hunting, fishing, and fur harvester licenses:

(1) The fees specified in rules adopted pursuant to section 483A.1.

(2) The writing fee as provided in section 483A.12.

c. A state migratory game bird fee as provided in rules adopted pursuant to section 483A.1.

d. For the issuance of snowmobile registrations and nonresident user permits, the fees specified in sections 321G.4 and 321G.4B.

e. For the issuance of all-terrain vehicle registrations and user permits, the fees specified in sections 321I.4 and 321I.5.

f. A county fee of four dollars for a certified copy of a birth record, death record, or marriage certificate.

g. For filing an application for the license to marry, thirty-five dollars, which includes payment for one certified copy of the original certificate of marriage, to be issued following filing of the original certificate of marriage, four dollars of which shall be retained by the county pursuant to paragraph "*f*". For issuing an application for an order of the district court authorizing the validation of a license to marry before the expiration of three days from the date of issuance of the license, five dollars. The district court shall authorize the early validation of a marriage license without the payment of any fees imposed in this paragraph upon showing that the applicant is unable to pay the fees.

h. Other fees as provided by law.

2. However, the county shall not be required to pay the fees required in this section.

[S81, §331.605; 81 Acts, ch 117, §604]

85 Acts, ch 159, §2; 92 Acts, ch 1005, §2; 95 Acts, ch 124, §11, 26; 96 Acts, ch 1034, §30; 98 Acts, ch 1020, §1, 2; 98 Acts, ch 1199, §3, 4, 27; 98 Acts, ch 1223, §30; 99 Acts, ch 96, §38; 99 Acts, ch 141, §39; 2000 Acts, ch 1140, §43, 49; 2004 Acts, ch 1132, §87; 2006 Acts, ch 1030, §38; 2010 Acts, ch 1061, §137; 2018 Acts, ch 1159, §12, 13, 28; 2024 Acts, ch 1093, §12

Referred to in §144.36, 144.46, 232.2, 331.604, 331.610, 501B.7

331.605A Document management fee. Repealed by 2009 Acts, ch 27, §39.

331.605B Fees collected — audit.

1. The recorder shall make available any information required by the county or state auditor concerning the fees collected under section 331.604, subsection 2, for the purposes of determining the amount of fees collected and the uses for which such fees are expended.

2. A recorder or the governing board of the county land record information system shall collect only statutorily authorized fees for land records management. The governing board of the county land record information system shall not collect a fee for viewing, accessing, or printing documents in the county land record information system unless specifically authorized by statute. The governing board of the county land record information system may collect a fee of not more than three dollars per recorded document for using the system to process electronic documents for recording. An additional service charge may be added for credit or debit card payments. Fees collected for the processing of electronic documents

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for recording may be used for the purposes specified in section 331.604 and for the purposes of development, operation, and maintenance of the county land record information system and internet sites, systems for electronic filing for recording, associated payment systems, security systems, the land records databases, methods for searching the databases, processes for the redaction of personally identifiable information posted for public online access, and processes for the integration of land records information with other property information systems.

93 Acts, ch 151, §2; 2006 Acts, ch 1158, §4; 2009 Acts, ch 27, §7; 2009 Acts, ch 159, §4; 2021 Acts, ch 164, §2

331.605C Electronic transaction fee — audit. Repealed by 2009 Acts, ch 27, §39.

331.606 General filing requirements.

1. In addition to other requirements specified by law, the recorder shall note in the county system the date of filing of each instrument, the number and character of the instrument, and the name of each grantor and grantee named in the instrument. In numbering the instruments, the recorder may start with the number one immediately following the date of annual settlement with the board and continue to number them consecutively until the next annual settlement with the board or the recorder may start with number one on the first working day of the calendar year and continue to number the instruments consecutively until the last working day of the calendar year.

2. The recorder shall also note in the index the exact time of the filing of each instrument.

3. The county recorder may give the county sheriff the records filed under this chapter pertaining to the sale and registration of weapons or may dispose of those records if the sheriff does not wish to receive the records.

4. The recorder shall permanently archive an unaltered version of each recorded document or instrument. A document or instrument may be archived in its original format, as an electronic document, or in another format suitable for preserving information in the document or instrument. A person may view and copy an original or unaltered document or instrument in the office of the recorder.

[S13, §498; C24, 27, 31, 35, 39, §**5178, 5246;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §335.15, 342.23; S81, §331.606; 81 Acts, ch 117, §605]

90 Acts, ch 1021, §1; 96 Acts, ch 1015, §1; 97 Acts, ch 121, §6; 2001 Acts, ch 44, §8; 2005 Acts, ch 179, §130; 2009 Acts, ch 159, §5; 2020 Acts, ch 1063, §179

331.606A Document content — personally identifiable information.

1. *Definitions.*

a. "Personally identifiable information" means one or more of the following specific unique identifiers when combined with an individual's name:

(1) Social security number.

(2) Checking, savings, or share account number, credit, debit, or charge card number.

b. "Preparer" means the person or entity who creates, drafts, edits, revises, or last changes the documents that are recorded with the recorder.

c. "Redact" or *"redaction"* means the process of permanently removing all or a portion of personally identifiable information from documents.

2. *Inclusion of personally identifiable information.* The preparer of a document shall not include an individual's personally identifiable information in a document that is prepared and presented for recording in the office of the recorder. This subsection shall not apply to documents that were executed by an individual prior to July 1, 2007.

3. *Redaction from electronic documents.* Personally identifiable information that is contained in electronic documents that are displayed for public access on an internet site, or which are transferred to any person, shall be redacted prior to displaying or transferring the documents. Each recorder that displays electronic documents and the county land record information system that displays electronic documents on behalf of a county shall implement a system for redacting personally identifiable information. The recorder and the governing board of the county land record information system shall establish a procedure

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by which individuals may request that personally identifiable information contained in an electronic document displayed on an internet site be redacted, at no fee to the requesting individual. The requirements of this subsection shall be fully implemented not later than December 31, 2011.

4. *Dissemination of documents.* Persons who have contracted with a county recorder or the governing board of the county land record information system to redact personally identifiable information from electronic documents pursuant to subsection 3 shall not sell, transfer, or otherwise disseminate the electronic documents in an unaltered or redacted form, except as provided for in the contract.

5. *Liability of preparer.* A preparer who, in violation of subsection 2, enters personally identifiable information in a document that is prepared and presented for recording is liable to the individual whose personally identifiable information appears in the recorded public document for actual damages of up to five hundred dollars for each act of recording.

6. *Applicability.*

a. Subsection 2 shall not apply to a preparer of a state or federal tax lien or release, a military separation or discharge record, or a death certificate that is prepared for recording in the office of county recorder.

b. Subsection 3 shall not apply to a military separation or discharge record, a birth record, a death certificate, or marriage certificate unless such record or certificate is incorporated within another document or instrument that is recorded and displayed for public access on an internet site.

c. If a military separation or discharge record or a death certificate is recorded in the office of the county recorder, the military separation or discharge record or the death certificate shall not be displayed for public access on an internet site, public access terminal or other medium, or be transferred to any person.

7. *Limitation of liability.* The county land record information system is a unit of local government for purposes of chapter 670, relating to tort liability of governmental subdivisions. However, persons who have contracted with the governing board of the county land record information system to carry out the duties of the board are not employees for purposes of chapter 670, relating to tort liability of governmental subdivisions.

2002 Acts, ch 1113, §4; 2007 Acts, ch 123, §1, 3; 2009 Acts, ch 159, §6 – 11; 2013 Acts, ch 90, §91, 92, 257

Referred to in §331.606B

331.606B Document or document formatting standards.

1. Except as otherwise provided in subsection 7, the county recorder shall refuse any document or instrument presented for recording that does not meet the following requirements:

a. Each document or instrument shall consist of one or more individual pages not permanently bound or in a continuous form. The document or instrument shall not have any attachment stapled or otherwise affixed to any page except as necessary to comply with statutory requirements. However, the individual pages of a document or instrument may be stapled together for presentation for recording. A label that is firmly attached with a bar code or return address may be accepted for recording.

b. All preprinted text shall be at least eight point in size and no more than twenty characters and spaces per inch. All other text typed or computer generated, including but not limited to all names of parties to an agreement, shall be at least ten point in size and no more than sixteen characters and spaces per inch. If a document or instrument, other than a plat or survey or a drawing related to a plat or survey, presented for recording contains type smaller than eight point type for the preprinted text and ten point type for all other text, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the requirements of this section.

c. Each document shall be of sufficient legibility to produce a clear reproduction. If a document or instrument, other than a plat or survey or a drawing related to a plat or survey, is not sufficiently legible to produce a clear reproduction, the document or instrument shall be accompanied by an exact typewritten or printed copy that meets the type size requirements of

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paragraph *"b"* and shall be recorded contemporaneously as additional pages of the document or instrument.

d. Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, shall be on white paper of not less than twenty-pound weight without watermarks or other visible inclusions. All text within the document or instrument shall be of sufficient color and clarity to ensure that the text is readable when reproduced from the record.

e. All signatures on a document or instrument shall be in black or dark blue ink and of sufficient color and clarity to ensure that the signatures are readable when the document or instrument is reproduced from the record. The corresponding name shall be typed, printed, or stamped beneath the original signature. The typing or printing of a name or the application of an embossed or inked stamp shall not cover or otherwise materially interfere with any part of the document or instrument except where provided by law. Failure to print or type signatures as provided in this paragraph does not invalidate the document or instrument.

f. The first page of each document or instrument, other than a plat or survey or a drawing related to a plat or survey, shall have a top margin of at least three inches of vertical space from left to right which shall be reserved for the recorder's use. All other margins on the document or instrument shall be a minimum of three-fourths of one inch. Nonessential information including but not limited to form numbers, page numbers, or customer notations may be placed in a margin except the top margin. The recorder shall not incur any liability for not showing a seal or information that extends beyond the margin of the permanent archival record.

g. Each document or instrument presented for recording shall meet the requirements of section 331.606A, subsection 2.

2. Each document or instrument, other than a plat or survey or a drawing related to a plat or survey, that is presented for recording shall contain the following information on the first page below the three-inch margin:

a. The name, address, and telephone number of the individual who prepared the document.

b. For any instrument of conveyance, the name of the taxpayer and a complete mailing address.

c. A return address.

d. The title of the document or instrument.

e. All grantors' names.

f. All grantees' names.

g. Any address required by statute.

h. The legal description of the property and parcel identification number, if required.

i. A document or instrument number for statutory requirements, if applicable.

3. If insufficient space exists on the first page for all of the information described in subsection 2, the page reference of the document or instrument where the information is located shall be noted on the first page.

4. *a.* Each document or certificate prepared by a licensed professional land surveyor and presented for recording, including a plat of survey or a drawing related to a plat of survey, shall contain an index legend. However, this requirement shall not apply to a United States public land survey corner certificate described in section 355.11.

b. Each document or certificate prepared by a licensed professional land surveyor and presented for recording, including a plat of survey or a drawing related to a plat of survey, shall include a blank rectangular space three and three-fourth inches in width and two and one-half inches in height reserved and delineated for the county recorder's use, unless the document is attached to a cover sheet approved by the governing board of the county land record information system.

5. The recorder may record the following documents or instruments which are exempt from the format requirements of this section:

a. A document or instrument that was signed before July 1, 2005.

b. A military separation document or instrument.

c. A document or instrument executed outside the United States.

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d. A certified copy of a document or instrument issued by a governmental agency, including a vital record.

e. A document or instrument where one of the original parties is deceased or otherwise incapacitated.

f. A document or instrument formatted to meet court requirements.

g. A federal tax lien.

h. A filing under the uniform commercial code, chapter 554.

i. A groundwater hazard statement pursuant to section 558.69.

6. A document or instrument rejected for recording by a recorder shall be returned to the preparer or presenter accompanied by an explanation of the reason for rejection.

7. *a.* On and after July 1, 2005, a document or instrument that does not conform to the format standards specified in subsections 1 through 3 shall not be accepted for recording except upon payment of an additional recording fee of ten dollars per document or instrument. The requirement applies only to documents or instruments dated on or after July 1, 2005, and does not apply to those documents or instruments specifically exempted in subsection 5.

b. On and after July 1, 2009, a document or instrument that does not conform to the format standards specified in subsection 1, paragraphs *"c"* and *"e"*, or subsection 2, paragraph *"b"*, shall not be accepted for recording. This paragraph applies only to documents or instruments dated on or after July 1, 2009, and does not apply to those documents or instruments specifically exempted in subsection 5.

2004 Acts, ch 1069, §3, 4; 2004 Acts, ch 1175, §372; 2006 Acts, ch 1031, §3; 2009 Acts, ch 27, §8, 9; 2009 Acts, ch 159, §12; 2016 Acts, ch 1064, §1; 2018 Acts, ch 1093, §1

Referred to in §354.1, 355.6A

331.607 Books and records.

The recorder shall keep the following books and records:

1. Military personnel records as provided in section 331.608.
2. An index of unemployment contribution liens as provided in section 96.14, subsection 3.
3. A record of fees as provided in section 331.902.
4. An index of income tax liens as provided in section 422.26.
5. An index for records of private drainage systems as provided in section 468.623.
6. A record of the names and descriptions of farms as provided in section 557.22.
7. Index and records for instruments affecting real estate as provided under chapter 558.
8. An index and record of homesteads as provided in section 561.4.
9. A claimant's index and record for the notices of title interests in land as provided in section 614.35.
10. A book of copies of original entries which has been compared with the originals and certified as true copies of land records by the register of the United States land office as provided in section 622.44.
11. Other indexes and records as provided by law.

[S81, §331.607; 81 Acts, ch 117, §606]

94 Acts, ch 1055, §2; 97 Acts, ch 121, §7; 2001 Acts, ch 44, §9; 2003 Acts, ch 5, §2; 2006 Acts, ch 1031, §4; 2009 Acts, ch 27, §10

331.608 Military personnel records.

1. The recorder shall maintain a record in which, upon request, the discharge of a veteran shall be recorded without charge.
2. If an official discharge was not issued or if the veteran was killed in action or died in service, the recorder shall record an official certificate, general or special order, letter, or telegram from a competent authority, including letters from the United States department of defense, the United States department of veterans affairs, or other governmental office, which shows the termination of the veteran's service.
3. The recorder shall record without charge the commissions and warrants of veteran officers and noncommissioned officers; orders citing a veteran for bravery and meritorious

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action; citations and bestowals of medals from the state, federal, or foreign governments; and any other documents needed to perfect a claim.

4. The recorder shall record without charge the discharge or other records of a deceased veteran which are presented on behalf of the deceased veteran by a veterans organization.

5. The recorder shall keep an alphabetical index referring to the name of the veteran whose discharge paper is recorded.

6. Unless otherwise provided by the person who requested the recording of a record under this section, notwithstanding section 22.2, subsection 1, such record shall be confidential and shall not be made available for examination or copying except as follows:

a. To the person who is the subject of the record, to a member of that person's immediate family, or to that person's agent or representative duly authorized in writing.

b. To a person requesting to examine or copy a record when the event that resulted in the record being made occurred more than sixty-two years prior to the request. However, the recorder shall redact any social security number included in a record made available pursuant to this paragraph.

c. To a person who is a funeral director licensed pursuant to chapter 156 and who has custody of the body of a deceased veteran.

d. When otherwise ordered by a court of competent jurisdiction.

e. When otherwise required by a department or agency of the federal or state government or a political subdivision. The recorder shall make these records available to the department of veterans affairs. The department of veterans affairs and its employees shall be subject to the same state and federal confidentiality restrictions and requirements that are imposed on the recorder.

7. If a certified copy of a record is required to perfect the claim of a veteran in service or honorably discharged or a claim of a dependent of the veteran, the certified copy shall be furnished by the custodian of the record without charge.

8. If the recorder periodically publishes notice of the services provided to military persons and veterans under this section, the recorder shall pay the cost of the publication in the same manner as other expenses of the recorder's office.

9. As used in this section, *"veteran"* means a veteran as defined in section 35.1, who enlisted or was inducted from the county, resided at any time in the county, or is buried in the county. For purposes of records maintained for claims filed under chapter 426A, *"veteran"* also means a veteran as defined in section 426A.11, subsection 4.

[C24, 27, 31, 35, 39, §**5173 – 5175;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §335.4 – 335.10; S81, §331.608; 81 Acts, ch 117, §607]

92 Acts, ch 1140, §37; 99 Acts, ch 180, §16; 2001 Acts, ch 44, §10; 2003 Acts, ch 114, §2, 3; 2004 Acts, ch 1149, §4, 5; 2005 Acts, ch 115, §31, 40; 2006 Acts, ch 1031, §5; 2009 Acts, ch 26, §14; 2017 Acts, ch 99, §1

Referred to in §22.7(46), 331.607

331.609 Federal liens.

1. *a.* Notices of liens, certificates, and other notices affecting federal tax liens or other federal liens must be filed or recorded in accordance with this section.

b. Notices of liens upon real property for obligations payable to the United States, and certificates and notices affecting the liens shall be recorded in the office of the recorder of the county in which the real property subject to a federal lien is situated.

c. Notices of federal liens upon tangible or intangible personal property for obligations payable to the United States and certificates and notices affecting the liens shall be filed or recorded as follows:

(1) If the person against whose interest the lien applies is a corporation or a partnership whose principal executive office is in this state, as these entities are defined in the internal revenue laws of the United States, in the office of the secretary of state.

(2) In all other cases, in the office of the recorder of the county where the person against whose interest the lien applies resides at the time of recording of the notice of lien.

2. Certification of notices of liens, certificates, or other notices affecting federal liens by the secretary of the treasury of the United States, or a designee of the secretary, or by

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any official or entity of the United States responsible for the filing or certification of any other lien, entitles them to be filed or recorded, and no other attestation, certification, or acknowledgment is necessary.

3. *a.* If a notice of federal lien, a refiling or rerecording of a notice of lien, or a notice of revocation of a certificate described in paragraph *"b"* is presented to the filing officer:

(1) If the filing officer is the secretary of state, the secretary shall cause the notice to be marked, held, and indexed in accordance with section 554.9519, as if the notice were a financing statement as provided in chapter 554, article 9, part 5.

(2) If the filing officer is a recorder, the recorder shall endorse on the notice the recorder's identification and the date and time of receipt and record it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the title and address of the official or entity certifying the lien, and the total appearing on the notice of lien. The recorder may return the original instrument to the sender or dispose of the instrument if the sender does not wish the instrument returned. A document filed in the recorder's office before July 1, 1990, may be returned to the sender or disposed of if the sender does not wish to have the document returned and if there is an official copy of that document in the recorder's office.

b. If a certificate of release, nonattachment, discharge, or subordination of a lien is presented to the secretary of state for filing, the secretary shall:

(1) Cause a certificate of release or nonattachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of the uniform commercial code, chapter 554, except that the notice of lien to which the certificate relates shall not be removed from the files.

(2) Cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of the uniform commercial code, chapter 554.

c. If a refiled notice of federal lien referred to in paragraph *"a"* or any of the certificates or notices referred to in paragraph *"b"* is presented for recording with a recorder, the recorder shall enter the refiled notice or the certificate with the date of recording in an alphabetical index and make a notation on the original record of a reference to the refiled notice or certificate.

d. Upon request of a person, the filing or recording officer shall issue a certificate showing whether there is on file or recorded, on the date and hour stated, a notice of federal lien or certificate or notice affecting the lien, filed or recorded on or after July 1, 1989, naming a particular person, and if a notice or certificate is on file or recorded, giving the date and hour of filing or recording of each notice or certificate. The fee for a certificate is six dollars. Upon request the filing or recording officer shall furnish a copy of any notice of federal tax lien or notice or certificate affecting a federal tax lien for a fee of five dollars per page.

4. The fees for filing or recording, and indexing each notice of lien or certificate or notice affecting the lien shall be as provided in section 331.604. The officer shall bill the internal revenue service or any other appropriate federal agency on a monthly basis for fees for documents filed or recorded by it.

5. *a.* Filing or recording officers with whom notices of federal tax liens, certificates, and notices affecting the liens have been filed or recorded on or before July 1, 1970, shall, after that date, continue to maintain a file labeled "federal tax lien notices filed prior to July 1, 1970" containing notices and certificates filed in numerical order of receipt. If a notice of lien was filed or recorded on or before July 1, 1970, a certificate or notice affecting the lien shall be filed or recorded in the same office.

b. The original lien, certificate, or notice included in the file required to be maintained under paragraph *"a"* may be returned to the sender or disposed of by the recorder if the sender does not wish the instrument returned and if there is an official copy of the lien, certificate, or notice in the recorder's office or the lien, certificate, or notice is maintained in the recorder's office as an electronic document or is recorded, copied, or reproduced by any electronic, optical, magnetic, microfilm, or other method of storage.

6. *a.* Filing or recording officers with whom notices of federal tax liens, certificates, and notices affecting the liens have been filed or recorded after July 1, 1970, and before July 1,

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1989, shall, after July 1, 1989, continue to maintain a file labeled "federal tax lien notices filed after July 1, 1970, and before July 1, 1989" containing notices and certificates filed or recorded in numerical order of receipt. If a notice of lien was filed or recorded on or after July 1, 1970, and before July 1, 1989, a certificate or notice affecting the lien shall be filed or recorded in the same office.

b. The original lien, certificate, or notice included in the file required to be maintained under paragraph *"a"* may be returned to the sender or disposed of by the recorder if the sender does not wish the instrument returned and if there is an official copy of the lien, certificate, or notice in the recorder's office or the lien, certificate, or notice is maintained in the recorder's office as an electronic document or is recorded, copied, or reproduced by any electronic, optical, magnetic, microfilm, or other method of storage.

7. This section may be cited as the *"Uniform Federal Lien Registration Act"*.

[C24, 27, 31, 35, 39, §**5176;** C46, 50, 54, 58, 62, 66, §335.11; C71, 73, 75, 77, 79, 81, §335.18 – 335.23; S81, §331.609; 81 Acts, ch 117, §608]

88 Acts, ch 1275, §33; 89 Acts, ch 36, §1; 90 Acts, ch 1021, §2; 2000 Acts, ch 1149, §169, 187; 2001 Acts, ch 44, §11; 2005 Acts, ch 3, §66; 2009 Acts, ch 27, §11; 2017 Acts, ch 38, §1

331.610 Abolition of office of recorder — identification of office — place of filing.

If the office of county recorder is abolished in a county, the auditor of that county shall be referred to as the county auditor and recorder. After abolition of the office of county recorder, references in the Code requiring filing or recording of documents with the county recorder shall be deemed to require the filing in the office of the county auditor and recorder, and all duties of the abolished office of recorder shall be performed by the county auditor and recorder. However, the board of supervisors may direct that any of the duties of the abolished office of recorder prescribed in section 331.602, subsection 9, 10, 11, or 16, or section 331.605, subsection 1, paragraph *"a"*, *"b"*, *"c"*, *"d"*, or *"e"*, shall be performed by other county officers or employees as provided in section 331.323.

93 Acts, ch 148, §2; 95 Acts, ch 38, §1; 2007 Acts, ch 126, §56; 2010 Acts, ch 1061, §178

Referred to in §331.502

331.611 Vital statistics.

1. The recorder shall be the county registrar and carry out duties as provided in chapter 144.

2. The duties include, but are not limited to, the following:

a. Register and maintain certifications of birth as provided in sections 144.13 through 144.18, 144.45, and 144.46.

b. Register and maintain certifications of death as provided in sections 144.26 through 144.35, 144.45, and 144.46.

c. Issue and maintain marriage certificates as provided in sections 144.36, 144.45, and 144.46, and chapter 595.

95 Acts, ch 124, §12, 26

331.612 through 331.650 Reserved.

PART 4

COUNTY SHERIFF

Law enforcement officer training reimbursement; §384.15

331.651 Office of county sheriff.

1. The office of sheriff is an elective office. However, if a vacancy occurs in the office, the first deputy shall assume the office after qualifying as provided in this section. The first deputy shall hold the office until a successor is appointed or elected to the unexpired term as provided in chapter 69. If a sheriff is suspended from office, the district court may appoint a sheriff until a temporary appointment is made by the board as provided in section 66.19.

2. A person elected or appointed sheriff shall meet all the following qualifications:

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a. Have no felony convictions.

b. Be age twenty-one or over at the time of assuming the office of sheriff.

c. Be a certified peace officer recognized by the Iowa law enforcement academy council under chapter 80B or complete the basic training course provided at the Iowa law enforcement academy's central training facility or a location other than the central training facility within one year of taking office. A person shall be deemed to have completed the basic training course if the person meets all course requirements except the physical training requirements.

3. A person elected or appointed to the office of sheriff shall qualify by taking the oath of office as provided in section 63.10 and give bond as provided in section 64.8.

4. The term of office of the sheriff is four years.

[C51, §96, 239; R60, §224, 473; C73, §589; C97, S13, §1072; C24, 27, 31, 35, 39, §**520;** C46, §39.17; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17, 337.20; S81, §331.651; 81 Acts, ch 117, §650]

94 Acts, ch 1010, §1; 2002 Acts, ch 1134, §95, 115; 2010 Acts, ch 1061, §138

Referred to in §97B.49C, 97B.49G

331.652 General powers of the sheriff.

1. The sheriff may call upon any person for assistance to:

a. Keep the peace or prevent the commitment of crime.

b. Arrest a person who is liable to arrest.

c. Execute a process of law.

2. The sheriff, when necessary, may summon the power of the county to carry out the responsibilities of office.

3. The sheriff may use the services of the department of public safety in the apprehension of criminals and detection of crime.

4. The sheriff, with the cooperation of the commissioner of public safety, may hold an annual conference and school of instruction for all peace officers within the county, including regularly organized reserve peace officers under the sheriff's jurisdiction, at which time instruction may be given in all matters relating to the duties of peace officers.

5. The sheriff may administer oaths and take affirmations on matters relating to the business of the office of sheriff as provided in section 63A.2.

6. The sheriff may serve a subpoena or order issued under authority of the department of revenue as provided in section 421.22.

7. Subject to the requirements of chapter 341A and section 331.903, the sheriff may appoint and remove deputies, assistants, and clerks.

8. The sheriff may appoint one or more civil process servers, subject to the provisions of section 331.903.

a. A person appointed by the sheriff as a civil process server may, under the direction of the sheriff, execute and return all writs and other legal process issued to the sheriff by legal authority.

b. The court shall take judicial notice of a civil process server's signature.

c. All costs for service of writs and other legal process by a civil process server shall be collected in accordance with the provisions of section 331.655.

d. A civil process server shall not be considered to be a sheriff or a deputy sheriff for purposes of this chapter or chapter 97B or 341A.

9. The sheriff may dispose of personal property under section 80.39.

1 – 4. [C51, §173; R60, §386; C73, §340; C97, §502; S13, §499-a; C24, 27, §5182; C31, 35, §5182, 5182-d1; C39, §**5182, 5182.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.1, 337.2; S81, §331.652(1 – 4); 81 Acts, ch 117, §651]

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5, 6. [S81, §331.652(5, 6); 81 Acts, ch 117, §651]

7. [C51, §411, 415; R60, §642, 646; C73, §766, 769; C97, §510; SS15, §510-b; C24, 27, 31, 35, 39, §**5238, 5240;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §341.1, 341.3; S81, §331.652(7); 81 Acts, ch 117, §651]

2000 Acts, ch 1203, §19; 2002 Acts, ch 1022, §1; 2003 Acts, ch 108, §68; 2003 Acts, ch 145, §286; 2012 Acts, ch 1023, §157

Referred to in §331.654

331.653 General duties of the sheriff.

The sheriff shall:

1. Execute and return all writs and other legal process issued to the sheriff by legal authority. The sheriff shall execute and return any legal process in the sheriff's possession at the expiration of the sheriff's term of office and if a vacancy occurs in the office of sheriff, the sheriff's deputies shall execute and return the legal processes in their possession as if the sheriff had continued in office. The sheriff's successor or other officer authorized to discharge the duties of the office of sheriff may execute and return the legal processes on behalf of the outgoing sheriff and the sheriff's deputies, but the outgoing sheriff and the sheriff's deputies remain liable for the execution and return of the legal processes in their possession when the sheriff leaves office or the vacancy occurs.

2. Upon written order of the county attorney, make a special investigation of any alleged infraction of the law within the county and report the findings to the county attorney within a reasonable time. Upon completion of the investigation, the sheriff shall file with the auditor a detailed, sworn statement of the expenses of the investigation accompanied by the written order of the county attorney. The board shall audit and pay the reasonable and necessary expenses of the investigation.

3. Upon leaving office, deliver to the sheriff's successor and take the successor's receipt for all books and papers pertaining to the office except as provided in subsection 1, property attached and levied upon, and prisoners in the county jail. The receipt is sufficient indemnity to the outgoing sheriff.

4. Provide bailiff and other law enforcement service to the district judges, district associate judges, associate juvenile judges, and judicial magistrates in the county upon request.

5. Serve as a member of the local emergency management commission as provided in section 29C.9.

6. Enforce the provisions of chapter 718A relating to the desecration of flags and insignia.

7. Carry out duties relating to election contests as provided in sections 57.6, 62.4, and 62.19.

8. Carry out duties relating to the seizure and disposition of illegal oil and gas supplies as provided in section 458A.15.

9. Serve a notice or subpoena received from a board of arbitration as provided in section 679B.10.

10. Cooperate with the department of inspections, appeals, and licensing in the enforcement of child labor laws as provided in section 92.22.

11. Carry out duties relating to the seizure and forfeiture of cigarettes, vehicles, and other property used in violation of cigarette tax laws as provided in section 453A.32.

12. Observe and inspect any licensed premises for gambling devices and report findings to the license-issuing authority as provided in section 99A.4.

13. Carry out duties relating to the issuance of permits for the possession, transportation, and detonation of explosive materials as provided in sections 101A.3, 101A.5, 101A.7, and 101A.8.

14. Seize fish and game taken, possessed, or transported in violation of the state fish and game laws as provided in section 481A.12.

15. Carry out duties relating to the enforcement of state liquor and beer laws as provided in sections 123.14, 123.117, and 123.118.

16. Reserved.

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17. Enforce the payment of the manufactured or mobile home tax as provided in section 435.24.

18. Carry out duties relating to the reporting of persons injured in the commission of a crime, either as perpetrators or victims, as provided in sections 147.111 and 147.112.

19. Carry out duties relating to the enforcement of livestock transportation laws as provided in chapter 172B.

20. Investigate disputes in the ownership or custody of branded animals as provided in section 169A.10.

21. Reserved.

22. Reserved.

23. Carry out duties relating to the involuntary hospitalization of persons with mental illness as provided in sections 229.7 and 229.11.

23A. Carry out duties related to service of a summons, notice, or subpoena pursuant to sections 232.35, 232.37, and 232.88.

24. Carry out duties relating to the assessment of reported child abuse cases and the protection of abused children as provided in section 232.71B.

25. Reserved.

26. Reserved.

27. Give notice of the time and place of making an appraisement of unneeded school land as provided in sections 297.17 and 297.28.

28. Cooperate with the state department of transportation, the department of public safety, and other law enforcement agencies in the enforcement of local and state traffic laws and inspections as provided in sections 321.5 and 321.6.

29. Report the theft and recovery of a registered motor vehicle as provided in section 321.72.

30. Collect unpaid motor vehicle fees and penalties as provided in sections 321.133 through 321.135.

31. Reserved.

32. Enforce sections 321.372 through 321.379 relating to school buses.

33. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while intoxicated as provided in chapter 321J.

34. Upon request, assist the department of revenue and the state department of transportation in the enforcement of motor fuel tax laws as provided in section 452A.76.

35. Have charge of the county jails in the county and custody of the prisoners committed to the jails as provided in chapter 356.

36. Reserved.

37. Reserved.

38. Notify the department of natural resources of hazardous conditions of which the sheriff is notified as provided in section 455B.386.

39. Carry out duties relating to condemnation of private property as provided under chapter 6B.

40. Carry out duties relating to the removal and disposition of abandoned motor vehicles as provided in section 556B.1.

41. Carry out duties relating to the determination of what is included in a homestead as provided in section 561.8.

42. Carry out duties relating to liens for services of animals as provided in chapter 580.

43. Reserved.

44. Reserved.

45. Designate the newspapers in which notices pertaining to the sheriff's office are published as provided in section 618.7.

46. Carry out duties relating to the execution of judgments and orders of the court as provided in chapter 626.

47. Add the amount of an advancement made by the holder of the sheriff's sale certificate to the execution, upon verification by the clerk as provided by section 629.3.

48. Upon appointment of the court, serve as a receiver of property of a judgment debtor as provided in sections 630.7 and 630.9.

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49. Carry out duties relating to the attachment of property as provided in chapters 639, 640, and 641.

50. Carry out duties relating to garnishment under chapter 642.

51. Carry out duties relating to an action of replevin as provided in chapter 643.

52. Carry out orders of the court or a judge relating to the service or execution of a writ of habeas corpus as provided under chapter 663.

53. Carry out duties relating to the disposition of lost property as provided in chapter 556F.

54. Carry out orders of the court requiring the sheriff to take custody and deposit or deliver trust funds as provided in section 636.30.

55. Carry out legal processes directed by an appellate court as provided in section 625A.14.

56. Furnish the division of criminal investigation with the criminal identification records and other information upon direction by the commissioner of public safety as provided in section 690.1.

57. Take the fingerprints of all persons specified under section 690.2 and forward the fingerprint records to the commissioner of public safety.

58. Report information on crimes committed and delinquent acts committed, which would be a serious or aggravated misdemeanor or felony if committed by an adult, and furnish disposition reports on persons arrested and juveniles taken into custody, for a delinquent act which would be a serious or aggravated misdemeanor or felony if committed by an adult, and criminal complaints or information or juvenile delinquency petitions, alleging a delinquent act which would be a serious or aggravated misdemeanor or felony if committed by an adult, filed in any court as provided in section 692.15.

59. Carry out duties relating to firearm training and the issuance and revocation of firearm permits as provided in chapter 724.

60. Accept custody of persons handed over to the sheriff by the department of public safety as provided in section 804.28.

61. Carry out duties relating to the forfeiture and judgment of bail as provided in section 811.6.

62. Resume custody of a defendant who is recommitted after bail by order of a magistrate as provided in section 811.7.

63. Carry out duties relating to the confinement of persons who are considered dangerous persons under section 811.1A or persons with a mental disorder as provided in chapter 812.

64. Release a defendant in custody upon receipt of a certificate of release as provided in section 814.14.

65. Upon call of the governor or attorney general, render assistance in the enforcement of the law as provided in section 817.2.

65A. Carry out the duties imposed under sections 915.11 and 915.16.

66. Upon court order, take an accused person into custody from the warden of a penal institution and convey the person to the place of trial as provided in rule of criminal procedure 2.7.

67. Receive and detain a defendant transferred from another county under a change of venue as provided in rule of criminal procedure 2.11(10).

68. Carry out duties relating to the execution of a judgment for confinement or other execution as provided in rule of criminal procedure 2.26.

69. Carry out duties relating to the return of service in civil cases as provided in rule of civil procedure 1.308.

70. Serve a writ of certiorari as provided in rule of civil procedure 1.1407.

71. Carry out other duties required by law and duties assigned pursuant to section 331.323.

1. [C51, §170, 177; R60, §383, 390, 3264; C73, §337, 344, 346; C97, §499, 504, 506; S13, §499-b; C24, 27, 31, 35, 39, §**5183, 5188, 5190;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.3, 337.8, 337.10; S81, §331.653(1); 81 Acts, ch 117, §652]

2. [S13, §499-c; C24, 27, 31, 35, 39, §**5184;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.4; S81, §331.653(2); 81 Acts, ch 117, §652]

3. [C51, §178; R60, §391; C73, §345; C97, §505; C24, 27, 31, 35, 39, §**5189;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.9; S81, §331.653(3); 81 Acts, ch 117, §652]

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4. [C51, §174; R60, §387; C73, §341; C97, §503; C24, 27, 31, 35, 39, §**5187;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.7; S81, §331.653(4); 81 Acts, ch 117, §652]

5 – 71. [S81, §331.653(5 – 71); 81 Acts, ch 117, §652]

83 Acts, ch 101, §79; 83 Acts, ch 186, §10090, 10091, 10201; 85 Acts, ch 67, §41; 86 Acts, ch 1108, §5; 86 Acts, ch 1121, §2; 86 Acts, ch 1155, §7; 86 Acts, ch 1220, §39; 87 Acts, ch 115, §54; 90 Acts, ch 1230, §91; 91 Acts, ch 191, §14; 92 Acts, ch 1139, §28; 94 Acts, ch 1103, §3; 94 Acts, ch 1173, §27; 95 Acts, ch 67, §29; 95 Acts, ch 191, §24; 96 Acts, ch 1111, §1; 96 Acts, ch 1129, §113; 96 Acts, ch 1186, §23; 97 Acts, ch 35, §23, 25; 97 Acts, ch 126, §41, 42; 98 Acts, ch 1090, §68, 84; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2003 Acts, ch 145, §286; 2003 Acts, ch 151, §27; 2004 Acts, ch 1084, §3; 2005 Acts, ch 167, §56, 66; 2006 Acts, ch 1034, §2; 2008 Acts, ch 1181, §37; 2009 Acts, ch 133, §126; 2012 Acts, ch 1021, §69; 2013 Acts, ch 90, §93; 2017 Acts, ch 133, §3; 2018 Acts, ch 1137, §28; 2021 Acts, ch 80, §212; 2023 Acts, ch 19, §2015; 2023 Acts, ch 64, §54; 2026 Acts, ch 1063, §3, 25

Referred to in §331.654
2026 amendment to subsection 4 effective November 1, 2026; 2026 Acts, ch 1063, §25
Subsection 4 amended

331.654 Faithful discharge of duties — penalty for disobedience.

1. The provisions of section 331.652, subsections 1 and 2, and section 331.653, subsections 1 and 2, do not relieve a sheriff or deputy sheriff from the full and faithful discharge of all duties required of the officer by law.

2. The disobedience of a sheriff or deputy sheriff to the command of a legal process is a contempt of the court from which the process is issued and is punishable as provided in chapter 665. The sheriff or deputy sheriff is also liable to action by any person injured by the disobedience.

[C51, §171; R60, §384; C73, §338; C97, §500; S13, §499-d; C24, 27, 31, 35, 39, §**5185, 5186;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.5, 337.6; S81, §331.654; 81 Acts, ch 117, §653]

331.655 Fees — mileage — expenses.

1. The sheriff shall collect the following fees:

a. For serving a notice and returning it, for the first person served, thirty dollars, and for each additional person, thirty dollars, except that the fee for serving additional persons in the same household shall be twenty dollars for each additional service, or if the service of notice cannot be made or several attempts are necessary, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the notice.

b. For each warrant served, thirty-five dollars, and the repayment of necessary expenses incurred in executing the warrant, as sworn to by the sheriff, or if service of the warrant cannot be made, the repayment of all necessary expenses actually incurred by the sheriff while attempting in good faith to serve the warrant.

c. For serving and returning a subpoena, for each person served, thirty-five dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or cases relating to hospitalization of persons with mental illness.

d. For summoning a grand or trial jury, all necessary and actual expenses incurred by the sheriff.

e. For summoning a jury to assess the damages to the owners of lands taken for works of internal improvement, two hundred dollars per day, and necessary expenses incurred. This subsection does not allow a sheriff to make separate charges for different assessments which can be made by the same jury and completed in one day of ten hours.

f. For serving an execution, attachment, order for the delivery of personal property, injunction, or any order of court, and returning it, thirty dollars.

g. For making and executing a certificate or deed for lands sold on execution, fifty dollars, or for making and executing a bill of sale for personal property sold, thirty dollars.

h. For the time necessarily employed in making an inventory of personal property attached or levied upon, twenty dollars per hour.

i. For a copy of any paper required by law, made by the sheriff, fifty cents.

j. Mileage at the rate specified in section 70A.9 in all cases required by law, going and

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returning. Mileage fees do not apply where provision is made for expenses, and both mileage and expenses shall not be allowed for the same services and for the same trip. If the sheriff transports one or more persons by auto to a state institution or any other destination required by law or if one or more legal papers are served on the same trip, the sheriff is entitled to one mileage, the mileage cost of which shall be prorated to the persons transported or papers served. However, in serving original notices in civil cases and in serving and returning a subpoena, the sheriff shall be allowed mileage in each action where the original notice or subpoena is served, with a minimum mileage of one dollar for each service. The sheriff may refuse to serve any legal processes in civil cases until the fees and estimated mileage for service have been paid.

k. For setting a sale of property, seventy-five dollars.

l. For conveying one or more persons to a state, county, or private institution by order of court or commission, necessary expenses for the sheriff and the person conveyed and twenty-five dollars per hour for the time necessarily employed in going to and from the institution, the expenses and hourly rate to be charged and accounted for as fees. If the sheriff needs assistance in taking a person to an institution, the assistance shall be furnished at the expense of the county.

m. For serving a warrant for the seizure of intoxicating liquors, ten dollars; for the removal and custody of the liquor, actual expenses; for the destruction of the liquor under the order of the court, ten dollars and actual expenses; for posting and leaving notices in these cases, ten dollars and actual expenses.

n. For posting a notice or advertisement, ten dollars.

o. For delivering prisoners under a change of venue, the fee authorized under section 815.8.

p. For the necessary time employed in attending the service of a writ, twenty-five dollars per hour.

2. The mileage fees allowed by law may be retained by the sheriff as an addition to the sheriff's annual salary. In counties having a population of one hundred thousand or more, the county may contract with the sheriff for the use of an automobile on a monthly basis in lieu of payment of mileage in the service of criminal processes.

3. The sheriff shall keep an accurate record of the fees collected in the county system, make a quarterly report of the fees collected to the board, and pay the fees belonging to the county into the county treasury as provided in section 331.902.

4. The sheriff shall deposit funds collected and held by the sheriff in an approved depository as provided in chapter 12C.

1. [C51, §2536; R60, §1570, 4145; C73, §3788, 3789, 3807; C97, S13, §511; C24, 27, 31, 35, 39, §**5191;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.11; S81, §331.655(1); 81 Acts, ch 117, §654]

2. [C24, §5192; C27, 31, 35, §5191-a1, 5192; C39, §**5191.2, 5192;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.13, 337.14; S81, §331.655(2); 81 Acts, ch 117, §654]

3. [C97, S13, §508; C24, 27, 31, 35, 39, §**5246, 5247;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §342.2, 342.3; S81, §331.655(3); 81 Acts, ch 117, §654]

4. [S81, §331.655(4); 81 Acts, ch 117, §654]

83 Acts, ch 198, §23; 85 Acts, ch 118, §1; 88 Acts, ch 1133, §2; 90 Acts, ch 1230, §92; 96 Acts, ch 1129, §85; 97 Acts, ch 121, §8; 2001 Acts, ch 92, §1; 2016 Acts, ch 1080, §1; 2017 Acts, ch 29, §102; 2017 Acts, ch 137, §1, 2; 2023 Acts, ch 71, §22

Referred to in §331.652, 815.8

331.656 Management of condemnation funds.

1. A sheriff receiving funds from a condemnation proceeding shall list the funds in detail in a book kept for that purpose. The sheriff shall pay the funds to the persons entitled to them upon final adjudication of a condemnation case. If the funds are held after final adjudication of the case until the end of the fiscal year, the funds shall be paid to the treasurer as provided in subsection 2.

2. Not later than July 1 of each year, the sheriff shall make a detailed report under oath of all funds received and in the sheriff's possession from condemnation proceedings which have

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been finally adjudicated. The report shall include the names of the parties to whom the funds belong, when the funds were received, and a description of the property condemned. The report shall be filed with the treasurer and the amount of the condemnation funds specified in the report shall be paid to the treasurer. The sheriff shall be given a detailed receipt for the funds.

3. If the sheriff possesses condemnation funds which have not been finally adjudicated, the sheriff shall prepare a detailed report of those funds, including the same information as required in subsection 2, which report shall be filed with the auditor for examination and audit by the board. When a sheriff's term of office expires, the sheriff shall pay the condemnation funds which are not finally adjudicated to the sheriff's successor. The outgoing sheriff shall receive a detailed receipt for the funds.

4. The treasurer shall keep a record of the condemnation funds received from the sheriff in a book kept for that purpose. The book shall include a list of the names of persons to whom the funds are due, a description of the property condemned, and the amount due for each property item. The treasurer shall pay the amount due to each person from the condemnation fund on warrants ordered by the board and issued by the auditor. The treasurer and the bond sureties of the treasurer are liable for the condemnation funds in the same manner as for other funds received by the treasurer in an official capacity.

5. The sheriff and the bond sureties of the sheriff are liable for the condemnation funds received by the sheriff until the funds are paid to the persons to which the funds are due, the treasurer, or the sheriff's successor as provided in this section.

[C24, 27, 31, 35, 39, §**5193 – 5197;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §337.15 – 337.19; S81, §331.656; 81 Acts, ch 117, §655]

Referred to in §331.552

331.657 Standard uniforms.

1. The sheriff and the full-time deputy sheriffs shall wear the standard uniform and display a standard badge of office when on duty except:

a. The sheriff may designate other apparel to be worn when the sheriff or a deputy sheriff is engaged in assignments involving special investigation, civil process, court duties, jail duties, and the handling of persons with mental illness.

b. A district court judge, district associate judge, or judicial magistrate may direct that deputy sheriffs who act as bailiffs dress in wearing apparel other than the standard uniform while the court is in session.

c. Special deputy sheriffs appointed by the sheriff are excluded from the requirements of this subsection.

2. The standard uniforms and accessories required by the sheriff for the proper outfitting of the sheriff and the sheriff's full-time deputies under this section shall be provided by the county. The uniforms and accessories issued to the sheriff and the sheriff's deputies remain the property of the county.

3. The colors and design of the standard uniform for the sheriffs and deputy sheriffs shall be designated by rule of the commissioner of public safety after consideration of the recommendations of the Iowa state association of sheriffs and deputy sheriffs. The uniform shall include standard shirts, shoulder patches, badges, nameplates, hats, trousers, neckties, jackets, socks, shoes and boots, and leather goods. The uniforms shall be readily distinguishable from the uniforms of other law enforcement agencies of the state. The rules shall allow for appropriate individual county designations on the uniforms. The rules shall be adopted and may be amended in compliance with chapter 17A.

[C66, 71, 73, §332.10; C75, 77, 79, §332.10, 337A.1, 337A.2, 337A.4, 337A.6; C81, §337A.1, 337A.2, 337A.4, 337A.6; S81, §331.657; 81 Acts, ch 117, §656]

96 Acts, ch 1129, §113; 98 Acts, ch 1137, §1

Referred to in §331.322

331.658 Care of prisoners.

1. The sheriff shall provide board and care for prisoners in the sheriff's custody in the county jail without personal compensation except for the sheriff's annual salary.

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2. The county shall pay the costs of the board and care of the prisoners in the county jail, which costs, in the board's judgment, are necessary to enable the sheriff to carry out the sheriff's duties under this section. The board may determine the manner in which meals are provided for the prisoners.

3. The sheriff is accountable to the board for fees due or collected for boarding, lodging, and providing other services for prisoners in the sheriff's custody under the order of another state or a federal court.

4. The sheriff shall allow access by the board at any reasonable time to the county jail and to supplies provided by the county for the purpose of inspecting the jail and determining whether the supplies are used for the purpose of boarding and caring for prisoners as provided in this section.

[C51, §2536; R60, §4145; C73, §3788; C24, 27, §5197-d1; C31, 35, §5197-d1 – 5197-d3, 5197-d9; C39, §**5191, 5197.01 – 5197.03, 5197.09;** C46, 50, 54, 58, 62, 66, 71, 73, §337.11, 338.1 – 338.3, 338.9; C75, 77, 79, 81, §338.1 – 338.3, 338.9; S81, §331.658; 81 Acts, ch 117, §657]

2004 Acts, ch 1117, §1, 4

Referred to in §331.322

331.659 Prohibited actions.

1. *a.* Except for a civil claim for reimbursement under section 356.7, a sheriff or a deputy sheriff shall not:

(1) Appear in any court as an attorney or legal counsel for another party.

(2) Make or prepare a writing, document or process to commence a legal action or proceeding.

(3) Use a writing, document or process prepared by the sheriff or deputy sheriff in a legal action or proceeding.

b. The document, writing, or process prepared or made by a sheriff or a deputy sheriff in violation of this subsection is void.

2. A sheriff or a deputy sheriff shall not be the purchaser, directly or indirectly, of property which is being sold by the sheriff or deputy sheriff under process of law. A purchase made in violation of this subsection is void.

[C51, §175, 176; R60, §388, 389; C73, §342, 343; C97, §546, 547; C24, 27, 31, 35, 39, §**5251, 5252;** C46, 50, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.3, 343.4; S81, §331.659; 81 Acts, ch 117, §658]

2010 Acts, ch 1061, §180; 2020 Acts, ch 1074, §59, 64

331.660 Appropriation — Indian settlement officer. Repealed by 2009 Acts, ch 179, §14.

331.661 Multicounty office.

1. Two or more county boards of supervisors may adopt resolutions proposing to share the services of a county sheriff. The resolutions shall also propose that the question of establishing the office of multicounty sheriff be submitted to the electorate of the counties proposing to share the services of a county sheriff. The proposal is adopted in those counties where a majority of the electors voting approves the proposal.

2. The county sheriff shall be elected by a majority of the votes cast for the office of county sheriff in all of the counties which the county sheriff will serve. The election shall be conducted in accordance with section 47.2, subsection 2.

3. The office of multicounty sheriff is created effective on January 1 of the year following the next general election at which the county sheriff is elected as provided by this section and section 39.17.

91 Acts, ch 189, §1

331.662 to 331.700 Reserved.

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PART 5

RESERVED

331.701 to 331.750 Reserved.

PART 6

COUNTY ATTORNEY

331.751 Office of county attorney.

1. The office of county attorney is an elective office except that if a vacancy occurs in the office, a successor shall be elected or appointed to the unexpired term as provided in chapter 69.

2. A person elected or appointed to the office of county attorney shall be a registered voter of the county, be admitted to the practice of law in the courts of this state as provided by law, qualify by taking the oath of office as provided in section 63.10, and give bond as provided in section 64.8. A person is not qualified for the office of county attorney while the person's license to practice law in this or any other state is suspended or revoked.

3. The term of office of the county attorney is four years.

[C51, §96, 239; R60, §224; C97, §1072; S13, §308-b, 1072; C24, 27, 31, 35, 39, §**520, 5179;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17, 336.1; S81, §331.751; 81 Acts, ch 117, §750]

94 Acts, ch 1169, §64; 2010 Acts, ch 1033, §48

331.752 Full-time or part-time attorney.

1. The board may provide that the county attorney is a full-time or part-time county officer in the manner provided in this section. A full-time county attorney shall refrain from the private practice of law.

2. The board may provide, by resolution, that the county attorney shall be a full-time county officer. The resolution shall include an effective date which shall not be less than sixty days from the date of adoption. However, if the county attorney or county attorney-elect objects to the full-time status, the effective date of the change to a full-time status shall be delayed until January 1 of the year following the next general election at which a county attorney is elected. The board shall not adopt a resolution changing the status of the county attorney between March 1 and the date of the general election of the year in which the county attorney is regularly elected as provided in section 39.17.

3. The board may change the status of a full-time county attorney to a part-time county attorney by following the same procedures as provided in subsection 2. If the incumbent county attorney objects to the change in status, the change shall be delayed until January 1 following the next election of a county attorney.

4. A resolution changing the full-time or part-time status of a county attorney may take effect at any time before the sixty days expire upon agreement of the board of supervisors and the affected county attorney or county attorney-elect.

5. The resolution changing the status of a county attorney shall state the initial annual salary to be paid to the county attorney when the full-time or part-time status is effective. The annual salary specified in the resolution shall remain effective until changed as provided in section 331.907.

[C79, 81, §332.61 – 332.63; S81, §331.752; 81 Acts, ch 117, §751, 752]

88 Acts, ch 1267, §18; 94 Acts, ch 1173, §28; 2026 Acts, ch 1200, §64, 75

Referred to in §236.3B, 236A.5, 331.323

2026 amendment to subsection 5 effective June 19, 2026; 2026 Acts, ch 1200, §75

Subsection 5 amended

331.753 Multicounty office.

1. If two or more counties agree, pursuant to chapter 28E, to share the services of a county attorney, the county attorney shall be elected by a majority of the votes cast for the office of

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county attorney in all of the counties which the county attorney will serve as provided in the agreement. The election shall be conducted in accordance with section 47.2, subsection 2.

2. The effective date of the agreement shall be January 1 of the year following the next general election at which the county attorney is elected as provided by this section and section 39.17.

[C79, 81, §336.6; S81, §331.753; 81 Acts, ch 117, §753]
Referred to in §331.323

331.754 Absence or disqualification of county attorney and assistants.

1. In case of absence, sickness, or disability of the county attorney and the assistant county attorneys, the board of supervisors may appoint an attorney to act as county attorney. Upon application of the county attorney or the attorney general, the chief judge or the chief judge's designee may appoint an attorney to act temporarily as county attorney until the board has had sufficient time to appoint an acting county attorney. As an alternative, upon the application of the county attorney or the attorney general, the chief judge or the chief judge's designee may appoint the attorney general to temporarily act as county attorney if the attorney general consents to the appointment.

2. If the county attorney and all assistant county attorneys are disqualified because of a conflict of interest from performing duties and conducting official business in a juvenile, criminal, contempt, or commitment proceeding which requires the attention of the county attorney, the chief judge or the chief judge's designee, upon application by the county attorney or the attorney general certifying that there is a bona fide reason for the disqualification based upon a principle of law or court rule, may appoint an attorney to act as county attorney in the proceeding. As an alternative, upon application of the county attorney or attorney general certifying that there is a bona fide reason for the disqualification, the chief judge or the chief judge's designee may appoint the attorney general to act as county attorney in the proceeding if the attorney general consents to the appointment. If the attorney general does not consent to the appointment, the chief judge or the chief judge's designee may appoint an attorney designated by the attorney general.

3. Upon any application of the attorney general pursuant to subsection 1 or 2, the county attorney shall be given notice and shall be provided an opportunity to file an objection prior to the appointment of any attorney. This subsection shall not apply if giving notice would jeopardize a criminal investigation.

4. The board may appoint an attorney to act as county attorney in a civil proceeding if the county attorney and all assistant county attorneys are disqualified because of a conflict of interest from performing duties and conducting official business.

5. A temporary or acting county attorney has the same authority and is subject to the same responsibilities as a county attorney.

6. A temporary or acting county attorney shall receive a reasonable compensation as determined by the board for services rendered in proceedings before a judicial magistrate or rendered on behalf of a county officer or employee. If the proceedings are held before a district associate judge or a district judge, the judge shall determine a reasonable compensation for the temporary or acting county attorney. If the proceedings are held before an associate juvenile judge or a judicial hospitalization referee, the temporary or acting county attorney shall be compensated at a rate approved by the judge who appointed the associate juvenile judge or referee. The compensation shall be paid from funds to be appropriated to the office of county attorney by the board.

7. Notwithstanding subsections 1 through 6, upon request by a county attorney, the attorney general or an assistant attorney general may act as county attorney in a criminal proceeding, on behalf of the state, without appointment by the board, the chief judge, or the chief judge's designee.

[C97, §304; C24, §13675; C27, 31, 35, §5180-a1; C39, §**5180.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §336.3; S81, §331.754; 81 Acts, ch 117, §754]

88 Acts, ch 1066, §1; 92 Acts, ch 1124, §3; 2000 Acts, ch 1057, §2; 2002 Acts, ch 1052, §1
Referred to in §13.2

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331.755 Prohibited actions — outside counsel authorized.

1. A county attorney shall not:

a. Accept a fee or reward from or on behalf of a person for services rendered in a prosecution or the conduct of official business.

b. Engage directly or indirectly as an attorney or an agent for a party other than the state or the county in an action or proceeding arising in the county that is based upon substantially the same facts as a prosecution or proceeding that has been commenced or prosecuted by the county attorney in the name of the state or the county. This prohibition also applies to the members of a law firm with which the county attorney is associated.

c. Receive assistance from another attorney who is interested in any civil action in which a recovery is asked based upon matters involved in a criminal prosecution commenced or prosecuted by the county attorney.

2. A board of supervisors may, with a majority vote of the board, obtain outside counsel to represent the board of supervisors or any other county official.

[C97, §305; C24, §13677; C27, 31, 35, §1580-a3; C39, §**5180.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §336.5; S81, §331.755; 81 Acts, ch 117, §755]

2025 Acts, ch 100, §1, 2

331.756 Duties of the county attorney.

The county attorney shall:

1. Diligently enforce or cause to be enforced in the county, state laws and county ordinances, violations of which may be commenced or prosecuted in the name of the state, county, or as county attorney, except as otherwise provided.

2. Appear for the state and the county in all cases and proceedings in the courts of the county to which the state or the county is a party, except actions or proceedings resulting from a change of venue from another county, and appear in the appellate courts in all cases in which the county is a party, and appear in all actions or proceedings which are transferred on a change of venue to another county or which require the impaneling of a jury from another county and in which the county or the state is a party.

3. Prosecute all preliminary hearings for charges triable upon indictment.

4. Prosecute misdemeanors under chapter 664A. The county attorney shall prosecute other misdemeanors when not otherwise engaged in the performance of other official duties.

5. *a.* Enforce all forfeited bonds and recognizances and prosecute all proceedings necessary for the recovery of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and forfeitures accruing to the state, the county or a road district in the county, and all suits in the county against public service corporations which are brought in the name of the state. To assist in this duty, the county attorney may procure a designee to assist with collection efforts.

b. If the designee is a professional collection services agency, the county attorney shall file with the clerk of the district court an indication of the satisfaction of each obligation to the full extent of all moneys collected in satisfaction of that obligation, including all fees and compensation retained by the designee incident to the collection and not paid into the office of the clerk.

c. Before a county attorney designates another county official or agency to assist with collection of debts, revenues, moneys, fines, penalties, restitution of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and forfeitures, the board of supervisors of the county must approve the designation.

d. All fines, penalties, court costs, fees, and restitution for court-appointed attorney fees ordered pursuant to section 815.9, including the expenses of a public defender which are delinquent as defined in section 602.8107 may be collected by the county attorney or the county attorney's designee. The county attorney or the county attorney's designee may collect delinquent obligations under an installment agreement pursuant to section 321.210B.

e. As used in this subsection, "*designee*" means a professional collection services agency operated by a person or organization, including a private attorney, that is generally considered to have knowledge and special abilities not generally possessed by the state,

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a local government, or another county official or agency, or a county attorney or a county attorney's designee in another county where the fine, penalty, surcharge, or court cost was not imposed.

6. Commence, prosecute, and defend all actions and proceedings in which a county officer, in the officer's official capacity, or the county is interested or a party.

7. Give advice or a written opinion, without compensation, to the board and other county officers and to township officers, when requested by an officer, upon any matters in which the state, county, or township is interested, or relating to the duty of the officer in any matters in which the state, county, or township may have an interest, but the county attorney shall not appear before the board at a hearing in which the state or county is not interested.

8. Attend the grand jury when necessary for the purpose of examining witnesses before it or giving it legal advice. The county attorney shall procure subpoenas or other process for witnesses and prepare all informations and bills of indictment.

9. Give a receipt to all persons from whom the county attorney receives money in an official capacity and file a duplicate receipt with the county auditor.

10. Make reports relating to the duties and the administration of the county attorney's office to the governor when requested by the governor.

11. Cooperate with the auditor of state to secure correction of a financial irregularity as provided in section 11.53.

12. Submit reports as to the condition and operation of the county attorney's office when required by the attorney general as provided in section 13.2, subsection 1, paragraph *"g"*.

13. Hear and decide objections to a nomination filed with the county election commissioner as provided in section 44.7.

14. Review the report and recommendations of the Iowa ethics and campaign disclosure board and proceed to institute the recommended actions or advise the board that prosecution is not merited, as provided in sections 68B.32C and 68B.32D.

15. Prosecute or assist in the prosecution of actions to remove public officers from office as provided in section 66.11.

16. Institute legal proceedings against persons who violate laws administered under chapter 10A, subchapter II, as provided in section 10A.210.

17. Investigate complaints and prosecute violations of child labor laws as provided in section 92.22.

18. Prosecute violations of employment security laws and rules as provided in section 96.17, subsection 2.

19. Assist, at the request of the director of revenue, in the enforcement of cigar and tobacco tax laws as provided in sections 453A.32 and 453A.49.

20. Prosecute nuisances as provided in section 99.24.

21. Attend the hearing, interrogate witnesses, and advise a license-issuing authority relating to the revocation of a license for violation of gambling laws as provided in section 99A.7. The county attorney shall also represent the license-issuing authority in appeal proceedings taken under section 99A.6.

22. Represent the state fire marshal in legal proceedings as provided in section 100.20.

23. Prosecute, at the request of the director of the department of natural resources or an officer appointed by the director, violations of the state fish and game laws as provided in section 481A.35.

24. Assist the department of public safety in the enforcement of beer and liquor laws as provided in section 123.14. The county attorney shall also prosecute nuisances, forfeitures of abatement bonds, and foreclosures of the bonds as provided in sections 123.62 and 123.86.

25. Reserved.

26. At the request of the director of health and human services, commence legal action to enjoin the unlawful use of radiation-emitting equipment as provided in section 136C.5.

27. Prosecute violations of the Iowa veterinary practice Act as provided in section 169.19.

28. Assist the department of inspections, appeals, and licensing in the enforcement of the rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to section 137F.2 and the Iowa hotel sanitation code, as provided in sections 137C.30 and 137F.19.

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29. Institute legal procedures on behalf of the state to prevent violations of chapter 9H or 202B.

30. Prosecute violations of the Iowa dairy industry laws as provided in section 179.11.

31. Prosecute persons who fail to file an annual or special report with the secretary of agriculture under the meat and poultry inspection Act as provided in section 189A.17.

32. Cooperate with the secretary of agriculture in the enforcement of label requirements for food packages as provided in section 191.7.

33. Prosecute violations of the Iowa commercial feed law as provided in section 198.13, subsection 3.

34. Cooperate with the secretary of agriculture in the enforcement of the agricultural seed laws as provided in section 199.14.

35. Prosecute violations of the Iowa fertilizer law as provided in section 200.18, subsection 5.

36. Prosecute violations of the Iowa drug, device, and cosmetic Act as requested by the board of pharmacy as provided in section 126.7.

37. Provide the Iowa department of corrections with information relating to the background and criminal acts committed by each person sentenced to a state correctional institution from the county as provided in section 904.202.

38. Reserved.

39. Appear on behalf of the director of health and human services in support of an application to transfer a person with mental illness who becomes incorrigible and dangerous from a state mental health institute to the Iowa medical and classification center as provided in section 226.30.

40. Carry out duties relating to the hospitalization of persons for mental illness as provided in section 229.12.

41. Reserved.

42. Carry out duties relating to the care, guidance, and control of juveniles as provided in chapter 232.

43. Prosecute violations of law relating to the family investment program, medical assistance, and supplemental assistance as provided in sections 239B.15, 249.13, and 249A.56.

44. Commence legal proceedings to enforce the rights of children placed under foster care arrangements as provided in section 233A.11.

45. Furnish, upon request of the governor, a copy of the minutes of evidence and other pertinent facts relating to an application for a pardon, reprieve, commutation, or remission of a fine or forfeiture as provided in section 914.5.

46. At the request of the state geologist, commence legal proceedings to obtain a copy of the map of a mine or mine extension as provided in section 456.12.

47. Enforce, upon complaint, the performance of duties by officers charged with the responsibilities of controlling or eradicating noxious weeds as provided in section 317.23.

48. Commence legal proceedings to remove billboards and signs which constitute a public nuisance as provided in section 318.11.

49. Assist, upon request, the attorney general in the prosecution of violations of common carrier laws and regulations as provided in section 327C.30.

50. Enforce the control of vegetation on railroad property by the railroad corporations as provided in section 327F.29.

51. Appoint a member of the civil service commission for deputy sheriffs as provided in section 341A.2 or 341A.3.

52. Represent the civil service commission for deputy sheriffs in civil suits initiated by the commission for the proper enforcement of the civil service law as provided in section 341A.16.

53. Present to the grand jury at its next session a copy of the report filed by the department of corrections of its inspection of the jails in the county as provided in section 356.43.

54. Represent the township trustees in counties having a population of less than twenty-five thousand except when the interests of the trustees and the county are adverse as provided in section 359.18.

55. Make a written report to the department of inspections, appeals, and licensing within

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fifteen days of the end of each calendar quarter of the amount of funds which were owed to the state for indigent defense services and which were recouped pursuant to subsection 5.

56. Represent the assessor and the board of review in legal proceedings relating to assessments as provided in section 441.41.

57. For deaths occurring before January 1, 2025, represent the state in litigation relating to the inheritance tax if requested by the department of revenue as provided in section 450.1.

58. Institute proceedings to enjoin persons from violating water treatment laws as provided in section 455B.224.

59. Conduct legal proceedings relating to the condemnation of private property as provided in section 6B.2.

60. Institute legal proceedings against violations of insurance laws as provided in section 511.7.

61. Assist, as requested by the attorney general, with the enforcement of the Iowa competition law as provided in section 553.7.

62. Initiate proceedings to enforce provisions relating to the recordation of conveyances and leases of agricultural land as provided in section 558.44.

63. Bid on real estate on behalf of the county when necessary to secure the county from loss as provided by section 569.2.

64. Prosecute a complaint to establish paternity and compel support for a child as provided in section 600B.19.

65. Give to an accused person a copy of each report of the findings of the criminalistics laboratory in the investigation of an indictable criminal charge against the accused as provided in section 691.4.

66. Notify state and local governmental agencies issuing licenses or permits, of a person's conviction of obscenity laws relating to minors as provided in section 728.8.

67. In the case of appeal from the district court, furnish the attorney general with a copy of the notice of appeal and pertinent material from the district court proceedings as provided in section 814.8.

68. Certify fees and mileage payable to witnesses subpoenaed by the county attorney before the district court as provided in section 815.3.

69. Carry out duties relating to extradition of fugitive defendants as provided in chapter 820 and securing witnesses as provided in chapter 819.

70. Advise the director of the judicial district department of correctional services of the facts and circumstances surrounding the crime committed and the record and history of the defendant granted probation as provided in section 907.8.

71. Carry out the duties imposed under sections 915.12 and 915.13.

72. Establish a child protection assistance team in accordance with section 915.35.

73. Bring an action in the nature of quo warranto as provided in rule of civil procedure 1.1302.

74. Perform other duties required by law and duties assigned pursuant to section 331.323.

75. Bring actions under chapter 66 for failure to pay fines imposed pursuant to section 39A.6 and not dismissed pursuant to chapter 17A.

76. *a.* In the case of an officer-involved shooting resulting in the death or serious bodily injury of a person, review the evidence and render a written opinion and charging decision, convene a grand jury, or refer the case to the attorney general as provided in section 13.12.

b. A written report detailing the results of the review specified in paragraph "*a*" shall be provided to the officer involved or the officer's legal counsel and the officer's employing agency within one hundred eighty days of the county attorney's receipt of evidence.

c. If the case presents a conflict of interest, the review shall be referred to an independent county attorney, the attorney general, or a special prosecutor.

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d. For the purposes of this subsection, *"officer"* means the same as defined in section 801.4, subsection 11.

[C97, SS15, §301; C24, 27, 31, 35, 39, §**5180;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §336.2; S81, §331.756; 81 Acts, ch 117, §756; 82 Acts, ch 1021, §10, 12(1), ch 1100, §28, ch 1104, §59]

83 Acts, ch 96, §111, 112, 157, 159; 84 Acts, ch 1163, §2; 84 Acts, ch 1299, §9; 85 Acts, ch 195, §42; 86 Acts, ch 1001, §21; 86 Acts, ch 1112, §11; 86 Acts, ch 1155, §8; 86 Acts, ch 1238, §17; 86 Acts, ch 1245, §1117; 87 Acts, ch 30, §18; 87 Acts, ch 98, §4; 88 Acts, ch 1134, §73; 89 Acts, ch 197, §30; 90 Acts, ch 1165, §17; 92 Acts, ch 1242, §30, 31; 93 Acts, ch 97, §39; 93 Acts, ch 110, §2 – 4; 93 Acts, ch 142, §12; 93 Acts, ch 163, §32; 94 Acts, ch 1023, §106; 94 Acts, ch 1170, §53; 94 Acts, ch 1173, §29, 30; 95 Acts, ch 49, §9; 95 Acts, ch 143, §9; 95 Acts, ch 169, §3; 96 Acts, ch 1034, §31; 96 Acts, ch 1111, §2; 96 Acts, ch 1129, §113; 96 Acts, ch 1131, §1; 96 Acts, ch 1186, §23; 97 Acts, ch 41, §32; 98 Acts, ch 1090, §69, 84; 98 Acts, ch 1162, §28, 30; 2002 Acts, ch 1119, §159; 2003 Acts, ch 107, §3; 2003 Acts, ch 115, §15, 19; 2003 Acts, ch 145, §286; 2004 Acts, ch 1101, §40; 2005 Acts, ch 167, §57, 66; 2006 Acts, ch 1010, §94; 2006 Acts, ch 1097, §18; 2006 Acts, ch 1115, §33; 2006 Acts, ch 1185, §121; 2007 Acts, ch 10, §175; 2007 Acts, ch 152, §51; 2007 Acts, ch 196, §7; 2007 Acts, ch 215, §219; 2008 Acts, ch 1032, §199; 2008 Acts, ch 1172, §22; 2011 Acts, ch 43, §3 – 5; 2011 Acts, ch 75, §39; 2012 Acts, ch 1019, §125; 2012 Acts, ch 1021, §70; 2013 Acts, ch 130, §32, 35; 2017 Acts, ch 54, §49; 2019 Acts, ch 100, §10; 2021 Acts, ch 12, §71, 73; 2023 Acts, ch 19, §1105, 2016, 2067, 2073; 2024 Acts, ch 1043, §87; 2024 Acts, ch 1161, §120, 137; 2025 Acts, ch 94, §1; 2025 Acts, ch 148, §30, 53, 54

Referred to in §96.11

2025 amendment to subsection 57 applies retroactively to January 1, 2025, to the estates of decedents dying on or after January 1, 2025; 2025 Acts, ch 148, §54

331.757 Temporary and full-time assistants.

1. The county attorney may employ, with the approval of a judge of the district court, a temporary assistant to assist in the trial of a person charged with a felony. The temporary assistant shall be paid a reasonable compensation as determined by the board upon certification of the services rendered by the district judge before whom the defendant was tried.

2. The county attorney may appoint, with the approval of the board, an assistant county attorney to serve as a full-time prosecutor. A full-time prosecutor shall refrain from the private practice of law. The county attorney shall determine the compensation paid to a full-time prosecutor within the budget set for the county attorney's office by the board. Except in counties having a population of more than two hundred thousand, the annual salary of an assistant county attorney shall not exceed eighty-five percent of the maximum annual salary of a full-time county attorney.

[C97, §303; S13, §303-a; C24, 27, 31, 35, 39, §**5243;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §341.7; C77, 79, 81, §341.7, 341.9; S81, §331.757; 81 Acts, ch 117, §757]

83 Acts, ch 123, §150, 209; 88 Acts, ch 1267, §19

Referred to in §331.758, 331.903

331.758 General powers.

The county attorney may:

1. Administer oaths and take affirmations as provided in section 63A.2.

2. Appoint and remove deputies, clerks and assistants subject to the requirements of sections 331.757 and 331.903.

[C97, §303; S13, §303-a; C24, 27, 31, 35, 39, §**5238, 5240;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §341.1, 341.3; S81, §331.758; 81 Acts, ch 117, §758]

331.759 Appointment of private legal counsel.

At any stage of legal proceedings in which a county attorney is authorized to represent a county officer acting in the officer's official capacity, the county attorney may apply to the court for permission to withdraw from representation of the officer for cause. If the court allows the county attorney to withdraw, it shall appoint an attorney to represent the county

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officer. The costs of representing a county officer acting in the officer's official capacity shall be paid from the court expense fund or the general fund of the county.

[S81, §331.759; 81 Acts, ch 119, §1]

331.760 to 331.774 Reserved.

PART 7

RESERVED

331.775 to 331.800 Reserved.

PART 8

COUNTY MEDICAL EXAMINER

Referred to in §97B.1A

331.801 County medical examiner — appointment, qualifications, and assistance.

1. A county medical examiner shall be appointed by the board for a two-year term. The term of office shall commence on the first day in January which is not a Sunday or holiday and continue for two years or until a successor is appointed and qualifies as provided in this section. A vacancy shall be filled by the board for the unexpired term.

2. To serve as a county medical examiner a person shall be licensed in this state as a doctor of medicine and surgery, a doctor of osteopathic medicine and surgery, or an osteopathic physician. The medical examiner shall be appointed by the board from lists of two or more names submitted by the medical society and the osteopathic society of the county in which the candidate resides. If names are not submitted by either society, the board may appoint any licensed physician, osteopathic physician and surgeon, or osteopathic physician of the county. If a qualified physician of the county will not serve, the board may appoint a physician from another county. If a county medical examiner is unable to serve in a particular case or for a period of time, the medical examiner shall promptly notify the chairperson of the board who shall designate some other qualified physician to serve temporarily.

3. The board may provide laboratory facilities, deputy medical examiners, and other professional, technical and clerical assistance as required by the county medical examiner in the performance of official duties. However, the requirements shall be subject to prior approval by the state medical examiner.

1. [C62, 66, 71, 73, 75, 77, 79, 81, §339.1; S81, §331.801(1); 81 Acts, ch 117, §800, 805]

2. [C51, §201, 202; R60, §411, 412; C73, §367, 368; C97, §528, 529; C24, 27, 31, 35, 39, §**5217, 5218;** C46, 50, 54, 58, §339.21, 339.22; C62, 66, 71, 73, 75, 77, 79, 81, §339.2; S81, §331.801(2); 81 Acts, ch 117, §800]

3. [S13, §520; C24, 27, 31, 35, 39, §**5206;** C46, 50, 54, 58, §339.9; C62, 66, §339.8; C71, 73, 75, 77, 79, 81, §339.3; S81, §331.801(3); 81 Acts, ch 117, §800]

Referred to in §124.553, 141A.5, 142C.2, 331.321

331.802 Deaths — reported and investigated.

1. A person's death that affects the public interest as specified in subsection 3 shall be reported to the county medical examiner or the state medical examiner by the physician in attendance, any law enforcement officer having knowledge of the death, the funeral director, or any other person present. The appropriate medical examiner shall notify the city or state law enforcement agency or sheriff and take charge of the body.

2. *a.* If a person's death affects the public interest as specified in subsection 3, the county medical examiner shall conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings, promptly submit the full report to the state medical examiner on forms prescribed for that purpose, and submit a copy of the report to the county attorney.

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b. (1) Except as provided in section 218.64 or as otherwise provided by law, for each preliminary investigation and the preparation and submission of the required reports, the county medical examiner and medical examiner investigator shall receive from the county of appointment or the decedent's county of residence a fee determined by the board of the county of appointment plus the examiner's and investigator's actual expenses.

(2) The fee and expenses shall be submitted by the county medical examiner and the medical examiner investigator as a joint invoice to the county of appointment which may immediately pay the invoice. If the county of appointment pays the invoice, the county of appointment shall seek reimbursement from the decedent's county of residence.

(3) If the county of appointment elects not to pay an invoice under subparagraph (2), the county shall forward the joint invoice to the decedent's county of residence for payment to the county medical examiner and the medical examiner investigator. If the county medical examiner and medical examiner investigator do not receive payment from the county of the decedent's residence within sixty days of receiving the joint invoice, the county of appointment shall pay the invoice.

(4) If the person's death is caused by a defendant for whom a judgment of conviction and sentence is rendered under section 707.2, 707.3, 707.4, 707.5, or 707.6A, the county of the person's residence or the county of appointment, as applicable, may recover from the defendant the fee and expenses.

c. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated.

3. A death affecting the public interest includes, but is not limited to, any of the following:

a. Violent death, including homicide, suicide, or accidental death.

b. Death caused by thermal, chemical, electrical, or radiation injury.

c. Death caused by criminal abortion including self-induced, or by sexual abuse.

d. Death related to disease thought to be virulent or contagious which may constitute a public hazard.

e. Death that has occurred unexpectedly or from an unexplained cause.

f. Death of a person confined in a prison, jail, or correctional institution.

g. Death of a person who was prediagnosed as a terminal or bedfast case who did not have a physician in attendance within the preceding thirty days; or death of a person who was admitted to and had received services from a hospice program as defined in section 135J.1, if a physician or registered nurse employed by the program was not in attendance within thirty days preceding death.

h. Death of a person if the body is not claimed by a person authorized to control the deceased person's remains under section 144C.5, or a friend.

i. Death of a person if the identity of the deceased is unknown.

j. Death of a child under the age of two years if death results from an unknown cause or if the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death.

k. Death of a person committed or admitted to a state mental health institute, a state resource center, or the state training school.

4. *a.* The county medical examiner shall conduct the investigation in the manner required by the state medical examiner and shall determine whether the public interest requires an autopsy or other special investigation. However, if the death occurred in the manner specified in subsection 3, paragraph *"j"*, the county medical examiner shall order an autopsy, claims for the payment of which shall be filed with the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated. In determining the need for an autopsy, the county medical examiner may consider the request for an autopsy from a public official or private person, but the state medical examiner or the county attorney of the county where the death occurred may require an autopsy except as provided in paragraph *"b"*.

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b. If after the county medical examiner's or state medical examiner's investigation of a deceased child the medical examiner determines that the deceased child's cause and manner of death are obvious and there are no significant legal, medical, or investigative concerns by the medical examiner, social services, or law enforcement, an autopsy shall not be required under paragraph *"a"*.

c. The county medical examiner may refer a body for autopsy or further investigation pursuant to paragraph *"a"* to any facility accredited by the national association of medical examiners. The county shall pay to the receiving facility a fee equal to an autopsy fee established by the office of the state medical examiner by rule.

5. *a.* A person making an autopsy shall promptly file a complete record of the findings in the office of the state medical examiner and the county attorney of the county where death occurred and the county attorney of the county where any injury contributing to or causing the death was sustained.

b. A summary of the findings resulting from an autopsy of a child under the age of two years whose death occurred in the manner specified in subsection 3, paragraph *"j"*, shall be transmitted immediately by the physician who performed the autopsy to the county medical examiner. The report shall be forwarded to the parent, guardian, or custodian of the child by the county medical examiner or a designee of the county medical examiner, or through the infant's attending physician. A copy of the autopsy report filed with the county attorney shall be available to the parents, guardian, or custodian upon request.

6. The report of an investigation made by the state medical examiner or a county medical examiner and the record and report of an autopsy made under this section or chapter 691, shall be received as evidence in any court or other proceedings, except that statements by witnesses or other persons and conclusions on extraneous matters included in the report are not admissible. The person preparing a report or record given in evidence may be subpoenaed as a witness in any civil or criminal case by any party to the cause. A copy of a record, photograph, laboratory finding, or record in the office of the state medical examiner or any medical examiner, when attested to by the state medical examiner or a staff member or the medical examiner in whose office the record, photograph, or finding is filed, shall be received as evidence in any court or other proceedings for any purpose for which the original could be received without proof of the official character of the person whose name is signed to it.

7. In case of a sudden, violent, or suspicious death after which the body is buried without an investigation or autopsy, the county medical examiner, upon being advised of the facts, shall notify the county attorney. The county attorney shall apply for a court order requiring the body to be exhumed in accordance with chapter 144. Upon receipt of the court order, an autopsy shall be performed by a medical examiner or by a pathologist designated by the medical examiner and the facts disclosed by the autopsy shall be communicated to the court ordering the disinterment for appropriate action.

8. Where donation of the remains of the deceased to a medical school or similar institution equipped with facilities to perform autopsies is provided by will or directed by the person authorized to control the deceased person's remains under section 144C.5, any autopsy under this section shall be performed at the direction of the school or institution, and in such a manner as to further the purpose of the donation, while serving the public interest.

9. If an autopsy is ordered under this section, the county shall reimburse the funeral director for all costs associated with the transportation of the body to and from the facility performing the autopsy at a rate equivalent to the rate of reimbursement allowed under the standard mileage rate method for computation of business expenses pursuant to the Internal Revenue Code at the time the transportation occurs plus any other associated fees.

1, 2. [C51, §186, 187, 202, 2539; R60, §396, 397, 412, 4148; C73, §352, 353, 368, 3799; C97, §515, 517, 526, 529, 531; C24, 27, 31, 35, 39, §**5200, 5202, 5214, 5218, 5237;** C46, 50, 54, 58, §339.3, 339.5, 339.17, 339.19, 339.22, 340.19; C62, 66, §339.5; C71, 73, 75, 77, 79, 81, §339.4; S81, §331.802(1, 2); 81 Acts, ch 117, §801]

3. [C51, §186; R60, §396; C73, §352; C24, 27, 31, 35, 39, §**5200, 5201;** C46, 50, 54, 58, §339.3, 339.4; C62, 66, §339.4; C71, 73, 75, 77, 79, 81, §339.6; S81, §331.802(3); 81 Acts, ch 117, §801]

4. [C71, 73, 75, 77, 79, 81, §339.7; S81, §331.802(4); 81 Acts, ch 117, §801]

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5. [C51, §187, 188, 193; R60, §397, 398, 403; C73, §353, 354, 359; C97, §517, 518, 521; C24, 27, 31, 35, 39, §**5202, 5203, 5208;** C46, 50, 54, 58, §339.5, 339.6, 339.11; C62, 66, §339.6; C71, 73, 75, 77, 79, 81, §339.8; S81, §331.802(5); 81 Acts, ch 117, §801]

6. [C51, §190 – 192, 199; R60, §400 – 402, 409; C73, §356 – 358, 365; C97, S13, §520; C24, 27, 31, 35, 39, §**5205, 5206;** C46, 50, 54, 58, §339.8, 339.9; C62, 66, §339.9; C71, 73, 75, 77, 79, 81, §339.10; S81, §331.802(6); 81 Acts, ch 117, §801]

7. [C62, 66, §339.7; C71, 73, 75, 77, 79, 81, §339.14; S81, §331.802(7); 81 Acts, ch 117, §801]

8. [S81, §331.802(8); 81 Acts, ch 117, §801]

87 Acts, ch 69, §1; 96 Acts, ch 1139, §1; 98 Acts, ch 1024, §1; 99 Acts, ch 141, §40; 2002 Acts, ch 1098, §3; 2008 Acts, ch 1051, §17, 18, 22; 2008 Acts, ch 1187, §137, 138; 2013 Acts, ch 81, §2, 3; 2016 Acts, ch 1073, §113; 2016 Acts, ch 1125, §1; 2019 Acts, ch 100, §11; 2021 Acts, ch 26, §1 – 4; 2021 Acts, ch 174, §45

Referred to in §141A.5, 144.28, 144.56, 218.64, 222.12, 226.34, 331.805, 691.6, 910.3A

331.803 Examination certificate — fee.

Upon application and payment of a fee determined by the board, the county medical examiner shall provide an examination certificate to the person requesting it and file a copy of the certificate in the medical examiner's office. The certificate is not required in the case of a stillborn infant if a physician was present at the stillbirth and the cause of the stillbirth, as certified by the attending physician as provided in chapter 144, does not require an investigation by a medical examiner.

[C62, 66, §339.12; C71, 73, 75, 77, 79, 81, §339.13; S81, §331.803; 81 Acts, ch 117, §802]

Referred to in §141A.5, 144.56

331.804 Disposition of body and other property.

1. After an investigation has been completed, including an autopsy if one is performed, the body shall be prepared for transportation. The body shall be transported by a funeral director chosen by a person authorized to control the remains of the deceased person under section 144C.5, for burial or other appropriate disposition. A medical examiner shall not use influence in favor of a particular funeral director. However, if a person other than a funeral director assumes custody of a dead body, the person shall secure a burial transit permit pursuant to section 144.32. If no one claims a body, it shall be disposed of as provided in chapter 142.

2. If no one is entitled by law to the property or money found on a deceased person, the property shall be deposited with the clerk of the district court who shall dispose of it as provided by law.

[C51, §200; R60, §410; C73, §366; C97, §527, 532, 533; C24, 27, 31, 35, 39, §**5215, 5216;** C46, 50, 54, 58, §339.19, 339.20; C62, 66, §339.10, 339.11; C71, 73, 75, 77, 79, 81, §339.11, 339.12; S81, §331.804; 81 Acts, ch 117, §803]

2002 Acts, ch 1098, §4; 2008 Acts, ch 1051, §19, 22

Referred to in §141A.5, 144.56

331.805 Prohibited actions — cremation permit — penalties.

1. When a death occurs in the manner specified in section 331.802, subsection 3, the body, clothing, and any articles upon or near the body shall not be disturbed or removed from the position in which it is found, and physical or biological evidence shall not be obtained or collected from the body, without authorization from the county medical examiner or the state medical examiner except for the purpose of preserving the body from loss or destruction or permitting the passage of traffic on a highway, railroad or airport, or unless the failure to immediately remove the body might endanger life, safety, or health. A person who moves, disturbs, or conceals a body, clothing, or any articles upon or near the body or who obtains or collects physical or biological evidence in violation of this subsection or chapter 691 is guilty of a simple misdemeanor.

2. It is unlawful to embalm a body when the funeral director has reason to believe death occurred in a manner specified in section 331.802, subsection 3, when there is evidence sufficient to arouse suspicion of crime in connection with the cause of death of the deceased,

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or when it is the duty of a medical examiner to view the body and investigate the death of the deceased person, until the permission of a county medical examiner has been obtained. When feasible, the body shall be released to the funeral director for embalming within twenty-four hours of death.

3. *a.* It is unlawful to cremate, bury, or send out of the state the body of a deceased person when death occurred in a manner specified in section 331.802, subsection 3, until a medical examiner certifies in writing that the examiner has viewed the body, has made personal inquiry into the cause and manner of death, and all necessary autopsy or postmortem examinations have been completed. However, the body of a deceased person may be sent out of state for the purpose of an autopsy or postmortem examination if the county medical examiner certifies in writing that the out-of-state autopsy or postmortem examination is necessary or, in the case of a death which is not of public interest as specified in section 331.802, subsection 3, if the attending physician certifies to the county medical examiner that the performance of the autopsy out of state is proper.

b. If the person authorized to control the remains of a deceased person under section 144C.5 has requested that the body of the deceased person be cremated, a permit for cremation must be obtained from a medical examiner. Cremation permits by the medical examiner must be made on the most current forms prepared at the direction of and approved by the state medical examiner, with copies forwarded to the state medical examiner's office. Costs for the cremation permit issued by a medical examiner shall not exceed seventy-five dollars. The costs of the permit and other reasonable cremation expenses may be paid from the decedent's estate pursuant to section 633.425, subsection 3.

4. A person who violates a provision of subsection 2 or 3 is guilty of a serious misdemeanor.

[C62, 66, §339.12; C71, 73, 75, 77, 79, 81, §339.9, 339.13; S81, §331.805; 81 Acts, ch 117, §804]

89 Acts, ch 81, §1; 96 Acts, ch 1148, §11; 2002 Acts, ch 1098, §5; 2005 Acts, ch 89, §37; 2008 Acts, ch 1051, §20, 22; 2021 Acts, ch 26, §5

Referred to in §141A.5

331.806 through 331.900 Reserved.

PART 9

MISCELLANEOUS PROVISIONS

331.901 General duties of county officers.

1. Except as otherwise provided by state law, a county officer shall furnish to the governor or either house of the general assembly, upon their request, any information which the officer possesses.

2. A county officer shall not appear as an agent, attorney, or solicitor for another person in a matter pending before the board.

3. If a county officer who is required to report the collection of fees to the board neglects or refuses to make the report, the board shall employ an expert accountant to examine the books, papers, and accounts of the delinquent officer and to make the required report. The expense of employing the expert accountant shall be charged to the delinquent officer and may be collected upon the official bond of the officer.

4. A county officer, deputy officer, or employee shall not take, purchase, receive in payment, or exchange a warrant, scrip, or other evidence of the county's indebtedness or demand against the county for an amount less than the amount expressed on the face of the warrant, scrip, or other evidence of indebtedness or demand, plus the accrued interest.

5. All reports and forms required to be submitted by a county officer to a state officer or agency shall be submitted on standardized forms furnished by the state officer or agency. The state officers and agencies which receive reports and forms from county officers shall consult with the department of management, shall devise standardized reports and forms

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which will permit computer processing of the information submitted, and shall distribute the standardized reports and forms to the county officers.

6. A county officer, deputy officer, or employee who violates subsection 4 is guilty of a simple misdemeanor.

1. [C97, §544; C24, 27, 31, 35, 39, §**5249;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.1; S81, §331.901(1); 81 Acts, ch 117, §900]

2. [C73, §326; C97, §545; C24, 27, 31, 35, 39, §**5250;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.2; S81, §331.901(2); 81 Acts, ch 117, §900]

3. [C97, §548; C24, 27, 31, 35, 39, §**5253;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.5; S81, §331.901(3); 81 Acts, ch 117, §900]

4. [R60, §2186; C73, §556; C97, §596; C24, 27, 31, 35, 39, §**5255;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.7; S81, §331.901(4); 81 Acts, ch 117, §900]

5. [C73, §552; C97, §593; C24, 27, 31, 35, 39, §**5256;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.8; S81, §331.901(5); 81 Acts, ch 117, §900]

6. [C71, 73, 75, 77, 79, 81, §343.14; S81, §331.901(7); 81 Acts, ch 117, §900]

7. [R60, §2188; C73, §558; C97, §598; C24, 27, 31, 35, 39, §**5257;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §343.9; S81, §331.901(8); 81 Acts, ch 117, §900]

83 Acts, ch 123, §152, 209; 83 Acts, ch 186, §10096, 10201; 2024 Acts, ch 1006, §1; 2026 Acts, ch 1120, §10, 11

Referred to in §331.502
Subsection 5 stricken and former subsection 6 renumbered as 5
Former subsection 7 amended and renumbered as 6

331.902 Collection and disposition of fees.

1. Unless otherwise specifically provided by statute, the fees and other charges collected by the auditor, treasurer, recorder, and sheriff, and their deputies or employees, belong to the county.

2. Each elective officer specified in subsection 1 shall maintain a record in the county system of each fee and charge collected. The record shall show the date, amount, payor, and type of service, and, when the fee is for recording an instrument, the names of the parties to the instrument. The record of the fees collected shall be retained for three years after audit of the county pursuant to section 11.6.

3. Each elective officer specified in subsection 1 shall make a quarterly report to the board showing, by type, the fees collected during the preceding quarter. The officer shall pay at least quarterly to the county treasury the fees and charges collected, except for the county auditor's transfer fees, which shall be paid directly to the county treasurer by the county recorder. The officer shall receive a receipt and maintain a record of the date and amount of each payment into the county treasury. This subsection does not apply to the county treasurer if the county treasurer credits the fees daily to the county treasury and reports the receipts on the monthly report to the auditor and the board of supervisors.

4. When examining, settling, or verifying reports or accounts of fees or other monetary receipts of the county under section 331.401, subsection 1, paragraph *"p"*, this section, or chapter 12B, the cash on hand in the office of the county officer or employee subject to the settlement or examination need not be counted in the presence of, or by, the board of supervisors or other examining county officer. This section does not prohibit the actual counting of cash on hand in a county at the time of the examination or settlement if the examining authority requests the actual count.

5. Each elective officer specified in subsection 1 shall retain overpayments of fees and other charges paid to the county in an amount of five dollars or less, unless the payor has requested a refund of the overpayment.

[C51, §212; R60, §423, 431; C73, §3785, 3796; C97, §299, 480, 492, 495, 508; S13, §498, 508, 550-c; SS15, §479-a, 490-a, 495; C24, 27, 31, 35, 39, §**5245 – 5247;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §342.1 – 342.3; S81, §331.902; 81 Acts, ch 117, §901; 82 Acts, ch 1073, §1]

83 Acts, ch 6, §1; 83 Acts, ch 186, §10097, 10201; 84 Acts, ch 1125, §1; 86 Acts, ch 1079, §1; 94 Acts, ch 1025, §1; 97 Acts, ch 121, §9; 2000 Acts, ch 1085, §3; 2007 Acts, ch 75, §2

Referred to in §331.507, 331.508, 331.558, 331.602, 331.607, 331.655, 558.66

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331.903 Appointment of deputies, assistants, and clerks.

1. The auditor, treasurer, recorder, sheriff, and county attorney may each appoint, with approval of the board, one or more deputies, assistants, or clerks for whose acts the principal officer is responsible. The number of deputies, assistants, and clerks for each office shall be determined by the board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board.

2. When an appointment has been approved by the board, the principal officer making the appointment shall issue a written certificate of appointment which shall be filed and kept in the office of the auditor. A certificate of appointment may be revoked in writing by the principal officer making the appointment, which revocation shall also be filed and kept in the office of the auditor.

3. Each deputy officer shall give bond in an amount determined by the officer who has the authority to approve the bond of the deputy's principal officer, with sureties to be approved by that officer. Upon approval, the bond shall be filed and kept in the office of the auditor. Each deputy officer shall take the same oath as the deputy's principal officer which shall be endorsed on the certificate of appointment. The bond of a deputy sheriff shall be either a bond or liability policy as required by the sheriff with the approval of the board.

4. Each deputy officer, assistant and clerk shall perform the duties assigned by the principal officer making the appointment. During the absence or disability of the principal officer, the first deputy, or designee in those instances where there is no first deputy or in the absence or disability of the first deputy, shall perform the duties of the principal officer.

5. The auditor may also appoint temporary assistants as provided in section 331.503 and the county attorney may appoint temporary assistants or a full-time prosecutor as provided in section 331.757.

6. The maximum age for a person to be employed as a deputy sheriff appointed pursuant to this section is sixty-five years of age.

[C51, §411, 412, 415, 416; R60, §642, 643, 646, 647, 2069; C73, §766, 767, 769, 770, 1770; C97, §298, 303, 481, 491, 496, 510, 2734; S13, §303-a, 496; SS15, §298, 481, 491, 496, 510-b, 2734-b; C24, 27, §5238 – 5244; C31, 35, §5238 – 5241, 5241-d1, 5242 – 5244; C39, §**5238 – 5241, 5241.1, 5242 – 5244;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §341.1 – 341.8; C77, 79, 81, §341.1 – 341.9; S81, §331.903; 81 Acts, ch 117, §902]

83 Acts, ch 186, §10098, 10201; 86 Acts, ch 1061, §1; 94 Acts, ch 1173, §31; 98 Acts, ch 1183, §112

Referred to in §97B.49C, 97B.49G, 331.502, 331.503, 331.553, 331.603, 331.652, 331.758

331.904 Salaries of deputies, assistants, and clerks.

1. *a.* The annual base salary of the first and second deputy officer of the office of auditor, treasurer, and recorder, the deputy in charge of elections administration, the deputy in charge of the motor vehicle registration and title division, and the deputy in charge of driver's license issuance shall each be an amount not to exceed eighty-five percent of the annual salary of the deputy's principal officer. In offices where more than two deputies are required, the annual base salary of each additional deputy shall be an amount not to exceed eighty percent of the principal officer's salary. The amount of the annual base salary of each deputy shall be certified by the principal officer to the board and, if a deputy's annual base salary does not exceed the limitations specified in this subsection, the board shall certify the annual base salary to the auditor. The board shall not certify a deputy's annual base salary which exceeds the limitations of this subsection.

b. As used in this subsection, *"base salary"* means the basic compensation excluding overtime pay, longevity pay, shift differential pay, or other supplement pay and fringe benefits.

2. Each deputy sheriff shall receive an annual base salary as follows:

a. The annual base salary of a first or second deputy sheriff shall not exceed eighty-five percent of the annual base salary of the sheriff.

b. The annual base salary of any other deputy sheriff shall not exceed the annual base salary of the first or second deputy sheriff.

c. The sheriff shall set the annual base salary of each deputy sheriff who is classified

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as exempt under the federal Fair Labor Standards Act of 1938, as amended, subject to the limitations specified in paragraphs *"a"* and *"b"*. The sheriff shall certify the annual base salaries of the exempt deputy sheriffs to the board and, if the limitations of paragraphs *"a"* and *"b"* are not exceeded, the board shall certify the annual base salaries to the county auditor.

d. The board shall set the annual base salaries of any deputy sheriffs who are not classified as exempt under the federal Fair Labor Standards Act of 1938, as amended. Upon certification by the sheriff, the board shall review, and may modify, the annual base salaries of the deputy sheriffs who are not classified as exempt. The annual base salaries set by the board are subject to the limitations specified in paragraphs *"a"* and *"b"*.

e. As used in this subsection, *"base salary"* means the basic compensation excluding overtime pay, longevity pay, shift differential pay, or other supplement pay and fringe benefits.

3. The annual salary of each assistant county attorney shall be determined by the county attorney within the budget set for the county attorney's office by the board. The salary of an assistant county attorney shall not exceed eighty-five percent of the maximum salary of a full-time county attorney. The county attorney shall inform the board of the full-time or part-time status of each assistant county attorney. In the case of a part-time assistant county attorney, the county attorney shall inform the board of the approximate number of hours per week the assistant county attorney shall devote to official duties.

4. The board shall determine the compensation of extra help and clerks appointed by the principal county officers.

5. The deputy officers, assistants, clerks, and other employees of the county are also entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

1. [C51, §417; R60, §648; C73, §771; C97, §298, 481, 491, 496; S13, §496; SS15, §298, 298-a, 481, 491; C24, 27, 31, 35, 39, §**5221, 5223, 5225, 5331;** C46, §340.2, 340.4, 340.6, 340.12; C50, 54, 58, 62, §340.2; C66, 71, 73, 75, 77, 79, 81, §340.4; S81, §331.904(1); 81 Acts, ch 117, §903]

2. [C51, §417; R60, §648; C73, §771; C97, §510; SS15, §510-b; C24, 27, 31, 35, 39, §**5227;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §340.8; S81, §331.904(2); 81 Acts, ch 117, §903]

3. [C97, §303; S13, §303-a; C24, 27, 31, 35, 39, §**5229;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §340.10; C77, 79, 81, §340.10, 341.9; S81, §331.904(3); 81 Acts, ch 117, §903]

4. [C51, §417; R60, §648; C73, §771; C97, §298, 481, 491, 496, 510; S13, §496; SS15, §298, 298-a, 481, 491, 510-b; C24, 27, 31, 35, 39, §**5221, 5223, 5225, 5227, 5331;** C46, §340.2, 340.4, 340.6, 340.8, 340.12; C50, 54, 58, 62, §340.2, 340.8; C66, 71, 73, 75, 77, 79, 81, §340.4, 340.8; S81, §331.904(4); 81 Acts, ch 117, §903]

5. [S81, §331.904(5); 81 Acts, ch 117, §903]

83 Acts, ch 34, §1; 83 Acts, ch 123, §153, 209; 83 Acts, ch 186, §10099, 10201; 85 Acts, ch 195, §43; 94 Acts, ch 1004, §1; 97 Acts, ch 142, §1; 2006 Acts, ch 1070, §18; 2007 Acts, ch 123, §2, 3; 2010 Acts, ch 1061, §180; 2019 Acts, ch 123, §1

Referred to in §28E.30, 331.324, 341A.7

331.905 County compensation board.

1. A board of supervisors may vote to establish a county compensation board subject to the provisions of this section. The county compensation board shall be composed of seven members who are residents of the county. The members of the county compensation board shall be selected as follows:

a. Two members shall be appointed by the board of supervisors.

b. One member shall be appointed by each of the following county officers: the county auditor, county attorney, county recorder, county treasurer, and county sheriff.

2. The members of the county compensation board shall be appointed to four-year, staggered terms of office. The members of the county compensation board shall not be officers or employees of the state or a political subdivision of the state. A term shall be effective on the first of July of the year of appointment and a vacancy shall be filled for the unexpired term in the same manner as the original appointment.

3. The members of the county compensation board shall receive no compensation, but

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they shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

4. The county compensation board shall elect a chairperson and vice chairperson annually from among its membership. The county compensation board shall meet at the call of the chairperson or upon written request of a majority of its membership. The concurrence of a majority of the members of the county compensation board shall determine any matter relating to its duties.

5. The board of supervisors shall provide the necessary office facilities and the technical and clerical assistance requested by the county compensation board to carry out its duties.

6. The expenses of the county compensation board members, the salaries and expenses of any technical and clerical assistance, and the cost of providing any facilities shall be paid from the general fund of the county.

7. A board of supervisors may dissolve a county compensation board upon a majority vote of the members of the board of supervisors. If the board of supervisors has not established or has dissolved the county compensation board, the board of supervisors shall carry out the duties as the county compensation board, including as provided in section 331.907. Pursuant to section 331.907, in setting the salary of the county sheriff, the board of supervisors shall set the sheriff's salary so that it is comparable to salaries paid to professional law enforcement administrators and command officers of the state patrol, the division of criminal investigation of the department of public safety, and city police chiefs employed by cities of similar population to the population of the county.

[C77, 79, 81, §340A.1, 340A.4, 340A.5, 340A.7; S81, §331.905; 81 Acts, ch 117, §904, 907; 82 Acts, ch 1104, §60]

87 Acts, ch 227, §28; 2024 Acts, ch 1094, §52, 53

Referred to in §331.212, 331.321, 331.322

331.906 Reserved.

331.907 Compensation schedule — preparation and adoption.

1. The annual compensation of the auditor, treasurer, recorder, sheriff, county attorney, and supervisors shall be determined as provided in this section. The county compensation board annually shall review the compensation paid to comparable officers in other counties of this state, other states, private enterprise, and the federal government. In setting the salary of the county sheriff, the county compensation board shall set the sheriff's salary so that it is comparable to salaries paid to professional law enforcement administrators and command officers of the state patrol, the division of criminal investigation of the department of public safety, and city police chiefs employed by cities of similar population to the population of the county. The county compensation board shall prepare a compensation schedule for the elected county officers for the succeeding fiscal year. The county compensation board shall provide documentation to the board of supervisors that demonstrates how the county compensation board determined the recommended compensation schedule, including by providing the applicable compensation information for comparable officers in other counties of this state, other states, private enterprise, and the federal government. A recommended compensation schedule requires a majority vote of the membership of the county compensation board.

2. At the public hearing held on the county budget as provided in section 331.434, the county compensation board shall submit its recommended compensation schedule for the next fiscal year to the board of supervisors for inclusion in the county budget. The board of supervisors shall review the recommended compensation schedule for the elected county officers and determine the final compensation schedule. In determining the final compensation schedule for the elected county officers, the board of supervisors may set compensation at less than the compensation provided in the current compensation schedule if the position is reduced to part-time under the recommended compensation schedule. A copy of the final compensation schedule shall be filed with the county budget at the office of the director of the department of management. The final compensation schedule takes effect on July 1 following its adoption by the board of supervisors. For purposes of this

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subsection, *"current compensation schedule"* means the compensation schedule in effect when the board of supervisors considers the recommended compensation schedule.

3. The board of supervisors may adopt a decrease in compensation paid to supervisors irrespective of the county compensation board's recommended compensation schedule or other approved changes in compensation paid to other elected county officers. A decrease in compensation paid to supervisors shall be adopted by the board of supervisors no less than thirty days before the county budget is certified under section 24.17.

4. The elected county officers are also entitled to receive their actual and necessary expenses incurred in performance of official duties of their respective offices. The board of supervisors may authorize the reimbursement of expenses related to an educational course, seminar, or school which is attended by a county officer after the county officer is elected, but prior to the county officer taking office.

5. In counties having two courthouses, a principal elected county officer and the principal officer's first deputy or assistant may agree in writing to a division of their annual salaries. The division shall not allow for payment to the elected officer and the first deputy or assistant which is greater than the sum of the two salaries otherwise authorized by law. Upon certification to the board by the elected officer involved, the board shall certify to the auditor the annual salaries certified by the elected officer.

1 – 3. [C51, §169, 211, 213, 2536; R60, §380, 381, 422, 424, 4145; C73, §3775, 3784, 3788, 3789, 3792, 3793, 3798; C97, §297, 308, 479, 490, 495, 509; S13, §297; SS15, §308, 479, 490, 490-a, 495, 510-a, -c; C24, 27, 31, 35, 39, §**5220, 5222, 5224, 5226, 5228, 5230;** C46, 50, 54, 58, 62, §340.1, 340.3, 340.5, 340.7, 340.9, 340.11; C66, 71, 73, 75, §340.1, 340.3, 340.7, 340.9; C77, 79, 81, §340.1, 340.7, 340.9, 340A.6; S81, §331.907(1 – 3); 81 Acts, ch 117, §906]

4. [C71, 73, 75, 77, 79, 81, §340.12; S81, §331.907(4); 81 Acts, ch 117, §906]

83 Acts, ch 123, §154, 209; 83 Acts, ch 186, §10100, 10201; 86 Acts, ch 1095, §1; 87 Acts, ch 227, §29; 98 Acts, ch 1074, §28; 2005 Acts, ch 35, §31; 2008 Acts, ch 1184, §71; 2009 Acts, ch 179, §126, 127; 2021 Acts, ch 183, §54; 2024 Acts, ch 1094, §54

Referred to in §28E.30, 331.215, 331.322, 331.323, 331.752, 331.905

331.908 Motor vehicles required to operate on ethanol blended gasoline.

A motor vehicle purchased or used by a county to provide county services shall not operate on gasoline other than ethanol blended gasoline as defined in section 214A.1. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline. However, the sticker is not required to be affixed to an unmarked vehicle used for purposes of providing law enforcement or security.

91 Acts, ch 254, §21; 93 Acts, ch 26, §7; 2006 Acts, ch 1142, §68

Motor vehicle purchases, restrictions, fuel economy, see §8A.362

331.909 Multidisciplinary community services teams.

1. A county or multicounty consortium of agencies providing health, counseling, economic assistance, education, law enforcement, or therapeutic services may establish a multidisciplinary team for the more effective planning and delivery of services to an individual or family under the following conditions:

a. The team complies with federal regulations regarding confidentiality.

b. The agencies comprising the team have written confidentiality standards.

c. The agencies comprising the team enter into an annual interagency agreement to comply with confidentiality standards specified in the agreement.

d. An agency initiating a multidisciplinary team obtains a signed agreement from an individual authorizing the team to share information concerning the individual or the individual's family on a confidential basis.

2. The activities of a multidisciplinary community services team shall not duplicate the activities of a multidisciplinary team for child abuse under section 235A.13, dependent adult abuse activities under section 235B.6, or child victim services provided under section 915.35.

3. A multidisciplinary community services team shall select a chairperson and other officers as deemed necessary by the members of the team. A multidisciplinary community

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services team is not a governmental body as defined in section 21.2 and is not subject to the provisions of chapter 21, relating to open meetings. Notwithstanding chapter 22, the confidentiality of information in the possession of a multidisciplinary team which is required by law to be confidential shall be maintained except as specifically provided by this section.

4. The members of a multidisciplinary community services team are expressly authorized to orally disclose personally identifying information to one another which is otherwise required by law to be confidential. Disclosure of confidential information other than oral information between team members under provisions of this section is expressly prohibited.

5. A member of a multidisciplinary community services team shall not use confidential information obtained from another team member except in the best interests of the subject of the confidential information and shall not disclose such information to another person except as otherwise authorized by law. A member of a multidisciplinary community services team who willfully uses or discloses confidential information in violation of this section commits a serious misdemeanor. Notwithstanding section 903.1, the penalty for a person convicted pursuant to this subsection is a fine of not more than five hundred dollars in the case of a first offense and not more than five thousand dollars in the case of each subsequent offense.

96 Acts, ch 1156, §1; 98 Acts, ch 1090, §70, 84; 2003 Acts, ch 180, §61

331.910 Interstate contracts for mental health and substance use disorder treatment.

1. *Purpose.* The purpose of this section is to enable appropriate care and treatment to be provided to a person with a substance use disorder or a mental illness, across state lines from the person's state of residence, in qualified hospitals, centers, and facilities.

2. *Definitions.* For the purposes of this section:

a. "Administrative services organization" means the same as defined in section 225A.1.

b. "Bordering state" means Illinois, Minnesota, Missouri, Nebraska, South Dakota, or Wisconsin.

c. "Receiving agency" means a public or private hospital, mental health center, substance use disorder treatment and rehabilitation facility, or detoxification center, which provides substance use disorder or mental health care and treatment to a person from a state other than the state in which a hospital, center, or facility is located.

d. "Receiving state" means the state in which a receiving agency is located.

e. "Sending agency" means a state or regional agency located in a state which sends a person to a receiving state for substance use disorder or mental health care and treatment under this section.

f. "Sending state" means the state in which a sending agency is located.

3. *Voluntary civil commitments.*

a. An administrative services organization may contract with a receiving agency in a bordering state to secure substance use disorder or mental health care and treatment under this subsection for persons who receive substance use disorder or mental health care and treatment pursuant to section 125.33, 125.91, 229.2, or 229.22.

b. This subsection shall not apply to a person who is any of the following:

(1) Serving a criminal sentence.

(2) On probation or parole.

(3) The subject of a presentence investigation.

c. An administrative services organization may contract with a sending agency in a bordering state to provide care and treatment under this subsection for residents of the bordering state in approved substance use disorder and mental health care and treatment hospitals, centers, and facilities in this state, except that care and treatment shall not be provided for residents of the bordering state who are involved in criminal proceedings substantially similar to the involvement described in paragraph *"b"*.

4. *Involuntary civil commitments.*

a. A person who is detained, committed, or placed on an involuntary basis under section 125.75, 125.91, 229.6, or 229.22 may be civilly committed and treated in another state pursuant to a contract under this subsection.

b. A person who is detained, committed, or placed on an involuntary basis under the civil commitment laws of a bordering state substantially similar to section 125.75, 125.91, 229.6,

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or 229.22 may be civilly committed and treated in this state pursuant to a contract under this subsection.

c. A law enforcement officer acting under the authority of a sending state may transport a person to a receiving agency that provides substance use disorder or mental health care and treatment pursuant to a contract under this subsection and may transport the person back to the sending state under the laws of the sending state.

d. Court orders valid under the law of the sending state are granted recognition and reciprocity in the receiving state for a person covered by a contract under this subsection to the extent that the court orders relate to civil commitment for substance use disorder or mental health care and treatment. Such care and treatment may include care and treatment for co-occurring substance use and mental health disorders. Such court orders are not subject to legal challenge in the courts of the receiving state.

e. A person who is detained, committed, or placed under the laws of a sending state and who is transferred to a receiving state under this subsection shall be considered to be in the legal custody of the authority responsible for the person under the laws of the sending state with respect to the involuntary civil commitment of the person due to a mental illness or a substance use disorder.

f. While in the receiving state pursuant to a contract under this subsection, a person detained, committed, or placed under the laws of a sending state shall be subject to all laws and regulations of the receiving state, except those laws and regulations with respect to the involuntary civil commitment of the person due to a mental illness or substance use disorder. A person shall not be sent to a receiving state pursuant to a contract under this subsection until the receiving state has enacted a law recognizing the validity and applicability of this subsection.

g. If a person receiving care and treatment pursuant to a contract under this subsection escapes from the receiving agency and the person at the time of the escape is subject to involuntary civil commitment under the laws of the sending state, the receiving agency shall use all reasonable means to recapture the escapee. The receiving agency shall immediately report the escape of the person to the sending agency. The receiving state has the primary responsibility for, and the authority to direct, the pursuit, retaking, and prosecution of escaped persons within its borders and is liable for the cost of such action to the extent that it would be liable for costs if its own resident escaped.

h. Responsibility for payment for the cost of care and treatment under this subsection shall remain with the sending agency.

5. *Contract requirements.* A contract entered into under this section shall, at a minimum, meet all of the following requirements:

a. Describe the care and treatment to be provided.

b. Establish responsibility for the costs of the care and treatment, except as otherwise provided in subsection 4.

c. Establish responsibility for the costs of transporting individuals receiving care and treatment under this section.

d. Specify the duration of the contract.

e. Specify the means of terminating the contract.

f. Identify the goals to be accomplished by the placement of a person under this section.

6. *Application of section.* This section shall apply to all of the following:

a. Detoxification services that are unrelated to substance use disorder or mental health care and treatment regardless of whether the care and treatment are provided on a voluntary or involuntary basis.

b. Substance use disorder and mental health care and treatment contracts that include emergency care and treatment provided to a resident of this state in a bordering state.

2015 Acts, ch 16, §1; 2016 Acts, ch 1073, §114; 2017 Acts, ch 29, §103; 2022 Acts, ch 1071, §6, 7; 2022 Acts, ch 1131, §75; 2023 Acts, ch 19, §1106; 2024 Acts, ch 1161, §121 – 123, 137

Referred to in §124E.2

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CHAPTERS 332 and 333

RESERVED

CHAPTER 333A

COUNTY FINANCE COMMITTEE

Referred to in §331.421

333A.1 Definition.
333A.2 County finance committee.
333A.3 Office — staff — compensation.
333A.4 Powers and duties of the committee.

333A.1 Definition.

As used in this chapter, "*committee*" means the county finance committee.

[C81, §333A.1]

333A.2 County finance committee.

1. There is created a county finance committee consisting of eight members. The members of the committee shall be:

a. The auditor of state or a designee of the auditor of state.

b. Five elected county officials who are regularly involved in budget preparation. The director of the department of management shall select and appoint the county officials.

c. A certified public accountant experienced in governmental accounting selected and appointed by the director of the department of management.

d. An operations research analyst experienced in cost effectiveness analysis of county services appointed jointly by the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

2. The members of the committee appointed by the director of the department of management are appointed for four-year terms except that of the initial appointments, two county official members shall be appointed to two-year terms. When a county official member no longer holds the office which qualified the official for appointment, the official shall no longer be a member of the committee. Any person appointed to fill a vacancy shall be appointed to serve the unexpired term. Any member is eligible for reappointment, but a member shall not be appointed to serve more than two four-year terms.

[C81, §333A.2]

86 Acts, ch 1245, §116; 2008 Acts, ch 1156, §43, 58; 2024 Acts, ch 1170, §318, 319

Referred to in §2.32A

333A.3 Office — staff — compensation.

1. The committee is located for administrative purposes within the department of management. The director shall provide office space, staff assistance, and necessary supplies and equipment for the committee. The director shall budget funds to pay the compensation and expenses of the committee.

2. Each member is entitled to reimbursement for actual and necessary expenses incurred in the performance of committee duties. Each member, except officers and employees of the state and full-time elected county officials, is entitled to receive a per diem as specified in section 7E.6 for each day spent in the performance of committee duties.

3. The committee shall select its own officers and meet at the call of the director of the department of management or at the request of a majority of the committee.

[C81, §333A.3]

86 Acts, ch 1245, §117; 90 Acts, ch 1250, §3; 90 Acts, ch 1256, §46

333A.4 Powers and duties of the committee.

The committee shall:

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1. Design budget forms required by section 331.434 and annual financial report forms required by section 331.403 for all county funds.
2. Establish guidelines for program budgeting and accounting and the preparation of capital improvement plans. It shall, where practicable, use recommendations of the national council on governmental accounting or its successor organization.
3. Review and comment on county budgets to county officials and provide assistance to enable counties to improve upon and use sound financial procedures.
4. Conduct studies of county revenues and expenditures.
5. Advise and make recommendations annually to the governor and the general assembly concerning county budgets and finance.
6. Promulgate its rules in compliance with chapter 17A.

[C81, §333A.4]
83 Acts, ch 123, §155, 209

CHAPTERS 334 and 334A

RESERVED

CHAPTER 335

COUNTY ZONING

Referred to in §18B.2, 306B.2, 329.7, 331.304, 331.321, 354.1, 427B.2, 455B.305, 476A.5

335.1 Where applicable.
335.2 Farms exempt.
335.2A Sale of consumer fireworks — limitation.
335.3 Powers.
335.4 Areas and districts.
335.5 Regulations and comprehensive plan — considerations and objectives — notice, adoption, distribution.
335.6 Procedure — hearings — notice.
335.7 Changes — protest.
335.8 Commission appointed — powers and duties.
335.9 Administrative officer.
335.10 Board of adjustment — review and remand.
335.11 Membership of board.
335.12 Rules.
335.13 Appeals to board.
335.14 Stay of proceedings.
335.15 Powers of board.
335.16 Decision.
335.17 Vote required.
335.18 Petition to court.
335.19 Review by court.
335.20 Record advanced.
335.21 Trial to court.
335.22 Precedence.
335.23 Restraining order.
335.24 Conflict with other regulations.
335.25 Zoning for family homes.
335.26 Shooting ranges.
335.27 Agricultural land preservation ordinance.
335.28 Agricultural experience.
335.29 Reserved.
335.30 Manufactured and modular homes.
335.30A Land-leased communities.
335.31 Elder family homes. Repealed by 2004 Acts, ch 1101, §95.
335.32 Homes for persons with disabilities.
335.33 Elder group homes.
335.34 Home and community-based services waiver recipient residence.
335.35 Home-based businesses.

335.1 Where applicable.

The provisions of this chapter shall be applicable to any county of the state at the option of the board of supervisors of any such county.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.1]
C93, §335.1
Referred to in §335.25

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335.2 Farms exempt.

1. Except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of any river or stream.

2. A county shall not require an application, an approval, or the payment of a fee in order for an ordinance to be deemed inapplicable to land, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted for use for agricultural purposes under this section.

3. Land, farm houses, farm barns, farm outbuildings, or other buildings or structures may qualify under this section independently or in combination with other agricultural uses. Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes under this section.

4. As used in subsection 1, an agricultural purpose includes but is not limited to an agricultural tourism activity or event, value-added agricultural processing, direct-to-consumer marketing, or other on-farm enterprises that support the economic viability of the farm.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358A.2; 81 Acts, ch 117, §1070; 82 Acts, ch 1245, §16]

C93, §335.2

2019 Acts, ch 24, §104; 2020 Acts, ch 1034, §1, 5, 6; 2026 Acts, ch 1139, §48, 50

Referred to in §335.3, 368.26, 414.23

NEW subsection 4

335.2A Sale of consumer fireworks — limitation.

A county shall not adopt or enforce any ordinance under this chapter to regulate, restrict, or prohibit the location of permanent buildings or temporary structures used for the sale of consumer fireworks pursuant to section 10A.519, in any location zoned for commercial or industrial purposes.

2022 Acts, ch 1019, §1, 4

Similar provision, see §414.1(1)(f)

335.3 Powers.

1. Subject to section 335.2, the board of supervisors may by ordinance regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and may regulate, restrict, and prohibit the use for residential purposes of tents, trailers, and portable or potentially portable structures. However, such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city.

2. *a.* Except as provided in paragraph *"b"*, when there is a replacement of a preexisting manufactured, modular, or mobile home with any other manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the board of supervisors shall not adopt or enforce any ordinance, regulation, or restriction, or impose any conditions on the replacement home, home site upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home, home site upon which the home sat, or the owner's property.

b. Paragraph *"a"* does not apply if any of the following conditions exist:

(1) The replacement of the preexisting home with the replacement home would substantially increase the risk to the safety of life or property.

(2) The property owner has discontinued and abandoned the nonconforming use for the period of time established by ordinance, unless such discontinuance is caused by

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circumstances outside the control of the property owner. The period of time so established shall be not less than one year. For purposes of this subparagraph, circumstances outside the control of the property owner include floods, fires, destructive thunderstorm events such as derechos and tornadoes, and similar catastrophic events causing widespread or localized severe property damage. For purposes of this subparagraph, a property owner shall not be considered to have discontinued and abandoned the nonconforming use if the property owner demonstrates that the applicable home site continues to be available for use as a home site for a replacement home.

(3) The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.

(4) The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358A.3; 81 Acts, ch 117, §1071]
C93, §335.3
2019 Acts, ch 43, §1; 2022 Acts, ch 1070, §17

335.4 Areas and districts.

The board of supervisors may divide the county, or any area or areas within the county, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.4]
C93, §335.4
2020 Acts, ch 1063, §180
Referred to in §335.7

335.5 Regulations and comprehensive plan — considerations and objectives — notice, adoption, distribution.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on July 1, 1981, or to require zoning in a county that did not have zoning prior to July 1, 1981.

2. The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under section 18B.1 and may include the information specified in section 18B.2, subsection 2.

4. *a.* A comprehensive plan recommended for adoption or amendment by the zoning commission established under section 335.8 may be adopted by the board of supervisors. The board of supervisors shall not hold a public hearing or take action on the recommendation until it has received the zoning commission's final report containing the recommendation.

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b. Before taking action on the recommendation, the board of supervisors shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in section 331.305.

c. The board of supervisors may amend a proposed comprehensive plan or amendment prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan or amendment will be considered for adoption. The notice shall be published as provided in section 331.305.

d. Following its adoption, copies of the comprehensive plan or amended plan shall be sent or made available to neighboring counties, cities within the county, the council of governments or regional planning commission where the county is located, and public libraries within the county.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358A.5; 81 Acts, ch 125, §1; 82 Acts, ch 1245, §17]

C93, §335.5

2010 Acts, ch 1184, §21; 2020 Acts, ch 1034, §2, 6, 7

Referred to in §335.8

335.6 Procedure — hearings — notice.

The board of supervisors shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, the regulation, restriction, or boundary shall not become effective until after a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in section 331.305. The notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible. The regulation, restriction, or boundary shall be adopted in compliance with section 331.302.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.6]

87 Acts, ch 31, §1; 87 Acts, ch 43, §12

C93, §335.6

Referred to in §329.9, 335.7, 427B.1, 657.9

335.7 Changes — protest.

The regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed. Notwithstanding section 335.4, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a board of supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a protest against the change signed by the owners of twenty percent or more either of the area included in the proposed change, or of the area immediately adjacent to the proposed change and within five hundred feet of the boundaries of the proposed change, the amendment shall not become effective except by the favorable vote of at least sixty percent of all of the members of the board of supervisors. The provisions of section 335.6 relative to public hearings and official notice shall apply equally to all changes or amendments.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.7]

85 Acts, ch 9, §1

C93, §335.7

335.8 Commission appointed — powers and duties.

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission consisting of eligible electors, as defined in section 39.3, who reside within the county, but outside the corporate limits of any city, to be known as the county zoning commission. The commission may recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced in the districts. The

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commission shall, with due diligence, prepare a preliminary report and hold public hearings on the preliminary report before submitting the commission's final report. The board of supervisors shall not hold its public hearings or take action until it has received the final report of the commission. After the adoption of the regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes, or modifications. The commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance.

2. The zoning commission may recommend to the board of supervisors for adoption a comprehensive plan pursuant to section 335.5, or amendments thereto.

3. The zoning commission, with the approval of the board of supervisors, may contract with professional consultants, regional planning commissions, the economic development authority, or the federal government, for local planning assistance.

[C50, 54, 58, §358A.8; C62, 66, 71, 73, §358A.8, 373.21; C75, 77, 79, 81, §358A.8]
C93, §335.8
2010 Acts, ch 1184, §22; 2011 Acts, ch 118, §85, 89; 2020 Acts, ch 1034, §3, 6, 8; 2020 Acts, ch 1121, §116, 118, 119
Referred to in §329.9, 331.321, 335.5, 657.9

335.9 Administrative officer.

The board of supervisors shall appoint an administrative officer authorized to enforce the resolutions or ordinances adopted by the board of supervisors. The administrative officer may be a person holding other public office in the county, or in a city or other governmental subdivision within the county, and the board of supervisors is authorized to pay to the officer compensation as it deems fit.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.9]
83 Acts, ch 123, §161, 209
C93, §335.9
Referred to in §331.321

335.10 Board of adjustment — review and remand.

1. The board of supervisors shall provide for the appointment of a board of adjustment. In the regulations and restrictions adopted pursuant to the authority of this chapter, the board of supervisors shall provide that the board of adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations. The exceptions shall be in harmony with the general purpose and intent and in accordance with the general or specific rules contained in the ordinances or regulations. The board of supervisors shall provide that any property owner aggrieved by the action of the board of supervisors in the adoption of the regulations and restrictions may petition the board of adjustment to modify regulations and restrictions as applied to the aggrieved property owners.

2. The board of supervisors may provide for its review of variances granted by the board of adjustment before their effective date. The board of supervisors may remand a decision to grant a variance to the board of adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.10]
89 Acts, ch 55, §1
C93, §335.10
2020 Acts, ch 1063, §181; 2023 Acts, ch 66, §84
Referred to in §329.12, 331.321

335.11 Membership of board.

The board of adjustment shall consist of five members who are eligible electors, as defined in section 39.3, and who reside within the county, but outside the corporate limits of any city, each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year.

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Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.11]
C93, §335.11
2020 Acts, ch 1034, §4, 6, 8; 2020 Acts, ch 1121, §117 – 119
Referred to in §331.321

335.12 Rules.

The board of adjustment shall adopt rules in accordance with the provisions of any regulation or ordinance adopted pursuant to this chapter. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.12]
C93, §335.12
2021 Acts, ch 80, §213
Referred to in §329.12

335.13 Appeals to board.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.13]
C93, §335.13
Referred to in §8C.7A, 329.12

335.14 Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with the officer that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.14]
C93, §335.14
Referred to in §329.12

335.15 Powers of board.

The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

3. To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a

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literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.15]
C93, §335.15
2025 Acts, ch 33, §1
Referred to in §329.12, 335.16

335.16 Decision.

In exercising the powers in section 335.15, the board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.16]
C93, §335.16
2021 Acts, ch 80, §214
Referred to in §329.12

335.17 Vote required.

The concurring vote of three members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, or to decide in favor of the applicant on any matter upon which the board is required to pass under an ordinance or to effect any variation in an ordinance.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.17]
C93, §335.17
2021 Acts, ch 80, §215
Referred to in §329.12

335.18 Petition to court.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment under the provisions of this chapter, or any taxpayer, or any officer, department, board, or bureau of the county, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.18]
C93, §335.18
Referred to in §329.12, 335.19, 335.22

335.19 Review by court.

Upon the presentation of a petition under section 335.18, the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board of adjustment and shall prescribe within the writ the time within which a return must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from,

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but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.19]
C93, §335.19
2021 Acts, ch 80, §216; 2022 Acts, ch 1021, §84
Referred to in §329.12, 335.20, 335.22

335.20 Record advanced.

The board of adjustment shall not be required to return the original papers acted upon by the board, but it shall be sufficient to return certified or sworn copies of the originals or of such portions of the originals as may be called for by the writ under section 335.19. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.20]
C93, §335.20
2021 Acts, ch 80, §217
Referred to in §329.12, 335.22

335.21 Trial to court.

1. If upon the hearing which shall be tried de novo it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take such evidence as the court may direct and report the evidence to the court with the referee's findings of fact and conclusions of law. The evidence and the referee's findings and conclusions shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

2. Costs shall not be allowed against the board of adjustment unless it appears to the court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.21]
C93, §335.21
2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §182; 2021 Acts, ch 80, §218
Referred to in §329.12, 335.22

335.22 Precedence.

All issues in any proceedings under sections 335.18 through 335.21 shall have preference over all other civil actions and proceedings.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.22]
C93, §335.22
2009 Acts, ch 133, §127

335.23 Restraining order.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this chapter or of any ordinance or other regulation made under authority conferred thereby, the board of supervisors, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.23]
C93, §335.23

335.24 Conflict with other regulations.

If the regulations made under this chapter require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are

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required in any other statute or local ordinance or regulation, the regulations made under this chapter govern. If any other statute or local ordinance or regulation requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a less number of stories, or a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required by the regulations made under this chapter, the other statute or local ordinance or regulation governs. If a regulation proposed or made under this chapter relates to any structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of any river or stream, prior approval of the department of natural resources is required to establish, amend, supplement, change, or modify the regulation or to grant any variation or exception from the regulation.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.24; 82 Acts, ch 1199, §67, 96]
C93, §335.24
2003 Acts, ch 108, §69

335.25 Zoning for family homes.

1. It is the intent of this section to assist in improving the quality of life of persons with a developmental disability or brain injury by integrating them into the mainstream of society by making available to them community residential opportunities in the residential areas of this state. In order to implement this intent, this section shall be liberally construed.

2. *a. "Brain injury"* means brain injury as defined in section 135.22.

b. "Developmental disability" means a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:

(1) Attributable to an intellectual disability, cerebral palsy, epilepsy, or autism.

(2) Attributable to any other condition found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with an intellectual disability or requires treatment and services similar to those required for the persons.

(3) Attributable to dyslexia resulting from a disability described in either subparagraph (1) or (2).

(4) Attributable to a mental or nervous disorder.

c. "Family home" means a community-based residential home which is licensed as a residential care facility under chapter 135C or as a child foster care facility under chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean a foster family home under chapter 237.

d. "Permitted use" means a use by right which is authorized in all residential zoning districts.

e. "Residential" means regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

3. Notwithstanding the optional provision in section 335.1 and any other provision of this chapter to the contrary, a county, county board of supervisors, or a county zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the county. A county, county board of supervisors, or a county zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, new family homes owned or operated by public or private agencies shall be dispersed through the residential zones and districts and shall not be located within contiguous areas equivalent in size to city block areas. Section 135C.23, subsection 2, shall apply to all residents of a family home.

4. A restriction, reservation, condition, exception, or covenant in a subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property in a county which permits residential use of property but prohibits the use of property as a family home

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for persons with a developmental disability or brain injury, to the extent of the prohibition, is void as against the public policy of this state and shall not be given legal or equitable effect.

83 Acts, ch 11, §1
CS83, §358A.25
C93, §335.25
93 Acts, ch 90, §2; 94 Acts, ch 1023, §107; 94 Acts, ch 1170, §8; 96 Acts, ch 1129, §113; 2012 Acts, ch 1019, §126; 2025 Acts, ch 135, §33
Referred to in §135C.9, 335.32, 335.33, 504C.1
Similar provision, see §414.22

335.26 Shooting ranges.

In approving the improvement of property acquired to establish, use, and maintain a new shooting range or in approving a substantial change to an existing shooting range pursuant to section 657.9, subsection 1, the county zoning commission, or if there is not a county zoning commission, the county board of supervisors, shall apply and enforce regulations and restrictions established for each zoning district adopted pursuant to this chapter but shall not otherwise require a person seeking approval to comply with any conditions relating to the establishment, use, or maintenance of the shooting range that are more stringent than those imposed by state law.

2020 Acts, ch 1099, §1
Similar provision, see §414.26

335.27 Agricultural land preservation ordinance.

If a county adopts an agricultural land preservation ordinance under this chapter which subjects farmland to the same use restrictions provided in section 352.6 for agricultural areas, then section 6B.3, subsection 1, paragraph *"f"*, and sections 352.10 through 352.12 shall apply to farms and farm operations which are subject to the agricultural land preservation ordinance.

[82 Acts, ch 1245, §15, 20]
C83, §358A.27
C93, §335.27
2021 Acts, ch 80, §219
Referred to in §335.2, 352.6

335.28 Agricultural experience.

1. *a.* For purposes of this section, *"agricultural experience"* includes but is not limited to any agriculture-related activity, or agriculture-related event, that constitutes a secondary use in conjunction with agricultural production, if the agriculture-related activity, or agriculture-related event, is located on a farm and open to the public for the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.

b. "Agricultural experience" also includes any of the following:

(1) Agricultural tourism activities, such as recreational, entertainment, dining, or celebratory events, or short-term rental opportunities offered on a working farm, so long as the farm's primary use remains agricultural production.

(2) A fair event conducted on a fairgrounds under the management or control of a fair as defined in section 174.1.

2. To assist in the promotion of agricultural experiences, a county shall not require a conditional use permit, special use permit, special exception, or variance for an agricultural experience on property of which the primary use is agricultural production.

2020 Acts, ch 1033, §1; 2026 Acts, ch 1139, §49, 50
Conditional use permits, special use permits, special exceptions, or variances described in this section are void and unenforceable; 2026 Acts, ch 1139, §51
Section amended

335.29 Reserved.

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335.30 Manufactured and modular homes.

1. A county shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to a permanent foundation system, set-back, and minimum square footage, which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A county shall not require more than one permanent foundation system for a manufactured home. For purposes of this section, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a manufactured home community or mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. As used in this section, *"manufactured home"* means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. This section shall not be construed as abrogating a recorded restrictive covenant.

2. A county shall not adopt or enforce construction, building, or design ordinances, regulations, requirements, or restrictions which would mandate width standards greater than twenty-four feet, roof pitch, or other design standards for manufactured housing if the housing otherwise complies with 42 U.S.C. §5403. A county shall not adopt or enforce zoning or subdivision regulations or other ordinances which mandate width standards for a single modular or manufactured home which is sited upon land otherwise zoned as agricultural land. However, this subsection shall not prohibit a county from adopting and enforcing zoning regulations related to transportation, water, sewerage, or other land development.

3. A county shall not require an inspection of a manufactured home that has been inspected according to requirements of the United States department of housing and urban development and constructed in conformance with the federal manufactured home construction and safety standards provided in 24 C.F.R. pt. 3280.

84 Acts, ch 1238, §1
C85, §358A.30
C93, §335.30
93 Acts, ch 154, §3; 94 Acts, ch 1110, §1; 97 Acts, ch 86, §1; 2001 Acts, ch 153, §16; 2020 Acts, ch 1062, §46; 2021 Acts, ch 80, §220; 2022 Acts, ch 1134, §1

335.30A Land-leased communities.

1. A county shall not adopt or enforce zoning or subdivision regulations or other ordinances which disallow or make infeasible the plans and specifications of land-leased communities because the housing within the land-leased community will be manufactured housing.

2. *"Land-leased community"* means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term *"land-leased community"* shall not be construed to include homes, buildings, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. A manufactured home located in a land-leased community shall be taxed under section 435.22 as if the manufactured home were located in a mobile home park.

97 Acts, ch 86, §2; 98 Acts, ch 1107, §10, 33; 2020 Acts, ch 1062, §94
Referred to in §331.301, 364.3, 435.1, 441.21, 562B.7

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335.31 Elder family homes. Repealed by 2004 Acts, ch 1101, §95.

335.32 Homes for persons with disabilities.

A county board of supervisors or county zoning commission shall consider a home for persons with disabilities a family home, as defined in section 335.25, for the purposes of zoning, in accordance with chapter 504C.

93 Acts, ch 90, §3; 94 Acts, ch 1023, §108; 2010 Acts, ch 1079, §14
Similar provision, see §414.30

335.33 Elder group homes.

A county board of supervisors or county zoning commission shall consider an elder group home a family home, as defined in section 335.25, for purposes of zoning, in accordance with section 231B.4, and may establish limitations regarding the proximity of one proposed elder group home to another.

93 Acts, ch 72, §7; 2005 Acts, ch 62, §22
Similar provision, see §414.31

335.34 Home and community-based services waiver recipient residence.

1. A county, county board of supervisors, or county zoning commission shall consider the residence of the recipient of services under a home and community-based services waiver as a residential use of property for the purposes of zoning and shall treat the use of the residence as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the county.

2. A county, county board of supervisors, or a county zoning commission shall not require that the recipient, or the owner of such a residence if other than the recipient, obtain a conditional use permit, special use permit, special exception, or variance. A county, county board of supervisors, or county zoning commission shall not establish limitations regarding the proximity of one such residence to another.

3. A county, county board of supervisors, or a county zoning commission shall not classify such a residence as a residential group R-3 occupancy or as a care facility within a dwelling for the purposes of enforcement of compliance with the sprinkler systems provisions specified in section 903.3.1.3 of the international building code or section P2904 of the international residential code, if adopted, or if such residence is inspected by the county.

4. This section applies to the residence of a recipient of services under a home and community-based services waiver if the residence meets any of the following conditions:

a. The residence is a single-family dwelling owned or rented by the recipient.

b. The residence is a multifamily dwelling which does not hold itself out to the public as a community-based residential provider otherwise regulated by law, including but not limited to a residential care facility, and which provides dwelling units to no more than four recipients of services under a home and community-based services waiver at any one time.

5. For the purposes of this section, *"home and community-based services waiver"* means *"waiver"* as defined in section 249A.29.

2007 Acts, ch 218, §130, 132; 2023 Acts, ch 112, §64, 66
Similar provision, see §414.32

335.35 Home-based businesses.

1. For purposes of this section:

a. "Goods" means any merchandise, equipment, products, supplies, or materials.

b. "Home-based business" means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.

c. "No-impact home-based business" means a home-based business for which all of the following apply:

(1) The total number of on-site employees and clients does not exceed the county occupancy limit for the residential property.

(2) The business activities are characterized by all of the following:

(a) The activities are limited to the sale of lawful goods and services.

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(b) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.

(c) The activities occur inside the residential dwelling or in the yard of the residential property.

(d) The activities are not visible from an adjacent property or street.

2. The use of a residential property for a home-based business is a permitted use. However, this subsection does not supersede any of the following:

a. A deed restriction, covenant, or agreement restricting the use of land.

b. A master deed, bylaw, or other document applicable to a common interest ownership community.

3. A county shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the county to operate a no-impact home-based business.

4. A county may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for any of the following purposes:

a. The protection of the public health and safety, including rules and regulations related to fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.

b. Ensuring that the business is all of the following:

(1) Compatible with residential use of the property and surrounding residential use.

(2) Secondary to the use of the property as a residence.

(3) Complying with state and federal laws and paying applicable taxes.

c. Limiting or prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

5. A county shall not require as a condition of operating a home-based business that the property be rezoned for commercial use or that the business owner install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units.

6. In any proceeding alleging that a county regulation does not comply with this section, the county that enacted the regulation must establish by clear and convincing evidence that the regulation complies with this section.

2022 Acts, ch 1129, §12
Similar provisions, see §414.33

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CHAPTER 336

LIBRARY DISTRICTS

Referred to in §8A.209, 8D.2, 8D.11, 27.1, 331.303, 331.428

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336.17 Historical association. Repealed by 2010 Acts, ch 1031, §334.
336.18 Contracts to use city library.
336.19 Contracts for use of public library.

336.1 Reserved.

336.2 Library districts formed.

1. A library district may be established composed of one or more counties, one or more cities, or any combination of cities and counties.

2. *a.* Eligible electors residing within the proposed district in a number not less than five percent of those voting for president of the United States or governor, as the case may be, within the district at the last general election may petition the board of supervisors of the county, or the city council, for the establishment of the library district. The petition shall clearly designate the area to be included in the district, the total number of board members, and how representation on the board shall be divided among the jurisdictions.

b. The board of supervisors of each county and the city council of each city containing area within the proposed district shall submit the question to the registered voters within their respective counties and cities at the next general election. The petition shall be filed not less than eighty-two days before the election.

3. *a.* A library district shall be established if a majority of the electors voting on the question and residing in the proposed library district favor its establishment.

b. The result of the election within cities maintaining a free public library shall be considered separately, and no city shall be included within the library district unless a majority of its electors voting on the question favor its inclusion. In such cases the boundaries of an established district may vary from those of the proposed district.

4. After the establishment of a library district, other areas may be included subject to the approval of the board of trustees of the library district and the passage of a referendum by the electors of the area sought to be included.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.2]
C93, §336.2
95 Acts, ch 67, §53; 2001 Acts, ch 158, §26; 2002 Acts, ch 1134, §96, 115; 2010 Acts, ch 1031, §322; 2010 Acts, ch 1061, §139
Referred to in §331.381, 670.7

336.3 Gifts.

When a gift for library purposes is accepted by a county or city, its use for the library may be enforced against the board of supervisors or city council by the library board by an action of mandamus or by other proper action.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358B.3; 81 Acts, ch 117, §1072]
C93, §336.3
2001 Acts, ch 158, §27
Referred to in §331.381

336.4 Library trustees.

In any area in which a library district has been established in accordance with this chapter, a board of library trustees, consisting of five, seven, or nine members who reside within the library district, shall be appointed by the governing bodies of the jurisdictions comprising the library district.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.4]
C93, §336.4
2001 Acts, ch 158, §28; 2010 Acts, ch 1031, §323; 2010 Acts, ch 1193, §51
Referred to in §331.321, 331.381, 336.5

336.5 Terms — vacancies.

1. Of the trustees appointed in accordance with section 336.4 on boards consisting of nine members, three shall hold office for two years, three for four years, and three for six years; on boards consisting of seven members, two shall hold office for two years, two for four years, and three for six years; and on boards consisting of five members, one shall hold office for two years, two for four years, and two for six years, from the first day of July following their appointment in each case. At the first meeting of the board, members shall cast lots for their respective terms, reporting the result of such lot to the governing body of each jurisdiction forming the library district. All subsequent appointments, whatever the size of the board, shall be for terms of six years each.

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2. A vacancy exists when a member ceases to be a resident of the jurisdiction the member represents or is absent for six consecutive regular meetings of the board.

3. Vacancies shall be filled for unexpired terms by the governing body of the jurisdiction represented by the vacancy.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.5]
C93, §336.5
2010 Acts, ch 1031, §324
Referred to in §331.321, 331.381

336.6 Removal or absence of trustee. Repealed by 2010 Acts, ch 1031, §334.

336.7 No compensation.

Members of said board shall receive no compensation for their services.
[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.7]
C93, §336.7

336.8 Powers.

The board of library trustees shall have and exercise the following powers:

1. To meet and elect from among its members a president of the board, a secretary, and such other officers as the board may deem necessary.

2. To direct and control all affairs of the library district, as well as to have charge and supervision of the library and its rooms, appurtenances, and fixtures.

3. To employ a librarian and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library district. The board shall fix the compensation of such employees. Prior to such employment, the compensation of the librarian, assistants, and employees shall be fixed by a majority of the members of the board voting.

4. To remove, by a two-thirds vote of the board, the librarian, and provide procedures for the removal of assistants or employees for misdemeanor, incompetency, or inattention to duty.

5. To authorize the librarian to select and make purchases of books, magazines, periodicals, papers, maps, journals, furniture, fixtures, technology, and supplies for the library district.

6. To authorize the use of the public library by nonresidents of the area which is taxed to support the public library and to fix charges for library services.

7. To make and adopt, amend, modify, or repeal bylaws, rules and regulations, not inconsistent with law, for the care, use, government, and management of the public library and the business of the board, fixing and enforcing penalties for violations. The board shall keep a record of its proceedings.

8. To have exclusive control of all funds allocated for public library purposes, all moneys available by gift or otherwise for the erection of public library buildings, and all other moneys belonging to the public library, including fines and rental fees collected, under the rules of the board.

9. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to the property in the name of the public library; to execute deeds and bills of sale for the conveyance of the property; and to expend the funds generated from the gifts, for the improvement of the public library.

10. To make agreements with local county historical associations to set apart the necessary room and to care for articles that come into the possession of the association. The board may purchase necessary receptacles and materials for the preservation and protection of articles which are of an historical and educational nature.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.8]
83 Acts, ch 123, §162, 209
C93, §336.8
2010 Acts, ch 1031, §325

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336.9 Methods of service. Repealed by 2010 Acts, ch 1031, §334.

336.10 Library fund.

1. All moneys appropriated or received for the maintenance of the public library shall be deposited in the treasury of the county or city, as determined by the board of library trustees, and expenditures shall be paid by the treasurer of the county or city in which the moneys are deposited on warrants ordered by the board of trustees, signed by the board's president and secretary.

2. The treasurer of the county or city in which the public library moneys are deposited pursuant to subsection 1 shall be required to furnish a bond conditioned as provided by section 64.2 in an amount as agreed upon by the participating boards of supervisors and city councils and the cost shall be paid by the participating counties and cities.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358B.10; 81 Acts, ch 117, §1073]
83 Acts, ch 123, §163, 209
C93, §336.10
2001 Acts, ch 158, §29; 2010 Acts, ch 1031, §326

336.11 Annual report.

The board of library trustees shall, within ninety days after the close of each fiscal year, submit a report to the governing bodies of the respective jurisdictions comprising the library district. The report shall contain a statement of the condition of the library, the number of books and other resources added, the number of books and other resources circulated, the number of books and other resources not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance of the public library during the preceding fiscal year, together with any other information the board deems important.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.11]
C93, §336.11
2001 Acts, ch 158, §30; 2010 Acts, ch 1031, §327

336.12 Real estate acquired.

The board of library trustees may purchase real estate in the name of the library district for the location of public library buildings and branch libraries, and for the purpose of enlarging the grounds.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.12]
C93, §336.12
2001 Acts, ch 158, §31; 2010 Acts, ch 1031, §328

336.13 Maintenance expense on proportionate basis.

1. The maintenance of a public library established in accordance with this chapter shall be on the basis of each participating unit bearing its share of the total cost in proportion to its population as compared to the total population of the library district.

2. The board of library trustees shall make an estimate of the amount necessary for the maintenance of the library, the sources of direct library revenue, and the amount to be contributed from taxes or other revenues by the participating city or county and hold a hearing on the estimate after notice of the hearing is published as provided in section 331.305 or section 362.3, as appropriate. On or before January 10 of each year, the board of library trustees shall transmit the estimate in dollars to the governing bodies of the jurisdictions participating in the library district. Each board of supervisors participating shall review the estimate and appropriate for library purposes its share from the county rural services fund budget. Each city council participating shall review the estimate for the city and appropriate for library purposes its share from the city general fund budget. Each participating city or county shall contribute its share from taxation or from other sources available for library purposes on an equitable basis. With approval of a city council, the county treasurer may withhold a reasonable portion of the taxes collected for a city to meet the city's contribution for library purposes and deliver a receipt to the city clerk for the amount withheld.

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3. This section shall not affect the taxing authority provided under section 8A.222.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358B.13; 81 Acts, ch 117, §1074; 82 Acts, ch 1104, §13]

83 Acts, ch 123, §164, 209; 84 Acts, ch 1168, §1

C93, §336.13

2001 Acts, ch 158, §32; 2010 Acts, ch 1031, §329

336.14 Not applicable to contract service.

The provisions of this chapter pertaining to the establishment of a library district shall not apply to any area receiving library service from any city library, unless the petition for a library district, in addition to the required signatures of electors, is signed by the governing body of the area receiving library service under contract.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.14]

C93, §336.14

2001 Acts, ch 158, §33

336.15 Existing contracts assumed.

Whenever a library district is established in accordance with this chapter, its board of trustees shall assume all the obligations of the existing library service contracts made by jurisdictions participating in the library district.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.15]

C93, §336.15

2001 Acts, ch 158, §34; 2010 Acts, ch 1031, §330

336.16 Withdrawal from district — termination.

1. A city may withdraw from the library district upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city election. Notice of a favorable vote to withdraw shall be sent by certified mail to the board of library trustees of the library district and the county auditor or city clerk, as appropriate, prior to January 10, and the withdrawal shall be effective on July 1.

2. A county may withdraw from the district after a majority of the voters of the unincorporated area of the county voting on the issue favor the withdrawal. The board of supervisors shall call for the election which shall be held at the next general election.

3. A city or county election shall not be called until a hearing has been held on the proposal to submit a proposition of withdrawal to an election. A hearing may be held only after public notice is published as provided in section 362.3 in the case of a city or section 331.305 in the case of a county. A copy of the notice submitted for publication shall be mailed to the public library on or before the date of publication. The proposal presented at the hearing must include a plan for continuing adequate library service with or without all participants and the respective allocated costs and levels of service shall be stated. At the hearing, any interested person shall be given a reasonable time to be heard, either for or against the withdrawal or the plan to accompany it.

4. A library district may be terminated if a majority of the electors of the unincorporated area of the county and the cities included in the library district voting on the issue favor the termination. If the vote favors termination, the termination shall be effective on the succeeding July 1.

5. An election for withdrawal from or termination of a library district shall not be held more than once each four years.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358B.16]

84 Acts, ch 1168, §2; 85 Acts, ch 125, §1

C93, §336.16

2001 Acts, ch 158, §35; 2002 Acts, ch 1119, §51; 2002 Acts, ch 1134, §97, 115; 2010 Acts, ch 1031, §331; 2010 Acts, ch 1061, §140; 2011 Acts, ch 25, §33

336.17 Historical association. Repealed by 2010 Acts, ch 1031, §334. See §336.8.

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336.18 Contracts to use city library.

1. A school corporation, township, or library district may contract for the use by its residents of a city library. A contract by a county shall supersede all contracts by townships or school corporations within the county outside of cities.

2. *a.* Contracts shall provide for the amount to be contributed. They may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the voters represented by either of the contracting parties, voting on the question to terminate which shall be submitted by the governing body upon a written petition of eligible electors in a number not less than five percent of those who voted in the area for president of the United States or governor at the last general election.

b. The question may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract. The petition shall be presented to the governing body not less than ten days before the last day candidates may file nomination petitions for the election at which the question is to be submitted.

3. The board of trustees of any township which has entered into a contract shall at the April meeting levy a tax not exceeding six and three-fourths cents per thousand dollars of assessed valuation on all taxable property in the township to create a fund to fulfill its obligation under the contract.

4. *a.* Eligible electors of that part of any county outside of cities in a number of not less than twenty-five percent of those in the area who voted for president of the United States or governor at the last general election may petition the board of supervisors to submit the question of requiring the board to provide library service for them and their area by contract as provided by this section.

b. The board of supervisors shall submit the question to the voters of the county residing outside of cities at the next general election. The petition shall be filed not less than ten days before the last day candidates may file nomination petitions for the election at which the question is to be submitted.

c. If a majority of those voting upon the question favors it, the board of supervisors shall contract with a library for library use or service for the benefit of the residents and area represented by it.

[S13, §592-a, 792-a; SS15, §422; C24, 27, 31, 35, 39, §**5859, 5861 – 5863;** C46, 50, 54, 58, 62, 66, 71, 73, §378.11, 378.13 – 378.15; C75, 77, 79, 81, S81, §358B.18; 81 Acts, ch 117, §1075]

83 Acts, ch 123, §166, 167, 209

C93, §336.18

2001 Acts, ch 56, §25, 26; 2001 Acts, ch 158, §36; 2002 Acts, ch 1134, §98, 99, 115; 2010 Acts, ch 1031, §332

Referred to in §331.321, 331.381

336.19 Contracts for use of public library.

1. *Contracting.* The board of library trustees may contract with any other board of trustees of a free public library or any other city, school corporation, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.

2. *Termination.* A contract entered into pursuant to subsection 1 may be terminated as follows:

a. By mutual consent of the contracting parties.

b. By a majority vote of the electors represented by either of the contracting parties. Upon a written petition of a number of eligible electors equaling five percent or more of the number of electors voting at the last general election within the jurisdiction of the contracting party, a termination proposition shall be submitted to the electors by the governing body of the contracting party. The petition shall be presented to the governing body not less than forty days prior to the next general election or special election held throughout the jurisdiction of the party seeking to terminate the contract. The proposition shall be submitted at the next general election or next special election held throughout the jurisdiction of the party seeking to terminate the contract.

2010 Acts, ch 1031, §333

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CHAPTERS 336A to 341

RESERVED

CHAPTER 341A

CIVIL SERVICE FOR DEPUTY COUNTY SHERIFFS

Referred to in §80F.1, 331.652

341A.1 Definitions.
341A.2 Civil service commission.
341A.3 Combined civil service system.
341A.4 Statutory authority.
341A.5 Organization.
341A.6 Powers and duties.
341A.6A Veteran eligibility.
341A.7 Classifications.
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341A.9 Appointment as of effective date.
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341A.11 Probationary period — permanent status.
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341A.18 Civil rights respected.
341A.19 Aid from all county officers and employees.
341A.20 Budget.
341A.21 Misdemeanor.

341A.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commission"* means the civil service commission or a combined county civil service commission created pursuant to the provisions of this chapter.

2. *"Commissioner"* means a member of the commission defined in subsection 1.

3. *"County"* means a single county or several counties combined for the purposes enumerated in section 341A.3.

[C75, 77, 79, 81, §341A.1]

341A.2 Civil service commission.

1. Subject to the alternate plan enumerated in section 341A.3, there is created in each county a civil service commission composed of three members. Two members shall be appointed by the county board of supervisors and one member shall be appointed by the county attorney of each county. Appointees to the commission shall be residents of the county for at least two years immediately preceding appointment, and shall be electors. Terms of office shall be six years; however, the initial members of the commission shall be appointed as follows:

a. One of the members appointed by the board of supervisors shall serve for a period of two years while the other member shall serve for a period of six years and the board shall specify the term of each member so appointed.

b. The member appointed by the county attorney shall serve for a period of four years.

2. Any member of the commission may be removed by the appointing authority for incompetence, dereliction of duty, malfeasance in office, or for other good cause; however, no member of the commission shall be removed until apprised in writing of the nature of the charges against the member and a hearing on such charges has been held before the board of supervisors. In the event a vacancy occurs in the commission for any reason other than expiration of the term, an appointment to fill the vacancy for the unexpired term shall be made in the same manner as the original appointment.

3. A majority vote of the membership of the commission shall be sufficient to transact the business of the commission.

4. Not more than two commissioners shall be members of the same political party. Commissioners shall hold no elective or other appointive public office during their terms of appointment to the commission. Commissioners shall serve without compensation but

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shall be reimbursed for necessary expense and mileage incurred in the actual performance of their duties.

[C75, 77, 79, 81, §341A.2]

2000 Acts, ch 1057, §3; 2013 Acts, ch 30, §77

Referred to in §331.321, 331.756(51), 341A.3

341A.3 Combined civil service system.

1. Any combination of counties in this state may, by resolution of the boards of supervisors in each county, establish a combined civil service system to serve such counties. The specific terms of the agreement regarding the operation of the combined civil service system, including the appointment of qualified commissioners, and any other matters pertinent to the operation of such system shall be contained in the resolutions adopted by the respective boards of supervisors of the participating counties. Counties participating in a combined civil service system need not be contiguous.

2. Appointment of commissioners in combined counties shall be by joint meeting of the boards of supervisors and county attorneys, respectively. Each group meeting jointly shall appoint one commissioner whose term shall be six years, except that initial terms shall be as provided in section 341A.2.

[C75, 77, 79, 81, §341A.3]

2000 Acts, ch 1057, §4; 2021 Acts, ch 76, §150

Referred to in §331.321, 331.756(51), 341A.1, 341A.2

341A.4 Statutory authority.

1. If a county or combination of counties has a civil service commission, this commission shall serve as the commission established by this chapter and shall have all the powers and duties provided by this chapter.

2. If more than one civil service commission exists, the one from the county with the largest population shall serve as the commission under this chapter.

[C75, 77, 79, 81, §341A.4]

2021 Acts, ch 76, §150

341A.5 Organization.

1. The commission shall hold an organizational meeting immediately after its establishment and shall elect one of its members as chairperson. The commission shall hold regular meetings at least once annually, and may hold additional meetings as may be required in the fulfillment of its responsibilities. All commission meetings shall be public meetings.

2. The commission shall appoint a personnel director who shall act as its secretary and such other personnel as may be necessary. The personnel director shall keep and preserve all records of the commission, including reports submitted to it and examinations held under its direction, advise the commission in all matters pertaining to the civil service system, and perform such other duties as the commission may prescribe. The commission may add the personnel director's duties to a presently employed county employee.

[C75, 77, 79, 81, §341A.5]

89 Acts, ch 187, §1; 2021 Acts, ch 76, §150

341A.6 Powers and duties.

The commission shall have the following powers and duties:

1. To adopt, and amend as necessary, rules pursuant to the provisions of this chapter, which shall specify the manner in which examinations are to be held and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges are to be made. The rules may make such other provisions regarding personnel administration and practices as are necessary or desirable in carrying out the purposes of this chapter. The commission rules, and their amendments, shall be printed and made available without cost to the public.

2. To administer practical tests designed to determine the ability of persons examined to perform the duties of the position for which they are seeking appointment. Such tests shall

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be designed and prepared by the director of the Iowa law enforcement academy, shall be administered by each commission in a uniform manner prescribed by the director, and shall be consistent with standards established pursuant to chapter 80B governing standards for employment of Iowa law enforcement officers. Notice of such tests shall be posted in the office of the sheriff and the office of the board of supervisors not less than thirty days prior to giving such tests.

3. To conduct and prepare annual investigations and reports concerning the effectiveness of, and compliance with, the provisions of this chapter and the rules adopted by the commission, and pursuant thereto, to inspect all departments, offices, and positions of employment affected by this chapter. In making such investigations a commissioner or the personnel director may administer oaths, issue subpoenas and require the attendance of witnesses and the production of books, documents, and accounts pertaining to such investigation, and may also cause the deposition of witnesses to be taken as in civil actions in the district court.

4. To conduct informal hearings concerning matters contemplated by this chapter. The validity of any such hearing shall not be affected by the manner in which it is conducted, however, a majority of the commissioners shall affirm all orders, rules, and decisions made pursuant to such hearings.

5. To hear and determine appeals or complaints respecting the allocation of positions of employment, rejection of those persons certified to the sheriff for appointment, and such other matters as may be referred to the commission.

6. To arrange, compile, and administer competitive tests to determine the relative qualifications of persons seeking employment in any class of position and as a result thereof establish eligible lists for the various classes of positions, and provide that persons discharged because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed. Notice of competitive tests to be given shall be published at least two weeks prior to holding the tests in a newspaper of general circulation in the county or counties in which a vacancy exists.

7. To certify to the county sheriff when a vacant position is to be filled, on written request, a list of the names of the persons passing the examination.

8. To keep such records as may be necessary for the proper administration of this chapter.

9. To classify deputy sheriffs and subdivide them into groups according to rank and grade which shall be based upon the duties and responsibilities of the deputy sheriffs.

10. To purchase all necessary supplies, enter into contracts, and do all things necessary to carry out the provisions of this chapter.

11. To keep records of the service of each employee in the classified service. These records shall contain facts and statements on all matters relating to the character and quality of the work done and the attitude of the individual to the work. All such service records and employee records shall be subject only to the inspection of the commission.

[C75, 77, 79, 81, §341A.6]
2012 Acts, ch 1023, §157
Referred to in §341A.6A

341A.6A Veteran eligibility.

If a veteran has been honorably discharged between forty-five days before and sixty days after an examination or test is administered under section 341A.6, the commission may allow the veteran to be subject to such examination or testing up to ninety days following the date that the original examination or testing was conducted and if appropriate shall add the veteran's name and address to the eligibility list for a vacant position pursuant to section 341A.13.

2014 Acts, ch 1116, §57

341A.7 Classifications.

1. The classified civil service positions covered by this chapter include persons actually serving as deputy sheriffs who are salaried pursuant to section 331.904, subsection 2,

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but do not include a chief deputy sheriff, two second deputy sheriffs in counties with a population of more than one hundred thousand, three second deputy sheriffs in counties with a population of more than one hundred fifty thousand, and four second deputy sheriffs in counties with a population of more than two hundred thousand. However, a chief deputy sheriff or second deputy sheriff who becomes a candidate for a partisan elective office for remuneration is subject to section 341A.18. A deputy sheriff serving with permanent rank under this chapter may be designated chief deputy sheriff or second deputy sheriff and retain that rank during the period of service as chief deputy sheriff or second deputy sheriff and shall, upon termination of the duties as chief deputy sheriff or second deputy sheriff, revert to the permanent rank.

2. If the positions of two second deputy sheriffs of a county were exempt from classified civil service coverage under this chapter based on the 1980 decennial census, the two second deputy positions shall remain exempt from classified civil service coverage under this chapter.

[C75, 77, 79, 81, S81, §341A.7; 81 Acts, ch 117, §1219]
90 Acts, ch 1119, §1; 91 Acts, ch 110, §1; 2008 Acts, ch 1184, §68, 69
Referred to in §341A.9

341A.8 Bases of appointments and promotions.

1. All appointments to and promotions to classified civil service positions in the office of county sheriff shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examinations and impartial investigations, and no person in the classified civil service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter.

2. Whenever possible, vacancies shall be filled by promotion. Promotion shall be made from among deputy sheriffs qualified by competitive examination, training, and experience to fill the vacancies and whose length of service entitles them to consideration. The commission shall for the purpose of certifying to the sheriff the list of deputy sheriffs eligible for promotion, rate the qualified deputy sheriffs on the basis of their service record, experience in the work, seniority, and military service ratings. Seniority shall be controlling only when other factors are equal. The names of not more than the ten highest on the list of ratings shall be certified. The certified eligible list for promotion shall hold preference for promotion until the beginning of a new examination, but in no case shall such preference continue longer than two years following the date of certification, after which said list shall be canceled and no promotion to such grade shall be made until a new list has been certified eligible for promotion. The sheriff shall appoint one of the ten certified persons.

[C75, 77, 79, 81, §341A.8]
2021 Acts, ch 76, §150
Referred to in §341A.9

341A.9 Appointment as of effective date.

All persons holding a position on August 15, 1973, which is deemed classified by section 341A.7 are eligible for a permanent appointment under civil service to the offices or positions currently held if they qualify for appointment pursuant to section 341A.8, and every such person shall be inducted permanently into civil service in the office or position of employment which the person then holds. The commission shall designate a permanent rank for those persons as chief deputy on August 15, 1973, and such persons shall be inducted permanently into civil service in that rank.

[C75, 77, 79, 81, §341A.9]

341A.10 Citizenship.

An applicant for any position under civil service shall be a citizen of the United States who can read and write the English language, and shall meet the minimum requirements of the Iowa law enforcement academy for a law enforcement officer.

[C75, 77, 79, 81, §341A.10]

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341A.11 Probationary period — permanent status.

The tenure of every deputy sheriff holding an office or position of employment under the provisions of this chapter shall be conditional upon a probationary period. If the employee has successfully completed training at the Iowa law enforcement academy or a regional training facility certified by the director of the Iowa law enforcement academy prior to initial appointment as a deputy sheriff, the probationary period shall be for a period of up to nine months and shall commence with the date of initial appointment as a deputy sheriff. If the employee has not successfully completed training at the Iowa law enforcement academy or a regional training facility certified by the director of the Iowa law enforcement academy prior to initial appointment as a deputy sheriff, the probationary period shall commence with the date of initial employment as a deputy sheriff and shall continue for a period of up to nine months following the date of successful completion of training at the Iowa law enforcement academy or a regional training facility certified by the director of the Iowa law enforcement academy. During the probationary period, the appointee may be removed or discharged by the sheriff without the right of appeal to the commission. Each deputy sheriff who transfers from one jurisdiction to another shall be employed subject to a probationary period of up to nine months. After the probationary period, the deputy sheriff may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other privileges for any of the following reasons:

1. Incompetency, inefficiency, or inattention to or dereliction of duty.
2. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public, or any other willful failure to properly conduct oneself, or any willful violation of the provisions of this chapter or the rules to be adopted hereunder.
3. Mental or physical unfitness for the position held.
4. Dishonest, disgraceful, or prejudicial conduct.
5. Drunkenness or habitual use of intoxicating liquor, or use of narcotics, or any other habit-forming drug, liquid, preparation, or controlled substance.
6. Conviction of a felony or a misdemeanor involving moral turpitude.
7. Any other act or failure to act or to follow reasonable regulations prescribed by the sheriff which in the judgment of the commission is sufficient to show the offender to be unsuitable or unfit for employment.

[C75, 77, 79, 81, §341A.11]
98 Acts, ch 1124, §2

341A.12 Discipline — hearing — appeals.

1. No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, or demoted except for cause, and only upon written accusation of the county sheriff, which shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, or reduced in rank or grade may, within ten days after presentation to the person of the order of removal, suspension or reduction, appeal to the commission from such order. The commission shall, within two weeks from the filing of such appeal, hold a hearing thereon, and fully hear and determine the matter, and either affirm, modify, or revoke such order. The appellant shall be entitled to appear in person, produce evidence, and to have counsel. The finding and decision of the commission shall be certified to the sheriff, and shall be enforced and followed by the sheriff, but under no condition shall the employee who has appealed to the commission be permanently removed, suspended, or reduced in rank until such finding and decision of the commission is certified to the sheriff pursuant to the rules of civil procedure.

2. The county or the accused may appeal from the commission's finding and decision to the district court of the county where the accused resides. Such appeal shall be taken by serving upon the commission within thirty days after the entry of its finding and decision, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its finding and decision, be filed by the commission with the court. The commission shall, within

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ten days after the filing of the notice make, certify, and file such transcript with the court. The court shall proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the finding and decision of the commission to affirm, modify, or revoke the order of the sheriff was made in good faith and for cause, and no appeal shall be taken except upon such grounds. The decision of the district court may be appealed to the supreme court.

[C75, 77, 79, 81, §341A.12]

2007 Acts, ch 58, §1; 2008 Acts, ch 1031, §46

Referred to in §80F.1

Internal investigations and rights of peace officers and public safety and emergency personnel, see §80F.1

341A.13 Vacant positions filled.

Whenever a position in the classified service is to be filled, the sheriff shall notify the commission of that fact, and the commission shall certify the names and addresses of the ten candidates standing highest on the eligibility list for the class or grade for the position to be filled. The sheriff shall appoint one of the ten persons so certified, and the appointment shall be deemed permanent.

[C75, 77, 79, 81, §341A.13]

Referred to in §341A.6A

341A.14 Payroll certified.

No treasurer, auditor, or other officer, or employee of any county subject to this chapter shall approve the payment of or be in any manner involved in paying, auditing, or approving salary, wage, or other compensation for services to any person subject to the provisions of this chapter, unless a payroll, estimate, or account for such salary, wage, or other compensation containing the names of the persons to be paid, the amount to be paid to each person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission should be furnished on such payroll, bears the certificate of the civil service commission, or of its personnel director or other duly authorized agent. The certificate shall state that the persons named therein have been appointed or employed in compliance with the terms of this chapter and the rules of the commission, and that the payroll, estimate, or account is, insofar as known to the commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who, willfully or through culpable negligence, violates or fails to comply with this chapter or with the rules of the commission.

[C75, 77, 79, 81, §341A.14]

341A.15 Leave of absence.

Leave of absence, without pay, may be granted by any county sheriff to any person under civil service. The sheriff shall give notice of leave to the commission.

[C75, 77, 79, 81, §341A.15]

2013 Acts, ch 90, §94

341A.16 Civil suits.

The commission shall initiate and conduct all civil suits necessary for the proper enforcement of this chapter and the rules of the commission. The commission shall be represented in such suits by the county attorney. In the case of the combined counties, any one or more of the county attorneys of such combined counties may be selected by the commission to represent it.

[C75, 77, 79, 81, §341A.16]

Referred to in §331.756(52)

341A.17 Examination or registration right.

A commissioner or any other person shall not, in person or in cooperation with another, deceive or obstruct any person in respect to the person's right of examination or registration according to the commission rules, or falsely mark, grade, estimate, or report upon the

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examination or proper standing of any person examined, registered, or certified pursuant to this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined. A commissioner or other person shall not furnish any person with special or secret information for the purpose of improving or reducing the prospects or chances of any person who is or will be examined, registered, or certified, or persuade any other person, or permit or aid in any manner any other person to impersonate the person who is or will be examined, registered, or certified, in connection with any examination or registration of application or request to be examined or registered. The right of any person to an appointment or promotion shall not be withheld because of sex, color, creed, national origin, political affiliation or belief, nor shall any person be dismissed, demoted, or reduced in grade for such reason.

[C75, 77, 79, 81, §341A.17]
2012 Acts, ch 1023, §157

341A.18 Civil rights respected.

1. A person shall not be appointed or promoted to, or demoted or discharged from, any position subject to civil service, or in any way favored or discriminated against with respect to employment in the sheriff's office because of the person's political or religious opinions or affiliations or race or national origin or sex, or age.

2. *a.* A person holding a position subject to civil service shall not, during the person's scheduled working hours or when performing duties or when using county equipment or at any time on county property, take part in any way in soliciting any contribution for any political party or any person seeking political office, nor shall such employee engage in any political activity that will impair the employee's efficiency during working hours or cause the employee to be tardy or absent from work. The provisions of this section do not preclude any employee from holding any office for which no pay is received or any office for which only token pay is received.

b. A person shall not seek or attempt to use any political endorsement in connection with any appointment to a position subject to civil service.

c. A person shall not use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in the appointment to a position subject to civil service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person or for any consideration.

d. An employee shall not use the employee's official authority or influence for the purpose of interfering with an election or affecting the results thereof.

3. Any officer or employee subject to civil service who violates any of the provisions of this section shall be subject to suspension, dismissal, or demotion subject to the right of appeal herein.

4. All employees shall retain the right to vote as they please and to express their opinions on all subjects.

5. An officer or employee subject to civil service and a chief deputy sheriff or second deputy sheriff, who becomes a candidate for a partisan elective office for remuneration, upon request, shall automatically be given a leave of absence without pay, commencing thirty days before the date of the primary election and continuing until the person is eliminated as a candidate or wins the primary, and commencing thirty days before the date of the general election and continuing until the person is eliminated as a candidate or wins the general election, and during the leave period shall not perform any duties connected with the office or position so held. The officer or employee subject to civil service, or chief deputy sheriff or second deputy sheriff, may, however, use accumulated paid vacation time for part or all of any leave of absence under this section. The county shall continue to provide health benefit coverages, and may continue to provide other fringe benefits, to any officer or employee

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subject to civil service, or to any chief deputy sheriff or second deputy sheriff during any leave of absence under this section.

[C75, 77, 79, 81, §341A.18]

90 Acts, ch 1119, §2; 2000 Acts, ch 1033, §1, 2; 2014 Acts, ch 1026, §80

Referred to in §80F.1, 341A.7

341A.19 Aid from all county officers and employees.

All officers and employees of each county shall aid in carrying out the provisions of this chapter. Rules as may, from time to time, be prescribed by the commission shall afford the commission, its members, and employees, all reasonable facilities and assistance in the inspection of books, documents, and accounts applying or in any way pertaining to all offices, places, positions, and employments subject to civil service. All officers and employees of a county shall produce books, documents, and accounts, and attend and testify, whenever required to do so by the commission or any commissioner.

[C75, 77, 79, 81, §341A.19]

341A.20 Budget.

The county board of supervisors of each county shall provide in the county budget for each fiscal year a sum equal to one-half of one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds not expended for the support of the commission during the fiscal year shall be returned to the county, or counties, according to the ratio of contribution, on the first day of January which is not a Saturday, Sunday, or holiday following the end of the fiscal year.

[C75, 77, 79, 81, §341A.20]

83 Acts, ch 123, §156, 209

Referred to in §331.324, 331.427

341A.21 Misdemeanor.

Any person who willfully violates any of the provisions of this chapter shall be guilty of a simple misdemeanor. The district court shall have jurisdiction of all such offenses.

[C75, 77, 79, 81, §341A.21]

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CHAPTERS 342 to 345

RESERVED

CHAPTER 346

JOINT COUNTY AND CITY BUILDINGS

346.1 through 346.23 Reserved.
346.24 Limit on indebtedness for general purposes.
346.25 and 346.26 Reserved.
346.27 "Authority" for control of joint property.

346.1 through 346.23 Reserved.

346.24 Limit on indebtedness for general purposes.

No county or other political corporation shall become indebted for its general or ordinary purposes to an amount exceeding in the aggregate one and one-fourth percent of the actual value of the taxable property within the corporation. The value of property shall be ascertained by the last tax list previous to the incurring of the indebtedness. Indebtedness

incurred by a county solely for poor relief purposes is not for its general or ordinary purposes.

[S13, §1306-b; C24, 27, 31, 35, 39, §**6238;** C46, 50, 54, 58, 62, 66, 71, 73, §407.1; C75, 77, 79, 81, §346.24]

346.25 and 346.26 Reserved.

346.27 "Authority" for control of joint property.

1. Any joint building acquired, owned, erected, constructed, controlled, or occupied in accordance with the authorization contained in this section is declared to be acquired, owned, erected, constructed, controlled, or occupied for a public purpose and as a matter of public need.

2. Any county may join with its county seat to incorporate an "authority" for the purpose of acquiring, constructing, demolishing, improving, enlarging, equipping, furnishing, repairing, maintaining, and operating a public building, and to acquire and prepare the necessary site, including demolition of any structures, for the joint use of the county and city or any school district which is within or is a part of the county or city.

3. The incorporation of an authority shall be accomplished by the adoption of articles of incorporation by the governing body of each incorporating unit. For adoption, the affirmative vote of a majority of the members of each governing body is required. The articles of incorporation shall be executed for and on behalf of each incorporating unit by the following officers:

a. For the county, by the chairperson of the board of supervisors.

b. For the city, by its mayor and city clerk.

4. The articles of incorporation shall set forth the name of the authority, the name of the incorporating units, the purpose for which the authority is created, the number, terms, and manner of selection of its officers including its governing body which shall be known as the "commission", the powers and duties of the authority and of its officers, the date upon which the authority becomes effective, the name of the newspaper in which the articles of incorporation shall be published, and any other matters.

5. The authority shall be directed and governed by a board of commissioners of three members, one to be elected by the board of supervisors of the county from the area outside of the county seat, one to be elected by the council of the city from the area inside the city, and one to be elected by the joint action of the board of supervisors of the county and the council of the city, and if the governing bodies are unable to agree upon a choice for the third member within sixty days of the election of the first member, then the third member shall be appointed by the governor. The commissioners shall serve for six-year terms. Of the first appointees, the member appointed by the board of supervisors shall be for a term of two years, the member appointed by the city council shall be for a term of four years, and the member appointed by the joint action of the board and council shall be for a term of six years. The board of commissioners shall designate one of their number as chairperson, one as secretary, and one as treasurer, and shall adopt bylaws and rules of procedure and provide therein for regular meetings and for the proper safekeeping of its records. No commissioner shall receive any compensation in connection with services as commissioner. Each commissioner, however, shall be entitled to reimbursement for any necessary expenditures in connection with the performance of the commissioner's duties.

6. The articles of incorporation shall be recorded in the office of the county recorder and filed with the secretary of state, and shall be published once in a newspaper designated in the articles of incorporation and having a general circulation within the county, and upon such recording and publication, the authority shall be deemed to come into existence.

7. Amendments may be made to the articles of incorporation if adopted by the governing body of each incorporating unit; provided that no amendment shall impair the obligation of any bond or other contract. Each amendment shall be adopted, executed, recorded and published in the same manner as specified for the original articles of incorporation.

8. Any incorporating unit may make donations of property, real or personal, including

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gratuitous lease, to the authority as deemed proper and appropriate in aiding the authority to effectuate its purposes.

9. The authority shall be a body corporate with power to sue and be sued in any court of this state, have a seal and alter the same at its pleasure, and make and execute contracts, leases, deeds, and other instruments necessary or convenient to the exercise of its powers. In addition, it shall have and exercise the following public and essential governmental powers and functions and all other powers incidental or necessary to carry out and effectuate its express powers:

a. To select, locate, and designate an area lying wholly within the territorial limits of the county seat of the county in which the authority is incorporated as the site to be acquired for the construction, alteration, enlargement, or improvement of a building. The site selected is subject to approval by a majority of the members of each governing body of the incorporating units.

b. To acquire in the corporate name of the authority the fee simple title to the real property located within the area by purchase, gift, devise, or by the exercise of the power of eminent domain consistent with the provisions of chapters 6A and 6B, or to take possession of real estate by lease.

c. To demolish, repair, alter, or improve any building within the designated area, to construct a new building within the area and to furnish, equip, maintain, and operate the building.

d. To construct, repair, and install streets, sidewalks, sewers, water pipes, and other similar facilities and otherwise improve the site.

e. To make provisions for off-street parking facilities.

f. To operate, maintain, manage, and enter into contracts for the operation, maintenance, and management of buildings, and to provide rules for the operation, maintenance and management.

g. To employ and fix the compensation of technical, professional, and clerical assistance as necessary and expedient to accomplish the objects and purposes of the authority.

h. To lease all or any part of a building to the incorporating units for a period of time not to exceed fifty years, upon rental terms agreed upon between the authority and the incorporating units. The rentals specified shall be subject to increase by agreement of the incorporating units and the authority if necessary in order to provide funds to meet obligations.

i. To procure insurance of any and all kinds in connection with the building. The bidding procedures provided in section 73A.18 shall be utilized in the procurement of insurance.

j. To accept donations, contributions, capital grants, or gifts from individuals, associations, municipal and private corporations, and the United States, or any agency or instrumentality thereof, and to enter into agreements in connection therewith.

k. To borrow money and to issue and sell revenue bonds in an amount and with maturity dates not in excess of fifty years from date of issue, to provide funds for the purpose of acquiring, constructing, demolishing, improving, enlarging, equipping, furnishing, repairing, maintaining, and operating buildings, and to acquire and prepare sites, convenient therefor, and to pay all incidental costs and expenses, including, but not limited to architectural, engineering, legal, and financing expense and to refund and refinance revenue bonds as often as deemed advantageous by the board of commissioners.

l. The provisions of chapter 73A applicable to other municipalities are applicable to an authority.

10. *a.* After the incorporation of an authority, and before the sale of any issue of revenue bonds, except refunding bonds, the authority shall submit to the voters the question of whether the authority shall issue and sell revenue bonds. The ballot shall state the amount of the bonds and the purposes for which the authority is incorporated. All registered voters of the county shall be entitled to vote on the question. The question shall be submitted at an election held on the date specified in section 39.2, subsection 4, paragraph *"d"*. An affirmative vote of a majority of the votes cast on the question is required to authorize the issuance and sale of revenue bonds.

b. In addition to the notice required by section 49.53, a notice of the election shall be

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published once each week for at least two weeks in some newspaper published in the county stating the date of the election, the hours the polls will be open, and a copy of the question. The authority shall call this election with the concurrence of both incorporating units. The election shall be conducted by the commissioner in accordance with the provisions of chapters 49 and 50.

11. When the board of commissioners decides to issue bonds subject to the election requirement, it shall adopt a resolution describing the area to be acquired, the nature of the existing improvements, the disposition to be made of the improvements, and a general description of any new buildings to be constructed.

12. The resolution shall set out the limit of the cost of the project, including the cost of acquiring and preparing the site, determine the period of usefulness and fix the amount of revenue bonds to be issued, the date or dates of maturity, the dates on which interest is payable, the sinking fund provisions, and all other details in connection with the bonds. The board shall determine and fix the rate of interest of any revenue bonds issued, in a resolution adopted by the board prior to the issuance. The resolution, trust agreement, or other contract entered into with the bondholders may contain covenants and restrictions concerning the issuance of additional revenue bonds as necessary or advisable for the assurance of the payment of the bonds authorized.

13. Bonds shall be issued in the name of the authority and are declared to have all the qualities and incidents of negotiable instruments under the laws of this state.

14. Bonds issued under this section may be issued as serial or term bonds, shall be of such denomination or denominations and form, including interest coupons to be attached, shall be payable at such place or places and bear such date as the board of commissioners fix by the resolution authorizing the bonds, shall mature within a period not to exceed fifty years, and may be redeemable prior to maturity with or without premium, at the option of the board of commissioners, upon terms and conditions the board shall fix by the resolution authorizing the issuance of bonds. The board of commissioners may provide for the registration of bonds in the name of the owner as to the principal alone or as to both principal and interest upon terms and conditions the board determines. All bonds issued by an authority shall be sold at a price so that the interest cost to the commission of the proceeds of the bonds shall not exceed that permitted by chapter 74A, payable semiannually, computed to maturity, and shall be sold in the manner and at the time the board of commissioners determines.

15. Bonds issued by an authority, and the interest thereon, shall be payable solely from the revenues derived from the operation, management, or use of the buildings acquired or to be acquired by the authority, which revenues shall include payments received under any leases or other contracts for the use of the buildings. Bonds shall recite that the principal and interest thereon are payable only from the revenues pledged, and shall state on their face that they are not an indebtedness of the authority or a claim against the property of the authority.

16. Bonds shall be executed in the name of the commission by the chairperson of the board of commissioners or by another officer of the commission as the board, by resolution, may direct, and be attested by the secretary, or by another officer of the commission as the board, by resolution, may direct, and shall be sealed with the commission's corporate seal. In case any officer whose signature appears on the bonds or coupons shall cease to be such officer before delivery of the bonds, the officer's signature shall be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

17. In its discretion, the authority may issue refunding bonds to refund its bonds prior to their maturity, refund its outstanding matured bonds, refund matured coupons evidencing interest upon its outstanding bonds, refund interest at the coupon rate that has accrued upon its outstanding matured bonds, and refund its bonds which by their terms are subject to call or redemption before maturity. All bonds redeemed or purchased shall be canceled.

18. To secure the payment of revenue bonds and for the purpose of setting forth the covenants and undertakings of the authority in connection with the issuance of revenue bonds and the issuance of any additional revenue bonds payable from such revenue income to be derived from the operation, management, or use of the buildings acquired or to be acquired by the authority, the authority may execute and deliver a trust agreement except that no lien upon any physical property of the authority shall be created.

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19. The resolution shall provide for the creation of a sinking fund account into which shall be payable from the revenues of the project, from month to month as such revenues are collected, the sums in excess of the cost of maintenance and operation of the project and the cost of administration of the authority, sufficient to comply with the covenants of the bond resolution and sufficient to pay the accruing interest and retire the bonds at maturity. The board of commissioners, in a resolution, may provide for other accounts as necessary for the sale of the bonds. Moneys in the accounts shall be applied in the manner provided by the resolution, the trust agreement, or other contract with the bondholders.

20. No such bonds shall constitute a debt of the authority or of any public body within the meaning of any statutory or constitutional limitation as to debt.

21. From and after the issuance of bonds the board of commissioners shall establish and fix rates, rentals, fees, and charges for the use of any and all buildings or space owned and operated by the authority, sufficient at all times to pay maintenance and operation costs and to pay the accruing interest and retire the bonds at maturity and to make all payments to all accounts created by any bond resolution and to comply with all covenants of any bond resolution.

22. When an incorporating unit enters into a lease with the authority, the governing body of the incorporating unit shall provide by ordinance or resolution for the levy and collection of a direct annual tax sufficient to pay the annual rent payable under the lease as and when it becomes due and payable. The tax shall be levied and collected in like manner with the other taxes of the incorporating unit and shall be in addition to all other taxes authorized to be levied by that incorporating unit. This tax shall not be included within and shall be in addition to any statutory limitation of rate or amount for that incorporating unit. The taxes realized from the tax levy shall be deposited into an account in the debt service fund of the incorporating unit for the payment of the annual rent and shall not be disbursed for any other purpose until the annual rental has been paid in full.

23. All leases, contracts, deeds of conveyance, bonds, or other instruments in writing on behalf of the authority, shall be executed in the name of the authority by the chairperson and secretary of the authority, or by other officers as the board of commissioners, by resolution, directs, and the seal of the authority shall be affixed.

24. All property owned by any authority shall be exempt from taxation by the state or any taxing unit of the state. However, any interest derived from bonds issued by the authority shall be subject to taxation.

25. *a.* When all bonds issued by an authority have been retired, the authority may convey the title to the property owned by the authority to the incorporating units in accordance with the provisions contained in the articles of incorporation. If articles of incorporation do not exist, the conveyance may be made in accordance with any agreement adopted by the respective governing bodies of the incorporating units and the authority.

b. The question of whether a conveyance shall be made shall be submitted to the registered voters of the county. An affirmative vote equal to at least a majority of the total votes cast on the question shall be required to authorize the conveyance. If the question does not carry, the authority shall continue to operate, maintain, and manage the building under a lease arrangement with the incorporating units.

26. Any incorporating unit may enter into a lease with an authority that the authority and the incorporating unit determine is necessary and convenient to effectuate their purposes and the purposes of this section. The power to enter into leases under this section is in addition to other powers granted to cities and counties to enter into leases and the provisions of chapter 75, section 364.4, subsection 4, and section 331.301, subsection 11, are not applicable to leases entered into under this section.

[C62, §368.50 – 368.53; C66, 71, 73, §368.54, 368.55, 368.57 – 368.71; C75, 77, 79, 81, §346.27]

95 Acts, ch 67, §53; 2002 Acts, ch 1134, §100, 101, 115; 2003 Acts, ch 178, §26; 2004 Acts, ch 1175, §247, 248, 287; 2006 Acts, 1st Ex, ch 1001, §31, 49; 2008 Acts, ch 1115, §56, 71; 2012 Acts, ch 1060, §3, 7; 2023 Acts, ch 64, §55; 2023 Acts, ch 71, §124, 136

Referred to in §331.430, 384.4, 403.19

2023 amendment to subsection 10, paragraph a applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

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CHAPTER 346A

COUNTY HEALTH CENTERS

Referred to in §331.427

346A.1 Definitions.
346A.2 Authorized in certain counties.
346A.3 through 346A.5 Repealed by 81 Acts, ch 117, §1097.

346A.1 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Board"* means the board of supervisors of the county.

2. *"Health center"* means a building or buildings, together with necessary equipment, furnishings, facilities, accessories and appurtenances and the site or sites therefor used primarily for the purposes of providing centralized locations, at which a county may:

a. Provide those health, welfare and social services which such a county is presently or hereafter authorized or required by law to provide;

b. Lease space in such building or buildings to other public corporations, public agencies and private nonprofit agencies which provide health, welfare and social services.

3. *"Project"* means the acquisition by purchase or construction of health centers, additions thereto and facilities therefor, the reconstruction, completion, equipment, improvement, repair or remodeling of health centers, additions thereto and facilities therefor, and the acquisition of property therefor of every kind and description, whether real, personal or mixed, by gift, purchase, lease, condemnation or otherwise and the improvement of the property. *"Project"* also means the use of funds for the provision of health services by local boards of health pursuant to chapter 137 and the provision of health, welfare or social services which a county is permitted or required by law to provide.

[C71, 73, 75, 77, 79, 81, §346A.1; 82 Acts, ch 1156, §1]
83 Acts, ch 12, §1, 4
Referred to in §331.441, 346A.2

346A.2 Authorized in certain counties.

Counties may undertake and carry out any project as defined in section 346A.1, and the boards may operate, control, maintain and manage health centers and additions to and facilities for health centers. The boards may appoint committees, groups, or operating boards as they deem necessary and advisable to facilitate the operation and management of health centers, additions and facilities. A board may lease space in any health center to other public corporations, public agencies and private nonprofit agencies engaged in furnishing health, welfare and social services which lease shall be on terms and conditions the board deems advisable. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with section 331.341, subsection 1.

[C71, 73, 75, 77, 79, 81, S81, §346A.2; 81 Acts, ch 117, §1060; 82 Acts, ch 1156, §2]
83 Acts, ch 12, §2, 4; 83 Acts, ch 123, §157, 209

346A.3 through 346A.5 Repealed by 81 Acts, ch 117, §1097.

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CHAPTER 347

COUNTY HOSPITALS

Referred to in §11.1, 21.5, 27.1, 37.27, 97B.52A, 135B.31, 331.361, 331.461, 444.25, 476B.1

347.1 through 347.6 Reserved.
347.7 Tax levies.
347.8 Reserved.
347.9 Trustees — appointment — terms of office.
347.9A Trustee eligibility — conflict of interest.
347.10 Vacancies.
347.11 Organization — meetings — quorum.
347.12 Revenue collected — accounting practices.
347.13 Board of trustees — duties.
347.14 Board of trustees — powers.
347.15 Pecuniary interest prohibited — exceptions. Repealed by 2001 Acts, ch 65, §2.
347.16 Treatment in county hospital — terms.
347.17 Accounts — collection.
347.18 Discrimination. Repealed by 2009 Acts, ch 110, §17.
347.19 Compensation — expenses.
347.20 Municipal jurisdiction.
347.21 and 347.22 Reserved.
347.23 City hospital changed to county hospital.
347.23A Memorial hospital or county hospital payable from revenue bonds changed to county hospital.
347.24 Law applicable to other hospitals.
347.25 Election of trustees.
347.26 Health care facility in existing hospital.
347.27 Reserved.
347.28 through 347.30 Repealed by 2009 Acts, ch 110, §17.
347.31 Community recreation facilities and programs.
347.32 Tax status.

347.1 through 347.6 Reserved.

347.7 Tax levies.

1. *a.* If a county hospital is established, the board of supervisors, at the time of levying ordinary taxes, shall levy a tax at the rate voted not to exceed fifty-four cents per thousand dollars of assessed value in any one year for the erection and equipment of the hospital, and also a tax not to exceed twenty-seven cents per thousand dollars of value for the improvement, maintenance, and replacements of the hospital, as certified by the board of hospital trustees. However, in counties having a population of two hundred twenty-five thousand or over, the levy for taxes payable in the fiscal year beginning July 1, 2001, and for subsequent fiscal years, for improvements and maintenance of the hospital shall not exceed two dollars and five cents per thousand dollars of assessed value in any one year.

b. The proceeds of the taxes constitute the county public hospital fund. The fund is subject to review by the board of supervisors in counties having a population of two hundred twenty-five thousand or over. However, the board of trustees of a county hospital, where funds are available in the county public hospital fund of the county which are unappropriated, may use the unappropriated funds for erecting and equipping hospital buildings and additions to the hospital buildings without authority from the voters of the county.

2. A levy shall not be made for the improvement, maintenance, or replacements of the hospital until the hospital has been constructed, staffed, and receiving patients. If revenue bonds are issued and outstanding under section 331.461, subsection 2, paragraph *"d"*, the board may levy a tax to pay operating and maintenance expenses in lieu of the authority otherwise contained in this section not to exceed twenty-seven cents per thousand dollars of assessed value or not to exceed one dollar and twenty-one and one-half cents per thousand dollars of assessed value for improvements and maintenance of the hospital in counties having a population of two hundred twenty-five thousand or over.

3. In addition to levies otherwise authorized by this section, the board of hospital trustees may certify for levy a tax at the rate, not to exceed twenty-seven cents per thousand dollars of assessed value, necessary to raise the amount budgeted by the board of hospital trustees for support of ambulance service as authorized in section 347.14, subsection 8.

4. *a.* For fiscal years beginning on or after July 1, 2027, any property tax levy imposed

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for a county hospital under this chapter that is limited by law to a specific property tax levy rate per one thousand dollars of assessed value shall not exceed a levy rate per one thousand dollars of assessed value that is equal to one thousand multiplied by the quotient obtained by dividing one hundred four percent of the current fiscal year's actual property tax dollars certified for such levy by the remainder of the total assessed value used to calculate such taxes for the budget year minus value attributable to new valuation.

b. The amount of property tax dollars calculated under this subsection includes those amounts budgeted by the hospital as replacement taxes under chapter 437A or 437B, if applicable.

c. For purposes of this subsection, *"budget year"*, *"current fiscal year"*, and *"new valuation"* mean the same as defined in section 331.423.

5. *a.* The tax levy authorized by this section for operation and maintenance of the hospital may be available in whole or in part to any county with or without a county hospital organized under this chapter, to be used to enhance rural health services in the county. However, the tax levied may be expended for enhancement of rural health care services only following a local planning process. The department of health and human services shall establish guidelines to be followed by counties in implementing the local planning process which shall require legal notice, public hearings, and a referendum in accordance with this subsection prior to the authorization of any new levy or a change in the use of a levy. The notice shall describe the new levy or the change in the use of the levy, indicate the date and location of the hearing, and shall be published at least once each week for two consecutive weeks in a newspaper having general circulation in the county. The hearing shall not take place prior to two weeks after the second publication.

b. Enhancement of rural health services for which the tax levy may be used includes but is not limited to emergency medical services, health care services shared with other hospitals, rural health clinics, and support for rural health care practitioners and public health services.

c. When alternative use of funds from the tax levy is proposed in a county with a county hospital organized under this chapter, use of the funds shall be agreed upon by the elected board of trustees of the county hospital. When alternative use of funds from the tax levy is proposed in a county without a county hospital organized under this chapter, use of the funds shall be agreed upon by the board of supervisors and any publicly elected hospital board of trustees within the county prior to submission of the question to the voters.

d. Moneys raised from a tax levied in accordance with this subsection for the purpose of enhancing rural health services in a county without a county hospital shall be designated and administered by the board of supervisors in a manner consistent with the purposes of the levy.

[S13, §409-b, -j; C24, 27, 31, 35, 39, §**5353;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §347.7; 81 Acts, ch 117, §1061]

85 Acts, ch 185, §2; 89 Acts, ch 304, §704; 95 Acts, ch 159, §1, 2; 2001 Acts, ch 75, §1, 2; 2009 Acts, ch 110, §5; 2009 Acts, ch 179, §38; 2017 Acts, ch 109, §11, 20, 21; 2021 Acts, ch 177, §101, 108; 2023 Acts, ch 19, §1107; 2026 Acts, ch 1115, §162

Referred to in §331.441, 347.13
Additional levies, see §347.13(10)
NEW subsection 4 and former subsection 4 renumbered as 5

347.8 Reserved.

347.9 Trustees — appointment — terms of office.

1. When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint five or seven trustees chosen from among the resident citizens of the county with reference to their fitness for office. The appointed trustees shall hold office until the following general election, at which time their successors shall be elected, three for a term of four years and the remainder for a term of two years, and they shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of four years each.

2. Upon approval of a majority of the current board of trustees, the board may reduce an existing seven-member board to a five-member board. The board shall establish how to

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reduce the number of trustees on the board and shall provide for a staggered election cycle for election to the five-member board, which election shall be for a term of four years. However, the manner of reducing the number of trustees shall ensure that the current trustees on the seven-member board may continue to hold office through the end of their respective terms.

[S13, §409-c; C24, 27, 31, 35, 39, §**5355;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.9]

86 Acts, ch 1200, §3; 99 Acts, ch 36, §3; 2001 Acts, ch 65, §1; 2009 Acts, ch 110, §6; 2018 Acts, ch 1033, §2; 2019 Acts, ch 148, §1, 2; 2020 Acts, ch 1063, §183; 2025 Acts, ch 123, §25, 26

Referred to in §331.321

2025 strike of subsection 3 applies retroactively to persons elected to a county hospital board of trustees on or after January 1, 2024; 2025 Acts, ch 123, §26

347.9A Trustee eligibility — conflict of interest.

1. The following persons shall not be eligible to serve as a trustee for a county public hospital:

a. A person or spouse of a person with medical or special staff privileges in the county public hospital.

b. A person or spouse of a person who receives direct compensation in an amount greater than one thousand five hundred dollars in a calendar year from the county public hospital.

2. The transactions of a hospital trustee or a hospital trustee's spouse shall be limited as follows:

a. A conflict of interest transaction is a transaction with the hospital in which a hospital trustee or a hospital trustee's spouse has a direct interest of less than or equal to one thousand five hundred dollars or indirect interest in any amount. A conflict of interest transaction is not voidable on the basis of the conflict of interest if all of the following are true:

(1) The material facts of the transaction and the interest of the trustee or the trustee's spouse were disclosed or known to the board of hospital trustees.

(2) The board of hospital trustees authorized, approved, or ratified the transaction. A conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the disinterested trustees at a meeting where a quorum is present and where three or more trustees are disinterested in the conflict of interest transaction.

(3) The transaction was fair to the hospital at the time of the transaction.

b. For the purposes of this section, a trustee has an indirect interest in a transaction if either of the following is true:

(1) Another entity in which the trustee or the trustee's spouse has a material interest or in which the trustee or the trustee's spouse is a general partner is party to the transaction.

(2) Another entity of which the trustee or the trustee's spouse is a director, officer, or trustee is a party to the transaction.

3. This section does not prohibit a licensed health care practitioner from serving as a hospital trustee if the practitioner's sole use of the county hospital is to provide health care service to an individual with an intellectual disability as defined in section 4.1.

2009 Acts, ch 110, §7; 2012 Acts, ch 1019, §127

Referred to in §331.321

347.10 Vacancies.

Vacancies on the board of trustees may be filled by appointment by the remaining members of the board of trustees or, if fewer than a majority of the trustees remain on the board, by the board of supervisors for the period until the vacancies are filled by election. An appointment made under this section shall be for the unexpired balance of the term of the preceding trustee. If a board member is absent for four consecutive regular board meetings, without prior excuse, or fails to comply with more stringent attendance requirements for regular board meetings included in the bylaws governing the board, the member's position shall be declared vacant and filled as set out in this section.

[S13, §409-e; C24, 27, 31, 35, 39, §**5356;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.10]

94 Acts, ch 1180, §49; 2009 Acts, ch 110, §8; 2018 Acts, ch 1033, §3; 2019 Acts, ch 148, §3

Referred to in §331.321, 392.6

Removal from office, §66.1A, 66.31

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347.11 Organization — meetings — quorum.

Hospital trustees shall qualify by taking the usual oath of office as provided in chapter 63 and organize by the election of a chairperson, a secretary, and a treasurer. The secretary shall report to the county auditor and county treasurer the names of the chairperson, secretary, and treasurer of the board of hospital trustees as soon as practicable after the qualification of each. A board of hospital trustees shall meet as necessary to adequately oversee the operation of the hospital. A majority of the board of trustees shall constitute a quorum necessary for actions by the board of hospital trustees. The secretary shall maintain a complete record of board meetings, proceedings, and actions.

[S13, §409-d; C24, 27, 31, 35, 39, §**5357;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.11]

97 Acts, ch 170, §86; 2009 Acts, ch 110, §9; 2018 Acts, ch 1033, §4

347.12 Revenue collected — accounting practices.

1. Before the fifteenth day of each month, the county treasurer shall give notice to the chairperson of the board of hospital trustees or the chairperson's designee of the amount of revenue collected for each fund of the hospital to the first day of that month and the county treasurer shall pay the taxes to the treasurer of the hospital as provided in section 331.552, subsection 29.

2. *a.* The hospital administrator, or the administrator's designee, shall ensure that all accounts, funds, reports, and financial statements of the county hospital conform to generally accepted accounting principles as established by the governmental accounting standards board.

b. The hospital administrator, or the administrator's designee, shall file a financial report with the board of hospital trustees on or before the date of each regularly scheduled board meeting for the period of time since the board's previous regularly scheduled meeting.

[S13, §409-d; C24, 27, 31, 35, 39, §**5358;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.12]

84 Acts, ch 1003, §6; 92 Acts, ch 1024, §2; 99 Acts, ch 36, §4; 2009 Acts, ch 110, §10

Referred to in §37.9

347.13 Board of trustees — duties.

A board of hospital trustees' duties shall include all of the following:

1. Engage in all activities necessary to manage, control, and govern the hospital unless otherwise prohibited under this chapter.

2. Exercise all the rights and duties of hospital trustees including but not limited to authorizing the delivery of any health care service, assisted or independent living service, or other ancillary service.

3. Adopt bylaws and rules for its own guidance and for the government of the hospital. The bylaws may contain limits on the number of terms a trustee may serve on the board.

4. Exercise fiduciary duties in accordance with section 504.831, subsections 1 through 5.

5. Employ or contract for an administrator and fix the administrator's compensation. The administrator shall have authority to oversee the day-to-day operations of the hospital and its employees.

6. Approve the appointment of a qualified medical staff and oversee the quality of medical care and services provided by the hospital.

7. Manage and control the hospital's funds in accordance with chapter 540A. In addition to investments permitted under section 12B.10, county hospital investments may include common stocks.

8. Establish charity care policies for free treatment or financial assistance for care provided by the hospital, and fix the price to be charged to other patients admitted to the hospital for care and treatment.

9. Procure and pay premiums on any and all insurance policies required for the prudent management of the hospital including but not limited to public liability, professional malpractice liability, workers' compensation, and vehicle liability. Said insurance may include as additional insureds members of the board of trustees and employees of the

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hospital. This subsection applies to all county hospitals whether organized under this chapter, chapter 347A, chapter 37, or otherwise established by law.

10. Certify levies for a tax in excess of any tax levy limit to meet its obligations to pay the premium costs on tort liability insurance, property insurance, workers' compensation insurance, and any other insurance that may be necessary for the prudent management and operation of the county public hospital, the costs of a self-insurance program, the costs of a local government risk pool, and amounts payable under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

11. Publish quarterly in each of the official newspapers of the county as selected by the board of supervisors pursuant to section 349.1 the schedule of bills allowed, and publish annually in such newspapers the schedule of salaries paid by job classification and category, but not by listing names of individual employees. The names, business addresses, salaries, and job classification of employees paid in whole or in part from a tax levy shall be a public record and open to inspection at reasonable times as designated by the board of trustees.

12. Fix the amount necessary for the improvement and maintenance of the hospital and for support of ambulance service during the ensuing fiscal year, and certify the amount to the county auditor before April 30 of each year, subject to any limitation in section 347.7.

[S13, §409-d, -g, -h, -j, -l, -m, -p, -r; C24, 27, 31, 35, 39, §**5359;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §347.13; 81 Acts, ch 117, §1062, ch 120, §1]

84 Acts, ch 1201, §1, 2; 85 Acts, ch 185, §3; 99 Acts, ch 36, §5, 6; 2004 Acts, ch 1032, §1; 2008 Acts, ch 1115, §57, 71; 2009 Acts, ch 110, §11; 2018 Acts, ch 1033, §5; 2023 Acts, ch 71, §87, 98

Referred to in §21.5, 145A.12, 347.14

Removal from office, §66.1A, 66.31

2023 amendment to subsection 12 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

347.14 Board of trustees — powers.

The board of trustees may:

1. Purchase, condemn, or lease a site for such public hospital and provide and equip suitable hospital buildings.

2. Cause plans and specifications to be made and adopted for all hospital buildings, and advertise for bids, as required by law for other county buildings, before making a contract for the construction of a building.

3. Accept property by gift, devise, bequest, or otherwise. If the board deems it advisable, the board may sell, lease, exchange, or otherwise dispose of any hospital property upon a concurring vote of a majority of all members of the board of hospital trustees. The proceeds of such sale, lease, exchange, or other disposition may be applied to any lawful purpose, subject to approval of the board.

4. Borrow moneys to be secured solely by hospital revenues for the purposes of improvement, maintenance, or replacement of the hospital or for hospital equipment.

5. Establish and maintain in connection with the hospital a training school for nurses or other health professions.

6. Establish a fund for depreciation as a separate fund. Moneys deposited in the fund shall remain in the fund until such time as in the judgment of the board of trustees it is deemed advisable to use the funds for hospital purposes. Interest earned on moneys in the fund shall be deposited in the fund.

7. Operate a health care facility as defined in section 135C.1 in conjunction with the hospital.

8. Purchase, lease, equip, maintain, and operate an ambulance or ambulances to provide necessary and sufficient ambulance service or to contract for such vehicles, equipment, maintenance, or service when such ambulance service is not otherwise available.

9. *a.* Submit to the voters at an election held on a date specified in section 39.2, subsection 4, paragraph "*a*", a proposition to sell or lease a county public hospital for use as a private hospital or as a merged area hospital under chapter 145A or to sell or lease a county hospital in conjunction with the establishment of a merged area hospital. The authorization of the board of hospital trustees submitting the proposition may, but is not required to, contain

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conditions which provide for maintaining hospital care within the county, for the retention of county public hospital employees and staff, and for the continuation of the board of trustees for the purpose of carrying out provisions of contracts. Proceeds from the sale or lease of the county hospital or other assets of the board of trustees shall not be used for the prepayment of health care services for residents of the county with the purchaser or lessee of the county hospital or to underwrite the sale or lease of the county hospital.

b. The proposition submitted to the voters of the county shall not be set forth at length, but it shall be in substantially the following form:

> Shall the board of hospital trustees of ..... county, state of Iowa, be authorized to ..... (state authorization which may exclude the conditions) in accordance with the terms of authorization approved at the meeting of ..... (cite date) of the board of hospital trustees?

c. If the proposition is approved by a majority of the total votes cast for and against the proposition at the election, the board of hospital trustees shall proceed to carry out the authorization granted.

10. If the board authorizes delivery of additional health care services, assisted or independent living services, or other ancillary services under section 347.13, subsection 2, the board is granted all of the powers and duties necessary for the management, control, and government of the institutions including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and other ancillary services irrespective of the chapter of the Code under which such an entity is established, organized, operated, or maintained, unless such provisions are in conflict with this section and section 347.13.

[S13, §409-d, -k, -o, -q; C24, 27, 31, 35, 39, §**5360;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §347.14; 81 Acts, ch 78, §20, 47]

85 Acts, ch 185, §4; 91 Acts, ch 160, §11; 99 Acts, ch 36, §7, 8; 2008 Acts, ch 1115, §58, 71; 2009 Acts, ch 110, §12

Referred to in §145A.12, 347.7
Powers under consolidation, §348.2

347.15 Pecuniary interest prohibited — exceptions. Repealed by 2001 Acts, ch 65, §2.

347.16 Treatment in county hospital — terms.

1. Any resident of a county in this state who is sick or injured shall be entitled to care and treatment in any public hospital established and maintained by that county under this chapter, so long as that person observes the rules of conduct prescribed by the board of hospital trustees. Each patient admitted under this subsection, or the person legally liable for that patient's support, shall pay to the board of hospital trustees reasonable compensation for that patient's care and treatment according to the rules established by the board, unless subsection 2 is applicable.

2. Free care and treatment shall be furnished in a county public hospital to any sick or injured person who fulfills the residency requirements under section 47.4, subsection 1, paragraph "*d*", Code 1993, in the county maintaining the hospital, and who is indigent. The board of hospital trustees shall determine whether a person is indigent and entitled to free care under this subsection, or may delegate that determination to the general assistance director or the office of the department of health and human services in that county, subject to guidelines the board may adopt in conformity with applicable statutes.

3. Care and treatment may be furnished in a county public hospital to any sick or injured person who has residence outside the county which maintains the hospital, subject to such policies and rules as the board of hospital trustees may adopt. If care and treatment is provided under this subsection to a person who is indigent, the person's county of residence, as defined in section 331.190, shall pay to the board of hospital trustees the fair and reasonable cost of the care and treatment provided by the county public hospital unless the cost of the indigent person's care and treatment is otherwise provided for. If care and treatment is provided to an indigent person under this subsection, the county public hospital

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furnishing the care and treatment shall immediately notify, by regular mail, the auditor of the county of residence of the indigent person of the provision of care and treatment to the indigent person including care and treatment provided through the behavioral health service system established in section 225A.3.

[S13, §409-k; C24, 27, 31, 35, 39, §**5362;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.16]

83 Acts, ch 96, §157, 159; 92 Acts, ch 1212, §34; 95 Acts, ch 49, §10; 95 Acts, ch 119, §3, 5; 2009 Acts, ch 110, §13; 2012 Acts, ch 1120, §128, 130; 2018 Acts, ch 1137, §29; 2023 Acts, ch 19, §1108; 2024 Acts, ch 1161, §124, 137

Referred to in §347.17

347.17 Accounts — collection.

It shall be the duty of the trustees either by themselves or through the superintendent to make collections of all accounts for hospital services rendered to persons other than indigent patients or patients entitled to free care as provided in section 347.16. Such account shall be payable on presentation to the person liable therefor of an itemized statement and if not paid or secured within sixty days after such presentation the said trustees shall proceed to enforce collections by such means as are necessary and are authorized to employ any person for that purpose, and if legal proceedings are required they may employ counsel, the employment in either event to be on such arrangement for compensation as the trustees deem appropriate, provided, however, that should the county attorney act as attorney for the board in any such legal proceedings the county attorney shall serve without additional compensation.

[C24, 27, 31, 35, 39, §**5363;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.17]

347.18 Discrimination. Repealed by 2009 Acts, ch 110, §17.

347.19 Compensation — expenses.

A trustee shall not receive any compensation for services performed under this chapter, but a trustee shall be reimbursed for actual and necessary expenses incurred in the performance of the trustee's duties.

[S13, §409-d; C24, 27, 31, 35, 39, §**5365;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.19]

2009 Acts, ch 110, §14

347.20 Municipal jurisdiction.

When a county hospital is located on land outside of but adjacent to a city, the ordinances of the city relating to fire and police protection and control, sanitary regulations, and public utility service shall be in force upon and over the hospital and grounds, and the city shall have jurisdiction to enforce those ordinances.

[S13, §409-i; C24, 27, 31, 35, 39, §**5366;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347.20]

2022 Acts, ch 1021, §85

347.21 and 347.22 Reserved.

347.23 City hospital changed to county hospital.

1. Any hospital organized and existing as a city hospital may become a county hospital organized and managed as provided for in this chapter, upon a proposition for such purpose being submitted to and approved by a majority of the electors of both the city in which such hospital is located and of the county under whose management it is proposed that such hospital be placed. The proposition shall be placed upon the ballot by the board of supervisors when requested by a petition signed by eligible electors of the county equal in number to five percent of the votes cast for president of the United States or governor, as the case may be, at the last general election. The proposition shall be submitted at an election held on a date specified in section 39.2, subsection 4, paragraph *"a"*. Upon the approval of the proposition the hospital, its assets and liabilities, will become the property of the county and this chapter will govern its future management.

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2. The question shall be submitted in substantially the following form:

> Shall the municipal hospital of ....., Iowa, be transferred to and become the property of, and be managed by the county of ....., Iowa?

3. For the purpose of computing whether or not said proposition is carried, the votes of the residents of the city in which said hospital is located shall be counted both for the purpose of ascertaining whether or not the proposition is carried within the city and also for the purpose of ascertaining whether or not the proposition is carried within the county.

[C62, 66, 71, 73, §347.23, 380.12; C75, 77, 79, 81, §347.23]

2001 Acts, ch 56, §27; 2008 Acts, ch 1115, §59, 71

Referred to in §331.381

347.23A Memorial hospital or county hospital payable from revenue bonds changed to county hospital.

1. A hospital established as a memorial hospital under chapter 37 or a county hospital supported by revenue bonds and organized under chapter 347A may become, in accordance with the provisions of this section, a county hospital organized and managed as provided for in this chapter. If the hospital is established by a city as a memorial hospital, the city must be located in the county which will own and manage the hospital. A proposition for the change must be submitted to and approved by a majority of the electors of the county which will own and manage the hospital as provided for in this chapter. In addition, if the hospital is a memorial hospital organized by a city under chapter 37, the proposition must also be approved by a majority of the electors of that city. The proposition shall be submitted to the electors at an election called by the county board of supervisors and held on a date specified in section 39.2, subsection 4, paragraph *"a"*.

2. The proposition shall be placed upon the ballot by the board of supervisors if requested by the hospital's board of trustees or governing commission and the request is endorsed by a petition for this purpose signed by eligible electors of the county equal in number to five percent of the votes cast for president of the United States or governor, as the case may be, at the last general election. Upon the approval of the proposition the hospital, its assets and liabilities, shall become the property of the county and this chapter shall govern its future management.

a. The question for a memorial hospital established by a city under chapter 37 shall be submitted in substantially the following form:

> Shall the ..... hospital of ....., Iowa, be transferred to and become the property of, and be managed by the county of ....., Iowa, under provision of chapter 347 of the Code of Iowa?

b. The question for a memorial hospital established by a county under chapter 37 or a county hospital supported by revenue bonds and organized under chapter 347A shall be submitted in substantially the following form:

> Shall the ..... hospital of ....., Iowa, organized and governed under chapter ..... of the Code of Iowa be changed to be established and governed under chapter 347 of the Code of Iowa?

3. For the purpose of computing whether or not the proposition is carried, if the hospital is a memorial hospital established by a city under the provisions of chapter 37, the votes of the residents of that city shall be counted both for the purpose of ascertaining whether or not the proposition is carried within the city and also for the purpose of ascertaining whether or not the proposition is carried within the county.

94 Acts, ch 1135, §2; 2001 Acts, ch 56, §28; 2008 Acts, ch 1115, §60, 71

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347.24 Law applicable to other hospitals.

Hospitals organized under chapter 37 or chapter 347A may be operated as provided for in this chapter in any way not clearly inconsistent with the specific provisions of their chapters.

[C62, 66, 71, 73, 75, 77, 79, 81, §347.24]

347.25 Election of trustees.

1. The election of hospital trustees whose offices are established by this chapter or chapter 145A or 347A shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, shall be signed by fifty eligible electors of the county, and shall be filed with the county commissioner of elections at least sixty-nine days before the date of the election. A plurality is sufficient to elect hospital trustees.

2. If any of the provisions of this section shall be in conflict with any of the laws of this state, then the provisions of this section shall prevail.

[C62, 66, 71, 73, 75, 77, 79, 81, §347.25]

85 Acts, ch 135, §1; 91 Acts, ch 129, §26; 2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §184; 2021 Acts, ch 147, §50, 54

Referred to in §39.21, 145A.11

347.26 Health care facility in existing hospital.

In any county where there is a county hospital in existence, a health care facility as defined in section 135C.1 may be established to be operated in conjunction therewith, and all of the provisions of this chapter and all of the proceedings authorized thereby relating to hospital buildings and additions thereto, shall apply to erecting, equipping and procuring sites for such facilities and additions thereto, as well as for improvements, maintenance and replacements of such facilities.

[C62, 66, 71, 73, 75, 77, 79, 81, §347.26]

347.27 Reserved.

347.28 through 347.30 Repealed by 2009 Acts, ch 110, §17.

347.31 Community recreation facilities and programs.

A county or city hospital may expend available funds for establishment and operation of facilities, programs, and services which provide health benefits to persons served by those facilities, programs, or services. Where appropriate, the county or city hospital shall enter into an agreement pursuant to chapter 28E.

86 Acts, ch 1072, §1

347.32 Tax status.

This chapter does not deprive any hospital of its tax exempt or nonprofit status, except that any portion of hospital property which is used for purposes other than nonprofit, health-related purposes shall be subject to property tax as provided for in section 427.1, subsection 14.

86 Acts, ch 1200, §7; 2023 Acts, ch 66, §85

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CHAPTER 347A

COUNTY HOSPITALS PAYABLE FROM REVENUE

Referred to in §11.1, 21.5, 27.1, 97B.52A, 331.321, 331.441, 331.461, 347.13, 347.23A, 347.24, 347.25, 444.25, 476B.1

For provisions relating to the organization and operation of hospitals under this chapter, see §347.13(9), 347.24

347A.1	Revenue bonds — trustees — administration.	347A.4	Reserved.
347A.2	Reserved.	347A.5	Discrimination prohibited. Repealed by 2009 Acts, ch 110, §17.
347A.3	Tax for maintenance and operation.	347A.6	Collection of accounts.

347A.1 Revenue bonds — trustees — administration.

1. A county having a population less than one hundred fifty thousand may issue revenue bonds for a county hospital as provided in section 331.461, subsection 2, paragraph *"e"*.

2. *a.* The administration and management of the hospital shall be vested in a board of hospital trustees consisting of five or seven members. Appointments for a five-member board shall be made by the board of supervisors from among the resident citizens of the county with reference to their fitness for office, and not more than two of the trustees shall be residents of the same township.

b. The trustees shall hold office until the next succeeding election, at which time their successors shall be elected, two for a term of two years and three for a term of four years, and thereafter their successors shall be elected for regular terms of four years each. Vacancies on the board of trustees may be filled in the same manner as original appointments, to hold office until the vacancies are filled pursuant to section 69.12. If a board member is absent for four consecutive regular board meetings, without prior excuse, or fails to comply with more stringent attendance requirements for regular board meetings included in the bylaws governing the board, the member's position shall be declared vacant and filled as set out in this paragraph.

c. The trustees shall qualify by taking the usual oath of office as provided in chapter 63, but no bond shall be required of them. The trustees shall receive no compensation but shall be reimbursed for all expenses incurred by them in the performance of their duties.

d. The board first appointed shall organize promptly following its appointment and shall serve until successors are elected and qualified. Thereafter, and no later than December 1 of each year, the board shall reorganize by the appointment of a chairperson, secretary, and treasurer. The secretary shall report to the county auditor and the county treasurer the names of the chairperson, secretary, and treasurer of the board as soon as practicable after the appointment of each.

e. Expansion from a five-member to a seven-member board of trustees shall occur only on approval of a majority of the five-member board of trustees. The five-member board of trustees shall appoint members to the additional vacancies; one appointee shall serve until the succeeding general election, and the other appointee shall serve until the second succeeding general election at which times successors shall be elected.

3. *a.* Before the fifteenth day of each month, the county treasurer shall give notice to the chairperson of the board of trustees, or the chairperson's designee, of the amount of revenue collected for each fund of the hospital to the first day of that month and the county treasurer shall pay the taxes to the treasurer of the hospital as provided in section 331.552, subsection 29.

b. The hospital administrator, or the administrator's designee, shall ensure that all accounts, funds, reports, and financial statements of the county hospital conform to generally accepted accounting principles as established by the governmental accounting standards board.

c. The hospital administrator, or the administrator's designee, shall file a financial report with the board of hospital trustees on or before the date of each regularly scheduled board meeting for the period of time since the board's previous regularly scheduled meeting.

4. *a.* The board of trustees shall make all rules and regulations governing its meetings

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and the management, government, and operation of the county hospital and shall fix charges for the services furnished so that the revenues will be at all times sufficient in the aggregate to provide for the payment of the interest on and principal of all revenue bonds issued and outstanding for the hospital, and for the payment of all operating and maintenance expenses of the hospital.

b. The board of trustees shall have all of the powers and duties necessary to manage, control, and govern the county hospital including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and other ancillary services irrespective of the chapter of the Code under which such institutions are established, organized, operated, or maintained, unless such provisions are in conflict with this section.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §347A.1; 81 Acts, ch 117, §1063]

84 Acts, ch 1003, §7; 90 Acts, ch 1118, §1; 92 Acts, ch 1024, §3; 97 Acts, ch 170, §87; 99 Acts, ch 36, §10; 2009 Acts, ch 110, §15; 2018 Acts, ch 1033, §6

Referred to in §331.321, 331.552
Removal from office, §66.1A, 66.31

347A.2 Reserved.

347A.3 Tax for maintenance and operation.

1. If in any year, after payment of the accruing interest on and principal due of revenue bonds issued under chapter 331, subchapter IV, part 4, and payable from the revenues derived from the operation of the county hospital, there is a balance of such revenues insufficient to pay the expenses of operation, maintenance, and funded depreciation of the hospital, the board of hospital trustees shall certify that fact as soon as ascertained to the board of supervisors of the county, and the board of supervisors shall make the amount of the deficiency for paying the expenses of operation, maintenance, and funded depreciation of the hospital available from other county funds or shall levy a tax not to exceed one dollar and eight cents per thousand dollars of assessed value in any one year on all the taxable property in the county in an amount sufficient for that purpose. However, general county funds or the proceeds of taxes shall not be used or applied to the payment of the interest on or principal of revenue bonds issued under chapter 331, subchapter IV, part 4, but general county funds or proceeds of taxes may only be used and applied to pay expenses of operation, maintenance, and funded depreciation of the hospital which cannot be paid from available revenue derived from its operation.

2. A tax levied under this section for paying the expenses of operation, maintenance, and funded depreciation of a merged area hospital pursuant to the authority granted a merged area under section 145A.20, shall only be levied on the assessed value of property in that portion of a county which is part of the merged area, in accordance with the plan or merger established, approved, and implemented under sections 145A.3, 145A.4, 145A.5, and 145A.14.

3. *a.* For fiscal years beginning on or after July 1, 2027, any property tax levy imposed for a county hospital under this chapter that is limited by law to a specific property tax levy rate per one thousand dollars of assessed value shall not exceed a levy rate per one thousand dollars of assessed value that is equal to one thousand multiplied by the quotient obtained by dividing one hundred four percent of the current fiscal year's actual property tax dollars certified for such levy by the remainder of the total assessed value used to calculate such taxes for the budget year minus value attributable to new valuation.

b. The amount of property tax dollars calculated under this subsection includes those amounts budgeted by the hospital as replacement taxes under chapter 437A or 437B, if applicable.

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c. For purposes of this subsection, *"budget year"*, *"current fiscal year"*, and *"new valuation"* mean the same as defined in section 331.423.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §347A.3; 81 Acts, ch 117, §1097; 82 Acts, ch 1104, §12]

85 Acts, ch 123, §13; 90 Acts, ch 1118, §2; 2018 Acts, ch 1041, §127; 2026 Acts, ch 1115, §163

Referred to in §145A.20
NEW subsection 3

347A.4 Reserved.

347A.5 Discrimination prohibited. Repealed by 2009 Acts, ch 110, §17.

347A.6 Collection of accounts.

It shall be the duty of the hospital trustees either by themselves or through the superintendent or similar person to make collections of all accounts for hospital services. Such account shall be payable on presentation to the person liable thereby of an itemized statement and if not paid or secured within sixty days after such presentation the said trustees shall proceed to enforce collections by such means as are necessary and are authorized to employ any person for that purpose and, if legal proceedings are required, may employ counsel, the employment in either event to be on such arrangement for compensation as the hospital trustees deem appropriate.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §347A.6]

CHAPTER 347B

COUNTY CARE FACILITIES

Repealed by 2024 Acts, ch 1161, §134, 137
For behavioral health service system, see chapter 225A

CHAPTER 348

CONSOLIDATION OF HOSPITAL SERVICE

Merged area hospitals; see chapter 145A

348.1	Consolidation and powers.	348.4	Sale of property after consolidation.
348.2	Consolidation — powers of trustees.	348.5	Repealed by 72 Acts, ch 1088, §286.
348.3	Discrimination prohibited.		

348.1 Consolidation and powers.

The purpose of this chapter is to grant to hospital trustees additional powers, and to consolidate and combine under one management all of the public hospital service of the counties and cities coming within its provisions.

[C27, 31, 35, §5368-a1; C39, §**5368.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §348.1]

348.2 Consolidation — powers of trustees.

In all counties of the state having a population of one hundred thirty-five thousand inhabitants or over, and in which consolidation of hospital service has been completed as contemplated in this chapter, said board of hospital trustees shall:

1. Have general supervision and care of all grounds and buildings in said county and city occupied and used for public hospital purposes.
2. Have control and supervision over the physicians, nurses, attendants, and patients in all such hospitals.

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3. Establish, maintain, and supervise, at a convenient place in such city located in said county, an emergency station for the treatment of emergency cases, including such venereal treatment as may be necessary for the protection of the public.

4. Establish, as early as funds are available, as a department in connection with said hospital, a suitable building or place for the isolation and detention of persons afflicted with contagious diseases subject to quarantine.

[C27, 31, 35, §5368-a2; C39, §**5368.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §348.2]

348.3 Discrimination prohibited.

In the management and control of hospitals coming within the provisions of this chapter, no distinction or discrimination shall be made between city and county patients.

[C27, 31, 35, §5368-a3; C39, §**5368.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §348.3]

348.4 Sale of property after consolidation.

In all cities located in counties in which both a public county and city hospital are being conducted under separate supervision and management, such cities are hereby authorized and directed, when consolidation is completed under this chapter and upon the recommendation of the board of hospital trustees, to sell the property now owned and used by such cities for hospital purposes, both real and personal, at public or private sale, the proceeds of such sale to be used, first, for the retirement and payment of any outstanding bonds issued in connection with the purchase of such hospital property, and the remainder, if any, shall be turned into the county public hospital fund.

[C27, 31, 35, §5368-a4; C39, §**5368.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §348.4]

348.5 Repealed by 72 Acts, ch 1088, §286.

CHAPTER 349

OFFICIAL NEWSPAPERS

Referred to in §24.2A, 331.209, 331.303, 331.434

Publication and posting of notices, see also chapter 618

349.1 Time of selection.
349.2 Source of selection.
349.3 Number.
349.4 Application — contest.
349.5 Contest — verified statements.
349.6 Determination of contest — evidence.
349.7 Subscribers — how determined.
349.8 Tie lists.
349.9 Fraudulent lists.
349.10 New date fixed if all rejected.
349.11 Appeal.
349.12 Transcript.
349.13 Trial of appeal.
349.14 Publication pending contest — interest payable.
349.15 Division of compensation.
349.16 What published.
349.17 Official publication fee.
349.18 Supervisors' proceedings — each payee listed — publication.

349.1 Time of selection.

The board of supervisors shall, at the January session each year, select the newspapers in which the official proceedings shall be published for the ensuing year.

[R60, §314; C73, §307; C97, §441; SS15, §441; C24, 27, 31, 35, 39, §**5397;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.1]

Referred to in §347.13, 455B.305A, 455H.207

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349.2 Source of selection.

Such selection shall be from newspapers published, and having the largest number of bona fide yearly subscribers, within the county. When counties are divided into two divisions for district court purposes, each division shall be regarded as a county.

[C73, §307; C97, §441; SS15, §441; C24, 27, 31, 35, 39, §**5398;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.2]

349.3 Number.

The number of such newspapers to be selected shall be as follows:

1. In counties having a population of less than fifteen thousand, two such newspapers, or one, if there be but one published therein.
2. In counties having a population of more than fifty thousand, divided into two divisions for court purposes, three such newspapers in each such division, not more than two of which shall be published in the same city.
3. In counties having a population of less than fifty thousand, divided into two divisions for court purposes, two such newspapers in each such division.
4. In all other counties, three such newspapers, not more than two of which shall be published in the same city.

[C73, §307; C97, §441; SS15, §441; C24, 27, 31, 35, 39, §**5399;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.3]

349.4 Application — contest.

Any publisher who desires that the publisher's newspaper be so selected may make written application therefor to the board of supervisors at any time prior to the making of the selection. If more applications are filed than there are newspapers to be selected, a contest shall exist.

[C24, 27, 31, 35, 39, §**5400;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.4]

349.5 Contest — verified statements.

In case of a contest, each applicant shall deposit with the county auditor, in a sealed envelope, a statement, verified by the applicant, showing the names of the applicant's bona fide yearly subscribers living within the county and the place at which each such subscriber receives such newspaper, and the manner of its delivery.

[C97, §441; SS15, §441; C24, 27, 31, 35, 39, §**5401;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.5]

Referred to in §349.6

349.6 Determination of contest — evidence.

1. The county auditor shall, on the direction of the board while it is in session, open the envelopes which have been deposited as provided under section 349.5. The board may receive other evidence of circulation. In counties in which two newspapers are to be selected, the two newspapers showing the largest number of bona fide yearly subscribers living within the county shall be selected as such official newspapers. In counties in which three newspapers are to be selected, the three showing the largest number of such subscribers shall be selected except when such three newspapers are all published in the same city, in which case the two newspapers in such city having the largest lists of such subscribers and the newspaper having the next largest list of such subscribers and published outside such city, shall be selected as such official newspapers.
2. For purposes of this section, in counties where there are more newspapers than the number required for official county newspapers, newspapers under common ownership published in the same city, and having approximately the same subscriber list or offered for sale in or delivered to the same geographic area, shall be treated as one newspaper. Each such newspaper under common ownership should be considered eligible for publishing

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public notices, but such newspapers shall be treated as one newspaper for payment purposes to allow for flexibility in notice publication schedules.

[C97, §441; SS15, §441; C24, 27, 31, 35, 39, §**5402;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.6]

86 Acts, ch 1013, §1; 2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §185

349.7 Subscribers — how determined.

The board of supervisors shall determine the bona fide yearly subscribers of a newspaper within the county, as follows:

1. Those subscribers listed by the publisher whose papers are delivered, by or for the publisher, by mail or otherwise, upon an order or subscription for same by the subscriber, and in accordance with the postal laws and regulations, and who have been subscribers at least six consecutive months prior to date of application.

2. Those subscribers who have been subscribers at least six consecutive months before the date of application, whose papers are regularly delivered by carrier upon an order or subscription, or whose papers are purchased from the publisher for resale and delivery by independent carriers who have filed with the publisher a list of their subscribers.

[C39, §**5402.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.7]

86 Acts, ch 1183, §1

349.8 Tie lists.

When newspapers are, by equality of circulation, equally entitled to selection as an official newspaper, the board shall, in the presence of the contestants, determine the question by lot.

[C24, 27, 31, 35, 39, §**5403;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.8]

2020 Acts, ch 1063, §186

349.9 Fraudulent lists.

No newspaper shall be selected as an official newspaper when it is made to appear that the verified list deposited by the applicant contains the names of persons who are not bona fide subscribers within the county and that such names were knowingly and willfully entered on such list by the applicant, or at the applicant's instance, with intent to deceive the board.

[SS15, §441; C24, 27, 31, 35, 39, §**5404;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.9]

Referred to in §349.10

349.10 New date fixed if all rejected.

If all certified statements are rejected under the provisions of section 349.9, the board shall fix a new date for the selection of official newspapers and nothing in this chapter shall be construed to prevent the applicants so rejected from filing new certified statements.

[SS15, §441; C24, 27, 31, 35, 39, §**5405;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.10]

2021 Acts, ch 80, §221

349.11 Appeal.

Any applicant may, within twenty days after the selection of official newspapers, appeal to the district court from the decision of the board of supervisors as to the selection of any or all newspapers so selected by filing in the office of the county auditor a bond for costs, in a sum and with sureties to be approved by said auditor, and by serving upon each applicant, whose selection the appellant desires to contest, and the county auditor, a notice of appeal.

[SS15, §441; C24, 27, 31, 35, 39, §**5406;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.11]

Referred to in §349.13

Presumption of approval of bond, §636.10

349.12 Transcript.

The auditor shall forthwith file with the clerk of the district court a transcript of all the proceedings before the board, together with all papers filed in connection with said matter.

[SS15, §441; C24, 27, 31, 35, 39, §**5407;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.12]

Referred to in §349.13

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349.13 Trial of appeal.

An appeal under section 349.11 shall be triable de novo as an equitable action without formal pleadings at any time after the expiration of twenty days following the filing of the transcript as provided in section 349.12.

[SS15, §441; C24, 27, 31, 35, 39, §**5408;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.13]

2022 Acts, ch 1021, §86

Trial on appeal, §624.4

349.14 Publication pending contest — interest payable.

After the selection by the board of supervisors of official newspapers, no publisher shall receive pay for publishing official proceedings until the contest is finally determined, insofar as the publisher is concerned. After determination of the contest, payment for publications made during the contest shall include interest at the rate of one-half percent per month calculated from date of publication to the date of payment, less thirty days.

[C97, §441; SS15, §441; C24, 27, 31, 35, 39, §**5409;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.14]

86 Acts, ch 1183, §2

349.15 Division of compensation.

If in any county the publishers of two or more newspapers, at least one of which by reason of its location and circulation is entitled to be selected as a county official newspaper, have entered into an agreement to publish the official proceedings or have united in a request to have their publication selected for such purposes, and such agreement or request has been filed with the board of supervisors prior to the naming of the official newspapers, the board of supervisors shall designate each of them a county official newspaper, but the combined compensation of the newspapers so requesting or agreeing, added to that of the other official newspaper or newspapers, if any, shall not exceed the combined compensation allowed by law to two official newspapers in counties having a population below fifteen thousand or to three official newspapers in counties having a population of fifteen thousand or more.

[SS15, §441; C24, 27, 31, 35, 39, §**5410;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.15]

349.16 What published.

There shall be published in each of the official newspapers at the expense of the county during the ensuing year:

1. The proceedings of the board of supervisors, as furnished by the county auditor, excluding from the publication of those proceedings the canvass of the various elections, as provided by law; the complete text of any questions or propositions submitted to the registered voters of the county by the board of supervisors, which shall be published with the required notice of a general or special election; and witness fees of witnesses before the grand jury and in the district court in criminal cases.
2. The schedule of bills allowed by the board of supervisors.
3. The reports of the county treasurer, including a schedule of the receipts and expenditures of the county and the current cash balance in each fund in the treasurer's office together with the total of warrants outstanding against each of the funds as shown by the warrant register in the auditor's office. A listing of warrants outstanding is not required if the county issues checks in lieu of warrants and there are no remaining outstanding warrants issued by the county.
4. A synopsis of the expenditures of township trustees for road purposes as provided by law.

[R60, §313; C73, §304; C97, §441; SS15, §441; C24, 27, 31, 35, 39, §**5411;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.16]

2006 Acts, ch 1070, §19, 31; 2018 Acts, ch 1133, §1; 2019 Acts, ch 59, §106

Referred to in §349.17, 357.1B, 358.3, 358.32

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349.17 Official publication fee.

The cost of official publications provided for in section 349.16 shall not exceed the fee provided in section 618.11 for the publication of legal notices. An official publication shall not be printed in type smaller than six point.

[C73, §307; C97, §441; SS15, §441; C24, 27, 31, 35, 39, §**5412;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.17]

86 Acts, ch 1183, §3; 89 Acts, ch 214, §2

349.18 Supervisors' proceedings — each payee listed — publication.

1. All proceedings of each regular, adjourned, or special meeting of a board of supervisors, including the schedule of bills allowed, shall be published immediately after the adjournment of the meeting.

2. The publication of the schedule of the bills allowed shall include a list of all claims allowed, including salary claims for services performed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim, except that the publication of claims shall comply with the following:

a. The names of persons receiving relief shall not be published.

b. The salaries paid to persons regularly employed by the county shall only be published annually showing the total amount of the annual salary.

c. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the board shall provide at its office upon request an unconsolidated list of all claims allowed.

3. *a.* The county auditor shall furnish a copy of the proceedings to be published, within one week following the adjournment of the board. The county auditor shall include either a summary of all resolutions or the complete text of resolutions adopted by the board in the furnished copy of the proceedings. As used in this subsection, *"summary"* means a narrative description of the resolution setting forth the main points of the resolution in a manner calculated to inform the public in a clear and understandable manner the meaning of the resolution and to provide the public with sufficient notice of the policy stated or action to be taken, as resolved by the board in the resolution. The narrative description shall include the title of the resolution, an accurate and intelligible synopsis of the essential elements of the resolution, a statement that the description is a summary, the location and the normal business hours of the office where the full text of the resolution may be inspected, and the effective date of the resolution. Legal descriptions of property set forth in a resolution shall be described in full. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

b. In addition to the requirements in paragraph *"a"*, if a county operates an internet site, the county auditor shall post the full text of all resolutions adopted by the board on the internet site. Any posted summary or text of a full resolution shall include links directing readers to information relevant to the content of the resolution.

[C27, 31, 35, §5412-a1; C39, §**5412.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.18]

83 Acts, ch 123, §158, 209; 84 Acts, ch 1069, §1; 2006 Acts, ch 1018, §4; 2018 Acts, ch 1133, §2

Referred to in §331.504

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CHAPTER 350

COUNTY CONSERVATION BOARDS

Referred to in §331.303, 331.427, 456A.19, 456A.24, 481A.1, 481A.130, 717F.7

This chapter not enacted as a part of this title; transferred from chapter 111A in Code 1993

350.1 Purposes.
350.2 Petition — board membership.
350.3 Meetings — records — annual report.
350.4 Powers and duties.
350.5 Regulations — penalty — officers.
350.6 Moneys — contracts — bonds.
350.7 Joint operations.
350.8 School property used.
350.9 Advice and assistance.
350.10 Statutes applicable.
350.11 County conservation boards created.
350.12 Iowa's county beautification program.

350.1 Purposes.

The purposes of this chapter are to create a county conservation board; to authorize counties to acquire, develop, maintain, and make available to the inhabitants of the county, public museums, parks, preserves, parkways, playgrounds, recreational centers, county forests, and wildlife and other conservation areas; to promote and preserve the health and general welfare of the people; to encourage the orderly development and conservation of natural resources; and to cultivate good citizenship by providing adequate programs of public recreation.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §111A.1]
C93, §350.1
2023 Acts, ch 64, §56
Referred to in §461.36

350.2 Petition — board membership.

1. Upon a petition to the board of supervisors which meets the requirements of section 331.306, the board of supervisors shall submit to the voters at the next general election the question of whether a county conservation board shall be created as provided for in this chapter. If at the election the majority of votes favors the creation of a county conservation board, the board of supervisors within sixty days after the election shall create a county conservation board to consist of five bona fide residents of the county.

2. The members first appointed shall hold office for the term of one, two, three, four, and five years respectively, as indicated and fixed by the board of supervisors. Thereafter, succeeding members shall be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term. When a member of the county conservation board, during the term of office, ceases to be a bona fide resident of the county, the member is disqualified as a member and the office becomes vacant.

3. Members of the county conservation board shall be selected and appointed on the basis of their demonstrated interest in conservation matters, and shall serve without compensation, but may be paid their actual and necessary expenses incurred in the performance of their official duties.

4. Members of the county conservation board may be removed for cause by the board of supervisors as provided in section 331.321, subsection 3, if the cause is malfeasance, nonfeasance, disability, or failure to participate in board activities as set forth by the rules of the county conservation board.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §111A.2; 81 Acts, ch 117, §1012]
90 Acts, ch 1238, §34
C93, §350.2
2018 Acts, ch 1041, §83
Referred to in §331.321, 331.381, 350.11

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350.3 Meetings — records — annual report.

1. Within thirty days after the appointment of members of the county conservation board, the board shall organize by selecting from its members a president and secretary and such other officers as are deemed necessary, who shall hold office for the calendar year in which elected and until their successors are selected and qualify.

2. The board shall hold regular monthly meetings. Special meetings may be called by the president, and shall be called on the request of a majority of members, as the necessity may require. Three members of the board shall constitute a quorum for the transaction of business. The county conservation board shall have power to adopt bylaws, to adopt and use a common seal, and to enter into contracts.

3. The county board of supervisors shall provide suitable offices for the meetings of the county conservation board and for the safekeeping of its records. Such records shall be subject to public inspection at all reasonable hours and under such regulations as the county conservation board may prescribe.

4. The county conservation board shall annually make a full and complete report to the county board of supervisors of the county conservation board's transactions and operations for the preceding year. Such report shall contain a full statement of the board's receipts, disbursements, and the program of work for the period covered, and may include such recommendations as may be deemed advisable.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §111A.3]
86 Acts, ch 1245, §1879; 92 Acts, ch 1025, §1
C93, §350.3
2018 Acts, ch 1041, §84

350.4 Powers and duties.

The county conservation board shall have the custody, control, and management of all real and personal property heretofore or hereafter acquired by the county for public museums, parks, preserves, parkways, playgrounds, recreation centers, county forests, county wildlife areas, and other county conservation and recreation purposes and is authorized and empowered:

1. To study and ascertain the county's museum, park, preserve, parkway, and recreation and other conservation facilities, the need for such facilities, and the extent to which such needs are being currently met, and to prepare and adopt a coordinated plan of areas and facilities to meet such needs.

2. To acquire in the name of the county by gift, purchase, lease, agreement, exchange, or otherwise, in fee or with conditions, suitable real estate within or without the territorial limits of the county for public museums, parks, preserves, parkways, playgrounds, recreation centers, forests, wildlife, and other conservation purposes and for participation in watershed, drainage, and flood control programs for the purpose of increasing the recreational resources of the county. The natural resource commission, the county board of supervisors, or the governing body of any city, upon request of the county conservation board, may transfer to the county conservation board for use as museums, parks, preserves, parkways, playgrounds, recreation centers, play fields, tennis courts, skating rinks, swimming pools, gymnasiums, rooms for arts and crafts, camps and meeting places, community forests, wildlife areas, and other recreational purposes, any land and buildings owned or controlled by the department of natural resources or the county or city and not devoted or dedicated to any other inconsistent public use. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeologic, recreational, or other special features, and land shall not be acquired or accepted unless, in the opinion of the board, it is suitable or, in the case of exchange, is suitable and of substantially the same value as the property exchanged from the standpoint of its proposed use. An exchange of property approved by the county conservation board and the board of supervisors is not subject to section 331.361, subsection 2.

3. The county conservation board shall file with the natural resource commission all acquisitions or exchanges of land within one year.

4. To plan, develop, preserve, administer, and maintain all such areas, places, and

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facilities, and construct, reconstruct, alter, and renew buildings and other structures, and equip and maintain the same.

5. To accept in the name of the county gifts, bequests, contributions, and appropriations of money and other personal property for conservation purposes.

6. To employ and fix the compensation of a director who shall be responsible to the county conservation board for the carrying out of its policies. The director, subject to the approval of the board, may employ and fix the compensation of assistants and employees as necessary for carrying out this chapter.

7. To charge and collect reasonable fees for the use of the parks, facilities, privileges, and conveniences as may be provided and for admission to amateur athletic contests, demonstrations and exhibits, and other noncommercial events. The board shall not allow the exclusive use of a park by one or more organizations.

8. To operate concessions or to lease concessions and to let out and rent privileges in or upon any property under its control upon such terms and conditions as are deemed by it to be in the public interest.

9. *a.* To participate in watershed projects of soil and water conservation districts and the federal government and in projects of drainage districts organized under the provisions of chapter 161F, chapter 468, subchapter I, parts 1 through 5, and chapter 468, subchapter II, parts 1, 5, and 6, for the purpose of increasing the recreational resources of the county.

b. Any agreement for such participation by or with a board of supervisors or trustees concerning drainage districts shall be in writing, shall be duly adopted by a resolution of the board of supervisors or trustees and shall be spread in its entirety upon the permanent records of the drainage district or districts affected.

10. To furnish suitable uniforms for the director and those employees as the director may designate to wear uniforms, when on official duty. The cost of the uniforms shall not exceed three hundred dollars per person in any year. The uniforms shall at all times remain the property of the county.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §111A.4; 81 Acts, ch 117, §1013]

84 Acts, ch 1097, §1; 86 Acts, ch 1097, §1; 86 Acts, ch 1245, §1867; 89 Acts, ch 191, §1; 89 Acts, ch 239, §1

C93, §350.4

2010 Acts, ch 1061, §180; 2013 Acts, ch 30, §78; 2023 Acts, ch 64, §57, 58

Referred to in §306.42

For requirement to regularly submit an inventory of all land owned or managed by a county conservation board, see 2022 Acts, ch 1074

350.5 Regulations — penalty — officers.

1. The county conservation board may make, alter, amend, or repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state.

2. The regulations shall not take effect until ten days after their adoption by the board and after their publication as provided in section 331.305 and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply.

3. After the publication and posting, a person violating a provision of the regulations which are then in effect is guilty of a simple misdemeanor.

4. The board may designate the director and those employees as the director may designate as police officers who shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators upon all property under its control within and without the county. The board may grant the director and those employees of the board designated as police officers the authority to enforce the provisions of chapters 321G, 321I, 461A, 462A, 481A, and 483A on land not under the control of the board within the county.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §111A.5]

84 Acts, ch 1097, §2; 87 Acts, ch 43, §3; 88 Acts, ch 1193, §1; 89 Acts, ch 88, §1

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C93, §350.5
2004 Acts, ch 1132, §88; 2018 Acts, ch 1041, §85; 2023 Acts, ch 64, §59
Referred to in §97B.49B, 350.10, 462A.31
See §462A.31

350.6 Moneys — contracts — bonds.

1. Upon request of the county conservation board, the board of supervisors shall establish a reserve for county conservation land acquisition and capital improvement projects. The board of supervisors may periodically credit an amount of money to the reserve. Moneys credited to the reserve shall remain in the reserve until expended for the projects upon warrants requisitioned by the county conservation board. The interest earned on moneys received from bequests and donations in the reserve account which are invested pursuant to section 12C.1 shall be credited to the reserve account.

2. Annually, the total amount of money credited to the reserve, plus moneys appropriated for conservation purposes from sources other than the reserve, shall not be less than the amount of gifts, contributions, and bequests of money, rent, licenses, fees, charges, and other revenues received by the county conservation board. However, moneys given, bequeathed, or contributed upon specified trusts shall be held, appropriated, and expended in accordance with the trust specified.

3. Grants provided by the natural resource commission from its county conservation board fund shall be expended solely for the purposes of carrying out the provisions of this chapter.

4. The county auditor shall keep a complete record of the appropriations and shall issue warrants on them only on requisition of the county conservation board. The county conservation board is subject to the contract letting procedures in section 331.341, subsections 1, 2, and 4. Upon request of the county conservation board, the board of supervisors may issue general county purpose bonds for the purposes in section 331.441, subsection 2, paragraph *"c"*, subparagraph (2), as provided in chapter 331, subchapter IV, part 3.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §111A.6; 81 Acts, ch 28, §3, ch 117, §1014, 1015]
83 Acts, ch 123, §58, 209; 84 Acts, ch 1262, §5; 86 Acts, ch 1245, §1879; 88 Acts, ch 1216, §45
C93, §350.6
2017 Acts, ch 54, §76; 2018 Acts, ch 1041, §127

350.7 Joint operations.

Any county conservation board may cooperate with the federal government or the state government or any department or agency thereof to carry out the purposes and provisions of this chapter. Any county conservation board may also cooperate with a private, not-for-profit organization to carry out public projects and programs authorized under this chapter. Any county conservation board may join with any other county board or boards to carry out this chapter, and to that end may enter into agreement with each other and may do any and all things necessary or convenient to aid and cooperate in carrying out the chapter. Any city, village, or school district may aid and cooperate with any county conservation board or any combination of boards in equipping, operating, and maintaining museums, parks, preserves, parkways, playgrounds, recreation centers, and conservation areas, and for providing, conducting, and supervising programs of activities, and may appropriate money for such purposes. The natural resource commission, county engineer, county agricultural agent, and other county officials shall render assistance which does not interfere with their regular employment. The board of supervisors may be reimbursed to the credit of the proper fund from county conservation funds for actual expense of operation of county-owned equipment, use of county equipment operators, supplies, and materials of the county, or for the reasonable value for the use of county real estate made available for the use of the county conservation board.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §111A.7; 81 Acts, ch 117, §1016]
86 Acts, ch 1245, §1879

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C93, §350.7
99 Acts, ch 48, §1

350.8 School property used.

The governing body of any school district may grant the use of any buildings, grounds, or equipment of the district to any county conservation board for the purpose of carrying out the provisions of this chapter whenever such use of the school buildings, grounds, or equipment for such purposes will not interfere with the use of the buildings, grounds, and equipment for any purpose of the public school system.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §111A.8]
C93, §350.8
Use of schoolhouses for other than school purposes, see §297.9

350.9 Advice and assistance.

The natural resource commission and the department of education shall advise with and may assist any county or counties in carrying out the purposes of this chapter.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §111A.9]
86 Acts, ch 1245, §1879
C93, §350.9

350.10 Statutes applicable.

Sections 461A.35 through 461A.57 apply to all lands and waters under the control of a county conservation board, in the same manner as if the lands and waters were state parks, lands, or waters. As used in sections 461A.35 through 461A.57, *"natural resource commission"* includes a county conservation board, and *"director"* includes a county conservation board or its director, with respect to lands or waters under the control of a county conservation board. However, sections 461A.35 through 461A.57 may be modified or superseded by regulations adopted as provided in section 350.5.

[C71, 73, 75, 77, 79, 81, §111A.10]
84 Acts, ch 1097, §3; 86 Acts, ch 1245, §1868
C93, §350.10
2018 Acts, ch 1026, §120

350.11 County conservation boards created.

Notwithstanding the referendum specified in section 350.2, the board of supervisors of any county in which a county conservation board has not been established as of January 1, 1989, shall create a county conservation board to become effective July 1, 1989. The membership of a county conservation board created pursuant to this section, shall be appointed during the month of January 1989, for the purposes of organizing, planning, and budgeting for the fiscal year beginning July 1, 1989. A county conservation board created as provided in this section shall become fully operational as of July 1, 1989.

88 Acts, ch 1193, §2
C89, §111A.11
C93, §350.11

350.12 Iowa's county beautification program.

1. A county conservation board may establish an Iowa's county beautification program to encourage the prevention and cleanup of litter in public areas of the county. The county conservation director shall prepare and implement the program which is designed to employ persons from fourteen years of age to eighteen years of age in a six-week summer program. The program may include public informational activities, but shall be directed primarily toward encouraging and facilitating involvement in litter prevention and cleanup. The program shall also include weekly instruction on safety in the workplace while employed with an Iowa's county beautification program. Financial assistance for an Iowa's county beautification program may be received through the county conservation account pursuant

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to section 455A.19. County matching funds shall not be required for eligibility for funding an Iowa's county beautification program.

2. A county conservation board shall coordinate its Iowa's county beautification program with the county engineer or director of the county secondary road department and with the district highway engineer of the state department of transportation. The respective county and state highway authorities, within time and budgetary limitations, shall cooperate with the county conservation board in implementing the litter program in regard to the rights-of-way of primary and secondary roads when requested by the county conservation board.

89 Acts, ch 236, §10
CS89, §111A.12
C93, §350.12

CHAPTER 351

DOGS AND OTHER ANIMALS

Referred to in §331.381

351.1	through 351.24 Repealed by 94 Acts, ch 1173, §42.	351.37	Dogs running at large — impoundment — disposition.
351.25	Dog as property.	351.38	Owner's duty.
351.26	Right and duty to kill untagged dog.	351.39	Confinement.
351.27	Right to kill tagged dog.	351.40	Quarantine.
351.28	Liability for damages.	351.41	Not a limitation on power of municipalities and counties.
351.29	Construction clause.	351.42	Exempt dogs.
351.30	through 351.32 Reserved.	351.43	Penalty.
351.33	Rabies vaccination.	351.44	Reserved.
351.34	Condition for license. Repealed by 94 Acts, ch 1173, §42.	351.45	Tampering with a rabies vaccination tag — penalties.
351.35	How and when.	351.46	Tampering with an electronic handling device — penalties.
351.36	Enforcement.		

351.1 through 351.24 Repealed by 94 Acts, ch 1173, §42.

351.25 Dog as property.

All dogs under six months of age, and all dogs over said age and wearing a collar with a valid rabies vaccination tag attached to the collar, shall be deemed property. Dogs not provided with a rabies vaccination tag shall not be deemed property.

[C24, 27, 31, 35, 39, §**5447;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.25]
94 Acts, ch 1173, §32
Referred to in §351.45

351.26 Right and duty to kill untagged dog.

It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a rabies vaccination tag is required, when the dog is not wearing a collar with rabies vaccination tag attached.

[C24, 27, 31, 35, 39, §**5448;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.26]
94 Acts, ch 1173, §33
Referred to in §351.45

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351.27 Right to kill tagged dog.

It shall be lawful for any person to kill a dog, wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §**5449;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.27]

94 Acts, ch 1173, §34; 2007 Acts, ch 111, §1

351.28 Liability for damages.

The owner of a dog shall be liable to an injured party for all damages done by the dog, when the dog is caught in the action of worrying, maiming, or killing a domestic animal, or the dog is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. This section does not apply to damage done by a dog affected with hydrophobia unless the owner of the dog had reasonable grounds to know that the dog was afflicted with hydrophobia and by reasonable effort might have prevented the injury.

[C73, §1485; C97, §2340; S13, §2340; C24, 27, 31, 35, 39, §**5450;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.28]

83 Acts, ch 117, §1

351.29 Construction clause.

A holding that one or more sections of this chapter are unconstitutional shall not be held to invalidate the remaining sections.

[C24, 27, 31, 35, 39, §**5451;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §351.29]

2019 Acts, ch 59, §107

351.30 through 351.32 Reserved.

351.33 Rabies vaccination.

Every owner of a dog shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a dog in the person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large shall not be subject to these vaccination requirements.

[C66, 71, 73, 75, 77, 79, 81, §351.33]

Referred to in §351.35, 351.36, 351.42, 351.43

351.34 Condition for license. Repealed by 94 Acts, ch 1173, §42.

351.35 How and when.

The rabies vaccination required by section 351.33 shall be an injection of antirabies vaccine approved by the state department of agriculture and land stewardship, and the frequency of revaccination necessary for approved vaccinations shall be as established by such department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state department of agriculture and land stewardship. The veterinarian shall issue a tag with the certificate of vaccination, and such tag shall at all times be attached to the collar of the dog.

[C66, 71, 73, 75, 77, 79, 81, §351.35]

Referred to in §351.36, 351.42, 351.43, 351.45

351.36 Enforcement.

Local health and law enforcement officials shall enforce the provisions of sections 351.33, 351.35, this section, and sections 351.37 through 351.43 relating to vaccination and impoundment of dogs. Such public officials shall not be responsible for any accident or disease of a dog resulting from the enforcement of the provisions of said sections.

[C66, 71, 73, 75, 77, 79, 81, §351.36]

2018 Acts, ch 1026, §121

Referred to in §351.42, 351.43

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351.37 Dogs running at large — impoundment — disposition.

1. A dog shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a valid rabies vaccination tag or a rabies vaccination certificate is not presented to the local board of health or law enforcement official.

2. The local board of health or law enforcement official shall provide written notice to the owner if the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days from the date that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of this section, notice is delivered when the local board of health or law enforcement official mails the notice which may be by regular mail. An owner may redeem a dog by having it immediately vaccinated and paying the cost of impoundment.

3. If the owner of the impounded dog fails to redeem the dog within seven days from the date of the delivery of the notice to the dog's owner as provided in this section, the dog may be disposed of in accordance with law. If the dog is destroyed, it must be destroyed by euthanasia as defined in section 162.2.

[C66, 71, 73, 75, 77, 79, 81, §351.37]
2002 Acts, ch 1130, §1; 2017 Acts, ch 54, §76
Referred to in §351.36, 351.42, 351.43

351.38 Owner's duty.

It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It shall be the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

[C66, 71, 73, 75, 77, 79, 81, §351.38]
Referred to in §351.36, 351.42, 351.43

351.39 Confinement.

If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section shall not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

[C66, 71, 73, 75, 77, 79, 81, §351.39]
2001 Acts, ch 19, §1; 2001 Acts, ch 176, §68
Referred to in §351.36, 351.42, 351.43

351.40 Quarantine.

If a local board of health believes rabies to be epidemic, or believes there is a threat of epidemic, in its jurisdiction, it may declare a quarantine in all or part of the area under its jurisdiction and such declaration shall be reported to the department of health and human services. During the period of quarantine, any person owning or having a dog in the person's possession in the quarantined area shall keep such animal securely enclosed or on a leash for the duration of the quarantine period.

[C66, 71, 73, 75, 77, 79, 81, §351.40]
2023 Acts, ch 19, §1110
Referred to in §351.36, 351.42, 351.43

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351.41 Not a limitation on power of municipalities and counties.

This chapter does not limit the power of any city or county to prohibit dogs and other animals from running at large, whether or not they have been vaccinated for rabies, and does not limit the power of any city or county to provide additional measures for the restriction of dogs and other animals for the control of rabies and for other purposes.

[C66, 71, 73, 75, 77, 79, 81, S81, §351.41; 81 Acts, ch 117, §1065]

Referred to in §351.36, 351.42, 351.43

351.42 Exempt dogs.

Dogs that are under the control of the owner or handlers and which are in transit, or are to be exhibited shall be exempt from the vaccination provisions of these sections if they are within the state for less than thirty days. Dogs assigned to a research institution or a like facility shall be exempt from the provisions of sections 351.33 and 351.35, sections 351.36 through 351.41, this section, and section 351.43.

[C66, 71, 73, 75, 77, 79, 81, §351.42]

2018 Acts, ch 1026, §122

Referred to in §351.36, 351.43

351.43 Penalty.

Any person who violates or refuses to comply with the provisions of section 351.33 or sections 351.35 through 351.42 is guilty of a simple misdemeanor.

[C66, 71, 73, 75, 77, 79, 81, §351.43]

2018 Acts, ch 1026, §123; 2022 Acts, ch 1021, §87

Referred to in §351.36, 351.42

351.44 Reserved.

351.45 Tampering with a rabies vaccination tag — penalties.

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:

a. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in section 351.35.

b. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in sections 351.25 and 351.26.

2. *a.* For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. This section shall not apply to an act taken by any of the following:

a. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

b. A peace officer as defined in section 801.4.

c. A veterinarian licensed as provided in chapter 169.

d. An animal shelter or pound as defined in section 162.2.

2020 Acts, ch 1111, §1

351.46 Tampering with an electronic handling device — penalties.

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:

a. The person knowingly removes, disables, or destroys an electric device designed and used to maintain custody or control of the dog or modify the dog's behavior.

b. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including but not limited to a collar, harness, or vest.

2. *a.* For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. This section shall not apply to an act taken by any of the following:

a. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

b. A peace officer as defined in section 801.4.

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c. A veterinarian licensed as provided in chapter 169.
d. An animal shelter or pound as defined in section 162.2.
2020 Acts, ch 1111, §2

CHAPTER 351A

RESERVED

CHAPTER 352

COUNTY LAND PRESERVATION AND USE COMMISSIONS

Referred to in §6B.3, 159.6, 173.3, 455B.275

Chapter does not invalidate ordinances existing on July 1, 1982,
or require adoption of zoning ordinance;
see 82 Acts, ch 1245, §20
This chapter not enacted as a part of this title;
transferred from chapter 176B in Code 1993

352.1 Purpose.
352.2 Definitions.
352.3 County land preservation and use commissions established.
352.4 County inventories.
352.5 County land preservation and use plan.
352.6 Creation or expansion of agricultural areas.
352.7 Duties of county board.
352.8 Requirement that description of agricultural areas be filed with the county.
352.9 Withdrawal.
352.10 Limitation on power of certain public agencies to impose public benefit assessments or special assessments.
352.11 Incentives for agricultural land preservation — payment of costs and fees in nuisance actions.
352.12 State regulation.
352.13 State interagency resource council. Repealed by 98 Acts, ch 1032, §10.

352.1 Purpose.

1. It is the intent of the general assembly and the policy of this state to provide for the orderly use and development of land and related natural resources in Iowa for residential, commercial, industrial, and recreational purposes, preserve private property rights, protect natural and historic resources and fragile ecosystems of this state including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas to promote the efficient use and conservation of energy resources, to promote the creation and maintenance of wildlife habitat, to consider the protection of soil from wind and water erosion and preserve the availability and use of agricultural land for agricultural production, through processes that emphasize the participation of citizens and local governments.

2. The general assembly recognizes the importance of preserving the state's finite supply of agricultural land. Conversion of farmland to urban development, and other nonfarm uses, reduces future food production capabilities and may ultimately undermine agriculture as a major economic activity in Iowa.

3. It is the intent of the general assembly to provide local citizens and local governments the means by which agricultural land may be protected from nonagricultural development pressures. This may be accomplished by the creation of county land preservation and use plans and policies, adoption of an agricultural land preservation ordinance, or establishment of agricultural areas in which substantial agricultural activities are encouraged, so that land inside these areas or subject to those ordinances is conserved for the production of food, fiber, and livestock, thus assuring the preservation of agriculture as a major factor in the economy of this state.

[C79, 81, §93A.1; 82 Acts, ch 1245, §2]

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C87, §176B.1
C93, §352.1
2017 Acts, ch 54, §76
Referred to in §352.6, 352.12

352.2 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Agricultural area"* means an area meeting the qualifications of section 352.6 and designated under section 352.7.

2. *"County board"* means the county board of supervisors.

3. *"County commission"* means the county land preservation and use commission.

4. *"Farm"* means the land, buildings, and machinery used in the commercial production of farm products.

5. *"Farmland"* means those parcels of land suitable for the production of farm products.

6. *"Farm operation"* means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock; the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

7. *"Farm products"* means those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

8. *"Livestock"* means the same as defined in section 267.1.

9. *"Nuisance"* means a public or private nuisance as defined either by statute, administrative rule, ordinance, or the common law.

10. *"Nuisance action or proceeding"* means an action, claim, or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

[C79, 81, §93A.2; 82 Acts, ch 1245, §3]
C87, §176B.2
C93, §352.2
93 Acts, ch 146, §1, 2
Referred to in §321.449, 321I.14, 480.9

352.3 County land preservation and use commissions established.

1. *a.* In each county a county land preservation and use commission is created composed of the following members:

(1) One member appointed by and from the county agricultural extension council.

(2) Two members appointed by the district soil and water conservation commissioners, one of whom must be a member of the district soil and water conservation board of commissioners and one must be a person who is not a commissioner, but is actively operating a farm in the county.

(3) One member appointed by the board of supervisors from the residents of the county who may be a member of the board.

(4) One member appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint the member appointed under this paragraph.

b. However, if a city contains more than fifty percent of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under paragraph *"a"*, subparagraph (4), shall be one member appointed by and from the mayor

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and councilpersons of that city and one member appointed by and from the convention of mayors and councilpersons and the member appointed under paragraph (a), subparagraph (3), shall be a resident of the county engaged in actual farming operations appointed by the board of supervisors.

2. The county commission shall meet and organize by the election of a chairperson and vice chairperson from among its members by October 1, 1982. A majority of the members of the county commission constitutes a quorum. Concurrence of a quorum is required to determine any matter relating to its official duties.

3. The state agricultural extension service shall provide county commissions with technical, informational, and clerical assistance.

4. A vacancy in the county commission shall be filled in the same manner as the appointment of the member whose position is vacant. The term of a county commissioner is four years. However, in the initial appointments to the county commission, the members appointed under subsection 1, paragraph "*a*", subparagraphs (1) and (2) shall be appointed to terms of two years. Members may be appointed to succeed themselves.

[C79, 81, §93A.3(1, 2, 4); 82 Acts, ch 1245, §4]
C87, §176B.3
87 Acts, ch 23, §6
C93, §352.3
2010 Acts, ch 1061, §141

352.4 County inventories.

1. Each county commission shall compile a county land use inventory of the unincorporated areas of the county by July 1, 1984. The county inventories shall where adequate data is available contain at least the following:

a. The land available and used for agricultural purposes by soil suitability classifications or land capability classification, whichever is available.

b. The lands used for public facilities, which may include parks, recreation areas, schools, government buildings, and historical sites.

c. The lands used for private open spaces, which may include woodlands, wetlands, and water bodies.

d. The land used for each of the following uses: commercial, industrial including mineral extraction, residential, and transportation.

e. The lands which have been converted from agricultural use to residential use, commercial or industrial use, or public facilities since 1960.

2. In addition to that provided under subsection 1, the county inventory shall also contain the land inside the boundaries of a city which is taxed as agricultural land.

3. The information required by subsection 1 shall be provided both in narrative and map form. The county commission shall provide a cartographic display which contrasts the county's present land use with the land use in the county in 1960 based on the best available information. The display need only show the areas in agriculture, private open spaces, public facilities, commercial, industrial, residential, and transportation uses.

4. The department of agriculture and land stewardship, department of management, department of natural resources, Iowa geological survey, state agricultural extension service, and the economic development authority shall, upon request, provide to each county commission any pertinent land use information available to assist in the compiling of the county land use inventories.

[C79, 81, §93A.4(9); 82 Acts, ch 1245, §5]
83 Acts, ch 101, §6; 83 Acts, ch 137, §26; 84 Acts, ch 1303, §22
C87, §176B.4
C93, §352.4
2011 Acts, ch 118, §85, 89; 2019 Acts, ch 131, §33; 2020 Acts, ch 1062, §47, 48
Referred to in §352.5

352.5 County land preservation and use plan.

1. By March 1, 1985, after at least one public hearing, a county commission shall propose

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to the county board a county land use plan for the unincorporated areas in the county, or it shall transmit to the county board the county land use inventory completed pursuant to section 352.4 together with a set of written findings on the following factors considered by the county commission:

a. Methods of preserving agricultural lands for agricultural production.

b. Methods of preserving and providing for recreational areas, forests, wetlands, streams, lakes and aquifers.

c. Methods of providing for housing, commercial, industrial, transportational and recreational needs.

d. Methods to promote the efficient use and conservation of energy resources.

e. Methods to promote the creation and maintenance of wildlife habitat.

f. Methods of implementing the plan, if adopted, including a formal countywide system to allow variances from the county plan that incorporates the examination of alternative land uses and a public hearing on such alternatives.

g. Methods of encouraging the voluntary formation of agricultural areas by the owners of farmland.

h. Methods of considering the platting of subdivisions and its effect upon the availability of farmland.

2. Upon receipt of the inventory and findings, the county board may direct the county commission to prepare a county land use plan for the consideration of the county board.

3. *a.* Upon receipt of a plan, the county board may rerefer the plan to the county commission for modification, reject the plan or adopt the plan either as originally submitted or as modified.

b. If the plan is approved by the county board, it shall be the land use policy of the county and shall be administered and enforced by the county in the unincorporated areas. The county commission shall review the county plan periodically for the purpose of considering amendments to it. If the commission proposes amendments to the plan, it shall forward the proposal to the county board which may rerefer the amendments to the commission for modification or reject or adopt the amendments.

4. Within thirty days after the completion of the county land use inventory compiled pursuant to section 352.4 or any county land use plan or set of written findings completed pursuant to this section, the county commission shall transmit one copy of each to the interagency resource council.

[C79, 81, §93A.3(3, 5, 6); 82 Acts, ch 1245, §6]
C83, §93A.5
84 Acts, ch 1303, §23
C87, §176B.5
C93, §352.5
2010 Acts, ch 1061, §180

352.6 Creation or expansion of agricultural areas.

1. An owner of farmland may submit a proposal to the county board for the creation or expansion of an agricultural area within the county. An agricultural area, at its creation, shall include at least three hundred acres of farmland; however, a smaller area may be created if the farmland is adjacent to farmland subject to an agricultural land preservation ordinance pursuant to section 335.27 or adjacent to land located within an existing agricultural area. The proposal shall include a description of the proposed area to be created or expanded, including its boundaries. The territory shall be as compact and as nearly adjacent as feasible. Land shall not be included in an agricultural area without the consent of the owner. Agricultural areas shall not exist within the corporate limits of a city. The county board may consult with the department of natural resources when creating or expanding an agricultural area contiguous to a location which is under the direct supervision of the department, including a state park, state preserve, state recreation area, or sovereign lake. Agricultural areas may be created in a county which has adopted zoning ordinances. Except as provided in this section, the use of the land in agricultural areas is limited to farm operations.

2. The following shall be permitted in an agricultural area:

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a. Residences constructed for occupation by a person engaged in farming or in a family farm operation. Nonconforming preexisting residences may be continued in residential use.

b. Property of a telephone company, city utility as defined in section 390.1, public utility as defined in section 476.1, or pipeline company as defined in section 479.2.

3. The county board of supervisors may permit any use not listed in subsection 2 in an agricultural area only if it finds all of the following:

a. The use is not inconsistent with the purposes set forth in section 352.1.

b. The use does not interfere seriously with farm operations within the area.

c. The use does not materially alter the stability of the overall land use pattern in the area.

[82 Acts, ch 1245, §7]
C83, §93A.6
C87, §176B.6
C93, §352.6
93 Acts, ch 146, §3; 2010 Acts, ch 1061, §142
Referred to in §335.27, 352.2

352.7 Duties of county board.

1. Within thirty days of receipt of a proposal to create or expand an agricultural area which meets the statutory requirements, the county board shall provide notice of the proposal by publishing notice in a newspaper of general circulation in the county. Within forty-five days after receipt of the proposal, the county board shall hold a public hearing on the proposal.

2. Within sixty days after receipt, the county board shall adopt the proposal or any modification of the proposal it deems appropriate, unless to do so would be inconsistent with the purposes of this chapter.

[82 Acts, ch 1245, §8]
C83, §93A.7
C87, §176B.7
C93, §352.7
93 Acts, ch 146, §4
Referred to in §352.2

352.8 Requirement that description of agricultural areas be filed with the county.

Upon the creation or expansion of an agricultural area, its description shall be filed by the county board with the county auditor and placed on record with the recording officer in the county.

[82 Acts, ch 1245, §9]
C83, §93A.8
C87, §176B.8
C93, §352.8
93 Acts, ch 146, §5

352.9 Withdrawal.

1. At any time after three years from the date of creation of an agricultural area, an owner may withdraw from an agricultural area by filing with the county board a request for withdrawal containing a legal description of the land to be withdrawn and a statement of the reasons for the withdrawal. The county board shall, within sixty days of receipt of the request, approve or deny the request for withdrawal. At any time after six years from the date of creation of an agricultural area, an owner may withdraw from an agricultural area by filing with the county board a notice of withdrawal containing a legal description of the land to be withdrawn.

2. The board shall cause the description of that agricultural area filed with the county auditor and recording officer in the county to be modified to reflect any withdrawal. Withdrawal shall be effective on the date of recording. The agricultural area from which the land is withdrawn shall continue in existence even if smaller than three hundred acres after withdrawal.

[82 Acts, ch 1245, §10]
C83, §93A.9

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C87, §176B.9
C93, §352.9
93 Acts, ch 146, §6
Referred to in §352.11

352.10 Limitation on power of certain public agencies to impose public benefit assessments or special assessments.

A political subdivision or a benefited district providing public services such as sewer, water, or lights or for nonfarm drainage shall not impose benefit assessments or special assessments on land used primarily for agricultural production within an agricultural area on the basis of frontage, acreage, or value, unless the benefit assessments or special assessments were imposed prior to the formation of the agricultural area, or unless the service is provided to the landowner on the same basis as others having the service.

[82 Acts, ch 1245, §11]
C83, §93A.10
C87, §176B.10
C93, §352.10
Referred to in §335.27

352.11 Incentives for agricultural land preservation — payment of costs and fees in nuisance actions.

1. *Nuisance restriction.*

a. A farm or farm operation located in an agricultural area shall not be found to be a nuisance regardless of the established date of operation or expansion of the agricultural activities of the farm or farm operation. This paragraph shall apply to a farm operation conducted within an agricultural area for six years following the exclusion of land within an agricultural area other than by withdrawal as provided in section 352.9.

b. Paragraph *"a"* does not apply to a nuisance which is the result of a farm operation determined to be in violation of a federal statute or regulation or state statute or rule. Paragraph *"a"* does not apply if the nuisance results from the negligent operation of the farm or farm operation. Paragraph *"a"* does not apply to actions or proceedings arising from injury or damage to a person or property caused by the farm or a farm operation before the creation of the agricultural area. Paragraph *"a"* does not affect or defeat the right of a person to recover damages for an injury or damage sustained by the person because of the pollution or change in condition of the waters of a stream, the overflowing of the person's land, or excessive soil erosion onto another person's land, unless the injury or damage is caused by an act of God.

c. A person shall not bring an action or proceeding based on a claim of nuisance arising from a farm operation unless the person proceeds with mediation as provided in chapter 654B.

d. If a defendant is a prevailing party in an action or proceeding based on a claim of nuisance and arising from a farm operation conducted on farmland within an agricultural area, the plaintiff shall pay court costs and reasonable attorney fees incurred by the defendant, if the court determines that the claim is frivolous.

2. *Water priority.* In the application for a permit to divert, store, or withdraw water and in the allocation of available water resources under a water permit system, the department of natural resources shall give priority to the use of water resources by a farm or farm operation, exclusive of irrigation, located in an agricultural area over all other uses except the competing uses of water for ordinary household purposes.

[82 Acts, ch 1245, §12]
C83, §93A.11
83 Acts, ch 101, §7; 83 Acts, ch 137, §27
C87, §176B.11
C93, §352.11
93 Acts, ch 146, §7
Referred to in §335.27, 455B.275
Nuisances in general, chapter 657

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352.12 State regulation.

In order to accomplish the purposes set forth in section 352.1, a rule adopted by a state agency after July 1, 1982 which would restrict or regulate farms or farm operations may contain standards which are less restrictive for farms or farm operations inside an agricultural area than for farms or farm operations outside such an area. A rule containing such a discrimination shall not for the fact of such discrimination alone be found or held to be unreasonable, arbitrary, capricious, beyond the authority delegated to the agency, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

[82 Acts, ch 1245, §13]
C83, §93A.12
C87, §176B.12
C93, §352.12
Referred to in §335.27

352.13 State interagency resource council. Repealed by 98 Acts, ch 1032, §10.

CHAPTER 353

COUNTY LIMESTONE QUARRIES

Referred to in §331.382

This chapter not enacted as a part of this title; transferred from chapter 202 in Code 1993

353.1	Definitions.	353.6	Anticipatory warrants.
353.1A	Board may establish.	353.7	Contents of warrants.
353.2	Equipment to operate.	353.8	Registration — call.
353.3	Petition by farm owners.	353.9	Price of lime.
353.4	Assessment lien.	353.10	Cost calculated.
353.5	Interest on installments.	353.11	Relief labor.

353.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

353.1A Board may establish.

The board of supervisors of any county where there is no privately owned quarry, or when a privately owned quarry is unable to supply limestone in the same amount and at the same price and terms, shall have the jurisdiction, power and authority, at any regular, special or adjourned session to establish, locate, acquire by purchase or lease for the county use, any limestone quarry not at that time being operated by private individuals, corporations or associations, suitable for agricultural purposes. Such quarry shall not be so established, located, acquired, or leased unless and until the board has determined by actual investigation that the county can produce by such method lime at less cost than lime of the same quality may be purchased by the county and delivered in the county from other sources.

[C39, §**3142.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.1]
C93, §353.1
C2001, §353.1A

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353.2 Equipment to operate.

The board of supervisors shall have the authority and power to acquire such equipment as it shall deem necessary for the operation of any limestone quarry acquired for the production of agricultural lime.

[C39, §**3142.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.2]
C93, §353.2

353.3 Petition by farm owners.

When a petition signed by fifty or more owners of farms within the county requesting the board of supervisors to sell lime to them under this chapter is filed with the board of supervisors, or when a petition signed by any number of owners of farms within the county requesting the board of supervisors to sell to them under this chapter an amount of lime aggregating not less than five thousand tons, is filed with the board of supervisors, said board may provide for and sell, under the provisions of this chapter, such lime as is requested to the said farm owners signing the petition and to any others requesting such sale of lime.

[C39, §**3142.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.3]
C93, §353.3

353.4 Assessment lien.

The board shall have full power and authority to quarry, pulverize and sell or to purchase and resell to said farm owners in their respective counties, limestone for their use on their farms and may either sell same for cash, or on application of any farm owner in the county, written notice having been first given to the mortgage or lienholder and consent of said lienholders having been obtained in writing, which consent shall be filed in the office of the county auditor, provide agricultural lime, and deliver same to farm of applicant, payment for same to be provided for by a special assessment tax levy against the real estate so benefited in the amount of the sales value and transportation of said agricultural lime, which assessment shall be payable at the option of the owner of the farm or the owner's legal heirs or assignees in its entirety on or before December 1 following the receipt of said lime or may be paid in five equal annual installments payable on October 1 of each succeeding year with the ordinary taxes until said special assessment is fully paid. The special assessment shall, by consent, be a lien prior to any lien or liens upon said real estate.

[C39, §**3142.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.4]
C93, §353.4
Referred to in §353.5

353.5 Interest on installments.

All unpaid installments of the special assessment tax levied against the property described in section 353.4 shall bear interest at a rate not exceeding that permitted by chapter 74A and all delinquent installments shall be subject to the same penalties as are now applied to delinquent general taxes.

[C39, §**3142.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.5]
C93, §353.5

353.6 Anticipatory warrants.

The board shall have the authority for the purpose of financing and carrying out the provisions of this chapter to issue anticipatory warrants drawn on the county, in denominations of one hundred dollars, five hundred dollars and one thousand dollars, which anticipatory warrants shall draw interest at a rate not exceeding that permitted by chapter 74A; and shall not be a general obligation on the county and be secured only by the special assessment tax levy as herein provided.

[C39, §**3142.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.6]
C93, §353.6

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353.7 Contents of warrants.

All such anticipatory warrants shall be signed by the chairperson of the board of supervisors and attested by the county auditor with the auditor's official seal attached thereto, and dated as of the date of sale, and shall not be sold for less than par value. Said bonds may be drawn and sold from time to time as the need for funds to carry out the purpose of this chapter arises.

[C39, §**3142.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.7]

C93, §353.7

Referred to in §331.502

353.8 Registration — call.

All anticipatory warrants drawn under the provisions of this chapter, shall be numbered consecutively, and be registered in the office of the county treasurer and be subject to call in numerical order at any time when sufficient money derived from the sale of such limestone or the payment of a special assessment levied therefor, is in the hands of the county treasurer to retire any of said warrants together with accrued interest thereon.

[C39, §**3142.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.8]

C93, §353.8

Referred to in §331.552

353.9 Price of lime.

The cost price of this agricultural lime shall be fixed by the board of supervisors, at not less than the actual cost of production at the quarry with ten percent added to provide for the cost of and depreciation on the equipment used in the production of said agricultural lime, together with any cost in transportation of the lime from the quarry to the farm of applicant.

[C39, §**3142.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.9]

C93, §353.9

Referred to in §353.10

353.10 Cost calculated.

In calculating the cost price of the agricultural lime to the county as referred to in section 353.9, all elements of the cost of the operations, including the amortization of the purchase price of any quarries, lands, or equipment over the period during which any bonds, warrants or other obligations incurred by the county therefor shall mature, cost of all labor, proportionate and actual administrative overhead of county officials and other county executive employees in administering said chapter and conducting said business, repairs to plant machinery and equipment, wages of all employees and all other costs of production shall be kept in a separate system of accounts, and all books and records with respect to the cost of said agricultural limestone and the methods of bookkeeping and all records in connection with the production, disposal and sale of said agricultural limestone shall be open to the inspection of the public at all times.

[C39, §**3142.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.10]

C93, §353.10

353.11 Relief labor.

The board is specifically authorized to use relief labor in the production of agricultural lime as provided for in this chapter, but shall pay the prevailing labor scale for that type of work, customary in that vicinity.

[C39, §**3142.19;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §202.11]

C93, §353.11

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CHAPTER 354

PLATTING — DIVISION AND SUBDIVISION OF LAND

Referred to in §331.602, 441.72, 543C.1, 592.3, 714.16

Standards for land surveys and plats, see also chapter 355

354.1 Statement of purpose.
354.2 Definitions.
354.3 Covenant of warranty.
354.4 Divisions requiring a plat of survey or acquisition plat.
354.4A Entry upon land for survey purposes.
354.5 Descriptions and conveyance according to plat of survey or acquisition plat.
354.6 Subdivision plats.
354.7 Conveyances by reference to official plat.
354.8 Review and approval by governing bodies.
354.9 Review of plats within two miles of a city.
354.10 Appeal of review or disapproval.
354.11 Attachments to subdivision plats.
354.12 Bonds to secure liens.
354.13 Auditor's plats and plats of survey.
354.14 Appeal of notice.
354.15 Review of auditor's plats.
354.16 Attachments to auditor's plats and plats of survey.
354.17 Costs and collection of costs.
354.18 Recording of plats.
354.19 Dedication of land.
354.20 Action to annul plats.
354.21 Limitation of actions on official plats.
354.22 Vacation of official plats.
354.23 Vacation of streets or other public lands.
354.24 Errors on recorded plats.
354.25 Survey and replat of official plats.
354.26 Corrections or changes to plats.
354.27 Noting the permanent real estate index number.

354.1 Statement of purpose.

It is the purpose of this chapter to provide for a balance between the review and regulation authority of governmental agencies concerning the division and subdivision of land and the rights of landowners. It is therefore determined to be in the public interest:

1. To provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems.

2. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city or county is developing or enforcing land use regulations.

3. To provide for statewide, uniform procedures and standards for the platting of land while allowing the widest possible latitude for cities and counties to establish and enforce ordinances regulating the division and use of land, within the scope of, but not limited to, chapters 331, 335, 364, 414, and this chapter. All documents presented for recording pursuant to this chapter shall comply with section 331.606B.

4. To encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, consistent with an approved comprehensive plan or other specific community plans, if any.

90 Acts, ch 1236, §15
C91, §409A.1
C93, §354.1
2001 Acts, ch 44, §12; 2005 Acts, ch 19, §46

354.2 Definitions.

As used by this chapter, unless the context clearly indicates otherwise:

1. *"Acquisition plat"* means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

2. *"Aliquot part"* means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

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3. *"Auditor's plat"* means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

4. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

5. *"Conveyance"* means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.

6. *"Division"* means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.

7. *"Forty-acre aliquot part"* means one-quarter of one-quarter of a section.

8. *"Governing body"* means a city council or the board of supervisors, within whose jurisdiction the land is located, which has adopted ordinances regulating the division of land.

9. *"Government lot"* means a tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

10. *"Lot"* means a tract of land represented and identified by number or letter designation on an official plat.

11. *"Metes and bounds description"* means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

12. *"Official plat"* means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the recorder, auditor, and assessor.

13. *"Parcel"* means a part of a tract of land.

14. *"Permanent real estate index number"* means a unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29.

15. *"Plat of survey"* means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed professional land surveyor.

16. *"Proprietor"* means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.

17. *"Subdivision"* means a tract of land divided into three or more lots.

18. *"Subdivision plat"* means the graphical representation of the subdivision of land, prepared by a licensed professional land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

19. *"Surveyor"* means a licensed professional land surveyor who engages in the practice of land surveying pursuant to chapter 542B.

20. *"Tract"* means an aliquot part of a section, a lot within an official plat, or a government lot.

90 Acts, ch 1236, §16
C91, §409A.2
C93, §354.2
2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2012 Acts, ch 1009, §1
Referred to in §354.4A, 542B.2

354.3 Covenant of warranty.

1. The duty to file for record a plat as provided in sections 354.4 and 354.6 attaches as a covenant of warranty in all conveyances by a grantor who divides land against all assessments, costs, and damages paid, lost, or incurred by a grantee or person claiming under a grantee, in consequence of the omission on the part of the grantor to file the plat. A conveyance of land is deemed to be a warranty that the description contained in the conveyance is sufficiently certain and accurate for the purposes of assessment, taxation, and entry on the transfer books and plat books required to be kept by the auditor. The description contained in a conveyance shall be sufficiently certain and accurate for assessment and

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taxation purposes if it provides sufficient information to allow all the boundaries to be accurately determined and does not overlap with or create a gap between adjoining land descriptions.

2. A recorded conveyance in violation of this chapter may be entered on the transfer books of the auditor's office. The auditor shall notify the grantor and the grantee that the conveyance is in violation of this chapter and demand compliance as provided for in section 354.13.

90 Acts, ch 1236, §17
C91, §409A.3
C93, §354.3
Referred to in §354.13

354.4 Divisions requiring a plat of survey or acquisition plat.

1. The grantor of land which has been divided using a metes and bounds description shall have a plat of survey made of the division, except as provided for in subsection 3. The grantor or the surveyor shall contact the county auditor who, for the purpose of assessment and taxation, shall review the division to determine whether the survey shall include only the parcel being conveyed or both the parcel being conveyed and the remaining parcel. The plat of survey shall be prepared in compliance with chapter 355 and shall be recorded. The plat shall be clearly marked by the surveyor as a plat of survey and shall include the following information for each parcel included in the survey:

a. A parcel letter or number designation approved by the auditor.

b. The names of the proprietors.

c. An accurate description of each parcel.

d. The total acreage of each parcel.

e. The acreage of any portion lying within a public right-of-way.

2. The auditor shall note a permanent real estate index number upon each parcel shown on a plat of survey according to section 441.29 for real estate tax administration purposes. The surveyor shall not assign parcel letters or prepare a metes and bounds description for any parcel shown on a plat of survey unless the parcel was surveyed by the surveyor in compliance with chapter 355. Parcels within a plat of survey prepared pursuant to this section are subject to the regulations and ordinances of the governing body.

3. When land or rights in land are divided for right-of-way purposes by an agency of the government or other persons having the power of eminent domain and the description of the land or rights acquired is a metes and bounds description then an acquisition plat shall be made and attached to the description when the acquisition instrument is recorded. Acquisition plats shall be clearly marked as an acquisition plat and shall conform to the following:

a. Acquisition plats shall not be required to conform to the provisions of chapter 355.

b. The information shown on the plat shall be developed from instruments of record together with information developed by field measurements. The unadjusted error of field measurements shall not be greater than one in five thousand.

c. The plat shall be signed and dated by a surveyor, bear the surveyor's Iowa license number and legible seal, and shall show a north arrow and bar scale.

d. The original drawing shall remain the property of the surveyor or the surveyor's agency and shall not be less than eight and one-half by eleven inches in size.

e. If the right-of-way on an acquisition plat is a portion of lots within an official plat, reference shall be made to both the lots and plat name. If the right-of-way acquisition plat is not within an official plat, reference shall be made to the government lot or quarter-quarter section and to the section, township, range, and county.

f. The plat shall indicate whether the monuments shown are existing monuments or monuments to be established. Monuments shall be established as necessary to construct or maintain the right-of-way project.

g. The acquisition plat shall identify the project for which the right-of-way was acquired and a parcel designation shall be assigned to each right-of-way parcel.

4. The acreage shown for each parcel included in a plat of survey or acquisition plat

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shall be to the nearest one-hundredth acre. If a parcel described as part of the United States public land survey system and not entirely within an official plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for each portion of the parcel that lies within each forty-acre aliquot part. The surveyor shall not be required to establish the location of the forty-acre aliquot line by survey but is required to use reasonable assumptions in determining its approximate location for assessment and taxation purposes.

5. Governmental agencies shall not be required to survey a remaining parcel when land is divided for right-of-way purposes and shall not be required to contact the auditor for approval of parcel designations shown on an acquisition plat.

90 Acts, ch 1236, §18
C91, §409A.4
91 Acts, ch 191, §15
C93, §354.4
2005 Acts, ch 19, §47; 2012 Acts, ch 1009, §2
Referred to in §354.3, 354.13

354.4A Entry upon land for survey purposes.

1. *a.* A land surveyor may enter public or private land or water in the state only to occupy, locate, relocate, install, or replace survey monuments, to locate boundaries, rights-of-way, and easements, to determine geodetic positions, and to make surveys and maps and may carry with them their customary equipment and vehicles. A surveyor may not enter buildings or other structures located on the land. Entry under the right granted in this section shall not constitute trespass, and land surveyors shall not be liable to arrest or a civil action by reason of the entry.

b. For purposes of this section, *"land surveyor"* means a land surveyor licensed pursuant to chapter 542B or a person under the direct supervision of a licensed land surveyor.

c. Vehicular access to perform surveys under this section is limited to established roads and trails, unless approval for other vehicular access is granted by the landowner.

2. A vehicle used for or during entry pursuant to this section shall be identified on the exterior by a legible sign listing the name, address, and telephone number of the land surveyor or the firm employing the land surveyor.

3. Land surveyors shall announce and identify themselves and their intentions before entering upon private property. A land surveyor shall provide written notice to the landowner, or the person who occupies the land as a tenant or lessee, not less than seven days prior to the entry. The notice shall be sent by ordinary mail, postmarked not less than seven days prior to the entry, or delivered personally. A mailing is deemed sufficient if the surveyor mails the required notice to the address of the landowner as contained in the property tax records. For civil liability purposes, receipt of this notice shall not be considered consent. This notice is not required for a survey along previously surveyed boundaries within a platted subdivision accepted or recorded by the federal government or an official plat as defined in section 354.2, subsection 12.

4. The written notice of the pending survey shall contain all of the following:

a. The identity of the party for whom the survey is being performed and the purpose for which the survey will be performed.

b. The employer of the surveyor.

c. The identity of the surveyor.

d. The dates the land will be entered; the time, location, and timetable for such entry; the estimated completion date; and the estimated number of entries that will be required.

5. This section shall not be construed as giving authority to land surveyors to destroy, injure, or damage anything on the lands of another without the written permission of the landowner, and this section shall not be construed as removing civil liability for such destruction, injury, or damage.

6. A land surveyor who enters on private land must comply with all biosecurity and restricted-access protocols established by the owner or occupant of the private land.

7. A landowner or occupant shall owe the same duty to a land surveyor entering land

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without the consent of the landowner or occupant as the landowner or occupant would owe to a trespasser on that land.

2009 Acts, ch 157, §1

354.5 Descriptions and conveyance according to plat of survey or acquisition plat.

1. A conveyance of a parcel shown on a recorded plat of survey shall describe the parcel by using the description provided on the plat of survey or by reference to the plat of survey, which reference shall include all of the following:

a. The parcel letter or number designation.

b. The document reference number of the recorded plat of survey.

c. The lot number or letter and name of the official plat, if the parcel lies within an official plat.

d. The section, township, and range number and reference to the aliquot part of the section, if the parcel lies outside of an official plat.

2. A conveyance of a parcel shown on a recorded acquisition plat shall describe the parcel by using the description provided on the acquisition instrument or by reference to the acquisition plat, which reference shall include all of the following:

a. The parcel designation and reference to the project for which the right-of-way was acquired.

b. The document reference number of the recorded acquisition plat.

c. The lot number or letter and name of the official plat, if the parcel lies within an official plat.

d. The section, township, and range number and reference to the aliquot part of the section, if the parcel lies outside of an official plat.

3. A description by reference to the recorded plat of survey, in compliance with subsection 1, is valid.

4. A description by reference to the recorded acquisition plat, in compliance with subsection 2, is valid.

5. A description by reference to a permanent real estate index number is valid for the purpose of assessment and taxation under the permanent real estate index number system pursuant to section 441.29.

90 Acts, ch 1236, §19
C91, §409A.5
91 Acts, ch 191, §16
C93, §354.5
2001 Acts, ch 44, §13, 14; 2005 Acts, ch 19, §48

354.6 Subdivision plats.

1. A subdivision plat shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements.

2. A subdivision plat shall have a succinct name or title that is unique, as approved by the auditor, for the county in which the plat lies. The auditor shall evidence the approval of such name or title in a statement that shall accompany the plat as provided in section 354.11. The plat shall include an accurate description of the land included in the subdivision and shall give reference to two section corners within the United States public land survey system in which the plat lies or, if the plat is a subdivision of any portion of an official plat, two established monuments within the official plat. Each lot within the plat shall be assigned a progressive number. Streets, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and shall have the proposed use clearly designated. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of practical use or service as determined by the governing body. Progressive block numbers or letters may be assigned to groups of lots separated from other lots by streets or other physical features of the land. The surveyor shall not assign lot numbers or letters to a lot shown within a subdivision

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plat unless the lot has been surveyed by the surveyor in compliance with chapter 355. The auditor may note a permanent real estate index number upon each lot within a subdivision plat. Sufficient information, including dimensions and angles or bearings, shall be shown on the plat to accurately establish the boundaries of each lot, street, and easement. Easements necessary for the orderly development of the land within the plat shall be shown and the purpose of the easement shall be clearly stated.

3. If a subdivision plat, described as part of the United States public land survey system and not entirely within an official plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for the portion of the subdivision that lies within each forty-acre aliquot part of the section. The area of the irregular lots within the plat shall be shown and may be expressed in either acres, to the nearest one-hundredth acre, or square feet, to the nearest ten square feet. The surveyor shall not be required to establish the location of a forty-acre aliquot line by survey but is required to use reasonable assumptions in determining its approximate location for assessment and taxation purposes.

90 Acts, ch 1236, §20
C91, §409A.6
C93, §354.6
2006 Acts, ch 1012, §1
Referred to in §354.3, 354.8, 354.11, 354.13, 354.16

354.7 Conveyances by reference to official plat.

A description of land by reference to lot number or letter designation and block, if block designations are shown on the plat, and the title or name of the official plat, is valid.

90 Acts, ch 1236, §21
C91, §409A.7
C93, §354.7

354.8 Review and approval by governing bodies.

1. A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

2. If the subdivision plat and all matters related to final approval of the subdivision plat conform to the standards and conditions established by the governing body, and conform to this chapter and chapter 355, the governing body, by resolution, shall approve the plat and certify the resolution which shall be recorded with the plat. The recorder shall refuse to accept a subdivision plat presented for recording without a resolution from each applicable governing body approving the subdivision plat or waiving the right to review.

3. As used in this section, the term *"subdivision improvements"* means any fixture, structure, or other improvement to land required to be constructed or installed by the proprietor as a condition of the governing body's approval of a subdivision plat.

4. *a.* For a city with a population equal to or greater than fifty thousand, if the proprietor or the contractor for the construction of subdivision improvements has provided the name and facsimile number or electronic mail address of the contractor, the city shall notify the contractor, either by facsimile or electronic mail, not less than forty-eight hours in advance of the date on which the city will consider the acceptance of subdivision improvements constructed by the contractor.

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b. For a city with a population equal to or greater than twenty-five thousand but less than fifty thousand, a proprietor or the contractor for the construction of subdivision improvements may request that the city notify the contractor, either by facsimile or electronic mail, not less than forty-eight hours in advance of the date on which the city will consider the acceptance of subdivision improvements constructed by the contractor. Upon the receipt of such a request to notify the contractor, the city shall provide such notice.

c. A city's failure to provide notice pursuant to paragraph "*a*" or "*b*" shall not impose any responsibility on the city for the payment of any amounts owed by a proprietor to a contractor.

5. A city may establish jurisdiction to review subdivisions or plats of survey outside its boundaries pursuant to the provisions of section 354.9. In the case of a city, the provisions of this section apply to the review by the city of both subdivision plats and plats of survey.

90 Acts, ch 1236, §22
C91, §409A.8
C93, §354.8
2002 Acts, ch 1132, §1, 2, 11; 2011 Acts, ch 64, §1
Referred to in §354.11

354.9 Review of plats within two miles of a city.

1. If a city, which has adopted ordinances regulating the division of land, desires to review subdivision plats or plats of survey for divisions or subdivisions outside the city's boundaries, then the city shall establish by ordinance specifically referring to the authority of this section, the area subject to the city's review and approval. The area of review may be identified by individual tracts, by describing the boundaries of the area, or by including all land within a certain distance of the city's boundaries, which shall not extend more than two miles distance from the city's boundaries. The ordinance establishing the area of review or modifying the area of review by a city, shall be recorded in the office of the recorder and filed with the county auditor.

2. If a subdivision lies in a county, which has adopted ordinances regulating the division of land, and also lies within the area of review established by a city pursuant to this section, then the subdivision plat or plat of survey for the division or subdivision shall be submitted to both the city and county for approval. The standards and conditions applied by a city or county for review and approval of the subdivision shall be the same standards and conditions used for review and approval of subdivisions within the city limits or shall be the standards and conditions for review and approval established by agreement of the city and county pursuant to chapter 28E. Either the city or county may, by resolution, waive its right to review the subdivision or waive the requirements of any of its standards or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat.

3. If cities establish overlapping areas of review outside their boundaries, then the cities shall establish by agreement pursuant to chapter 28E reasonable standards and conditions for review of subdivisions within the overlapping area. If no agreement is recorded pursuant to chapter 28E, then the city which is closest to the boundary of the subdivision shall have authority to review the subdivision.

4. For purposes of this section, "*subdivision*" also includes a declaration for the establishment of a horizontal property regime under chapter 499B. A declaration of a horizontal property regime that is proposed to be located within the area of review established by a city pursuant to this section shall be subject to review and approval in the same manner as a subdivision.

90 Acts, ch 1236, §23
C91, §409A.9
C93, §354.9
2002 Acts, ch 1132, §3, 11; 2010 Acts, ch 1051, §1; 2013 Acts, ch 30, §79
Referred to in §354.8, 499B.3

354.10 Appeal of review or disapproval.

1. When application is made to a governing body for approval of a subdivision plat,

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the applicant or a second governing body, which also has jurisdiction for review, may be aggrieved by any of the following:

a. The requirements imposed by a governing body as a condition of approval.

b. The governing body exceeding the time for review established by ordinance.

c. The denial of the application.

d. Failure of the governing body to approve or reject a subdivision plat within sixty days from the date of application for final approval.

2. If the plat is disapproved by the governing body, such disapproval shall state how the proposed plat is objectionable. The applicant has the right to appeal, within twenty days, the failure of the governing body to issue final approval of the plat as provided in this section.

3. The applicant or the aggrieved governing body has the right to appeal to the district court within twenty days after the date of the denial of the application or the date of the receipt by the applicant of the requirements for approval of the subdivision. Notice of appeal shall be served on the governing body in the manner provided for the service of original notice pursuant to the rules of civil procedure. The appeal shall be tried de novo as an equitable proceeding and accorded a preference in assignment so as to assure its prompt disposition.

90 Acts, ch 1236, §24
C91, §409A.10
C93, §354.10
2010 Acts, ch 1061, §180

354.11 Attachments to subdivision plats.

1. A subdivision plat, other than an auditor's plat, that is presented to the recorder for recording shall conform to section 354.6 and shall not be accepted for recording unless accompanied by the following documents:

a. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the governing body.

b. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in section 354.12 may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the governing body or dedicated to the public.

c. An opinion by an attorney at law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

d. A certified resolution by each governing body as required by section 354.8 either approving the subdivision or waiving the right to review.

e. A statement by the auditor approving the name or title of the subdivision plat.

f. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with section 354.12. A certificate of the treasurer shall expire upon the next annual delivery of the tax list from the county auditor to the county treasurer pursuant to the procedures set forth in section 443.4. An expired certificate of the treasurer shall not be considered an acceptable document presented to the recorder for recording.

2. A subdivision plat that includes no land set apart for streets, alleys, parks, open areas, school property, or public use other than utility easements shall be accompanied by the

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documents listed in subsection 1, paragraphs *"a"*, *"b"*, *"c"*, *"d"*, and *"e"* and a certificate of the treasurer that the land is free from certified taxes other than certified special assessments.

90 Acts, ch 1236, §25
C91, §409A.11
C93, §354.11
2006 Acts, ch 1012, §2, 3; 2010 Acts, ch 1061, §143; 2020 Acts, ch 1061, §1
Referred to in §354.6, 354.8, 354.16, 354.25

354.12 Bonds to secure liens.

1. A bond in double the amount of the lien shall be secured and recorded if a lien exists on the land included in a subdivision plat and the required consent of the lienholder is not attached for one of the following reasons:

a. The lienholder cannot be found, in which case an affidavit by the proprietor stating that the lienholder could not be found shall be recorded with the bond.

b. The lienholder will not accept payment or cannot, because of the nature of the lien, accept payment in full of the lien, in which case an affidavit by the lienholder stating that payment of the lien was offered but refused shall be recorded with the bond.

2. The bond shall run to the county and be for the benefit of purchasers of lots within the plat and shall be conditioned for the payment and cancellation of the debt as soon as practicable and to hold harmless purchasers or their assigns and the governing body from the lien.

90 Acts, ch 1236, §26
C91, §409A.12
C93, §354.12
2010 Acts, ch 1061, §180
Referred to in §354.11

354.13 Auditor's plats and plats of survey.

If a tract is divided or subdivided in violation of section 354.4 or 354.6 or the descriptions of one or more parcels within a tract are not sufficiently certain and accurate for the purpose of assessment and taxation under the guidelines of section 354.3, the auditor shall notify the proprietors of the parcels within the tract for which no plat has been recorded as required by this chapter, and demand that a plat of survey or a subdivision plat be recorded as required by this chapter. Notice shall be served by mail and a certified copy of the notice shall be recorded. The auditor shall mail a copy of the notice to the applicable governing bodies. If the proprietors fail, within thirty days of the notice, to comply with the notice or file with the auditor a statement of intent to comply, the auditor shall contract with a surveyor to have a survey made of the property and have a plat of survey or an auditor's plat recorded as necessary to comply with this chapter. Upon receipt of a statement of intent to comply, the auditor may extend the time period for compliance.

90 Acts, ch 1236, §27
C91, §409A.13
C93, §354.13
Referred to in §306.42, 331.511, 354.3, 354.15, 354.16, 354.17

354.14 Appeal of notice.

A proprietor aggrieved by a notice to plat by the auditor may appeal to the district court within twenty days after service of notice. Upon appeal, the auditor shall take no further action pending a decision of the district court. The appeal shall be tried de novo as an equitable proceeding.

90 Acts, ch 1236, §28
C91, §409A.14
C93, §354.14

354.15 Review of auditor's plats.

A proposed auditor's plat shall be filed with the applicable governing body which shall review the plat within the time specified by ordinance, and if it conforms to chapter 355, the

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governing body shall by resolution approve the plat and certify the resolution to be recorded with the plat. The governing body may state in the resolution whether the lots within the auditor's plat meet the standards and conditions established by ordinance for subdivision lots. The lots within a recorded auditor's plat and parcels within a recorded plat of survey prepared under section 354.13 are individually subject to local regulations and ordinances. Approval of an auditor's plat shall not impose any liability on a governing body to install or maintain public improvements or utilities within the plat. Approval of an auditor's plat by a governing body shall not constitute a waiver of ordinances requiring a subdivision plat.

90 Acts, ch 1236, §29
C91, §409A.15
C93, §354.15
Referred to in §306.42

354.16 Attachments to auditor's plats and plats of survey.

1. A plat of survey prepared pursuant to section 354.13 shall be accompanied by a certificate of the auditor that the plat of survey was prepared at the direction of the auditor because the proprietors failed to file a plat.

2. An auditor's plat shall conform to section 354.6, but is exempt from section 354.11. An auditor's plat presented to the recorder for recording shall be accompanied by the following documents:

a. A certificate of the auditor that the auditor's plat was prepared at the direction of the auditor because the proprietors failed to file a plat, that the plat was prepared for assessment and taxation purposes, and that the recording of the plat does not constitute a dedication or impose any liability upon the state or governmental agency.

b. A certified resolution by the governing body, approving the plat or waiving the right to review.

c. A list for each lot within the plat of the proprietor's names, the area, expressed in acreage or square feet, the document reference number of the recorded conveyance to the proprietors, and the permanent real estate index number, where established.

d. A certificate of the auditor that no search was made at the time of the recording of the plat to determine the existence of any liens, mortgages, delinquent taxes, or special assessments, that no search was made, other than the records of the auditor's office, to establish title to the property within the plat, and that the lots within the plat are subject individually to the regulations and ordinances of the applicable governing body.

90 Acts, ch 1236, §30
C91, §409A.16
C93, §354.16
2002 Acts, ch 1113, §6

354.17 Costs and collection of costs.

The surveyor shall present to the auditor a statement of the total cost of the surveying, platting, and recording of a plat prepared pursuant to section 354.13. The surveyor shall also present a statement of the part of the total cost to be assessed to each parcel included in the plat based on the time involved in establishing the boundaries of each parcel. The auditor shall certify to the treasurer an assessment for the platting costs against the lots within the plat which shall be collected in the same manner as general taxes, except that the board of supervisors, by resolution, may establish not more than ten equal annual installments and provide for interest on unpaid installments at a rate not to exceed that permitted by chapter 74A.

90 Acts, ch 1236, §31
C91, §409A.17
C93, §354.17
Referred to in §354.25
Collection of taxes, see chapter 445

354.18 Recording of plats.

1. A plat of survey prepared pursuant to this chapter and a subdivision plat, with

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attachments, shall be recorded in the office of the county recorder, and an exact copy of the plat shall be filed in the offices of the county auditor and assessor. A replat of any part of an official plat pursuant to section 354.25, or a recorded subdivision plat of any part of an existing official plat shall supersede that part of the original official plat, including unused public utility easements.

2. The recorder shall examine each plat of survey and subdivision plat to determine whether the plat is clearly legible and whether the approval by the applicable governing body and the other attachments required by this chapter are presented with the plat. The recorder shall also keep a reproducible copy of the plat from which legible copies can be made. The recorder may specify the material and the size of the plat, not less than eight and one-half inches by eleven inches, that will be accepted for recording in order to comply with this section. The recorder shall not record a subdivision plat that violates this chapter.

90 Acts, ch 1236, §32
C91, §409A.18
C93, §354.18
Referred to in §331.511

354.19 Dedication of land.

1. An official plat which conforms to this chapter and has attached to the plat a dedication by the proprietors to the public and approval of the dedication by the governing body is equivalent to a deed in fee simple from the proprietors to the public of any land within the plat that is dedicated for street, alley, walkway, park, open area, school property, or other public use. An approved dedication of land for street purposes by the proprietors establishes an easement for public access, whether or not a deed has been recorded or the improvement of the street is complete, except when the resolution approving the plat specifically sets aside portions of the dedicated land as not being open for public access at the time of recording for public safety reasons. The recording of a subdivision plat shall dedicate to the public any utility, sewer, drainage, access, walkway, or other public easement shown on the plat.

2. The recording of an auditor's plat shall not serve to dedicate streets, alleys, parks, open areas, school property, public improvements, or utilities. The failure to show the existence of an easement or any public interest on the auditor's plat shall not remove or otherwise affect the interest.

90 Acts, ch 1236, §33
C91, §409A.19
C93, §354.19

354.20 Action to annul plats.

If a plat is filed and recorded in violation of this chapter, a governing body or a proprietor aggrieved by the violation, after filing written notice with the proprietors who joined in the acknowledgment of the plat or their successors in interest, may institute a suit in equity in the district court. The court may order the plat annulled except as provided in section 354.21.

90 Acts, ch 1236, §34
C91, §409A.20
C93, §354.20

354.21 Limitation of actions on official plats.

An action shall not be maintained, at law or in equity, in any court, against a proprietor, based upon an omission of data shown on an official plat or upon an omission, error, or inconsistency in any of the documents required by this chapter unless the action is commenced within ten years after the date of recording of the official plat. Limitation of actions based on claims other than those provided for in this section shall be consistent with chapter 614.

90 Acts, ch 1236, §35
C91, §409A.21
C93, §354.21
Referred to in §354.20

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354.22 Vacation of official plats.

1. The proprietors of lots within an official plat who wish to vacate any portion of the official plat shall file a petition for vacation with the governing body which would have jurisdiction to approve the plat at the time the petition is filed. After the petition has been filed, the governing body shall fix the time and place for public hearing on the petition. Written notice of the proposed vacation shall be served in the manner of original notices as provided in Iowa rules of civil procedure and be served upon proprietors and mortgagees within the official plat that are within three hundred feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa department of natural resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with fourteen days between publications, stating the date, time, and place of the hearing.

2. The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:

a. An instrument signed, executed, and acknowledged by all the proprietors and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each proprietor along with an accurate description to be used to describe the land after the lots are vacated.

b. A resolution by the governing body approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside or dedicated for public use.

c. A certificate of the auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.

3. No part of this section authorizes the closing or obstructing of public highways.

4. The vacation of a portion of an official plat shall not remove or otherwise affect a recorded restrictive covenant, protective covenant, building restriction, or use restriction. Recorded restrictions on the use of property within an official plat shall be modified or revoked by recording a consent to the modification or removal, signed and acknowledged by the proprietors and mortgagees within the official plat.

90 Acts, ch 1236, §36
C91, §409A.22
92 Acts, ch 1055, §1
C93, §354.22
2010 Acts, ch 1061, §180
Referred to in §354.23

354.23 Vacation of streets or other public lands.

1. A city or a county may vacate part of an official plat that had been conveyed to the city or county or dedicated to the public which is deemed by the governing body to be of no benefit to the public.

2. The city or county shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded. The city or county may convey the vacated property by deed or may convey the property to adjoining proprietors through the vacation instrument. If the vacating instrument is used to convey property then the instrument shall include a list of adjoining proprietors to whom the vacated property is being conveyed along with the corresponding description of each parcel being conveyed. A recorded vacation instrument which conforms to this section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the recorder and auditor.

3. A vacation instrument recorded pursuant to this section shall not operate to annul any part of an official plat except as provided for in section 354.22.

90 Acts, ch 1236, §37
C91, §409A.23
C93, §354.23
2017 Acts, ch 54, §76

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354.24 Errors on recorded plats.

If an error or omission in the data shown on a recorded plat is detected by subsequent examinations or revealed by retracing the lines shown on the plat, the original surveyor or two surveyors confirming the error through independent surveys shall record an affidavit confirming that the error or omission was made. The affidavit shall describe the nature and extent of the error or omission and also describe the corrections or additions to be made to the plat and note a document reference number of the recorded plat. The recorder shall note on the record of the plat the word "corrected", and note the document reference number of the recorded affidavit. A copy of the recorded affidavit shall be filed with the auditor and assessor. The affidavit shall raise a presumption from the date of recording that the purported facts stated in the affidavit are true, and after the lapse of three years from the date of recording the presumption shall be conclusive.

90 Acts, ch 1236, §38
C91, §409A.24
C93, §354.24
2001 Acts, ch 44, §15
Referred to in §331.511

354.25 Survey and replat of official plats.

1. A survey of an official plat shall conform as nearly as possible to the original lot lines shown on the official plat. The surveyor may summon witnesses, administer oaths, and prepare affidavits and boundary line agreements as necessary in order to establish the location of property lines or lot lines. If a substantial error is discovered in an official plat or if it is found to be materially defective, a proprietor may petition the governing body which would have jurisdiction to approve the plat at the time the petition is filed for a replat of any part of the official plat. Notice of the proposed replat shall be served, in the manner of original notice as provided in Iowa rules of civil procedure, to the proprietors of record and holders of easements specifically recorded within the area to be replatted. The governing body has jurisdiction of the matter upon proof of publication of notice of the petition once each week for two weeks in a newspaper of general circulation within the area of the replat.

2. All of the following shall apply to a replat of an official plat ordered by the governing body:

a. The replat shall be prepared by a surveyor pursuant to chapter 355 and recorded.

b. The replat shall be exempt from the provisions of section 354.11.

c. The replat shall have attached to the plat a statement by the surveyor that the replat is prepared at the direction of the governing body.

3. The costs of the replat shall be presented to the auditor and assessed against the property included in the replat as provided for in section 354.17.

90 Acts, ch 1236, §39
C91, §409A.25
C93, §354.25
2010 Acts, ch 1069, §121
Referred to in §331.511, 354.18
Manner of service, R.C.P. 1.302 – 1.315

354.26 Corrections or changes to plats.

A vacation, correction, or replatting as provided for in this chapter shall be recorded and an exact copy shall be filed with the auditor and assessor. If a governing body changes the addresses or street names shown on an official plat, notice of the change shall note the name or other designation of each official plat affected and shall be filed with the recorder, auditor, and assessor. The recorder shall note the vacation, correction, or replatting on the index and record of the official plat or upon an attachment to the official plat for that purpose. The auditor shall make the proper changes on the plats required to be kept by the auditor.

90 Acts, ch 1236, §40
C91, §409A.26

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C93, §354.26
2001 Acts, ch 44, §16
Referred to in §331.511, 592.7

354.27 Noting the permanent real estate index number.

When a permanent real estate index number system is established by a county pursuant to section 441.29, the auditor shall note the permanent real estate index number on every conveyance.

90 Acts, ch 1236, §41
C91, §409A.27
C93, §354.27
2005 Acts, ch 19, §49

CHAPTER 355

STANDARDS FOR LAND SURVEYING

Referred to in §354.4, 354.6, 354.8, 354.15, 354.25

Platting and subdivisions; see also chapter 354
This chapter not enacted as a part of this title; transferred from chapter 114A in Code 1993

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SUBCHAPTER I

GENERAL PROVISIONS

355.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Corner"* means a point at which two or more lines meet.
2. *"Division"* means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.
3. *"Government lot"* means a tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
4. *"Land surveying"* means surveying of land pursuant to chapter 542B.
5. *"Lot"* means a tract of land, generally a subdivision of a city or town block, represented and identified as a lot on a recorded plat.
6. *"Meander line"* means a traverse approximately along the margin of a body of water. A meander line provides data for computing areas and approximately locates the margin of the body of water. A meander line does not ordinarily determine or fix boundaries.

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7. *"Monument"* means a physical structure which marks the location of a corner or other survey point.

8. *"Offset line"* means a supplementary traverse close to and approximately parallel with an irregular boundary line. An offset line provides data for computing areas and locates salient points on the irregular boundary line by measured distances referenced to the offset line.

9. *"Plat of survey"* means a graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed professional land surveyor.

10. *"Public improvement project"* means a project relating to the construction of the principal structures, works, component parts, and accessories of any of the following:

a. Underground gas, water, heating, sewer, telecommunications, and electrical connections located in streets for private property.

b. Sanitary, storm, and combined sewers.

c. Waterworks, water mains, and extensions.

d. Emergency warning systems.

e. Pedestrian underpasses or overpasses.

f. Drainage conduits, dikes, and levees for flood protection.

g. Public waterways, docks, and wharfs.

h. Public parks, playgrounds, and recreational facilities.

i. Clearing, stripping, grubbing, earthwork, erosion control, lot grading, street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing with oil and gravel or chloride.

j. Street lighting fixtures, connections, and facilities.

k. Sewage pumping stations.

l. Traffic control devices, fixtures, connections, and facilities.

m. Public roads, streets, and alleys.

11. *"Retracement plat of survey"* means a graphical representation of a survey of one or more parcels or tracts of land prepared by a licensed professional land surveyor and described by an existing recorded property description used for the transfer of land.

12. *"Subdivision"* means a tract of land divided into three or more lots.

13. *"Subdivision plat"* means a graphical representation of the subdivision of land, prepared by a licensed professional land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.

14. *"Surveyor"* means a licensed professional land surveyor who engages in the practice of land surveying pursuant to chapter 542B.

90 Acts, ch 1236, §1
C91, §114A.1
C93, §355.1
2012 Acts, ch 1009, §3; 2016 Acts, ch 1064, §2
Referred to in §331.604, 716.6

355.2 Applicability.

This chapter applies to all agencies of the United States government, this state, or a political subdivision of this state and to all persons engaged in the practice of land surveying.

90 Acts, ch 1236, §2
C91, §114A.2
C93, §355.2

355.3 Rules.

Pursuant to chapter 542B, the engineering and land surveying examining board may adopt rules consistent with the rules prescribed by the Acts of Congress and the instructions of the United States Secretary of the Interior.

90 Acts, ch 1236, §3

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C91, §114A.3
C93, §355.3

355.4 Boundary location.

The surveyor shall acquire data necessary to retrace record title boundaries, center lines, and other boundary line locations in accordance with the legal descriptions including applicable provisions of chapter 650. The surveyor shall analyze the data and make a careful determination of the position of the boundaries of the parcel or tract of land being surveyed. The surveyor shall make a field survey, locating and connecting monuments necessary for location of the parcel or tract and coordinate the facts of the survey with the analysis and legal description. The surveyor shall place monuments marking the corners of the parcel or tract unless monuments already exist at the corners.

90 Acts, ch 1236, §4
C91, §114A.4
C93, §355.4

355.5 Measurements.

1. Measurements shall be made with instruments and methods capable of attaining the required accuracy for the particular problem involved.
2. Measurements as placed on plats shall be in conformance with the capabilities of the instruments used.
3. In a closed traverse the sum of the measured angles shall agree with the theoretical sum by a difference not greater than thirty seconds times the square root of the number of angles.
4. Distances shall be shown in decimal feet in accordance with the federal definition of a foot at the time the survey is performed.

90 Acts, ch 1236, §5
C91, §114A.5
C93, §355.5
2007 Acts, ch 143, §4; 2022 Acts, ch 1037, §1

355.6 Monumentation.

1. The surveyor shall confirm the prior establishment of control monuments at each controlling corner on the boundaries of the parcel or tract of land being surveyed. If no control monuments exist, the surveyor shall place the monuments. Control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa license number of the surveyor to the top of each monument which the surveyor places.
2. Control monuments shall be placed at the following locations:

a. Each corner and angle point of each lot, block, or parcel of land surveyed.

b. Each point of intersection of the outer boundary of the survey with an existing or created right-of-way line of a street, railroad, or other way.

c. Each point of curve, tangency, reversed curve, or compounded curve on each right-of-way line established.

3. If the placement of a monument required by this chapter at the prescribed location is impractical, a reference monument shall be established near the prescribed location. If a point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor.
4. At least a minimum number of two survey control monuments are required to be placed before the recording of a subdivision provided the surveyor includes in the surveyor's statement a declaration that additional monuments shall be placed before a date specified in the statement or within one year from the date the subdivision is recorded, whichever is earlier.

90 Acts, ch 1236, §6

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C91, §114A.6
C93, §355.6
2012 Acts, ch 1009, §4
Referred to in §355.6A, 355.7, 355.8

355.6A Monument preservation certificate.

1. If during the construction of a public improvement project the governmental entity or other organization responsible for the public improvement project determines that a monument is likely to be disturbed or removed, the entity or organization shall hire or cause to be hired a surveyor to locate and preserve, in the manner provided in this section, the monuments likely to be disturbed or removed. However, any United States public land survey corner monuments that are within the construction corridor of a public improvement project shall be preserved and replaced pursuant to section 355.11.

2. *a.* The surveyor shall review all relevant documents of record, including those retained by federal, state, county, and city offices, necessary for locating the monuments likely to be disturbed or removed. The surveyor shall also conduct a field survey of the construction corridor to locate such monuments and preserve their positions and, if applicable, their elevations.

b. Following the completion of the public improvement project, the surveyor shall replace any monument disturbed or removed at its preserved position pursuant to section 355.6, subsection 1. Elevation shall be preserved, if applicable, by using appropriate survey methods to determine a relative elevation on a nearby physical structure.

c. If the replacement of a monument at the preserved location is unsafe or impractical, the surveyor may, in lieu of establishing a reference monument, use a federal, state, county, or city geographic coordinate system to preserve the position.

3. The surveyor shall prepare a monument preservation certificate to record and identify a monument location preserved under this section. Multiple monuments preserved for the same public improvement project may be identified on a single certificate. The size of each sheet making up the certificate shall not be less than eight and one-half inches by eleven inches. The monument preservation certificate shall include, at a minimum, the following information:

a. A description of the public improvement project and the jurisdiction or organization under which the certificate was prepared.

b. A description of the land on which the monument is located within, including the section number, township, range, county, quarter section description, and official plat name, if applicable.

c. A description of the monument prior to being disturbed or removed, including but not limited to its size, shape, material, and color. However, the surveyor shall not be required to state the significance of any such monument.

d. A description of the procedure used to preserve the position of the monument. When a federal, state, county, or city geographic coordinate system is used to preserve the position of the monument, such description shall include a coordinate listing and elevation, if applicable, of all coordinate system access monuments used and the official name of the system, along with the geographic datum to which the coordinate system is referenced.

e. A description of the replacement monument after being preserved, including but not limited to its size, shape, material, and color. However, the surveyor shall not be required to state the significance of any such replacement monument.

f. Where the elevation of a monument is preserved, a description of the monument prior to and after replacement, including the relative elevation and a minimum of three reference ties.

g. A plan-view site drawing depicting the monument with reference to the physical surroundings and natural or man-made objects in sufficient detail to facilitate the preservation of the monument, including project control, nearby monuments, street or highway centerlines, project corridor right-of-way lines, trees, fences, or structures.

h. A statement by the surveyor certifying that the work was performed by the surveyor

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or under the surveyor's direct personal supervision, which shall be signed and dated by the surveyor and bear the surveyor's Iowa license number and legible seal.

4. *a.* The monument preservation certificate shall be filed with the county recorder pursuant to section 331.606B, subsection 5, no later than thirty days after the certificate is signed by the surveyor.

b. The county recorder shall index the monument preservation certificate according to the township, range, section number, and quarter section on which the monument is located within. If the monument is located within an official plat, the county recorder shall index the certificate alphabetically by the official plat name.

c. The index legend affixed to such certificate shall include the following information:

(1) The surveyor's name, mailing address, and other contact information.

(2) The name of the governmental entity or other organization under which the surveyor provided the professional service.

(3) The aliquot part or parts of the United States public land survey system or portion of official plat that the monument is located within.

(4) The name of the governmental entity or other organization requesting the monument preservation certificate pursuant to this section.

(5) Information necessary for the county recorder to return the certificate.

5. *a.* A monument preservation certificate shall not be prepared in lieu of a plat of survey or acquisition plat where a true land boundary survey is required.

b. A monument preservation certificate shall not be prepared for the identification or establishment of survey corners or right-of-way corners.

c. The surveyor preparing a monument preservation certificate shall be liable only for the accuracy or placement of the replacement monument and not for the accuracy or placement of the original monument.

2016 Acts, ch 1064, §3

355.7 Plats of survey.

A plat of survey shall be made, showing information developed by the survey, for each land survey performed for the purpose of correcting boundaries, correcting descriptions of surveyed land, or for the division of land. Each plat of survey shall conform to the following provisions:

1. The original plat drawing shall remain the property of the surveyor.

2. The size of each plat sheet shall not be less than eight and one-half inches by eleven inches.

3. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.

4. An arrow indicating the northern direction shall be shown on each plat sheet.

5. The plat shall show that the survey is tied to a physically monumented land line which is identified by two United States public land survey system corners, or by two physically monumented corners of a recorded subdivision.

6. *a.* The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines:

Recorded as (show recorded bearing, length, or location).

b. Bearings and angles shown shall be given to at least the nearest minute of arc.

7. The plat shall show and identify all monuments necessary for the location of the parcel and shall indicate whether the monuments were found or placed.

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8. If United States public land survey system corners control the land description, the corners shall be clearly identified on the plat including a description of the monumentation and shall indicate whether the monuments were found or placed.

9. Control monuments shall be adequately described and clearly identified on the plat and noted as found or placed. If additional monuments are to be placed subsequent to the recording of a subdivision as provided in section 355.6, the location of the additional monuments shall be shown on the plat.

10. Distance shall be shown in decimal feet in accordance with the definition of the U. S. survey foot. Distance measurements shall refer to the horizontal plane.

11. Curve data shall be stated in terms of radius, central angle, and length of curve, and as otherwise specified by local ordinance. In all cases, the curve data must be shown for the line affected.

12. The unadjusted error of closure shall not be greater than one in five thousand for an individual parcel.

13. If any part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary, and shown with as much certainty as can be determined or as "more or less", if variable. In all cases, the true boundary shall be clearly indicated on the plat.

14. The plat shall be captioned to show the date of the survey, and shall be accompanied by a description of the parcel.

15. The plat shall contain a statement by a surveyor that the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision, shall be signed and dated by the surveyor, and shall bear the surveyor's Iowa license number and legible seal.

90 Acts, ch 1236, §7
C91, §114A.7
C93, §355.7
2007 Acts, ch 143, §5; 2012 Acts, ch 1009, §5; 2013 Acts, ch 30, §80

355.7A Retracement plats of survey.

A retracement plat of survey shall be made, showing information developed by the survey, for each land survey performed for the purpose of surveying an existing recorded description of one or more parcels or tracts of land and shall not be used for the division of land. Each retracement plat of survey shall conform to the following provisions:

1. The original plat drawing shall remain the property of the surveyor.

2. The size of each plat sheet shall not be less than eight and one-half inches by eleven inches.

3. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.

4. An arrow indicating the northern direction shall be shown on each plat sheet.

5. The plat shall show that the survey is a correct representation of the recorded description of the parcel or tract. The plat shall show, clearly and unequivocally, the method used by the land surveyor to locate the recorded description of land.

6. *a.* The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines:

Recorded as (show recorded bearing, length, or location).

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b. Bearings and angles shown shall be given to at least the nearest minute of arc.

7. The plat shall show and identify all monuments necessary for the location of the parcel and shall indicate whether the monuments were found or placed.

8. If United States public land survey system corners control the land description, the corners shall be clearly identified on the plat including a description of the monumentation and shall indicate whether the monuments were found or placed.

9. Control monuments shall be adequately described and clearly identified on the plat and noted as found or placed.

10. Distance shall be shown in decimal feet in accordance with the definition of the U.S. survey foot. Distance measurements shall refer to the horizontal plane.

11. Curve data shall be stated in terms of radius, central angle, and length of curve, and as otherwise specified by local ordinance. In all cases, the curve data must be shown for the line affected.

12. The unadjusted error of closure shall not be greater than one in five thousand for an individual parcel.

13. If any part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary, and shown with as much certainty as can be determined or as "more or less", if variable. In all cases, the true boundary shall be clearly indicated on the plat.

14. The acreage shall be shown for each parcel or tract included in a retracement plat of survey to the nearest one-hundredth of an acre. If a parcel or tract described as part of the United States public land survey system and not entirely within an official plat lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for each portion of the parcel that lies within each forty-acre aliquot part. The surveyor shall not be required to establish the location of the forty-acre aliquot line by survey but is required to use reasonable assumptions in determining its approximate location for assessment and taxation purposes. If appropriate, areas of parcels or tracts of less than one acre may be expressed in square feet to the nearest ten square feet.

15. The plat shall be captioned to show the date of the survey, and shall be accompanied by a description of the parcel.

16. The plat shall contain a statement by a surveyor that the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision, shall be signed and dated by the surveyor, and shall bear the surveyor's Iowa license number and legible seal.

2016 Acts, ch 1064, §4; 2017 Acts, ch 54, §50

355.8 Plats for subdivisions.

Subdivision plats shall conform to the following provisions where applicable:

1. The original plat drawing shall remain the property of the surveyor.

2. The size of each plat sheet shall not be less than eight and one-half inches by eleven inches.

3. If more than one sheet is used, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, and clearly labeled match lines indicating where the other sheets adjoin. An index shall be provided to show the relationship between the sheets.

4. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.

5. Each subdivision plat shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each plat sheet.

6. An arrow indicating the northern direction shall be shown on each plat sheet.

7. The plat shall show that the subdivision is tied to a physically monumented land line which is identified by two United States public land survey system corners, or by two physically monumented corners of a recorded subdivision.

8. *a.* The plat shall show the lengths and bearings of the boundaries of the tracts

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surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearing shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines:

Recorded as (show recorded bearing, length, or location).

b. Bearings and angles shown shall be given to at least the nearest minute of arc.

9. The plat shall show and identify all monuments necessary for the location of the tracts and shall indicate whether the monuments were found or placed.

10. If United States public land survey system corners control the land description, the corners shall be clearly identified on the plat including a description of the monumentation and shall indicate whether the monuments were found or placed.

11. Control monuments shall be adequately described and clearly identified on the plat and noted as found or placed. If additional monuments are to be placed subsequent to the recording of a subdivision as provided in section 355.6, the location of the additional monuments shall be shown on the plat.

12. Survey data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, and the boundaries of the surveyed lands.

13. Distances shall be shown in feet to at least the nearest one-tenth of a foot in accordance with the definition of the U. S. survey foot. Distance measurements shall refer to the horizontal plane.

14. Curve data shall be stated in terms of radius, central angle, and length of curve. Unless otherwise specified by local ordinance, curve data for streets of uniform width need only be shown with reference to the center line and lots fronting on such curves need only show the chord bearing and distance of the part of the curve included in the lot boundary. Otherwise, the curve data shall be shown for the line affected.

15. The unadjusted error of closure shall not be greater than one in ten thousand for subdivision boundaries and shall not be greater than one in five thousand for an individual lot.

16. If part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary, and shown with as much certainty as can be determined or as "more or less", if variable. In all cases, the true boundary shall be clearly indicated on the plat.

17. Interior excepted parcels shall be clearly indicated and labeled as follows:

Not a part of this survey (or subdivision).

18. Adjoining properties shall be identified, and if the adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the survey is a subdivision of a portion of a previously recorded subdivision plat, sufficient ties shall be shown to controlling lines appearing on such plat to permit a comparison to be made.

19. The purpose of any easement shown on the plat shall be clearly stated.

20. The purpose of areas dedicated to the public shall be clearly indicated on the plat.

21. The plat shall be accompanied by a description of the land included in the subdivision and shall contain a statement by the surveyor that the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa license number and legible seal.

90 Acts, ch 1236, §8
C91, §114A.8

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C93, §355.8
2007 Acts, ch 143, §6; 2012 Acts, ch 1009, §6; 2013 Acts, ch 30, §81; 2018 Acts, ch 1041, §86
Referred to in §354.8

355.9 Descriptions.

A description defining land boundaries written for conveyance or other purposes shall be complete, providing definite and unequivocal identification of the property lines or boundaries. The description shall be sufficient to enable the description to be platted and retraced. The description shall commence at or relate to a physically monumented corner or boundary line of record.

1. If the land is located in a recorded subdivision, the description shall contain the number or other description of the lot, block, or other part of the subdivision, or shall describe the land by reference to a known corner of the lot, block, or other part.

2. If the land is not located in a recorded subdivision, the description shall identify the section, township, range, and county, and shall describe the land by reference to government lot, by quarter-quarter section, by quarter section, or by metes and bounds commencing with a corner marked and established in the United States public land survey system.

90 Acts, ch 1236, §9
C91, §114A.9
C93, §355.9

355.10 Record.

1. The surveyor shall record a plat and description with the county recorder no later than thirty days after signature on the plat by the surveyor if the survey was made for one of the following purposes:

a. To correct boundaries and descriptions of land.

b. For the division of land.

c. To retrace an existing recorded description of a parcel or tract of land.

2. The plat and description shall show distinctly what piece of land was surveyed, the surveyor, and the date of the survey.

3. The thirty-day requirement shall not apply to subdivision plats.

90 Acts, ch 1236, §10
C91, §114A.10
C93, §355.10
2016 Acts, ch 1064, §5

355.11 United States public land survey corner certificate.

1. A United States public land survey corner certificate shall be prepared as part of any land surveying which includes the use of a United States public land survey system corner, having the status of a corner of a quarter-quarter section or larger aliquot part of a section, if one or more of the following conditions exist:

a. There is no certificate for the corner on file with the recorder of the county in which the corner is located.

b. The surveyor in responsible charge of the land surveying accepts a corner position which differs from that shown in the public records of the county in which the corner is located.

c. The corner monument is replaced or modified in any way.

d. The reference ties referred to in an existing public record are not correct.

2. The surveyor shall record the required certificate with the recorder and forward a copy to the county engineer of the county in which the corner is located within thirty days after completion of the surveying. The certificate shall comply with the following requirements:

a. The size of the sheet or sheets making up the certificate shall not be less than eight and one-half inches by eleven inches.

b. The identity of the corner, with reference to the United States public land survey system, shall be clearly indicated.

c. The certificate shall contain a narrative explaining the reason for preparing the

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certificate, the evidence and detailed procedures used in establishing the corner position, and the monumentation found or placed perpetuating the corner position including reference monumentation.

d. The certificate shall contain a plan-view site drawing depicting the relevant monuments, physical surroundings, and reference ties in sufficient detail to enable recovery of the corner.

e. The certificate shall contain at least three reference ties, measured to the nearest one-hundredth of a foot from the corner to durable physical objects near the corner, which are located so that the intersection of any two of the ties will yield a strong corner position recovery.

f. The certificate shall contain a statement by the surveyor that the work was done and the certificate was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa license number and seal.

3. A public land survey corner certificate may contain more than one corner that is being certified as part of the land surveying project. The recorder shall accept for recording a certificate containing multiple corners certified pursuant to this section.

90 Acts, ch 1236, §11
C91, §114A.11
C93, §355.11
2012 Acts, ch 1009, §7; 2012 Acts, ch 1024, §1
Referred to in §331.606B, 355.6A

355.12 Indexing of survey documents by recorder.

The recorder shall index survey documents and United States public land corner certificates by township, range, and section number. If the survey is in a recorded subdivision, the recorder shall also index the document alphabetically by subdivision name.

90 Acts, ch 1236, §12
C91, §114A.12
C93, §355.12

355.13 Surveys authorized by the United States government.

1. A person employed in the execution of a survey authorized by the United States government may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and doing any other work necessary to carry out the objects of laws relative to surveys, and may establish permanent station marks, and erect the necessary signals and temporary observatories, doing no unnecessary injury thereby.

2. If the parties interested cannot agree upon the amount to be paid for damages caused by entry upon lands pursuant to subsection 1, either of them may petition the district court in the county in which the land is situated and the district court shall appoint a time for a hearing. The district court shall order at least twenty days' notice to be given to all interested parties, and, with or without a view of the premises as the court may determine, hear the parties and their witnesses and assess damages.

3. The person entering upon land, pursuant to subsection 1, may tender to the injured party damages caused thereby, and if, in case of petition or complaint to the district court, the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs. Otherwise, the prevailing party shall recover costs.

4. The costs to be allowed in cases taken pursuant to this section shall be the same as allowed according to the rules of the court and provisions of law relating to costs.

90 Acts, ch 1236, §13
C91, §114A.13
C93, §355.13

355.14 Federal surveys — defacement.

If a person willfully defaces, injures, or removes a signal, monument, building, or other property of the United States national geodetic survey, or the United States geological survey,

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constructed or used under the federal law, the person is subject to a civil penalty not exceeding fifty dollars for each offense, and is liable for damages sustained by the United States in consequence of the defacing, injury, or removal, to be recovered in a civil action in any court of competent jurisdiction.

90 Acts, ch 1236, §14
C91, §114A.14
C93, §355.14

355.15 Reserved.

SUBCHAPTER II

IOWA PLANE COORDINATE SYSTEM

355.16 Iowa plane coordinate system defined.

The Iowa plane coordinate system may be used for the purpose of conducting official surveys, as defined by the United States national geodetic survey or a successor agency. As used in this section, *"Iowa plane coordinate system"* means the system established by the United States national geodetic survey, or a successor agency, for defining and stating the geographic positions or locations of points on the surface of the earth within the state of Iowa that is in use at the time the survey is performed.

93 Acts, ch 50, §1; 2018 Acts, ch 1041, §124; 2022 Acts, ch 1037, §2

355.17 through 355.19 Repealed by 2022 Acts, ch 1037, §3.

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CHAPTER 356

JAILS AND MUNICIPAL HOLDING FACILITIES

Referred to in §331.381, 331.653, 805.16

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356.50 Private transportation of prisoners.

356.1 How used.

1. The jails in the several counties in the state shall be in the charge of the respective sheriffs and used as prisons:

a. For the detention of persons charged with an offense and committed for trial or examination.

b. For the detention of persons who may be committed to secure their attendance as witnesses on the trial of a criminal cause.

c. For the confinement of persons under sentence, upon conviction for any offense, and of all other persons committed for any cause authorized by law.

d. For the confinement of persons subject to imprisonment under the ordinances of a city.

2. The provisions of this section extend to persons detained or committed by authority of the courts of the United States as well as of any state.

[C51, §3103; R60, §5122; C73, §485, 4723; C97, §735, 5637; C24, 27, 31, 35, 39, §**5497, 5772;** C46, 50, §356.1, 368.40; C54, 58, 62, 66, 71, 73, §356.1, 368.15; C75, 77, 79, 81, §356.1]

2004 Acts, ch 1117, §2, 4; 2005 Acts, ch 3, §67

Referred to in §356A.1, 356A.7

356.2 Duty.

The sheriff shall have charge and custody of the prisoners in the jail or other prisons of the sheriff's county, and shall receive those lawfully committed, and keep them until discharged by law.

[C51, §172; R60, §385; C73, §339; C97, §501; C24, 27, 31, 35, 39, §**5498;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.2]

356.3 Minors separately confined.

1. Any sheriff, city marshal, or chief of police, having in the officer's care or custody any prisoner under the age of eighteen years, shall keep such prisoner separate and apart, and prevent communication by such prisoner with prisoners above that age, while such prisoners are not under the personal supervision of such officer, if suitable buildings or jails are provided for that purpose, unless such prisoner is likely to or does exercise an immoral influence over other minors with whom the prisoner may be imprisoned.

2. A person under the age of eighteen years prosecuted under chapter 232 and not waived to criminal court shall be confined in a jail only under the conditions provided in chapter 232.

3. Any officer having charge of prisoners who without just cause or excuse neglects or refuses to perform the duties imposed on the officer by this section may be suspended or removed from office therefor.

[C97, §5638; C24, 27, 31, 35, 39, §**5499;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.3]

2017 Acts, ch 54, §76

Referred to in §232.22

356.4 Separation of men and women.

All jails shall be equipped with separate cells for men and women. Men and women prisoners shall not be allowed in the same cell within a jail at the same time.

[C97, §5639; C24, 27, 31, 35, 39, §**5500;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.4]

85 Acts, ch 21, §43

356.5 Keeper's duty.

The keeper of each jail shall:

1. See that the jail is kept in a clean and healthful condition.
2. Furnish each prisoner with necessary bedding, clothing, towels, fuel, and medical aid.
3. Serve each prisoner three times each day with an ample quantity of wholesome food.
4. Furnish each prisoner sufficient clean, fresh water for drinking purposes and for personal use.
5. Keep an accurate account of the items furnished each prisoner.
6. Keep a matron on the jail premises at all times during the incarceration of one or more female prisoners; keep either a jailer or matron on the premises at all times during the incarceration of one or more male prisoners, and make nighttime inspections while

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any prisoners are confined, or provide for incarceration in a jail which conforms to the provisions of this subsection.

[C51, §3104, 3108; R60, §5123, 5127; C73, §4724, 4727; C97, §5640, 5643; C24, 27, 31, 35, 39, §**5501;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.5]

Referred to in §356.7, 356.15, 356.15A, 356A.2

356.6 Sheriff's duty.

The sheriff must keep an accurate calendar of each prisoner committed to the sheriff's care, which shall contain the prisoner's name, place of abode, the day and hour of commitment and discharge, the cause and term of commitment, the authority that committed the prisoner, and a description of the prisoner, a statement of the prisoner's occupation, education, and general habits. When any prisoner is discharged, such calendar must show the day and hour when and the authority by which it took place, and if a person escapes, it must state particularly the time and manner thereof.

[C51, §3105; R60, §5124; C73, §4725; C97, §5641; C24, 27, 31, 35, 39, §**5502;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.6]

Referred to in §356A.5

356.6A Duty to inform about veteran services.

1. The personnel of a jail or municipal holding facility shall inquire whether the prisoner is a veteran, and if so, shall inform the prisoner, within twenty-four hours of incarceration, that the prisoner may be entitled to a visit from a veteran service officer to determine if veteran services are required or available. Within seventy-two hours of determining a prisoner is a veteran, the personnel of a jail or municipal holding facility shall provide the prisoner with the contact information for the county commission of veteran affairs of the county where the jail or facility is located, and the prisoner shall be allowed to contact the county commission of veteran affairs to request a visit from a veteran service officer.

2. As used in this section, "*veteran*" means a person who was a member of the regular component of the armed forces of the United States, national guard, or reserves.

2010 Acts, ch 1101, §1

356.7 Charges for administrative costs and room and board — enforcement procedures.

1. The county sheriff, or a municipality operating a temporary municipal holding facility or jail, may charge a prisoner who is eighteen years of age or older and who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order for the actual administrative costs relating to the arrest and booking of that prisoner, for room and board provided to the prisoner while in the custody of the county sheriff or municipality, and for any medical aid provided to the prisoner under section 356.5. Moneys collected by the sheriff or municipality under this section shall be credited respectively to the county general fund or the city general fund and distributed as provided in this section. If a prisoner who has been convicted of a criminal offense or sentenced for contempt of court for violation of a domestic abuse order fails to pay for the administrative costs, the room and board, or medical aid, the sheriff or municipality may file a reimbursement claim with the district court as provided in subsection 2. The county attorney may file the reimbursement claim on behalf of the sheriff and the county or the municipality. The attorney for the municipality may also file a reimbursement claim on behalf of the municipality. This section does not apply to prisoners who are paying for their room and board by court order pursuant to sections 356.26 through 356.35.

2. The sheriff, municipality, or the county attorney, on behalf of the sheriff, or the attorney for the municipality, may file a reimbursement claim with the clerk of the district court which shall include all of the following information, if known:

a. The name, date of birth, and social security number of the person who is the subject of the claim.

b. The present address of the residence and principal place of business of the person named in the claim.

c. The criminal proceeding pursuant to which the claim is filed, including the name of the court, the title of the action, and the court's file number.

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d. The name and office address of the person who is filing the claim.

e. A statement that the notice is being filed pursuant to this section.

f. The amount of room and board charges the person owes.

g. The amount of administrative costs the person owes.

h. The amount of medical aid the person owes.

3. Upon receipt of a claim for reimbursement, the court shall approve the claim in favor of the sheriff or the county, or the municipality, for the amount owed by the prisoner as identified in the claim and any fees or charges associated with the filing or processing of the claim with the court. The sheriff or municipality may choose to enforce the claim in the manner provided in chapter 626. Once approved by the court, the claim for the amount owed by the person shall have the force and effect of a judgment for purposes of enforcement by the sheriff or municipality. However, irrespective of whether the judgment lien for the amount of the claim has been perfected, the claim shall not have priority over competing claims for child support obligations owed by the person.

4. A claim for reimbursement shall be filed in a separate civil action rather than as a claim in the underlying criminal case.

5. *a.* Of the moneys collected and credited to the county general fund as provided in this section and section 602.8106, subsection 4, paragraph *"b"*, subparagraph (2), sixty percent of the moneys collected shall be used for the following purposes:

(1) Courthouse security equipment and law enforcement personnel costs.

(2) Infrastructure improvements of a jail, including new or remodeling costs.

(3) Infrastructure improvements of juvenile detention facilities, including new or remodeling costs.

(4) Medical and prescription drug costs of inmates in jail.

b. The sheriff may submit a plan or recommendations to the county board of supervisors for the use of the funds as provided in this subsection or the sheriff and board may jointly develop a plan for the use of the funds. Subject to the requirements of this subsection, funds may be used in the manner set forth in an agreement entered into under chapter 28E.

c. The county board of supervisors shall review the plan or recommendations submitted by the sheriff during the normal budget process of the county.

6. Of the moneys collected and credited to the city general fund as provided in this section, sixty percent of the moneys collected shall be used for police or law enforcement budget expenditures.

7. As used in this section, *"administrative costs relating to the arrest and booking of a prisoner"* means those functions or automated functions that are performed to receive a prisoner into jail or a temporary holding facility including the following:

a. Patting down and searching, booking, wristbanding, bathing, clothing, fingerprinting, photographing, and medical and dental screening.

b. Document preparation, retrieval, updating, filing, and court scheduling.

c. Warrant service and processing.

d. Inventorying of a prisoner's money and subsequent account creation.

e. Inventorying and storage of a prisoner's property and clothing.

f. Management and supervision.

96 Acts, ch 1081, §1; 96 Acts, ch 1219, §71; 97 Acts, ch 140, §1; 98 Acts, ch 1116, §1; 2003 Acts, ch 113, §1; 2003 Acts, ch 179, §72; 2004 Acts, ch 1101, §41; 2006 Acts, ch 1150, §1, 2; 2010 Acts, ch 1061, §180; 2020 Acts, ch 1074, §3, 60, 61, 64, 93

Referred to in §331.659, 356.15A, 602.8102(105C), 602.8105, 602.8107

356.8 Removal.

When a jail or any building contiguous or near thereto is on fire, and there is reason to apprehend that the prisoners therein may be injured thereby, the sheriff or keeper must remove such prisoners to some safe and convenient place, and there confine them so long as it may be necessary to avoid such danger.

[C51, §3109; R60, §5128; C73, §4728; C97, §5644; C24, 27, 31, 35, 39, §**5504;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.8]

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356.9 through 356.13 Reserved.

356.14 Refractory prisoners.

If any person confined in a jail is refractory or disorderly or willfully destroys or injures any part of the jail or of its contents, the sheriff may secure the person or cause the person to be kept in solitary confinement not more than ten days for any one offense, during which time the person may be fed minimum diet requirements as established by the Iowa department of corrections unless other food is necessary for the preservation of the person's health.

[C51, §3115; R60, §5134; C73, §4734; C97, §5650; C24, 27, 31, 35, 39, §**5510;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.14]

83 Acts, ch 96, §113, 159

356.15 Expenses.

1. All charges and expenses for the safekeeping and maintenance of prisoners shall be allowed by the board of supervisors, with the exception of charges and expenses for the following prisoners:

a. Those committed or detained by the authority of the courts of the United States, in which cases the United States must pay such expenses to the county.

b. Those committed for violation of a city ordinance, in which case the city shall pay expenses to the county.

c. Those committed or detained from another state, in which case the governmental entity from the other state sending the prisoners shall pay expenses to the county.

2. Notwithstanding the charges and expenses allowed pursuant to subsection 1, the costs of required medical aid furnished to prisoners in the custody of the county sheriff pursuant to section 356.5 shall be paid as specified in sections 356.15A and 804.28.

[C51, §3116; R60, §5135; C73, §485, 4735; C97, §735, 5651; C24, 27, 31, 35, 39, §**5511, 5772;** C46, 50, §356.15, 368.40; C54, 58, 62, 66, 71, 73, §356.15, 368.15; C75, 77, 79, 81, §356.15]

2004 Acts, ch 1117, §3, 4; 2020 Acts, ch 1042, §1; 2021 Acts, ch 80, §222

Referred to in §331.401

356.15A Responsibility for payment of required medical aid.

1. For purposes of this section:

a. "Governmental entity" means the state or a state department, division, commission, institution, or authority, an agency, city, county, or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United States or a department, division, or agency of the United States, and an agency, commission, or authority established pursuant to an interstate compact or agreement.

b. "Health insurance" means a policy, plan, contract, or other agreement providing health insurance, health care benefits, or health care services, provided by an entity including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, or any other entity providing a plan of health insurance, health care benefits, or health care services. *"Health insurance"* includes but is not limited to private health insurance, Medicaid, and Medicare.

c. "Other benefits" includes but is not limited to veterans administration benefits or other benefits for which the prisoner is eligible or entitled to pay for medical aid.

d. "Prisoner" means an individual confined in a jail or municipal holding facility.

2. A prisoner has the primary responsibility for payment of the costs of required medical aid provided pursuant to section 356.5. Payment and reimbursement for medical aid provided to a prisoner shall be sought as follows:

a. A governmental entity shall request available sources of health insurance or other benefits from a prisoner at the time of intake into a county jail or municipal holding facility. If the governmental entity identifies health insurance or other benefits to which the prisoner is entitled, the governmental entity shall provide the health insurance or benefit information to a hospital or medical provider at the time the prisoner is presented at the hospital or medical provider or at the earliest possible opportunity.

b. A hospital or medical provider shall request available sources of health insurance

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or other benefits from the governmental entity and the prisoner at the time of intake at or admission of the prisoner into the hospital or medical provider. The hospital or medical provider shall utilize the health insurance or other benefits identified and shall seek payment for medical aid through the prisoner's health insurance or other benefits prior to a request for reimbursement being presented to a governmental entity. If the prisoner is entitled to health insurance or other benefits to pay for the medical aid, any amounts not met by the prisoner's health insurance or other benefits shall be the responsibility of the prisoner.

c. (1) If health insurance is denied or other benefits are not available to pay for medical aid provided to a prisoner, a hospital or medical provider shall submit any bill for reimbursement of medical aid to the governmental entity within sixty days of treatment or shall submit any written denial of coverage to the governmental entity within sixty days of receipt of the denial, whichever is applicable.

(2) The governmental entity shall submit the bill for reimbursement within thirty days of receipt of the bill and shall remit payment to the hospital or medical provider in the governmental entity's next billing cycle.

(3) The hospital or medical provider shall be reimbursed by the governmental entity at the rate negotiated and agreed upon by the hospital or medical provider and the governmental entity. If a rate has not been agreed to, the governmental entity shall reimburse the hospital or medical provider the hospital's or medical provider's Medicaid rate for such treatment, regardless of the prisoner's eligibility for Medicaid.

3. Except as provided in chapters 669 and 670, a governmental entity shall not be responsible for payment of the costs of any medical aid provided to a prisoner if such medical aid is provided after the prisoner is released from the custody of the governmental entity or when the individual is released on parole.

4. This section does not preclude a city or a county from seeking reimbursement from a prisoner for the costs of medical aid incurred by the city or county for the prisoner's medical aid including as provided pursuant to section 356.7.

5. Notwithstanding any provision of this section to the contrary, payment for medical aid provided to a prisoner at a state-funded hospital shall be provided through state funds received by the hospital.

2020 Acts, ch 1042, §2
Referred to in §356.15

356.16 Hard labor.

Able-bodied persons over the age of sixteen, confined in any jail under the judgment of any tribunal authorized to imprison for the violation of any law, ordinance, bylaw or police regulation, may be required to labor during the whole or part of the time of their sentences, as hereinafter provided, and such tribunal, when passing final judgment of imprisonment, whether for nonpayment of fine or otherwise, shall have the power to and shall determine whether such imprisonment shall be at hard labor or not.

[C51, §3107; R60, §5126; C73, §4736; C97, §5652; S13, §5652; C24, 27, 31, 35, 39, §**5512;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.16]
Referred to in §331.303

356.17 Labor on public works.

Such labor may be on the streets or public roads, on or about public buildings or grounds, or at such other places in the county where confined, and during such reasonable time of the day as the person having charge of the prisoners may direct, not exceeding eight hours each day.

[C73, §4737; C97, §5653; C24, 27, 31, 35, 39, §**5513;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.17]
Referred to in §331.303

356.18 Supervision.

If the sentence be for the violation of any of the statutes of the state, the sheriff of the county shall superintend the performance of the labor, and furnish the tools and materials,

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if necessary, to work with, at the expense of the county in which the convict is confined, and such county shall be entitled to the convict's earnings.

[C51, §3107; R60, §5126; C73, §4738; C97, §5654; C24, 27, 31, 35, 39, §**5514;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.18]

Referred to in §331.303

356.19 Rules — labor not to be leased.

Such labor shall be performed in accordance with such rules as may be made by resolution of the board of supervisors, not inconsistent with the provisions of this chapter, and such labor shall not be leased.

[C97, §5654; C24, 27, 31, 35, 39, §**5515;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.19]

Referred to in §331.303

356.20 Violation of city ordinance.

When the imprisonment is under the judgment of any court, for the violation of any ordinance, the marshal or chief of police shall superintend the labor and furnish the tools and materials, if necessary, at the expense of the city requiring the labor, and the city shall be entitled to the earnings of its convicts.

[C73, §4739; C97, §5655; C24, 27, 31, 35, 39, §**5516;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.20]

356.21 Control and punishment.

The officer having charge of any prisoner may use such means as are necessary to prevent the prisoner's escape, and if the prisoner attempts to escape or if, being convicted, the prisoner refuses to labor, the officer having the prisoner in charge may, to secure the prisoner or cause the prisoner to labor, deal with the prisoner as with other disorderly or refractory prisoners. Such punishment shall be inflicted within the jail or jail enclosure, and the time of such solitary confinement shall not be considered as any part of the time for which the prisoner is sentenced.

[C73, §4740; C97, §5656; C24, 27, 31, 35, 39, §**5517;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.21]

356.22 Credit for labor.

For every day of labor performed by any convict under the provisions hereof, there shall be credited on any judgment for fine and costs against the convict the sum of one dollar and fifty cents.

[C73, §4741; C97, §5657; C24, 27, 31, 35, 39, §**5518;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.22]

356.23 Cruel treatment.

If any officer or other person treats any prisoner in a cruel or inhuman manner, the officer or other person shall be guilty of a serious misdemeanor.

[C73, §4742; C97, §5658; C24, 27, 31, 35, 39, §**5519;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.23]

356.24 Protecting prisoners.

The officer having a prisoner in charge shall protect the prisoner from insult and annoyance and communication with others while at labor, and in going to and returning from the same, and may use such means as are necessary and proper therefor.

[C73, §4743; C97, §5659; C24, 27, 31, 35, 39, §**5520;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.24]

356.25 Annoyance of prisoner.

Any person persisting in insulting or annoying or communicating with any prisoner, after being commanded by such officer to desist, shall be guilty of a simple misdemeanor.

[C73, §4743; C97, §5659; C24, 27, 31, 35, 39, §**5521;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §356.25]

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356.26 Leaving jail for certain purposes — intermittent sentencing — in-home detention.

1. The district court may grant by appropriate order to any person sentenced to a county jail the privilege of a sentence to accommodate the work schedule of the person or the privilege of leaving the jail at necessary and reasonable hours for any of the following purposes:

a. Seeking employment.

b. Working at the person's employment.

c. Conducting the person's own business or other self-employed occupation, including housekeeping and attending to family needs.

d. Attendance at an educational institution.

e. Medical treatment.

2. All released prisoners shall remain, while absent from the jail, in the legal custody of the sheriff, and shall be subject, at any time, to being taken into custody and returned to the jail.

3. The district court may also grant by order to any person held in a county jail the privilege of in-home detention if the county sheriff has certified to the court that the jail has an in-home detention program.

[C66, 71, 73, 75, 77, 79, 81, §356.26]

88 Acts, ch 1105, §1; 90 Acts, ch 1251, §36; 91 Acts, ch 267, §413; 92 Acts, ch 1071, §1; 2010 Acts, ch 1061, §180

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

356.27 Privilege expressly granted.

Unless such privilege is expressly granted by the court, the prisoner is sentenced to ordinary confinement. Any prisoner may petition the court for such privilege at the time of sentencing or thereafter, and the court in its discretion may review the petition and make appropriate orders. The court may withdraw the privilege at any time by order entered with or without notice or hearing.

[C66, 71, 73, 75, 77, 79, 81, §356.27]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

356.28 Employment.

The sheriff or any suitable person or agency designated by the court may endeavor to secure employment for unemployed prisoners granted privileges under sections 356.26 through 356.35.

[C66, 71, 73, 75, 77, 79, 81, §356.28]

2021 Acts, ch 80, §223

Referred to in §356.7, 356.29, 356.30, 356.33, 356A.4, 903.3

356.29 Wages or salary collected by sheriff.

If a prisoner is employed for wages or salary the sheriff may collect the same or require the prisoner to turn over the wages or salary in full when received, and the sheriff shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages or salary are not subject to garnishment during the prisoner's term and shall be disbursed only as provided in sections 356.26 through 356.35.

[C66, 71, 73, 75, 77, 79, 81, §356.29]

84 Acts, ch 1144, §1

Referred to in §356.7, 356.28, 356.30, 356.33, 356A.4, 903.3

356.30 Prisoner to pay for board — limitations.

Every prisoner of a county jail under a sentence to accommodate the person's work schedule in accordance with section 356.26 is liable for the cost of the prisoner's board in the jail as fixed by the county board of supervisors. The sheriff shall charge the prisoner's account for the board and any meals provided in section 356.31. If the prisoner is gainfully self-employed the prisoner shall pay the sheriff for the board, in default of which the prisoner's privilege under this chapter is automatically forfeited. If necessarily absent from jail at a meal time, the prisoner shall at the prisoner's request be furnished with a lunch to

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carry to work. If the jail food is furnished directly, by the county, the sheriff shall account for and pay over the meal payments to the county treasurer. The county board of supervisors may by resolution provide that the county furnish or pay for the transportation of prisoners employed under sections 356.26 through 356.35 to and from the place of employment. However, the charges for board and meals under this section shall not exceed fifty percent of the wages or salaries of the prisoner, after deductions required by law, including deductions to satisfy any court-ordered child support obligations, earned during the period of time for which the charges are made.

[C66, 71, 73, 75, 77, 79, 81, §356.30]

84 Acts, ch 1144, §2; 88 Acts, ch 1105, §2; 2021 Acts, ch 80, §224

Referred to in §331.303, 356.7, 356.28, 356.29, 356.33, 356A.4, 903.3

356.31 Application of wages.

By order of the court, the wages, salaries, or other income of employed prisoners shall be disbursed by the sheriff for the following purposes and in the order stated.

1. The meals of the prisoner.
2. Necessary travel expense to and from work including reimbursement for travel furnished by the county, and other incidental expenses of the prisoner.
3. Support of the prisoner's dependents, if any.
4. Payment, either in full or ratably, of the prisoner's obligations if acknowledged by the prisoner in writing or which have been reduced to judgment.
5. The balance, if any, to the prisoner upon the prisoner's release.

[C66, 71, 73, 75, 77, 79, 81, §356.31]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

356.32 Employment in another county.

The court may by order authorize the sheriff to whom the prisoner is committed, to contract with a sheriff of another county, for the employment of the prisoner in the other's county, and while so employed to be in the other's custody, but in other respects to be and continue subject to the commitment.

[C66, 71, 73, 75, 77, 79, 81, §356.32]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

356.33 Orders of courts.

1. District judges, district associate judges, and judicial magistrates, within their respective jurisdictional authority, may make all determinations and orders under sections 356.26 through 356.35.
2. If the prisoner was convicted in a court in another county, the district court in the county where the prisoner is jailed, at the request or the concurrence of the committing court, may make all determinations and orders under this section as might otherwise be made by the sentencing court after the prisoner is received at the jail.

[C66, 71, 73, 75, 77, 79, 81, §356.33]

2021 Acts, ch 80, §225

Referred to in §356.7, 356.28, 356.29, 356.30, 356A.4, 903.3

356.34 Support of dependents.

The sheriff or any other suitable person or agency designated by the court shall, at the request of the court, investigate and report to the court the amount necessary for the support of the prisoner's dependents.

[C66, 71, 73, 75, 77, 79, 81, §356.34]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

356.35 Suspension of privileges.

The sheriff may in the sheriff's discretion suspend the privilege provided the sheriff files with the court the next regular court day a statement of the reasons therefor. Unless the court acts to rescind its order, such suspension of the privileges may not exceed five days.

[C66, 71, 73, 75, 77, 79, 81, §356.35]

Referred to in §356.7, 356.28, 356.29, 356.30, 356.33, 356A.4, 903.3

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356.36 Jail standards.

1. The Iowa department of corrections, in consultation with the Iowa state sheriff's association, the Iowa peace officers association, the Iowa league of cities, and the Iowa board of supervisors association, shall draw up minimum standards for the regulation of jails, alternative jails, facilities established pursuant to chapter 356A and municipal holding facilities. When completed by the department, the standards shall be adopted as rules pursuant to chapter 17A.

2. The sole remedy for violation of a rule adopted pursuant to this section, is by a proceeding for compliance initiated by request to the Iowa department of corrections. A violation of a rule does not permit any civil action to recover damages against the state of Iowa, its departments, agents, or employees or any county, its agents or employees, or any city, its agents or employees.

[C66, 71, 73, 75, 77, 79, §356.37 – 356.43; C81, §356.36; 82 Acts, ch 1133, §1]
83 Acts, ch 96, §114, 159; 84 Acts, ch 1127, §1; 95 Acts, ch 3, §3; 2012 Acts, ch 1023, §44
Referred to in §356.37, 356.43, 356A.7

356.37 Confinement and detention report — design proposals.

The subunit of the department of health and human services responsible for criminal and juvenile justice planning, in consultation with the department of corrections, the Iowa county attorneys association, the Iowa state sheriff's association, the Iowa peace officers association, a statewide organization representing rural property taxpayers, the Iowa league of cities, and the Iowa board of supervisors association, shall prepare a report analyzing the confinement and detention needs of jails and facilities established pursuant to this chapter and chapter 356A. The report for each type of jail or facility shall include but is not limited to an inventory of prisoner space, daily prisoner counts, options for detention of prisoners with mental illness or substance use disorder service needs, and the compliance status under section 356.36 for each jail or facility. The report shall contain an inventory of recent jail or facility construction projects in which voters have approved the issuance of general obligation bonds, essential county purpose bonds, revenue bonds, or bonds issued pursuant to chapter 423B. The report shall be revised periodically as directed by the director of health and human services. The first submission of the report shall include recommendations on offender data needed to estimate jail space needs in the next two, three, and five years, on a county, geographic region, and statewide basis, which may be based upon information submitted pursuant to section 356.49.

2002 Acts, ch 1051, §1, 2; 2002 Acts, ch 1175, §83; 2007 Acts, ch 22, §71; 2012 Acts, ch 1023, §45; 2023 Acts, ch 19, §1111

356.38 through 356.42 Reserved.

356.43 Inspection — hearing — remedial action — report.

1. The Iowa department of corrections and its inspectors and agents shall make periodic inspections of each jail or municipal holding facility and all facilities established pursuant to chapter 356A, and officially notify the governing body of the political subdivision in writing to comply fully with section 356.36.

2. The Iowa department of corrections may order the governing body of a political subdivision to either correct violations found in the inspection of a jail or municipal holding facility within a designated period, or may prohibit the confinement of prisoners in the jail or municipal holding facility. If the governing body fails to comply with the order within the period designated, the Iowa department of corrections may schedule a hearing on the alleged violation. The department may subpoena witnesses, documents, and other information deemed necessary to determine the validity of the alleged violation. The department shall upon written request from the governing body of the political subdivision grant representatives of the political subdivision the right to appear before the department at the hearing. The representatives have the right to counsel and may produce witnesses and present statements, documents, and other information with respect to the alleged violation for consideration at the hearing.

3. The department after the hearing shall affirm, revoke, or modify the original order. If

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the order is upheld, the department may include a schedule for correction of the violations and designate the date by which each violation shall be corrected.

4. If the political subdivision does not comply with the order within the designated period, the department may petition the attorney general to institute proceedings to enjoin the political subdivision from confining prisoners in the jail or municipal holding facility and require the transfer of prisoners to a jail or municipal holding facility declared by the director to be suitable for confinement. The county or municipality from which prisoners are transferred is liable for the cost of transfer and expenditures incurred in the confinement of prisoners in the jail or municipal holding facility to which transferred. Following inspection of any jail or municipal holding facility, a report of the inspection shall be filed with the director of the Iowa department of corrections. A copy of the report shall also be filed with the sheriff or chief of police, the governing body of the political subdivision, and one copy with the county attorney, which shall be presented at the next session of the grand jury of that county.

[C66, 71, 73, 75, 77, 79, 81, §356.43]

83 Acts, ch 96, §115, 159; 84 Acts, ch 1127, §2; 2017 Acts, ch 54, §76

Referred to in §331.756(53)

356.44 Rules of sheriff.

The county sheriff shall formulate rules for the conduct and behavior of county jail prisoners. These rules may include provisions for county jail prisoners to do all necessary cleaning and upkeep of cells, compartments, dormitories and day rooms. Extra penalties may be provided for intentional damage of county jail property. Such rules and regulations shall be approved by a district judge from the district in which the county jail is located.

[C66, 71, 73, 75, 77, 79, 81, §356.44]

356.45 Reserved.

356.46 Time off for good behavior.

Every prisoner in the county jail may, upon the recommendation of the sheriff or person in charge of the detention of the prisoner, and at the discretion of the sentencing judge, receive a reduction of sentence in an amount to be determined by the judge, if:

1. No infraction of the rules of discipline of the county jail or of the laws of the state has been recorded against the prisoner since the beginning of the prisoner's incarceration; and

2. The prisoner has performed in a faithful manner the duties assigned to the prisoner.

[C73, 75, 77, 79, 81, §356.46]

83 Acts, ch 78, §1

356.47 Sentence suspended.

A judge who sentences a person to the county jail or other detention facility pursuant to this chapter, may suspend any part of such sentence and place such person on probation, upon such terms and conditions as the sentencing judge may direct, after such person has served that part of the person's sentence which was not suspended.

[C73, 75, 77, 79, 81, §356.47]

356.48 Required test.

1. A person confined to a jail or in the custody of a peace officer, who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious or infectious disease as defined in section 141A.2. The bodily specimen to be taken shall be determined by the attending physician of the jail or the county medical examiner. The specimen taken shall be sent to the state hygienic laboratory or some other laboratory approved by the department of health and human services. If a person to be tested pursuant to this section refuses to submit to the withdrawal of a bodily specimen, the sheriff, person in charge of the jail, or any potentially infected person may file an application with the district court for an order

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compelling the person that may have caused an infection to submit to the withdrawal and, if infected, to receive available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the sheriff, person in charge of the jail, or any other potentially infected person.

2. A person who fails to comply with an order issued pursuant to this section is guilty of a serious misdemeanor.

3. Personnel at the jail shall be notified if a person confined is found to have a contagious or infectious disease.

4. The sheriff, person in charge of the jail, or any other potentially infected person shall take any appropriate measure to prevent the transmittal of a contagious or infectious disease to other persons. The sheriff or person in charge of the jail shall also segregate a confined person who tests positive for acquired immune deficiency syndrome from other confined persons.

5. For purposes of this section, *"potentially infected person"* includes a care provider as defined in section 139A.2.

87 Acts, ch 185, §2; 2005 Acts, ch 87, §1; 2023 Acts, ch 19, §1112

356.49 Jail report.

A county sheriff shall file, on a monthly basis, a written report with the director of the department of corrections. The report shall include, but not be restricted to, the total number of men, women, and juveniles held in the jail for the reporting month. The director shall adopt and provide a uniform reporting form to be utilized by county sheriffs.

89 Acts, ch 159, §1
Referred to in §356.37

356.50 Private transportation of prisoners.

If a county sheriff contracts with a private person or entity for the transportation of prisoners to or from a county jail, the contract shall include provisions which require the following:

1. The private person or any officers or employees of the private person or private entity shall not have been convicted of any of the following:

a. A felony.

b. Within the three-year period immediately preceding the date of the execution of the contract, a violation of the laws pertaining to operation of motor vehicles punishable as a serious misdemeanor or greater offense.

c. Domestic abuse assault in which bodily injury was inflicted or attempted to be inflicted.

d. A crime involving illegal manufacture, use, possession, sale, or an attempt to illegally manufacture, use, possess, or sell alcohol or a controlled substance or other drug.

2. The person or persons actually transporting the prisoners shall be trained and proficient in the safe use of firearms.

3. Any employees of a private entity which has entered into the contract for transportation of prisoners shall only possess and use security and restraint equipment, including any firearms, which has been issued by the private entity.

4. The person or persons actually transporting the prisoners shall be trained and proficient in appropriate transportation procedures.

5. The person or entity complies, within one year of publication, with any applicable standards for the transportation of prisoners promulgated by the American corrections association.

98 Acts, ch 1131, §2

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CHAPTER 356A

COUNTY DETENTION FACILITIES

Referred to in §331.381, 331.424, 356.36, 356.37, 356.43, 805.16

See also chapter 904, subchapter IX

356A.1 County supervisors may act — county halfway houses.
356A.2 Contract.
356A.3 Alternative confinement of prisoners.
356A.4 Work release.
356A.5 Calendar kept.
356A.6 Transfer.
356A.7 Contract with another county.

356A.1 County supervisors may act — county halfway houses.

A county board of supervisors may, by majority vote, establish and maintain by lease, purchase, or contract with a public or private nonprofit agency or corporation, facilities where persons may be detained or confined pursuant to a court order as provided in section 356.1. The facilities may be in lieu of or in addition to the county jail. The board shall establish rules and regulations for the operation of each facility. A person detained or confined to such a facility shall be required to do all cleaning, upkeep, maintenance, minor repairs, and anything else necessary to properly maintain, operate, and preserve the facility. The sheriff shall not have charge or custody of a person detained or confined in such facility or transferred thereto. Such facility need not contain cells, cell blocks, or bars, if it is not necessary for the protection of the public, as determined by the board.

[C73, 75, 77, 79, 81, §356A.1]

Referred to in §356A.3, 356A.4, 356A.5, 356A.6

356A.2 Contract.

If the board of supervisors contracts with a public or private nonprofit agency or corporation for the establishment and maintenance of such a facility, the contract shall state the charge per person per day to be paid by the county; that each facility shall insure the performance of the duties of the keeper as defined in section 356.5; the activities and service to be provided those detained or confined; the extent of security to be provided in the best interests of the community; the maximum number of persons that can be detained or committed at any one time; the number of employees to be provided by the contracting private nonprofit agency or corporation for the maintenance, supervision, control, and security of persons detained or confined in the facility; and any other matters deemed necessary by the supervisors. A contract shall be for a period not to exceed two years. The board of supervisors shall deliver a copy of the contract to each judicial officer of the district which includes that county.

[C73, 75, 77, 79, 81, §356A.2]

83 Acts, ch 186, §10101, 10201

Referred to in §356A.3, 356A.4, 356A.5, 356A.6

356A.3 Alternative confinement of prisoners.

A district judge may sentence and commit a person to a facility established and maintained pursuant to section 356A.1 or 356A.2 instead of the county jail. A district judge may order the transfer of a person sentenced and committed to the county jail to such a facility upon the judge's own motion, the motion of the sentenced and committed person, or the motion of the sheriff. The original order of commitment or the order of transfer to the facility shall set forth the terms and conditions of the detention or commitment and that the detained or committed person shall abide by the terms and conditions of this chapter and the rules of the facility to which committed or transferred. The order shall be read to the detained, committed, or transferred person in open court. The committing court or a district judge may order a person who has been detained, committed, or transferred to such a facility to be transferred to the county jail if, upon hearing, the court determines the person has been refractory or disorderly, has willfully destroyed or injured any property in the facility, or has violated any of the terms and conditions of the order of detention, commitment, or transfer or the provisions of this chapter or the rules of the facility where the person was detained or

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committed. Any violations of the order of detention, commitment, or transfer shall further be punished as contempt of court pursuant to chapter 665. Section 719.4 is applicable to any person detained, committed, or transferred to a facility established and maintained pursuant to this chapter. The county or city to which the cause originally belonged is liable for the expense of the original detention, commitment, or transfer and the subsequent expenses of maintaining the person in the facility.

[C73, 75, 77, 79, 81, S81, §356A.3; 81 Acts, ch 117, §1067]
83 Acts, ch 123, §160, 209

356A.4 Work release.

A person detained, committed, or transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2, may further be released from such facility during necessary and reasonable hours, by court order, for the purposes stated in section 356.26. Such release and any wages earned shall be governed by the provisions of sections 356.27 through 356.35 except that during such time the released person shall not be in the legal custody of the sheriff; any wages earned shall be collected, managed, and dispensed by the person in charge of the facility and not the sheriff; and any wages earned shall first be applied to the reasonable cost of housing such person in the facility.

[C73, 75, 77, 79, 81, §356A.4]
2021 Acts, ch 80, §226
See also chapter 904, subchapter IX

356A.5 Calendar kept.

Any person sentenced, detained, committed, or transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2 shall be discharged therefrom upon completion of the original term of detention or commitment. The person in charge of the facility shall keep a calendar as required in section 356.6.

[C73, 75, 77, 79, 81, S81, §356A.5; 81 Acts, ch 121, §2]

356A.6 Transfer.

A judicial officer of the district court may originally commit a person to the county jail to serve any part of the sentence pronounced, and thereafter the person may be transferred to a facility established and maintained pursuant to section 356A.1 or 356A.2.

[C73, 75, 77, 79, 81, §356A.6]
83 Acts, ch 186, §10102, 10201

356A.7 Contract with another county.

A county board of supervisors may contract with another county or a city maintaining a jail meeting the minimum standards for the regulation of jails established pursuant to section 356.36 for detention and commitment of persons pursuant to section 356.1. A person detained or confined in the jail shall be in the charge and custody of the governmental unit maintaining the jail. The cost of detention and confinement shall be levied and paid by the city or the county to which the cause originally belonged.

[C73, 75, 77, 79, 81, S81, §356A.7; 81 Acts, ch 117, §1068]

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SUBTITLE 2

SPECIAL DISTRICTS

CHAPTER 357

WATER DISTRICTS

Referred to in §331.382, 358.1B, 499.5A

City annexation; arbitration; see §357A.21

357.1	Definitions.	357.17	Bond of contractor.
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357.1B	Combined water and sanitary district.	357.19	Completing assessment.
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357.3	Scope of assessment.	357.21	Substance of bonds.
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357.13	Trustees — qualification and terms.	357.31	Right-of-way.
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357.15	Inadequate assessment.	357.33	Appeal procedure.
357.16	Second election.	357.34	Conveyance of district to city.
		357.35	Merging existing districts.

357.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

357.1A Petition — limitation.

1. The board of supervisors of any county shall, on the petition of twenty-five percent or more of the eligible electors residing in any proposed benefited water district, grant a hearing relative to the establishment of the proposed water district. The petition shall set out the following and any other pertinent facts:

a. The need of a public water supply.

b. The approximate district to be served.

c. The approximate number of families in the district.

d. The proposed source of supply.

e. The type of service desired, whether domestic only or for fire protection and other uses.

2. The board of supervisors may, at its option, require a bond of the petitioners as provided in section 468.9.

3. A benefited water district located wholly within the corporate limits of a city is not subject to the provisions of this chapter.

4. Water services, other than water services provided as of April 1, 1987, shall not be provided within two miles of the limits of a city except as provided in this section.

5. A benefited water district established under this chapter may give notice of intent to provide water service to a new area within two miles of a city by submitting a water plan to the city. The plan is only required to indicate the area within two miles of the city which the benefited water district intends to serve. If the city fails to respond to the benefited water district's plan within ninety days of receipt of the plan, the benefited water district

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may provide service in the area designated in the plan. The city may inform the benefited water district within ninety days of receipt of the plan that the city requires additional time or information to study the question of providing water service outside the limits of the city. If additional time or information is required, the city shall respond to the benefited water district's plan within one hundred eighty days of receipt of the plan. In responding to the plan, the city may waive its right to provide water service within the areas designated for service by the benefited water district, or the city may reserve the right to provide water service in some or all of the areas which the benefited water district intends to serve. If the city reserves the right to provide water service within some or all of the areas which the benefited water district intends to serve, the city shall provide service within four years of receipt of the plan. This section does not preclude a city from providing water service in an area which is annexed by the city.

[C24, 27, 31, 35, §5523; C39, §**5526.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.1]
87 Acts, ch 109, §1; 92 Acts, ch 1015, §1, 2; 92 Acts, ch 1204, §9
C2001, §357.1A
2010 Acts, ch 1061, §180
Referred to in §357.1B, 499.5

357.1B Combined water and sanitary district.

1. Upon receipt of a petition having the required signatories as provided in section 357.1A or 358.2, the board of supervisors shall grant a hearing relative to the establishment of a proposed combined water and sanitary district. The petition shall include the information required in sections 357.1A and 358.2 for proposed water districts and sanitary districts. The board of supervisors of the county in which the proposed combined district or largest part of the proposed combined district is located, shall have jurisdiction of the proceedings on the petition and the decision of a majority of the members of that board of supervisors is necessary for adoption. The orders of the board of supervisors made pursuant to this chapter and chapter 358 relating to the proposed combined district shall be kept as official records, but the records need not be published under section 349.16. An existing district may petition the board of supervisors to establish a combined water and sanitary district after the approval of a majority of the district electorate.

2. The board of supervisors having jurisdiction to establish the proposed combined water and sanitary district may proceed with its establishment under this chapter or chapter 358 in the same manner as a benefited water district or a sanitary district is separately established under those chapters. The differences between this chapter and chapter 358 including but not limited to the membership of the board of trustees, per diem, and maximum annual per diem, or a power or duty relating to rents, fees, taxation, or bonded indebtedness, shall be resolved as a part of the petition submitted to the board of supervisors. Before becoming effective, a change in the membership, per diem, maximum annual per diem, or a power or duty relating to rents, fees, the levy of a tax, or the issuance of bonds, or other differences specified on the petition, shall be submitted for the approval of the district electorate. However, the number of members, per diem, maximum annual per diem, or differences in powers and duties included in a combined district shall not be inconsistent with this chapter or chapter 358.

3. For the purpose of establishing, operating, or dissolving a combined water and sanitary district under this chapter and chapter 358, the term "*benefited water district*" includes a combined water and sanitary district where applicable.

4. Water services and a water service plan prepared by the combined district are subject to approval by an affected city as provided in section 357.1A.

92 Acts, ch 1204, §10
C93, §357.1A
C2001, §357.1B
2022 Acts, ch 1032, §54
Referred to in §358.1B, 418.1

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357.2 Territory included.

The benefited water district may include part or all of any incorporated city or cities, together with or without contiguous or noncontiguous territory including cemeteries and all publicly owned land. The publicly owned property shall pay and bear its proportionate share of the cost and expense of the water system upon the same basis as privately owned property.

[C39, §**5526.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.2]

92 Acts, ch 1204, §11

357.3 Scope of assessment.

The special assessment provided for in this chapter may be used to cover the costs of installing all the necessary elements of a water system, for both production and distribution.

[C24, 27, 31, 35, §5522; C39, §**5526.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.3]

2020 Acts, ch 1063, §187

357.4 Public hearing.

When the board of supervisors receives a petition for the establishment of a benefited water district, the board shall hold a public hearing within thirty days of the receipt of the petition. Notice of the hearing shall be published as provided in section 331.305.

[C24, 27, 31, 35, §5523; C39, §**5526.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.4]

92 Acts, ch 1204, §12; 2022 Acts, ch 1021, §88

Referred to in §357.5, 357.11, 357.12

357.5 Decision at hearing.

On the day fixed for hearing under section 357.4, the board of supervisors shall by resolution establish the benefited water district or disallow the petition. For adequate reasons, the board of supervisors may defer action on the petition for not to exceed ten days after the day first set for a hearing.

[C24, 27, 31, 35, §5523; C39, §**5526.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.5]

2021 Acts, ch 80, §227

357.6 Examination by engineer.

When the board of supervisors has established the benefited water district, the board shall appoint a competent disinterested civil engineer and instruct the engineer to examine the proposed improvement and to make preliminary designs in sufficient detail to permit an accurate estimate of the cost of the proposed water system to be made. The civil engineer shall also report as to the suitability of the proposed source of water supply.

[C39, §**5526.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.6]

2022 Acts, ch 1021, §89

Referred to in §357.7, 357.8, 357.9

357.7 Water source without district.

1. If it is anticipated that the source of water supply will be outside of and not under control of any proposed benefited water district, the board of supervisors shall instruct the engineer who is appointed under section 357.6 to make the preliminary design and dummy assessment to also obtain a written statement from the corporation or municipality which controls the proposed source of supply outlining the terms upon which water will be furnished to the district or to the individuals within the district.

2. This preliminary proposal from the governing body of the source of supply shall be binding and shall be in the nature of an option to purchase water by the district, or individuals within the district, if and when the proposed benefited water district completes its construction and is ready to use water. This proposal shall accompany and be a part of the engineer's preliminary report to the board of supervisors.

[C39, §**5526.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.7]

2020 Acts, ch 1062, §94; 2023 Acts, ch 66, §86

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357.8 Plat.

The engineer appointed under section 357.6 shall prepare a preliminary plat showing the proper design in general outline, the size and location of the water mains, the general location of hydrants, if hydrants are included in the petition, valves, and other appurtenances, and shall show the lots and parcels of land within the proposed district as they appear on the county auditor's plat books, together with the names of the owners and the amount which it is estimated that each lot or parcel will be assessed.

[C39, §**5526.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.8]
2021 Acts, ch 80, §228

357.9 Compensation of engineer.

The compensation of the engineer appointed under section 357.6 to conduct the preliminary investigation shall be determined by the board of supervisors and may be by percentage or per diem.

[C39, §**5526.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.9]
2023 Acts, ch 66, §87

357.10 Filing of report and plat.

The engineer's report, together with the dummy plat showing the tentative design and assessment, shall be filed with the county auditor within thirty days of such engineer's appointment, unless for adequate reasons it is impossible for the engineer to do so, in which case the board of supervisors may extend the time therefor.

[C39, §**5526.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.10]
Referred to in §357.11

357.11 Hearing on report.

On receipt of the engineer's report filed under section 357.10, the board of supervisors shall give notice in the manner provided in section 357.4 of a hearing on the engineer's tentative design and dummy plat. On the day set, or within ten days thereafter, the board of supervisors shall approve or disapprove the engineer's plan and proposed assessment. If it shall appear advisable, the board of supervisors may make changes in the design and assessment, as they appear on the dummy plat.

[C39, §**5526.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.11]
2023 Acts, ch 66, §88

357.12 Election.

When the preliminary design and assessment have been approved by the board of supervisors, a date not more than thirty days after the approval shall be set for an election within the district to determine whether or not the proposed improvement shall be constructed and to choose candidates for the offices of trustee within the district. The proposal to approve or disapprove the improvement and the selection of candidates for trustees shall be presented at the same election. Notice of the election, including the time and place of holding the election, shall be given in the same manner as for the public hearing provided for in section 357.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon, and any registered voter residing within the district at the time of the election may vote. The county commissioner of elections shall conduct elections held pursuant to this chapter, and the elections shall be conducted in accordance with chapter 49 where those procedures are not in conflict with this chapter. Precinct election officials shall be appointed to serve without pay, by the commissioner of elections, from among the registered voters of the district. The proposition shall be deemed to have carried if a majority of those voting on the proposition votes in favor of it.

[C24, 27, 31, 35, §5524; C39, §**5526.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.12]
92 Acts, ch 1204, §13; 94 Acts, ch 1169, §64
Referred to in §357.13

357.13 Trustees — qualification and terms.

1. At the initial election provided for in section 357.12, the names of the trustees shall be

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written by the voter on blank ballots without formal nomination and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district, one to serve for one year, one for two years, and one for three years. The trustees and their successors shall give bond in the amount the board of supervisors may require, the premium of which shall be paid by the district which the trustees represent. Vacancies during a term may be filled by election, or by appointment by the board of supervisors, at the option of the remaining trustees. The trustees must be residents of the district. The term of succeeding trustees shall be for three years.

2. After the initial board of trustees is selected, a candidate for trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's affidavit, which shall be filed with the county commissioner of elections at least twenty-five days before the date of the election. The form of the candidate's affidavit shall be substantially the same as provided in section 45.3.

[C24, 27, 31, 35, §5524; C39, §**5526.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.13]

91 Acts, ch 111, §1; 92 Acts, ch 1204, §14

357.14 Bids for construction.

1. If the majority of votes cast at the election are in favor of the improvement, the board of supervisors shall instruct the engineer to complete the plans and specifications, ready for receiving bids for construction of the project. The engineer shall complete the plans and specifications within thirty days of receiving notice to do so, unless for adequate reason the board extends the time.

2. When the completed plans and specifications are on file with the county auditor, and the estimated total cost of the project exceeds the competitive bid threshold in section 26.3, or as established in section 314.1B, the board of supervisors shall comply with the competitive bid procedures in chapter 26 for the construction of the project.

[C24, 27, 31, 35, §5524; C39, §**5526.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.14]

84 Acts, ch 1055, §6; 2006 Acts, ch 1017, §33, 42, 43; 2020 Acts, ch 1062, §94; 2021 Acts, ch 80, §229

Referred to in §357.16

357.15 Inadequate assessment.

When bids have been received, if it is apparent that the final assessment will need to be increased more than ten percent over the preliminary assessment, the board of supervisors shall, at its option, reject bids and readvertise for bids as provided herein, or reject bids and revise the dummy assessment. If the dummy assessment is revised, another election shall be held within the district in the same manner and with the same notices as the first, except that the candidates for trustees shall not be voted for.

[C39, §**5526.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.15]

Referred to in §357.16

357.16 Second election.

If the majority of the votes cast at the second election held pursuant to section 357.15 are in favor of the proposed improvement, the board of supervisors shall again advertise for bids in the manner provided under section 357.14. If the bids at the second letting will not necessitate raising the second preliminary assessment more than ten percent, the board may let the contract to the lowest responsible bidder.

[C24, 27, 31, 35, §5524; C39, §**5526.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.16]

2023 Acts, ch 66, §89

357.17 Bond of contractor.

1. The successful bidder, when awarded a contract, shall be required to give an approved surety bond for one hundred percent of the contract price, guaranteeing completion of the work in accordance with the plans and specifications, and for maintenance, including backfilling, for one year after the final acceptance of the work.

2. If the contractor fails to complete the work as provided in the contract, abandons the

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work, or fails to proceed in a reasonable manner toward its final completion, the board may proceed against the contractor and surety as provided in sections 468.104 and 468.105.

[C39, §**5526.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.17]

2020 Acts, ch 1062, §49

357.18 Acceptance of work.

When in the opinion of the engineer in charge the construction in any benefited water district has been completed in accordance with the plans, specifications, and contract, the engineer shall certify this fact to the board of supervisors and recommend the acceptance of the work by the board. The board of supervisors shall proceed in accordance with sections 468.101 and 468.102.

[C39, §**5526.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.18]

2023 Acts, ch 64, §60

357.19 Completing assessment.

After the final acceptance of the work by the board of supervisors, the engineer shall complete the final assessment, which shall be made on all the property within the district, whether abutting or not, for an amount approximately ten percent greater than the total cost of the project. The assessment shall not exceed benefits conferred and shall take into consideration the location and value of the property assessed. Where a pipe in excess of six inches in diameter is used, the assessment against the abutting property shall be limited to the cost of a six-inch pipe, and the difference between the cost of the pipe used and a six-inch pipe shall be paid by a uniform assessment against all benefited property within the water district. The final assessment on any lot or parcel of land shall not exceed the final preliminary assessment by more than ten percent, and shall in no case exceed twenty-five percent of the actual value of the property. The board of supervisors may alter an assessment to increase or decrease it within the limits outlined above, and must approve by resolution the final assessment as made.

[C24, 27, 31, 35, §5522; C39, §**5526.19;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.19]

357.20 Due date — bonds.

Assessments of five hundred dollars or less will come due at the first taxpaying date after the approval of the final assessment, and assessments of more than five hundred dollars may be paid in ten annual installments with interest on the unpaid balance at a rate not exceeding that permitted by chapter 74A. The board of supervisors shall issue bonds against the completed assessment in an amount equal to the total cost of the project, so that the amount of the assessment will be approximately ten percent greater than the amount of the bonds.

[C24, 27, 31, 35, §5522; C39, §**5526.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.20]

99 Acts, ch 83, §5; 2012 Acts, ch 1138, §98

Referred to in §357.21, 357.35

357.21 Substance of bonds.

1. Each of the bonds issued under section 357.20 shall meet all of the following requirements:

a. The bond shall be numbered.

b. The bond shall have printed upon its face that it is a benefited water district bond, stating the county and the number of the district for which it is issued, and the date of maturity.

c. The bond shall state that it is issued pursuant to a resolution of the board of supervisors, and that it is to be paid for only from a special assessment and taxes levied as provided under section 357.22 for that purpose within the district for which the bond is issued.

2. The provisions of sections 468.76 and 468.78 shall govern the issuance of these bonds except that the contractor will not be paid anything on the work until its completion and final acceptance.

[C39, §**5526.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.21]

2022 Acts, ch 1021, §90

Referred to in §357.35

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357.22 Lien of assessments — tax.

When the assessment has been completed, the bonds have been sold and delivered to the county auditor, and the schedule of assessment has been delivered to the county treasurer, the installments due thereon shall be collected in the same manner as ordinary taxes and shall constitute a lien on the property against which they are made. If the treasurer does not receive sufficient funds to enable the treasurer to pay the interest and retire the bonds as they become due, the auditor shall levy an annual tax of eighty-one cents per thousand dollars of assessed value of all taxable property within the district to pay such deficiency, and the county treasurer shall apply the proceeds of such levy to the payment of the bonds and the interest on the same so long as the bonds are in arrears on either interest or principal.

[C24, 27, 31, 35, §5525; C39, §**5526.22;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.22]
2010 Acts, ch 1118, §8
Referred to in §331.559, 357.21, 357.35

357.23 Surplus.

The board of supervisors shall be required to levy the annual tax of eighty-one cents per thousand dollars of assessed value of taxable property so long as the bonds are in arrears.

[C39, §**5526.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.23]
Referred to in §357.35

357.24 Fee of engineer.

The fee for engineering services shall be fixed by the board of supervisors and the engineer may be paid either a percentage or a per diem from proceeds of the bond sale or by cash from the contractor, if the contractor takes bonds in settlement for the contractor's work under the contract.

[C39, §**5526.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.24]
2021 Acts, ch 80, §230

357.25 Management by trustees.

After the final acceptance of the work by the board of supervisors, the management of the utility shall automatically go to the three trustees previously appointed by the board of supervisors. The trustees of a benefited water district located in a county with a population of two hundred fifty thousand or less shall have power to levy an annual tax not to exceed thirteen and one-half cents per thousand dollars of assessed value of all taxable property in the district, for the maintenance of the system. However, the trustees of a benefited water district located in a county with a population of more than two hundred fifty thousand may levy an annual tax on the taxable value of all taxable property in the district in an amount as may be necessary for the maintenance of the system, with the approval of the board of supervisors. This levy shall be optional with the trustees. The trustees may purchase material and employ labor to properly maintain and operate the utility. The trustees shall be allowed necessary expenses in the discharge of their duties, but shall not receive any salary.

[C24, 27, 31, 35, §5526; C39, §**5526.25;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §357.25; 81 Acts, ch 123, §1]

357.26 Duties of trustees.

It is anticipated that this chapter will usually be utilized to finance a distribution system where the source of supply is without the district, and not under its control, and that individuals within the district will pay water rent to a municipality or corporation without the district. It is intended that the trustees may so operate the utility as will best serve the users, and they are expressly authorized to buy and sell water, to fix the rates to consumers and make all contracts reasonable or necessary to accomplish the purpose of this chapter and to carry on all the operations incident to maintaining and operating said utility and to the procuring and furnishing of water to the consumers in the district. If the development of

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a source of supply is within the means of the district, the trustees may install wells, tanks, meters, and any other equipment properly pertaining to operate the utility.

[C39, §**5526.26;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.26]

2020 Acts, ch 1063, §188; 2021 Acts, ch 80, §231

Referred to in §357.35

357.27 Public property in district.

Whenever property of the state of Iowa, or any political subdivision thereof, shall be included either wholly or in part within the water district and the state of Iowa or the political subdivision owns facilities which may be used as a part of such water system, the executive council, board of supervisors, or city council, as the case may be, may permit the use of the facilities for such consideration and on such terms as may be agreed upon with the board of trustees.

[C39, §**5526.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.27]

2020 Acts, ch 1063, §189

357.28 Private mains — additional assessments.

1. Any person or persons within any water district, who may, after the initial installation of the improvement in any such district, desire to construct additional mains, and who have been assessed on the original assessment, may with the consent of the trustees, connect such lateral mains as they desire with the original system to serve property within the district which has been assessed, provided that the entire cost thereof shall be borne by the parties so interested.

2. The trustees shall have power to make additional assessments on unimproved lots or parcels of land within the district when said unimproved lots or parcels are improved and ready to receive the full benefits of the district. This additional assessment shall be determined and fixed by the trustees and shall not exceed the average assessment for improved property in said districts less the original assessment on said unimproved lots or parcels. Said assessments shall be paid to the county treasurer before service pipes are laid into said improvement. The assessment shall be put in the benefited water district fund of the district of which said lots or parcels are a part and shall be used by the county treasurer for the retirement of bonds and interest. When the bonds are all retired, the trustees shall be authorized to use said fund for maintenance purposes, changing size of mains, eliminating dead ends, or extending mains for the benefit of the district.

[C39, §**5526.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.28]

2020 Acts, ch 1062, §94

357.29 Subdistricts.

1. If the cost of the desired extensions will be as much as five thousand dollars, the interested parties may petition the board of supervisors to organize a subdistrict, and in such case the board shall proceed in the same manner as for a new district, and may take in territory not originally assessed.

2. The board of supervisors shall have power at any time to alter the boundaries of any district prior to the time of posting or publishing notice of the election within the district.

[C24, 27, 31, 35, §5522; C39, §**5526.29;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.29]

2020 Acts, ch 1062, §94

357.30 Additional territory.

If a district is under the control of trustees, the trustees are empowered to deal with parties without the district who desire to be taken into the district or to obtain water from the district. The trustees shall determine the amount to be assessed against the territory to be taken in or connected with the district. The trustees shall have power in such cases to make agreements for the district, and may, with the consent of the board of supervisors, alter the district boundaries to take in the additional territory. If an owner of a lot or parcel

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has paid any assessment to a district, the lot or parcel of land shall not be put out of the district without the consent of the owner.

[C24, 27, 31, 35, §5522; C39, §**5526.30;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.30]
2023 Acts, ch 66, §90

357.31 Right-of-way.

The board of supervisors shall have power to condemn, in the same manner as provided for the condemnation of land, right-of-way through private property, sufficient for the construction and maintenance of water mains. The cost of such right-of-way shall constitute a part of the expense of the improvement and shall be covered by the special assessment.

[C39, §**5526.31;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.31]

357.32 Record book.

The board of supervisors shall provide a record book which shall be in the custody of the auditor, in which shall be kept a full and complete record of the proceedings relative to water districts, so arranged and indexed, as to enable any proceedings relative to any district to be readily examined.

[C24, 27, 31, 35, §5524; C39, §**5526.32;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.32]
Referred to in §331.508

357.33 Appeal procedure.

Any person aggrieved may appeal from any final action of the board of supervisors in relation to any matter involving the person's rights to the district court of the county in which the district is located. The procedure in such appeals shall be governed by the provisions of sections 468.84 through 468.98 provided that whenever in those sections the words "drainage district" occur, the words "benefited water district" shall be substituted.

[C39, §**5526.33;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.33]
2019 Acts, ch 59, §109; 2022 Acts, ch 1021, §91

357.34 Conveyance of district to city.

1. If a city is situated wholly or partly within a benefited water district or the source of supply for a benefited water district is a municipal water system, the board of supervisors having jurisdiction of the benefited water district, at the request of the trustees of the benefited water district, may, by proper resolution, convey to the city any and all rights that the board of supervisors may have in and to the benefited water district. The conveyance, however, shall not become effective until all existing obligations against the district have been completely and fully discharged and the conveyance accepted and confirmed by a resolution of the council of that city or of the board of waterworks trustees of that city, if there is one, specially passed for that purpose.

2. Upon acceptance, the district, including the plant and distribution system, as well as all funds and credits, shall become the property of the city and be operated and used by the city to the same extent as if acquired under such provisions of law under which the city is then operating its waterworks. Upon acceptance by the city, the offices of the trustees as provided in this chapter shall be abolished and the duties of the trustees as such shall immediately cease.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §357.34]
2020 Acts, ch 1062, §94; 2023 Acts, ch 66, §91

357.35 Merging existing districts.

When the source of supply for a benefited district is obtained wholly or partly through another benefited district or if districts are supplied with their water from a common source, the board of supervisors having jurisdiction of those benefited districts, shall, upon ten days' written notice to the trustees, hold a hearing relative to the establishment of a single benefited water district with a boundary encompassing all the area within the subject districts. If the board finds the residents and property owners in the proposed district would be benefited, it may establish the single district by resolution. In the case of districts with outstanding

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warrants in excess of the anticipated revenues and cash balance within the district fund, an assessment shall be drawn up by the auditor for an amount approximately fifty-five percent of the total indebtedness of the district and the board of supervisors must approve by resolution the final assessment as made and cause bonds to be issued at approximately ten percent greater than the total indebtedness of the district in accordance with sections 357.20 and 357.21 except that the bonds shall be paid, approximately equally, from user charges and the assessment. In the case of districts with bonded indebtedness, a subarea of the new single district with a boundary identical to each indebted district shall be designated and taxed in accordance with sections 357.22 and 357.23. When all bonds have been retired, the subarea shall cease to exist. In the case of districts with a surplus cash balance, all funds and credits shall become the property of the single district and used by it to the same extent as if acquired under the provisions of section 357.26. Upon establishment of the single district by the board of supervisors, a resolution shall be passed either appointing three trustees or designating the board of supervisors as the trustees for the single district. The operation of the single district constitutes a county enterprise under section 331.461, subsection 2.

[82 Acts, ch 1219, §1]
Referred to in §331.461

CHAPTER 357A

RURAL WATER SERVICE PROVIDERS

Referred to in §16.134, 16.152, 26.2, 306.46, 331.382, 331.441, 331.502, 331.555, 384.21, 423.3, 455B.183, 476.1, 476.27, 499.5, 499.5A, 573.28, 716.6B

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357A.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Auditor"* means the county auditor of a county in which a district has been incorporated and organized or is proposed to be incorporated and organized.

2. *"Board"* means the board of directors of a district, and *"director"* means a member of such board of directors.

3. *"Department"* means the department of natural resources.

4. *"District"* means a rural water district incorporated and organized pursuant to the provisions of this chapter.

5. *"Member"* means an owner of real property which is located within a district, the tenant of the real property, or another person acting for the owner with the owner's written consent.

6. *"Participating member"* means a member who has subscribed to and paid the

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established fee for at least one benefit unit in a district, in the manner provided by this chapter.

7. *"Rural water association"* or *"association"* means a rural water association organized and incorporated as a cooperative association under chapter 499 or as a nonprofit corporation under chapter 504.

8. *"Supervisors"* means the board of supervisors of a county, or the board of supervisors of an adjacent county, in which a district has been incorporated and organized or is proposed to be incorporated and organized.

[C71, 73, 75, 77, 79, 81, §357A.1; 82 Acts, ch 1199, §62, 96]
91 Acts, ch 134, §1; 2014 Acts, ch 1086, §1
Referred to in §16.151

357A.2 Petition — deposit — limitation.

1. *a.* A petition may at any time be filed with the auditor requesting the supervisors to incorporate and organize a district encompassing an area, not then included in any other district, in a county or in two or more adjacent counties for the purpose of providing an adequate supply of water for residents of the area who are not served by the water mains of any city water system.

b. There shall be filed with the petition a bond with sureties approved by the auditor, or a certified check, credit union certified share draft or cash in an amount sufficient for the payment of all costs and expenses incurred in the proceedings if the district is not finally established.

2. The petition shall be signed by the owners of at least thirty percent of all real property lying within the outside perimeter of the area designated for inclusion in the proposed district, and shall state:

a. The location of the area, describing such area to be served or specifying the area by an attached map.

b. The reasons a district is needed.

c. A new water service plan describing the cost feasibility and estimated construction schedules.

3. Water services, other than water services provided as of April 1, 1987, shall not be provided within two miles of the limits of a city by a rural water district incorporated under this chapter except as provided in this section. Except as otherwise provided in this chapter, a rural water association shall not provide water services within two miles of a city, other than water services provided as of July 1, 2014.

4. *a.* A rural water district or rural water association may give notice of intent to provide water service to a new area within two miles of a city by submitting a water plan to the city. This subsection shall not apply in the case of a district or association extending service to new customers or improving existing facilities within existing district or association service areas or existing district or association agreements. If water service is provided by a city utility established under chapter 388, the water plan shall be filed with the governing body of that city utility. The district or association shall provide written notice pursuant to this subsection by certified mail.

b. The water plan shall indicate the area within two miles of the city which the district or association intends to serve within the next three years. Upon request, the city or city utility shall provide a district or association with a map of the city limits that indicates areas that are currently provided water service by a city utility or enterprise.

c. If the city fails to respond to the water plan within seventy-five days of receipt of the plan, the district or association may provide service in the area designated in the plan. The city may inform the district or association within seventy-five days of receipt of the plan that the city requires additional time or information to study the question of providing water service outside the limits of the city. If additional time or information is required, the city shall respond to the plan by certified mail within one hundred sixty-five days of receipt of the plan.

d. (1) In responding to the plan, the city may affirmatively waive its right to provide water service within the areas designated for water service by the rural water district, or the city

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may reserve the right to provide water service in some or all of the areas which the district or association intends to serve.

(2) (a) If the city reserves the right to provide water service, the city shall provide the district or association with a copy of the city's water plan relating to the city's intent and ability to provide water service to such an area.

(b) If the city reserves the right to provide water service within some or all of the areas which the district or association intends to serve, the city shall provide service within three years of receipt of the water plan submitted under paragraph *"a"*.

(c) If the city reserving the right to provide service fails to provide service within three years of receipt of the water plan submitted under paragraph *"a"*, the city waives its right to provide water service and shall provide notice to the district or association by certified mail and the district or association may provide service within the area of the water plan submitted under paragraph *"a"*. If the city fails to provide notice to the district or association, the district or association may provide service in accordance with this paragraph *"d"*, regardless of whether the district or association has received such notice.

(3) If the district or association fails to provide service within three years after a city waives the right to provide water service under this paragraph *"d"*, the district or association shall provide notice to the city by certified mail and the city may provide service within the area of the water plan submitted under paragraph *"a"*. If the district or association fails to provide notice to the city, the city may provide service in accordance with this paragraph *"d"*, regardless of whether the city has received such notice.

(4) For purposes of this paragraph *"d"*, *"provide water service"* and *"provide service"* mean to deliver water in sufficient quantity and quality to meet customer demand. The department of natural resources shall determine whether such service meets customer demand, as provided under section 455B.174.

5. This section does not preclude a city from providing water service in an area which is annexed by the city pursuant to section 357A.21.

[C71, 73, 75, 77, 79, 81, §357A.2]

84 Acts, ch 1055, §7; 85 Acts, ch 67, §42; 87 Acts, ch 109, §2; 91 Acts, ch 134, §2, 3; 92 Acts, ch 1015, §3, 4; 95 Acts, ch 77, §2; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1086, §2, 3; 2016 Acts, ch 1011, §56, 57

Referred to in §331.382, 357A.20, 499.5

357A.3 Hearing after filing with auditor.

When a petition for incorporation and organization of a district is filed with the auditor, the auditor shall so inform the supervisors who shall fix a time for a hearing thereon, not less than fifteen nor more than thirty days after the filing of the petition. The auditor shall prepare a notice as hereinafter required, which shall at least seven days before the date fixed for the hearing on the petition:

1. Be published in a newspaper of general circulation in the area to be incorporated.
2. Be transmitted, together with a copy of the original petition, to the supervisors.

[C71, 73, 75, 77, 79, 81, §357A.3]

91 Acts, ch 134, §4

Referred to in §357A.4, 357A.14, 357A.24

357A.4 Notice.

The notice prepared by the auditor pursuant to section 357A.3 shall set forth:

1. The location of the area designated by the petitioners for incorporation in the proposed district, as described or shown by the original petition.
2. The time and place fixed by the supervisors for the hearing on the petition.
3. That all owners or tenants of real property within the boundaries described may appear and be heard.
4. That the proposed district, if incorporated, shall have no power or authority to levy any taxes whatsoever.

[C71, 73, 75, 77, 79, 81, §357A.4]

91 Acts, ch 134, §5

Referred to in §357A.14

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357A.5 Appearances.

At the hearing on the petition, any owner or tenant of real property within the boundaries of the area described in the petition may appear, in person or by a designated representative, and any representative of the department, a city, or an interested person may also appear, in favor of or in opposition to the incorporation and organization of the proposed district. The appearances may also be filed in writing prior to the time set for the hearing.

[C71, 73, 75, 77, 79, 81, §357A.5; 82 Acts, ch 1199, §63, 96]

91 Acts, ch 134, §6

Referred to in §357A.14

357A.6 Findings — order.

1. After the hearing, the supervisors may strike off any part of the territory that testimony shows will not be benefited by the creation of the district. If the supervisors do not find that the district is reasonably necessary, they shall dismiss the petition.

2. If the supervisors find that required notice of the hearing has been given and that the proposed district is reasonably necessary for the public health, convenience, and comfort of the residents, or may be of benefit in providing fire protection, they shall make an order establishing the district as a political subdivision, designating the district's boundary, and identifying the district by name or number. The order shall be published in the same newspaper which published the notice of hearing. The supervisors shall prepare and preserve a complete record of the hearing on the petition and their findings and action.

[C71, 73, 75, 77, 79, 81, §357A.6]

91 Acts, ch 134, §7; 2019 Acts, ch 24, §104; 2025 Acts, ch 30, §59

Referred to in §357A.14

357A.7 Meeting of members.

As a part of the order incorporating the district, the supervisors shall fix the time and place at which the members shall meet to select from their number a board of directors. Selection of the initial board shall be not later than thirty days after the hearing. The number of directors on the board, not to exceed nine, shall be determined by a majority vote of those members present. Any member elected a director who fails to become a participating member, within thirty days after entry in the minutes of the board of a declaration of availability of benefit units for subscription, shall forfeit the office of director.

[C71, 73, 75, 77, 79, 81, §357A.7]

Referred to in §357A.20

357A.8 Bylaws submitted at special meeting.

Within thirty days after election of the original board, proposed bylaws shall be submitted for adoption at a special meeting of members of the district, written notice of which shall be mailed to each member. Members present at the special meeting may adopt or amend any of the proposed bylaws, and may propose and adopt alternative or additional bylaws. The bylaws may subsequently be amended at any annual or special meeting of the participating members of the district. However, the bylaws of each district shall provide:

1. For an annual meeting of participating members by July 31 of each year following the year of incorporation of the district, and for the mailing of written notice of the time and place of each annual meeting to each participating member and publication of the notice in a newspaper of general circulation in the district not less than ten nor more than thirty days prior to each meeting.

2. That each participating member of the district shall be entitled to a single vote at all annual and special meetings of the district, regardless of the number of benefit units to which the member has subscribed.

[C71, 73, 75, 77, 79, 81, §357A.8]

95 Acts, ch 77, §3; 2012 Acts, ch 1016, §1

Referred to in §357A.20

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357A.9 Members divided into classes.

The initial board of each district shall divide its members by lot into three classes of as nearly equal size as possible. The terms of the directors in the first, second, and third classes shall expire on the dates of the annual meetings in the first, second, and third years, respectively, following the year in which the district is incorporated, or as soon thereafter as their respective successors are elected and have qualified. At the annual meeting in each year after the year in which the district is incorporated, a director shall be elected to succeed each director whose term of office expires on that date, and each director so elected shall hold office for a term of three years and until a successor is elected and has qualified. Vacancies shall be filled by appointment by the remaining directors, for the unexpired term.

[C71, 73, 75, 77, 79, 81, §357A.9]

Referred to in §357A.20

357A.10 Board meetings.

The board shall meet annually on the same day as, and immediately following, the annual meeting of participating members, and may meet at such other times as it may determine, or upon the call of the chairperson or any two directors. At the first meeting of the initial board following its election, and at each succeeding annual board meeting, the board shall elect a chairperson, vice chairperson, secretary, and treasurer for the ensuing year.

[C71, 73, 75, 77, 79, 81, §357A.10]

Referred to in §357A.20

357A.11 Board's powers and duties.

The board shall be the governing body of the district, and shall:

1. Adopt rules, regulations, and rate schedules in conformity with the provisions of this chapter and the bylaws of the district as necessary for the conduct of the business of the district.

2. Maintain at its office a record of the district's proceedings, rules and regulations, and any decisions and orders made pursuant to the provisions of this chapter, and furnish copies thereof to the supervisors or the council upon request.

3. Employ, appoint, or retain attorneys, engineers, other professional and technical employees, and other personnel as necessary, and require and approve bonds of district employees. The board may enter into agreements pursuant to chapter 28E to provide professional or technical services under this subsection to other water districts, nonprofit corporations, or related associations.

4. Prior to each annual meeting of participating members:

a. Prepare an estimated budget for the coming year, and adjust water rates if necessary in order to produce the revenue required to fund the estimated budget, and make a report thereon at the annual meeting.

b. Have an audit made of the district's records and accounts, and make copies of the audit report available to all participating members attending the annual meeting and to any other participating member who so requests.

5. Have authority to acquire by gift, lease, purchase, or grant any property, real or personal, in fee or a lesser interest needed to achieve the purposes for which the district was incorporated, to acquire easements for water lines and reservoirs by condemnation proceedings, and to sell and convey property owned, but no longer needed, by the district. Condemnation proceedings shall not apply to existing wells, ponds or reservoirs.

6. Have authority to construct, operate, maintain, repair, and when necessary to enlarge or extend, such ponds, reservoirs, pipelines, wells, check dams, pumping installations, or other facilities for the storage, transportation, or utilization of water, and such appurtenant structures and equipment, as may be necessary or convenient to carry out the purposes for which the district was incorporated. A district may purchase its water supply from any source.

7. Have power to borrow from, cooperate with and enter into agreements as deemed necessary with any agency of the federal government, this state, or a county of this state, and to accept financial or other aid from any agency of the federal government. To evidence

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any indebtedness the obligations may be one or more bonds or notes and the obligations may be sold at private sale.

8. Have power to finance all or part of the cost of the construction or purchase of any project necessary to carry out the purposes for which the district is incorporated, or to refinance all or part of the original cost of any such project, and to evidence that financing by issuance of revenue bonds or notes which shall mature in a period not to exceed forty years from date of issuance, shall bear interest, or combined interest and insurance charges, at a rate not to exceed that permitted by chapter 74A, shall be payable only from revenue derived from sale of water by the district, and shall never become or be construed to be a debt against the state of Iowa or any of its political subdivisions other than the district issuing the bonds.

9. Finance all or part of the cost of the construction or purchase of a project necessary to carry out the purposes for which the district is incorporated or to refinance all or part of the original cost of that project, including, but not limited to, obligations originated by the district as a nonprofit corporation under chapter 504 and assumed by the district reorganized under this chapter. Financing or refinancing carried out under this subsection shall be in accordance with the terms and procedures set forth in the applicable provisions of sections 384.24A, 384.83 through 384.88, 384.92, and 384.93. References in these sections to a city shall be applicable to a rural water district operating under this chapter, and references in subchapter V of chapter 384 to a city council shall be applicable to the board of directors of a rural water district. This subsection shall not create a lien against the property of a person who is not a rural water subscriber.

10. Have power to join the Iowa association of rural water districts, and pay out of funds available to the board, reasonable dues to the association. The financial condition and transactions of the Iowa association of rural water districts must be audited in the same manner as rural water districts.

11. Have authority to execute an agreement with a governmental entity, including a county, city, sanitary district, or another district, for purposes of managing or administering the works, facilities, or waterways which are useful for the collection, disposal, or treatment of wastewater or sewage and which are located within the jurisdiction of the governmental entity or the district. The board may do what is necessary to carry out the agreement, including but not limited to any of the following:

a. Owning or acquiring by gift, lease, purchase, or grant any interest in real or personal property.

b. Constructing, operating, maintaining, repairing, improving, or equipping any of the works, facilities, or waterways.

c. Financing all or part of the cost of acquiring, constructing, maintaining, repairing, improving, or equipping any works, facilities, or waterways, or refinancing all or part of the cost. The financing or refinancing shall be accomplished in accordance with the terms and procedures set forth in the applicable provisions of sections 384.24A, 384.83 through 384.88, 384.92, and 384.93. References in those sections to a city shall be applicable to a district and references in those sections to a governing body or a city council shall be applicable to the district's board.

12. Place all funds in investments to the extent practicable and may invest the funds jointly with one or more counties, judicial district departments of correctional services, cities, or city utilities pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.

13. In addition to all other powers granted to the board, the board may sell, convey, merge, or otherwise dispose of all or any portion of the real property or personal property of the district and all or any portion of the district's right to provide water or wastewater service to an area in order that another service provider permitted by the department of natural resources pursuant to chapter 455B may assume any or all of the district's duties and obligations or that the district may be dissolved.

a. If the district is to be dissolved, the board shall file a notice of dissolution with the auditor of the county or counties in which the district is located.

b. Prior to such sale, conveyance, merger, or disposition by the board that includes the relinquishment of the district's right to provide service to an area, the board shall publish

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notice of a public hearing not less than four nor more than twenty days before the date fixed for the hearing in a newspaper of general circulation in the area for which the board seeks to relinquish service. The board shall mail notice of a public hearing to the district's members in the area for which the board seeks to relinquish service not less than fourteen days prior to such public hearing. A public hearing is not required when the board relinquishes the district's right to service an area within the corporate limits of a city if the city will provide service in compliance with the city's annexation plan.

c. After hearing or if none is required, the board may adopt a resolution approving the sale, conveyance, merger, or disposition; however, the board shall provide for the continuation of water or wastewater service to the area by another service provider immediately following such sale, conveyance, merger, or disposition.

[C71, 73, 75, 77, 79, 81, §357A.11]

90 Acts, ch 1255, §19, 20; 91 Acts, ch 134, §8 – 10; 93 Acts, ch 84, §1; 95 Acts, ch 77, §4; 98 Acts, ch 1167, §1; 2000 Acts, ch 1078, §1; 2001 Acts, ch 24, §47; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2005 Acts, ch 85, §1; 2007 Acts, ch 126, §57; 2008 Acts, ch 1031, §47; 2013 Acts, ch 90, §95; 2018 Acts, ch 1041, §127

357A.11A Customer records.

Notwithstanding section 22.2, subsection 1, public records of a district, which shall not be examined or copied as of right, include private customer information. Except as required pursuant to chapter 476, "*private customer information*" includes information identifying a specific customer and any record of a customer account, including internet-based customer account information.

2012 Acts, ch 1010, §1

357A.12 Plans, specifications, and procedures.

1. As soon as reasonably possible after incorporation of a district, the board shall file with the supervisors and the department copies of the plans and specifications for, and estimates of the cost of, any improvements authorized by this chapter which the board proposes to construct or acquire. The board shall determine a reasonable fee which each member shall pay for the privilege of utilizing the district's facilities, and which shall be known as a benefit unit. Benefit units may be classified. The board, by publication in a newspaper of general circulation in the district, shall generally describe the planned improvements, the area to be served and the fee members will be required to pay for each service connected to the water system.

2. The procedures for competitive bidding specified in chapter 26 and for emergency repairs as specified in section 384.103, subsection 2, shall apply to construction carried out pursuant to this chapter.

[C71, 73, 75, 77, 79, 81, §357A.12; 82 Acts, ch 1199, §64, 96]

91 Acts, ch 134, §11; 2006 Acts, ch 1017, §34, 42, 43; 2019 Acts, ch 24, §104

357A.13 Selling water.

If the capacity of the district's facilities permits, the district may sell water by contract to any city, other district, or other person, public or private, not within the boundaries of a district.

[C71, 73, 75, 77, 79, 81, §357A.13]

357A.14 Attaching to district — inclusion of city — merger.

1. An owner of real property outside a district which can be economically served by the facilities of the district, or thirty percent of the owners of all real property lying within the outside perimeter of a proposed addition, may petition to be attached to the district. The petition shall be filed with the auditor, and the auditor and supervisors shall notify the district that a petition has been received and proceed in a manner set forth in sections 357A.3 through 357A.6.

2. All or any part of an incorporated city may be included in the boundaries of any existing water district or water district being newly organized, provided the governing body of such city by resolution or ordinance gives, or has given, its consent.

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3. Boards of any two or more districts may by concurrent action and by approval of the supervisors merge their districts into one. In case of merger the members of the boards of the merged districts may serve out the terms for which they were elected. The resulting district shall take over all the assets and legal liabilities of the water districts joining in the merger. Obligations of any district secured by the revenue of the systems operated by the district shall continue to be retired, or a sinking fund for such purpose created from revenue from the system operated over the same area by the resulting district in accordance with the laws under which the obligations were issued, until all obligations of the old district have been retired.

4. If there is a conflict between two or more districts concerning which district will serve an area, the supervisors of the county in which the disputed area is located shall, after a public hearing, determine which district can more adequately and economically provide service within the area.

[C71, 73, 75, 77, 79, 81, §357A.14]

91 Acts, ch 134, §12, 13; 93 Acts, ch 84, §2; 94 Acts, ch 1023, §109; 96 Acts, ch 1031, §1

357A.15 Taxing prohibited — refunds.

1. A district shall not have power to levy any taxes. The facilities constructed or otherwise acquired by a district, including but not limited to ponds, reservoirs, pipelines, wells, check dams, and pumping installations, the revenues obtained by the district from the sale of water, and the revenue bonds or notes, or interest from the revenue bonds or notes, issued by a district shall not be taxable in any manner by the state or any of its political subdivisions.

2. A rural water district organized under chapter 504 shall receive a refund of sales or use taxes upon submitting an application to the department of revenue for the refund of taxes imposed upon the sales price of all sales of building materials, supplies, or equipment sold to a contractor or used in the fulfillment of a written contract for the construction of facilities for the rural water district to the same extent as a rural water district organized under this chapter may obtain a refund under section 423.4, subsection 1.

[C71, 73, 75, 77, 79, 81, §357A.15]

98 Acts, ch 1161, §1; 2000 Acts, ch 1078, §2; 2003 Acts, ch 145, §286; 2003 Acts, 1st Ex, ch 2, §176, 205; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §394; 2019 Acts, ch 24, §104

Referred to in §422.7(2)(r)

357A.16 Detaching real property from district.

If it becomes apparent that any real property included within a district cannot economically or adequately be served by the facilities of the district, the owners of the real property may file with the auditor a petition to the supervisors requesting that the real property be detached from the district. The petition shall:

1. Describe by section, or fraction thereof, and by township and range, the real property which it is proposed to detach from the district.

2. State that the real property cannot economically or adequately be served by the facilities of the district, and that it is not feasible for the district to enlarge or extend its facilities so as to economically and adequately serve the real property.

3. Be signed by the owners of all the real property which it is desired to detach from the district.

[C71, 73, 75, 77, 79, 81, §357A.16]

91 Acts, ch 134, §14

Referred to in §357A.18, 357A.24

357A.17 Inactive district dissolved.

A petition may be filed with the auditor requesting the supervisors to dissolve an inactive district. The petition shall:

1. State that the district owns no property of any kind exclusive of records, maps, plans, and files, and that all of its debts and obligations have been fully paid.

2. State that the board has not held a meeting for more than one year prior to the date of filing of the petition, that the district is not functioning, and will probably continue to be inoperative.

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3. Be signed by three-fourths of the members of the district.

[C71, 73, 75, 77, 79, 81, §357A.17]
Referred to in §357A.18

357A.18 Hearing.

1. Upon the filing with the auditor of a petition under either section 357A.16 or section 357A.17, the auditor shall so inform the supervisors who shall fix a time for consideration of the petition. The supervisors may, but shall not be required to, hold a hearing thereon. After consideration of the petition, and after the hearing if one is held, the supervisors shall ascertain whether:

a. The petition meets all of the requirements prescribed by section 357A.16 or section 357A.17 for either such petition.

b. It appears from all information available to the supervisors that each allegation included in the petition is factual.

2. If the supervisors' finding on each of the foregoing points is positive, it shall declare the real property described in the petition detached from the district, or declare the district dissolved, as the case may be. The supervisors shall notify the secretary of the district of its action, and the secretary shall amend the records of the district to show that the real property described in the petition has been detached from the district, or shall within thirty days deliver to the auditor all records, maps, plans, and files of the district dissolved.

[C71, 73, 75, 77, 79, 81, §357A.18]
91 Acts, ch 134, §15, 16; 2010 Acts, ch 1061, §180

357A.19 Not exempt from other requirements.

This chapter does not exempt any district from the requirements of any other statute, whether enacted prior to or subsequent to July 1, 1970, under which the district is required to obtain the permission or approval of, or to notify, the department, the utilities commission, or any other agency of this state or of any of its political subdivisions prior to proceeding with construction, acquisition, operation, enlargement, extension, or alteration of any works or facilities which the district is authorized to undertake pursuant to this chapter.

[C71, 73, 75, 77, 79, 81, §357A.19; 82 Acts, ch 1199, §65, 96]
2023 Acts, ch 19, §2663; 2024 Acts, ch 1170, §369

357A.20 Alternate operation by nonprofit corporation.

1. A nonprofit corporation incorporated under chapter 504 for the specific purpose of operating a rural water system may petition the supervisors for incorporation of a district, in the manner provided by section 357A.2. The signatures of the corporation's officers on the petition and a resolution adopted by the corporation's board of directors approving the petition shall suffice in lieu of signatures of owners of thirty percent of the real property in the proposed district, if the corporation presents evidence satisfactory to the supervisors that a sufficient number of members of the proposed district will subscribe to benefit units to make its operation feasible. The procedure for hearing and determination of disposition of the petition shall be as provided by this chapter.

2. In any district incorporated upon the petition of a nonprofit corporation, the following procedures shall apply:

a. After final approval of the petition by a board of supervisors, the secretary of the corporation shall file a notice with the secretary of state dissolving the nonprofit corporation in accordance with chapter 504.

b. Upon filing of the notice, the nonprofit corporation shall cease to exist as a chapter 504 entity and all assets and liabilities of the nonprofit corporation become the assets and liabilities of the newly organized district without a need for any further meetings, voting, notice to creditors, or other actions by the members or board.

c. The officers and board of directors of the corporation shall be the officers and board of the district.

d. The applicable laws of the state and the articles of incorporation and bylaws of the

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corporation shall control the initial size and initial term of office of such officers and board, in lieu of sections 357A.7, 357A.9, and 357A.10.

e. The district shall bring its operation and structure in compliance with sections 357A.7 through 357A.10 at the first annual meeting of the participating members and board of directors.

[C71, 73, 75, 77, 79, 81, §357A.20]

91 Acts, ch 134, §17; 95 Acts, ch 77, §5; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2010 Acts, ch 1061, §180; 2020 Acts, ch 1063, §190

357A.21 Annexation of land by a city — mediation — arbitration.

1. A district or association shall be fairly compensated for losses resulting from annexation. The governing body of a city or water utility and the board of directors or trustees of the district or association may agree to terms which provide that the facilities owned by the district or association and located within the city shall be retained by the district or association for the purpose of transporting water to customers outside the city.

2. If an agreement is not reached under subsection 1, the governing body of the city or water utility or the board of directors or trustees of the district or association may request mediation pursuant to chapter 679C. The governing body or board requesting mediation shall be responsible for the costs of the mediation. A mediation committee shall be established if a governing body or board requests mediation pursuant to this subsection. The mediation committee shall consist of one member of the governing body of the city or the governing body's designee, one member of the board of directors or trustees of the district or association, as applicable, and one disinterested member chosen by the other two members. A list of qualified mediators may be obtained from the American arbitration association, the employment appeal board established pursuant to section 10A.601, or a recognized mediation organization or association.

3. If an agreement is not reached within ninety days, the issues may be submitted to arbitration. If submitted, an arbitrator shall be selected by a committee which includes one member of the governing body of the city or its designee, one member of the district's or association's board of directors or trustees or its designee, as applicable, and a disinterested party selected by the other two members of the committee. A list of qualified arbitrators may be obtained from the American arbitration association or other recognized arbitration organization or association.

87 Acts, ch 109, §3; 88 Acts, ch 1172, §1; 92 Acts, ch 1015, §5; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2014 Acts, ch 1086, §4; 2024 Acts, ch 1170, §320

Referred to in §357A.2, 384.84

357A.22 Personal liability.

Except as otherwise provided in this chapter, a director, officer, employee, or other personnel of the board are not liable on the district's debts or obligations and a director, officer, employee, or volunteer of the board is not personally liable in that capacity, for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for any of the following:

1. A breach of the duty of loyalty to the district.

2. Acts or omissions not in good faith or which involve intentional misconduct or knowing violation of the law.

3. A transaction from which the person derives an improper personal benefit.

88 Acts, ch 1170, §2

357A.22A Rural fire protection program — liability.

1. A rural water district or rural water association incorporated under this chapter or chapter 504 shall establish a rural fire protection program which shall include but is not limited to providing access to designated soft-hose fill stations, providing annually or more often if necessary updated maps of soft-hose fill stations to all fire departments within the rural water service area, and sponsoring informational meetings for all fire departments and interested parties within the rural water service area for the purpose of reviewing locations of

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facilities, operational procedures, communication procedures and facilities, and procedures designed to coordinate efforts to enhance rural fire protection.

2. A rural water district or rural water association incorporated under this chapter or chapter 504 which provides water service to cities, benefited fire districts, or townships shall not be liable for a claim against the district or association for failure to provide or maintain fire hydrants, facilities, or an adequate supply of water or water pressure for fire protection purposes if the purpose of the hydrants, facilities, or water used is not for fire protection.

2001 Acts, ch 54, §1; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2007 Acts, ch 126, §58; 2019 Acts, ch 24, §104

357A.23 City sewer and water franchise authorized.

Notwithstanding section 364.2, subsection 4, paragraph *"a"*, for the purposes of obtaining or qualifying for federal funding, a city may grant a franchise to a rural water district incorporated under this chapter or chapter 504, for a term of not more than forty years. In addition to the franchises listed in section 364.2, subsection 4, paragraph *"a"*, a city may grant a franchise to a rural water district incorporated under this chapter or chapter 504, to erect, maintain, and operate plants and systems for sewer services. All provisions of section 364.2 shall otherwise apply to a franchise granted to a rural water district.

94 Acts, ch 1137, §1; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393

Referred to in §364.2

357A.24 Detachment and attachment of areas between districts.

1. The boards of two or more districts, or the boards of any district and a rural water system organized under chapter 504, may by concurrent action or agreement join in a petition to detach an area which is not being served by the facilities of one district or system for purposes of being attached to the other district or system. The concurrent action or agreement may include conditions placed on the effectiveness of the concurrent action or agreement as deemed appropriate by the boards of the districts.

2. The petition shall be filed with the auditor of the county in which the area to be detached is located. The petition shall include all of the following regarding the area which is the subject of the petition:

a. A description by section, or fraction thereof, and by township and range of the area, in the same manner as provided in section 357A.16.

b. A verification that the area is not being served by the facilities of any district.

c. A statement asserting that the area can be adequately and economically served by the facilities of the district proposing to attach the area.

3. Upon filing the petition, the auditor shall prepare for a hearing on the petition by following the same procedures as provided in section 357A.3. The notice of the hearing shall include all of the following:

a. The location of the area subject to the petition.

b. The time and place of the hearing as established by the supervisors for the county in which the area to be detached is located.

c. That all owners or tenants of real property within the boundaries of the area may appear and be heard.

4. *a.* After the hearing the supervisors shall order that the area subject to the petition be detached from one district and attached to the other district if the supervisors determine that all of the following have been satisfied:

(1) The petition meets the requirements of this section.

(2) The information included in the petition is accurate.

(3) Notice required in this section has been provided.

(4) The detachment and attachment is in the best interest of the residents of the area subject to the petition.

b. The order shall be published in the same newspaper which published the notice of the hearing.

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5. This section does not preclude any procedure for detaching an area from or attaching an area to a district as otherwise provided by law, including this chapter.

98 Acts, ch 1167, §2; 99 Acts, ch 114, §23; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2010 Acts, ch 1061, §180

357A.25 Property not security for debt.

This chapter and chapter 384, as it applies to rural water districts, shall not be construed to mean that the real property of any rural water subscriber shall be used as security for any debts of a rural water district. However, the failure to pay water rates or charges by a subscriber may result in a lien being attached against the premises served upon certification to the county treasurer that the rate or charges are due.

2008 Acts, ch 1031, §48

CHAPTER 357B

FIRE DISTRICTS

Referred to in §28E.41, 28E.42, 233.1, 321.423, 331.382

357B.1	Benefited fire districts continued.	357B.7	Exchange of territory.
357B.2	Board of trustees.	357B.8	Fire district including a city — budget payment or separate levy.
357B.3	Powers of the board of trustees.		
357B.4	Anticipation of tax.		
357B.5	Dissolution of district.	357B.9	through 357B.17 Reserved.
357B.6	Use of federal revenue-sharing funds.	357B.18	Detachment of land from district.

357B.1 Benefited fire districts continued.

A benefited fire district established under this chapter prior to July 1, 1975, shall provide fire protection within its boundaries until it is dissolved as provided in section 357B.5. A benefited fire district shall not be established nor shall the territorial boundaries of an established benefited fire district be enlarged after June 30, 1975, except as provided in section 357B.7.

[C77, 79, 81, §357B.1]

86 Acts, ch 1057, §1

357B.2 Board of trustees.

A benefited fire district shall be governed by a board of trustees consisting of three members who shall serve overlapping, three-year terms. Each trustee shall give bond in an amount to be determined by the board of supervisors, the premium for which shall be paid by the district of the trustee. The members of the board of trustees shall be appointed by the board of supervisors from among the registered voters of the district. Any vacancy on the board shall be filled by appointment by the board of supervisors for the unexpired term. If a benefited fire district is located in more than one county, joint action of the boards of supervisors of the affected counties is required to appoint the members of the board of trustees, to determine the amount of bond, or to dissolve the district as provided in this chapter.

[C58, 62, 66, §357A.9, 357A.10; C71, 73, 75, §357B.9, 357B.10; C77, 79, 81, §357B.2; 82 Acts, ch 1046, §1]

98 Acts, ch 1123, §13

357B.3 Powers of the board of trustees.

1. The board of trustees may purchase, own, rent, or maintain fire apparatus or equipment within the state or outside the territorial jurisdiction and boundary limits of this state and provide housing for such apparatus or equipment. The board of trustees may contract with any public or private agency under chapter 28E for the purpose of providing fire protection under this chapter. The board of trustees may levy an annual tax not exceeding forty and

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one-half cents per thousand dollars of assessed value for the purpose of exercising the powers granted in this section. The board of trustees may purchase material and employ persons to provide for the maintenance and operation of the benefited fire district. The trustees shall be allowed reimbursement for any necessary expenses incurred in the performance of their duties, but they shall not receive any other compensation for their services.

2. If the levy authorized under subsection 1 is insufficient to provide the services authorized or required under this section, the trustees may levy an additional annual tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value of the taxable property in the benefited district to provide the services.

3. Of the levies authorized under subsections 1 and 2, the trustees may credit to a reserve account annually an amount not to exceed ten cents per thousand dollars of the assessed value of the taxable property in the township for the purchase or replacement of supplies and equipment required to carry out the services specified under this section. Notwithstanding section 12C.7, interest earned on moneys credited to the reserve account shall be credited to the reserve account.

[C58, 62, 66, §357A.11; C71, 73, 75, §357B.11; C77, 79, 81, §357B.3]

90 Acts, ch 1187, §1

Referred to in §357B.4, 357B.5

357B.4 Anticipation of tax.

The board of trustees of a benefited fire district may anticipate the collection of taxes authorized under section 357B.3 and, for the purpose of providing fire protection, may issue bonds payable in not more than ten equal installments at an interest rate not exceeding that permitted by chapter 74A. The bonds shall be in such form and payable at such place as specified by resolution of the board of trustees. The provisions of sections 73A.12 through 73A.16 and chapter 384 shall apply to such bonds to the extent applicable.

[C58, 62, 66, §357A.12; C71, 73, 75, §357B.12; C77, 79, 81, §357B.4]

2023 Acts, ch 66, §92

Referred to in §357B.18

357B.5 Dissolution of district.

1. Upon petition of a number of registered voters residing in a district at least equal to thirty-five percent of the property taxpayers in the district, the board of supervisors may dissolve a benefited fire district and dispose of any remaining property, the proceeds of which shall first be applied against any outstanding obligation of the district. Any remaining balance shall be applied as a tax credit for the property owners of the district. However, except as provided in subsection 2, if all or a part of a district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board of supervisors shall continue to levy an annual tax during the time the district is being dissolved and after the dissolution of a district, not to exceed sixty and three-fourths cents per thousand dollars of assessed value of the taxable property of the district, until all outstanding obligations of the district are paid. Except as otherwise provided in subsection 2, the board of supervisors shall negotiate agreements necessary to provide continued fire protection to the benefited fire district area during the time the district is being dissolved and after dissolution, and shall continue to levy an annual tax to fund such agreements, until such time as the township trustees of the township where the benefited fire district is located begin to provide fire protection service as required by section 359.42.

2. If a benefited fire district is dissolved that has been providing fire protection by contract, direct levy, or combination of both, to a city within the district for at least twenty years and the city's annual payments by contract or levy for the fire protection comprise seventy-five percent or more of the district's annual budget, the board of supervisors, in lieu of the disposal of property as provided in subsection 1, shall transfer to the city all of the district's real and personal property. The city shall assume all of the outstanding obligations of the district. If the district provides fire protection outside of the city's boundaries, the city shall continue to provide fire protection to this area until it is assigned to another fire protection district by the board of supervisors. If the city continues the fire protection outside its boundaries, the city

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shall certify to the board of supervisors the cost of providing this service, which shall be at the same rate as contained in the budget for property within the city, but not exceeding sixty and three-fourths cents per thousand dollars of assessed value of all taxable property in the area. The board of supervisors shall levy the amount of tax certified as provided in section 357B.3. The tax shall be collected and allocated in the same manner as other property taxes and paid to the city.

[C58, 62, 66, §357A.14; C71, 73, 75, §357B.14; C77, 79, 81, §357B.5]

89 Acts, ch 255, §1; 91 Acts, ch 111, §2; 99 Acts, ch 154, §1, 3; 2004 Acts, ch 1146, §4, 6

Referred to in §357B.1

357B.6 Use of federal revenue-sharing funds.

The board of supervisors may appropriate federal revenue-sharing funds to aid in providing fire protection services and equipment jointly with any other public agency of this state to residents of such county. The board of supervisors may use federal revenue-sharing funds for providing other services and equipment for use of the residents of the county. The use of federal revenue-sharing funds shall be consistent with federal law and rules promulgated pursuant to such law.

[C77, 79, 81, §357B.6]

357B.7 Exchange of territory.

The trustees of a benefited fire district may exchange territory with the trustees of a township to provide fire protection services by agreement. The agreement shall provide for the satisfaction of any outstanding obligation to which the affected territory is subject, the disposition of property affected by the exchange, the effective date of the exchange, and any other matter deemed necessary to carry out the exchange. The agreement shall be filed with the county recorder and auditor of each county in which the exchanged property is located.

86 Acts, ch 1057, §2

Referred to in §357B.1

357B.8 Fire district including a city — budget payment or separate levy.

1. A city that was part of a benefited fire district prior to the city's incorporation may continue to receive fire protection from the district under a contract or direct levy by the district. The annual amount paid by the city to the benefited fire district shall be included in the city's annual budget and shall be a part of the city's general fund tax levy.

2. *a.* In lieu of subsection 1, a benefited fire district that includes a city within the boundaries of the fire district may certify an annual tax levy not exceeding forty and one-half cents per thousand dollars of assessed valuation of the taxable property within the city for the purpose of fire protection.

b. If the levy authorized under paragraph *"a"* is insufficient to provide fire protection services, the benefited fire district may certify an additional annual tax levy not exceeding twenty and one-fourth cents per thousand dollars of assessed valuation of the taxable property within the city to provide fire protection services.

c. The benefited fire district shall certify the tax levy as provided in this subsection only after agreement granted by resolution of the city council. The amount of the tax rate levied under this subsection shall reduce by an equal amount the maximum tax levy authorized for the general fund of that city under section 384.1. If the district levies directly against property within a city to provide fire protection for that city, the city shall not be responsible for providing fire protection as provided in section 364.16, and shall have no liability for the method, manner, or means in which the district provides the fire protection.

89 Acts, ch 255, §2; 99 Acts, ch 154, §2, 3

357B.9 through 357B.17 Reserved.

357B.18 Detachment of land from district.

The trustees of a township, after notice and a public hearing, may withdraw the township or part of the township from a benefited fire district. Notice of the time, date and place of the hearing shall be published at least two weeks before the hearing in a newspaper

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having general circulation within the township. The notice shall also identify the area to be withdrawn. After the hearing on the proposed withdrawal, the township trustees, by majority vote, may withdraw the township or a part of the township from the benefited fire district. If the township trustees take final action to withdraw on or before March 1 of a fiscal year, the effective date of the withdrawal is the following July 1. However, if final action to withdraw is taken after March 1, the withdrawal is not effective until July 1 of the following calendar year. If bonds issued under section 357B.4 are outstanding at the time of withdrawal, the board of supervisors shall continue to levy an annual tax against the taxable property being withdrawn to pay its share of the outstanding obligation of the district relating to those bonds.

[S81, §357B.18; 81 Acts, ch 124, §1]

CHAPTER 357C

STREET LIGHTING DISTRICTS

Referred to in §331.382

357C.1 Definitions.
357C.1A Petition for public hearing.
357C.2 Limitation on area.
357C.3 Time of hearing — notice.
357C.4 Action by board.
357C.5 Engineer.
357C.6 Hearing on engineer's report.
357C.7 Election on proposed levy and candidates for trustees.
357C.8 Trustees — term and qualification.
357C.9 Trustees' powers.
357C.10 Bonds in anticipation of revenue.
357C.11 Dissolution of district.
357C.12 Adding property to district.
357C.13 Determination of fee.

357C.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

357C.1A Petition for public hearing.

1. The board of supervisors of any county shall, on the petition of twenty-five percent of the resident property owners in any proposed benefited street lighting district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, or the board of supervisors of any county with a population in excess of two hundred fifty thousand persons shall, on the petition of twenty-five percent of the resident property owners in any proposed benefited lighting district, hold a public hearing concerning the establishment of such proposed street lighting district. Such a petition shall include a statement containing the following:

a. The need for street lighting service.

b. The district to be served.

c. The approximate number of families in the district.

d. The proposed utility to provide the street lighting service.

2. The board of supervisors may require a bond of the petitioners conditioned for the payment of all costs and expenses incurred in the proceedings in case the street lighting district is not established.

[C71, 73, 75, 77, 79, 81, §357C.1]

C2001, §357.1A

2010 Acts, ch 1061, §180

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357C.2 Limitation on area.

A benefited street lighting district may include all or portions of the unincorporated areas of one township and any unincorporated areas of adjoining townships or portions thereof. However, such district shall contain only such area wherein the benefits derived from such street lighting shall be ratably spread between those people and families to be served.

[C71, 73, 75, 77, 79, 81, §357C.2]

357C.3 Time of hearing — notice.

The public hearing shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication as provided in section 331.305.

[C71, 73, 75, 77, 79, 81, §357C.3]

87 Acts, ch 43, §9

357C.4 Action by board.

After the hearing, the board of supervisors may by resolution establish the benefited street lighting district or disallow the petition. The board of supervisors may defer action on such petition for not to exceed ten days after the day first set for a hearing.

[C71, 73, 75, 77, 79, 81, §357C.4]

357C.5 Engineer.

1. When the board of supervisors shall have established a benefited street lighting district, they shall appoint a competent disinterested civil engineer, who shall prepare a preliminary plat showing:

a. The proper design in general outline of the district.

b. The lots and parcels of land within the proposed district as they appear on the county auditor's plat books with the names of the owners.

c. The assessed valuation of said lots and parcels.

2. The compensation of such engineer on the preliminary investigation shall be determined by the board of supervisors. The engineer shall file a report with the county auditor within thirty days of the engineer's appointment. The board of supervisors may extend such time upon good cause shown.

[C71, 73, 75, 77, 79, 81, §357C.5]

2010 Acts, ch 1061, §180

357C.6 Hearing on engineer's report.

After the engineer's report is filed, the board of supervisors shall give notice in the same manner as for the original hearing, of a public hearing to be held concerning the engineer's preliminary plat. On the day set for such hearing, or within ten days thereafter, the board of supervisors shall approve or disapprove the preliminary plat. The board of supervisors may make changes in the boundaries as they appear on the engineer's report.

[C71, 73, 75, 77, 79, 81, §357C.6]

357C.7 Election on proposed levy and candidates for trustees.

When a preliminary plat has been approved by the board of supervisors, an election shall be held within the district within sixty days to approve or disapprove the levy of a tax of not more than fifty-four cents per thousand dollars of assessed value on all the taxable property within the district, and to choose candidates for the offices of trustees of the district. Notice of the election, including the time and place of holding the same, shall be given in the same manner as for the original public hearing as provided herein. The vote shall be by ballot which shall state clearly the proposition to be voted upon, and any registered voter residing within the district at the time of the election shall be entitled to vote. It shall not be mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but they shall be conducted in accordance with the provisions of chapter 49 where not in conflict with this chapter. Judges shall be appointed to serve without pay by the board of supervisors from among the registered voters of the district who will have charge of the election. The

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proposition shall be deemed to have carried if sixty percent of those voting thereon vote in favor of same.

[C71, 73, 75, 77, 79, 81, §357C.7]

94 Acts, ch 1169, §64

357C.8 Trustees — term and qualification.

At the election, the names of candidates for trustee shall be written in by the voters on blank ballots without formal nomination, and the board of supervisors shall appoint three from among the five receiving the highest number of votes as trustees for the district; one to serve for one year, one for two years, and one for three years. The trustees and their successors must be residents of the district and shall give bond in the amount which the board of supervisors may require, the premium of which shall be paid by the district the trustees represent. Vacancies may thereafter be filled by election, or by appointment by the board of supervisors. The term of succeeding trustees shall be for three years.

[C71, 73, 75, 77, 79, 81, §357C.8]

91 Acts, ch 111, §3

357C.9 Trustees' powers.

The trustees may purchase street lighting service and facilities and may levy an annual tax not to exceed fifty-four cents per thousand dollars of assessed value for the purpose of exercising the powers granted in this chapter. This levy shall be optional with the trustees, but no levy shall be made unless first approved by the voters as provided herein. The trustees may purchase material, employ labor, and may perform all other acts necessary to properly maintain and operate the benefited street lighting district. The trustees shall be allowed necessary expenses in the discharge of the duties, but shall not receive any salary.

[C71, 73, 75, 77, 79, 81, §357C.9]

357C.10 Bonds in anticipation of revenue.

Benefited street lighting districts may anticipate the collection of taxes by the levy herein provided, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments, with the rate of interest thereon not exceeding that permitted by chapter 74A. No indebtedness shall be incurred under this chapter until authorized by an election. Such election shall be held and notice given in the same manner as the election provided herein for the authorization of a tax levy, and the same sixty percent vote shall be necessary to authorize indebtedness. Subject to section 39.2, subsection 4, both propositions may be submitted to the voters in the same election.

[C71, 73, 75, 77, 79, 81, §357C.10]

2023 Acts, ch 71, §125, 136

2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

357C.11 Dissolution of district.

Upon petition of thirty-five percent of the resident eligible electors, the board of supervisors may dissolve a benefited street lighting district and dispose of any remaining property, proceeds of which shall first be applied against outstanding obligations and any balance shall be applied to tax credit of property owners of the district. However, if the district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the district. The board of supervisors shall continue to levy tax after dissolution of a district, of not to exceed fifty-four cents per thousand dollars of assessed value on all the taxable property of the district, until all outstanding obligations of the district are paid.

[C71, 73, 75, 77, 79, 81, §357C.11]

91 Acts, ch 111, §4

357C.12 Adding property to district.

The owner of any property in an unincorporated area immediately contiguous to the boundaries of any established benefited street lighting district may petition the board of supervisors to be included in the district. Upon receipt of such petition the board shall

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submit the request to a competent disinterested civil engineer to investigate the feasibility of adding such additional territory and to make a report to the board. If the board agrees that said property should be added to the district, the tax levy for the next year shall be applied to said property and on the first day of the said next year said property shall be considered a part of the district. If the benefited street lighting district lies in more than one county the joint action of the boards of supervisors shall be required to add additional territory.

[C71, 73, 75, 77, 79, 81, §357C.12]

357C.13 Determination of fee.

1. The owner of any property joining an established benefited street lighting district shall pay to the board of trustees of the district an initial fee to be computed as follows:

a. The board of trustees shall first determine fair market value of all property and improvements owned by the benefited street lighting district, less any indebtedness.

b. The board shall then determine the assessed value of all property in said district. This shall be divided into the value determined in paragraph *"a"*.

c. The board shall determine the assessed value of the property of each landowner joining the established district.

d. The result obtained in paragraph *"b"* shall be multiplied by the result obtained in paragraph *"c"*. The result shall be the initial fee to be charged each landowner.

2. The initial fees paid to the district trustees shall be used to help defray the cost and maintenance of the district's street lighting service.

[C71, 73, 75, 77, 79, 81, §357C.13]

2010 Acts, ch 1061, §144

CHAPTER 357D

LAW ENFORCEMENT DISTRICTS

Referred to in §331.382

357D.1	Definitions.	357D.9	Trustees — term and qualification.
357D.2	Petition for public hearing.	357D.10	Trustees' powers.
357D.3	Limitation on area.	357D.11	Bonds in anticipation of revenue.
357D.4	Time of hearing.	357D.12	Dissolution of district.
357D.5	Action by board.	357D.13	Incorporation of district land.
357D.6	Engineer.	357D.14	Adding property to district.
357D.7	Hearing on engineer's report.	357D.15	Determination of fee.
357D.8	Election on proposed levy and candidates for trustees.		

357D.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the board of supervisors of a county.

2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

3. *"District"* means a benefited law enforcement district.

4. *"Trustee"* means a trustee of a district.

[82 Acts, ch 1174, §1]

2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201

357D.2 Petition for public hearing.

1. The board shall, on the petition of twenty-five percent of the resident property owners in a proposed district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, hold a public hearing concerning the establishment of a proposed district. The petition shall include a statement containing the following information:

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a. The need for law enforcement service.
b. The district to be served.
c. The approximate number of families in the district.
d. The proposed personnel, equipment, and facilities to provide the law enforcement service.

2. The board of supervisors may require a bond of the petitioners conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not established.

[82 Acts, ch 1174, §2]
Referred to in §357D.4

357D.3 Limitation on area.

A district may include all or parts of the unincorporated areas of one township and any unincorporated areas of adjoining townships or parts of adjoining townships, but shall not include property assessed as agricultural land, centrally assessed property, or manufacturing personal and real property. Except for property assessed as agricultural land, the owners of centrally assessed property or manufacturing property shall have the option to be included in the district.

[82 Acts, ch 1174, §3]

357D.4 Time of hearing.

The public hearing required in section 357D.2 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any paper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

[82 Acts, ch 1174, §4]
Referred to in §357D.7, 357D.8

357D.5 Action by board.

After, and within ten days of, the hearing, the board shall either establish the district by resolution or disallow the petition.

[82 Acts, ch 1174, §5]

357D.6 Engineer.

1. When the board establishes a district, the board shall appoint a competent disinterested civil engineer, who shall prepare a preliminary plat showing:
a. The proper design in general outline of the district.
b. The lots and parcels of land within the proposed district as they appear on the county auditor's plat books with the names of the owners.
c. The assessed valuation of the lots and parcels.

2. The compensation of the engineer on the preliminary investigation shall be determined by the board. The engineer shall file a report with the county auditor within thirty days of appointment. The board may extend the time upon good cause shown.

[82 Acts, ch 1174, §6]

357D.7 Hearing on engineer's report.

After the engineer's report is filed, the board shall give notice as provided in section 357D.4, of a public hearing to be held concerning the engineer's preliminary plat. After, and within ten days of, the hearing, the board shall approve or disapprove the preliminary plat. If the preliminary plat is disapproved, the board shall make changes in the boundaries as it deems necessary for board approval of the preliminary plat.

[82 Acts, ch 1174, §7]

357D.8 Election on proposed levy and candidates for trustees.

When a preliminary plat has been approved by the board, an election shall be held within the district within sixty days to approve or disapprove the levy of a tax of not more than one dollar per thousand dollars of assessed value on all the taxable property within the district

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and to choose candidates for the offices of trustees of the district. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357D.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon and any registered voter residing within the district at the time of the election may vote. It is not mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but the elections shall be conducted in accordance with chapter 49 where not in conflict with this chapter. Judges shall be appointed to serve without pay by the board from among the registered voters of the district to be in charge of the election. The proposition is approved if sixty percent of those voting on the proposition vote in favor of it.

[82 Acts, ch 1174, §8]

84 Acts, ch 1216, §1; 94 Acts, ch 1169, §64

Referred to in §357D.10, 357D.11

357D.9 Trustees — term and qualification.

At the election, the names of up to three candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board shall appoint three from among the five receiving the highest number of votes as trustees for the district. One trustee shall be appointed to serve for one year, one for two years, and one for three years. The trustees and their successors must be residents of the district and shall give bond in the amount required by the board, the premium of which shall be paid by the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled by appointment by the board. The term of succeeding trustees shall be three years.

[82 Acts, ch 1174, §9]

91 Acts, ch 111, §5

357D.10 Trustees' powers.

The trustees may provide law enforcement service and facilities and may certify for levy an annual tax as provided in section 357D.8. The trustees may purchase material, employ peace officers and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

[82 Acts, ch 1174, §10]

84 Acts, ch 1216, §2

357D.11 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes by the levy authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357D.8, and the same sixty percent vote shall be necessary to authorize indebtedness. Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

[82 Acts, ch 1174, §11]

2023 Acts, ch 71, §126, 136

2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

357D.12 Dissolution of district.

Upon petition of thirty-five percent of the resident eligible electors, the board may dissolve a district and dispose of any remaining property, the proceeds of which shall first be applied against outstanding obligations and any balance shall be applied to tax credit of property owners of the district. However, if the district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board shall continue to levy a tax after dissolution of a district, of not to exceed twenty-seven

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cents per thousand dollars of assessed value on all the taxable property of the district, until all outstanding obligations of the district are paid.

[82 Acts, ch 1174, §12]

91 Acts, ch 111, §6

357D.13 Incorporation of district land.

If part of a district is incorporated by a city and there are outstanding indebtedness obligations against the district, the city shall pay the outstanding obligations against the part of the district which is incorporated by the city.

[82 Acts, ch 1174, §13]

357D.14 Adding property to district.

The owner of any property in an unincorporated area contiguous to the boundaries of an established district may petition the board to be included in the district. Upon receipt of the petition, the board shall submit the request to a competent disinterested civil engineer to investigate the feasibility of adding the additional territory and to make a report to the board. If the board agrees that the property should be added to the district, the tax levy for the next year shall be applied to the property and on the first day of the next fiscal year the property shall become a part of the district. If the district lies in more than one county the joint action of the boards involved is required to add additional territory.

[82 Acts, ch 1174, §14]

357D.15 Determination of fee.

1. The owner of any property joining an established district shall pay to the trustees of the district an initial fee to be computed as follows:

a. The trustees shall first determine fair market value of all property and improvements owned by the district, less any indebtedness.

b. The board shall then determine the assessed value of all property in the district which is not assessed as agricultural land. This shall be divided into the value determined in paragraph "*a*".

c. The board shall determine the assessed value of the property of each landowner joining the established district which is not assessed as agricultural land.

d. The result obtained in paragraph "*b*" shall be multiplied by the result obtained in paragraph "*c*". The result shall be the initial fee to be charged each landowner.

2. The initial fees paid to the trustees shall be used to help defray the cost and maintenance of the district's law enforcement service.

[82 Acts, ch 1174, §15]

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CHAPTER 357E

RECREATIONAL LAKE AND WATER QUALITY DISTRICTS

Referred to in §331.382, 427.1(2), 456A.33C, 466B.2

357E.1 Definitions.
357E.2 Incorporation.
357E.3 Petition for public hearing.
357E.4 Time of public hearing.
357E.5 Hearing of petition — action by board.
357E.6 Engineer.
357E.7 Hearing on engineer's report.
357E.8 Election on proposed levy and candidates for trustees.
357E.9 Trustees — term and qualification.
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357E.11 Bonds in anticipation of revenue.
357E.11A Bonds and indebtedness — combined districts.
357E.12 Dissolution of district.
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357E.14 Determination of fee.
357E.15 Exemption from taxation — refunds.

357E.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the board of supervisors of a county, or the joint boards of supervisors of two or more counties, in which a district has been incorporated and organized or is proposed to be incorporated and organized.

2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

3. *"District"* means a benefited recreational lake district or a water quality district or a combined district incorporated as a public entity and organized pursuant to this chapter.

4. *"Recreational facilities"* includes, but is not limited to, real and personal property, water, buildings, structures, or improvements including dams or other structures permitted or exempt from regulation under chapter 455B, and equipment useful and suitable for recreation programs, including those programs customarily identified with the term *"recreation"* such as public sports, games, pastimes, diversions, and amusement, on land or water and including community center houses, recreation grounds, recreation buildings, juvenile playgrounds, swimming pools, recreation centers, parks, lakes, and golf courses, and the acquisition of real estate for them.

5. *"Trustee"* means a member of the board of trustees of a district.

6. *"Water quality activities"* includes, but is not limited to, public information dissemination, creation or maintenance of grass waterways or wetlands, dredging, bank stabilization, water treatment, water monitoring, watershed protection, activities on lands outside the district which affect water quality within the district, and any other activity which will improve water quality of a stream, river, or lake.

88 Acts, ch 1194, §1; 2000 Acts, ch 1148, §1; 2000 Acts, ch 1181, §1, 2; 2002 Acts, ch 1119, §200, 201; 2011 Acts, ch 108, §1

357E.2 Incorporation.

1. If an area of contiguous territory is situated so that the acquisition, construction, reconstruction, enlargement, improvement, equipping, maintenance, and operation of recreation facilities for the residents of the territory will be conducive to the public health, comfort, convenience, water quality, or welfare, the area may be incorporated as a benefited recreational lake district as set forth in this chapter. The land to be included in a district must be contiguous to the recreational lake or to other residential, agricultural, or commercial property which is contiguous to the recreational lake.

2. If an area of contiguous territory is situated so that the performance of water quality activities, including the acquisition, construction, reconstruction, enlargement, improvement, equipping, maintenance, and operation of water quality facilities for the residents of the district will be conducive to the public health, comfort, convenience, water quality, or welfare, the area may be incorporated as a water quality district as provided in this chapter. The land to be included in a district must be contiguous to a stream, river, or lake, or to other property which, except for a public road or other public land, is contiguous

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to a stream, river, or lake. However, a water quality district shall not be established on open ditches or streams maintained by drainage districts or on streams or rivers where levees are maintained by levee or drainage districts. If a reach of a stream or river in a water quality district later becomes a drainage district facility or becomes levied by a drainage or levee district, the stream or river reach shall be removed from the jurisdiction of the water quality district and the adjacent parcels shall be removed from the water quality district.

3. If an area of contiguous territory is situated so that the specifications of subsections 1 and 2 are met, the area may be incorporated as a combined recreational facility and water quality district as provided in this chapter. If the trustees of a benefited recreational lake district wish to form a combined district or the trustees of a water quality district wish to form a combined district, the trustees may join with the petition required by section 357E.3 to the board of supervisors to proceed with the establishment of a combined district after following the same procedures as provided in this chapter for establishing a separate district.

88 Acts, ch 1194, §2; 96 Acts, ch 1032, §1; 2000 Acts, ch 1181, §3

357E.3 Petition for public hearing.

1. The supervisors shall, on the petition of twenty-five percent of the property owners of a proposed benefited recreational lake district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, hold a public hearing concerning the establishment of a proposed district. However, for a proposed water quality district, the petition shall contain signatures of the fewer of twenty-five property owners or twenty-five percent of the property owners of the proposed district. The petition shall include a statement containing the following information:

a. The need for the district.

b. A description of the district to be served.

c. The approximate number of families in the district.

2. The board of supervisors may require a bond of the petitioners conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not established.

88 Acts, ch 1194, §3; 89 Acts, ch 53, §1; 2000 Acts, ch 1181, §4

Referred to in §357E.2, 357E.4, 357E.5

357E.4 Time of public hearing.

The public hearing required in section 357E.3 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication as provided in section 331.305.

88 Acts, ch 1194, §4

Referred to in §357E.7, 357E.8

357E.5 Hearing of petition — action by board.

At the public hearing required in section 357E.3, the board of supervisors may consider the boundaries of a proposed district, whether the boundaries shall be as described in the petition or otherwise, and for that purpose may amend the petition and change the boundaries of the proposed district as stated in the petition. The supervisors may adjust the boundaries of a proposed district as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the proposed district. However, the boundaries of a proposed district shall not be changed to incorporate property which is not included in the original petition. Within ten days after the hearing, the board of supervisors shall establish the district by resolution or disallow the petition.

88 Acts, ch 1194, §5; 2018 Acts, ch 1041, §87

357E.6 Engineer.

1. When the board establishes a district, a competent disinterested civil engineer shall be appointed, who shall prepare a preliminary plat showing:

a. The proper design in general outline of the district.

b. The lots and parcels of land within the proposed district as they appear on the county auditor's plat books with the names of the owners.

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c. The assessed valuations of the lots and parcels.

2. The compensation of the engineer on the preliminary investigation shall be determined by the board. The engineer shall file a report with the county auditor within thirty days of appointment. The board may extend the time upon good cause shown.

88 Acts, ch 1194, §6

357E.7 Hearing on engineer's report.

After the engineer's report is filed, the board shall give notice as provided in section 357E.4, of a public hearing to be held concerning the engineer's preliminary plat. After, and within ten days of, the hearing, the board shall approve or disapprove the preliminary plat. If the preliminary plat is disapproved, the board may make changes in the boundaries as deemed necessary for the board's approval of the preliminary plat.

88 Acts, ch 1194, §7

357E.8 Election on proposed levy and candidates for trustees.

When a preliminary plat has been approved by the board, an election shall be held within the district within sixty days to approve or disapprove the levy of a tax of not more than four dollars per thousand dollars of assessed value on all the taxable property within the benefited recreational lake district except property assessed as agricultural land, and to choose candidates for the offices of trustees of the district. However, for a water quality district, the tax levy shall not exceed twenty-five cents per thousand dollars of assessed value on all taxable property within the district and must be renewed by a similar election every eight years. The tax levy for a combined district shall not exceed four dollars per thousand dollars of assessed value on all of the taxable property within the district. A tax levy approved for the purposes of this chapter shall not be levied on property assessed as agricultural land. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357E.4. The vote shall be by ballot, which shall state clearly the proposition to be voted upon, and any registered voter residing within the district at the time of the election may vote. The county commissioner of elections shall conduct elections held pursuant to this chapter and the elections shall be conducted in accordance with chapter 49 when not in conflict with this chapter. The proposition is approved if a majority of those voting on the proposition vote in favor of it.

88 Acts, ch 1194, §8; 94 Acts, ch 1169, §64; 2000 Acts, ch 1181, §5; 2023 Acts, ch 49, §1

Referred to in §357E.10, 357E.11, 357E.11A

357E.9 Trustees — term and qualification.

1. At the election, the names of at least seven candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board of supervisors shall appoint seven from among the nine receiving the highest number of votes as trustees for the district. Three trustees shall be appointed to serve for one year, two for two years, and two for three years. The trustees shall give bond in the amount required by the board, the premium of which shall be paid by the district. The trustees must be residents of the district or be property owners within the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled by appointment by the board. The terms of the succeeding trustees are for three years.

2. If the state owns at least four hundred acres of land contiguous to a lake within the district, the natural resource commission shall appoint two members of the board of trustees in addition to the seven members provided in this section. The additional two members must be citizens of the state, not less than eighteen years of age, and property owners within the district. The two additional members have voting and other authority equal to the other members of the board and hold office at the pleasure of the natural resource commission.

88 Acts, ch 1194, §9; 91 Acts, ch 111, §7; 2001 Acts, ch 24, §48; 2011 Acts, ch 108, §2; 2013 Acts, ch 90, §96

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357E.10 Board of trustees — power.

The trustees are the corporate authority of the district and shall manage and control the affairs, property, and facilities of the district. The board of trustees shall elect a president, a clerk, and a treasurer from its membership. The trustees may certify for levy an annual tax as provided in section 357E.8. The trustees may construct, reconstruct, repair, maintain, or operate a dam or other recreational facilities or structures to create or maintain an artificial or natural lake or impoundment and may promote and improve water quality. For these purposes, the trustees may purchase material, employ personnel, acquire real estate and interests in real estate, and perform all other acts necessary to properly maintain and operate the district. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

88 Acts, ch 1194, §10; 96 Acts, ch 1032, §2

357E.11 Bonds in anticipation of revenue.

A district, other than a combined district, may anticipate the collection of taxes by the levy authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than twenty equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this section until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357E.8, and the same majority vote is necessary to authorize indebtedness. Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

88 Acts, ch 1194, §11; 2011 Acts, ch 108, §3; 2023 Acts, ch 71, §127, 136

2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

357E.11A Bonds and indebtedness — combined districts.

1. A combined district may borrow money for its corporate purposes, but shall not become indebted in any manner or for any purpose to an amount in the aggregate exceeding five percent on the value of the taxable property within the district, to be ascertained by the last state and county tax lists previous to the incurring of the indebtedness. Indebtedness within this limit shall not include the indebtedness of any other municipal corporation located wholly or partly within the boundaries of the district.

2. A combined district shall have the same powers to issue bonds that cities have under the laws of this state, including but not limited to chapter 76, section 384.4, and sections 384.23 through 384.94. The bonds shall be made payable at the place and be of the form as the board of trustees shall by resolution designate. In the application of the laws to this section, the words used in the laws referring to municipal corporations or to cities shall be held to include combined districts organized under this chapter; the words "council" or "city council" shall be held to include the board of trustees of a combined district; the words "mayor" and "clerk" shall be held to include the president and clerk of a board of trustees; and like construction shall be given to any other words in the laws where required to permit the exercise of the powers by combined districts under this section.

3. Except for the issuance of refunding bonds, an indebtedness shall not be incurred under this section until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357E.8, except that a proposition to authorize indebtedness is approved if sixty percent of those voting on the proposition vote in favor of the proposition. Subject to section 39.2, subsection 4, a proposition for the authorization of indebtedness may be submitted to the voters at the same election as the election under section 357E.8.

2011 Acts, ch 108, §4; 2017 Acts, ch 82, §1; 2023 Acts, ch 71, §128, 136

2023 amendment to subsection 3 applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

357E.12 Dissolution of district.

Upon petition of thirty-five percent of the resident eligible electors, the board may dissolve a district and dispose of any remaining property, the proceeds of which shall first be applied

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against outstanding obligations and any balance shall be applied to tax credits for property owners of the district. However, if the district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board shall continue to levy a tax after dissolution of a district, in an amount necessary to pay all outstanding obligations of the district as they become due, until all outstanding obligations of the district are paid.

88 Acts, ch 1194, §12; 91 Acts, ch 111, §8

357E.13 Adding property to a district.

The owner of any property in an area immediately contiguous to the boundaries of an established district may petition the board to be included in the district. Upon receipt of the petition, the board shall submit the request to a competent disinterested civil engineer to investigate the feasibility of adding the additional territory and to make a report to the board. If the board agrees that the property should be added to the district, the tax levy for the next year shall be applied to the property and on the first day of the next fiscal year the property shall become part of the district. If the district lies in more than one county, the joint action of the boards involved is required to add additional property.

88 Acts, ch 1194, §13

357E.14 Determination of fee.

1. The owner of any property joining an established district shall pay to the trustees of the district an initial fee to be computed as follows:

a. The trustees shall first determine the fair market value of all property and improvements owned by the district, less any indebtedness.

b. The board shall then determine the assessed value of all property in the district. This shall be divided into the value determined in paragraph *"a"*.

c. The board shall determine the assessed value of the property of each landowner joining the established district.

d. The result obtained in paragraph *"b"* shall be multiplied by the result obtained in paragraph *"c"*. The result shall be the initial fee to be charged each landowner.

2. The initial fees paid to the trustees shall be used to help defray the cost and maintenance of the recreation district.

88 Acts, ch 1194, §14

357E.15 Exemption from taxation — refunds.

1. The property and facilities of a district shall not be taxable in any manner by the state or any of its political subdivisions.

2. A district is a tax-certifying body for purposes of section 423.4, subsection 1.

2014 Acts, ch 1139, §30, 33 – 35

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CHAPTER 357F

EMERGENCY MEDICAL SERVICES DISTRICTS

Referred to in §331.382, 357J.18, 403.19, 422D.1

357F.1 Definitions.
357F.2 Petition for public hearing.
357F.3 Limitation on area.
357F.4 Time of hearing.
357F.5 Action by board.
357F.6 Engineer.
357F.7 Hearing on engineer's report.
357F.8 Election on proposed levy and candidates for trustees.
357F.9 Trustees — term and qualification.
357F.10 Trustees' powers.
357F.11 Bonds in anticipation of revenue.
357F.12 Dissolution of district.
357F.13 Incorporation of district land.
357F.14 Adding property to district.
357F.15 Determination of fee.

357F.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the board of supervisors of a county.

2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

3. *"District"* means a benefited emergency medical services district.

4. *"Trustee"* means a trustee of a district.

92 Acts, ch 1226, §2; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201

357F.2 Petition for public hearing.

1. The board shall, on the petition of twenty-five percent of the resident property owners in a proposed district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, hold a public hearing concerning the establishment of a proposed district. The petition shall include a statement containing the following information:

a. The need for emergency medical services.

b. The district to be served.

c. The approximate number of families in the district.

d. The proposed personnel, equipment, and facilities to provide the emergency medical services.

2. The board of supervisors may require a bond of the petitioners conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not established.

92 Acts, ch 1226, §3
Referred to in §357F.4

357F.3 Limitation on area.

A district may include all or parts of the unincorporated areas of one township and any unincorporated areas of adjoining townships or parts of adjoining townships, but shall not include property assessed as agricultural land, or centrally assessed property.

92 Acts, ch 1226, §4

357F.4 Time of hearing.

The public hearing required in section 357F.2 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any newspaper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

92 Acts, ch 1226, §5; 94 Acts, ch 1023, §47
Referred to in §357F.7, 357F.8

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357F.5 Action by board.

After, and within ten days of, the hearing, the board shall either establish the district by resolution or disallow the petition.

92 Acts, ch 1226, §6

357F.6 Engineer.

1. When the board establishes a district, the board shall appoint a competent disinterested civil engineer, who shall prepare a preliminary plat showing:

a. The proper design in general outline of the district.

b. The lots and parcels of land within the proposed district as they appear on the county auditor's plat books with the names of the owners.

c. The assessed valuation of the lots and parcels.

2. The compensation of the engineer on the preliminary investigation shall be determined by the board. The engineer shall file a report with the county auditor within thirty days of appointment. The board may extend the time upon good cause shown.

92 Acts, ch 1226, §7

357F.7 Hearing on engineer's report.

After the engineer's report is filed, the board shall give notice, as provided in section 357F.4, of a public hearing to be held concerning the engineer's preliminary plat.

92 Acts, ch 1226, §8

357F.8 Election on proposed levy and candidates for trustees.

1. When a preliminary plat has been approved by the board, an election shall be held within the district within sixty days to approve or disapprove the levy of an initial tax of not more than one dollar per thousand dollars of assessed value on all the taxable property within the district and to choose candidates for the offices of trustees of the district. The ballot shall set out the reason for the tax and the amount needed. The tax shall be set to raise only the amount needed. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357F.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon and any registered voter residing within the district at the time of the election may vote. It is not mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but the elections shall be conducted in accordance with chapter 49 where not in conflict with this chapter. Judges shall be appointed to serve without pay by the board from among the registered voters of the district to be in charge of the election. The proposition is approved if sixty percent of those voting on the proposition vote in favor of it.

2. *a.* If the tax authorized under subsection 1 is insufficient to provide the services authorized under this chapter, the trustees may levy an additional annual tax, at a rate necessary to provide the authorized services, if such authority for an additional tax is approved at election held separately and after the election held under subsection 1.

b. By resolution, the board may submit to the registered voters of the district the proposition of levying the additional annual tax according to the election procedures under subsection 1.

c. (1) After adoption of the resolution under paragraph "*b*", the board of trustees shall coordinate efforts with the local emergency medical services agencies to establish a district advisory council to assist in researching and assessing the service needs of the district and guiding implementation of services in the district within a council structure.

(2) The advisory council established under subparagraph (1) shall recommend to the board of trustees an amount of funding to be specified on the ballot for the election held under this subsection 2, shall annually assess and review the emergency medical services needs of the district, and shall include the results of such review and assessment in an annual report filed with the board of trustees. The annual report shall be publicly available upon filing with the board of trustees. The board of trustees shall receive public comment regarding the report at one or more meetings of the board of trustees. Any meeting of the

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board of trustees at which public comment on the annual report is heard shall be at least fourteen days following the date the annual report is filed with the board of trustees.

d. The proposition is adopted if a majority of those voting on the proposition at the election approves it. If the proposition is approved at election, the trustees may impose the additional annual tax beginning with the fiscal year beginning July 1 following the election at which the proposition was approved. The proposition is not affected by a change in the boundaries of the district.

e. Discontinuance of the authority to impose an additional tax under this chapter shall be by petition and election. Upon petition of twenty-five percent of the resident eligible electors, the board of trustees shall submit to the voters of the district the question of whether to discontinue the authority to impose the additional tax according to the election procedures under subsection 1. If a majority of those voting on the question of discontinuance of the trustees' authority to impose the tax favors discontinuance, the trustees shall not impose the additional tax for any fiscal year beginning after the election approving the discontinuance, unless imposition is subsequently again authorized at election. Following discontinuance of the authority to impose the additional tax, authority to reimpose the additional tax requires approval in accordance with this subsection.

92 Acts, ch 1226, §9; 94 Acts, ch 1169, §64; 2021 Acts, ch 174, §49; 2022 Acts, ch 1021, §92
Referred to in §357F.10, 357F.11, 357J.18

357F.9 Trustees — term and qualification.

At the election, the names of up to three candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board shall appoint three from among the five receiving the highest number of votes as trustees for the district. One trustee shall be appointed to serve for one year, one for two years, and one for three years. The trustees and their successors must be residents of the district and shall give bond in the amount required by the board, the premium of which shall be paid by the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled by appointment by the board. The term of succeeding trustees shall be three years.

92 Acts, ch 1226, §10

357F.10 Trustees' powers.

The trustees may purchase, own, rent, or maintain emergency medical services apparatus or equipment within the state or outside the territorial jurisdiction and boundary limits of this state, provide housing for such apparatus and equipment, provide emergency medical service and facilities, and may certify for levy taxes as provided in section 357F.8. The trustees may purchase material, employ emergency medical service and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The trustees may contract with any city or county or public or private agency under chapter 28E for the purpose of providing emergency medical services under this chapter. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

92 Acts, ch 1226, §11; 2021 Acts, ch 174, §50

357F.11 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357F.8, and a sixty percent vote shall be necessary to authorize indebtedness. Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

92 Acts, ch 1226, §12; 2021 Acts, ch 174, §51; 2023 Acts, ch 71, §129, 136
2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

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357F.12 Dissolution of district.

Upon petition of thirty-five percent of the resident eligible electors, the board may dissolve a district and dispose of any remaining property, the proceeds of which shall first be applied against outstanding obligations and any balance shall be applied to tax credit of property owners of the district. However, if the district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board shall continue to levy a tax after dissolution of a district, of not to exceed twenty-seven cents per thousand dollars of assessed value on all the taxable property of the district, until all outstanding obligations of the district are paid.

92 Acts, ch 1226, §13

357F.13 Incorporation of district land.

If part of a district is incorporated by a city and there are outstanding indebtedness obligations against the district, the city shall pay the outstanding obligations against the part of the district which is incorporated by the city.

92 Acts, ch 1226, §14

357F.14 Adding property to district.

The owner of any property in an unincorporated area contiguous to the boundaries of an established district may petition the board to be included in the district. Upon receipt of the petition, the board shall submit the request to a competent disinterested civil engineer to investigate the feasibility of adding the additional territory and to make a report to the board. If the board agrees that the property should be added to the district, the tax levy for the next year shall be applied to the property and on the first day of the next fiscal year the property shall become a part of the district. If the district lies in more than one county the joint action of the boards involved is required to add additional territory.

92 Acts, ch 1226, §15

357F.15 Determination of fee.

1. The owner of any property joining an established district shall pay to the trustees of the district an initial fee to be computed as follows:

a. The trustees shall first determine fair market value of all property and improvements owned by the district, less any indebtedness.

b. The board shall then determine the assessed value of all property in the district which is not assessed as agricultural land. This shall be divided into the value determined in paragraph *"a"*.

c. The board shall determine the assessed value of the property of each landowner joining the established district which is not assessed as agricultural land.

d. The result obtained in paragraph *"b"* shall be multiplied by the result obtained in paragraph *"c"*. The result shall be the initial fee to be charged each landowner.

2. The initial fees paid to the trustees shall be used to help defray the cost and maintenance of the district's emergency medical services.

92 Acts, ch 1226, §16

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CHAPTER 357G

CITY EMERGENCY MEDICAL SERVICES DISTRICTS

Referred to in §331.382, 357J.18, 403.19

357G.1 Definitions.
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357G.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.
2. *"Council"* means the city council of a city.
3. *"District"* means a city emergency medical services district.
4. *"Trustee"* means a trustee of a district.

94 Acts, ch 1075, §1; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201

357G.2 Petition for public hearing.

1. The council shall, on the petition of twenty-five percent of the resident property owners in a proposed district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, hold a public hearing concerning the establishment of a proposed district. The petition shall include a statement containing the following information:

a. The need for emergency medical services.

b. The district to be served.

c. The approximate number of families in the district.

d. The proposed personnel, equipment, and facilities to provide the emergency medical services.

2. The council may require a bond of the petitioners conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not established.

94 Acts, ch 1075, §2
Referred to in §357G.4

357G.3 Limitation on area.

A district shall include all of the incorporated area of a city except property assessed as agricultural land, or centrally assessed property.

94 Acts, ch 1075, §3

357G.4 Time of hearing.

The public hearing required in section 357G.2 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any newspaper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

94 Acts, ch 1075, §4; 95 Acts, ch 67, §30
Referred to in §357G.7, 357G.8

357G.5 Action by council.

After, and within ten days of, the hearing, the council shall either establish the district by resolution or disallow the petition.

94 Acts, ch 1075, §5

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357G.6 Engineer.

1. When the council establishes a district, the council shall appoint a competent disinterested civil engineer, who shall prepare a preliminary plat showing:

a. The proper design in general outline of the district.

b. The lots and parcels of land within the proposed district as they appear on the city assessor's or county auditor's plat books with the names of the owners.

c. The assessed valuation of the lots and parcels.

2. The compensation of the engineer on the preliminary investigation shall be determined by the council. The engineer shall file a report with the city assessor within thirty days of appointment. The council may extend the time upon good cause shown.

94 Acts, ch 1075, §6

357G.7 Hearing on engineer's report.

After the engineer's report is filed, the council shall give notice, as provided in section 357G.4, of a public hearing to be held concerning the engineer's preliminary plat.

94 Acts, ch 1075, §7

357G.8 Election on proposed levy and candidates for trustees.

1. When a preliminary plat has been approved by the council, an election shall be held within the district within sixty days to approve or disapprove the levy of an initial tax of not more than one dollar per thousand dollars of assessed value on all the taxable property within the district and to choose candidates for the offices of trustees of the district. The ballot shall set out the reason for the tax and the amount needed. The tax shall be set to raise only the amount needed. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357G.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon and any registered voter residing within the district at the time of the election may vote. It is not mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but the elections shall be conducted in accordance with chapter 49 where not in conflict with this chapter. Judges shall be appointed to serve without pay by the council from among the registered voters of the district to be in charge of the election. The proposition is approved if sixty percent of those voting on the proposition vote in favor of it.

2. *a.* If the tax authorized under subsection 1 is insufficient to provide the services authorized under this chapter, the trustees may levy an additional annual tax, at a rate necessary to provide the authorized services, if such authority for an additional tax is approved at election held separately and after the election held under subsection 1.

b. By resolution, the council may submit to the registered voters of the district the proposition of levying the additional annual tax according to the election procedures under subsection 1.

c. (1) After adoption of the resolution under paragraph *"b"*, the board of trustees shall coordinate efforts with the local emergency medical services agencies to establish a district advisory council to assist in researching and assessing the service needs of the district and guiding implementation of services in the district within a council structure.

(2) The district advisory council established under subparagraph (1) shall recommend to the board of trustees an amount of funding to be specified on the ballot for the election held under this subsection 2 and shall annually assess and review the emergency medical services needs of the district and shall include the results of such review and assessment in an annual report filed with the board of trustees. The annual report shall be publicly available upon filing with the board of trustees. The board of trustees shall receive public comment regarding the report at one or more meetings of the board of trustees. Any meeting of the board of trustees at which public comment on the annual report is heard shall be at least fourteen days following the date the annual report is filed with the board of trustees.

d. The proposition is adopted if a majority of those voting on the proposition at the election approves it. If the proposition is approved at election, the trustees may impose the additional annual tax beginning with the fiscal year beginning July 1 following the election at which the

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proposition was approved. The proposition is not affected by a change in the boundaries of the district.

e. Discontinuance of the authority to impose an additional tax under this chapter shall be by petition and election. Upon petition of twenty-five percent of the resident eligible electors, the board of trustees shall submit to the voters of the district the question of whether to discontinue the authority to impose the additional tax according to the election procedures under subsection 1. If a majority of those voting on the question of discontinuance of the trustees' authority to impose the tax favors discontinuance, the trustees shall not impose the additional tax for any fiscal year beginning after the election approving the discontinuance, unless imposition is subsequently again authorized at election. Following discontinuance of the authority to impose the additional tax, authority to reimpose the additional tax requires approval in accordance with this subsection.

94 Acts, ch 1075, §8; 95 Acts, ch 67, §53; 2021 Acts, ch 174, §52
Referred to in §357G.10, 357G.11, 357J.18

357G.9 Trustees — term and qualification.

At the election, the names of up to three candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the council shall appoint three from among the five receiving the highest number of votes as trustees for the district. One trustee shall be appointed to serve for one year, one for two years, and one for three years. The trustees and their successors must be residents of the district and shall give bond in the amount required by the council, the premium of which shall be paid by the district. Vacancies shall be filled by appointment by the council. The term of succeeding trustees shall be three years.

94 Acts, ch 1075, §9; 98 Acts, ch 1123, §14, 19

357G.10 Trustees' powers.

The trustees may purchase, own, rent, or maintain emergency medical services apparatus or equipment within the state or outside the territorial jurisdiction and boundary limits of this state, provide housing for such apparatus and equipment, provide emergency medical service and facilities, and may certify for levy taxes as provided in section 357G.8. The trustees may purchase material, employ emergency medical service and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The trustees may contract with any other city or county or public or private agency under chapter 28E for the purpose of providing emergency medical services under this chapter. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

94 Acts, ch 1075, §10; 2021 Acts, ch 174, §53

357G.11 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357G.8, and a sixty percent vote shall be necessary to authorize indebtedness. Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

94 Acts, ch 1075, §11; 2021 Acts, ch 174, §54; 2023 Acts, ch 71, §130, 136
2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

357G.12 Dissolution of district.

Upon petition of thirty-five percent of the resident eligible electors, the council may dissolve a district and dispose of any remaining property, the proceeds of which shall first be applied against outstanding obligations and any balance shall be applied to tax credit of property owners of the district. The council shall continue to levy a tax after dissolution of a district,

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of not to exceed twenty-seven cents per thousand dollars of assessed value on all the taxable property of the district, until all outstanding obligations of the district are paid.

94 Acts, ch 1075, §12

357G.13 Adding property to district.

Any property in an unincorporated area contiguous to the boundaries of an established district which is annexed by the city shall be included in the district. The tax levy for the next year shall be applied to the property and on the first day of the next fiscal year, the property shall become a part of the district.

94 Acts, ch 1075, §13

357G.14 Determination of fee.

1. The owner of any property joining an established district shall pay to the trustees of the district an initial fee to be computed as follows:

a. The trustees shall first determine fair market value of all property and improvements owned by the district, less any indebtedness.

b. The council shall then determine the assessed value of all property in the district which is not assessed as agricultural land. This shall be divided into the value determined in paragraph *"a"*.

c. The council shall determine the assessed value of the property of each landowner joining the established district which is not assessed as agricultural land.

d. The result obtained in paragraph *"b"* shall be multiplied by the result obtained in paragraph *"c"*. The result shall be the initial fee to be charged each landowner.

2. The initial fees paid to the trustees shall be used to help defray the cost and maintenance of the district's emergency medical services.

94 Acts, ch 1075, §14

CHAPTER 357H

RURAL IMPROVEMENT ZONES

Referred to in §331.382, 403.19, 466B.2

357H.1 Rural improvement zones — definitions.
357H.2 Petition for public hearing.
357H.3 Time of public hearing.
357H.4 Hearing on petition — action by board.
357H.5 Election of candidates for trustees.
357H.6 Trustees — terms and qualifications.
357H.7 Board of trustees — power.
357H.8 Certificates, contracts, and other obligations — standby tax.
357H.9 Incremental property taxes.
357H.9A Annual financial report — audit.
357H.10 Dissolution of zone.
357H.11 Agreements.

357H.1 Rural improvement zones — definitions.

1. The board of supervisors of a county with less than twenty thousand residents, not counting persons admitted or committed to an institution enumerated in section 218.1 or 904.102, based upon the most recent certified federal census, and with a private real estate development adjacent to or abutting in part a lake may designate an area surrounding the lake, if it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition pursuant to section 357H.2, and upon the board's determination that the area is in need of improvements.

2. For purposes of this chapter:

a. "Board" means the board of supervisors of the county.

b. "Improvements" means dredging, installation of erosion control measures, water quality activities, land acquisition, and related improvements, including soil conservation practices, within or outside of the boundaries of the zone.

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c. "Lake" means a body of water that is located entirely in a single county and that has a surface area of at least eighty acres.

d. "Water quality activities" includes but is not limited to creation or maintenance of grass waterways or wetlands, bank stabilization, watershed protection, activities on lands outside the rural improvement zone which affect water quality within the zone, and any other activity which will improve water quality of a stream, river, or lake.

97 Acts, ch 152, §1; 98 Acts, ch 1168, §1; 2000 Acts, ch 1190, §1; 2005 Acts, ch 108, §1; 2010 Acts, ch 1069, §122; 2015 Acts, ch 97, §1 – 3; 2020 Acts, ch 1118, §149 – 151

2020 amendment to subsection 1 applies to rural improvement zones in existence on or established on or after June 29, 2020; 2020 Acts, ch 1118, §151

357H.2 Petition for public hearing.

1. The board shall, on the petition of twenty-five percent of the residents of a proposed rural improvement zone, if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed zone, hold a public hearing concerning the establishment of a proposed zone. The petition shall include a statement containing the following information:

a. The need for the proposed zone, which shall be based upon a report of a licensed professional engineer prepared not more than two years before the date the petition is filed, and that includes all of the following:

(1) Surface area of the lake in acres.

(2) Number of acres of land comprising the lake's watershed.

(3) Soil classification of the land comprising the lake's watershed.

(4) Description of all current land uses within the lake's watershed.

(5) Estimate of historical annual silt accumulation for the lake during the twenty years immediately preceding the year in which the engineer's report was completed.

(6) Estimate of the amount of silt currently accumulated in the lake.

(7) Estimates of annual silt accumulation in the lake for the twenty-year period following establishment of the rural improvement zone.

(8) Estimate of remaining space available to the proposed zone in existing detention basins for storage of dredged and removed silt.

(9) Estimate of storage space that will be required to store dredged and removed silt from the lake for the twenty-year period following establishment of the rural improvement zone.

(10) Assessment of the current water quality of the lake.

(11) Assessment of the current need for preventative practices to improve the water quality of the lake.

(12) Assessment of the impact preventative practices will have on the water quality of the lake.

(13) Estimate of the cost to effectively address erosion control and water quality for the twenty-year period following establishment of the rural improvement zone.

b. A description of the boundaries of the proposed zone.

c. The approximate number of families in the proposed zone.

2. A copy of the report prepared by the licensed professional engineer and used to prepare the petition shall be submitted with the petition under this section.

3. The board may require the petitioners to post a bond conditioned upon the payment of all costs and expenses incurred in the proceedings if the zone is not established.

97 Acts, ch 152, §2; 2015 Acts, ch 97, §4, 5

Referred to in §357H.1, 357H.3, 357H.10

357H.3 Time of public hearing.

1. If the petition substantially meets the requirements of section 357H.2, the public hearing required in section 357H.2 shall be held within sixty days of the presentation of the petition. Notice of hearing shall be given by publication as provided in section 331.305. Holding a public hearing pursuant to this section is not dispositive of the approval or denial of a petition by the board under this chapter.

2. If the board determines that the petition or the engineer's report does not substantially meet the requirements of section 357H.2, the board may, within thirty days of presentation

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of the petition, request additional information from the petitioners. The board's request for additional information shall be limited to the information required under section 357H.2 that was not contained in the petition or the accompanying engineer's report. The board shall be limited to one request for additional information under this section. The public hearing required in section 357H.2 shall be held within sixty days of receiving the additional information. Notice of hearing shall be given in the same manner as required under subsection 1.

97 Acts, ch 152, §3; 2015 Acts, ch 97, §6
Referred to in §357H.5

357H.4 Hearing on petition — action by board.

1. At the public hearing the board may consider the boundaries of a proposed rural improvement zone, whether the boundaries shall be as described in the petition or otherwise, and for that purpose may amend the petition and change the boundaries of the proposed zone as stated in the petition. The board may adjust the boundaries of a proposed zone as needed to exclude land that has no reasonable likelihood of benefit from inclusion in a rural improvement zone. However, the boundaries of a proposed zone shall not be changed to incorporate property which is not included in the original petition.

2. Within thirty days after the hearing, the board shall establish the rural improvement zone by resolution or disallow the petition. However, the zone shall not include any area which is part of an urban renewal area under chapter 403.

97 Acts, ch 152, §4; 2015 Acts, ch 97, §7

357H.5 Election of candidates for trustees.

When a preliminary plat has been approved by the board, an election shall be held within the rural improvement zone within sixty days to choose candidates for the offices of trustees of the zone. Notice of the election shall be given as provided in section 357H.3.

97 Acts, ch 152, §5

357H.6 Trustees — terms and qualifications.

The election of trustees of a rural improvement zone shall take place at a special election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by eligible electors of the rural improvement zone equal in number to one percent of the vote cast within the zone for governor in the last previous general election, and shall be filed with the county commissioner of elections. A plurality shall be sufficient to elect the five trustees of the rural improvement zone, and no primary election for that office shall be held. At the original election, two trustees shall be elected for one year, two for two years, and one for three years. The terms of the succeeding trustees are for three years. The terms of the trustees shall begin immediately after their election and certification. The trustees must be residents of the zone. Vacancies on the board shall be filled by appointment by the remaining trustees.

97 Acts, ch 152, §6; 98 Acts, ch 1168, §2
Referred to in §357H.7

357H.7 Board of trustees — power.

The trustees of a rural improvement zone elected pursuant to section 357H.6 shall constitute the board of trustees of the zone and shall manage and control the affairs, property, and facilities of the zone. The board of trustees shall elect a president, a clerk, and a treasurer from its membership. The trustees may authorize construction, reconstruction, or repair of improvements following procedures set out in section 331.341. For these purposes, the trustees may purchase material, employ personnel, acquire real estate and interests in real estate, and perform all other acts necessary to properly maintain and operate the zone. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive salaries.

97 Acts, ch 152, §7; 2011 Acts, ch 128, §22, 60
Referred to in §357H.8

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357H.8 Certificates, contracts, and other obligations — standby tax.

To provide funds for the payment of the costs of improvement projects and for the payment of other activities authorized pursuant to section 357H.7, the board of trustees may borrow money and issue and sell certificates or may enter into contracts or other obligations payable from a sufficient portion of the future receipts of tax revenue authorized pursuant to section 357H.9 and the standby tax in subsection 4 of this section. The receipts shall be pledged to the payment of principal of and interest on the certificates, contracts, or other obligations.

1. Certificates may be sold at public sale or at private sale at par, premium, or discount at the discretion of the board of trustees. Chapter 75 does not apply to the issuance of these certificates.

2. Certificates may be issued with respect to a single improvement project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates. However, certificates, including certificates to refund outstanding certificates under subsection 3, shall not be issued if the maturity date of the certificates would be after the date the rural improvement zone is, at the time of issuing the certificates, to be dissolved by law under section 357H.10.

3. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times, or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded, may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates, and may bear a rate of interest higher or lower than, or equivalent to, the rate of interest on certificates being renewed or refunded.

4. To further secure the payment of the certificates, the board of trustees shall, by resolution, provide for the assessment of an annual levy of a standby tax upon all taxable property within the rural improvement zone. The rate of the standby tax shall be not less than fifty cents per thousand dollars of the assessed value of the taxable property and not more than two dollars and fifty cents per thousand dollars of the assessed value of the taxable property. A copy of the resolution shall be sent to the county auditor. The revenues from the standby tax shall be deposited in a special fund and shall be expended only for the payment of principal of and interest on the certificates issued as provided in this section, when the receipt of tax revenues pursuant to section 357H.9 is insufficient. If payments are necessary and made from the special fund, the amount of the payments shall be promptly repaid into the special fund from the first available payments received which are not required for the payment of principal of or interest on certificates due. No reserves may be built up in the special fund in anticipation of a projected default. The board of trustees shall adjust the annual standby tax levy for each year to reflect the amount of revenues in the special fund and the amount of principal and interest which is due in that year.

5. Before certificates, contracts, or other obligations are issued or entered into, the board of trustees shall publish a notice of its intention, stating the amount, the purpose, and the improvement project or projects for which the certificates, contracts, or other obligations are to be issued or entered into. A person may, within fifteen days after the publication of the notice, appeal the decision of the board of trustees in proposing to issue the certificates or to enter into the contracts or other obligations to the district court in the county in which the rural improvement zone exists. The action of the board of trustees in determining to issue the certificates or to enter into the contracts or other obligations is final and conclusive unless the district court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, contracts, or other obligations, the power of the board of trustees to issue the certificates or to enter into the contracts or other obligations, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates or entrance into the contracts or other obligations after fifteen days from the publication of the notice of intention to issue certificates or enter into contracts or other obligations.

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6. The board of trustees shall determine if revenues are sufficient to secure the faithful performance of obligations.

97 Acts, ch 152, §8; 98 Acts, ch 1168, §3; 2000 Acts, ch 1190, §2; 2015 Acts, ch 97, §8
Referred to in §357H.10

357H.9 Incremental property taxes.

1. *a.* The board of trustees shall provide by resolution that taxes levied on the taxable property in a rural improvement zone each year by or for the benefit of the state, city, county, school district, or other taxing district after the effective date of the resolution shall, except as provided in this section, be divided as provided in section 403.19, subsections 1 and 2, in the same manner as if the taxable property in the rural improvement zone was taxable property in an urban renewal area and the resolution was an ordinance within the meaning of those subsections. The taxes received by the board of trustees shall be allocated to, and when collected be paid into, a special fund and may be irrevocably pledged by the trustees to pay the principal of and interest on the certificates, contracts, or other obligations approved by the board of trustees to finance or refinance, in whole or in part, an improvement project.

b. (1) For fiscal years beginning on or after July 1, 2016, when calculating the amount of taxes subject to the division of taxes in a rural improvement zone established on or after July 1, 2004, if the assessed value of the taxable property in the rural improvement zone used to calculate the amount of taxes under section 403.19, subsection 1, is less than the greater of the base year taxable value and fifty percent of the assessed value of the taxable property in the rural improvement zone used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable, the assessed value used to calculate the amount of taxes under section 403.19, subsection 1, shall be increased for that fiscal year until the amount is equal to the greater of the base year taxable value and fifty percent of the assessed value used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable.

(2) However, for the period of ten consecutive fiscal years beginning with the first fiscal year in which the zone receives revenue from a division of taxes under this section, the division of taxes authorized under this section shall be calculated subject to the provisions of subparagraph (1), except that any references to fifty percent in subparagraph (1) shall be forty percent.

c. For fiscal years beginning on or after July 1, 2016, when calculating the amount of taxes subject to the division of taxes in a rural improvement zone established before July 1, 2004, if the assessed value of the taxable property in the rural improvement zone used to calculate the amount of taxes under section 403.19, subsection 1, is less than the greater of the base year taxable value and sixty percent of the assessed value of the taxable property in the rural improvement zone used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable, the assessed value used to calculate the amount of taxes under section 403.19, subsection 1, shall be increased for that fiscal year until the amount is equal to the greater of the base year taxable value and sixty percent of the assessed value used to calculate the total amount of property taxes in the rural improvement zone for the fiscal year in which the taxes are due and payable.

d. (1) In lieu of the valuation adjustments required under section 403.20, this paragraph "*d*" shall be used in determining the assessed value of property within a rural improvement zone that is subject to a division of taxes in the manner provided in section 403.19.

(2) The difference between the actual value of the property as determined by the assessor each year and the assessed value of the property following application of the assessment limitations pursuant to section 441.21, subsection 9, shall be subtracted from the actual value of the property as determined pursuant to section 403.19, subsection 1.

(3) If the assessed value of the property as determined pursuant to section 403.19, subsection 1, is reduced to zero due to the reduction under subparagraph (2), or if the reduction in the assessed value is limited by operation of paragraph "*b*" or "*c*", the additional

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valuation reduction shall be subtracted from the actual value of the property as determined by the assessor.

(4) If the actual value of the property as determined by the assessor is reduced to zero due to the reduction under subparagraph (3), the remaining valuation reduction, notwithstanding the limitation in paragraph *"b"* or *"c"*, shall be subtracted from the assessed value of the property as determined pursuant to section 403.19, subsection 1.

e. The board of trustees may enter into an agreement with the board that modifies the allocation of the taxes levied in the rural improvement zone. Such an agreement shall not, however, provide an allocation to the other taxing districts that is less than the amount of taxes resulting from application of paragraph *"b"* or *"c"*, as applicable.

f. As used in this section:

(1) *"Base year taxable value"* means the actual value of the property as determined in section 403.19, subsection 1, following application of the assessment limitations pursuant to section 441.21, subsection 9.

(2) *"Taxes"* includes but is not limited to all levies on an ad valorem basis upon land or real property located in the rural improvement zone.

2. *a.* Each board of trustees that has by resolution provided for a division of taxes in the rural improvement zone during the most recently ended fiscal year shall complete and file with the department of management a tax increment financing report by December 1 following the end of such fiscal year. The report shall be approved by the affirmative vote of a majority of the board of trustees and be prepared in the format and submitted electronically pursuant to the instructions prescribed by the department of management in consultation with the legislative services agency.

b. The report required under this subsection shall include substantially the same information required for counties under section 331.403, subsection 3, as of June 30 of the most recently ended fiscal year or the information for such fiscal year, as applicable.

c. By December 1, 2012, the department of management shall make publicly available on an internet site a searchable database of all such information contained in the reports required under this subsection. Reports from previous years shall be retained by the department and shall continue to be available and searchable on the internet site.

d. A board of trustees that fails to satisfy the requirements of this subsection shall have all future incremental taxes withheld from payment into the rural improvement zone's special fund until such requirements are met.

97 Acts, ch 152, §9; 98 Acts, ch 1168, §4; 2012 Acts, ch 1124, §9, 25; 2015 Acts, ch 97, §9, 10; 2022 Acts, ch 1061, §31, 32, 38

Referred to in §331.403, 357H.8, 357H.10, 357H.11

2022 amendment to subsection 1, paragraph d, subparagraph (2) applies retroactively to assessment years beginning on or after January 1, 2022; 2022 Acts, ch 1061, §38

2022 amendment to subsection 1, paragraph f, subparagraph (1) applies retroactively to assessment years beginning on or after January 1, 2022; 2022 Acts, ch 1061, §38

357H.9A Annual financial report — audit.

1. Not later than December 1 of each year on forms and pursuant to the instructions prescribed by the department of management, the board of trustees shall file with the county auditor an annual financial report showing the rural improvement zone's financial condition as of June 30 and the results of operations for the year then ended.

2. A rural improvement zone is subject to annual audit by the auditor of state. In lieu of an audit by the auditor of state, the rural improvement zone may contract with or employ a certified public accountant to conduct the audit pursuant to the applicable terms and conditions prescribed by sections 11.6, 11.14, 11.19, and 11.41. The audit format shall be as prescribed by the auditor of state. The rural improvement zone shall pay all expenses incurred by the auditor of state in conducting an audit under this section.

2015 Acts, ch 97, §11

357H.10 Dissolution of zone.

1. Prior to the date required for dissolution under subsection 2, a rural improvement zone may be dissolved upon the adoption of a resolution of the board of trustees which specifies

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that all improvements have been made in the zone, the need for the zone, as identified under section 357H.2, subsection 1, has been satisfied, and all indebtedness has been paid.

2. *a.* Unless dissolved by resolution of the board of trustees under subsection 1, or an extension is approved under paragraph *"b"*, each rural improvement zone is dissolved on June 30, 2019, or twenty years after the first day of the fiscal year following the fiscal year in which the zone first receives revenue from the division of taxes under section 357H.9, whichever date is later.

b. The date required under this subsection for dissolution of a rural improvement zone may be extended by resolution of the board adopted prior to the date required for dissolution under paragraph *"a"* or a date prior to the date to which the rural improvement zone was previously extended by the board under this paragraph *"b"* or by operation of law under subparagraph (1). Each extension approved by the board under this paragraph *"b"* shall be for a period of twenty years. Prior to approval of an extension by the board under this paragraph *"b"*, all of the following requirements shall be met:

(1) Not more than forty-eight months nor less than thirty-six months prior to the date required for dissolution, the board of trustees shall file a written request with the board for an extension of the zone's dissolution date. The request shall state the improvements needed in the rural improvement zone beyond the dissolution date otherwise required under this section. The board shall, within ninety days after receiving the request, either adopt a resolution granting the twenty-year extension without further proceedings or notify the board of trustees in writing of the board's intent to review the zone's dissolution date under subparagraphs (2) through (4). The board may, as part of its notice to the board of trustees, request a report prepared by a licensed professional engineer containing all of the information required under section 357H.2, subsection 1. If the board fails to either approve the extension by resolution or notify the board of trustees of the board's intent to review the zone's dissolution date under subparagraphs (2) through (4) within the ninety-day period, the request for a twenty-year extension shall be deemed approved.

(2) Following receipt of the board's notice of intent to review and not less than twenty-four months prior to the date required for dissolution, the board of trustees shall, if requested by the board under subparagraph (1), submit to the board a report prepared by a licensed professional engineer that includes the information required under section 357H.2, subsection 1, paragraph *"a"*. If the board determined that the engineer's report does not substantially meet the requirements of section 357H.2 or that additional relevant information is needed, the board may, within thirty days of the date the request was filed under subparagraph (1), request additional information from the board of trustees. The board shall be limited to one request for additional information.

(3) Not more than sixty days after receiving the engineer's report required or the additional information requested under subparagraph (2), whichever is later, the board shall hold a public hearing to determine the need for improvements in the rural improvement zone. Notice of hearing shall be given by publication as provided in section 331.305. Holding a public hearing pursuant to this subparagraph is not dispositive of the approval or denial of a request for an extension of the dissolution date by the board under this chapter.

(4) Within thirty days after the public hearing, the board shall either find a need for improvements in the rural improvement zone and adopt a resolution approving the twenty-year extension or find that the area is no longer in need of improvements. If the board fails to either approve or deny the extension within the thirty-day period, the request for a twenty-year extension is deemed approved.

3. Upon dissolution of the zone, all assets shall be deeded or otherwise transferred to a nonprofit corporation whose members are property owners of the improvement zone.

4. Upon dissolution of the zone, the collection of the property tax authorized under section 357H.8, subsection 4, and the division of taxes authorized under section 357H.9 shall cease immediately.

97 Acts, ch 152, §10; 2015 Acts, ch 97, §12
Referred to in §357H.8

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357H.11 Agreements.

Any agreement or other instrument in connection with an agreement between a board of trustees and a board in effect on July 1, 2015, relating to the division of taxes under section 357H.9, the dissolution date of a rural improvement zone, or the criteria used for determining the need for improvements in the rural improvement zone that is inconsistent with this chapter shall be null and void. However, nothing in this chapter shall be construed to prohibit the board of trustees and the board from entering into an agreement on or after July 1, 2015, relating to the division of taxes under section 357H.9, the dissolution date of the rural improvement zone, or the criteria used for determining the need for improvements in the rural improvement zone, so long as such agreement does not violate the provisions of this chapter.

2015 Acts, ch 97, §13

CHAPTER 357I

BENEFITED SECONDARY ROAD SERVICES DISTRICTS

Referred to in §331.382

357I.1 Definitions.
357I.2 Petition for public hearing.
357I.3 Limitation on area and property comprising district.
357I.4 Time of hearing.
357I.5 Action by board.
357I.6 Engineer.
357I.7 Hearing on engineer's report.
357I.8 Election on proposed levy and candidates for trustees.
357I.9 Trustees — term and qualification.
357I.10 Trustees' powers.
357I.11 Revenues excluded from county general fund transfers.
357I.12 Bonds in anticipation of revenue.
357I.13 Dissolution of district.
357I.14 Incorporation of district land.

357I.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the board of supervisors of a county.

2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

3. *"District"* means a benefited secondary road services district.

4. *"Trustee"* means a trustee of a district.

2008 Acts, ch 1124, §21

357I.2 Petition for public hearing.

1. The board shall, on the petition of twenty-five percent of the resident property owners in a proposed district if the assessed valuation of the property owned by the petitioners represents at least twenty-five percent of the total assessed value of the proposed district, hold a public hearing concerning the establishment of a proposed district. The petition shall include a statement containing the following information:

a. The need for secondary road services.

b. The district to be served.

c. The approximate number of families in the district.

d. A general description of the secondary road services to be provided in the district by the county.

2. The board may require a bond of the petitioners conditioned for the payment of all costs and expenses incurred in the proceedings in case the district is not established.

3. If part or all of the proposed district lies within two miles of the boundaries of a city, the board shall send a copy of the petition to each such city before scheduling the public hearing on the petition. A city that receives a copy of the petition may require that any road or street improvements and associated drainage improvements constructed within the

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district after establishment of the district be constructed in compliance with requirements for such improvements then in effect within the city. The city shall notify the board of the city's response to the petition within thirty days of receiving the petition. If the city wants requirements for road or street improvements and associated drainage improvements then in effect within the city to apply within the district, the requirements shall be included in the resolution of the board establishing the district and shall be incorporated into the plans and specifications for the improvements prepared by the district engineer or county engineer. The plans and specifications shall be subject to approval by the board and by the city council of each affected city, which approval must occur before commencement of construction. If costs for construction of improvements according to a city's standards exceed the costs for such construction according to county standards, the petitioners shall pay the difference in the costs.

2008 Acts, ch 1124, §22; 2011 Acts, ch 34, §88
Referred to in §357I.4, 357I.10

357I.3 Limitation on area and property comprising district.

1. A district is limited to property within a residential subdivision that was in existence prior to January 1, 2007, and that has received county road services pursuant to an agreement between the county and residents of the subdivision prior to July 1, 2008.

2. Subject to the limitations in subsection 1, a district may include all or parts of the unincorporated areas of one township and any unincorporated areas of adjoining townships or parts of adjoining townships.

2008 Acts, ch 1124, §23

357I.4 Time of hearing.

The public hearing required in section 357I.2 shall be held within thirty days of the presentation of the petition. Notice of hearing shall be given by publication in two successive issues of any newspaper of general circulation within the district. The last publication shall be not less than one week before the proposed hearing.

2008 Acts, ch 1124, §24
Referred to in §357I.7, 357I.8

357I.5 Action by board.

After, and within ten days of, the hearing, the board shall either establish the district by resolution or disallow the petition.

2008 Acts, ch 1124, §25

357I.6 Engineer.

1. When the board establishes a district, the board shall appoint a competent disinterested civil engineer, who shall prepare a preliminary plat showing:

a. The proper design in general outline of the district.

b. The lots and parcels of land within the proposed district as they appear on the county auditor's plat books with the names of the owners.

c. The assessed valuation of the lots and parcels.

2. The compensation of the engineer on the preliminary investigation shall be determined by the board. The engineer shall file a report with the county auditor within thirty days of appointment. The board may extend the time upon good cause shown.

2008 Acts, ch 1124, §26

357I.7 Hearing on engineer's report.

After the engineer's report is filed, the board shall give notice, as provided in section 357I.4, of a public hearing to be held concerning the engineer's preliminary plat.

2008 Acts, ch 1124, §27

357I.8 Election on proposed levy and candidates for trustees.

When a preliminary plat has been approved by the board, an election shall be held within the district within sixty days to approve or disapprove the levy of a tax not to exceed in any

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fiscal year one dollar per thousand dollars of assessed value on all the taxable property within the district and to choose candidates for the offices of trustees of the district. Notice of the election, including the time and place of holding the election, shall be given as provided in section 357I.4. The vote shall be by ballot which shall state clearly the proposition to be voted upon and any registered voter residing within the district at the time of the election may vote. It is not mandatory for the county commissioner of elections to conduct elections held pursuant to this chapter, but the elections shall be conducted in accordance with chapter 49 where not in conflict with this chapter. Judges shall be appointed to serve without pay by the board from among the registered voters of the district to be in charge of the election. The proposition is approved if sixty percent of those voting on the proposition vote in favor of it.

2008 Acts, ch 1124, §28
Referred to in §357I.10, 357I.11, 357I.12

357I.9 Trustees — term and qualification.

At the election, the names of up to three candidates for trustee shall be written in by the voters on blank ballots without formal nomination and the board shall appoint three from among the five receiving the highest number of votes as trustees for the district. One trustee shall be appointed to serve for one year, one for two years, and one for three years. The trustees and their successors must be residents of the district and shall give bond in the amount required by the board, the premium of which shall be paid by the district. Vacancies shall be filled by election, but if there are no candidates for a trustee office, the vacancy may be filled by appointment by the board. The term of succeeding trustees shall be three years.

2008 Acts, ch 1124, §29

357I.10 Trustees' powers.

The trustees may contract only with the county to provide road services including road paving, reconstruction, or maintenance, according to the county's standards for such services, on roads within the district and on any road outside the district that provides a direct route between the subdivision comprising the district and the nearest paved street or highway, other than roads identified under section 357I.2, subsection 3, and may certify for levy an annual tax as provided in section 357I.8. The trustees may purchase materials incidental to the administrative functions of the trustees and perform all other acts necessary to properly maintain and operate the district. The trustees are allowed necessary expenses in the discharge of their duties, but they shall not receive a salary.

2008 Acts, ch 1124, §30

357I.11 Revenues excluded from county general fund transfers.

The amount of revenue collected from the tax levied pursuant to section 357I.8 shall not be included in the calculation of property tax revenues transferred to the secondary road fund annually under section 331.429.

2008 Acts, ch 1124, §31

357I.12 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes by the levy authorized in this chapter, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be held and notice given in the same manner as provided in section 357I.8, and the same sixty percent vote shall be necessary to authorize indebtedness. Subject to section 39.2, subsection 4, both propositions may be submitted to the voters at the same election.

2008 Acts, ch 1124, §32; 2023 Acts, ch 71, §131, 136
2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

357I.13 Dissolution of district.

Upon petition of thirty-five percent of the resident eligible electors, the board may dissolve a district and dispose of any remaining property, the proceeds of which shall first be applied

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against outstanding obligations and any balance shall be applied to tax credit of property owners of the district. However, if the district is annexed, the board of supervisors may transfer the remaining property and balance to the city which annexed the territory. The board shall continue to levy a tax after dissolution of a district, of not to exceed twenty-seven cents per thousand dollars of assessed value on all the taxable property of the district, until all outstanding obligations of the district are paid.

2008 Acts, ch 1124, §33

357I.14 Incorporation of district land.

If part of a district is incorporated by a city and there are outstanding indebtedness obligations against the district, the city shall pay the outstanding obligations against the part of the district which is incorporated by the city.

2008 Acts, ch 1124, §34

CHAPTER 357J

EMERGENCY RESPONSE DISTRICTS

Referred to in §331.382

357J.1	Authorization and purpose.	357J.13	District fire chief.
357J.2	Definitions.	357J.14	Fire chiefs. Repealed by 2022 Acts, ch 1017, §6.
357J.3	Notification of public hearing.		
357J.4	District — boundary changes.	357J.15	Cities within the district.
357J.5	through 357J.9 Repealed by 2022 Acts, ch 1017, §6.	357J.16	Bonds in anticipation of revenue.
		357J.17	Transition — township tax discontinued.
357J.10	Approval of district property tax levy.	357J.18	Transition — emergency medical services district taxes discontinued.
357J.11	Governance authority — commission.		
357J.12	Commission powers.	357J.19	Dissolution of district.

357J.1 Authorization and purpose.

1. This chapter authorizes the establishment of emergency response districts.

2. The purpose of this chapter is to do all of the following:

a. Serve a public use and promote the health, safety, prosperity, security, and general welfare of the citizens of emergency response districts by preventing or reducing duplication, overlap, and fragmentation of the functions and facilities of special districts.

b. Better serve the citizens of the state through consolidation.

c. Reduce costs and increase efficiency of operation.

2008 Acts, ch 1152, §1; 2022 Acts, ch 1017, §1

357J.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Commission"* means a governing body composed of a member or designee of each governmental entity that is a member of the emergency response district.

2. *"District"* means an emergency response area.

3. *"Governmental entity"* means a county, city, or township.

2008 Acts, ch 1152, §2; 2022 Acts, ch 1017, §2

Referred to in §357J.11

357J.3 Notification of public hearing.

1. Each governmental entity intending to participate in an emergency response district shall issue a notice of intent to hold a public hearing concerning the establishment of a proposed district. The hearing shall not be held until at least thirty days after the notice is issued but not more than ninety days after the notice is issued.

2. Notice required under subsection 1 shall include all of the following information:

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a. A statement explaining the need for fire protection service or emergency medical service.

b. The geographic boundaries of the district.

c. The approximate number of families in the district.

d. The proposed personnel, equipment, and facilities to provide the fire protection services or emergency medical services.

e. The date, time, and location of the public hearing.

2008 Acts, ch 1152, §3; 2022 Acts, ch 1017, §3

357J.4 District — boundary changes.

1. The boundary lines of a district may include any incorporated or unincorporated areas.

2. *a.* The boundary lines of a district shall not be changed after the district is established except as provided in this subsection.

b. The boundary lines of a district shall be changed and shall become effective immediately upon approval of the commission and each governmental entity currently participating in the emergency response district.

2008 Acts, ch 1152, §4; 2009 Acts, ch 165, §3, 4; 2022 Acts, ch 1017, §4

357J.5 through 357J.9 Repealed by 2022 Acts, ch 1017, §6.

357J.10 Approval of district property tax levy.

Annually, the commission shall propose the levy of a tax of not more than one dollar and sixty and three-quarters cents per one thousand dollars of assessed value on all taxable property within the district. A proposed property tax levy rate shall not be approved by the commission unless two-thirds of the commission's members are present when the proposed property tax levy rate is approved. The commission shall hold a public hearing within thirty days of the commission's approval of a proposed property tax levy rate to receive public comment. Notice of the hearing shall be given by publication in a newspaper of general circulation within the district and shall be posted in a public place in each city within the district no less than ten days before the public hearing. The notice shall include the commission's proposed property tax levy rate, the reason for the tax, and the time when and the place where the hearing shall be held. The commission shall be considered a municipality for purposes of adopting and certifying a budget pursuant to chapter 24 and shall set the property tax levy rate no more than ten days following the public hearing. The tax shall be set to raise only the amount needed. The commission shall have exclusive tax-levying authority for the district.

2008 Acts, ch 1152, §10

Referred to in §357J.12, 357J.16

357J.11 Governance authority — commission.

The district shall be governed by a commission, as defined in section 357J.2.

2008 Acts, ch 1152, §11

357J.12 Commission powers.

1. The commission may purchase, own, rent, or maintain fire and emergency medical services apparatus or equipment within the state or outside the territorial jurisdiction and boundary limits of this state, provide housing for such apparatus and equipment, provide fire protection service and emergency medical service and facilities, and may certify for levy an annual tax as provided in section 357J.10. The commission may purchase material, employ fire protection service personnel, emergency medical service personnel, and other personnel, and may perform all other acts necessary to properly maintain and operate the district. The commission may contract under chapter 28E with any city or county or public or private agency that is not a member of the district for the purpose of providing fire protection service or emergency medical service under this chapter. The commissioners are allowed necessary expenses in the discharge of their duties.

2. The commission shall draw the boundaries of fire and emergency medical services

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areas within the district to be assigned to various fire departments and stations throughout the district.

2008 Acts, ch 1152, §12

357J.13 District fire chief.

The commission shall appoint a district fire chief who shall serve at the pleasure of the commission and shall be responsible for the coordination of fire protection service and emergency medical service throughout the district.

2008 Acts, ch 1152, §13

357J.14 Fire chiefs. Repealed by 2022 Acts, ch 1017, §6.

357J.15 Cities within the district.

If a city is included in a district, the maximum tax levy authorized for the general fund of that city under section 384.1 shall be reduced by the amount of the tax rate levied within the city by the district. Such city shall not be responsible for providing fire protection service and emergency medical service as provided in section 364.16, and shall have no liability for the method, manner, or means by which the district provides the fire protection service and emergency medical service.

2008 Acts, ch 1152, §15

357J.16 Bonds in anticipation of revenue.

A district may anticipate the collection of taxes by the levy authorized in section 357J.10, and to carry out the purposes of this chapter may issue bonds payable in not more than ten equal installments with the rate of interest not exceeding that permitted by chapter 74A. An indebtedness shall not be incurred under this chapter until authorized by an election. The election shall be conducted by the county commissioner of elections pursuant to chapters 39 through 53. The commission shall give the county commissioner of elections forty-six days' notice of the special election.

2008 Acts, ch 1152, §16; 2010 Acts, ch 1033, §49, 56

357J.17 Transition — township tax discontinued.

When the boundary lines of the district include all or a portion of a township and the district has certified a tax levy within the township for the purpose of fire protection service and emergency medical service, the township trustees shall no longer levy the tax provided by section 359.43 in that portion of the township provided services by the district. Any indebtedness incurred for the purposes of sections 359.42 through 359.45 for a service now provided by the district shall be assumed by the district. Such township shall not be responsible for providing fire protection service and emergency medical service as provided in section 359.42 for the portion of the township within the district, and shall have no liability for the method, manner, or means by which the district provides the fire protection service and emergency medical service.

2008 Acts, ch 1152, §17

357J.18 Transition — emergency medical services district taxes discontinued.

When the boundary lines of the emergency response district include all or a portion of an emergency medical services district under chapter 357F or chapter 357G and the emergency response district has certified a tax to be levied on property located within the emergency medical services district for the purpose of emergency medical service, the emergency medical services district trustees shall no longer levy the taxes authorized in section 357F.8 or section 357G.8 in that portion of such emergency medical services district that is provided services by the emergency response district. Any indebtedness incurred by an emergency medical services district under chapter 357F or chapter 357G for a service now provided by the emergency response district shall be assumed by the emergency response district.

2008 Acts, ch 1152, §18

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357J.19 Dissolution of district.

Incorporation documents of an emergency response district shall include provisions for dissolution, the withdrawal of an individual participant in the emergency response district, and the dispensing of property in the case of either event.

2022 Acts, ch 1017, §5

CHAPTER 358

SANITARY DISTRICTS

Referred to in §28F.1, 28F.12, 331.382, 357.1B, 384.84, 418.1, 476.1

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SUBCHAPTER I

GENERAL PROVISIONS

358.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

358.1A Incorporation.

If an area of territory is so situated that the construction, maintenance, and operation of a trunk sewer system and of a plant or plants for the treatment of sewage and the maintenance of one or more outlets for the drainage of it, after having been so treated, will be conducive

to the public health, comfort, convenience, or welfare, the area may be incorporated as a sanitary district in the manner set forth in this chapter. Areas of contiguous or noncontiguous territory may be incorporated in a sanitary district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.1]
92 Acts, ch 1204, §15
C2001, §358.1A

358.1B Combined water and sanitary district.

1. The board of supervisors of a county or major part of a county in which a proposed combined water and sanitary district will be located may proceed with the establishment, operation, or dissolution of a combined water and sanitary district as provided in section 357.1B.

2. For the purpose of establishing, operating, or dissolving a combined water and sanitary district under chapter 357 and this chapter, the term *"sanitary district"* includes a combined water and sanitary district where applicable.

92 Acts, ch 1204, §16
C93, §358.1A
C2001, §358.1B
2019 Acts, ch 24, §47
Referred to in §418.1

358.2 Petition — deposit.

1. Any twenty-five or more eligible electors resident within the limits of any proposed sanitary district may file a petition in the office of the county auditor of the county in which the proposed sanitary district, or the major portion thereof, is located, requesting that there be submitted to the registered voters of such proposed district the question whether the territory within the boundaries of such proposed district shall be organized as a sanitary district under this chapter. Such petition shall be addressed to the board of supervisors of the county wherein it is filed and shall set forth:

a. An intelligible description of the boundaries of the territory to be embraced in such district.

b. The name of such proposed sanitary district.

c. That the public health, comfort, convenience, or welfare will be promoted by the establishment of such sanitary district.

d. The signatures of the petitioners.

2. Territory shall not be included within more than one sanitary district organized under this chapter, and if any proposed sanitary district fails to receive a majority of votes cast at any election at which the establishment of the district is proposed as provided in this chapter, a petition shall not be filed for establishment of such a sanitary district within one year from the date of such previous election.

3. *a.* There shall be filed with the petition a bond with sureties approved by the auditor, or a certified check, credit union certified share draft or cash in an amount sufficient for the payment of all costs and expenses incurred in the proceedings if the district is not finally established.

b. No preliminary expense shall be incurred before the establishment of the proposed sanitary district by the board in excess of the amount of bond filed by the petitioners. In case it is necessary to incur any expense in addition to the amount of the bond, the board of supervisors shall require the filing of an additional security until the additional bond is filed in sufficient amount to cover the expense.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.2]
84 Acts, ch 1055, §8; 85 Acts, ch 67, §43; 95 Acts, ch 67, §53; 2010 Acts, ch 1061, §145; 2020 Acts, ch 1063, §191
Referred to in §357.1B

358.3 Jurisdiction — decisions — records.

The board of supervisors of the county in which the proposed sanitary district, or the major portion of the proposed sanitary district, is located shall have jurisdiction of the proceedings

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on the petition as provided in this chapter, and the decision of a majority of the members of the board shall be necessary for adoption. All orders of the board made under this chapter shall be spread at length upon the records of the proceedings of the board of supervisors, but need not be published under section 349.16.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.3]
2019 Acts, ch 59, §110

358.4 Date and notice of hearing.

1. The board of supervisors to which the petition is addressed, at its next meeting, shall set the time and place for a hearing on the petition. The board shall direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and content of the petition, by publication of a notice as provided in section 331.305. Proof of giving the notice shall be made by affidavit of the publisher and the proof shall be on file with the county auditor at the time the hearing begins. The notice of hearing shall be directed to all persons it may concern, and shall state:

a. That a petition has been filed with the county auditor of the county, naming it, for establishment of a proposed sanitary district, and the name of the proposed district.

b. An intelligible description of the boundaries of the territory to be embraced in the district.

c. The date, hour, and the place where the petition will come on for hearing before the board of supervisors of the named county.

d. That the board of supervisors will fix and determine the boundaries of the proposed district as described in the petition or otherwise, and for that purpose may alter and amend the petition. At the hearing all interested persons shall have an opportunity to be heard on the location and boundaries of the proposed district and to make suggestions regarding the location and boundaries.

2. For a district which does not include land within a city, copy of the notice shall also be sent by mail to each owner, without naming them, of each tract of land or lot within the proposed district as shown by the transfer books of the auditor's office. The mailings shall be to the last known mailing address unless there is on file an affidavit of the auditor or of a person designated by the board to make the necessary investigation, stating that a mailing address is not known and that diligent inquiry has been made to ascertain it. The copy of notice shall be mailed no less than twenty days before the day set for hearing and proof of service shall be by affidavit of the auditor. The proofs of service required by this subsection shall be on file at the time the hearing begins.

3. In lieu of the mailing to the last known address a person owning land affected by a proposed district may file with the county auditor an instrument in writing designating the address for the mailing. This designation when filed is effective for five years and applies to all proceedings under this chapter. The person making the designation may change the address in the same manner as the original designation is made.

4. In lieu of publication, personal service of the notice may be made upon an owner of land in the proposed district in the manner and for the time required for service of original notices in the district court. Proof of the service shall be on file with the auditor on the date of the hearing.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.4]
84 Acts, ch 1051, §1; 87 Acts, ch 43, §10
Referred to in §358.5, 358.6, 358.8

358.5 Hearing of petition and order.

1. The board of supervisors to whom the petition is addressed shall preside at the hearing provided for in section 358.4 and shall continue the hearing in session, with adjournments from day to day, if necessary, until completed, without being required to give any further notice of the hearing. Proof of the residences and qualifications of the petitioners as eligible electors shall be made by affidavit or otherwise as the board may direct. The board may consider the boundaries of a proposed sanitary district, whether they shall be as described in the petition or otherwise, and for that purpose may alter and amend the petition and limit

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or change the boundaries of the proposed district as stated in the petition. The board shall adjust the boundaries of a proposed district as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the proposed district. The boundaries of a proposed district shall not be changed to incorporate property not included in the original petition and published notice until the owner of the property is given notice of inclusion as on the original hearing. All persons in the proposed district shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding the location and boundaries. The board of supervisors, after hearing the statements, evidence and suggestions made and offered at the hearing, shall enter an order fixing and determining the limits and boundaries of the proposed district and directing that an election be held for the purpose of submitting to the registered voters residing within the boundaries of the proposed district the question of organization and establishment of the proposed sanitary district as determined by the board of supervisors. The order shall fix a date for the election not more than sixty days after the date of the order.

2. A majority of the landowners, owning in the aggregate more than seventy percent of the total land in the proposed district, may file a written remonstrance against the proposed district at or before the time fixed for the hearing on the proposed district with the county auditor. If the remonstrance is filed, the board of supervisors shall discontinue all further proceedings on the proposed district and charge the costs incurred to date relating to the establishment of the proposed district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.5]
84 Acts, ch 1051, §2; 95 Acts, ch 67, §53; 98 Acts, ch 1139, §1; 2018 Acts, ch 1041, §88
Referred to in §358.8

358.6 Notice of election.

In its order for the election the board of supervisors shall direct the county commissioner of elections of the county in which the petition is filed to cause notice of the election to be given at least thirty days before the date of election by publication of the notice as provided in section 331.305. The notice shall state the time and place of holding the election and the hours when the polls will open and close, the purpose of the election, with the name of the proposed sanitary district and a description of the boundaries of it, and shall set forth briefly the limits of each voting precinct and the location of the polling places. Proof of publication shall be made in the manner provided in section 358.4 and filed with the county auditor.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.6]
92 Acts, ch 1204, §17

358.7 Election.

1. Each registered voter resident within such proposed sanitary district shall have the right to cast a ballot at such election and no person shall vote in any precinct but that of the person's residence. Ballots at such election shall be in substantially the following form, to wit:

For Sanitary District ☐
Against Sanitary District ☐

2. The board of supervisors shall cause a statement of the result of such election to be spread upon the records of the county auditor. If a majority of the votes cast upon the question of incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed sanitary district shall thenceforth be deemed an organized sanitary district under this chapter and established as conducive to the public health, comfort, convenience, and welfare.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.7]
94 Acts, ch 1169, §64; 2010 Acts, ch 1061, §146
Referred to in §358.9

358.8 Expenses and costs of election.

The election held pursuant to this chapter shall be conducted by the county commissioner of elections. All expenses incurred in carrying out sections 358.4 and 358.5 of this chapter,

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together with the costs of the election, as determined by the county commissioner of elections, shall be paid by those who will be benefited by the proposed sanitary district. If the district is not established, the expenses and costs shall be collected upon the bond or bonds of the petitioners.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.8]
92 Acts, ch 1204, §18; 2009 Acts, ch 133, §128

358.9 Selection of trustees — term of office.

1. *a.* At the election provided for in section 358.7, the names of candidates for trustee of the district shall be written by the voters on blank ballots without formal nomination, and the board of supervisors which had jurisdiction of the proceedings for establishment of the sanitary district, together with the board of supervisors of any other county in which any part of the district is located, shall appoint three trustees from among the five persons receiving the greatest number of votes as trustees of the district. One of the trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, one to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or legal holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to trustees shall be elected by special election or at a special meeting of the board of trustees called for that purpose. For each special election called after the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's personal affidavit, which shall be filed with the county commissioner of elections at least twenty-five days before the date of the election. The form of the candidate's affidavit shall be substantially the same as provided in section 45.3.

b. In lieu of a special election, successors to trustees shall be elected at a special meeting of the board of trustees called for that purpose. Upon its own motion, the board of trustees may, or upon petition of landowners owning more than fifty percent of the total land in the district, shall, call a special meeting of the residents of the district to elect successors to trustees of the board. Notice of the meeting shall be given at least ten days before the date of the meeting by publication of the notice in a newspaper of general circulation in the district. The notice shall state the date, times, and location of the meeting and that the meeting is called for the purpose of electing one or more trustees to the board.

2. If the petition to establish a sanitary district requests a board of trustees of five members, the board of supervisors shall select five trustees from among the seven persons receiving the highest number of votes at the initial election. Two trustees shall be designated to serve a term expiring on the first day of January which is not a Sunday or legal holiday following the next general election, two trustees to serve a term expiring on the first day of January which is not a Sunday or legal holiday two years later, and one to serve a term expiring on the first day of January which is not a Sunday or holiday four years later. Thereafter, each term shall be for a term of years established by the board of supervisors, not less than three years or more than six years. Successors to a five-member board selected under this subsection shall be chosen by election and after the initial election, a candidate for office of trustee shall be nominated by a personal affidavit of the candidate or by petition of at least ten eligible electors of the district and the candidate's personal affidavit, which shall be filed with the commissioner of county elections at least sixty-nine days before the date of the general election. The form of the candidate's affidavit shall be substantially as provided in section 45.3.

3. Upon request of a three-member board of trustees or petition of the number of eligible electors of the district equal to at least five percent of the residents of the district filed at least ninety days before the next general election, the board of supervisors shall provide for the election of a five-member board of trustees with staggered terms of office of not more than six years. The five-member board of trustees shall become effective on the first day of January which is not a Sunday or legal holiday after that general election. The board of trustees or a petition of the number of eligible electors of the district equal to at least five percent of

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the residents of the district may also request the board of supervisors to implement a plan to reduce the number of trustees from five to three. The board of supervisors shall allow incumbent trustees to serve their unexpired terms of office.

4. Vacancies in the office of trustee of a sanitary district shall be filled by the remaining members of the board for the period until a successor is chosen in the manner prescribed by this section or by section 69.12, whichever is applicable.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.9; 82 Acts, ch 1199, §66, 96]

84 Acts, ch 1009, §1; 84 Acts, ch 1051, §3; 85 Acts, ch 135, §2; 92 Acts, ch 1204, §19, 20; 93 Acts, ch 24, §1; 94 Acts, ch 1045, §1; 2009 Acts, ch 41, §121

Referred to in §358.12

358.10 Trustee's bond.

Each trustee shall, before entering upon the duties of office, execute a bond payable to the district, with security to be approved by the board of supervisors which had jurisdiction of the petition for establishment of the district, in such form and amount as said board of supervisors may determine, which bond shall be filed with the county auditor of said county.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.10]

358.11 Sanitary district to be a body corporate.

1. Each sanitary district organized under this chapter shall be a body corporate and politic, with the name and style under which it was organized, and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and exercise all the powers conferred in this chapter.

2. All courts of this state shall take judicial notice of the existence of sanitary districts organized under this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.11]

2018 Acts, ch 1026, §124

358.12 Board of trustees — powers.

1. The trustees elected as provided in section 358.9 constitute a board of trustees for the district by which they are elected. The board of trustees is the corporate authority of the sanitary district and shall manage and control the affairs and property of the district. A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. The board of trustees shall elect a president, a clerk, and a treasurer from its membership and may employ employees as necessary, who shall hold their employment during the pleasure of the board. The board shall prescribe the duties and fix the compensation of all employees of the sanitary district and the amount of bond to be filed by the treasurer of the district and by any employee for whom the board may require bond. The members of the board of trustees shall receive a per diem of one hundred dollars for attendance at a meeting of the board or while otherwise engaged in official duties, but the total per diem for each member shall not exceed two thousand four hundred dollars for a fiscal year. However, the board of trustees, by resolution, may establish for its members a lower rate of pay than is fixed by this section. The members of the board shall also be reimbursed for their travel and other necessary expenses incurred in performing their official duties. Travel expenses are reimbursable at the rate specified in section 70A.9.

2. The board of trustees may adopt the necessary ordinances, resolutions, rules and regulations for the proper management and conduct of the business of the board of trustees and the corporation and for carrying out the purposes for which the sanitary district is formed.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.12]

2006 Acts, ch 1038, §1

358.13 Ordinances — publication or posting — time of taking effect.

All ordinances, resolutions, orders, rules, and regulations adopted by the board take effect from and after their adoption and publication. The publication shall be by one publication

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in a newspaper of general circulation in the district, by posting copies in three public places within the district, or by other steps necessary to inform the public.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.13]

87 Acts, ch 197, §1

358.14 Proof of ordinances.

All ordinances, resolutions, orders, rules and regulations, and the date when same became effective, may be proven by the certificate of the clerk, under the seal of the corporation, if one has been adopted, and when printed in book or pamphlet form and purporting to be published by the board of trustees such book or pamphlet shall be received as evidence of the passage and legal publication or posting thereof as of the dates mentioned therein, in all courts and places, without further proof.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.14]

358.15 Personal interest in contracts.

A trustee of such district shall not be directly or indirectly interested in any contract, work, or business of the district, or in the sale of any article the expense, price, or consideration of which is paid by such district; nor in the purchase of any real estate or other property belonging to the district, or which is to be sold for taxes or assessments or by virtue of legal process at the suit of the district. However, this section shall not be construed as prohibiting the selection of any person as trustee because of the person's ownership of real estate in the district or because the person is a taxpayer in the district.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.15]

2019 Acts, ch 59, §111

358.16 Power to provide for sewage disposal.

1. *a.* The board of trustees of any sanitary district organized under this chapter shall have power to provide for the disposal of the sewage thereof, including the sewage and drainage of any city or village within the boundaries of such district; to acquire, lay out, locate, establish, construct, maintain, and operate one or more drains, conduits, treatment plants, disposal plants, pumping plants, works, ditches, channels, and outlets of such capacity and character as may be required for the treatment, carrying off, and disposal of the sewage and industrial wastes and other drainage incidental thereto of such district; to lay out, establish, construct, maintain, and operate all such adjuncts, additions, auxiliary improvements, and works as may be necessary or proper for accomplishment of the purposes intended, and to procure supplies of water for operating, diluting, and flushing purposes; to maintain, repair, change, enlarge, and add to such facilities, improvements, and works as may be necessary or proper to meet the future requirements for the purposes aforesaid; and, when necessary for such purposes, any such facilities, improvements, and works and the maintenance and operation thereof may extend beyond the limits of such district, and the rights and powers of said board of trustees in respect thereto shall be the same as if located within said district, provided, no taxes shall be levied upon any property outside of such district; and provided further, that the district shall be liable for all damages sustained beyond its limits in consequence of any work or improvement authorized hereunder.

b. The board of trustees, however, may upon such petition of property owners representing at least twenty-five percent of the valuation of property not included within the district as constituted which seeks benefit from the operation of such sanitary district, include such property and the area involved within the limits of such sanitary district, and such added areas shall be subject to the same taxation as other portions of the district.

c. Nothing contained in this section shall be construed to authorize or empower such board of trustees to operate a system of waterworks for the purpose of furnishing water to the inhabitants of the district, or to construct, maintain, or operate local municipal sewerage facilities, or to deprive municipalities within the district of their powers to construct and operate sewers for local purposes within their limits.

d. The board of trustees of such sanitary district may, however, upon petition of the council or governing body of any incorporated city within the sanitary district, contract with such

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city to undertake the operation of local municipal sewage facilities as part of the functioning of the sanitary district and make an agreement with such municipality for the levying of additional sewer or sewage disposal taxes, which taxes shall be levied by the municipality as now provided by law.

2. *a.* The board of trustees may require connection to the sanitary sewer system established, maintained, or operated by the district from any adjacent property within the district, and require the installation of sanitary toilets or other sanitary sewage facilities and removal of other toilet and other sewage facilities on the property. However, the board of trustees shall not regulate, restrict the use, or require the connection of a private sewage disposal facility previously approved by the county board of health pursuant to section 455B.172 without the prior approval of that board of health.

b. If the property owner does not perform an action required under paragraph *"a"* within a reasonable time after notice and hearing, the board of trustees may perform the required action and assess the costs of the action against the property for collection in the same manner as a property tax. The notice shall state the nature of the action and the time within which the action is required to be performed by the property owner, state the date, time, and place where the property owner will be heard by the board of trustees for the purpose of stating why the intended action should not be required, and shall be given by certified mail to the property owner as shown on the records of the county auditor not less than four nor more than twenty days before the date of the hearing.

c. However, in the event of an emergency when the delay of notice and hearing might cause serious loss or injury to persons or property within the district, the board of trustees may perform any action which may be required under this section without prior notice and hearing, and assess the cost as provided in this section, following notice to the property owner and hearing in the time and manner provided in paragraph *"b"*. In that event the board of trustees shall, by resolution, make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent licensed professional engineer or licensed architect certifying that emergency action is necessary.

3. If any amount assessed against property pursuant to this section will exceed five hundred dollars, the board of trustees may permit the assessment to be paid in up to ten annual installments, in the manner and with the same interest rates as provided for assessments against benefited property under chapter 384, subchapter IV.

4. An assessment levied pursuant to this section, including all interest and penalties, is a lien against the property with respect to which action was taken from the date of filing the schedule of assessments until the assessment is paid. Assessments have equal precedence with ordinary taxes and are not divested by judicial sale.

5. The procedures for making and levying an assessment pursuant to this section and for an appeal of the assessment are the same procedures as provided in sections 384.59 through 384.67 and sections 384.72 through 384.75, except that any notice required in those sections to be published in a newspaper may be sent by certified mail to the owner of the property to be assessed as shown on the records of the county auditor in lieu of the publication. The references in those sections to the city council are applicable to the board of trustees.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.16]

87 Acts, ch 197, §2; 2007 Acts, ch 126, §59; 2009 Acts, ch 72, §13, 14; 2010 Acts, ch 1069, §123; 2012 Acts, ch 1138, §99; 2017 Acts, ch 131, §7; 2018 Acts, ch 1041, §127; 2023 Acts, ch 66, §93

358.17 Power to acquire and dispose of property.

Any sanitary district organized under this chapter may acquire by purchase, condemnation, or otherwise, any and all real and personal property, rights-of-way and privileges, either within or without its corporate limits, required for its corporate purposes. Condemnation proceedings shall be conducted in the same manner, as near as may be, as provided for condemnation by counties under the laws of Iowa. Said sanitary districts shall have power to sell, convey, or otherwise dispose of any of the properties belonging to them when no longer required for their purposes.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.17]

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358.18 Taxes — power to levy — tax sales.

1. The board of trustees of any sanitary district organized under this chapter shall have the power by ordinance to levy annually for the purpose of paying the administrative costs of such district, or for the payment of deficiencies in special assessments, or for both, a tax upon property within the territorial limits of such sanitary district not exceeding fifty-four cents per thousand dollars of the adjusted taxable valuation of the property within such district for the preceding fiscal year.

2. All taxes thus levied by the board of trustees shall be certified by the clerk on or before April 30 to the county auditor of each county wherein any of the property included within the territorial limits of the sanitary district is located, and shall be placed upon the tax list for the current fiscal year by the auditor or auditors. The county treasurer, or treasurers, of more than one county, shall collect all taxes so levied in the same manner as other taxes, and when delinquent the taxes shall draw the same interest. All taxes levied and collected shall be paid over by the officer collecting the taxes to the treasurer of the sanitary district.

3. Sales for delinquent taxes owing to such sanitary district shall be made at the same time and in the same manner as such sales are made for other taxes, and all provisions of the law of this state relating to the sale of property for delinquent taxes shall be applicable, so far as may be, to such sales.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.18]

93 Acts, ch 73, §3; 2017 Acts, ch 54, §76; 2023 Acts, ch 71, §88, 98; 2023 Acts, ch 141, §1, 2

Referred to in §331.512

Collection of taxes, see chapter 445

Sales for taxes, see chapter 446

2023 amendment to subsection 2 by 2023 Acts, ch 71, §88, applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2023 amendment to subsection 2 by 2023 Acts, ch 141, §1, applies July 1, 2024, for sanitary district budgets for fiscal years beginning on or after that date; 2023 Acts, ch 141, §2

358.19 Records and disbursements.

The clerk of each sanitary district shall keep a record of all the proceedings and actions of the trustees. The treasurer shall receive, collect, and disburse all moneys belonging to the district, and no claim shall be paid or disbursement made until it has been duly audited by the board of trustees.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.19]

358.20 Rentals and charges.

1. Any sanitary district may by ordinance establish just and equitable rates, charges, or rentals for the utilities and services furnished by the district to be paid to the district by every person, firm, or corporation whose premises are served by a connection to the utilities and services directly or indirectly. The rates, charges, or rentals, as near as may be in the judgment of the board of trustees of the district, shall be equitable and in proportion to the services rendered and the cost of the services, and taking into consideration in the case of the premises the quantity of sewage produced thereby and its concentration, strength, and pollution qualities. The board of trustees may change the rates, charges, or rentals from time to time as it may deem advisable, and by ordinance may provide for collection. The board may contract with any municipality within the district, whereby the municipality may collect or assist in collecting any of the rates, charges, or rentals, whether in conjunction with water rentals or otherwise, and the municipality may undertake the collection and render the service. The board of trustees may also contract pursuant to chapter 28E with one or more city utilities or combined utility systems, including city utilities established pursuant to chapter 388, for joint billing or collection, or both, of combined service accounts for sanitary district services and utility services, and the contracts may provide for the discontinuance of one or more of the sanitary district services or water utility services if a delinquency occurs in the payment of any charges billed under a combined service account. The rates, charges, or rentals, if not paid when due, shall constitute a lien upon the real property served by a connection. The lien shall have equal precedence with ordinary taxes, may be certified to the county treasurer and collected in the same manner as taxes, and is not divested by a judicial sale.

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2. If the delinquent rates or charges were incurred prior to the date a transfer of the property or premises in fee simple is filed with the county recorder and such delinquencies were not certified to the county treasurer prior to such date, the delinquent rates or charges are not eligible to be certified to the county treasurer. If certification of such delinquent rates or charges is attempted subsequent to the date a transfer of the property or premises in fee simple is filed with the county recorder, the county treasurer shall return the certification to the sanitary district attempting certification along with a notice stating that the delinquent rates or charges cannot be made a lien against the property or premises.

3. Sewer rentals, charges, or rates may supplant or replace, in whole or in part, any monetary levy of taxes which may be, or have been, authorized by the board of trustees for any of the following purposes:

a. To meet interest and principal payments on bonds legally authorized for the financing of sanitary utilities in any manner.

b. To pay costs of the construction, maintenance, or repair of such sanitary facilities or utilities, including payments to be made under any contract between municipalities for either the joint use of sewerage or sewage facilities, or for the use by one municipality of all or a part of the sewerage or sewer system of another municipality.

4. When a sewer rental ordinance has been passed and put into effect, prior ordinances or resolutions providing for monetary levy of taxes against real and personal property for such purposes, or the portion thereof replaced, may be repealed.

[C31, 35, §6066-d7; C39, §**6066.21;** C46, 50, 54, 58, 62, 66, 71, 73, §358.20, 393.7; C75, 77, 79, 81, §358.20]

87 Acts, ch 197, §3; 92 Acts, ch 1047, §1; 97 Acts, ch 62, §1; 2009 Acts, ch 41, §263; 2011 Acts, ch 109, §1

Referred to in §445.1
Collection of taxes, see chapter 445

358.21 Debt limit — borrowing — bonds — purposes.

1. *a.* Any sanitary district organized under this chapter may borrow money for its corporate purposes, but shall not become indebted in any manner or for any purpose to an amount in the aggregate exceeding five percent on the value of the taxable property within such district, to be ascertained by the last state and county tax lists previous to the incurring of such indebtedness. Indebtedness within this constitutional limit shall not include the indebtedness of any other municipal corporation located wholly or partly within the boundaries of such sanitary district.

b. Subject only to the debt limitation described in paragraph *"a"*, any sanitary district organized under this chapter shall have and it is hereby vested with all of the same powers to issue bonds, including both general obligation and revenue bonds, which cities now or may hereafter have under the laws of this state. In the application of such laws to this chapter, the words used in any such laws referring to municipal corporations or to cities shall be held to include sanitary districts organized under this chapter, the words "council" or "city council" shall be held to include the board of trustees of a sanitary district; the words "mayor" and "clerk" shall be held to include the president and clerk of any such board of trustees or sanitary district; and like construction shall be given to any other words in such laws where required to permit the exercise of such powers by sanitary districts.

2. Any and all bonds issued under the provisions of this section shall be signed by the president of the board of trustees and attested by the clerk, with the seal of the district, if any, affixed, and interest coupons attached thereto shall be attested by the signature of the clerk.

3. The proceeds of any bond issue made under the provisions of this section shall be used only for the purpose of acquiring, locating, laying out, establishing and construction of drainage facilities, conduits, treatment plants, pumping plants, works, ditches, channels and outlets of such capacity and character as may be required for the treatment, carrying off and disposal of the sewage and industrial wastes and other drainage incidental thereto of such district, or to repair, change, enlarge and add to such facilities as may be necessary or proper to meet the requirements present and future for the purposes aforesaid. Proceeds from such bond issue may also be used for the payment of special assessment deficiencies. Said bonds

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shall be payable in not more than forty annual installments and with interest at a rate not exceeding that permitted by chapter 74A, and shall be made payable at such place and be of such form as the board of trustees shall by resolution designate. Any sanitary district issuing bonds as authorized in this section is hereby granted authority to pledge the future avails of a tax levy to the payment of the principal and interest of such bonds after the same come due, and the power to impose and certify said levy is hereby granted to the trustees of sanitary districts organized under the provisions of this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.21]
2015 Acts, ch 30, §109
City general obligation and revenue bonds, see chapter 384, subchapters III and V

358.22 Special assessments and connection fees.

1. The board of trustees of a sanitary district may provide for payment of all or any portion of the costs of acquiring, locating, laying out, constructing, reconstructing, repairing, changing, enlarging, or extending conduits, ditches, channels, outlets, drains, sewers, laterals, treatment plants, pumping plants, and other necessary adjuncts thereto, by assessing all, or any portion of the costs, on adjacent property according to the benefits derived. For the purposes of this chapter, the board of trustees may define "*adjacent property*" as all that included within a designated benefited district or districts to be fixed by the board, which may be all of the property located within the sanitary district or any lesser portion of that property. It is not a valid objection to a special assessment that the improvement for which the assessment is levied is outside the limits of the sanitary district, but a special assessment shall not be made upon property situated outside of the sanitary district. Special assessments pursuant to this section shall be in proportion to the special benefits conferred upon the property, and not in excess of the benefits, and an assessment shall not exceed twenty-five percent of the value of the property at the time of levy. The value of a property is the present fair market value of the property with the proposed public improvements completed. Payment of installments of a special assessment against property used and assessed as agricultural property shall be deferred upon the filing of a request by the owner in the same manner and under the same procedures as provided in chapter 384 for special assessments by cities.

2. The assessments may be made to extend over a period not to exceed fifteen years, payable in as nearly equal annual installments as practicable. A majority vote of the board of trustees is requisite and sufficient for any action required by the board of trustees under this section.

3. Subject to the limitations otherwise stated in this section, a sanitary district organized under this chapter has all of the powers to specially assess the costs of improvements described in this section, including the power to issue special assessment bonds, warrants, project notes, or other forms of interim financing obligations, which cities have under the laws of this state.

4. Subject to the limitations otherwise stated in this section, the board of trustees may establish one or more benefited districts and schedules of fees for the connection of property to the sanitary sewer facilities of a sanitary district. Each person whose property will be connected to the sanitary sewer facilities of a sanitary district shall pay a connection fee to the sanitary district, which may include the equitable cost of extending sanitary sewer service to the benefited district and reasonable interest from the date of construction to the date of payment. In establishing the benefited districts and establishing and implementing the schedules of fees, the board of trustees shall act in accordance with the powers granted to a city in section 384.38, subsection 3, and the procedures in that subsection. However, all fees collected under this subsection shall be paid to the sanitary district and the moneys collected as fees shall be used only by the sanitary district to finance improvements or extensions to its sanitary sewer facilities, to reimburse the sanitary district for funds disbursed by its board of trustees to finance improvements or extensions to its sanitary sewer facilities, or to pay debt service on obligations issued to finance improvements or extensions to its sanitary sewer facilities. This subsection does not apply when a sanitary district annexation plan or petition includes annexation of an area adjoining the district or a petition has not been presented for a

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sewer connection. Until the annexation becomes effective or the annexation plan or petition is abandoned, the state mandate contained in section 455B.172, subsections 3, 4, and 5, shall not apply unless the property owner requests to be connected to the sanitary district's sewer facilities and voluntarily pays the connection fee.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.22]

87 Acts, ch 197, §4; 93 Acts, ch 57, §1; 97 Acts, ch 62, §2; 2015 Acts, ch 29, §47

Referred to in §358.23

358.23 Appeal to district court.

Any person aggrieved by any proceeding had by the board of supervisors or by the board of trustees as provided in this chapter in relation to any matter involving the person's rights not included under the provisions of section 358.22 may appeal to the district court of the county in which the proceedings were had. Such appeals shall be governed in all respects as is provided by pertinent sections under chapter 468, subchapter I, parts 1 through 5.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358.23]

2020 Acts, ch 1063, §192

358.24 Contracts outside of district.

1. A sanitary district may enter into contracts with persons or firms outside its limits for the processing of sewage but the rate for processing shall not be less than that charged the inhabitants of the district.

2. A district entering into a contract may lay sewer lines in highways outside the district upon first obtaining the permission of the state department of transportation in the case of primary roads and the board of supervisors in case of secondary roads, on written application designating the particular highway and part thereof, the use of which is desired.

3. A sanitary district adjoining a border of the state and owning and operating a sewage disposal plant, may contract with the governing body of any legal entity in an adjacent area in another state, to process the sewage from the area. The contract shall be subject to approval of the department of health and human services.

[C58, 62, 66, 71, 73, §393.10, 393.11, 393.13; C75, 77, 79, 81, §358.24]

2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1113

358.25 Revenue bonds.

Sanitary districts incorporated under this chapter may exercise the powers granted to counties in sections 331.462 through 331.470, to issue revenue bonds for the purposes in section 331.461, subsection 2, paragraphs *"b"* and *"c"*.

[C35, §6066 – f1, f5, f8; C39, §**6066.24, 6066.28 – 6066.32;** C46, 50, 54, 58, 62, 66, §394.1, 394.5 – 394.9; C71, 73, §394.1, 394.5 – 394.9, 394.13; C75, 77, 79, 81, §332.44; S81, §358.25; 81 Acts, ch 117, §1069]

2020 Acts, ch 1063, §193

358.26 Annexation.

1. In a county which has more than seven thousand five hundred acres of natural lakes, the board of trustees may, or upon request of property owners representing twenty-five percent of the valuation of the property to be annexed shall, file a petition in the office of county auditor of the county in which the property to be annexed or the major part of the property is located, requesting that there be submitted to the voters of the existing district and the area to be annexed the question whether the territory proposed to be annexed should be annexed to the sanitary district. The property to be annexed must be located within the watershed of a natural lake or navigable water as defined in section 462A.2 in the existing district. The board of supervisors of the county in which the property to be annexed or the major part of the property is located shall have jurisdiction of the proceedings on the petition.

2. The petition shall be addressed to the board of supervisors of the county in which the property to be annexed or the major part of the property is located and shall include the following:

a. An intelligible description of the property to be annexed to the sanitary district.

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b. A statement that the public health, comfort, convenience, or welfare will be promoted by the annexation of the property.

c. The signatures of the president and the clerk of the board of trustees.

98 Acts, ch 1139, §2
Referred to in §358.27, 358.28, 358.29

358.27 Hearing on annexation — date and notice.

1. The board of supervisors to which a petition filed pursuant to section 358.26 is addressed, at its next meeting, shall set the time and place for a public hearing on the petition. The board of supervisors shall direct the county auditor to give notice to interested persons of the pendency and content of the petition and of the public hearing by publication of a notice as provided in section 331.305. Proof of publication shall be filed with and preserved by the county auditor. The notice of the public hearing shall include the following information:

a. That a petition has been filed with the county auditor proposing to annex property to the district.

b. An intelligible description of the property to be annexed to the district.

c. The date, time, and place of the public hearing at which the petition shall be considered by the county board of supervisors.

d. That the county board of supervisors shall determine the property to be annexed as described in the petition or otherwise described and, for the purpose of describing the property, the county board of supervisors may alter and amend the petition.

2. A copy of the notice shall also be sent by mail to each owner of each tract of land within the area to be annexed as shown by the transfer books of the county auditor's office. The mailings shall be to the last known address unless there is on file an affidavit of the county auditor or of a person designated by the board of supervisors to make the necessary investigation, stating that an address is not known and that diligent inquiry has been made to ascertain the address. The copy of the notice shall be mailed not less than twenty days before the date of the public hearing and the proof of service shall be made by affidavit of the county auditor. The proof of service shall be on file at the commencement of the public hearing.

3. In lieu of the mailing to the last known address, a person owning land to be annexed may file with the county auditor a written instrument designating the owner's mailing address for annexation purposes. The designated address is effective for five years and applies to all annexation proceedings pursuant to sections 358.26 through 358.29.

4. In lieu of publication or notice by mail, personal service of the notice may be made upon an owner of land proposed for annexation in the same manner as required for the service of original notices in the district court.

98 Acts, ch 1139, §3
Referred to in §358.28, 358.29
Time and manner of service, R.C.P. 1.302 – 1.315

358.28 Annexation hearing.

1. The board of supervisors to whom a petition filed pursuant to section 358.26 is addressed shall preside at the public hearing provided for in section 358.27 and shall continue the hearing with adjournments from day to day until completed without giving further notice of the hearing. A representative of the sanitary district board of trustees shall attend the public hearing and be available to answer questions regarding the proposed annexation. The board of supervisors may consider the property to be annexed, whether the property shall be described as provided in the petition or be otherwise described, and for the purpose of describing the property, may amend the petition by limiting or changing the property to be annexed as stated in the petition. The board of supervisors shall adjust the property to be annexed as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the area to be annexed. The boundaries of the area to be annexed shall not be changed to incorporate property which is not included in the petition until the owner of the property is given notice of the proposed annexation as provided in section 358.27.

2. All persons in the district and in the area to be annexed shall have an opportunity to be

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heard regarding the proposed annexation and make suggestions regarding the property to be annexed. The board of supervisors, after hearing the statements, evidence, and suggestions at the public hearing, shall enter an order determining the property to be annexed and directing that the question of annexation be submitted at an election to the registered voters residing within the district and within the area to be annexed. The order shall fix a date for the election which shall be held not more than sixty days after the date of the order.

98 Acts, ch 1139, §4
Referred to in §358.27, 358.29

358.29 Notice, election, and expenses — costs.

1. In the order for the election pursuant to section 358.28, the board of supervisors shall direct the county commissioner of elections to give notice of the election at least twenty days before the date of election by publication of the notice as provided in section 331.305. The notice shall state the time and place of the election, the hours when the polls will be open, the purpose of the election including a description of the property to be annexed, a brief description of the limits of each voting precinct, and the location of polling places. Proof of publication shall be made in the same manner as provided in section 358.27 and filed with the county auditor.

2. Each registered voter who resides within the sanitary district and each registered voter who resides in the area to be annexed shall have the right to cast a ballot at the election. A registered voter shall not vote in any precinct except the precinct in which the voter resides. The ballots at the election shall be in substantially the following form:

For annexation ☐
Against annexation ☐

3. The results of an election shall be noted on the records of the county auditor. If a majority of the votes cast on the question of annexation favors annexation, the property contained in the area to be annexed shall be included in the sanitary district.

4. An election held pursuant to this section shall be conducted by the county commissioner of elections. All expenses incurred in implementing sections 358.26 through 358.29, including the costs of an election as determined by the county commissioner of elections, shall be paid by the sanitary district.

98 Acts, ch 1139, §5
Referred to in §358.27

358.30 Annexation of land by a city — compensation.

A sanitary district shall be fairly compensated for losses resulting from annexation by a city. The governing body of a city or city utility and the board of trustees of the sanitary district may agree to terms which provide that the facilities owned by the sanitary district and located within the city shall be retained by the sanitary district for the purpose of sanitary service to customers outside the city. If an agreement is not reached within ninety days, the issues may be submitted to arbitration. If submitted, an arbitrator shall be selected by a committee which includes one member of the governing body of the city or its designee, one member of the sanitary district's board of trustees or its designee, and a disinterested party selected by the other two members of the committee. A list of qualified arbitrators may be obtained from the American arbitration association or another recognized arbitration organization or association.

93 Acts, ch 57, §2; 2020 Acts, ch 1063, §194

358.30A Severance of territory by resolution.

1. The board of trustees of a sanitary district may by resolution propose the severance of a portion of the sanitary district's territory. The resolution shall specify the boundaries of the territory sought to be severed and shall propose another sanitary district or other governmental entity to which responsibility for the services provided by the sanitary district that adopted the resolution will be transferred. Within ten days following adoption of the resolution, the board of trustees shall file a copy of the resolution with the board of trustees of the sanitary district or the governing body of the other governmental entity to which

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responsibility for the services provided by the sanitary district seeking severance is proposed to be transferred.

2. *a.* At the next regular meeting of the board of trustees following adoption of the resolution, the board of trustees seeking severance shall set the time and place for a public hearing on the proposed severance and transfer, and any agreement between the sanitary district and the sanitary district or governmental entity to which responsibility for the services being provided will be transferred pursuant to subsection 3. The board of trustees shall give notice to interested persons of the resolution and of the public hearing by publication as provided in section 331.305. Proof of publication shall be filed with and preserved by the county auditor. A copy of the notice shall also be sent by regular mail to each owner of each tract of land within the area to be severed, as shown by the transfer books of the county auditor's office.

b. The notice of the public hearing shall include the following information:

(1) That a resolution has been adopted proposing to sever property from the sanitary district.

(2) A description of the property to be severed from the sanitary district.

(3) Identification of the sanitary district or governmental entity to which the responsibility for services will be transferred and a description of such services.

(4) The date, time, and place of the public hearing at which the severance and transfer will be considered.

3. *a.* Unless otherwise provided by an agreement under paragraph *"b"*, and upon approval of the severance and transfer under subsection 4, the real and personal property of the sanitary district located in the territory to be severed shall be transferred to the sanitary district or governmental entity assuming responsibility for services, and all liabilities, indebtedness, and all other property of the sanitary district outside of the territory to be severed shall remain with the sanitary district seeking severance.

b. The sanitary district seeking severance and the sanitary district or governmental entity to which the responsibility for services will be transferred may enter into an agreement for the transition of such services, the distribution and transfer of assets located in the territory to be severed, and the allocation of liabilities related to the territory to be severed.

4. At the hearing, all persons interested in the matter of the severance and transfer may appear and shall be heard and the board of trustees shall receive evidence on the matter. After hearing and reviewing the statements and evidence, if the board of trustees determines that the public health, comfort, convenience, or welfare will be promoted by the severance and transfer and if the other sanitary district or governmental entity has by resolution agreed to assume the duties, responsibilities, and functions of the sanitary district, the board of trustees of the sanitary district seeking severance may approve or deny the severance and transfer by order of the board of trustees. A decision of the board of trustees either approving or denying the severance and transfer shall not occur until at least two weeks have elapsed following the public hearing. The order of the board of trustees approving or denying the severance and transfer is not subject to approval at an election.

5. When a severance and transfer has been approved by order of the board of trustees, the order of the board of trustees shall be filed in the office of the recorder. The severance and transfer order shall be entered on the county records, showing the date when the severance and transfer became effective. Any agreement entered into under subsection 3 shall also be filed along with, and as part of, the order of the board of trustees.

6. The assumption of duties, responsibilities, and functions by the sanitary district or other governmental entity shall not affect or impair any rights or liabilities then existing for or against either the sanitary district from which the territory was severed or the assuming sanitary district or governmental entity, and they may be enforced as provided in this subchapter.

7. An action shall not be commenced to contest action of the board of trustees of a sanitary district seeking severance under this section unless it is brought within thirty days of the entry of the severance and transfer order in the county records.

2016 Acts, ch 1019, §1

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SUBCHAPTER II

CONVEYANCE TO CITY

358.31 Petition filed.

A board of trustees of a sanitary district may, by resolution, authorize the filing of a petition in the office of the county auditor of the county in which the sanitary district or a major portion of it is located, requesting the conveyance and discontinuance of the sanitary district. The petition shall be addressed to the board of supervisors of the county where it is filed and must set forth:

1. The name of the sanitary district.
2. That the sanitary district lies wholly or partially within the corporate limits of a city, or the depository for the sanitary district is a municipal sanitary sewage system.
3. That the public health, comfort, convenience or welfare will be promoted by the conveyance and discontinuance of the sanitary district and the assumption of the duties, responsibilities and functions of the sanitary district by the city.
4. A statement that the city has agreed to assume the duties, responsibilities and functions of the sanitary district upon the conveyance and discontinuance. A copy of the agreement shall be attached to the petition.
5. A listing of the assets and liabilities of the sanitary district, including a complete statement of indebtedness.
6. A copy of the resolution of the board of trustees of the sanitary district.

[C75, 77, 79, 81, §358.25; S81, §358.31]

358.32 Jurisdiction by board of supervisors.

The board of supervisors of the county in which the sanitary district or a major portion of it is located shall have jurisdiction of the proceedings on the petition, and the decision of a majority of the members of the board shall be necessary for approval of the petition for conveyance and discontinuance. Orders of the board made under this section shall be spread upon the records of the proceedings of the board of supervisors, and shall be filed with the county recorder but need not be published under section 349.16.

[C75, 77, 79, 81, §358.26; S81, §358.32]

358.33 Hearing on petition.

The board of supervisors to whom the petition is addressed, at its next regular meeting shall set the time and place when it shall meet for a hearing on the petition, and it shall direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and request of the petition for the conveyance and discontinuance by publication of a notice as provided in section 331.305. Proof of giving notice shall be made by affidavit of the publisher and shall be filed with the county auditor at the time the hearing begins.

[C75, 77, 79, 81, §358.27; S81, §358.33]

87 Acts, ch 43, §11

358.34 Notice.

The notice of hearing shall state the following:

1. That a petition has been filed with the county auditor of the county for the conveyance and discontinuance of the sanitary district.
2. An intelligible description of the boundaries of the sanitary district.
3. The date, hour and place where the petition will be heard before the board of supervisors of the county.
4. That the board of supervisors will hear all persons having an interest in the matter and that after the hearing, the board of supervisors will take action as is in the best interest of the sanitary district.

[C75, 77, 79, 81, §358.28; S81, §358.34]

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358.35 Conducting hearing.

The board of supervisors to whom the petition is addressed shall preside at the hearing and shall continue the same in session with adjournments from day to day, if necessary, and until completed, without being required to give further notice. At the hearing, all persons interested in the matter of the conveyance and discontinuance of the sanitary district may appear and shall be heard, for and against the conveyance and discontinuance, and the board shall examine into the matter and the equitable distribution of the assets, and equitable distribution and assumption of the liabilities which have accrued during the time the sanitary district has been in existence. The board shall receive evidence on the question from the parties interested, and, after hearing and reviewing the statements, evidence, and suggestions made and offered at the hearing, if it finds that the sanitary district lies wholly or partially within the corporate limits of a city or that the depository of the district is a municipal sanitary sewage system, that the public health, comfort, convenience or welfare will be promoted by the conveyance and discontinuance of the sanitary district and the assumption of the duties, responsibilities and functions of the sanitary district by the city, and that the city has agreed to assume the duties, responsibilities and functions of the sanitary district, shall enter an order specifying the matter and specifying the equitable distribution of the assets, and the equitable distribution and assumption of the liabilities and responsibilities of the sanitary district and setting an effective date of the conveyance and discontinuance.

[C75, 77, 79, 81, §358.29; S81, §358.35]

358.36 Filing order of discontinuance.

When a sanitary district has been discontinued by order of the board of supervisors, as provided in this subchapter, the order of the board of supervisors shall be filed in the office of the recorder in the county or counties in which the sanitary district is located. The agreement of the city in which the sanitary district is located and which has agreed to assume the duties, responsibilities and functions of the sanitary district shall also be filed along with, and as part of the order of the board of supervisors conveying and discontinuing the district.

[C75, 77, 79, 81, §358.30; S81, §358.36]

2014 Acts, ch 1026, §143

358.37 Pending rights or liabilities.

The assumption by the city shall not affect or impair any rights or liabilities then existing for or against either the sanitary district or the city, and they may be enforced as provided in this subchapter.

[C75, 77, 79, 81, §358.31; S81, §358.37]

2014 Acts, ch 1026, §143

358.38 Indebtedness assumed.

The indebtedness of the sanitary district shall be assumed and paid by the city, and may be paid by a tax to be levied exclusively upon the property within the jurisdiction of the sanitary district as it existed prior to the conveyance and discontinuance, or by the issuance of such bonds as cities may issue for purchasing and acquiring any sanitary sewer system or sewage disposal works and facilities or both.

[C75, 77, 79, 81, §358.32; S81, §358.38]

Referred to in §358.39

358.39 Claims prosecuted against city.

Suits to enforce claims or demands existing at the time of the conveyance, discontinuance and assumption may be prosecuted or brought against the city which assumes the obligations of the sanitary district, and judgments obtained shall be paid as provided in section 358.38 for the payment of the indebtedness.

[C75, 77, 79, 81, §358.33; S81, §358.39]

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358.40 Dissolution.

1. After three years from the establishment of a sanitary district, a petition may be filed in the office of the county auditor, addressed to the board of supervisors, signed by a majority of persons owning land in the district and who in aggregate own at least sixty percent of the land in the district. The petition shall include the above facts and recite each of the following:

a. That more than three years has passed since the date of the election which established the district.

b. That there are no bonds or other evidences of indebtedness outstanding against the district, or if there is indebtedness, the petition shall contain a plan of dissolution which makes adequate provisions for payment of the indebtedness.

c. That a construction contract has not been let or work done on any improvements in the district or if either has occurred, the petition shall contain a plan of dissolution which makes adequate provisions for payment of the contract price or for the work.

2. All costs and expenses of the district shall be assessed against the district before dissolution by the levy of an annual tax necessary to accomplish payment, but the levy shall not exceed the rate provided in this section.

3. The board shall examine the petition at its next meeting after its filing or within twenty days of the filing, whichever date is earlier. Within ten days of the meeting, the board shall publish notice of the petition and the date, time, and place of the meeting at which time the board proposes to take action on the petition. The notice shall be published in a newspaper of general circulation published in the district and, if no newspaper is published within the district, in a newspaper published in the county in which the major part of the district is located. At the board's meeting, or subsequent meetings as necessary, if the petition is found to comply with the requirements of this section and the board of trustees consents by majority vote, the board of supervisors may provide for payment as requested or modify the method of payment of costs and expenses.

4. If the board decides that dissolution is warranted for the best interest of the public, it shall publish a notice in a newspaper of general circulation published in the district or, if no newspaper is published in the district, in a newspaper published in the county in which the major part of the district is located and give notice by mail to all known claimants or creditors of the district that it will receive and adjudicate claims against the district for four months from the date the notice is published and shall levy an annual tax as necessary against all property in the district for the number of years required to pay all claims allowed. However, the annual tax levied under this subsection shall not exceed four dollars per thousand dollars of assessed valuation of the taxable property within the district at the time of dissolution. The levy shall be made in the same manner as provided in section 76.2. After the board makes a specific finding that all indebtedness, costs, and expenses have been paid or levies approved for their payment, the board shall dissolve the district by resolution entered upon its records. The dissolution order shall be noted by the auditor on the county records, showing the date when the dissolution became effective.

5. The records of a dissolved district including, but not limited to, copies of all engineering files and work undertaken by engineers of a dissolved district, shall be deposited with the county auditor of the county designated by the board. Any remaining balances shall be deposited in the general fund of the county designated by the board. All other assets of the dissolved district shall become, by dissolution, assets of the county.

6. An action shall not be commenced to contest action of the board of supervisors under this section in adjudicating claims, providing for the levy of a tax, or dissolving the district unless it is brought within thirty days of the entry of the dissolution order on the county record.

84 Acts, ch 1051, §4; 2007 Acts, ch 126, §60

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CHAPTERS 358A and 358B

RESERVED

CHAPTER 358C

REAL ESTATE IMPROVEMENT DISTRICTS

358C.1	Legislative findings — purpose — definitions.	358C.13	Board of trustees — powers — prohibited actions.
358C.2	Reserved.	358C.14	Taxes — power to levy — tax sales.
358C.3	Real estate improvement district created.	358C.15	Rentals and charges.
358C.4	Public improvements authorized.	358C.16	Debt limit — borrowing — bonds — purposes.
358C.5	Date and notice of hearing.	358C.17	Special assessments.
358C.6	Hearing of petition and order.	358C.18	Additional territory.
358C.7	Notice of election.	358C.19	Annexation by a city.
358C.8	Election.	358C.20	Effective date of merger.
358C.9	Expenses and costs of election.	358C.21	Dissolution of district.
358C.10	Selection of trustees — term of office.	358C.22	Detachment of land.
358C.11	Trustee's bond.	358C.23	Chapter liberally construed.
358C.12	Real estate improvement district to be a body corporate — eminent domain.	358C.24	Disclosure of special assessment. Repealed by 2008 Acts, ch 1110, §2.

358C.1 Legislative findings — purpose — definitions.

1. The general assembly finds and declares as follows:

a. The economic health and development of Iowa communities is tied to opportunities for jobs in and near those communities and the availability of jobs is in part tied to the availability of affordable, decent housing in those communities.

b. A need exists for a program to assist developers and communities in increasing the availability of housing in Iowa communities.

c. A shortage of opportunities and means for developing local housing exists. It is in the best interest of the state and its citizens for infrastructure development which will lower the costs of developing housing.

d. The expansion of local housing is dependent upon the cost of providing the basic infrastructure necessary for a housing development. Providing this infrastructure is a public purpose for which the state may encourage the formation of real estate improvement districts for the purpose of providing water, sewer, roads, and other infrastructure.

2. As used in this chapter, unless the context otherwise requires:

a. "Board" means the board of trustees of a real estate improvement district.

b. "Book", *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

c. "Construction" includes materials, labor, acts, operations, and services necessary to complete a public improvement.

d. "Cost" of a public improvement includes the cost of engineering, preliminary reports, property valuations, estimates, plans, specifications, notices, legal services, acquisition of land, consequential damages, easements, rights-of-way, construction, repair, supervision, inspection, testing, notices and publication, interest during construction and for not more than twelve months thereafter, and printing and sale of bonds.

e. "District" means a real estate improvement district as created in this chapter.

f. "Public improvement" includes the principal structures, works, component parts, and accessories of the facilities or systems specified in section 358C.4.

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g. "Repair" includes materials, labor, acts, operations, and services necessary for the reconstruction, reconstruction by widening, or resurfacing of a public improvement.

95 Acts, ch 200, §1; 96 Acts, ch 1204, §1; 2000 Acts, ch 1087, §1; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201

Referred to in §358C.16, 358C.17

358C.2 Reserved.

358C.3 Real estate improvement district created.

1. A majority of the owners having an interest in the real property within the limits of a proposed district may file a petition in the office of county auditor of the county in which the proposed district or major part of the proposed district is located, requesting that the question be submitted to the registered voters of the proposed district of whether the territory within the boundaries of the proposed district shall be organized as a real estate improvement district as provided in this chapter.

2. All of the owners having an interest in the real property within the limits of a proposed district may file a petition in the office of county auditor of the county in which the proposed district or a major part of the proposed district is located, requesting that the proposed district be organized as a real estate improvement district as provided in this chapter.

3. Only areas of contiguous territory may be incorporated within a district. The petition shall be addressed to the board of supervisors if all or part of the proposed district includes territory located outside the boundaries of a city, shall be submitted to the board of supervisors before it is filed with the county auditor, and shall set forth the following information:

a. The name of the district.

b. The district shall have perpetual existence.

c. The boundaries of the district.

d. The names and addresses of the owners of land in the proposed district.

e. The description of the tracts of land situated in the proposed district owned by those persons who may organize the district.

f. The names and descriptions of the real estate owned by the persons who do not join in the organization of the district, but who will be benefited by the district.

g. A listing of one or more of the district improvements specified in section 358C.4 which will be carried out by the district.

h. The owners of real estate in the proposed district that are unknown may also be set out in the petition as being unknown.

i. That the establishment of the proposed district will be conducive to the public health, comfort, convenience, and welfare.

4. The petition shall also state that the owners of real estate who are forming the proposed district are willing to pay the taxes which may be levied against all of the property in the proposed district and special assessments against the real property benefited which may be assessed against them to pay the costs necessary to carry out the purposes of the district.

5. The petition shall also state that the owners of real estate who are forming the proposed district waive any objections to a subsequent annexation by a city.

6. The petition shall propose the names of three or more trustees who shall be owners of real estate in the proposed district or the designees of owners of property in the proposed district, to serve as a board of trustees until their successors are elected and qualified if the district is organized. The board of trustees shall only carry out those purposes which are authorized in this chapter and listed in the petition. Each person proposed as a trustee shall disclose whether the person has any financial interest in any business which is or may be a developer or contractor for public improvements within the proposed real estate improvement district and the extent of the person's land ownership in the district, if any.

7. If the petition requests that the district be organized without an election, the petition shall contain the signatures of all known owners of property within the proposed district.

8. The petition shall be submitted to and approved by the city council before it is filed with the county auditor as provided in subsection 1. If a petition includes a proposed district located solely within the boundaries of a city, the petition is not subject to action by the board

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of supervisors except for the purpose of selecting the initial trustees and setting the election date to finally organize the district or the date to organize the district if no election is required.

9. A proposed district shall be created only from parcels of land within the boundaries of a city, on parcels of land, all or the major part of which is within two miles of the boundaries of a city, or on parcels of land from both locations.

95 Acts, ch 200, §3; 96 Acts, ch 1204, §2
Referred to in §358C.5, 358C.6

358C.4 Public improvements authorized.

1. A district may acquire, construct, reconstruct, install, maintain, and repair any of the public improvements listed in subsection 2.

2. A public improvement includes the principal structures, works, component parts, and accessories of any of the following:

a. Underground gas, water, heating, sewer, telecommunications, and electrical connections located in streets for private property.

b. Sanitary, storm, and combined sewers.

c. Waterworks, water mains, and extensions.

d. Emergency warning systems.

e. Pedestrian underpasses or overpasses.

f. Drainage conduits, dikes, and levees for flood protection.

g. Public waterways, docks, and wharfs.

h. Public parks, playgrounds, and recreational facilities.

i. Clearing, stripping, grubbing, earthwork, erosion control, lot grading, street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing with oil and gravel or chloride.

j. Street lighting fixtures, connections, and facilities.

k. Sewage pumping stations.

l. Traffic control devices, fixtures, connections, and facilities.

m. Public roads, streets, and alleys.

95 Acts, ch 200, §4; 96 Acts, ch 1204, §3
Referred to in §358C.1, 358C.3, 358C.12, 358C.13, 358C.16, 358C.17

358C.5 Date and notice of hearing.

1. The board of supervisors to which the petition is addressed, at its next meeting, shall set the time and place for a hearing on the petition. The board shall direct the county auditor in whose office the petition is filed to cause notice to be given to all persons whom it may concern, without naming them, of the pendency and content of the petition, by publication of a notice as provided in section 331.305. Proof of giving the notice shall be made by affidavit of the publisher and the proof shall be on file with the county auditor at the time the hearing begins. The notice of hearing shall be directed to all persons it may concern, and shall state:

a. That a petition has been filed with the county auditor of the county, naming it, for establishment of a proposed district, and the name of the proposed district.

b. An intelligible description of the boundaries of the territory to be embraced in the district.

c. The date, hour, and the place where the petition will be brought for hearing before the board of supervisors of the named county.

d. That the board of supervisors will fix and determine the boundaries of the proposed district as described in the petition or otherwise, and for that purpose may alter and amend the petition. At the hearing all interested persons shall have an opportunity to be heard on the location and boundaries of the proposed district and to make suggestions regarding the location and boundaries.

e. That, in the case of a petition under section 358C.3, subsection 2, a property owner who was not known and who did not sign the petition and who does not object to the proposed district in writing prior to the hearing or in person at the hearing shall waive all objections to the organization of the proposed district.

2. For a district which does not include land within a city, copy of the notice shall also

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be sent by mail to each owner, without naming them, of each tract of land or lot within the proposed district as shown by the transfer books of the auditor's office. The mailings shall be to the last known mailing address unless there is on file an affidavit of the auditor or of a person designated by the board to make the necessary investigation, stating that a mailing address is not known and that diligent inquiry has been made to ascertain it. The copy of notice shall be mailed no less than twenty days before the day set for hearing and proof of service shall be by affidavit of the auditor. The proofs of service required by this subsection shall be on file at the time the hearing begins.

3. In lieu of the mailing to the last known address a person owning land affected by a proposed district may file with the county auditor an instrument in writing designating the address for the mailing. This designation when filed is effective for five years and applies to all proceedings under this chapter. The person making the designation may change the address in the same manner as the original designation is made.

4. In lieu of publication, personal service of the notice may be made upon an owner of land in the proposed district in the manner and for the time required for service of original notices in the district court. Proof of the service shall be on file with the auditor on the date of the hearing.

95 Acts, ch 200, §5
Referred to in §358C.6, 358C.7, 358C.9

358C.6 Hearing of petition and order.

The board of supervisors to whom the petition is addressed shall preside at the hearing provided for in section 358C.5 and shall continue the hearing in session, with adjournments from day to day, if necessary, until completed, without being required to give any further notice of the hearing. Proof of the residences and qualifications of the petitioners as registered voters shall be made by affidavit or otherwise as the board may direct. The board may consider the boundaries of a proposed district, whether the boundaries are described in the petition or otherwise, and for that purpose may alter and amend the petition and limit or change the boundaries of the proposed district as stated in the petition. The board shall adjust the boundaries of a proposed district as needed to exclude land that has no reasonable likelihood of benefit from inclusion in the proposed district. The boundaries of a proposed district shall not be changed to incorporate property not included in the original petition and published notice until the owner of the property is given notice of inclusion as on the original hearing. All persons in the proposed district shall have an opportunity to be heard regarding the location and boundaries of the proposed district and to make suggestions regarding the location and boundaries, and the board of supervisors, after hearing the statements, evidence, and suggestions made and offered at the hearing, shall approve or reject the petition. If the petition is approved, the board shall enter an order fixing and determining the limits and boundaries of the proposed district and whether or not all present and future property owners within the district have waived any objections to the annexation by a city if the district has issued obligations or bonds for public improvement and the city assumes those obligations, and, if the petition was requested under section 358C.3, subsection 1, directing that an election be held for the purpose of submitting to the registered voters owning land within the boundaries of the proposed district the question of organization and establishment of the proposed district as determined by the board of supervisors. The order shall fix a date for the election not more than sixty days after the date of the order. If the petition was requested under section 358C.3, subsection 2, the order shall fix a date for the organization of the district.

95 Acts, ch 200, §6
Referred to in §358C.9

358C.7 Notice of election.

In its order for the election the board of supervisors shall direct the county commissioner of elections of the county in which the petition is filed to cause notice of the election to be given at least thirty days before the date of election by publication of the notice as provided in section 331.305. The notice shall state the time and place of holding the election and the

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hours when the polls will open and close, the purpose of the election, with the name of the proposed district and a description of the boundaries of the proposed district, and shall set forth briefly the limits of each voting precinct and the location of the polling places. Proof of publication shall be made in the manner provided in section 358C.5 and filed with the county auditor.

95 Acts, ch 200, §7
Referred to in §358C.13

358C.8 Election.

1. Each registered voter resident within the proposed district shall have the right to cast a ballot at the election and a person shall not vote in any precinct but that of the person's residence. Ballots at the election shall be in substantially the following form, to wit:

For Real Estate Improvement District ☐
Against Real Estate Improvement District ☐

2. The board of supervisors shall cause a statement of the result of the election to be included in the records of the county auditor. If a majority of the votes cast upon the question of incorporation of the proposed district shall be in favor of the proposed district, the proposed district shall be deemed an organized real estate improvement district under this chapter and established as conducive to the public health, comfort, convenience, and welfare.

3. In the event the petition and order provide that any present or future owner of property within the district waives objection to annexation if the district has issued obligations or bonds for a public improvement and the annexing city assumes those obligations, the board of supervisors shall file a certified declaration of that provision and a legal description of all real estate in the district with the county recorder in each county in which the district is located.

95 Acts, ch 200, §8

358C.9 Expenses and costs of election.

The election held pursuant to this chapter shall be conducted by the county commissioner of elections. All expenses incurred in carrying out sections 358C.5 and 358C.6, and the costs of the election, as determined by the county commissioner of elections, shall be paid by those who will be benefited by the proposed district. If the district is not established, the expenses and costs shall be collected upon the bonds of the petitioners.

95 Acts, ch 200, §9; 2009 Acts, ch 133, §129

358C.10 Selection of trustees — term of office.

1. The board of supervisors or city council which had jurisdiction of the proceedings for establishment of the district, together with the board of supervisors of any other county in which any part of the district is located, shall appoint three trustees from among those persons listed in the petition. The trustees shall serve an initial two-year term.

2. Vacancies in the office of trustee of a district shall be filled by the remaining members of the board for the period until a successor is chosen in the manner prescribed by this section or by section 69.12, whichever is applicable.

3. Successors to trustees shall be elected at a special meeting of the board of trustees called for that purpose. Upon its own motion, the board of trustees may, or upon petition of landowners owning more than fifty percent of the total land in the district, shall, call a special meeting of the residents of the district to elect successors to trustees of the board. Notice of the meeting shall be given at least ten days before the date of the meeting by publication of the notice in a newspaper of general circulation in the district. The notice shall state the date, times, and location of the meeting and that the meeting is called for the purpose of electing one or more trustees to the board.

4. A candidate to fill a vacancy or as a successor trustee shall disclose prior to selection as a trustee whether the person has any financial interest in any business which is or may be a

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developer or contractor for public improvements within the real estate improvement district and the extent of the person's land ownership in the district, if any.

95 Acts, ch 200, §10; 96 Acts, ch 1204, §4

358C.11 Trustee's bond.

Each trustee, before entering upon the duties of office, shall execute a bond payable to the district, with security to be approved by the board of supervisors which had jurisdiction of the petition for establishment of the district, in such form and amount as the board of supervisors may determine, which bond shall be filed with the county auditor of the county.

95 Acts, ch 200, §11

358C.12 Real estate improvement district to be a body corporate — eminent domain.

1. Each district organized under this chapter shall be a body corporate and politic, with the name and style under which it was organized, and by that name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and exercise all the powers conferred in this chapter.

2. All courts of this state shall take judicial notice of the existence of real estate improvement districts organized under this chapter.

3. A district shall not own or hold land in excess of ten acres unless the land is actually used for a public purpose within three years of its acquisition. A district which owns or holds land in excess of ten acres for more than three years without devoting it to a public purpose as provided in this chapter shall divest itself of the land by public auction to the highest bidder.

4. A district may acquire, by purchase, condemnation, or gift, real or personal property, right-of-way, and easement within or without its corporate limits necessary for its corporate purposes specified in section 358C.4.

5. If the board of trustees of the district decide to make a public improvement pursuant to this chapter which requires that private property be taken or damaged, the board may exercise the power of eminent domain. The procedure to condemn property shall be exercised in the manner provided in chapter 6B.

6. A district shall comply with all city building and use codes for owner-occupied residential housing and shall comply with all city design and construction standards for the public improvements authorized in section 358C.4.

7. A district shall not incorporate as a city if all or the major part of the district is within two miles of the boundaries of a city at the time the district is approved.

8. The provisions of chapters 21 and 22 applicable to cities, counties, and school districts apply to the district. The records of the district are subject to audit pursuant to section 11.6.

95 Acts, ch 200, §12; 2025 Acts, ch 30, §60

358C.13 Board of trustees — powers — prohibited actions.

1. The board of trustees is the corporate authority of the district and shall manage and control the affairs and property of the district. A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. The board of trustees shall elect a president, a clerk, and a treasurer from its membership.

2. The board of trustees shall maintain the official records of the district, which shall include information regarding the service of any indebtedness of the district, including special assessment bonds. The board shall report annually on the progress of the district in retiring indebtedness.

3. The board of trustees may adopt the necessary ordinances, resolutions, and regulations for the proper management and conduct of the business of the board of trustees and the corporation and for carrying out the purposes for which the district is formed, including for the negotiation of short-term loans and the issuance of warrants.

4. The board of trustees shall provide public notice prior to each meeting of the board. The notice shall contain the agenda of the meeting which shall describe the proposed actions to be taken by the board at the meeting.

5. If the board of trustees wishes to expand its authority to carry out public improvements

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in addition to the public improvements listed in the board's original petition as provided in section 358C.4, the board shall submit a petition to the board of supervisors specifying the additional public improvements to be included within the authority of the district and requesting that the board of supervisors order an election as provided in section 358C.7 to approve or disapprove the amendment. If the petition includes public improvements as specified in section 358C.4, the board of supervisors shall order the election to be conducted as otherwise provided in this chapter. If the amendment is approved, the original petition is amended to include the additional public improvements.

6. The board of trustees of a district shall not purchase and resell electric service or establish and operate a gasworks or electric light and power plant and system.

7. The board of trustees shall not require or grant a franchise to any person pursuant to section 364.2, subsection 4.

8. The board of trustees shall not prohibit or restrict the construction of manufactured homes in a real estate improvement district. As used in this subsection, *"manufactured home"* has the same meaning as under section 435.1, subsection 3.

9. The board of trustees shall not enter into a contract for public improvements or other services with a board member or with any person owning more than twenty-five percent of the land of a real estate improvement district except as a result of competitive bidding.

95 Acts, ch 200, §13; 96 Acts, ch 1034, §32; 96 Acts, ch 1204, §5

358C.14 Taxes — power to levy — tax sales.

1. The board of trustees of a real estate improvement district shall have the power by ordinance to levy annually for the purpose of paying the administrative costs of the district, or for the payment of deficiencies in special assessments, or for both, a tax upon property within the territorial limits of the district not exceeding fifty-four cents per thousand dollars of the adjusted taxable valuation of the property within the district for the preceding fiscal year.

2. All taxes thus levied by the board shall be certified by the clerk on or before April 30 to the county auditor of each county in which any of the property included within the territorial limits of the district is located, and shall be placed upon the tax list for the current fiscal year by the auditor. The county treasurer of more than one county shall collect all taxes so levied in the same manner as other taxes, and when delinquent the taxes shall draw the same interest. All taxes levied and collected shall be paid over by the officer collecting the taxes to the treasurer of the district.

3. Sales for delinquent taxes owing to the district shall be made at the same time and in the same manner as the sales are made for other taxes, and all provisions of the law of this state relating to the sale of property for delinquent taxes shall be applicable, so far as may be, to the sales.

95 Acts, ch 200, §14; 2023 Acts, ch 71, §89, 98

2023 amendment to subsection 2 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

358C.15 Rentals and charges.

1. A board of trustees may by ordinance establish equitable rates, charges, or rentals for the utilities and services furnished by the district to be paid to the district by every person, firm, or corporation whose premises are served by a connection to the utilities and services directly or indirectly. The rates, charges, or rentals, as near as may be in the judgment of the board of trustees, shall be equitable and in proportion to the services rendered and the cost of the services, and taking into consideration in the case of the premises the quantity of sewage or water produced or used and the concentration, strength, and pollution qualities of the sewage. The board of trustees may change the rates, charges, or rentals as it may deem advisable, and by ordinance may provide for collection. The board may contract with any municipality within the district, whereby the municipality may collect or assist in collecting any of the rates, charges, or rentals, whether in conjunction with water rentals or otherwise, and the municipality may undertake the collection and render the service. The rates, charges, or rentals, if not paid when due, shall constitute a lien upon the real property served by a

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connection. The lien shall have equal precedence with ordinary taxes, may be certified to the county treasurer and collected in the same manner as taxes, and is not divested by a judicial sale.

2. Sewer rentals, charges, or rates may supplant or replace, in whole or in part, any monetary levy of taxes which may be, or have been, authorized by the board of trustees for any of the following purposes:

a. To meet interest and principal payments on bonds legally authorized for the financing of sanitary utilities in any manner.

b. To pay costs of the construction, maintenance, or repair of the facilities or utilities, including payments to be made under any contract between municipalities for either the joint use of water or sewage facilities, or for the use by one municipality of all or a part of the water or sewer system of another municipality.

95 Acts, ch 200, §15

358C.16 Debt limit — borrowing — bonds — purposes.

1. A district may borrow money for its corporate purposes, but shall not become indebted in any manner or for any purpose to an amount in the aggregate exceeding its constitutional debt limit of five percent on the value of the taxable property within the district, to be ascertained by the last state and county tax lists previous to the incurring of the indebtedness. Indebtedness within this constitutional limit shall not include the indebtedness of any other municipal corporation located wholly or partly within the boundaries of the district, special assessment bonds or obligations authorized under section 358C.17.

2. Subject only to this debt limitation, a district shall have the same powers to issue bonds, including both general obligation and revenue bonds, including the power to enter into short-term loans and issue warrants, which cities have under the laws of this state. In the application of the laws to this chapter, the words used in the laws referring to municipal corporations or to cities shall be held to include real estate improvement districts organized under this chapter; the words "council" or "city council" shall be held to include the board of trustees of a district; the words "mayor" and "clerk" shall be held to include the president and clerk of a board of trustees; and like construction shall be given to any other words in the laws where required to permit the exercise of the powers by real estate improvement districts.

3. All bonds issued shall be signed by the president of the board of trustees and attested by the clerk, with the seal of the district, if any, affixed, and interest coupons attached to the bonds shall be attested by the signature of the clerk.

4. The proceeds of any bond issue made under this section shall be used only for the cost of public improvements as specified in sections 358C.1 and 358C.4. Proceeds from the bond issue may also be used for the payment of special assessment deficiencies. The bonds shall be payable in not more than forty annual installments and with interest at a rate not exceeding that permitted by chapter 74A, and shall be made payable at the place and be of the form as the board of trustees shall by resolution designate. A district issuing bonds as authorized in this section is granted authority to pledge the future avails of a tax levy to the payment of the principal and interest of the bonds after the same come due, and the power to impose and certify the levy is granted to the trustees of real estate improvement districts organized under this chapter.

95 Acts, ch 200, §16; 96 Acts, ch 1204, §6

358C.17 Special assessments.

1. The board of trustees of a real estate improvement district may provide for payment of all or any portion of the costs of a public improvement as specified in sections 358C.1 and 358C.4, by assessing all, or any portion of, the costs on adjacent property according to the benefits derived. For the purposes of this chapter, the board of trustees may define "*adjacent property*" as all that included within a designated benefited district to be fixed by the board, which may be all of the property located within the real estate improvement district or any lesser portion of that property. It is not a valid objection to a special assessment that the improvement for which the assessment is levied is outside the limits of the district, but a

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special assessment shall not be made upon property situated outside of the district. Special assessments pursuant to this section shall be in proportion to the special benefits conferred upon the property, and not in excess of the benefits. The value of a property is the present fair market value of the property with the proposed public improvements completed. Payment of installments of a special assessment against property shall be made in the same manner and under the same procedures as provided in chapter 384 for special assessments by cities. Notwithstanding the provisions of section 384.62, the combined assessments against any lot for public improvements included in the petition creating the real estate improvement district or as authorized in section 358C.4 shall not exceed the valuation of that lot as established by section 384.46.

2. The assessments may be made to extend over a period not to exceed fifteen years, payable in as nearly equal annual installments as practicable. A majority vote of the board of trustees is requisite and sufficient for any action required by the board of trustees under this section.

3. Subject to the limitations otherwise stated in this section, a district organized under this chapter has all of the powers to specially assess the costs of improvements described in this section, including the power to issue special assessment bonds, warrants, project notes, or other forms of interim financing obligations, which cities have under the laws of this state.

4. A special assessment under this section shall be recorded in the county in which the district is located for each lot in the district.

5. Notwithstanding section 384.65, subsection 5, a district shall have a lien on the benefited property only in the amount of special assessment installments that have come due but have not been paid. The district shall not have a lien for the total amount of the special assessment originally levied against the benefited property. A lien, including, but not limited to, a lien for a mortgage for the construction or the purchase of housing on property benefited by improvements and against which a special assessment is levied under this chapter, shall have precedence over a special assessment which has been levied by the district but is not due. A district's lien shall only be in the amount of installments whose due dates have passed without payment, along with all interest and penalties on the delinquent installments. The district's lien for delinquent installments, interest, and penalties shall have equal precedence with ordinary taxes and shall not be divested by judicial sale. Any remaining special assessment installments that have not become due shall not be divested by judicial sale and shall become a lien when the special assessment installments become due.

95 Acts, ch 200, §17; 96 Acts, ch 1034, §33; 96 Acts, ch 1204, §7, 8
Referred to in §358C.16

358C.18 Additional territory.

1. The district may be enlarged and additional territory annexed to the district by either of the following methods:

a. By petitions signed by the owners of all the property to be annexed to the district. If a petition requesting annexation is presented to the trustees and approved by the trustees, the change in the boundaries to include the additional area shall be certified by the clerk of the district to the county auditor in which the greater portion of the district is located and thereafter the district shall include the area thus annexed.

b. By a petition filed with the clerk of the district, signed by persons owning not less than fifty percent of the area to be annexed, but not signed by persons owning all the area requested to be annexed. On the filing of the petition, the trustees of the district shall fix a time and place for a hearing on the petition and give notice of the hearing, as provided in section 331.305, and by certified mail to the record owners of all persons owning land within the territory sought to be annexed, not less than ten days prior to the date of the hearing, if the address of the owners is known or can be ascertained by reasonable diligence by the trustees. At the hearing, any person owning property within the area proposed to be annexed or any person owning property or residing within the district may appear and be heard. If, after the hearing, the board of trustees determines that annexation of the additional area will be conducive to the public health, convenience, and welfare and will not be an undue burden on the district, the board of trustees may, by resolution, annex the additional area and fix the

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boundary which shall not include more than the area requested in the petition. A copy of the resolution shall be filed with the county auditor of the county in which the largest portion of the district is located and thereafter the area included by the resolution shall be a part of the district.

2. All property, from and after it is annexed to the district, shall be subject to all taxes and other burdens levied by the district, regardless of when the obligation for which the taxes or assessments are levied was incurred.

95 Acts, ch 200, §18; 2024 Acts, ch 1043, §88

358C.19 Annexation by a city.

When a city or real estate improvement district proposes that the district be annexed by the city, either wholly or partially, an owner of property in the district shall not object to the annexation if a city annexes all the territory within the boundaries of a real estate improvement district, the district shall merge with the city and the city shall succeed to all the property and property rights of every kind, contracts, and obligations, held by or belonging to the district, and the city shall be liable for and recognize, assume, and carry out all valid contracts and obligations of the district. The city may assume and provide for the payment of the obligations of any bonds of the district by issuing general obligation, special assessment, or revenue refunding bonds which may be sold at public or private sale or exchanged for outstanding bonds. General obligation bonds of the city may be issued to refund special assessment and revenue obligations if the governing body of the city determines that it is in the best interest of the city. The refunding of these obligations shall constitute an essential corporate purpose under section 384.24. All taxes, assessments, claims, and demands of every kind due or owing to the district shall be paid to and collected by the city. Any special assessments which the district was authorized to levy, assess, relevy, or reassess, but which were not levied, assessed, relevied, or reassessed, at the time of the merger, for improvements made by the district or in the process of construction or contracted for may be levied, assessed, relevied, or reassessed by the annexing city to the same extent as the district may have levied or assessed but for the merger. However, this section does not authorize the annexing city to revoke any resolution, order, or finding made by the district in regard to special benefits or increase any assessments made by the district, but the city shall be bound by all findings or orders and assessments to the same extent as the district would be bound. Also, a district shall not levy any special assessments after the effective date of the annexation.

95 Acts, ch 200, §19

358C.20 Effective date of merger.

A merger shall be effective thirty days after the effective date of the ordinance annexing the territory within the district. However, if the validity of the ordinance annexing the territory is challenged by a court proceeding, the effective date of the merger shall be thirty days after the final determination of the validity of the ordinance. The trustees of a district shall continue in possession and conduct the affairs of the district until the effective date of the merger, but shall not during the period levy any special assessments after the effective date of annexation.

95 Acts, ch 200, §20; 2025 Acts, ch 30, §61

358C.21 Dissolution of district.

When a majority of the board of trustees of a district desire that the district be wholly dissolved, the trustees shall first propose a resolution declaring the advisability of the dissolution and setting out the terms and conditions of the dissolution, and also setting out the time and place when the board of trustees shall meet to consider the adoption of the resolution. Notice of the time and place when the resolution shall be set for consideration shall be published as provided in section 331.305, which publication shall contain the entire wording of the proposed resolution. If any part of the district lies within the area of the jurisdiction of a city, then the trustees shall mail a copy of the proposed resolution to the city on the date of first publication of the resolution. At the hearing the owners of property within the district, or a city if any part of the district lies within the city, may appear and

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make objections to the proposed resolution. If the owners representing a majority of the area of real estate within the district fail to sign and present to the board, on or prior to the hearing date, a written petition opposing the resolution, a majority of the board of trustees may pass the resolution and adopt the proposed dissolution. However, the resolution shall not be adopted if the district is obligated on any outstanding bonds, warrants, or other debts or obligations unless the holders of the bonds, warrants, or other debts or obligations all sign written consents to the dissolution prior to the adoption of the resolution of dissolution. If the petition opposing the resolution is signed by property owners representing a majority of the area of real estate within the district and presented to the board of trustees on or prior to the hearing date, the board of trustees shall not adopt the resolution. After the board of trustees has adopted the resolution of dissolution, the clerk of the district shall prepare and file a certified copy of the resolution of dissolution in the office of the county auditor where the original petition was filed. A district shall dissolve within ninety days following the merger of a district with a city.

95 Acts, ch 200, §21

358C.22 Detachment of land.

1. When a majority of the board of trustees of a district desires that any property within the district be detached from the district, the trustees shall first propose a resolution declaring the advisability of the detachment and setting out the terms and conditions of the detachment and also setting out the time and place when the board of trustees will meet to consider the adoption of the resolution. Notice of the time and place when the resolution is set for consideration shall be published as provided in section 331.305, which publication shall contain the entire wording of the proposed resolution. If any part of the district lies within a city, then the trustees shall mail a copy of the proposed resolution to the city on the date of first publication of the resolution. At the hearing the owners of property within the district, or any city, may appear and make objections to the proposed resolution. If the owners representing a majority of the area of real estate within the district fail to sign and present to the board of trustees, on or prior to the hearing date, a written petition opposing the resolution, a majority of the board of trustees may pass the resolution and adopt the proposed detachment, except that the resolution shall not be adopted if the district is indebted on any outstanding bonds or warrants of the district unless the holders of the bonds and warrants all sign written consents to the detachment prior to the adoption of the resolution of detachment. If the petition opposing the resolution is signed by property owners representing a majority of the area of real estate within the district and presented to the board of trustees on or prior to the hearing date, the board of trustees shall not adopt the resolution. After the board of trustees has adopted the resolution of detachment, the clerk of the district shall prepare and file a certified copy of the resolution of detachment in the office of the county auditor where the original petition was filed, and the area detached shall become excluded and detached from the boundaries of the district.

2. The owner of a discrete tract of land which is part of a district but which is not connected to the main area of the district may petition the board of trustees of the district to have the property detached from the district. Following receipt of the petition, the board of trustees shall propose a resolution declaring the advisability of the detachment and setting out the terms and conditions of the detachment and setting out the time and place when the board of trustees will meet to consider the adoption of the resolution. Notice of the time and place for the consideration shall be published as provided in subsection 1. If any part of the district lies in whole or in part within a city, the board of trustees shall mail a copy of the proposed resolution to the municipality within five days after the date of first publication of the resolution. At the hearing for consideration of the resolution, the board of trustees shall determine if the tract of land proposed for detachment has all of the following characteristics:

a. Has an area of twenty-five acres or more.

b. Is undeveloped and predominantly devoted to agricultural uses.

c. Has no improvements or obligations placed upon it by the district and receives no current services from the district.

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3. If the board of trustees by majority vote determines that the tract in question meets all of the conditions provided in subsection 2, paragraphs *"a"* through *"c"*, the resolution shall be adopted, except that the resolution shall not be adopted if the district is indebted on any outstanding bonds or warrants of the district unless the holders of the bonds and warrants all sign written consents to the detachment. After the board of trustees has adopted the resolution of detachment, the clerk of the district shall prepare and file a certified copy of the resolution of detachment in the office of the county auditor where the original petition was filed and the area detached shall become excluded and detached from the boundaries of the district.

95 Acts, ch 200, §22

358C.23 Chapter liberally construed.

The provisions of this chapter shall be liberally construed to facilitate the development of land for housing.

95 Acts, ch 200, §23

358C.24 Disclosure of special assessment. Repealed by 2008 Acts, ch 1110, §2.

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SUBTITLE 3

TOWNSHIPS

CHAPTER 359

TOWNSHIPS AND TOWNSHIP OFFICERS

Referred to in §28E.41, 28E.42, 331.303, 331.382, 331.512

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SUBCHAPTER I

DIVISION, BOUNDARIES, AND CHANGE OF NAMES

359.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

359.2 Division authorized.

The board of supervisors shall divide the county into townships, as convenience may require, defining the boundaries thereof, and may, from time to time, make such alterations in the number and boundaries of the townships as it may deem proper.

[C51, §219; R60, §441; C73, §379; C97, §551; C24, 27, 31, 35, 39, §**5527;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.1]

C2001, §359.2

359.3 Boundaries conterminous with city.

Where the boundaries of any city have been changed, the board of supervisors of the county in which the city is situated shall have power to change the boundary lines of townships so as to make them conform to the boundaries of the city, and to make such other changes in township lines, and the number of townships, as it may deem necessary; but no action shall be taken affecting the boundaries or existing conditions of school districts.

[C97, §552; C24, 27, 31, 35, 39, §**5529;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.3]

2021 Acts, ch 76, §62

359.4 Record.

The description of the boundaries of each township, and all alterations in them, and of all new townships, shall be recorded in full in the records of the board of supervisors, and of the township.

[C51, §220; R60, §442; C73, §381; C97, §553; C24, 27, 31, 35, 39, §**5530;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.4]

359.5 Divisions where city included.

When any township has within its limits a city with a population exceeding fifteen hundred, the eligible electors of such township residing without the limits of such city may, at any regular session of the board of supervisors of the county, petition to have such township divided into two townships; the one to embrace the territory without, and the other the territory within such corporate limits.

[C73, §382; C97, §554; C24, 27, 31, 35, 39, §**5531;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.5]

Referred to in §359.6

359.6 Petition — remonstrance.

A petition under section 359.5 shall be accompanied by the affidavit of three eligible electors, to the effect that all of the signatures to the petition are genuine, and that the signers thereof are all eligible electors of the township, residing outside the corporate limits of the city. Remonstrances signed by such eligible electors may also be presented at the hearing before the board of supervisors provided for in this subchapter, but if the same persons petition and remonstrate, they shall be counted on the remonstrance only.

[C73, §382; C97, §554; C24, 27, 31, 35, 39, §**5532;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.6]

2020 Acts, ch 1063, §195; 2022 Acts, ch 1021, §93

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359.7 Notice.

Notice of the time when the petition will be heard shall be given by publication as provided in section 331.305 before the hearing.

[C73, §383; C97, §555; S13, §555; C24, 27, 31, 35, 39, §**5533;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.7]

87 Acts, ch 43, §13

359.8 Division — effect.

If the petition is signed by a majority of the registered voters of the township residing without the corporate limits of the city, the board of supervisors shall divide the township into two townships, as petitioned; but, except for election purposes, including the appointment of precinct election officials rendered necessary by the change, the division shall not take effect until the first day of January following the next general election which is not a Sunday or a legal holiday.

[C73, §384; C97, §556; C24, 27, 31, 35, 39, §**5534;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.8]

89 Acts, ch 83, §49; 90 Acts, ch 1238, §39; 2001 Acts, ch 56, §29

Referred to in §359.9

359.9 Restoration to former township.

When the citizens of any township set off as provided in section 359.8 desire to dissolve their township organization and return again to the township from which they were taken, they may do so by the same proceedings as provided for the division of the township, except that the petition shall be signed by a majority of the electors of both townships.

[C97, §556; C24, 27, 31, 35, 39, §**5535;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.9]

2022 Acts, ch 1021, §94

359.10 New township — first election.

When a new township is formed, in which township officers are to be elected, the board of supervisors shall call the first township election, to be held at such place as it may designate, on the day of the next general election. If at any time a new township has been created in a year in which no general election is held, the board may call a special election for the election of the township officers of the new township, who shall continue in office until their successors are elected and qualified.

[C51, §231; R60, §453; C73, §385; C97, §557; S13, §1074-a; C24, 27, 31, 35, 39, §**5536;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.10]

359.11 Officers to be elected.

At the election there shall be elected two trustees for a term of two years and one trustee for a term of four years, and one clerk for a term of four years.

[S13, §1074-a; C24, 27, 31, 35, 39, §**5537;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.11]

2010 Acts, ch 1033, §50

359.12 Order for election.

The county commissioner of elections shall issue an order for the first election, stating the time and place of the election, the officers to be elected, and any other business to be transacted. Business not named in the order shall not be transacted at the election.

[C51, §232; R60, §454; C73, §386; C97, §558; C24, 27, 31, 35, 39, §**5538;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.12]

2019 Acts, ch 59, §112

Referred to in §359.13

359.13 Service and return.

The order for election issued under section 359.12 may be directed to any citizen of the same township, by name, and shall be served by posting copies of the order, in three of the most public places in the township, fifteen days before the day of the election. The original

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order shall be returned to the presiding officer of the election, to be returned to the clerk when elected, with a return thereon of the manner of service, verified by oath, if served by any person other than an officer.

[C51, §233; R60, §455; C73, §387; C97, §559; C24, 27, 31, 35, 39, §**5539;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.13]

2022 Acts, ch 1021, §95

359.14 Changing name — petition — notice.

1. Eligible electors of a township wishing to change its name may petition the board of supervisors.

2. If it appears to the board that a majority of the eligible electors of the township are in favor of the change, the board shall cause notices, attested by the auditor, to be posted in three of the most public places of the township, for at least thirty days before the next regular session of the board.

3. The notice shall state all of the following:

a. That a petition has been presented to the board by the eligible electors of the township, seeking a change of the name of the township.

b. The name sought in the petition.

c. That, unless those interested in the change of name appear at the next regular session of the board and show cause why the name shall not be changed, there will be an order made granting the change.

[C73, §412; C97, §580; C24, 27, 31, 35, 39, §**5540;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.14]

90 Acts, ch 1168, §45; 2020 Acts, ch 1062, §50

Referred to in §359.15

359.15 Hearing — order.

If, at the time fixed for the hearing of a petition filed under section 359.14, the board is satisfied that there is a majority in favor of the change of name, the board shall make an order granting the name change, which shall be attested by the auditor, and recorded in the office of the recorder of the county.

[C73, §413; C97, §581; C24, 27, 31, 35, 39, §**5541;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.15]

2020 Acts, ch 1063, §196

359.16 Petition dismissed.

If it appears to said board that a majority of the citizens of such township are opposed to such change, such petition shall be dismissed. The cost of the proceeding in all cases shall be taxed against the petitioners.

[C73, §414; C97, §582; C24, 27, 31, 35, 39, §**5542;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.16]

SUBCHAPTER II

TRUSTEES

359.17 Trustees — duties — meetings.

1. The board of township trustees in each township shall consist of three registered voters of the township. However, in townships with a taxable valuation for property tax purposes of two hundred fifty million dollars or more, the board of township trustees shall consist of five registered voters of the township. The trustees shall act as fence viewers as provided in chapter 359A and shall perform other duties assigned them by law. The board of trustees shall meet not less than two times a year. At least one of the meetings shall be scheduled to meet the requirements of section 359.49.

2. A board of township trustees shall give prior notice of a meeting to discuss, deliberate, or act upon a matter relating to the budget or a tax levy of the township or relating to the

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trustees' duty to provide fire protection service and, if provided, emergency medical service, pursuant to section 359.42. The trustees shall give notice of such meeting at least twenty-four hours preceding the commencement of the meeting. The notice shall state the time, date, and place of the meeting and the proposed agenda. The notice shall be provided to the county auditor who shall post the notice in an area of the courthouse where notices to the public are commonly posted.

[C51, §221, 224; R60, §443, 446; C73, §389, 393, 969; C97, §574, 1074, 1538; S13, §1074, 1528; C24, 27, 31, 35, 39, §**5543;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.17]

2000 Acts, ch 1113, §1, 3, 4; 2000 Acts, ch 1117, §22; 2001 Acts, ch 56, §30; 2002 Acts, ch 1134, §102, 115; 2007 Acts, ch 139, §1; 2009 Acts, ch 132, §4; 2018 Acts, ch 1081, §1

359.18 County attorney as counsel.

In counties having a population of less than twenty-five thousand, where the trustees institute, or are made parties to, litigation in connection with the performance of their duties, as provided in this chapter, the county attorney, as a part of the county attorney's official duties, shall appear in behalf of the township trustees, except in cases in which the interests of the county and those of the trustees are adverse.

[S13, §564; C24, 27, 31, 35, 39, §**5544;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.18]

Referred to in §331.756(54), 359.19

359.19 Employment of counsel.

When litigation shall arise in any case not covered by section 359.18, involving the right or duty of township trustees with reference to any matter within their jurisdiction, and the trustees become or are made parties to such litigation, they shall have authority to employ attorneys in behalf of said township, and to levy the necessary tax to pay for their services, and to defray the expenses of such litigation.

[C97, §564; S13, §564; C24, 27, 31, 35, 39, §**5545;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.19]

SUBCHAPTER III

CLERK

359.20 Clerk to keep record.

1. The township clerk shall keep a record of all the proceedings and orders of the trustees, and of all acts done by the township clerk, including the filing of certificates of official oaths having been taken before other officers, and perform such other acts as may be required by law.

2. Township records and documents, or accurate reproductions, shall be kept by the township clerk for at least five years except that:

a. Resolutions, board proceedings, records and documents, or accurate reproductions, relating to the issuance of public bonds or obligations shall be kept for at least eleven years following the final maturity of the bonds or obligations. Thereafter, such records, documents, and reproductions may be destroyed, preserving confidentiality as necessary.

b. Resolutions, board proceedings, records, and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

[C51, §223, 226, 227; R60, §445, 448, 449; C73, §392, 395, 396; C97, §576; S13, §576; C24, 27, 31, 35, 39, §**5546;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.20]

2000 Acts, ch 1117, §23

359.21 Receipt and custody of funds.

1. Each township clerk shall receive, collect, and disburse, under the orders of the township trustees, all funds belonging to the township, including the cemetery fund. A claim shall not be paid until it has been audited by the trustees.

2. Before the fifteenth day of each month, the county treasurer shall notify the chairperson

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of the board of trustees of the amount collected for each fund to the first day of that month and shall pay that amount to the clerk as provided in section 331.552, subsection 29.

[S13, §576; C24, 27, 31, 35, 39, §**5547;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.21]

84 Acts, ch 1003, §8

Deposits in general, §12C.1

359.22 Reserved.

359.23 Receipts and expenditures — annual statement.

1. Each township clerk shall prepare, on or before September 30 of each year, a statement in writing, showing all receipts of money and disbursements in the clerk's office for each separate tax levy authorized by law for the preceding fiscal year, showing the current public debt of the township, and showing the balance as of June 30 of all separate reserve accounts held by the township, which shall be certified as correct by the trustees of the township. The statement shall be in a form prescribed by the county finance committee in consultation with the department of management. Each township clerk shall send a copy of this written statement to the county auditor no later than seven days after the statement is certified by the trustees. The county auditor shall post the statement or a summary of the statement in a prominent place in the building where the auditor's office is located. The county treasurer shall withhold disbursement of township taxes until the statement is filed with the county auditor. The county auditor shall notify the county treasurer if taxes are to be withheld.

2. The county auditor may waive the requirement that a township send a copy of the written financial statement to the county auditor.

[C97, §578; SS15, §578; C24, 27, 31, 35, 39, §**5552;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.23]

2000 Acts, ch 1117, §24; 2020 Acts, ch 1062, §94

Referred to in §331.502

359.24 Clerk and trustees abolished.

Where a city constitutes one or more civil townships the boundary lines of which coincide throughout with the boundary lines of the city, the offices of township clerk and trustee are abolished.

[C97, §560; S13, §560; C24, 27, 31, 35, 39, §**5553;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.24]

Referred to in §359.25, 359.26, 359.27

359.25 Clerk and council to act.

The duties required by law of the township clerk in cities described in section 359.24 shall be performed by the city clerk, and those required of the board of trustees shall be performed by the city council.

[C97, §561; C24, 27, 31, 35, 39, §**5554;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.25]

2022 Acts, ch 1021, §96

Referred to in §359.27

359.26 Transfer of funds.

The moneys and assets belonging to each civil township described in section 359.24 shall become the moneys and assets of the city in which the civil township is situated. The township clerks shall turn such moneys and assets over to the city treasurer or clerk, to be disbursed by the city in the same manner and for the same purposes as required by law for the disposition of township funds. The city shall assume all liabilities of a civil township to which the provisions of this section apply.

[C97, §562; C24, 27, 31, 35, 39, §**5555;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.26]

2022 Acts, ch 1021, §97

Referred to in §359.27

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359.27 Payment of funds.

County treasurers are hereby authorized to pay over to the treasurers or clerks of cities which come under the provisions of sections 359.24, 359.25, and 359.26 all funds that would otherwise be paid over to the township clerks of such townships.

[C97, §563; C24, 27, 31, 35, 39, §**5556;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.27]

2026 Acts, ch 1040, §81
Section amended

SUBCHAPTER IV

PUBLIC GROUNDS OR BUILDINGS

359.28 Condemnation.

The township trustees are hereby empowered to condemn, or purchase and pay for out of the general fund, or the specific fund voted for such purpose, and enter upon and take, any lands within the territorial limits of such township for the use of cemeteries, a community center or juvenile playgrounds, in the same manner as is now provided for cities. However, the board of supervisors or a cemetery commission appointed by the board of supervisors shall control and maintain pioneer cemeteries as defined in section 331.325.

[C97, §585; S13, §585; C24, 27, 31, 35, 39, §**5558;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.28]

96 Acts, ch 1182, §3
Referred to in §331.325
Procedure, chapter 6B

359.29 Gifts and donations.

Civil townships are hereby authorized and empowered to receive by gift, devise, or bequest, money or property for the purpose of establishing and maintaining libraries, township halls, cemeteries, or for any other public purpose. All such gifts, devises, or bequests shall be effectual only when accepted by resolution of the board of trustees of such township.

[S13, §585; C24, 27, 31, 35, 39, §**5559;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.29]
Referred to in §331.325, 359.30
Township halls, chapter 360
Gifts to governmental bodies, see §565.6

359.30 Cemetery and park tax.

Township trustees shall, at the regular meeting in November, levy a tax sufficient to pay for any lands so condemned or purchased, or for the necessary improvement and maintenance of cemeteries thus established, and for the necessary improvement and the maintenance of public parks acquired by gift, devise, or bequest under section 359.29, or for the maintenance and improvement of cemeteries so established in adjoining townships, if the trustees deem such action advisable.

[C97, §586; SS15, §586; C24, 27, 31, 35, 39, §**5560;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.30]

2020 Acts, ch 1063, §197
Referred to in §331.325, 331.402, 359.34, 359.37

359.31 Power and control.

Township trustees shall control any such cemeteries, or appoint trustees for the cemeteries, or sell the property to any private corporation for cemetery purposes.

[C97, §586; SS15, §586; C24, 27, 31, 35, 39, §**5561;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.31]

2020 Acts, ch 1063, §198; 2021 Acts, ch 80, §232
Referred to in §331.325

359.32 Sale of lots — gifts.

Township trustees shall have authority to provide for the sale of lots, or portions thereof, in any cemetery under their control, and make rules in regard thereto. Township trustees

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may provide for perpetual upkeep by the establishment of a perpetual upkeep fund from the proceeds of sale of lots, and may accept a gift, devise, or bequest made to them for that purpose.

[C39, §**5561.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.32]

2020 Acts, ch 1063, §199; 2021 Acts, ch 76, §63

Referred to in §331.325

359.33 Tax for nonowned cemetery.

Township trustees may levy a tax not to exceed six and three-fourths cents per thousand dollars of assessed value of taxable property to improve and maintain any cemetery not owned by the township, provided the cemetery is devoted to general public use.

[C97, §586; SS15, §586; C24, 27, 31, 35, 39, §**5562;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.33]

2020 Acts, ch 1063, §200

Referred to in §331.325, 331.402, 359.34

359.34 Scope of levy.

The levy authorized in sections 359.30 and 359.33 may be extended to property within the limits of any city so far as same is situated within the township, unless such city is already maintaining a cemetery, or has levied a tax in support thereof. The said tax may be so expended for the support and maintenance of any such cemetery after the same has been abandoned and is no longer used for the purpose of interring the dead.

[SS15, §586; C24, 27, 31, 35, 39, §**5563;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.34]

Referred to in §331.325

359.35 Cemetery funds — use.

Cemetery tax funds of a township may be used for the maintenance and support of cemeteries in adjoining counties and townships and in cities, if such cemeteries are utilized for burial purposes by the people of the township and, when any such cemetery has been so utilized for more than twenty-five years and has been maintained by township funds, the township trustees of the township where the cemetery is located shall continue to improve and maintain the same.

[C24, 27, 31, 35, 39, §**5564;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.35]

Referred to in §331.325

359.36 Joint boards.

A city council and the trustees of a township may join in the common purpose of improving, maintaining, and supporting a township cemetery. In such case the two official bodies shall constitute a joint cemetery board and shall have equal voting power.

[C24, 27, 31, 35, 39, §**5565;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.36]

Referred to in §331.325

359.37 Regulations.

1. The trustees, board of directors, or other officers having the custody and control of any cemetery in this state, shall have power, subject to the bylaws and regulations of such cemetery, to do all of the following:

a. To enclose, improve, and adorn the ground of such cemetery.

b. To construct avenues in the cemetery.

c. To erect proper buildings for the use of the cemetery.

d. To prescribe rules for the improving or adorning the lots in the cemetery or for the erection of monuments or other memorials of the dead upon the lots.

e. To prohibit any use, division, improvement, or adornment of a lot which the trustees, directors, or officers may deem improper.

2. The trustees, after such land has been advertised for sealed bids by the trustees, shall have authority to sell and dispose of any lands or parcels of lands previously dedicated for cemetery purposes and which are no longer necessary for such purposes, for the reason that no burials are being made in the cemetery. However, any portion of the cemetery in which burials have been made shall be kept and maintained by the trustees. The proceeds from

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such sales shall be deposited in the tax fund established in accordance with section 359.30, to be used for the purposes of that fund.

[C97, §587; SS15, §587; C24, 27, 31, 35, 39, §**5566;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.37]

2020 Acts, ch 1063, §201
Referred to in §331.325

359.38 Watchpersons appointed.

Such trustees, directors, or other officers may appoint as many day and night watchpersons of their grounds as they may think expedient, and such watchpersons, and also all their sextons, superintendents, gardeners, and agents, stationed upon or near said grounds are hereby authorized to take and subscribe to an oath of office as provided in section 63.10.

[C97, §589; C24, 27, 31, 35, 39, §**5567;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.38]
Referred to in §331.325

359.39 Ex officio police officers.

Upon the taking of such oath, such watchpersons, sextons, superintendents, gardeners, and agents shall have and exercise all powers of police officers within and adjacent to the cemetery grounds and each shall have power to arrest any and all persons engaged in violating the laws of this state, and to bring such person so offending before any judicial magistrate, to be dealt with according to law.

[C97, §589; C24, 27, 31, 35, 39, §**5568;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.39]
Referred to in §331.325

359.40 Cemeteries — plats — records.

Where there is located in any township one or more cemeteries, the owner of the same, or any party owning an interest therein, may cause the same to be surveyed, platted, and laid out into subdivisions and lots, numbering the same by progressive numbers, giving the length and breadth, also the location with reference to known or permanent monuments to be made. The plat shall accurately describe all the subdivisions of the tract of land used, or designed to be used as a cemetery, and shall be recorded in the office of the county recorder, and filed with and recorded by the township clerk, and preserved by the township clerk among the records of the office.

[C97, §583; C24, 27, 31, 35, 39, §**5569;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.40]
Referred to in §331.325

359.41 Conveyance of lots. Repealed by 2005 Acts, ch 128, §73.

SUBCHAPTER V

EMERGENCY SERVICES

359.42 Township fire protection service, emergency warning system, and emergency medical service.

Except as otherwise provided in section 331.385, the trustees of each township shall provide fire protection service for the township, exclusive of any part of the township within a benefited fire district and may provide emergency medical service. The trustees may purchase, own, rent, or maintain fire protection service or emergency medical service apparatus or equipment or both kinds of apparatus or equipment and provide housing for the equipment. The trustees of a township which is located within a county having a population of three hundred thousand or more may also establish and maintain an emergency warning system within the township. The trustees may contract with a public or private agency under

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chapter 28E for the purpose of providing any service or system required or authorized under this section.

[C31, 35, §5570-c1; C39, §**5570.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §359.42; 81 Acts, ch 117, §1076]

84 Acts, ch 1008, §1; 85 Acts, ch 205, §1; 95 Acts, ch 123, §1; 2004 Acts, ch 1146, §5
Referred to in §331.385, 357B.5, 357J.17, 359.17, 359.43

359.43 Tax levy — supplemental levy — districts.

1. The township trustees may levy an annual tax not exceeding forty and one-half cents per thousand dollars of assessed value of the taxable property in the township, excluding property within a benefited fire district or within the corporate limits of a city, for the purpose of exercising the powers and duties specified in section 359.42. However, in a township having a fire protection service or emergency medical service agreement or both service agreements with a special charter city having a paid fire department, the township trustees may levy an annual tax not exceeding fifty-four cents per thousand dollars of the assessed value of the taxable property for the services authorized or required under section 359.42 and in a township which is located within a county having a population of three hundred thousand or more, the township trustees may levy an annual tax not exceeding sixty-seven and one-half cents per thousand dollars of assessed value of taxable property for the services authorized or required under section 359.42.

2. If the levy authorized under subsection 1 is insufficient to provide the services authorized or required under section 359.42, the township trustees may levy an additional annual tax not exceeding twenty and one-fourth cents per thousand dollars of assessed value of the taxable property in the township, excluding any property within the corporate limits of a city, to provide the services.

3. The township trustees may divide the township into tax districts for the purpose of providing the services authorized or required under section 359.42 and may levy a different tax rate in each district, but the tax levied in a tax district for the authorized or required services shall not exceed the tax levy limitations for that township as provided in this section.

4. Of the levies authorized under subsections 1 and 2, the township trustees may credit to a reserve account annually an amount not to exceed thirty cents per thousand dollars of the assessed value of the taxable property in the township for the purchase or replacement of supplies and equipment required to carry out the services specified under section 359.42. Notwithstanding section 12C.7, interest earned on moneys credited to the reserve account shall be credited to the reserve account.

5. Township taxes collected and disbursed by the county shall be apportioned by the clerk and paid into the separate accounts of the tax districts no later than May 31 and November 30 of each year.

[C31, 35, §5570-c2; C39, §**5570.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.43; 82 Acts, ch 1114, §1]

84 Acts, ch 1008, §2; 85 Acts, ch 205, §2; 89 Acts, ch 149, §1; 95 Acts, ch 123, §2; 95 Acts, ch 158, §1; 2000 Acts, ch 1117, §25
Referred to in §331.385, 331.424C, 357J.17, 359.45

359.44 Reserved.

359.45 Anticipatory bonds.

Townships may anticipate the collection of taxes authorized by section 359.43 and for such purposes may direct the county board of supervisors to issue bonds under sections 331.441 through 331.449 relating to essential county purpose bonds except that the bonds are payable only from tax levies on property subject to the levy under section 359.43.

[C39, §**5570.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §359.45; 81 Acts, ch 117, §1077]

2021 Acts, ch 80, §233
Referred to in §331.385, 357J.17

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SUBCHAPTER VI
COMPENSATION

359.46 Compensation of township trustees.

1. A township trustee while engaged in official business shall be compensated at an hourly rate established by the county board of supervisors. However, the county board of supervisors may establish a minimum daily pay rate for the time spent by a township trustee attending a scheduled meeting of township trustees. The compensation shall be paid by the county except:

a. When the trustee is assessing damages done by trespassing animals, payment of the compensation shall be made in the same manner as other costs in such cases.

b. When the trustee is acting as a fence viewer or in a case where provision is made for payment from a source other than the general fund of the county.

2. In cases where their fees or compensation are not paid by the county, the trustees shall be paid by the party requiring their services. The trustees shall attach to the report of their proceedings a statement specifying their services, directing who shall pay the fees or compensation, and specifying the amount to be paid by each party. A party who makes advance payment for the services of the trustees may take legal action to recover the amount of the payment from the party who is directed to pay by the trustees unless the party entitled to recovery under this subsection is paid within ten days after a demand for reimbursement is made.

[C51, §2548; R60, §4156; C73, §3808; C97, §590; S13, §590; C24, 27, 31, 35, 39, §**5571;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.46]

83 Acts, ch 123, §168, 169, 209

Referred to in §331.322

359.47 Compensation of township clerk.

A township clerk while engaged in official business shall be compensated at the same rate as the pay rate of a township trustee of the same township.

[C51, §2548; R60, §909, 911; C73, §3809; C97, §591; S13, §591; C24, 27, 31, 35, 39, §**5572;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §359.47]

Referred to in §331.322

359.48 Reserved.

SUBCHAPTER VII
BUDGET

359.49 Township budget.

Annually, a township shall prepare and adopt a budget, and shall certify taxes as follows:

1. A budget must be prepared for at least the following fiscal year. A proposed budget must show estimates of the following:

a. Expenditures from each fund.

b. Income from sources other than property taxation.

c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars assessed valuation.

2. By January 15 of each year, each township fire department in the township shall provide to the board of trustees a proposed budget showing all revenues and all expenses for emergency services for the next fiscal year. By January 15 of each year, each township fire department, and each municipal fire department providing emergency services to a township, shall submit to the board of trustees a report detailing emergency services calls for the prior calendar year for the fire district and a copy of the fire report filed by the fire department with the state fire marshal's office. For purposes of this subsection, *"municipal"*

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means relating to a city, county, township, benefited fire district, or chapter 28E agency authorized by law to provide emergency services.

3. Not less than ten days before the date set for the regular meeting of the board at which objections and arguments on the budget will be heard, the clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations.

4. The board of trustees shall transmit a copy of the proposed budget and a notice of the meeting set as required by subsection 5 to the county auditor for posting. The county auditor shall post the notice and the proposed budget in an area of the courthouse where notices to the public are commonly posted.

5. The board of trustees shall set a time and place for a regular meeting before final certification of the budget, which meeting shall provide time for comments and objections to be heard on the proposed budget. The meeting shall be held no less than ten days and no more than twenty days after the proposed budget is posted by the county auditor. The county auditor shall certify to the clerk the date of posting.

6. At the meeting, any resident or taxpayer of the township may present to the board of trustees objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

7. After the meeting on the proposed budget, the board of trustees shall adopt by resolution a budget for at least the next fiscal year, and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors by April 30. The tax levy certified may be less than but shall not be more than the amount estimated in the proposed budget submitted at the meeting. Two copies each of the detailed budget as adopted and of the certified tax levy must be transmitted to the county auditor by April 30.

8. *a.* A township that has entered into an agreement with a municipality to receive fire protection service or emergency medical service from the municipality may request that a portion of its taxes be paid directly to the municipality providing the fire protection service or emergency medical service. Each year, the township must note its request on the budget and must attach a copy of the emergency services agreement to each copy of the budget transmitted to the county auditor. The auditor shall direct the county treasurer as to what portion of the township taxes to disburse to the municipality providing the fire protection service or emergency medical service.

b. For purposes of this subsection, "*municipality*" means a city, county, township, benefited fire district, or agency formed under chapter 28E and authorized by law to provide emergency services.

9. Taxes from a township levy shall be collected but not disbursed by the county to a township until copies of the township budget are transmitted to the county auditor as required in subsection 7. If a township fails to certify property taxes by April 30, the amount of taxes collected by the county for the township shall be the amount collected for the township in the previous fiscal year to the extent that it does not exceed the applicable levy rate limits in this chapter. However, that amount may not exceed the amount the township could collect based on property assessments for the fiscal year for which the township failed to certify property taxes.

10. The township budget shall be prepared on forms, and pursuant to instructions, prescribed by the county finance committee in consultation with the department of management.

2000 Acts, ch 1117, §26; 2002 Acts, ch 1056, §1; 2002 Acts, ch 1175, §84; 2007 Acts, ch 139, §2; 2010 Acts, ch 1061, §180; 2023 Acts, ch 71, §90, 98

Referred to in §331.502, 359.17

2023 amendments to subsections 7 and 9 apply to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

359.50 Budget amendment.

1. A township budget as finally adopted for the following fiscal year becomes effective July 1. A township budget for the current fiscal year may be amended for any of the following purposes:

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a. To permit the expenditure of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

b. To permit the expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

2. A budget amendment must be prepared and adopted by May 31 of the current fiscal year.

2000 Acts, ch 1117, §27

359.51 Separate accounts.

A township shall keep separate accounts corresponding to the items in the township's adopted or amended budget. A township shall keep accounts which provide an accurate and detailed statement of all public funds collected, received, or expended for any township purpose, by any township officer, employee, or other person, and which show the receipt, use, and disposition of all township property.

2000 Acts, ch 1117, §28

SUBCHAPTER VIII

DISPOSAL OF PROPERTY

359.52 Disposal of property.

1. A township shall not dispose of an interest in personal property, or an interest in real property, by sale, lease, or gift, except in accordance with the following procedure:

a. The board of trustees shall set forth its proposal in a resolution and shall publish notice of the resolution and of a date, time, and place of a public hearing on the proposal. The notice shall be published in a newspaper published at least once weekly and having general circulation in the township or in the largest city in the township. The notice shall be published no less than ten days and no more than twenty days before the hearing.

b. After the public hearing, the trustees may make a final determination on the proposal by resolution.

c. A township shall not dispose of real property by gift except to a governmental body for a public purpose.

2. This section does not apply to the sale by a township of subdivisions or lots within a cemetery.

2000 Acts, ch 1117, §29; 2010 Acts, ch 1061, §180

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CHAPTER 359A

FENCES

Referred to in §169C.1, 169C.4, 169C.6, 359.17

Railway fences, §327G.3 – 327G.10
This chapter not enacted as a part of this title; transferred from chapter 113 in Code 1993

359A.1	Definitions.	359A.11	Record conclusive.
359A.1A	Partition fences.	359A.12	Division by agreement — record.
359A.2	Trimming and cutting back.	359A.13	Orders and agreements — effect.
359A.2A	Fence viewers — township trustees — authority — conflict of interest.	359A.14	Lands in different townships.
		359A.15	Fence on another's land.
		359A.16	Right to build fence on line.
359A.3	Notice and hearing.	359A.17	Fence on one side of line.
359A.4	Hearing — decision — order — deposit.	359A.18	Lawful fence.
		359A.19	Duty to maintain tight fences.
359A.5	Contribution postponed.	359A.20	Tight fence.
359A.6	Default — costs and fees collected.	359A.21	Duty to keep fence tight.
		359A.22	Controversies.
359A.7	Service of notice on nonresidents.	359A.22A	Habitual trespass.
359A.8	Orders.	359A.23	Appeal.
359A.9	Notice.	359A.24	Certification of decree.
359A.10	Entry and record of orders.	359A.25	Record kept — fees of clerk.

359A.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

359A.1A Partition fences.

The respective owners of adjoining tracts of land shall upon written request of either owner be compelled to erect and maintain partition fences, or contribute thereto, and keep the same in good repair throughout the year.

[C51, §895, 900, 901; R60, §1526, 1531, 1532; C73, §1489, 1494, 1495; C97, §2355; C24, 27, 31, 35, 39, §**1829;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.1]

C93, §359A.1

C2001, §359A.1A

359A.2 Trimming and cutting back.

If said fence be hedge, the owner thereof shall trim or cut it back twice during each calendar year, the first time during the month of June and the last time during the month of September, to within five feet from the ground, unless such owners otherwise agree in writing to be filed with and recorded by the township clerk.

[C51, §900; R60, §1531; C73, §1494; C97, §2355; C24, 27, 31, 35, 39, §**1830;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.2]

C93, §359A.2

359A.2A Fence viewers — township trustees — authority — conflict of interest.

1. The trustees of the township where a controversy arises under this chapter shall serve as fence viewers. The fence viewers shall have authority to hear and decide all questions related to matters that are part of the controversy as provided in this chapter.

2. *a.* A fence viewer who may have a conflict of interest in deciding a question related to a matter that is part of the controversy must disclose the possible conflict of interest to the parties and the other fence viewers prior to the fence viewers participating in the matter by conducting a hearing or making a decision under section 359A.4.

b. A fence viewer who has a conflict of interest in deciding a question related to a matter that is part of the controversy is disqualified from participating in the matter. The

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disqualification shall be made by the election of the fence viewer or unanimous vote of the fence viewers who do not have a conflict of interest in the matter. However, if three or more fence viewers do not have a conflict of interest in the matter, the disqualification shall be made by a majority vote of those fence viewers.

3. A conflict of interest exists when a fence viewer is presented with a question to determine any matter affecting a tract of land in which the fence viewer or a person related to the fence viewer has an ownership or leasehold interest in that tract of land. That person is related to the fence viewer by being any of the following:

a. An immediate family member who is limited to any of the following:

(1) A spouse.

(2) A child, stepchild, grandchild, parent, stepparent, grandparent, sibling, stepsibling, half sibling, aunt, uncle, niece, or nephew.

(3) The spouse of any individual described in subparagraph (2).

b. A business associate who is limited to a person holding an interest in the same business entity as the fence viewer, so long as the person and the fence viewer each have a twenty-five percent or greater interest in that business entity. As used in this paragraph, *"business entity"* means a person organized or formed under Iowa statute or a foreign statute, and is authorized under Iowa statute to transact business in this state, either on a profit or nonprofit basis.

4. Upon the disqualification of the fence viewer, the remaining trustees shall appoint a qualified substitute fence viewer to decide each question related to a matter in controversy. If a trustee is not remaining, the township clerk shall appoint three qualified substitute fence viewers to decide each question related to a matter in controversy. However, this subsection does not apply if the township clerk selects a fence viewer as provided in section 359A.14.

5. Notwithstanding other provisions in the section to the contrary, a fence viewer who may or does have a conflict of interest in a matter that is part of the controversy may participate in the matter, including by hearing and deciding all questions related to the matter, if each party to the controversy signs a waiver. The waiver shall state that the party has been notified of the fence viewer's conflict of interest and agrees to the fence viewer's participation in the matter. The waiver shall be attached to the order issued pursuant to section 359A.4.

2018 Acts, ch 1081, §2
Referred to in §359A.3, 359A.4

359A.3 Notice and hearing.

The fence viewers shall give five days' notice in writing to all parties to the controversy. The notice shall prescribe the time and place of the hearing to decide any and all matters that are part of the controversy as described in the notice. Upon request of any landowner, the fence viewers shall give the notice to all adjoining landowners liable for the erection, maintenance, rebuilding, trimming, or cutting back, or repairing of a partition fence, or to pay for an existing hedge or fence. The notice must include the names of the fence viewers and state whether a fence viewer disclosed a possible conflict of interest or whether a substitute fence viewer was appointed due to a fence viewer's disqualification pursuant to section 359A.2A.

[C51, §896, 898, 902, 909; R60, §1527, 1529, 1533, 1540; C73, §1490, 1492, 1496, 1503; C97, §2356; C24, 27, 31, 35, 39, §**1831;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.3]

C93, §359A.3

2018 Acts, ch 1081, §3
Referred to in §359A.4, 359A.5

359A.4 Hearing — decision — order — deposit.

1. At the time and place described in section 359A.3, the fence viewers shall meet to hear and decide any and all matters that are part of the controversy. The fence viewers shall issue a written order that specifies the obligations, rights, and duties of the respective parties.

2. *a.* If the fence viewers determine the erection of a fence may be unfeasible in any location which constitutes the adjoining parties' property boundary, the fence viewers shall conduct a site evaluation. The fence viewers may request assistance by the county engineer

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in the county where the adjoining properties' boundary is situated. The determination may be based on any of the following:

(1) Topography.
(2) Terrain.
(3) Terraces.
(4) Land slope.
(5) Unstable ground.
(6) The presence of surface water, drainage systems, sinkholes, or water wells.
(7) Easements.
(8) Utilities.
(9) Available area.

b. If the fence viewers determine the erection of a fence is unfeasible as provided in the site evaluation, the fence viewers shall assist the parties in reaching an agreement as provided in sections 359A.12 and 359A.13. However, if the parties cannot reach such agreement within sixty days after the site evaluation is completed, the fence viewers shall order the fence's erection. The fence shall be erected as otherwise provided in this section, except for any location identified as unfeasible in the site evaluation. For that location, the fence viewers shall order the fence to be erected at the most feasible location on the property of the owner who initiated the controversy that is closest to the adjoining owner's property boundary.

3. *a.* The order shall assign to each owner the part which the owner shall erect, maintain, rebuild, trim or cut back, or pay for, and fix the value thereof, and prescribe the time within which the same shall be completed or paid for, and, in case of repair, may specify the kind of repairs to be made.

b. If the fence is not erected, rebuilt, or repaired within the time prescribed in the order, the fence viewers shall require the complaining landowner to deposit with the fence viewers an amount of money sufficient to pay for the erecting, rebuilding, trimming, cutting back or repairing such fence together with the fees of the fence viewers and costs. Such complaining landowner shall be reimbursed as soon as the costs and fees assessed against the party in default are collected as provided in section 359A.6.

4. The order shall include the names of the fence viewers. The order shall state whether a fence viewer disclosed a possible conflict of interest, and whether a substitute fence viewer was appointed due to a disqualification pursuant to section 359A.2A. Any waiver of a conflict of interest signed by a party shall be attached to the order.

[C51, §896, 898, 902, 909; R60, §1527, 1529, 1533, 1540; C73, §1490, 1492, 1496, 1503; C97, §2356; C24, 27, 31, 35, 39, §**1832;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.4]

C93, §359A.4

2010 Acts, ch 1118, §6; 2018 Acts, ch 1081, §4

Referred to in §359A.2A, 359A.5

359A.5 Contribution postponed.

In case a landowner desires to erect a partition hedge or fence when the owner of the adjoining land is not liable to contribute thereto, the fence viewers may assign to each owner the part which the owner shall erect, maintain, rebuild, and repair, trim or cut back, by pursuing the method provided in sections 359A.3 and 359A.4; but the adjoining owner shall not be required to contribute thereto until the adjoining owner becomes liable so to do, as elsewhere in this chapter provided.

[C51, §901; R60, §1532; C73, §1495; C97, §2357; C24, 27, 31, 35, 39, §**1833;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.5]

C93, §359A.5

359A.6 Default — costs and fees collected.

If the erecting, rebuilding, or repairing of a fence is not completed within thirty days from and after the time fixed in the order, the board of township trustees acting as fence viewers shall cause the fence to be erected, rebuilt, and repaired, and the value thereof may be fixed by the fence viewers. Unless the sum so fixed, together with all fees of the fence viewers caused by the default, is paid to the county treasurer, within ten days after the full amount

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due is ascertained, or when ordered to pay for an existing fence, and the value thereof is fixed by the fence viewers, and the sum, together with the fees of the fence viewers, remains unpaid by the party in default for ten days, the fence viewers shall certify to the county treasurer the full amount due from the party or parties in default, including all fees and costs assessed by the fence viewers, together with a description of the real estate owned by the party or parties in default along or upon which the said fence exists. The county treasurer shall enter the full amount due upon the county system, and the amount shall be collected in the same manner as ordinary taxes. Upon certification to the county treasurer, the amount assessed shall be a lien on the parcel until paid.

[C51, §897, 899, 902; R60, §1528, 1530, 1533; C73, §1491, 1493, 1496; C97, §2358; S13, §2358; C24, 27, 31, 35, 39, §**1834;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.6]

C93, §359A.6

2010 Acts, ch 1118, §7; 2015 Acts, ch 30, §110

Referred to in §169C.6, 359A.4, 445.1

Collection of taxes, see chapter 445

Fees of fence viewers, §359.46

359A.7 Service of notice on nonresidents.

The notice by the fence viewers provided for in this chapter may be served upon any owner nonresident of the county where the land is situated, by publication thereof, once each week, for two consecutive weeks in a newspaper printed in the county in which the land is situated, proof of which shall be made as in case of an original notice and filed with the fence viewers, and a copy delivered to the occupant of said land, or to any agent of the owner in charge of the same.

[C97, §2359; S13, §2359; C24, 27, 31, 35, 39, §**1835;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.7]

C93, §359A.7

359A.8 Orders.

All orders and decisions made by the fence viewers shall be in writing, signed by at least two of them, and filed with the township clerk.

[C97, §2360; C24, 27, 31, 35, 39, §**1836;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.8]

C93, §359A.8

359A.9 Notice.

All notices in this chapter required to be given shall be in writing, and return of service thereof made in the same manner as notices in actions before a judicial magistrate.

[C97, §2360; C24, 27, 31, 35, 39, §**1837;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.9]

C93, §359A.9

Service and return, R.C.P. 1.302 – 1.315

359A.10 Entry and record of orders.

Such orders, decisions, notices, and returns shall be entered of record at length by the township clerk, and a copy thereof certified by the township clerk to the county recorder, who shall record the same in the recorder's office in the manner specified in sections 558.49 and 558.52, and index such record in the name of each adjoining owner as grantor to the other. The county recorder shall collect fees specified in section 331.604.

[C97, §2360; C24, 27, 31, 35, 39, §**1838;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.10]

C93, §359A.10

2009 Acts, ch 27, §12; 2014 Acts, ch 1141, §70

Referred to in §331.602

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359A.11 Record conclusive.

The record in the recorder's office, unless modified, by appeal as hereinafter provided, shall be conclusive evidence of the matters therein stated, and such record or a certified copy thereof shall be competent evidence in all courts.

[C97, §2360; C24, 27, 31, 35, 39, §**1839;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.11]

C93, §359A.11

Appeal, §359A.23

359A.12 Division by agreement — record.

The several owners may, in writing, agree upon the portion of partition fences between their lands which shall be erected and maintained by each, which writing shall describe the lands and the parts of the fences so assigned, be signed and acknowledged by them, and filed and recorded in the office of the recorder of deeds of the county or counties in which they are situated. The county recorder shall collect fees specified in section 331.604.

[C51, §905; R60, §1536; C73, §1499; C97, §2361; C24, 27, 31, 35, 39, §**1840;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.12]

C93, §359A.12

2009 Acts, ch 27, §13

Referred to in §359A.4

359A.13 Orders and agreements — effect.

Any order made by the fence viewers, or any agreement in writing between adjoining landowners, when recorded in the office of the recorder of deeds, as in this chapter provided, shall bind the makers, their heirs, and subsequent grantees.

[C51, §905; R60, §1536; C73, §1499; C97, §2362; C24, 27, 31, 35, 39, §**1841;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.13]

C93, §359A.13

Referred to in §359A.4

359A.14 Lands in different townships.

When the adjoining lands are situated in different townships in the same or different counties, the clerk of the township of the owner making the application shall select two trustees of the clerk's township as fence viewers, and the clerk of the other township one from that clerk's township, who shall possess, in such case, all the powers given to fence viewers in this chapter, but all orders, notices, and valuations and taxation of costs made by them must be recorded in both townships and in the office of the recorder of deeds of each county.

[C51, §906; R60, §1537; C73, §1500; C97, §2363; C24, 27, 31, 35, 39, §**1842;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.14]

C93, §359A.14

Referred to in §359A.2A

359A.15 Fence on another's land.

When a person has made a fence or other improvement on an enclosure, which is found to be on land of another, such person may enter upon the land of the other and remove the fence or other improvement and material, upon the first paying, or offering to pay, the other party for any damage to the soil which may be occasioned thereby, and the value of any timber used in said improvement taken from the land of such other party, if any; and if the parties cannot agree as to the damages, the fence viewers may determine them as in other cases; such removal shall be made as soon as practicable, but not so as to expose the crops of the other party.

[C51, §907, 908; R60, §1538, 1539; C73, §1501, 1502; C97, §2364; C24, 27, 31, 35, 39, §**1843;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.15]

C93, §359A.15

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359A.16 Right to build fence on line.

A person building a fence may lay the same upon the line between the person and the adjacent owners, so that it may be partly on one side and partly on the other, and the owner shall have the same right to remove it as if it were wholly on the owner's own land.

[C51, §910; R60, §1541; C73, §1504; C97, §2365; C24, 27, 31, 35, 39, §**1844;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.16]

C93, §359A.16

359A.17 Fence on one side of line.

The provisions concerning partition fences shall apply to a fence standing wholly upon one side of the division line.

[C51, §911; R60, §1542; C73, §1505; C97, §2366; C24, 27, 31, 35, 39, §**1845;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.17]

C93, §359A.17

359A.18 Lawful fence.

A lawful fence shall consist of:

1. Three rails of good substantial material fastened in or to good substantial posts not more than ten feet apart.

2. Three boards not less than six inches wide and three-quarters of an inch thick, fastened in or to good substantial posts not more than eight feet apart.

3. Three wires, barbed with not less than thirty-six iron barbs of two points each, or twenty-six iron barbs of four points each, on each rod of wire, or of four wires, two thus barbed and two smooth, the wires to be firmly fastened to posts not more than two rods apart, with not less than two stays between posts, or with posts not more than one rod apart without such stays, the top wire to be not more than fifty-four nor less than forty-eight inches in height.

4. Wire either wholly or in part, substantially built and kept in good repair, the lowest or bottom rail, wire, or board not more than twenty nor less than sixteen inches from the ground, the top rail, wire, or board to be between forty-eight and fifty-four inches in height and the middle rail, wire, or board not less than twelve nor more than eighteen inches above the bottom rail, wire, or board.

5. A fence consisting of four parallel, coated steel, smooth high-tensile wire which meets requirements adopted by ASTM (American society for testing and materials) international, including but not limited to requirements relating to the grade, tensile strength, elongation, dimensions, and tolerances of the wire. The wire must be firmly fastened to plastic, metal, or wooden posts securely planted in the earth. The posts shall not be more than two rods apart. The top wire shall be at least forty inches in height.

6. Any other kind of fence which the fence viewers consider to be equivalent to a lawful fence or which meets standards established by the department of agriculture and land stewardship by rule as equivalent to a lawful fence.

[R60, §1544, 1545; C73, §1507; C97, §2367; S13, §2367; C24, 27, 31, 35, 39, §**1846;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.18]

85 Acts, ch 195, §11; 87 Acts, ch 17, §5

C93, §359A.18

94 Acts, ch 1061, §1; 2000 Acts, ch 1058, §33; 2004 Acts, ch 1086, §106

Referred to in §359A.22

School attendance centers, §297.14

359A.19 Duty to maintain tight fences.

All partition fences may be made tight by the party desiring it, and when that party's portion is so completed, and securely fastened to good substantial posts, set firmly in the ground, not more than twenty feet apart, the adjoining property owner shall construct the adjoining

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owner's portion of the adjoining fence, in a lawful tight manner, same to be securely fastened to good substantial posts, set firmly in the ground, not more than twenty feet apart.

[R60, §1545; C73, §1507; C97, §2367; S13, §2367; C24, 27, 31, 35, 39, §**1847;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.19]

C93, §359A.19

Referred to in §359A.22

359A.20 Tight fence.

All tight partition fences shall consist of:

1. Not less than twenty-six inches of substantial woven wire on the bottom, with three strands of barbed wire with not less than thirty-six barbs of at least two points to the rod, on top, the top wire to be not less than forty-eight inches, nor more than fifty-four inches high.

2. Good substantial woven wire not less than forty-eight inches nor more than fifty-four inches high with one barbed wire of not less than thirty-six barbs of two points to the rod, not more than four inches above said woven wire.

3. Any other kind of fence which the fence viewers consider to be equivalent to a tight partition fence or which meets standards established by the department of agriculture and land stewardship by rule as equivalent to a tight partition fence.

[C97, §2367; S13, §2367; C24, 27, 31, 35, 39, §**1848;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.20]

85 Acts, ch 195, §12; 87 Acts, ch 17, §6

C93, §359A.20

Referred to in §359A.22

359A.21 Duty to keep fence tight.

In case adjoining owners or occupants of land shall use the same for pasturing sheep or swine, each shall keep that one's share of the partition fence in such condition as shall restrain such sheep or swine.

[C73, §1507; C97, §2367; S13, §2367; C24, 27, 31, 35, 39, §**1849;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.21]

C93, §359A.21

Referred to in §359A.22

359A.22 Controversies.

Upon the application of either owner, after notice is given as prescribed in this chapter, the fence viewers shall determine all controversies arising under sections 359A.18 through 359A.21, including the partition fences made sheep and swine tight.

[C97, §2367; S13, §2367; C24, 27, 31, 35, 39, §**1850;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.22]

C93, §359A.22

2021 Acts, ch 76, §64

Notice, §359A.3, 359A.7, 359A.9

359A.22A Habitual trespass.

A landowner of land where livestock are kept or an owner of adjoining land shall be liable to erect or maintain a fence if the livestock trespasses upon the land of a neighboring landowner or strays from the land where the livestock are kept onto a public road, as provided in section 169C.6.

2007 Acts, ch 64, §3

359A.23 Appeal.

Any person affected by an order or decision of the fence viewers may appeal to the district court by filing with the clerk of said court a notice of appeal within twenty days after the rendition of the order or decision appealed from and filing an appeal bond in an amount approved by the township clerk. The township clerk, after recording the original papers, shall thereupon file them in the office of the clerk of the district court, certifying them to be

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such, and the clerk shall docket them, entitling the applicant or petitioner as plaintiff, and it shall stand for trial as other cases.

[C97, §2369; C24, 27, 31, 35, 39, §**1851;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.23]
C93, §359A.23
Referred to in §602.8102(27)
Presumption of approval of bond, §636.10

359A.24 Certification of decree.

Upon the final determination of said appeal the clerk of the district court shall certify to the recorder of deeds the fact that a judgment has been entered upon such appeal, with the book and page of such judgment, and the recorder shall thereupon enter on the recorder's record a notation that a judgment on appeal has been entered and that the same may be found in the office of the clerk of the district court, in the book and page designated in said certificate.

[C24, 27, 31, 35, 39, §**1852;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.24]
C93, §359A.24
Referred to in §331.602, 602.8102(28)

359A.25 Record kept — fees of clerk.

The township clerk shall enter all matters herein required to be made of record in the clerk's record book, and shall receive ten cents for each one hundred words in entering of record and making certified copies of the matters herein provided for, and twenty-five cents additional for the clerk's certificate thereto when required, and shall also receive the costs of recording in the office of the recorder of deeds of any instrument required to be so recorded.

[C97, §2370; C24, 27, 31, 35, 39, §**1853;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §113.25]
C93, §359A.25

CHAPTER 360

TOWNSHIP HALLS

Referred to in §331.512

360.1	Election.	360.6	Custodian.
360.2	Tax.	360.7	Bond.
360.3	Transfer of funds.	360.8	Tax for repairs.
360.4	Location.	360.9	Reversion of real estate — payment.
360.5	Construction.		

360.1 Election.

1. The trustees, on a petition of a majority of the resident freeholders of any civil township, shall request the county commissioner of elections to submit the question of building or acquiring by purchase, or acquiring by a lease with purchase option, a public hall to the electors thereof. The county commissioner shall conduct the election pursuant to the applicable provisions of chapters 39 through 53 and certify the result to the trustees.

2. The form of the proposition shall be:

Shall the proposition to levy a tax of ..... cents per thousand dollars of assessed value for the erection of a public hall be adopted?

3. Notice of the election shall be given as provided by chapter 49.

[C97, §567; C24, 27, 31, 35, 39, §**5574;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.1]
2011 Acts, ch 25, §34; 2021 Acts, ch 80, §234

360.2 Tax.

If a majority of the votes cast are in favor of the tax, the trustees shall certify such fact to the board of supervisors, and they shall thereupon levy a tax not to exceed the rate voted and not to exceed twenty and one-fourth cents per thousand dollars of assessed value each year for a period not exceeding five years on the taxable property of the township, except that such

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five-year limitation shall not apply in case of a public hall acquired by a lease with a purchase option. When such tax is collected by the treasurer, it shall be paid to the township clerk; but said clerk shall not receive to exceed one percent for handling said money.

[C97, §568; C24, 27, 31, 35, 39, §**5575;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.2]

360.3 Transfer of funds.

When there are funds under the control of a township clerk, raised under this chapter which are not desired for the purposes for which they were raised, the trustees may, by majority vote, order that the full amount of the funds in the account established for that purpose be transferred to the general fund of a school district or districts pro rata in which the funds were raised. The transfer of funds shall be made by the township clerk upon order of the trustees, and the clerk shall dissolve the account from which the transfer is made.

[S13, §592-b; C24, 27, 31, 35, 39, §**5576;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.3]

83 Acts, ch 185, §33, 62; 95 Acts, ch 67, §53; 2016 Acts, ch 1015, §1

360.4 Location.

Any public hall built under the provisions of this chapter shall be located by the township trustees so as to accommodate the greatest number of the resident taxpayers, and for such purpose the trustees may purchase land not to exceed in value five hundred dollars. They shall also have the power to join with the city authorities of any city within their borders and build and equip said building as a public hall or as a memorial building as provided in section 37.21 under such terms and conditions as may be mutually agreed upon.

[C97, §569; C24, 27, 31, 35, 39, §**5577;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.4]

Referred to in §360.6

360.5 Construction.

The township trustees or in case of joint ownership, in conjunction with the city authorities shall have charge of the building of such hall, shall receive bids, and shall let the building of the same to the lowest responsible bidder, and the township clerk shall pay out of the funds collected, only on the order of the trustees of said township for the township's share of the cost thereof.

[C97, §570; C24, 27, 31, 35, 39, §**5578;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.5]

360.6 Custodian.

The township clerk, under the direction of the trustees, shall be the custodian of the building, and the use thereof may be permitted by the township trustees to citizens of the township for any lawful purpose; and, for the purposes of this chapter, the township clerk is hereby clothed with all the powers and duties of a constable of the township, to maintain order within and about the premises, protect the property, and enforce orders of the township trustees with respect thereto. In case of joint ownership by the township and city, the duties herein enumerated shall devolve jointly upon the township trustees and the city authorities or they may purchase a building already built with the same limitations as in said section 360.4. A copy of this section shall be at all times kept posted in a conspicuous place in said hall.

[C97, §571; C24, 27, 31, 35, 39, §**5579;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.6]

360.7 Bond.

When a tax is voted as provided in this chapter, the township clerk shall, before drawing any of said tax from the treasury of the county, execute a bond, with penalty double the amount of said tax, which bond shall be approved by the board of supervisors.

[C97, §572; C24, 27, 31, 35, 39, §**5580;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.7]

360.8 Tax for repairs.

The trustees of any township where such building has been erected or acquired by purchase, lease with purchase option, or by gift are hereby authorized to certify to the board of supervisors that a tax of not exceeding in any one year, thirteen and one-half cents per

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thousand dollars of assessed value, on the taxable property of the township, should be levied, to be used in keeping such building in repair, to furnish same with necessary furniture, and provide for the care thereof. Provided, that in counties with a population of seventeen thousand to seventeen thousand two hundred fifty, census 1960, where such buildings are of brick construction with at least one hundred thousand cubic feet of space, such tax may be twenty-seven cents per thousand dollars of assessed value on the taxable property. When such certificate is filed in the auditor's office, the board of supervisors shall levy such tax.

[C97, §573; C24, 27, 31, 35, 39, §**5581;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §360.8]

360.9 Reversion of real estate — payment.

1. *a.* Any real estate, including improvements thereon, situated wholly outside of a city, owned by a township and heretofore used for township purposes and which is no longer necessary for township purposes, shall revert to the present owner of the tract from which the same was taken, provided that said owner of the tract last aforesaid shall, within the time hereinafter prescribed, pay the value thereof to the township clerk. In the event the township trustees and said owner of the tract from which such real property was taken do not agree as to the value of such property and improvements thereon, the township clerk shall, on written application of either party, appoint three disinterested residents of the township to appraise such property and improvements thereon.

b. The township clerk shall give notice to said trustees and said owner of the time and place of making such appraisement, which notice shall be served in the same manner and for the same time as for the commencement of action in the district court. Such appraisers shall inspect the real estate and improvements and, at the time and place designated in the notice, appraise the same in writing, which appraisement, after being duly verified, shall be filed with the township clerk.

c. If the present owner of the tract from which said site was taken fails to pay the amount of such appraisement to such township within twenty days after the filing of same with the township clerk, the township trustees may sell said site, including any improvements thereon, to any person at the appraised value, or may sell the same at public auction for the best bid.

2. Any real estate, including improvements thereon, situated within a city, owned by a township and heretofore used for township purposes and which is no longer necessary for township purposes, may be sold by the township trustees at public auction for the best bid.

3. The township trustees in the case of joint ownership, in conjunction with any city authorities, shall not sell such real estate including improvements thereon unless the city authorities concur in such sale. The proceeds of such sale of jointly owned real estate including improvements located thereon shall be prorated between the township and the city on the basis of their respective contribution to the acquisition and maintenance of such property.

4. *a.* Sales at public auction contemplated herein shall be made only after the township trustees advertise for bids for such property. Such advertisement shall definitely describe said property and be published by at least one insertion each week for two consecutive weeks in some newspaper having general circulation in the township.

b. The township trustee shall not, prior to two weeks after the said second publication, nor later than six months after said second publication, accept any bid. The township trustees may accept only the best bid received prior to acceptance. The township trustees may decline to sell if all the bids received are deemed inadequate.

5. Subject to the right of reversion to the present owner as provided in this section, the township trustees may sell, lease, exchange, give, or grant and accept any interest in real property to, with, or from any county, municipal corporation, or school district if the real property is within the jurisdiction of both the grantor and grantee and the advertising and public auction requirements of this section shall not apply to any such transaction between the aforesaid local units of government.

[C71, 73, 75, 77, 79, 81, §360.9]

2010 Acts, ch 1061, §147; 2011 Acts, ch 34, §89

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CHAPTER 361
RESERVED

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SUBTITLE 4

CITIES

Referred to in §8C.2

CHAPTER 362

DEFINITIONS AND MISCELLANEOUS PROVISIONS

Referred to in §376.1

362.1	Citation.	362.6	Conflict of interest.
362.2	Definitions.	362.7	Prior measures valid.
362.3	Publication of notices.	362.8	Construction.
362.4	Petition of eligible electors.	362.9	Application of city code.
362.5	Interest in public contract prohibited — exceptions.	362.10	Police officers and fire fighters.
		362.11	Elections on public measures.

362.1 Citation.

This chapter and chapters 364, 368, 372, 376, 380, 384, 388, and 392 may be cited as the *"City Code of Iowa"*.

[C75, 77, 79, 81, §362.1]

2025 Acts, ch 30, §62

362.2 Definitions.

As used in the city code of Iowa, unless the context otherwise requires:

1. *"Administrative agency"* means an agency established by a city for any city purpose or for the administration of any city facility, as provided in chapter 392, except a board established to administer a municipal utility, a zoning commission and zoning board of adjustment, or any other agency which is controlled by state law. An administrative agency may be designated as a board, board of trustees, commission, or by another title. If an agency is advisory only, such a designation must be included in its title.
2. *"Amendment"* means a revision or repeal of an existing ordinance or code of ordinances.
3. *"Charter"* means the form of government selected by a city as provided in chapter 372.
4. *"City"* means a municipal corporation, but not including a county, township, school district, or any special-purpose district or authority. When used in relation to land area, "city" includes only the area within the city limits.
5. *"City code"* means the city code of Iowa.
6. *"City utility"* means all or part of a waterworks, gasworks, sanitary sewage system, storm water drainage system, electric light and power plant and system, heating plant, cable communication or television system, telephone or telecommunications systems or services offered separately or combined with any system or service specified in this subsection or authorized by other law, any of which are owned by a city, including all land, easements, rights-of-way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the utility.
7. *"Clerk"* means the recording and recordkeeping officer of a city regardless of title.
8. *"Council"* means the governing body of a city.
9. *"Council member"* means a member of a council, including an alderman.
10. *"Eligible elector"* means the same as it is defined in section 39.3, subsection 6.
11. *"Governmental body"* means the United States of America or an agency thereof, a state, a political subdivision of a state, a school corporation, a public authority, a public district, or any other public body.
12. *"May"* confers a power.
13. *"Measure"* means an ordinance, amendment, resolution, or motion.
14. *"Must"* states a requirement.

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15. *"Officer"* means a natural person elected or appointed to a fixed term and exercising some portion of the power of a city.

16. *"Ordinance"* means a city law of a general and permanent nature.

17. *"Person"* means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

18. *"Property"*, *"real property"*, and *"personal property"* have the same meaning as provided in section 4.1.

19. *"Recorded vote"* means a record, roll call vote.

20. *"Registered voter"* means the same as it is defined in section 39.3, subsection 11.

21. *"Resolution"* or *"motion"* means a council statement of policy or a council order for action to be taken, but "motion" does not require a recorded vote.

22. *"Secretary"* of a utility board means the recording and recordkeeping officer of the utility board regardless of title.

23. *"Shall"* imposes a duty.

[C50, §391A.1; C54, 58, 62, 66, 71, 73, §363A.2, 391A.1; C75, 77, 79, 81, §362.2]

90 Acts, ch 1206, §1; 93 Acts, ch 153, §1; 94 Acts, ch 1169, §65; 99 Acts, ch 63, §2, 8

Referred to in §28J.1, 29D.2, 169C.1, 200.22, 206.34, 364.4, 386.1, 390.1, 403.7, 404A.1, 455B.291, 476C.1, 478.16, 592.9, 717.1, 717B.1

362.3 Publication of notices.

1. Unless otherwise provided by state law:

a. If notice of an election, hearing, or other official action is required by the city code, the notice must be published at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action.

b. A publication required by the city code must be in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, or in the case of ordinances and amendments to be published in a city in which no newspaper is published, a publication may be made by posting in three public places in the city which have been permanently designated by ordinance.

2. In the case of notices of elections, a city with a population of two hundred or less meets the publication requirement of this section by posting notices of elections in three public places which have been designated by ordinance.

[R60, §1133; C73, §492; C97, §686, 687; C24, 27, 31, 35, §5720, 5721, 5721-a1; C39, §**5720, 5721, 5721.1;** C46, 50, §366.7 – 366.9; C54, 58, 62, 66, 71, 73, §366.7; C75, 77, 79, 81, §362.3]

93 Acts, ch 143, §48; 94 Acts, ch 1180, §50; 2010 Acts, ch 1061, §180

Referred to in §24.2A, 26.12, 26.15, 37.4, 103A.12, 330.18, 336.13, 336.16, 364.2, 364.7, 364.12, 368.2, 368.3, 368.15, 368.20, 372.4, 372.9, 372.13, 376.5, 380.7, 380.8, 380.10, 384.12, 384.16, 384.22, 384.25, 384.26, 384.37, 384.38, 384.40, 384.50, 384.60, 384.83, 386.3, 392.7, 400.1, 403.9, 404.2, 404B.2, 404B.3, 414.3, 414.4, 427B.1, 427B.26, 476.84

362.4 Petition of eligible electors.

1. If a petition of the voters is authorized by the city code, the petition is valid if signed by eligible electors of the city equal in number to ten percent of the persons who voted at the last preceding regular city election, but not less than ten persons, unless otherwise provided by state law. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

2. The petition shall be examined before it is accepted for filing. If the petition appears valid on its face it shall be accepted for filing. If it lacks the required number of signatures it shall be returned to the petitioner.

3. Petitions which have been accepted for filing are valid unless written objections are filed with the commissioner within five working days after the petition is received. The objection process in section 44.8 shall be followed.

[C75, 77, 79, 81, §362.4]

89 Acts, ch 136, §70; 94 Acts, ch 1180, §51; 2017 Acts, ch 54, §76; 2026 Acts, ch 1073, §17

Referred to in §28E.17, 37.2, 43.112, 44.8, 330.17, 364.2, 364.4, 368.3, 372.4, 372.6, 372.11, 372.13, 376.2, 384.7, 384.24A, 384.26, 388.2, 389.2, 392.5

Subsection 3 amended

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362.5 Interest in public contract prohibited — exceptions.

1. When used in this section, *"contract"* means any claim, account, or demand against or agreement with a city, express or implied.

2. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the officer's or employee's city. A contract entered into in violation of this section is void.

3. The provisions of this section do not apply to:

a. The payment of lawful compensation of a city officer, volunteer fire fighter as defined in section 85.61, emergency medical care provider as defined in section 147A.1, or employee holding more than one city office or position, the holding of which is not incompatible with another public office or is not prohibited by law. This section shall not be construed to prohibit nominal stipends, compensation, incentives, or benefits for volunteer fire fighters or emergency medical care providers.

b. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

c. An employee of a bank or trust company, who serves as treasurer of a city.

d. Contracts made by a city, upon competitive bid in writing, publicly invited and opened.

e. Contracts in which a city officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in paragraph *"i"*, or both, if the contracts are made by competitive bid in writing, publicly invited and opened, or if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid qualification of this paragraph does not apply to a contract for professional services not customarily awarded by competitive bid.

f. The designation of an official newspaper.

g. A contract in which a city officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.

h. Contracts with volunteer fire fighters or civil defense volunteers.

i. A contract with a corporation in which a city officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

j. Contracts not otherwise permitted by this section, for the purchase of goods or services by a city which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of six thousand dollars in a fiscal year.

k. Franchise agreements between a city and a utility and contracts entered into by a city for the provision of essential city utility services.

l. A contract that is a bond, note, or other obligation of the city and the contract is not acquired directly from the city, but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.

[R60, §1122; C73, §490; C97, §943; S13, §668, 879-q, 1056-a31; C24, 27, 31, 35, 39, §**5673, 6534, 6710;** C46, 50, §363.47, 416.58, 420.20; C54, 58, 62, 66, 71, 73, §368A.22; C75, 77, 79, 81, §362.5]

84 Acts, ch 1228, §1, 2; 87 Acts, ch 203, §1, 2; 88 Acts, ch 1246, §2, 3; 90 Acts, ch 1209, §5, 6; 91 Acts, ch 60, §1, 2; 92 Acts, ch 1036, §1; 2003 Acts, ch 36, §4, 5; 2010 Acts, ch 1061, §148; 2019 Acts, ch 74, §3, 4; 2025 Acts, ch 90, §1

Referred to in §372.13

362.6 Conflict of interest.

A measure voted upon is not invalid by reason of conflict of interest in an officer of a city, unless the vote of the officer was decisive to passage of the measure. If a specific majority or unanimous vote of a municipal body is required by statute, the majority or vote must be computed on the basis of the number of officers not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purposes of

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this section, the statement of an officer that the officer declines to vote by reason of conflict of interest is conclusive and must be entered of record.

[C71, 73, §368A.25; C75, 77, 79, 81, §362.6]

362.7 Prior measures valid.

A valid measure adopted by a city prior to July 1, 1975, remains valid unless the measure is irreconcilable with the city code.

[C75, 77, 79, 81, §362.7]

362.8 Construction.

The city code, being necessary for the public safety and welfare, shall be liberally construed to effectuate its purposes.

[C75, 77, 79, 81, §362.8]

362.9 Application of city code.

The provisions of this chapter and chapters 364, 368, 372, 376, 380, 384, 388, and 392 are applicable to all cities.

[C75, 77, 79, 81, §362.9]

2025 Acts, ch 30, §63

362.10 Police officers and fire fighters.

The maximum age for a regular law enforcement officer, as defined in section 80B.3, police officer, or marshal, employed full-time or part-time for police or law enforcement duties, or a paid professional fire fighter, employed full-time or part-time for the duty of fighting fires, is sixty-five years of age. This section does not apply to a reserve peace officer, as defined in section 80D.1A, or to a volunteer fire fighter.

[C35, §6326-f6; C39, §**6326.08;** C46, 50, 54, 58, 62, §411.6; C66, 71, 73, 75, 77, 79, §410.6, 411.6; C81, §362.10]

98 Acts, ch 1183, §113; 2023 Acts, ch 53, §1, 2

362.11 Elections on public measures.

Unless otherwise stated, the dates of elections on public measures authorized in the city code are limited to those specified for cities in section 39.2.

2008 Acts, ch 1115, §61, 71

CHAPTERS 363 to 363E

RESERVED

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CHAPTER 364

POWERS AND DUTIES OF CITIES

Referred to in §28J.9, 192.141, 214A.41, 331.248, 331.261, 354.1, 362.1, 362.9, 373.11, 376.1, 476.23

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364.1 Scope.

A city may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents. This grant of home rule powers does not include the power to enact private or civil law governing civil relationships, except as incident to an exercise of an independent city power, or to enact private or civil law which violates section 675.4.

[C51, §664; R60, §1047, 1056, 1057, 1071 – 1073, 1095; C73, §454 – 456, 482, 524; C97, §680, 695, 947; C13, §695; C24, 27, 31, 35, 39, §**5714, 5738, 6720;** C46, 50, §366.1, 368.2, 420.31; C54, 58, 62, 66, 71, 73, §366.1, 368.2, 420.31; C75, 77, 79, 81, §364.1]

2006 Acts, ch 1010, §95; 2024 Acts, ch 1003, §2, 7, 8

Municipal home rule, Iowa Constitution, Art. III, §38A

364.2 Vesting of power — franchises.

1. A power of a city is vested in the city council except as otherwise provided by a state law.

2. The enumeration of a specific power of a city does not limit or restrict the general grant of home rule power conferred by the Constitution of the State of Iowa. A city may exercise its general powers subject only to limitations expressly imposed by a state or city law.

3. An exercise of a city power is not inconsistent with a state law unless it is irreconcilable with the state law.

4. *a.* A city may grant to any person a franchise to erect, maintain, and operate plants and systems for electric light and power, heating, telegraph, cable television, district telegraph and alarm, motor bus, trolley bus, street railway or other public transit, waterworks, sewer services, or gasworks, within the city for a term of not more than twenty-five years. When considering whether to grant, amend, extend, or renew a franchise, a city shall hold a public hearing on the question. Notice of the time and place of the hearing shall be published as provided in section 362.3. The franchise may be granted, amended, extended, or renewed only by an ordinance, but no exclusive franchise shall be granted, amended, extended, or renewed.

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b. Such an ordinance shall not become effective unless approved at an election. The proposal may be submitted by the council on its own motion to the voters at any city election. Upon receipt of a petition meeting the requirements of section 362.4 requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election or at a special election called for that purpose before the next regular city election. However, the city council may dispense with such election as to the grant, amendment, extension, or renewal of an electric light and power, heating, waterworks, sewer services under section 357A.23, or gasworks franchise unless there is a valid petition requesting submission of the proposal to the voters, or the party seeking such franchise, grant, amendment, extension, or renewal requests an election. If a majority of those voting approves the proposal, the city may proceed as proposed. The complete text of the ordinance shall be included on the ballot if conventional paper ballots are used. If an optical scan voting system is used, the proposal shall be stated on the optical scan ballot, and the full text of the ordinance posted for the voters pursuant to section 52.25. All absentee voters shall receive the full text of the ordinance.

c. Notice of the election shall be given by publication as prescribed in section 49.53 in a newspaper of general circulation in the city.

d. The person asking for the granting, amending, extension, or renewal of a franchise shall pay the costs incurred in holding the election, including the costs of the notice. A franchise shall not be finally effective until an acceptance in writing has been filed with the council and payment of the costs has been made.

e. The franchise ordinance may regulate the conditions required and the manner of use of the streets and public grounds of the city, and it may, for the purpose of providing electrical, gas, heating, or water service, confer the power to appropriate and condemn private property upon the person franchised.

f. (1) (a) A franchise fee assessed by a city may be based upon a percentage of gross revenues generated from sales of the franchisee within the city not to exceed five percent except as provided in subparagraph division (b), without regard to the city's cost of inspecting, supervising, and otherwise regulating the franchise.

(b) For franchise fees assessed and collected during fiscal years beginning on or after July 1, 2024, by a city with a population exceeding two hundred thousand, the rate of the franchise fee shall not exceed seven and one-half percent of gross revenues generated from sales of the franchisee in the city, and franchise fee amounts assessed and collected in excess of five percent of gross revenues generated from sales shall be used solely for the purpose specified in section 384.3A, subsection 3, paragraph *"j"*.

(2) Franchise fees collected pursuant to an ordinance in effect on May 26, 2009, shall be deposited in the city's general fund and such fees collected in excess of the amounts necessary to inspect, supervise, and otherwise regulate the franchise may be used by the city for any other purpose authorized by law. Franchise fees collected pursuant to an ordinance that is adopted or amended on or after May 26, 2009, to increase the percentage rate at which franchise fees are assessed shall be credited to the franchise fee account within the city's general fund and used pursuant to section 384.3A. If a city franchise fee is assessed to customers of a franchise, the fee shall not be assessed to the city as a customer. Before a city adopts or amends a franchise fee rate ordinance or franchise ordinance to increase the percentage rate at which franchise fees are assessed, a revenue purpose statement shall be prepared specifying the purpose or purposes for which the revenue collected from the increased rate will be expended. If property tax relief is listed as a purpose, the revenue purpose statement shall also include information regarding the amount of the property tax relief to be provided with revenue collected from the increased rate. The revenue purpose statement shall be published as provided in section 362.3.

(3) When considering whether to amend an ordinance imposing a franchise fee to increase the rate of the fee, and after preparation of the revenue purpose statement under subparagraph (2), a city shall hold a public hearing on the question. Notice of the time and place of the hearing shall be published as provided in section 362.3. If a city adopts, amends, or repeals an ordinance imposing a franchise fee, the city shall promptly notify the director of revenue of such action.

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g. If a city grants more than one cable television franchise, the material terms and conditions of any additional franchise shall not give undue preference or advantage to the new franchisee. A city shall not grant a new franchise that does not include the same territory as that of the existing franchise. A new franchisee shall be given a reasonable period of time to build the new system throughout the territory.

5. If provided by ordinance, a city may enter into a chapter 28E agreement for the collection of delinquent parking fines by a county treasurer pursuant to section 321.40 at the time a person applies for renewal of a motor vehicle registration, for violations that have not been appealed or for which appeal has been denied. The city may pay the treasurer a reasonable fee for the collection of such fines, or may allow the county treasurer to retain a portion of the fines collected, as provided in the agreement.

6. A city council may by ordinance or resolution prohibit or limit the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2, on any day other than July 3, July 4, and December 31 in accordance with section 727.2, subsection 4.

[C51, §664; R60, §1047, 1056, 1057, 1090, 1094, 1095; C73, §454 – 456, 471, 473, 474, 517, 523, 524; C97, §695, 720 – 722, 775, 776; S13, §695, 720 – 722, 776; C24, 27, 31, 35, §5738, 5904, 5904-c1, 5905 – 5909, 6128, 6131 – 6134; C39, §**5738, 5904, 5904.1, 5905 – 5909, 6128, 6131 – 6134;** C46, 50, §368.1, 386.1 – 386.7, 397.2, 397.5 – 397.8; C54, 58, 62, 66, §368.2, 386.1 – 386.7, 388.5 – 388.9, 397.2, 397.5 – 397.8; C71, 73, §368.2, 386.1 – 386.7, 397.2, 397.5 – 397.8; C75, 77, 79, 81, §364.2]

83 Acts, ch 127, §5; 93 Acts, ch 143, §49; 98 Acts, ch 1123, §15; 98 Acts, ch 1148, §1, 9; 2001 Acts, ch 82, §1; 2001 Acts, ch 98, §1; 2005 Acts, ch 54, §11, 12; 2006 Acts, ch 1010, §96; 2007 Acts, ch 190, §42; 2009 Acts, ch 57, §89; 2009 Acts, ch 179, §228, 231; 2012 Acts, ch 1110, §24; 2013 Acts, ch 140, §148, 150; 2015 Acts, ch 118, §1; 2017 Acts, ch 29, §104; 2017 Acts, ch 50, §1, 2; 2017 Acts, ch 115, §8, 12; 2023 Acts, ch 71, §60, 62; 2024 Acts, ch 1108, §1; 2024 Acts, ch 1170, §369; 2025 Acts, ch 30, §64; 2025 Acts, ch 81, §2

Referred to in §306.46, 357A.23, 358C.13, 364.3, 364.4, 384.3A, 403.7, 476.84, 477A.2, 477A.5, 480A.6, 714H.4

364.3 Limitation of powers.

The following are limitations upon the powers of a city:

1. A city council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance.

2. For a violation of an ordinance a city shall not provide a penalty in excess of the maximum fine and term of imprisonment for a simple misdemeanor under section 903.1, subsection 1, paragraph *"a"*. An amount equal to twenty percent of all fines collected by cities shall be deposited in the account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The crime services surcharge required by section 911.1 shall be added to a city fine and is not a part of the city's penalty.

3. *a.* A city may not set standards and requirements which are lower or less stringent than those imposed by state law, but may set standards and requirements which are higher or more stringent than those imposed by state law, unless a state law provides otherwise.

b. A city shall not impose any fee or charge on any individual or business licensed by the plumbing and mechanical systems board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic systems work within the scope of the license. This paragraph does not prohibit a city from charging fees for the issuance of permits for, and inspections of, work performed in its jurisdiction.

c. (1) A city shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any state law. For purposes of this paragraph:

(a) *"Consumer merchandise"* means merchandise offered for sale or lease, or provided with a sale or lease, primarily but not exclusively for personal, family, or household purposes, and includes any container used for consuming, carrying, or transporting such merchandise.

(b) *"Container"* means a bag, cup, package, container, bottle, or other packaging that is all of the following:

(i) Designed to be either reusable or single-use.

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(ii) Made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, or postconsumer recycled or similar material or substrates, including coated, laminated, or multilayer substrates.

(iii) Designed for consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.

(2) An ordinance, motion, resolution, or amendment adopted prior to March 30, 2017, that violates this paragraph is void and unenforceable on and after March 30, 2017.

(3) This paragraph "*c*" shall not apply to city solid waste or recycling collection or city solid waste or recycling programs.

d. A city shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that restricts an owner of real property from refinancing existing debt on, selling, or otherwise transferring title to the property by requiring the owner to take or show compliance with any action with respect to the property or pay any fee before, during, or after refinancing existing debt on, selling, or transferring title to the property.

4. A city may not levy a tax unless specifically authorized by a state law.

5. A city shall not adopt or enforce any ordinance imposing any registration or licensing system or registration or license fees for or relating to owner-occupied manufactured or mobile homes including the lots, lands, or manufactured home community or mobile home park upon or in which they are located. A city shall not adopt or enforce any ordinance imposing any registration or licensing system, or registration or license fees, or safety or sanitary standards for rental manufactured or mobile homes unless a similar registration or licensing system, or registration or license fees, or safety or sanitary standards are required for other rental properties intended for human habitation. This subsection does not preclude the investigation and abatement of a nuisance or the enforcement of a tiedown system, or the enforcement of any rules of the department of health and human services or local board of health if those rules apply to other rental properties or to owner-occupied housing intended for human habitation.

6. A city shall not provide a civil penalty in excess of seven hundred fifty dollars for the violation of an ordinance which is classified as a municipal infraction or if the infraction is a repeat offense, a civil penalty not to exceed one thousand dollars for each repeat offense. A municipal infraction is not punishable by imprisonment.

7. A city which operates a cable communications system shall manage the right-of-way on a competitively neutral and nondiscriminatory basis. Additionally, a city-operated cable communications system shall be required to pay the same fees and charges and comply with other requirements as may be imposed by the city by ordinance or by the terms of a franchise granted by the city, or as may otherwise be imposed by the city, upon any other cable provider. This subsection does not prohibit a city from making an equitable apportionment of franchise requirements between or among cable television providers, in order to eliminate duplication. This subsection shall not be construed to prohibit a city-operated cable communications system from making transfers of surplus as otherwise allowed or from making in-kind contributions as otherwise allowed.

8. *a.* A city may adopt and enforce an ordinance requiring the construction of a storm shelter at a manufactured home community or mobile home park which is constructed after July 1, 1999. In lieu of requiring construction of a storm shelter, a city may require a community or park owner to provide a plan for the evacuation of community or park residents to a safe place of shelter in times of severe weather including tornadoes and high winds if the city determines that a safe place of shelter is available within a reasonable distance of the manufactured home community or mobile home park for use by community or park residents. Each evacuation plan prepared pursuant to this subsection shall be filed with, and approved by, the local emergency management agency. If construction of a storm shelter is required, an ordinance adopted or enforced pursuant to this subsection shall not include any of the following requirements:

(1) That the size of the storm shelter be larger than the equivalent of seven square feet for each manufactured or mobile home space in the manufactured home community or mobile home park.

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(2) That the storm shelter include a restroom if the shelter is used exclusively as a storm shelter.

(3) That the storm shelter exceed the construction specifications approved by a licensed professional engineer and presented by the owner of the manufactured home community or mobile home park.

(4) That the shelter be located any closer than one thousand three hundred twenty feet from any manufactured or mobile home in the community. However, this restriction shall not prohibit the adoption or enforcement of an ordinance that requires a minimum of one shelter to be located in a manufactured home community or mobile home park.

b. For the purposes of this subsection:

(1) *"Manufactured home community"* means the same as land-leased community defined in sections 335.30A and 414.28A.

(2) *"Mobile home park"* means a mobile home park as defined in section 562B.7.

(3) *"Storm shelter"* means a single structure or multiple structures designed to provide persons with temporary protection from a storm.

9. A city shall not adopt or enforce any ordinance imposing any limitation on the amount of rent that can be charged for leasing private residential or commercial property. This subsection does not prevent the right of a city to manage and control residential property in which the city has a property interest.

10. A city which operates a utility that furnishes gas or electricity shall manage the right-of-way on a competitively neutral and nondiscriminatory basis. Such city utility shall be required to pay the fees and charges computed in the same manner as those fees and charges which are imposed by the city upon any other provider of a similar service within the corporate boundaries of the city. Such city utility shall also comply with the terms of the franchise granted by the city to the provider of a similar service. This subsection shall not be construed to prohibit the city utility from making transfers of surplus as otherwise allowed or from making in-kind contributions as otherwise allowed. However, a city shall not require that transfers from the city utility be in excess of the franchise fee amount imposed upon the provider of a similar service unless otherwise agreed.

11. A city shall not adopt or enforce any ordinance or regulation in violation of section 562A.27B or 562B.25B.

12. *a.* A city shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment providing for any terms or conditions of employment that exceed or conflict with the requirements of federal or state law relating to a minimum or living wage rate, any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms or conditions of employment.

b. An ordinance, motion, resolution, or amendment adopted prior to March 30, 2017, that violates this subsection is void and unenforceable on and after March 30, 2017.

13. *a.* A city shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment, or use any other means, to restrict, impede, regulate, or prohibit, intentionally or effectively, any of the following:

(1) The provision of natural gas service by a public utility as defined in section 476.1, a competitive natural gas provider as defined in section 476.86, or a retail propane marketer or retail propane dispenser as those terms are defined in section 101C.2 to a person, business, municipality, or other wholesale or retail customer within or outside the incorporated area of the city.

(2) The purchase of natural gas or propane from a competitive natural gas provider as defined in section 476.86 or a retail propane marketer or retail propane dispenser as those terms are defined in section 101C.2, or the receipt of natural gas or propane service from a public utility as defined in section 476.1, by any person, business, municipality, or other wholesale or retail customer within or outside the incorporated area of the city.

b. (1) Paragraph *"a"* does not apply to an ordinance granting, extending, amending, or renewing a franchise pursuant to section 364.2, subsection 4, that does not restrict or impede the provision of natural gas service.

(2) Paragraph *"a"* does not apply to an ordinance, motion, resolution, or amendment relating to the rates, services, or governance of a public utility providing gas service to the

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public for compensation and subject to the jurisdiction of the utilities commission pursuant to section 476.1B.

(3) Paragraph *"a"* does not apply to an ordinance, motion, resolution, or amendment that regulates a retail propane marketer or retail propane dispenser, as those terms are defined in section 101C.2, adopted before July 1, 2021.

14. A city shall not adopt an ordinance, motion, resolution, or amendment, or use any other means, that requires the owner of real property to implement a policy relating to the use of facial coverings that is more stringent than a policy imposed by the state.

15. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment imposing any requirement to obtain a permit or license, or to pay a fee, for an eligible business operated on an occasional basis for no more than eighty-nine calendar days in a calendar year by a person or persons under the age of eighteen. For purposes of this subsection, *"eligible business"* means an on-site transactional business traditionally operated exclusively by a person under the age of eighteen, including a *"stand operated by a minor"* as defined in section 137F.1, that a person under the age of eighteen is not otherwise prohibited by law from operating.

16. A city shall not adopt or enforce an ordinance or regulation that prohibits an owner, lessor, sublessor, managing agent, or other person having the right to lease, sublease, or rent out a dwelling unit from refusing to lease or rent out the dwelling unit to a person because of the person's use of a federal housing choice voucher issued by the United States department of housing and urban development. Such an ordinance or regulation in effect on January 1, 2021, is void and unenforceable on and after January 1, 2023. For purposes of this subsection, *"dwelling unit"* means the same as defined in section 562A.6.

17. *a.* A city that operates and maintains parking meters or non-metered parking lots shall not enforce any ordinance related to fees at such parking meters against, and shall not charge a fee at any non-metered parking lot to, a person whose vehicle is lawfully displaying any of the following registration plates:

(1) Medal of honor special registration plates issued pursuant to section 321.34, subsection 8.

(2) Ex-prisoner of war special registration plates issued pursuant to section 321.34, subsection 8A.

(3) Purple heart special registration plates issued pursuant to section 321.34, subsection 18.

(4) Registration plates displaying the alphabetical characters "DV" preceding the registration plate number pursuant to section 321.166, subsection 6.

b. This subsection shall not be construed to limit a city's authority to enforce other parking-related ordinances, including but not limited to ordinances regulating the length of time parking is allowed, parking along snow and emergency routes, and the hours and locations where parking is prohibited.

18. *a.* Unless expressly authorized by state law, a city shall not adopt, enforce, or maintain an ordinance, order, or rule for the purpose of making payments to individuals under a guaranteed income program.

b. The attorney general shall send a cease and desist order to any city that adopts or enforces an ordinance, order, or rule in violation of this subsection.

c. If the city fails to comply with the cease and desist order, the attorney general shall bring an action in the name of the state for injunctive relief against any city that has adopted an ordinance, order, or rule in violation of this subsection.

d. For purposes of this subsection, the term *"guaranteed income program"* means a program under which individuals are provided with regular periodic cash payments that are unearned and that may be used for any purpose, but does not include a program under which an individual is required to perform work or attend training.

e. A guaranteed income program operating prior to or on May 1, 2024, may remain in effect until January 1, 2025, or until expiration of the program, whichever is earlier. A city shall not start a guaranteed income program or extend an existing guaranteed income program after May 1, 2024.

19. *a.* For purposes of this subsection:

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(1) *"Construction site"* means the same as used in a storm water general permit adopted by rule pursuant to section 455B.103A.

(2) *"Topsoil"* means the same as used in a storm water general permit adopted by rule pursuant to section section 455B.103A.

b. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment relating to the preservation, compaction, placement, or depth of topsoil at a construction site that is more restrictive than those requirements provided in the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources. A city may develop standards to evaluate topsoil quantities before and after construction and ensure compliance with general permit no. 2. A city may request that the department of natural resources review the soil of a construction site to verify that the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources is proper for the construction site.

c. (1) A city may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff at a construction site only to the extent that such regulation for rainfall events having a return frequency ranging from five through one hundred years does not require a post-construction storm water flow rate that is more restrictive than the existing flow rate of a rainfall event having a return frequency of five years, with all such runoff rates based on the actual existing condition of the site at the time the construction commences.

(2) A city may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff from upstream properties adjacent to a construction site only to the extent that storm water runoff shall be allowed to pass through downstream storm water basins at the same flow rate as off-site storm water runoff entering the construction site.

(3) A city may impose a storm water runoff requirement that is more restrictive than what is allowed or required by this paragraph at the construction site if the city meets all of the following conditions:

(a) The city pays for all study, design, and engineering costs for implementing the storm water runoff requirement that includes an analysis by a licensed professional engineer of the difference in costs between the requirements of this paragraph and the more restrictive city storm water runoff requirement.

(b) The city pays for the difference of costs between the requirements of this paragraph and the more restrictive requirement imposed by the city for installation of equipment or practices required for a property owner to comply with the storm water runoff requirement.

(c) If the storm water runoff requirement results in the city using a person's private property, whether by easement or otherwise taking an interest in the property, the city pays the property owner the fair market value of the property taken for any additional land required beyond the requirements of this paragraph.

(d) A city shall not impose a special assessment or otherwise recover the costs from the property owner for the portion of the costs attributable to the city.

(e) The costs attributable to the city shall only apply to the storm water management practices addressed in this paragraph.

20. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment that imposes restrictions, qualifications, or requirements on developers, contractors, or subcontractors related to a developer's or contractor's employee compensation or training beyond what is expressly authorized by state law. A city shall not make receipt of any incentives, or the eligibility for such incentives, contingent upon compliance with any such restrictions, qualifications, or requirements, except as required under federal law.

21. A city shall not adopt or continue in effect any regulation, including in the form of an ordinance or resolution, that governs fuel-powered equipment as provided in chapter 214A, subchapter IV.

22. A city with a civil service commission established under chapter 400 shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment, or use any other means, to establish a board or other entity for the purpose of citizen review of the conduct of officers as defined under section 80F.1, subsection 1, paragraph *"f"*.

23. *a.* A city shall allow a minimum of one accessory dwelling unit on the same lot as a

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single family residence within a zoning district where a single family residence is an allowed principal use, in accordance with the following conditions:

(1) An accessory dwelling unit shall comply with all applicable building regulations as defined in chapter 103A.

(2) An accessory dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single family residence, whichever is larger. The size calculation of an accessory dwelling unit shall exclude unfinished basements.

(3) An accessory dwelling unit shall be prohibited or limited only to the extent that a deed restriction or a rule of a common interest community, as defined in section 499C.1, limits or prohibits the construction or use of an accessory dwelling unit. The imposition of an ordinance, motion, resolution, or amendment regulating accessory dwelling units that is more restrictive when applied to a common interest community than when applied to a single family residence is prohibited. An accessory dwelling unit proposed for a lot within an area designated as an area of historical significance shall be regulated to the extent that the city or commission, pursuant to section 15.459, subsection 3, determines that the proposed accessory dwelling unit would be incongruous with the historical, architectural, archaeological, or cultural aspects of the area, and enters into its records the reasons for such determination.

(4) If a manufactured home as defined in section 435.1, subsection 3, or a mobile home as defined in section 435.1, subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26.

b. Except as otherwise provided in paragraph "*a*" or by state law, a city shall not impose any of the following limitations or restrictions:

(1) Requirements related to the placement or appearance of an accessory dwelling unit that are more restrictive than those imposed on a single family residence including but not limited to the following: maximum building heights; minimum setback requirements; minimum lot sizes; minimum building frontages; maximum lot coverages; density requirements; and aesthetic or architectural standards or requirements. Additionally, a city shall not require an accessory dwelling unit to match the exterior design, roof pitch, or finishing materials of the single family residence.

(2) Regulations on the use of an accessory dwelling unit as a rental property that are more restrictive than those provided for in subsections 9 and 16 of this section, section 414.1, subsection 1, paragraph "*e*", and chapter 562A.

(3) A requirement that the lot containing a single family residence and an accessory dwelling unit have additional parking beyond that required for a single family residence or payment of a fee in lieu of providing additional parking.

(4) Restrictions on the occupancy of either the single family residence or the accessory dwelling unit by any of the following manners: requiring the property owner to be a resident; requiring a familial, marital, or employment relationship to exist between the occupants of the single family residence and the occupants of the accessory dwelling unit; or restricting the occupancy of an accessory dwelling unit based on income or age.

(5) A requirement of new or separate utility lines between the accessory dwelling unit and public utility service connections. However, if full utility access that includes a separate metering system for billing purposes cannot be provided to the accessory dwelling unit, then the city can require new or separate utility lines.

(6) Imposition of a different city impact fee structure or development standard for an accessory dwelling unit than those used for the single family residence on the same lot.

(7) The requirement of improvements or repairs to public streets or sidewalks beyond those imposed on the single family residence on the same lot.

c. A city shall approve an accessory dwelling unit permit application that meets the requirements set forth in paragraph "*a*" and by state law without discretionary review or hearing and consistent with the time frame assigned to the approval of a single family residence. An accessory dwelling unit permit application shall not have a review timeline or schedule in excess of a city's normal review schedule for a single family residence. If

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the city denies an accessory dwelling unit permit, the reason for denial shall be provided in writing to the applicant and include any remedy necessary to secure approval.

d. A city ordinance, motion, resolution, or amendment regulating accessory dwelling units in a manner that conflicts with this subsection is void. Nothing in this subsection prohibits a city from adopting an ordinance, motion, resolution, or amendment that is more permissive than the requirements provided in this subsection.

e. For the purposes of this subsection:

(1) *"Accessory dwelling unit"* means an additional residential dwelling unit located on the same lot as a single family residence that is either attached to or detached from the single family residence.

(2) *"Detached"* includes being part of an accessory structure such as a detached garage.

(3) *"Dwelling unit"* means the same as defined in section 562A.6, subsection 3.

(4) *"Single family residence"* means the same as defined in section 562A.6, subsection 15, except to the extent that a single family residence may share utility lines with the accessory dwelling unit if full utility access that includes a separate metering system for billing purposes can be provided to the accessory dwelling unit.

(5) *"Size"* means the gross living area of the primary dwelling unit excluding garages, decks, and unheated porches.

24. *a.* A city shall not issue a city-specific identification card to any resident of the city except as provided in paragraph *"b"*.

b. A city may issue an identification card to a city employee or elected official relating to the employee's or official's job duties.

25. *a.* For purposes of this subsection, *"battery-charged security alarm system"* means an outdoor alarm system that does all of the following:

(1) Interfaces with an alarm system in a manner that causes the connected outdoor alarm system to transmit a signal intended to alert the business and a monitoring station operator in response to a burglary or attempted burglary.

(2) Is energized by a commercial storage battery not exceeding twelve volts direct current and designed to periodically deliver voltage impulses to the outdoor alarm system.

(3) Includes a battery-charging device used exclusively to charge the battery.

b. A city shall not consider a battery-charged security alarm system to be a fence or to be subject to regulation by fence codes, and shall not require a fence permit for the installation or use of a battery-charged security alarm system on property that is not used exclusively for residential purposes.

c. A city shall not adopt, enforce, or apply any ordinance, building code, zoning regulation, or other requirement that prohibits or otherwise regulates the installation or use of a battery-charged security alarm system on nonresidential property, provided that the system complies with all of the following requirements:

(1) The energizer is certified to meet the current international electrotechnical commission standard 60335-2-76, or a successor standard.

(2) The battery-charged security alarm system is located behind a nonelectric perimeter fence or wall that is not less than five feet in height.

(3) The battery-charged security alarm system is the greater of ten feet in height or two feet higher than the nonelectric perimeter fence or wall.

(4) Warning signs, in capitalized type, reading "WARNING — ELECTRIC FENCE" or substantially similar language are posted at intervals not greater than thirty feet along the fence.

d. This subsection does not apply to property used exclusively for residential purposes.

e. Notwithstanding paragraph *"c"*, a city may only require an alarm system operator license or permit for battery-charged security alarm systems in the same manner as is required for any other security alarm systems.

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f. Nothing in this section shall be construed to apply to security alarm systems that do not meet the definition of battery-charged security alarm system.

[R60, §1071 – 1073, 1095; C73, §482, 524; C97, §668, 680, 947; S13, §668; C24, 27, 31, 35, 39, §**5663, 5714, 6720;** C46, 50, §363.36, 366.1, 420.31; C54, 58, 62, §366.1, 368A.1(10), 420.31; C66, 71, 73, §366.1, 368.2, 368A.1(10), 420.31; C75, 77, 79, 81, §364.3]

83 Acts, ch 123, §171, 209; 84 Acts, ch 1219, §31; 85 Acts, ch 195, §44; 86 Acts, ch 1202, §1; 86 Acts, ch 1245, §1118; 94 Acts, ch 1074, §4; 98 Acts, ch 1144, §3; 99 Acts, ch 33, §1; 99 Acts, ch 153, §9; 99 Acts, ch 186, §2; 2000 Acts, ch 1083, §2; 2000 Acts, ch 1203, §20; 2001 Acts, ch 153, §10; 2003 Acts, ch 178, §23; 2004 Acts, ch 1111, §2; 2008 Acts, ch 1191, §61; 2009 Acts, ch 21, §5; 2009 Acts, ch 179, §229, 231; 2011 Acts, ch 100, §14, 15; 2013 Acts, ch 77, §34, 36; 2014 Acts, ch 1092, §87; 2016 Acts, ch 1120, §2; 2017 Acts, ch 20, §3 – 5; 2018 Acts, ch 1013, §2; 2018 Acts, ch 1172, §75; 2020 Acts, ch 1074, §4, 93; 2021 Acts, ch 44, §2; 2021 Acts, ch 49, §2, 3; 2021 Acts, ch 139, §30, 31; 2021 Acts, ch 179, §2, 3; 2022 Acts, ch 1134, §26; 2023 Acts, ch 19, §1114, 2664; 2024 Acts, ch 1011, §2; 2024 Acts, ch 1109, §3, 4; 2024 Acts, ch 1170, §369, 425; 2025 Acts, ch 6, §22, 23; 2025 Acts, ch 26, §5; 2025 Acts, ch 38, §2; 2025 Acts, ch 82, §1, 12; 2025 Acts, ch 152, §19 – 21; 2026 Acts, ch 1012, §2; 2026 Acts, ch 1013, §3, 4; 2026 Acts, ch 1036, §2

Referred to in §13.2, 331.427, 364.22, 388.10, 455B.192
Subsection 23, paragraph a amended
Subsection 23, paragraph e, NEW subparagraph (5)
NEW subsections 24 and 25

364.4 Property and services outside of city — lease-purchase — insurance.

A city may:

1. *a.* Acquire, hold, and dispose of property outside the city in the same manner as within. However, the power of a city to acquire property outside the city does not include the power to acquire property outside the city by eminent domain, except for the following, subject to the provisions of chapters 6A and 6B:

(1) The operation of a city utility as defined in section 362.2.

(2) The operation of a city franchise conferred the authority to condemn private property under section 364.2.

(3) The operation of a combined utility system as defined in section 384.80.

(4) The operation of a municipal airport.

(5) The operation of a landfill or other solid waste disposal or processing site.

(6) The use of property for public streets and highways.

(7) The operation of a multistate entity, of which the city is a participating member, created to provide drinking water that has received or is receiving federal funds, but only if such property is to be acquired for water transmission and service lines, pump stations, water storage tanks, meter houses and vaults, related appurtenances, or supporting utilities.

b. The exceptions provided in paragraph *"a"*, subparagraphs (1) through (3), apply only to the extent the city had this power prior to July 1, 2006.

2. By contract, extend services to persons outside the city.

3. Enact and enforce ordinances relating to city property and city-extended services outside the city.

4. Enter into leases or lease-purchase contracts for real or personal property in accordance with the following terms and procedures:

a. A city shall lease or lease-purchase property only for a term which does not exceed the economic life of the property, as determined by the governing body.

b. A lease or lease-purchase contract entered into by a city may contain provisions similar to those sometimes found in leases between private parties, including, but not limited to, the obligation of the lessee to pay any of the costs of operation or ownership of the leased property and the right to purchase the leased property.

c. A provision of a lease or lease-purchase contract which stipulates that a portion of the rent payments be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 is not applicable. A city utility or city enterprise is a separate entity under this subsection whether it is governed by the governing body of the city or another governing body.

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d. The governing body must follow substantially the same authorization procedure required for the issuance of general obligation bonds issued for the same purpose to authorize a lease or a lease-purchase contract made payable from the debt service fund.

e. The governing body may authorize a lease or lease-purchase contract which is payable from the general fund if the contract would not cause the total of annual lease or lease-purchase payments due from the general fund of the city in any single future fiscal year for all lease or lease-purchase contracts in force on the date of the authorization, excluding payments to exercise purchase options or to pay the expenses of operation or ownership of the property, to exceed ten percent of the last certified general fund budget amount in accordance with the following procedures:

(1) The governing body must follow substantially the authorization procedures of section 384.25 to authorize a lease or lease-purchase contract for personal property which is payable from the general fund. The governing body must follow substantially the authorization procedures of section 384.25 to authorize the lease or lease-purchase contract for real property which is payable from the general fund if the principal amount of the lease-purchase contract does not exceed the following limits:

(a) Four hundred thousand dollars in a city having a population of five thousand or less.

(b) Seven hundred thousand dollars in a city having a population of more than five thousand but not more than seventy-five thousand.

(c) One million dollars in a city having a population of more than seventy-five thousand.

(2) The governing body must follow the following procedures to authorize a lease or lease-purchase contract for real property which is payable from the general fund if the principal amount of the lease or lease-purchase contract exceeds the limits set forth in subparagraph (1):

(a) The governing body must institute proceedings to enter into a lease or lease-purchase contract payable from the general fund by causing a notice of the meeting to discuss entering into the lease or lease-purchase contract, including a statement of the principal amount and purpose of the lease or lease-purchase contract and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city at least ten days prior to the discussion meeting. No sooner than thirty days following the discussion meeting shall the governing body hold a meeting at which it is proposed to take action to enter into the lease or lease-purchase contract.

(b) (i) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the lease or lease-purchase contract, a petition is filed with the clerk of the city in the manner provided by section 362.4, asking that the question of entering into the lease or lease-purchase contract be submitted to the registered voters of the city, the governing body shall either by resolution declare the proposal to enter into the lease or lease-purchase contract to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the lease or lease-purchase contract. However, for purposes of this subparagraph, the petition shall not require signatures in excess of one thousand persons.

(ii) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

> Shall the city of ..... enter into a lease or lease-purchase contract in amount of $..... for the purpose of .....?

(iii) Notice of the election and its conduct shall be in the manner provided in section 384.26, subsections 2 through 4.

(c) If a petition is not filed or if a petition is filed and the proposition of entering into the lease or lease-purchase contract is approved at an election, the governing body may proceed and enter into the lease or lease-purchase contract.

f. The governing body may authorize a lease or lease-purchase contract payable from the net revenues of a city utility, combined utility system, city enterprise, or combined city enterprise by following the authorization procedures of section 384.83.

g. A lease or lease-purchase contract to which a city is a party or in which a city

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has a participatory interest is an obligation of a political subdivision of this state for the purposes of chapters 502 and 636, and is a lawful investment for banks, trust companies, savings associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and any other fiduciaries responsible for the investment of funds.

h. Property that is lease-purchased by a city is exempt under section 427.1, subsection 2.

i. A contract for construction by a private party of property to be lease-purchased by a city is a contract for a public improvement under section 26.2, subsection 3. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold set in section 26.3, the city shall comply with the competitive bidding requirements of section 26.3.

5. Enter into insurance agreements obligating the city to make payments beyond its current budget year to procure or provide for a policy of insurance, a self-insurance program, or a local government risk pool to protect the city against tort liability, loss of property, or any other risk associated with the operation of the city. Such a self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C. However, those self-insurance plans regulated pursuant to section 509A.14 shall remain subject to the requirements of section 509A.14 and rules adopted pursuant to that section.

[SS15, §741-d, 741-g; C24, 27, 31, 35, 39, §**5773;** C46, §368.41, 368.42; C50, §368.42, 368.56; C54, 58, 62, 66, 71, 73, §368.18; C75, 77, 79, 81, §364.4]

85 Acts, ch 156, §3; 86 Acts, ch 1211, §22; 92 Acts, ch 1138, §4; 95 Acts, ch 67, §53; 2006 Acts, ch 1017, §35, 42, 43; 2006 Acts, 1st Ex, ch 1001, §32, 49; 2009 Acts, ch 100, §12, 21; 2011 Acts, ch 25, §35; 2012 Acts, ch 1017, §75; 2018 Acts, ch 1075, §11 – 13; 2018 Acts, ch 1172, §31, 71, 72

Referred to in §346.27, 384.110

364.5 Joint action — Iowa league of cities — penalty.

1. A city or a board established to administer a city utility, in the exercise of any of its powers, may act jointly with any public or private agency as provided in chapter 28E.

2. The financial condition and the transactions of the Iowa league of cities shall be audited as provided in section 11.6.

3. It is unlawful for the Iowa league of cities to provide any form of aid to a political party or to the campaign of a candidate for political or public office. Any person violating or being an accessory to a violation of this section is guilty of a simple misdemeanor.

4. A city may enter into an agreement with the federal government acting through any of its authorized agencies, and may carry out provisions of the agreement as necessary to meet federal requirements to obtain the funds or cooperation of the federal government or its agencies for the planning, construction, rehabilitation, or extension of a public improvement.

[S13, §694-c; C24, 27, 31, 35, 39, §**5684;** C46, 50, §363.62; C54, 58, 62, 66, 71, 73, §363.43; C75, 77, 79, 81, §364.5]

89 Acts, ch 264, §8; 95 Acts, ch 3, §4; 2011 Acts, ch 75, §40; 2017 Acts, ch 54, §76

364.6 Procedure.

A city shall substantially comply with a procedure established by a state law for exercising a city power. If a procedure is not established by state law, a city may determine its own procedure for exercising the power.

[C66, 71, 73, §368.2; C75, 77, 79, 81, §364.6]

364.7 Disposal of property.

A city may not dispose of an interest in real property by sale, lease for a term of more than three years, or gift, except in accordance with the following procedure:

1. The council shall set forth its proposal in a resolution and shall publish notice as provided in section 362.3, of the resolution and of a date, time and place of a public hearing on the proposal.

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2. After the public hearing, the council may make a final determination on the proposal by resolution.

3. A city may not dispose of real property by gift except to a governmental body for a public purpose.

[C73, §470; C97, §883, 1001; S13, §1056-a47; C24, 27, §6205, 6206, 6580, 6602, 6738, 6739; C31, 35, §6205, 6206, 6580, 6602, 6679-c1, 6738, 6739; C39, §**6205, 6206, 6580, 6602, 6679.1, 6738, 6739;** C46, 50, §390.6, 403.11, 403.12, 416.108, 416.131, 419.66, 420.49, 420.50; C54, 58, 62, 66, 71, 73, §368.35, 368.39, 390.6; C75, 77, 79, 81, §364.7]

2007 Acts, ch 54, §33

Referred to in §174.15, 306.42, 364.12A, 446.19A, 476.84

364.8 Overpasses or underpasses.

A city may by ordinance require a railway company operating railway tracks on or across a city street to construct or reconstruct, and maintain, an overpass or underpass to permit the street to pass over or under the tracks, and may establish specifications for the construction or reconstruction of such an overpass or underpass, subject to the following:

1. The requirement may not be enforced until the Iowa state department of transportation approves the specifications for a construction or reconstruction, after examination and a determination that the overpass or underpass is necessary for public safety and convenience.

2. The council shall hold a hearing on the matter and shall give not less than twenty days' notice of the hearing to the railway companies involved, served in the same manner as an original notice.

3. A city may not require overpasses or underpasses of the same railway company to be constructed closer than on every fourth parallel street, nor require a company to construct or contribute to the construction of more than one overpass or underpass each year, nor require the construction of approaches longer than a total of eight hundred feet for a single overpass or underpass.

4. A city which requires construction or reconstruction of an overpass or underpass shall provide for appraisal and assessment of resulting damage to private property, and shall pay the damages assessed, all as provided in chapter 6B.

5. A city shall pay one half of all required maintenance costs, and may allocate costs between railway companies whose tracks are to be crossed by an overpass or underpass.

6. A city may enforce a requirement made as provided in this section by an action in mandamus, to be conducted and enforced as provided in section 327C.16 for actions brought by the state department of transportation. If the city prevails in the mandamus action, in addition to other remedies it may cause the required construction, reconstruction, or maintenance work to be done, and have judgment for the cost of the work against the companies.

[C97, §770 – 774; S13, §771, 773, 774; C24, 27, 31, 35, 39, §**5910 – 5913, 5916 – 5920, 5923 – 5925;** C46, 50, 54, 58, 62, 66, 71, 73, §387.1 – 387.4, 387.7 – 387.11, 387.14 – 387.16; C75, 77, 79, 81, §364.8]

364.9 Flood control — railway tracks.

A city may require a railway company to provide necessary structures, temporary and permanent, to carry its tracks during and after construction of a diverted channel for flood control purposes, subject to the following:

1. The city shall give notice to the railway company, served in the same manner as an original notice, stating:

a. The nature of the flood control project.

b. The place where the diverted channel will cross the company's right-of-way.

c. The specifications for construction of the diverted channel across the company's right-of-way.

d. Details of the city's requirement for the company to provide the necessary structures where the diverted channel crosses the right-of-way, including a designated period of time for construction, and a requirement that the construction be in a manner which does not interfere with the construction of the diverted channel or the free flow of water.

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2. If the company does not comply with the requirement, the city may provide the necessary structures, and the railway is liable for the cost of the construction, in addition to its liability for assessment for special benefits as other property is assessed. The cost of the construction may be collected by the city from the company by court action.

[C24, 27, 31, 35, 39, §**6093 – 6095;** C46, 50, 54, 58, 62, 66, 71, 73, §395.15 – 395.17; C75, 77, 79, 81, §364.9]

364.10 Reserved.

364.11 Street construction by railways.

1. All railway companies shall construct and repair all street improvements between the rails of their tracks, and one foot outside, at their own expense, unless by ordinance the railway is required to improve other portions of the street, and in that case the railway shall construct and repair the improvement of that part of the street specified by the ordinance, and the improvement or repair must be of the material and character ordered by the city, and must be done at the time the remainder of the improvement is constructed or repaired.

2. When an improvement is made, the company shall lay rail as required by the council, and shall then keep up to grade that part of the improvement they are required to construct or maintain.

3. If a railway fails or refuses to comply with the order of the council to construct or repair an improvement, the work may be done by the city and the expense shall then be assessed upon the property of the railway company, for collection in the same manner as a property tax. A tax assessed under this section shall also be a debt due from the railway, and may be collected in an action at law in the same manner as other debts.

[R60, §1068; C73, §478; C97, §834, 840; C13, §791-i; SS15, §840-r; C24, 27, 31, 35, 39, §**6052 – 6055;** C46, 50, 54, 58, 62, 66, 71, 73, §391.79 – 391.82; C75, 77, 79, 81, §364.11]

2017 Acts, ch 54, §76

Referred to in §364.13A, 445.1

364.12 Responsibility for public places.

1. As used in this section, *"property owner"* means the contract purchaser if there is one of record, otherwise the record holder of legal title.

2. A city shall keep all public grounds, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, public ways, squares, and commons open, in repair, and free from nuisance, with the following exceptions:

a. Public ways and grounds may be temporarily closed by resolution. Following notice as provided in section 362.3, public ways and grounds may be vacated by ordinance.

b. The abutting property owner is responsible for the removal of the natural accumulations of snow and ice from the sidewalks within a reasonable amount of time and may be liable for damages caused by the failure of the abutting property owner to use reasonable care in the removal of the snow or ice. If damages are to be awarded under this section against the abutting property owner, the claimant has the burden of proving the amount of the damages. To authorize recovery of more than a nominal amount, facts must exist and be shown by the evidence which afford a reasonable basis for measuring the amount of the claimant's actual damages, and the amount of actual damages shall not be determined by speculation, conjecture, or surmise. All legal or equitable defenses are available to the abutting property owner in an action brought pursuant to this paragraph. The city's general duty under this subsection does not include a duty to remove natural accumulations of snow or ice from the sidewalks. However, when the city is the abutting property owner it has the specific duty of the abutting property owner set forth in this paragraph.

c. The abutting property owner may be required by ordinance to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

d. A city may serve notice on the abutting property owner, by certified mail to the property

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owner as shown by the records of the county auditor, requiring the abutting property owner to repair, replace, or reconstruct sidewalks.

e. If the abutting property owner does not perform an action required under this subsection within a reasonable time, a city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax. This power does not relieve the abutting property owner of liability imposed under paragraph "*b*".

f. A city has no duty under this subsection with respect to property that is required by law to be maintained by a railway company.

3. A city may:

a. Require the abatement of a nuisance, public or private, in any reasonable manner.

b. Require the removal of diseased trees or dead wood, except as stated in subsection 2, paragraph "*c*" of this section.

c. Require the removal, repair, or dismantling of a dangerous building or structure.

d. Require the numbering of buildings.

e. Require connection to public drainage systems from abutting property when necessary for public health or safety.

f. Require connection to public sewer systems from abutting property, and require installation of sanitary toilet facilities and removal of other toilet facilities on such property.

g. Require the cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

h. If the property owner does not perform an action required under this subsection within a reasonable time after notice, a city may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be in the form of an ordinance or by certified mail to the property owner as shown by the records of the county auditor, and shall state the time within which action is required. However, in an emergency a city may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.

4. In addition to any other remedy provided by law, a city may also seek reimbursement for costs incurred in performing any act authorized by this section by a civil action for damages against a property owner. However, a city shall not seek reimbursement for costs incurred in performing an act if the same act has not been performed by the city on adjoining city-owned property. For the purposes of this subsection, a county acquiring property for delinquent taxes shall not be considered a property owner.

5. A city may cause, without prior determination and notice, the repair or replacement of public improvements including, but not limited to, sidewalks, water stop boxes, and driveway approaches if the property owner does all of the following:

a. Requests the repair and replacement of the public improvements specified in this subsection abutting the property owner's property located outside the lot and property lines and inside the curb lines.

b. Waives the requirement of a prior finding by the city council that the condition of the public improvements constitutes a nuisance and the requirement of prior notice.

c. Consents to the repair of the public improvements and the assessment of the cost of the repair to the abutting property.

6. If, in repairing and replacing improvements in the area between the lot or property lines and the curb lines pursuant to subsection 5, it becomes necessary for the city to repair or replace adjacent improvements in the area, the cost of repairing or replacing the adjacent public improvements may be assessed, with consent of the property owner, against the property which the public improvements abut.

7. A city may accumulate individual assessments for the repair and replacement of sidewalks, driveway approaches, water stop boxes, or similar improvements or for the abatement of nuisances, and may periodically certify the assessments to the county treasurer under one or more assessment schedules.

1. [C75, 77, 79, 81, §364.12(1)]

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2. [R60, §1097; C73, §467, 527; C97, §753, 757, 780, 781; C24, 27, 31, 35, 39, §**5874, 5945, 5950, 5969;** C46, 50, §381.1, 389.12, 389.19, 389.38; C54, 58, 62, 66, §368.33, 381.1, 389.12, 389.38; C71, 73, §368.33, 381.1, 381.2, 389.12, 389.38; C75, 77, 79, 81, §364.12(2)]

3. [R60, §1057, 1058, 1070, 1096; C73, §456, 457, 480, 526; C97, §696, 698, 699, 709 – 712; S13, §696, 711, 713-b, 737; C24, 27, 31, 35, 39, §**5739, 5751, 5752, 5755, 5759, 5784 – 5786;** C46, §368.2, 368.14, 368.15, 368.18, 368.22 – 368.24, 368.44, 368.53 – 368.55; C50, §368.2, 368.14, 368.15, 368.18, 368.22 – 368.24, 368.44, 368.53 – 368.55, 368.62; C54, 58, 62, 66, 71, 73, §368.3, 368.4, 368.9, 368.26, 368.31; C75, 77, 79, 81, §364.12(3)]

84 Acts, ch 1002, §1; 89 Acts, ch 261, §1; 95 Acts, ch 58, §1

Referred to in §364.13, 364.13A, 384.11, 445.1

Nuisances in general, chapter 657

364.12A Condemnation of residential buildings — public purpose.

For the purposes of section 6A.4, subsection 6, a city may condemn a residential building found to be a public nuisance and take title to the property for the public purpose of disposing of the property under section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

96 Acts, ch 1204, §26

364.13 Installments.

If any amount assessed against property under section 364.12 will exceed five hundred dollars, a city may permit the assessment to be paid in up to ten annual installments, in the same manner and with the same interest rates provided for assessments against benefited property under chapter 384, subchapter IV.

[C24, 27, 31, 35, 39, §**5784 – 5786;** C46, 50, §368.53 – 368.55; C54, 58, §368.26; C62, 66, §368.26, 389.38; C71, 73, §368.3, 368.26, 389.38; C75, 77, 79, 81, §364.13]

2012 Acts, ch 1138, §100; 2018 Acts, ch 1041, §127

364.13A Special assessments — lien and precedence.

A special assessment levied pursuant to section 364.11 or 364.12, including all interest, is a lien against the benefited property from the date of filing the schedule of assessments until the assessment is paid. Special assessments have equal precedence with ordinary taxes and are not divested by judicial sale.

83 Acts, ch 90, §20; 92 Acts, ch 1016, §6

364.13B Special assessments — procedures for levy.

The procedures for making and levying a special assessment pursuant to this chapter and for an appeal of the assessment are the same procedures as provided in sections 384.59 through 384.67 and sections 384.72 through 384.75.

83 Acts, ch 90, §20

364.14 Personal injuries.

When action is brought against a city for personal injuries alleged to have been caused by its negligence, the city may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the city believes that the person notified is liable to it for any judgment rendered against the city, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the city against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the city to the plaintiff in the first named action, and as to the amount of the damage or injury. A city may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the city in the suit.

[C97, §1053; C24, 27, 31, 35, 39, §**6735;** C46, 50, §420.46; C54, 58, 62, 66, 71, 73, §368.34, 420.46; C75, 77, 79, 81, §364.14]

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364.15 Changing grade of streets.

1. If a city has established the grade of a street or alley, and any person has made improvements on lots abutting the street or alley according to the established grade, and afterward the grade is altered in a manner to damage, injure, or diminish the value of the improved property, the city shall pay to the owner of the property the amount of such damage or injury.

2. If a city has opened a street or alley, and any person has made improvements on lots abutting the street or alley or uses such street or alley for ingress or egress, and afterward the street or alley is vacated causing damage or injury or loss of access, or diminishing the value of the improved property, the city shall pay to the owner of the property the amount of such damage or injury.

[C73, §469; C97, §785, 786; C24, 27, 31, 35, 39, §**5953, 5954;** C46, 50, 54, 58, 62, 66, 71, 73, §389.22, 389.23; C75, 77, 79, 81, §364.15]

364.16 Municipal fire protection.

Each city shall provide for the protection of life and property against fire and may establish, house, equip, staff, uniform, and maintain a fire department. A city may establish fire limits and may, consistent with code standards promulgated by nationally recognized fire prevention agencies, regulate the storage, handling, use, and transportation of all flammables, combustibles, and explosives within the corporate limits and inspect for and abate fire hazards. A city may provide conditions upon which the fire department will answer calls outside the corporate limits or the territorial jurisdiction and boundary limits of this state. A city has the same governmental immunity outside its corporate limits when providing fire protection as when operating within the corporate limits. Fire fighters operating equipment on calls outside the corporate limits are entitled to the benefits of chapter 410 or 411 when otherwise qualified.

[R60, §1058, 1096; C73, §457, 525; C97, §711, 716; S13, §711; C24, 27, §5760, 5766; C31, 35, §5760, 5766; C39, §**5760, 5766, 5766.1;** C46, 50, §368.23, 368.29, 368.30; C54, 58, 62, 66, 71, 73, §368.11; C77, 79, 81, §364.16]

92 Acts, ch 1163, §84

Referred to in §357B.8, 357J.15

364.17 City housing codes.

1. A city with a population of fifteen thousand or more may adopt by ordinance the latest version of one of the following housing codes before January 1, 1981:

a. The uniform housing code promulgated by the international conference of building officials.

b. The housing code promulgated by the American public health association.

c. The basic housing code promulgated by the building officials conference of America.

d. The standard housing code promulgated by the southern building code congress international.

e. Housing quality standards promulgated by the United States department of housing and urban development for use in assisted housing programs.

2. Every city with a population of fifteen thousand or more which has not adopted another housing code under this section by January 1, 1981, is subject to and shall be considered to have adopted the uniform housing code promulgated by the international conference of building officials, as amended to January 1, 1980. A city which reaches a population of fifteen thousand, as determined after July 1, 1980, has six months after such determination to comply with this section.

3. *a.* A city which adopts or is subject to a housing code under this section shall adopt enforcement procedures, which shall include a program for regular rental inspections, rental inspections upon receipt of complaints, and certification of inspected rental housing, and may include but are not limited to the following:

(1) A schedule of civil penalties or criminal fines for violations. A city may charge the owner of housing a late payment fee of twenty-five dollars and may add interest of up to one and one-half percent per month if a penalty or fine imposed under this subparagraph is not

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paid within thirty days of the date that the penalty or fine is due. The city shall send a notice of the late payment fee to such owner by first class mail to the owner's personal or business mailing address. The late payment fee and the interest shall not accrue if such owner files an appeal with either the city, if the city has established an appeals procedure, or the district court. Any unpaid penalty, fine, fee, or interest shall constitute a lien on the real property and may be collected in the same manner as a property tax. However, before a lien is filed, the city shall send a notice of intent to file a lien to the owner of the housing by first class mail to such owner's personal or business mailing address.

(2) Authority for the issuance of orders requiring violations to be corrected within a reasonable time.

(3) Authority for the issuance of citations pursuant to sections 805.1 through 805.5 upon a failure to satisfactorily remedy a violation.

(4) Authority, if other methods have failed, for an officer to contract to have work done as necessary to remedy a violation, the cost of which shall be assessed to the violator and constitute a lien on the property until paid.

(5) An escrow system for the deposit of rent which will be applied to the costs of correcting violations.

(6) Mediation of disputes based upon alleged violations.

(7) Injunctive procedures.

(8) Authority by ordinance to provide that no rent shall be recoverable by the owner or lessee of any dwelling which does not comply with the housing code adopted by the city until such time as the dwelling does comply with the housing code adopted by the city.

b. The enforcement procedures shall be designed to improve housing conditions rather than to displace persons from their homes.

4. A city which is subject to the uniform housing code or which adopts another housing code under this section may provide reasonable variances for existing structures which cannot practicably meet the standards in the code but are not unsafe for habitation.

5. Cities may establish reasonable fees for inspection and enforcement procedures. A city may charge the owner of housing a late payment penalty of twenty-five dollars and may add interest of up to one and one-half percent per month if a fee imposed under this subsection is not paid within thirty days of the date that the fee is due. The city shall send a notice of the late payment penalty to such owner by first class mail to the owner's personal or business mailing address. The late payment penalty and the interest shall not accrue if such owner files an appeal with either the city, if the city has established an appeals procedure, or the district court. Any unpaid fee, penalty, or interest shall constitute a lien on the real property and may be collected in the same manner as a property tax. However, before a lien is filed, the city shall send a notice of intent to file a lien to the owner of the housing by first class mail to such owner's personal or business mailing address.

6. Cities with populations of less than fifteen thousand may comply with this section.

7. A city may adopt housing code provisions which are more stringent than those in the model housing code it adopts or to which it is subject under this section.

[C24, 27, 31, 35, 39, §**6327 – 6451;** C46, 50, 54, 58, 62, 66, §413.1 – 413.125; C71, 73, 75, 77, 79, §413.1 – 413.11, 413.13 – 413.125; C81, §364.17]

83 Acts, ch 101, §81; 2005 Acts, ch 179, §60, 61; 2009 Acts, ch 133, §130; 2021 Acts, ch 80, §235

364.18 Federal aid.

Subject to applicable state or federal regulations in effect at the time of the city action, a city may accept contributions, grants, or other financial assistance from the state or federal government. Upon a finding of public purpose, the city may disburse the assistance to any person to be used for economic development projects, including but not limited to the purchase or improvement of land and buildings for residential, commercial, or industrial use.

83 Acts, ch 48, §1, 3

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364.19 Contracts to provide services to tax-exempt property.

A city council or county board of supervisors may enter into a contract with a person whose property is totally or partially exempt from taxation under chapter 404, chapter 404B, section 427.1, or section 427B.1, for the city or county to provide specified services to that person including but not limited to police protection, fire protection, street maintenance, and waste collection. The contract shall terminate as of the date previously exempt property becomes subject to taxation.

84 Acts, ch 1232, §1; 2009 Acts, ch 100, §22, 30

364.20 Motor vehicles required to operate on ethanol blended gasoline.

A motor vehicle purchased or used by a city to provide city services shall not operate on gasoline other than ethanol blended gasoline as defined in section 214A.1. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on ethanol blended gasoline. However, the sticker is not required to be affixed to an unmarked vehicle used for purposes of providing law enforcement or security.

91 Acts, ch 254, §22; 93 Acts, ch 26, §8; 2006 Acts, ch 1142, §69

364.21 Use of vacant school property.

A city shall not lease, purchase, or construct a building before considering the leasing of a vacant facility or building owned by a local public school corporation. The city may lease a facility or building owned by a local public school corporation with an option to purchase the facility or building in compliance with section 297.22. The lease shall provide that the public school corporation may terminate the lease if the corporation needs to use the facility or building for school purposes. The public school corporation shall notify the city at least thirty days before the termination of the lease.

[82 Acts, ch 1148, §4]

97 Acts, ch 184, §6

364.22 Municipal infractions.

1. *a.* A municipal infraction is a civil offense punishable by a civil penalty of not more than seven hundred fifty dollars for each violation or if the infraction is a repeat offense, a civil penalty not to exceed one thousand dollars for each repeat offense. However, notwithstanding section 364.3, a municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user may be punishable by a civil penalty of not more than one thousand dollars for each day a violation exists or continues.

b. (1) A city may classify a municipal infraction, other than a violation arising from noncompliance with a pretreatment standard or requirement, as an environmental violation if the infraction is a violation of chapter 455B or 459, subchapters II and III, or a violation of a standard established by the city in consultation with the department of natural resources, or both. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain by a person, shall not be subject to an ordinance, the violation of which is classified as an environmental violation, unless the person is engaged in industrial production or manufacturing of grain products. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain by a person engaged in industrial production or manufacturing of grain products, shall not be subject to an ordinance, the violation of which is classified as an environmental violation, if the discharge occurs from September 15 to January 15. A municipal infraction which is classified an environmental violation is punishable by a civil penalty of not more than one thousand dollars for each occurrence. A person committing an environmental violation is not subject to a civil penalty, if all of the following conditions are satisfied:

(a) The violation results solely from the person conducting an initial start-up, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown, of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

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(b) The person notifies the city of the violation within twenty-four hours from the time that the violation begins.

(c) The violation does not continue in existence for more than eight hours.

(2) A city shall not enforce this section against a person committing an environmental violation, until the city offers to participate in informal negotiations with the person. If the person accepts the offer, the city and the person shall participate in good faith negotiations to resolve issues alleged to be the basis for the violation.

2. A city by ordinance may provide that a violation of an ordinance is a municipal infraction.

3. A city shall not provide that a violation of an ordinance is a municipal infraction if the violation is a felony, an aggravated misdemeanor, or a serious misdemeanor under state law or if the violation is a simple misdemeanor under chapters 687 through 747.

4. An officer authorized by a city to enforce a city code or regulation may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in rule of civil procedure 1.305, by certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rule of civil procedure 1.310 and subject to the conditions of rule of civil procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

a. The name and address of the defendant.

b. The name or description of the infraction attested to by the officer issuing the citation.

c. The location and time of the infraction.

d. The amount of civil penalty to be assessed or the alternate relief sought, or both.

e. The manner, location, and time in which the penalty may be paid.

f. The time and place of court appearance.

g. The penalty for failure to appear in court.

h. The legal description of the affected real property, if applicable.

5. *a.* Upon receiving a citation under subsection 4 that affects real property and that charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, the clerk of the district court shall index the citation pursuant to section 617.10, if the legal description of the affected property is included in or attached to the citation.

b. After filing the citation with the clerk of the district court, the city shall also file the citation in the office of the county treasurer. The county treasurer shall include a notation of the pendency of the action in the county system, as defined in section 445.1, until the judgment of the court is satisfied or until the action is dismissed. Pursuant to section 446.7, an affected property that is subject to a pending action shall not be offered for sale by the county treasurer at tax sale.

6. In municipal infraction proceedings:

a. The matter shall be tried before a magistrate, a district associate judge, or a district judge in the same manner as a small claim. The matter shall only be tried before a judge in district court if the total amount of civil penalties assessed exceeds the jurisdictional amount for small claims set forth in section 631.1.

b. The city has the burden of proof that the municipal infraction occurred and that the defendant committed the infraction. The proof shall be by clear, satisfactory, and convincing evidence.

c. The court shall ensure that the defendant has received a copy of the charges and that the defendant understands the charges. The defendant may question all witnesses who appear for the city and produce evidence or witnesses on the defendant's behalf.

d. The defendant may be represented by counsel of the defendant's own selection and at the defendant's own expense.

e. The defendant may answer by admitting or denying the infraction.

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f. If a municipal infraction is proven the court shall enter a judgment against the defendant. If the infraction is not proven, the court shall dismiss it.

7. All penalties or forfeitures collected by the court for municipal infractions shall be remitted to the city in the same manner as fines and forfeitures are remitted for criminal violations under section 602.8106. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

8. A person against whom judgment is entered, shall pay court costs and fees as in small claims under chapter 631. If the action is dismissed, the city is liable for the court costs and court fees. Where the action is disposed of without payment, or provision for assessment, of court costs, the clerk shall at once enter judgment for costs against the city.

9. Seeking a civil penalty as authorized in this section does not preclude a city from seeking alternative relief from the court in the same action.

10. *a.* When judgment has been entered against a defendant, the court may do any of the following:

(1) Impose a civil penalty by entry of a personal judgment against the defendant.

(2) Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

(3) Grant appropriate alternative relief ordering the defendant to abate or cease the violation.

(4) Authorize the city to abate or correct the violation.

(5) Order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both.

b. If a defendant willfully violates the terms of an order imposed by the court, the failure is contempt.

c. A magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to section 631.1, subsection 1, for magistrates and section 602.6306, subsection 2, for district associate judges. If the city seeks abatement or correction costs in excess of those amounts, and the matter is not before a judge in district court, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to section 631.13.

11. The defendant or the city may file a motion for a new trial or may appeal the decision of a magistrate, district associate judge, or a district judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to section 631.13. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same defendant.

12. This section does not preclude a peace officer of a city from issuing a criminal citation for a violation of a city code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted to exist by the defendant, constitutes a separate offense.

13. The issuance of a civil citation for a municipal infraction or the ensuing court proceedings do not provide an action for false arrest, false imprisonment, or malicious prosecution.

14. An action brought pursuant to this section for a municipal infraction which is an environmental violation does not preclude, and is in addition to, any other enforcement action which may be brought pursuant to chapter 455B, 455D, 455E, or 459, subchapters II, III, and VI.

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15. A police department may dispose of personal property under section 80.39.

86 Acts, ch 1202, §2; 87 Acts, ch 99, §4 – 6; 89 Acts, ch 150, §5 – 8; 90 Acts, ch 1210, §1 – 5; 96 Acts, ch 1067, §1; 98 Acts, ch 1144, §4; 2000 Acts, ch 1203, §21; 2003 Acts, ch 178, §24; 2009 Acts, ch 21, §6; 2010 Acts, ch 1050, §1, 2

Referred to in §364.22B, 380.10, 446.7, 455B.192

364.22A Neglected animals.

A city may rescue, provide maintenance, or dispose of neglected livestock or another animal, as provided in chapters 717 and 717B.

94 Acts, ch 1103, §4

364.22B Collection of judgment debt.

1. As used in this section, *"judgment debt"* means any criminal penalty, any personal judgment for a civil penalty, or any personal or in rem judgment for the costs of abating a nuisance or other violation, owing to a city in any proceeding brought as a municipal infraction under section 364.22, or in a civil nuisance proceeding under chapter 657, or in a criminal proceeding for a misdemeanor violation under a city ordinance.

2. Judgment debt owing to a city is deemed delinquent if it is not paid within thirty days after the date it is assessed. An amount which was ordered by the court to be paid on a date fixed in the future is deemed delinquent if it is not received by the clerk of court within thirty days after the fixed date set out in the court order. If an amount was ordered to be paid in installments and an installment is not received within thirty days after the date it is due, the entire amount of the judgment debt is deemed delinquent.

3. *a.* A city may contract with a private collection designee for the collection of a judgment debt sixty days after the judgment debt in a case is deemed delinquent pursuant to subsection 2.

b. The contract shall provide for a collection fee of up to twenty-five percent of the amount of the balance of the judgment debt in a case deemed delinquent. The collection fee shall be added to the amount of the judgment debt deemed delinquent. The amount of the judgment debt deemed delinquent and the collection fee shall be owed by and collected from the defendant. The collection fee shall be used to compensate the private collection designee.

2010 Acts, ch 1146, §6

364.23 Energy-efficient lighting required.

All city-owned exterior flood lighting, including but not limited to street and security lighting but not including era or period lighting which has a minimum efficiency rating of fifty-eight lumens per watt and not including stadium or ball park lighting, shall be replaced, when worn-out, exclusively with high pressure sodium lighting or lighting with equivalent or better energy efficiency as approved in rules adopted by the utilities commission. In lieu of the requirements established for replacement lighting under this section, stadium or ball park lighting shall be replaced, when worn-out, with the most energy-efficient lighting available at the time of replacement which may include metal halide, high-pressure sodium, or other light sources which may be developed.

89 Acts, ch 297, §6; 91 Acts, ch 253, §16; 92 Acts, ch 1233, §3; 2023 Acts, ch 19, §2665; 2024 Acts, ch 1170, §369

Referred to in §474.5

364.24 Traffic light synchronization.

All cities with more than three traffic lights within the corporate limits shall establish a traffic light synchronization program for energy efficiency in accordance with rules adopted by the state department of transportation pursuant to chapter 17A.

89 Acts, ch 297, §7; 91 Acts, ch 253, §15; 2015 Acts, ch 30, §111

364.25 Retiree health care.

A city may provide health or medical insurance coverage or supplemental health or medical insurance coverage to retired employees of the city. A city providing health or

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medical insurance coverage pursuant to this section may establish such requirements or restrictions concerning the coverage provided as the city may adopt. If coverage is provided, the cost of the health or medical insurance coverage may be paid from moneys held in a trust and agency fund established pursuant to section 384.6, or out of an appropriation from the city general fund for this purpose.

2000 Acts, ch 1089, §1

364.26 Mineral interests.

1. For purposes of this section:

a. *"Mineral interests"* means any real property interest in one or more natural resources or minerals underlying the surface of a tract of land, which can be owned separately from the surface estate.

b. *"Minerals"* means coal, any naturally occurring gas, oil, or other gaseous, liquid, or solid hydrocarbons; oil shale; gemstones; metals; fissionable or nonfissionable ore; or steam or other geothermal resources. *"Minerals"* does not mean minerals as defined in section 208.2.

2. A city shall divest itself of any mineral interests owned or controlled by the city and shall convey such mineral interests to the surface owner of the land to which the mineral interest pertains except when the city is the surface owner of the land. A conveyance under this section shall be made without consideration and shall be without cost to the surface owner of the land.

3. A city shall complete all conveyances required under this section no later than five years after June 2, 2026. Any mineral interest acquired by the city after June 2, 2026, shall be conveyed as required under this section within ninety days.

2026 Acts, ch 1176, §2, 14
NEW section

364.27 Verification of citizenship and immigration status.

A city shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees. A city shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

2026 Acts, ch 1156, §24, 35
NEW section

CHAPTERS 365 to 367

RESERVED

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CHAPTER 368

CITY DEVELOPMENT

Referred to in §362.1, 362.9, 376.1, 414.23, 455B.306A

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SUBCHAPTER I

DEFINITIONS

368.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Adjoining"* means having a common boundary for not less than fifty feet. Land areas may be adjoining although separated by a roadway or waterway.
2. *"Annexation"* means the addition of territory to a city.
3. *"Board"* means the city development board established in section 368.9.
4. *"Boundary adjustment"* means annexation, severance or consolidation.
5. *"City development"* means an incorporation, discontinuance or boundary adjustment.
6. *"Committee"* means the board members, and the local representatives appointed as provided in sections 368.14 and 368.14A, to hear and make a decision on a petition or plan for city development.
7. *"Consolidation"* means the combining of two or more cities into one city.
8. *"Discontinuance"* means termination of a city.
9. *"Incorporation"* means establishment of a new city.
10. *"Island"* means land which is not part of a city and which is completely surrounded by the corporate boundaries of one or more cities. However, a part of the boundary of an *"island"* may be contiguous with a boundary of the state, a river, or similar natural barrier which prevents service access from an adjoining area of land outside the boundaries of a city.
11. *"Public land"* means land owned by the federal government, the state, or a political subdivision of the state.
12. *"Public utility"* means a public utility subject to regulation pursuant to chapter 476.
13. *"Registered voter"* means a person who is registered to vote pursuant to chapter 48A.
14. *"Severance"* means the deletion of territory from a city.
15. *"Territory"* means the land area or areas proposed to be incorporated, annexed, or severed, whether or not contiguous to all other areas proposed to be incorporated, annexed, or severed. Except as provided for by an agreement pursuant to chapter 28E, *"territory"*

having a common boundary with the right-of-way of a secondary road extends to the center line of the road.

16. *"Urbanized area"* means any area of land within two miles of the boundaries of a city.

[C58, 62, 66, 71, 73, §362.1; C75, 77, 79, 81, §368.1]

89 Acts, ch 98, §1; 89 Acts, ch 299, §1; 91 Acts, ch 187, §1; 91 Acts, ch 250, §1; 92 Acts, ch 1174, §1; 93 Acts, ch 152, §1 – 3; 94 Acts, ch 1169, §61; 2003 Acts, ch 148, §1, 9

Referred to in §331.423, 384.1

SUBCHAPTER II

GENERAL PROVISIONS

368.2 Name change.

A city may change its name as follows:

1. The council shall propose the name change and shall notify the county commissioner of elections that the question shall be submitted at the next regular city election.

2. The county commissioner of elections shall publish notice, as provided in section 362.3, of the proposed new name, and of the fact that the question will be submitted at the next regular city election. The county commissioner of elections shall report the results of the balloting on the question to the mayor and the city council.

3. If a majority of those voting on the question approves the proposed new name, the city clerk shall enter the new name upon the city records and file certified copies of the proceedings, including the council's proposal, proof of publication of notice, and certification of the election result, with the county recorder of each county which contains part of the city, and with the secretary of state. Upon proper filing the name change is complete and effective.

[C97, §628 – 630; C24, 27, 31, 35, 39, §**5619 – 5622;** C46, 50, 54, §362.34 – 362.37; C58, 62, 66, 71, 73, §362.38 – 362.41; C75, 77, 79, 81, §368.2]

368.3 Discontinuance — cemetery fund transfer.

1. A city is discontinued if, for a period of six years or more, it has held no city election and has caused no taxes to be levied. If the board receives knowledge of facts which cause an automatic discontinuance under this section, it shall make a determination that the city is discontinued, shall take control of the property of the discontinued city, and shall carry out all necessary procedures as if the city were discontinued under a petition or plan.

2. A city may also be discontinued in accordance with the following procedures. The council shall adopt a resolution of intent to discontinue and shall call a public hearing on the proposal to discontinue. Notice of the time and place of the public hearing and the proposed action shall be published as provided in section 362.3. At the public hearing, the council shall receive oral and written comments regarding the proposal from any person. Thereafter, the council, at the same meeting or at a subsequent meeting, may pass a resolution of discontinuance or pass a resolution abandoning the proposal. If the council passes a resolution of discontinuance, a petition may be filed with the clerk in the manner provided in section 362.4, within thirty days following the effective date of the resolution, requesting that the question of discontinuance be submitted to the registered voters of the city. Upon receipt of a petition requesting an election, the council shall direct the county commissioner of elections to call a special election on the question of discontinuance or shall adopt a resolution abandoning the discontinuance. Notice of the election shall be given by publication as required in section 49.53. If a majority of those voting approve the discontinuance or if no petition for an election is filed, the clerk shall send a copy of the resolution of discontinuance and, if an election is held, the results of the election to the board. The board shall take control of the property of the discontinued city and shall supervise procedures necessary to carry out the discontinuance in accordance with section 368.21.

3. When a city is discontinued under this section or under sections 368.11 through 368.22, and that city owns a cemetery, the board shall determine if any perpetual care funds exist

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and provide for their transfer to a trustee named by a district court or to the county or other suitable governmental entity.

[C46, 50, 54, 58, 62, 66, 71, 73, §362.18; C75, 77, 79, 81, §368.3]

91 Acts, ch 188, §2; 2000 Acts, ch 1006, §1; 2017 Acts, ch 54, §76; 2025 Acts, ch 130, §4

368.4 Annexing moratorium.

A city, following notice and hearing, may by resolution agree with another city or cities to refrain from annexing specifically described territory for a period not to exceed ten years and, following notice and hearing, may by resolution extend the agreement for subsequent periods not to exceed ten years each. Notice of a hearing shall be served by regular mail at least thirty days before the hearing on the city development board and on the board of supervisors of the county in which the territory is located and shall be published in an official county newspaper in each county containing a city conducting a hearing regarding the agreement, in an official county newspaper in any county within two miles of any such city, and in an official newspaper of each city conducting a hearing regarding the agreement. The notice shall include the time and place of the hearing, describe the territory subject to the proposed agreement, and the general terms of the agreement. After passage of a resolution by the cities approving the agreements, a copy of the agreement and a copy of any resolution extending an agreement shall be filed with the city development board within ten days of enactment. If such an agreement is in force, the board shall dismiss a petition or plan which violates the terms of the agreement.

[C66, 71, 73, §362.26(7, 8); C75, 77, 79, 81, §368.4]

2002 Acts, ch 1132, §4, 11; 2002 Acts, ch 1175, §31; 2003 Acts, ch 148, §2, 9; 2004 Acts, ch 1101, §42

368.5 Annexing state and county property.

1. Territory owned by the state of Iowa may be annexed, but the attorney general must be served with notice of the hearing and a copy of the proposal.

2. Territory within the road right-of-way owned by a county may be annexed, but the county attorney of that county must be served with notice of the hearing and a copy of the proposal.

[C58, 62, 66, 71, 73, §362.34, 362.35; C75, 77, 79, 81, §368.5]

89 Acts, ch 98, §2

368.6 Intent.

It is the intent of the general assembly to provide an annexation approval procedure which gives due consideration to the wishes of the residents of territory to be annexed, and to the interests of the residents of all territories affected by an annexation. The general assembly presumes that a voluntary annexation of territory more closely reflects the wishes of the residents of territory to be annexed, and, therefore, intends that the annexation approval procedure include a presumption of validity for voluntary annexation approval.

91 Acts, ch 250, §2

368.7 Voluntary annexation of territory.

1. *a.* All of the owners of land in a territory adjoining a city may apply in writing to the council of the adjoining city requesting annexation of the territory. Territory comprising railway right-of-way or territory comprising not more than twenty percent of the land area may be included in the application without the consent of the owner to avoid creating an island or to create more uniform boundaries. Public land may be included in the territory to be annexed. However, the area of the territory that is public land included without the written consent of the agency with jurisdiction over the public land shall not be used to determine the percentage of territory that is included with the consent of the owner and without the consent of the owner.

b. (1) Prior to notification in paragraph "*c*", the annexing city shall provide written notice to the board of supervisors and township trustees of each county and township that contains all or a portion of the territory to be annexed. The written notice shall include the same

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information required in paragraph "*c*" and shall set a time for a consultation on the proposed annexation between the annexing city and each county and township that contains all or a portion of the territory to be annexed. The consultation shall be held at least fourteen business days before the applications in paragraph "*c*" are mailed. The governing body of each such county and township may designate one of its members to attend the consultation. Each such county and township may make written recommendations for modification to the proposed annexation no later than seven business days following the date of the consultation.

(2) Not later than thirty days after the consultation, the board of supervisors of each county that contains all or a portion of the territory to be annexed shall, by resolution, state whether or not it supports the application or whether it takes no position in support of or against the application. If there is a comprehensive plan for the county, the board shall take the plan into account when considering its resolution. A copy of the resolution shall be immediately filed with the annexing city and shall be considered by the city council when taking action on the application. The city council shall forward a copy of the resolution to the city development board as part of the city proceedings on the annexation. Failure of a board of supervisors to adopt a resolution shall not delay the proceedings on the application nor shall such failure be considered a deficiency either in the application or in the annexing city's proceedings.

c. A copy of the application shall be mailed by certified mail to the nonconsenting owner and each affected public utility, at least fourteen business days prior to any action taken by the city council on the application. The application must contain a legal description and a map of the territory showing its location in relationship to the city.

d. The city shall provide for a public hearing on the application before approving or denying it. The city shall provide written notice at least fourteen business days prior to any action by the city council regarding the application, including a public hearing, by regular mail to the chairperson of the board of supervisors of each county which contains a portion of the territory proposed to be annexed, each public utility which serves the territory proposed to be annexed, each owner of property located within the territory to be annexed who is not a party to the application, and each owner of property that adjoins the territory to be annexed unless the adjoining property is in a city. The city shall publish notice of the application and public hearing on the application in an official county newspaper in each county which contains a portion of the territory proposed to be annexed. Both the written and published notice shall include the time and place of the public hearing and a legal description of the territory to be annexed. The city shall not assess the costs of providing notice as required in this section to the applicants. The city council shall approve or deny the application by resolution of the council.

e. An application for annexation under this subsection may be withdrawn by an applicant at any time within three business days after the public hearing unless the application was made pursuant to a written agreement for the extension of city services or unless the right to withdraw the application was specifically identified and waived by the applicant in the application. A landowner who has consented to the annexation may, within three business days after the public hearing, withdraw the landowner's consent to the annexation unless the landowner has entered into a written agreement for extension of city services or unless the right to withdraw consent was specifically identified and waived by the landowner.

f. An annexation including territory comprising not more than twenty percent of the land area without consent of the property owners is not complete without approval by four-fifths of the members of the city development board after a hearing for all affected property owners and the county. When considering such an annexation application, the board may request that the annexing city provide information on the amount of land located in the annexing city that is currently vacant or undeveloped and whether municipal services are being provided to current residents of the annexing city.

2. An application for annexation of territory not within an urbanized area of a city other than the city to which the annexation is directed must be approved by resolution of the council which receives the application. The city council shall mail a copy of the application by certified mail to the board of supervisors of each county which contains a portion of the territory at least fourteen business days prior to any action taken by the city council on the

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application. The council shall also publish notice of the application in an official county newspaper in each county which contains a portion of the territory at least fourteen days prior to any action taken by the council on the application. Upon receiving approval of the council, the city clerk shall file a copy of the resolution, map, and legal description of the territory involved with the secretary of state, the county board of supervisors of each county which contains a portion of the territory, each affected public utility, and the state department of transportation. The city clerk shall also record a copy of the legal description, map, and resolution with the county recorder of each county which contains a portion of the territory. The secretary of state shall not accept and acknowledge a copy of a legal description, map, and resolution of annexation which would create an island. The annexation is completed upon acknowledgment by the secretary of state that the secretary of state has received the legal description, map, and resolution.

3. An application for annexation of territory within an urbanized area of a city other than the city to which the annexation is directed must be approved both by resolution of the council which receives the application and by the board. The board shall not approve an application which creates an island. Notice of the application shall be mailed by certified mail, by the city to which the annexation is directed, at least fourteen business days prior to any action by the city council on the application to the council of each city whose boundary adjoins the territory or is within two miles of the territory, to the board of supervisors of each county which contains a portion of the territory, each affected public utility, and to the regional planning authority of the territory. Notice of the application shall be published in an official county newspaper in each county which contains a portion of the territory at least ten business days prior to any action by the city council on the application. The annexation is completed when the board has filed and recorded copies of applicable portions of the proceedings as required by section 368.20, subsection 1, paragraph *"b"*.

4. *a.* If one or more applications for a voluntary annexation and one or more petitions for an involuntary annexation or incorporation for a common territory are submitted to the board within thirty days of the date the first application or petition was submitted to the board, the board shall approve the application for voluntary annexation, if the application meets the applicable requirements of this chapter, unless the board determines by a preponderance of the evidence that the application was filed in bad faith, or that the application as filed is contrary to the best interests of the citizens of the urbanized area, or that the applicant cannot within a reasonable period of time meet its obligation to provide services to the territory to be annexed sufficient to meet the needs of the territory. In consideration of the requests, the board may appoint a committee in the manner provided in section 368.14 to seek additional information from the applicant for voluntary annexation as necessary, including the information required of petitioners pursuant to section 368.11. The board, or the committee, if applicable, shall hold a public hearing on the application for voluntary annexation in the manner provided for involuntary petitions in section 368.15. The decision of the board under this subsection shall be made within ninety days of receipt of the application by the board. The failure of the board to approve an application under this paragraph shall be deemed final agency action subject to judicial review.

b. If an application for voluntary annexation is not approved pursuant to this section, the board shall cause the conversion of the application to a petition pursuant to section 368.13 and shall proceed under section 368.14A. The conversion of an application to a petition shall not prejudice the status of the applicant. Judicial review of a board decision under this subsection may be requested by an aggrieved party.

5. In the discretion of a city council, the resolution provided for in subsection 1, paragraph *"d"*, or subsection 2 or 3, may include a provision for a transition for the imposition of city

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taxes against property within the annexation area as provided in section 368.11, subsection 3, paragraph *"m"*.

[R60, §1038; C73, §426; C97, §617, 621; C24, 27, 31, 35, 39, §**5615, 5616;** C46, 50, 54, 58, 62, 66, 71, 73, §362.30, 362.31; C75, 77, 79, 81, §368.7]

86 Acts, ch 1245, §845; 89 Acts, ch 299, §2; 91 Acts, ch 187, §2, 3; 91 Acts, ch 250, §3, 4; 92 Acts, ch 1174, §2; 93 Acts, ch 152, §4; 2002 Acts, ch 1132, §5 – 8, 11; 2003 Acts, ch 148, §3, 9; 2005 Acts, ch 19, §50; 2005 Acts, ch 111, §1 – 3, 5; 2010 Acts, ch 1061, §179, 180

Referred to in §368.12, 368.25A

368.7A Secondary road annexation.

1. The board of supervisors of each affected county shall notify the city development board of the existence of that portion of any secondary road which extends to the center line but has not become part of the city by annexation and has a common boundary with a city. The notification shall include a legal description and a map identifying the location of the secondary road. The city development board shall provide notice and an opportunity to be heard to each city in or next to which the secondary road is located. The city development board shall certify that the notification is correct and declare the road, or portion of the road extending to the center line, annexed to the city as of the date of certification. This section is not intended to interfere with or modify existing chapter 28E agreements on jurisdictional transfer of roads, or continuing negotiations between jurisdictions.

2. The remaining title and interest of a county in any secondary road or portion of the road which has been annexed by a city is transferred to the annexing city on July 1, 1993. The title and interest of a county in any secondary road which is annexed by a city after July 1, 1993, is transferred to the city upon the effective date of the annexation.

93 Acts, ch 152, §5

368.8 Voluntary severing of territory.

Any territory may be severed upon the unanimous consent of all owners of the territory and approval by resolution of the council of the city in which the territory is located. The council shall provide in the resolution for the equitable distribution of assets and equitable distribution and assumption of liabilities of the territory as between the city and the severed territory. The city clerk shall file a copy of the resolution, map, and a legal description of the territory involved with the county board of supervisors, secretary of state, and state department of transportation. The city clerk shall also record a copy of the map and resolution with the county recorder. The secretary of state shall not accept and acknowledge a copy of a map and resolution of severance which would create an island. The severance is completed upon acknowledgment by the secretary of state that the secretary of state has received the map and resolution.

[R60, §1048 – 1052; C73, §440 – 444; C97, §622 – 626; S13, §622; C24, 27, 31, 35, 39, §**5617;** C46, 50, 54, 58, 62, 66, 71, 73, §362.32; C75, 77, 79, 81, §368.8]

86 Acts, ch 1245, §846; 92 Acts, ch 1174, §3; 93 Acts, ch 152, §6

SUBCHAPTER III

CITY DEVELOPMENT BOARD

368.9 Board created.

1. A city development board is created. The economic development authority shall provide office space and staff assistance, and shall budget funds to cover expenses of the board and committees. The board consists of five members appointed by the governor subject to confirmation by the senate. The appointments must be for four-year staggered terms beginning and ending as provided by section 69.19, or to fill an unexpired term in case of a vacancy. Members are eligible for reappointment.

2. The board shall be composed of the following members:

a. One member appointed from a city with a population of more than forty-five thousand, according to the most recent certified federal census.

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b. One member appointed from a city with a population of forty-five thousand or less, according to the most recent certified federal census.

c. One member appointed from a county with a population of more than fifty thousand, according to the most recent certified federal census.

d. One member appointed from a county with a population of fifty thousand or less, according to the most recent certified federal census.

e. One member appointed to represent the general public.

3. Each member is entitled to receive from the state actual and necessary expenses in performance of board duties and may also be eligible to receive compensation as provided in section 7E.6.

[C75, 77, 79, 81, §368.9]

86 Acts, ch 1245, §847; 91 Acts, ch 250, §5; 2010 Acts, ch 1038, §1 – 3; 2011 Acts, ch 118, §85, 89

Referred to in §15.108, 368.1, 368.10, 384.38
Confirmation, see §2.32

368.10 Rules — filing fees.

The board may establish rules for the performance of its duties and the conduct of proceedings before it. The rules may include establishing filing fees for applications and petitions submitted to the board. The amounts collected from the establishment of such fees are appropriated to the board for the purpose of reimbursing the economic development authority for the budgeted costs of covering the board's expenses as described in section 368.9, subsection 1. Any amounts collected in a fiscal year by the board in excess of such budgeted costs shall be deposited in the general fund of the state. The board's rules are subject to chapter 17A, as applicable.

[C75, 77, 79, 81, §368.10]

93 Acts, ch 152, §7, 8; 2013 Acts, ch 126, §15

368.11 Petition for involuntary city development action.

1. A petition for incorporation, discontinuance, or boundary adjustment may be filed with the board by a city council, a county board of supervisors, a regional planning authority, or five percent of the registered voters of a city or territory involved in the proposal. Notice of the filing, including a copy of the petition, must be served upon the council of each city for which a discontinuance or boundary adjustment is proposed, the board of supervisors for each county which contains a portion of a city to be discontinued or territory to be incorporated, annexed or severed, the council of a city if an incorporation includes territory within the city's urbanized area, and any regional planning authority for the area involved.

2. Within ninety days of receipt of a petition, the board shall initiate appropriate proceedings or dismiss the petition. The board may combine for consideration petitions or plans which concern the same territory or city or which provide for a boundary adjustment or incorporation affecting common territory. The combined petitions may be submitted for consideration by a special local committee pursuant to section 368.14A.

3. The petition must include substantially the following information as applicable:

a. A general statement of the proposal.

b. A map of the territory, city or cities involved.

c. Assessed valuation of platted and unplatted land.

d. Names of property owners.

e. Population density.

f. Description of topography.

g. Plans for disposal of assets and assumption of liabilities.

h. Description of existing municipal services, including but not limited to water supply, sewage disposal, and fire and police protection.

i. Plans for agreements with any existing special service districts.

j. In a case of annexation or incorporation, the petition must state that none of the territory is within a city.

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k. In a case of incorporation or consolidation, the petition must state the name of the proposed city.

l. Plans shall include a formal agreement between affected municipal corporations and counties for the maintenance, improvement, and traffic control of any shared roads involved in an incorporation or boundary adjustment.

m. (1) In the discretion of a city council, a provision for a transition for the imposition of city taxes against property within an annexation area. The provision shall allow for an exemption from taxation of the following percentages of assessed valuation according to the following schedule:

(a) For the first and second years, seventy-five percent.
(b) For the third and fourth years, sixty percent.
(c) For the fifth and sixth years, forty-five percent.
(d) For the seventh and eighth years, thirty percent.
(e) For the ninth and tenth years, fifteen percent.

(2) An alternative schedule may be adopted by the city council. However, an alternative schedule shall not allow a greater exemption than that provided in this paragraph. The exemption shall be applied in the levy and collection of taxes. The provision may also allow for the partial provision of city services during the time in which the exemption from taxation is in effect. If the city council provides for a transition for the imposition of city taxes against property in an annexation area, all property owners included in the annexation area must receive the transition upon completion of the annexation.

n. In the case of an annexation, a plan for extending municipal services to be provided by the annexing city to the annexed territory within three years of July 1 of the fiscal year in which city taxes are collected against property in the annexed territory.

4. At least fourteen business days before a petition for involuntary annexation is filed as provided in this section, the petitioner shall make its intention known by sending a letter of intent by certified mail to the council of each city whose urbanized area contains a portion of the territory, the board of supervisors of each county which contains a portion of the territory, the regional planning authority of the territory involved, each affected public utility, and to each property owner listed in the petition. The written notification shall include notice that the petitioners shall hold a public meeting on the petition for involuntary annexation prior to the filing of the petition.

5. Before a petition for involuntary annexation may be filed, the petitioner shall hold a public meeting on the petition. Notice of the meeting shall be published in an official county newspaper in each county which contains a part of the territory at least five days before the date of the public meeting. The mayor of the city proposing to annex the territory, or that person's designee, shall serve as chairperson of the public meeting. The city clerk of the same city or the city clerk's designee shall record the proceedings of the public meeting. Any person attending the meeting may submit written comments and may be heard on the petition. The minutes of the public meeting and all documents submitted at the public meeting shall be forwarded to the county board of supervisors of each county where the territory is located and to the board by the chairperson of the meeting.

6. Within thirty days after receiving notice that a petition for involuntary annexation has been filed with the board, the board of supervisors of each county that contains all or a portion of the territory to be annexed shall, by resolution, state whether or not it supports the petition or whether it takes no position in support of or against the petition. If there is a comprehensive plan for the county, the board shall take the plan into account when considering its resolution. A copy of the resolution shall be immediately filed with the annexing city and with the city development board. Failure of a board of supervisors to adopt a resolution shall not delay the proceedings on the petition nor shall such failure be considered a deficiency either in the petition or in the annexing city's proceedings.

[R60, §1031, 1038, 1043; C73, §421, 426, 430, 431, 447, 448; C97, §599, 604, 610, 611, 615, 617, 621; S13, §615; C24, 27, 31, 35, 39, §**5588, 5598, 5612 – 5614, 5616;** C46, 50, §362.1,

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362.11, 362.26, 362.28, 362.29, 362.31; C54, 58, 62, 66, 71, 73, §362.1, 362.11, 362.26, 362.31; C75, 77, 79, 81, §368.11]

89 Acts, ch 299, §3; 91 Acts, ch 250, §6; 92 Acts, ch 1174, §4; 93 Acts, ch 152, §9; 2001 Acts, ch 56, §31; 2002 Acts, ch 1132, §9, 11; 2003 Acts, ch 108, §126, 132; 2003 Acts, ch 148, §4 – 6, 9; 2005 Acts, ch 111, §4, 5; 2006 Acts, ch 1158, §5; 2010 Acts, ch 1061, §180

Referred to in §331.304, 368.3, 368.7, 368.20, 368.25, 368.25A

368.12 Dismissal.

The board may dismiss a petition only if it finds that the petition does not meet the requirements of this chapter, or that substantially the same incorporation, discontinuance, or boundary adjustment has been disapproved by a committee formed to consider the proposal, or by the voters, within the two years prior to the date the petition is filed with the board, or that the territory to be annexed, or a portion of that territory, has been voluntarily annexed under section 368.7. The board shall file for record a statement of each dismissal and the reason for it, and shall promptly notify the parties to the proceeding of its decision.

[C75, 77, 79, 81, §368.12]

91 Acts, ch 250, §7

Referred to in §368.3, 368.20

368.13 Board may initiate proceedings.

Based on the results of its studies, the board may initiate proceedings for the incorporation, discontinuance, or boundary adjustment of a city. The board may request a city to submit a plan for city development or may formulate its own plan for city development. A plan submitted at the board's initiation must include the same information as a petition and be filed and acted upon in the same manner as a petition. A petition or plan may include any information relevant to the proposal, including but not limited to results of studies and surveys, and arguments.

[C75, 77, 79, 81, §368.13]

93 Acts, ch 152, §10

Referred to in §368.3, 368.7, 368.20

368.14 Local representatives.

If an involuntary petition is not dismissed, the board shall direct the appointment of local representatives to serve with board members as a committee to consider the proposal. Each local representative is entitled to receive from the state the representative's actual and necessary expenses spent in performance of committee duties. Three board members and one local representative, or if the number of local representatives exceeds one, three board members and at least one-half of the appointed local representatives, are required for a quorum of the committee. A local representative must be a registered voter of the territory or city which the representative represents, and must be selected as follows:

1. From a territory to be incorporated, one representative appointed by the county board of supervisors. If the territory is in more than one county, the board shall direct the appointment of a local representative from each county involved.
2. From a city to be discontinued, one representative appointed by the city council.
3. From a territory to be annexed to or severed from a city, one representative appointed by the county board of supervisors. If there are no registered voters residing in an area to be annexed to or severed from a city, the county board of supervisors shall appoint as local representative an individual owning property in the territory whether or not the individual is a registered voter or appoint a designee of such individual. If the territory is in more than one county, the board shall direct the appointment of a local representative from each county involved by its board of supervisors.
4. From a city to which territory is to be annexed or from which territory is to be severed, one representative appointed by the city council. If the territory is in more than one county, the board shall direct the appointment of an equal number of city and county local representatives.

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5. From each city to be consolidated, one representative appointed by each city council.

[C75, 77, 79, 81, §368.14]

91 Acts, ch 250, §8; 94 Acts, ch 1169, §64

Referred to in §331.321, 368.1, 368.3, 368.7, 368.14A, 368.20

368.14A Special local committees.

When two or more petitions for city development action or applications for voluntary annexation describing common territory are being considered together, the board shall direct the appointment of representatives for each of the petitions to serve on one special committee to consider the petitions. Expense reimbursement and qualifications of these representatives shall be as provided in section 368.14. Three board members and at least one-half of the appointed local representatives are required for a quorum of the special local committee. The manner of appointment of representatives shall be the same as for single petition committees as provided in section 368.14. The special committee shall consider the petitions in conformity with the provisions of this chapter, and shall resolve common territory issues between petitioners. The special committee shall conduct a public hearing on the petitions pursuant to section 368.15. If the common territory issue is resolved, the special local committee may approve the resulting compatible petitions by a single vote or separately, in its discretion.

91 Acts, ch 250, §9; 93 Acts, ch 152, §11

Referred to in §368.1, 368.3, 368.7, 368.11, 368.20

368.15 Public hearing.

The committee shall conduct a public hearing on a proposal as soon as practicable. Notice of the hearing must be served upon the council of each city for which a discontinuance or boundary adjustment is proposed, the county board of supervisors for each county that contains a portion of a city to be discontinued or territory to be incorporated, annexed, or severed, and any regional planning authority for the area involved. A notice of the hearing, which includes a brief description of the proposal and a statement of where the petition or plan is available for public inspection, must be published as provided in section 362.3. Any person may submit written briefs and, in the committee's discretion, may be heard on the proposal. The board may subpoena witnesses and documents relevant to the proposal.

[C75, 77, 79, 81, §368.15]

2025 Acts, ch 130, §5

Referred to in §368.3, 368.7, 368.14A, 368.18, 368.20, 368.21

368.16 Approval of proposal.

Subject to section 368.17, the committee shall approve any proposal which it finds to be in the public interest. A committee shall base its finding upon all relevant information before the committee, including but not limited to the following:

1. Statements in the petition or plan, and evidence supporting those statements.
2. Recommendations of the regional planning authority for the area.
3. Commercial and industrial development.
4. Potential growth in population.
5. Cost and adequacy of existing services and facilities.
6. Potential effect of the proposal and of possible alternative proposals on the cost and adequacy of services and facilities.
7. Potential effect of the proposal on adjacent areas, and on any unit of government directly affected, including but not limited to the potential effect on future revenues of any such unit of government.

[C75, 77, 79, 81, §368.16]

Referred to in §368.3, 368.20

368.17 When approval barred.

The committee may not approve:

1. An incorporation unless it finds that the city to be incorporated will be able to provide customary municipal services within a reasonable time.

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2. A discontinuance or severance if the city to be discontinued or the territory to be severed will be surrounded by one or more cities unless a petition for annexation of the same area is also filed and approved.

3. A discontinuance or severance unless it finds that the county or another city will be able to provide necessary municipal services to the residents.

4. An annexation unless the territory is adjoining the city to which it will be annexed, and the committee finds that the city will be able to provide to the territory substantial municipal services and benefits not previously enjoyed by such territory, and that the motive for annexation is not solely to increase revenues to the city.

5. A consolidation unless the cities are contiguous.

6. An incorporation of territory, any part of which is within two miles of an existing city, unless a petition for annexation of substantially the same territory to such city has been dismissed, disapproved, or voted upon unfavorably within the last five years.

7. A city development action which creates an island.

[R60, §1043; C73, §430, 431; C97, §610, 611, 615; S13, §615; C24, 27, 31, 35, 39, §**5612 – 5614;** C46, 50, §362.26, 362.28, 362.29; C54, §362.26; C58, 62, 66, 71, 73, §362.1, 362.26; C75, 77, 79, 81, §368.17]

91 Acts, ch 187, §4; 92 Acts, ch 1174, §5

Referred to in §368.3, 368.16, 368.20

368.18 Amendment.

The committee may amend a petition or plan. If a petition or plan is substantially amended, the committee shall continue the hearing to a later date and serve and publish a notice describing the amended petition or plan, as required in section 368.15.

[C97, §600; S13, §600; C24, 27, 31, 35, 39, §**5591;** C46, 50, 54, 58, 62, 66, 71, 73, §362.4; C75, 77, 79, 81, §368.18]

Referred to in §368.3, 368.20

368.19 Time limit — election.

1. The committee shall approve or disapprove the petition or plan as amended, within ninety days of the final hearing, and shall file its decision for record and promptly notify the parties to the proceeding of its decision. If a petition or plan is approved, the board shall submit the proposal at an election held on a date specified in section 39.2, subsection 4, paragraph *"a"* or *"b"*, whichever is applicable, and the county commissioner of elections shall conduct the election. In a case of incorporation or discontinuance, registered voters of the territory or city may vote, and the proposal is authorized if a majority of those voting approves it. In a case of annexation or severance, registered voters of the territory and of the city may vote, and the proposal is authorized if a majority of the total number of persons voting approves it. In a case of consolidation, registered voters of each city to be consolidated may vote, and the proposal is authorized only if it receives a favorable majority vote in each city. The county commissioner of elections shall publish notice of the election as provided in section 49.53 and shall conduct the election in the same manner as other special elections.

2. The city shall provide to the commissioner of elections a map of the area to be incorporated, discontinued, annexed, severed, or consolidated, which must be approved by the commissioner as suitable for posting. The map shall be displayed prominently in at least one place within the voting precinct, and inside each voting booth.

3. The costs of an incorporation election shall be borne by the initiating petitioners if the election fails, but if the proposition is approved the cost shall become a charge of the new city.

[R60, §1032, 1037, 1043, 1044; C73, §422, 423, 425, 430 – 432, 447 – 450; C97, §600 – 605, 610 – 612, 615; S13, §600 – 602, 615; C24, 27, 31, 35, 39, §**5592 – 5594, 5596, 5598, 5599, 5605, 5606, 5612 – 5614;** C46, 50, §362.5 – 362.7, 362.9, 362.11, 362.12, 362.19, 362.20, 362.26, 362.28, 362.29; C54, 58, 62, 66, 71, 73, §362.5 – 362.7, 362.9, 362.11, 362.12, 362.19, 362.20, 362.26; C75, 77, 79, 81, §368.19]

91 Acts, ch 250, §10; 95 Acts, ch 67, §53; 98 Acts, ch 1123, §16; 2008 Acts, ch 1115, §62, 71; 2009 Acts, ch 57, §90

Referred to in §368.3, 368.20

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368.20 Procedure after approval.

1. After the county commissioner of elections has certified the results to the board, the board shall:

a. Serve and publish notice of the result as provided in section 362.3.

b. File with the secretary of state and the clerk of each city incorporated or involved in a boundary adjustment, and record with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the original petition or plan and any amendments, the order of the board approving the petition or plan, proofs of service and publication of required notices, certification of the election result, and any other material deemed by the board to be of primary importance to the proceedings.

2. Upon proper filing and expiration of time for appeal, the incorporation, discontinuance, or boundary adjustment is complete. However, if an appeal to any of the proceedings is pending, completion does not occur until the appeal is decided, unless a subsequent date is provided in the proposal. The board shall also file with the state department of transportation a copy of the map and legal land description of each completed incorporation or corporate boundary adjustment completed under sections 368.11 through 368.22 or approved annexation within an urbanized area.

[R60, §1044, 1053, 1054; C73, §432, 445, 446, 452; C97, §267, 603, 608, 612; C24, 27, 31, 35, 39, §**5596, 5603, 5606, 5618;** C46, 50, 54, 58, 62, 66, 71, 73, §362.9, 362.16, 362.20, 362.33; C75, 77, 79, 81, §368.20]

89 Acts, ch 22, §1; 93 Acts, ch 152, §12; 2010 Acts, ch 1061, §149

Referred to in §368.3, 368.7

368.21 Supervision of procedures.

When an incorporation, discontinuance, or boundary adjustment is complete, the board shall supervise procedures necessary to carry out the proposal. In the case of an incorporation, the county commissioner of elections shall conduct an election for mayor and council of the city, who shall serve until their successors take office following the next regular city election. In the case of a discontinuance, the board shall publish two notices as provided in section 368.15 that it will receive and adjudicate claims against the discontinued city for a period of six months from the date of last notice, and shall cause necessary taxes to be levied against the property within the discontinued city to pay claims allowed. All records of a discontinued city shall be deposited with the county auditor of the county designated by the board. Any remaining balances shall be deposited in the county treasury where the former city was located. In the case of boundary adjustments, the proper city officials shall carry out procedures necessary to implement the proposal.

[R60, §1037, 1045; C73, §425, 433, 449, 451, 453; C97, §602, 603, 605 – 607, 613; S13, §602; C24, 27, 31, 35, 39, §**5594, 5597, 5600 – 5602, 5607;** C46, 50, 54, 58, 62, 66, 71, 73, §362.7, 362.10, 362.13 – 362.15, 362.21; C75, 77, 79, 81, §368.21]

83 Acts, ch 123, §172, 209

Referred to in §331.427, 368.3, 368.20

368.22 Appeal.

1. *a.* A city or a resident or property owner in the territory or city involved may appeal a decision of the board or a committee, or the legality of an election, to the district court of a county which contains a portion of any city or territory involved.

b. Appeal must be filed within thirty days of the filing of a decision or the publication of notice of the result of an election.

c. Appeal of an approval of a petition or plan does not stay the election.

2. The judicial review provisions of this section and chapter 17A shall be the exclusive means by which a person or party who is aggrieved or adversely affected by agency action may seek judicial review of that agency action. The court's review on appeal of a decision is limited to questions relating to jurisdiction, regularity of proceedings, and whether the decision appealed from is arbitrary, unreasonable, or without substantial supporting evidence. The court may reverse and remand a decision of the board or a committee, with appropriate directions.

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3. The following portions of section 17A.19 are not applicable to this chapter:

a. The part of subsection 2 which relates to where proceedings for judicial review shall be instituted.

b. Subsection 5.

c. Subsection 8.

d. Subsection 9.

e. Subsection 10.

f. Subsection 11.

[C75, 77, 79, 81, §368.22]

98 Acts, ch 1202, §40, 46; 2010 Acts, ch 1061, §150

Referred to in §368.3, 368.20

368.23 Fees and taxes of public utilities.

Additional or increased fees or taxes, other than ad valorem taxes, imposed on a public utility as a result of an annexation of territory to a city shall become effective sixty days after the effective date of the annexation.

93 Acts, ch 152, §13

368.24 Notification to public utilities and to the department of revenue.

Notwithstanding any other provision of law to the contrary, any city that annexes territory or any city from which territory is severed shall provide written notification consisting of a legal description and map of the annexed or severed territory, each street address within the annexed or severed area, where possible, a statement containing the effective date of the annexation or severance and a copy of the order, resolution, or ordinance proclaiming the annexation or severance to all public utilities operating in the annexed or severed area and to the department of revenue. If the notification of an annexation is provided to a public utility less than sixty days prior to the effective date of the annexation, the public utility shall have sixty days from the date of notification to adjust its tax and accounting records to reflect the annexation for any tax purpose.

96 Acts, ch 1204, §10; 2012 Acts, ch 1110, §25

368.25 Failure to provide municipal services.

Prior to expiration of the three-year period established in section 368.11, subsection 3, paragraph *"n"*, the annexing city shall submit a report to the board describing the status of the provision of municipal services identified in the plan required in section 368.11, subsection 3, paragraph *"n"*. If a city fails to provide municipal services, or fails to show substantial and continuing progress in the provision of municipal services, to territory involuntarily annexed, according to the plan for extending municipal services filed pursuant to section 368.11, subsection 3, paragraph "*n*", within the time period specified in that subsection, the city development board may initiate proceedings to sever the annexed territory from the city. The board shall notify the city of the severance proceedings and shall hold a public hearing on the proposed severance. The board shall give notice of the hearing in the same manner as notice of a public meeting in section 368.11. The board may order severance of all or a portion of the territory and the order to sever is not subject to approval at an election. A city may request that the board allow up to an additional three years to provide municipal services if good cause is shown. As an alternative to severance of the territory, the board may impose a moratorium on additional annexation by the city until the city complies with its plan for extending municipal services. For purposes of this section, *"municipal services"* means services included in the plan required by section 368.11, subsection 3, paragraph "*n*", for extending municipal services.

2002 Acts, ch 1132, §10, 11; 2002 Acts, ch 1175, §32; 2003 Acts, ch 148, §7, 9; 2005 Acts, ch 19, §51

368.25A Boundary adjustment between cities by petition and consent.

1. A real property owner within the boundaries of a city may file a petition for severance with the city council if the petitioner's real property, if severed, would be eligible for

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annexation by a different city and if such annexation would not create an island. Contiguous property owners may file a combined petition under this section.

2. The petition shall be filed with the city council of the city from which severance is sought and the city council of the city to which annexation is requested. The petition shall be in substantially the form required of an application under section 368.7.

3. If the city councils of both cities approve the petition, the petition shall be filed with the board. Approval by either city council may be conditioned upon an agreement entered into by the cities providing for the transition of property taxes or the sharing of property tax revenues from the real property described in the petition for a period not to exceed forty years and providing for all necessary zoning ordinance changes within a period not to exceed ten years. An agreement between cities under this subsection shall be filed with the board at the same time the approved petition is filed. An agreement may include additional transition provisions relating to the transfer or sharing of property tax revenues for property outside the boundaries of the territory described in the petition and any other provisions deemed by the cities to be in the public interest if such actions are within the authority of the cities.

4. Following receipt of a petition, the board shall initiate proceedings to sever the territory from the city in which it is located and annex the territory to the annexing city. The board shall notify both cities of the severance and annexation proceedings and shall hold a public hearing on the severance, annexation, and any agreement between the cities pursuant to subsection 3. The board shall give notice of the hearing in the same manner as notice of a public meeting in section 368.11, subsection 5.

5. The board may only approve the petition if the board also approves any agreements between the cities pursuant to subsection 3, and filed with the board. The board may only approve or deny the severance and annexation of the territory described in the petition, and the order of the board approving the petition is not subject to approval at an election.

6. The severance and annexation approved by the board is completed when the board files with the secretary of state and the clerk of each city involved in the severance and annexation, and records with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the petition, any agreements between the cities, the order of the board approving the petition, proofs of service and publication of required notices, and any other material deemed by the board to be of primary importance to the proceedings. The board shall also file with the state department of transportation a copy of the map and legal land description of each completed severance and annexation under this section.

2010 Acts, ch 1022, §1

368.26 Annexation of certain property — compliance with less stringent regulations.

1. A city ordinance or regulation that regulates a condition or activity occurring on protected farmland or regulates a person who owns and operates protected farmland is unenforceable against the owner of the protected farmland for a period of ten years from the effective date of the annexation, to the extent the city ordinance or regulation is more stringent than county legislation. Section 335.2 shall apply to the protected farmland until the owner of the protected farmland determines that the land will no longer be operated as an agricultural operation. Any enforcement activity conducted in violation of this section is void.

2. For purposes of this section:

a. "Condition or activity occurring on protected farmland" includes but is not limited to the raising, harvesting, drying, or storage of crops; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the production, care, feeding, or housing of animals including but not limited to the construction, operation, or management of an animal feeding operation, an animal feeding operation structure, or aerobic structure, and to the storage, handling, or application of manure or egg washwater; the operation of machinery including but not limited to planting and harvesting equipment, grain dryers, grain handling equipment, and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

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b. *"County legislation"* means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.

c. *"Protected farmland"* means land that is part of a century farm as that term is defined in section 403.17, subsection 10.

2003 Acts, ch 148, §8, 9; 2004 Acts, ch 1101, §43; 2013 Acts, ch 90, §97

CHAPTERS 368A to 371

RESERVED

CHAPTER 372

ORGANIZATION OF CITY GOVERNMENT

Referred to in §97B.1A, 331.248, 331.262, 362.1, 362.2, 362.9, 376.1

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SUBCHAPTER I

FORMS OF GOVERNMENT

372.1 Forms of cities.

1. The forms of city government are:

a. Mayor-council, or mayor-council with appointed manager.

b. Commission.

c. Council-manager-at-large.

d. Council-manager-ward.

e. Home rule charter.

f. Special charter.

g. City-county consolidated form as provided in sections 331.247 through 331.252.

h. Community commonwealth as provided in sections 331.260 through 331.263.

2. A city when first incorporated has the mayor-council form. A city retains its form of government until it adopts a different form as provided in this subchapter.

3. A city shall adopt by ordinance a charter embodying its existing form of government, which must be one of the forms provided in this subchapter, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.

[C54, 58, 62, 66, 71, 73, §363.1, 363.30; C75, 77, 79, 81, §372.1]

2004 Acts, ch 1066, §29, 31; 2010 Acts, ch 1061, §180; 2017 Acts, ch 54, §76; 2019 Acts, ch 59, §113

Referred to in §372.2, 372.12

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372.2 Six-year limitation.

Unless otherwise provided by law, a city may adopt a different form of government not more often than once in a six-year period. A different form, other than a home rule charter, special charter, city-county consolidated government, or community commonwealth, must be adopted as follows:

1. Eligible electors of the city may petition the council to submit to the electors the question of adopting a different form of city government. The minimum number of signatures required on the petition shall be equal in number to twenty-five percent of those who voted in the last regular city election. The petition shall specify which form of city government in section 372.1 the petitioners propose for adoption.

2. *a.* Within fifteen days after receiving a valid petition, the council shall publish notice of the date that a special election will be held to determine whether the city shall change to a different form of government. The election date shall be as specified in section 39.2, subsection 4, paragraph "*b*". If the next election date specified in that paragraph is more than sixty days after the publication, the council shall publish another notice fifteen days before the election. The notice shall include a statement that the filing of a petition for appointment of a home rule charter commission will delay the election until after the home rule charter commission has filed a proposed charter. Petition requirements and filing deadlines shall also be included in the notice.

b. The council shall notify the county commissioner of elections to publish notice of the election and conduct the election pursuant to chapters 39 through 53. The county commissioner of elections shall certify the results of the election to the council.

3. If a majority of the persons voting at the special election approves the proposed form, it is adopted.

4. If a majority of the persons voting at the special election does not approve the proposed form, that form may not be resubmitted to the voters within the next four years.

5. If the proposed form is adopted:

a. The elective officers provided for in the adopted form are to be elected at the next regular city election held more than eighty-four days after the special election at which the form was adopted. The adopted form becomes effective at the beginning of the new term following the regular city election.

b. The change of form does not alter any right or liability of the city in effect when the new form takes effect.

c. All departments and agencies shall continue to operate until replaced.

d. All measures in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted form.

e. Upon the effective date of the adopted form, the city shall adopt by ordinance a new charter embodying the adopted form, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.

[C73, §434 – 439; C97, §631 – 635, 637; S13, §633, 1056-a17, -a18, -a19, -a20, -a39; SS15, §1056-b1, -b2, -b22, -b26; C24, 27, 31, 35, 39, §**6478, 6482 – 6487, 6491, 6549, 6568, 6569, 6616, 6617, 6619, 6620, 6623, 6680 – 6682, 6687, 6689, 6690, 6936 – 6940, 6942;** C46, 50, §416.3, 416.6, 416.7 – 416.11, 416.15, 416.73, 416.93, 416.94, 419.2, 419.3, 419.5, 419.6, 419.9, 419.67 – 419.69, 419.74, 419.76, 419.77, 420.289 – 420.293, 420.295; C54, 58, 62, 66, 71, 73, §363.31 – 363.38, 363B.6, 363C.12, 420.289 – 420.293, 420.295; C75, 77, 79, 81, §372.2]

89 Acts, ch 39, §6, 7; 94 Acts, ch 1180, §52, 53; 97 Acts, ch 170, §88; 2004 Acts, ch 1066, §30, 31; 2008 Acts, ch 1115, §63, 71; 2021 Acts, ch 80, §236

Referred to in §372.4, 372.5, 373.6

372.3 Home rule charter.

If a petition for appointment of a home rule charter commission is filed with the city clerk not more than ten days after the council has published the first notice announcing the date of the special election on adoption of another form of government, the special election shall not be held until the charter proposed by the home rule charter commission is filed. Both forms

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must be published as provided in section 372.9 and submitted to the voters at the special election.

[C75, 77, 79, 81, §372.3]

97 Acts, ch 170, §89; 2008 Acts, ch 1115, §64, 71

372.4 Mayor-council form.

1. *a.* A city governed by the mayor-council form has a mayor and five council members elected at large, unless the council representation plan is changed pursuant to section 372.13, subsection 11. The council may, by ordinance, provide for a city manager and prescribe the manager's powers and duties, and as long as the council contains an odd number of council members, may change the number of wards, abolish wards, or increase the number of council members at large without changing the form.

b. However, a city governed, on July 1, 1975, by the mayor-council form composed of a mayor and a council consisting of two council members elected at large and one council member from each of four wards, or a special charter city governed, on July 1, 1975, by the mayor-council form composed of a mayor and a council consisting of two council members elected at large and one council member elected from each of eight wards, may continue until the form of government is changed as provided in section 372.2 or section 372.9. While a city is thus operating with an even number of council members, the mayor may vote to break a tie vote on motions not involving ordinances, resolutions or appointments made by the council alone, and in a special charter city operating with ten council members under this section, the mayor may vote to break a tie vote on all measures.

2. The mayor shall appoint a council member as mayor pro tem, and shall appoint and dismiss the marshal or chief of police except where an intergovernmental agreement makes other provisions for police protection or as otherwise provided in section 400.13. However, the appointment and dismissal of the marshal or chief of police are subject to the consent of a majority of the council. Other officers must be selected as directed by the council. The mayor is not a member of the council and shall not vote as a member of the council.

3. In a city having a population of five hundred or more, but not more than five thousand, the city council may, or shall upon petition of the electorate meeting the numerical requirements of section 372.2, subsection 1, submit a proposal at the next regular or special city election to reduce the number of council members to three. If a majority of the voters voting on the proposal approves it, the proposal is adopted. If the proposal is adopted, the new council shall be elected at the next regular or special city election. The council shall determine by ordinance whether the three council members are elected at large or by ward.

4. In a city having a population of less than five hundred, the city council may adopt a resolution of intent to reduce the number of council members from five to three and shall call a public hearing on the proposal. Notice of the time and place of the public hearing shall be published as provided in section 362.3. At the public hearing, the council shall receive oral and written comments regarding the proposal from any person. Thereafter, the council, at the same meeting as the public hearing or at a subsequent meeting, may adopt a final resolution to reduce the number of council members from five to three or may adopt a resolution abandoning the proposal. If the council adopts a final resolution to reduce the number of council members from five to three, a petition meeting the same requirements specified in section 362.4 for petitions authorized by city code may be filed with the clerk within thirty days following the effective date of the final resolution, requesting that the question of reducing the number of council members from five to three be submitted to the registered voters of the city. Upon receipt of a petition requesting an election, the council shall direct the county commissioner of elections to put the proposal on the ballot for the next regular city election. If the ballot proposal is adopted, the new council shall be elected at the next following regular city election. If a petition is not filed, the council shall notify the county commissioner of elections by July 1 of the year of the regular city election and the new council shall be elected at that regular city election. If the council notifies the commissioner of elections after July 1 of the year of the regular city election, the change shall take effect at the next following regular city election. The council shall determine by ordinance whether the three council members are elected at large or by ward.

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5. City council membership reduced from five council members to three may be increased to five council members using the same procedure in subsection 3 or 4, as applicable.

[R60, §1081, 1086, 1093, 1095, 1098, 1103, 1105, 1106; C73, §511, 515, 521, 524, 528, 532, 534, 535; C97, §645, 646, 652, 654, 655; S13, §645, 646, 652, 654, 655; SS15, §679-1a, 937; C24, 27, 31, 35, 39, §**5631, 5634 – 5636, 6611, 6691;** C46, 50, §363.9, 363.13 – 363.15, 418.1, 420.1; C54, 58, 62, §363A.2, 363A.3, 363D.1; C66, 71, 73, §363A.2, 363A.3, 363A.5, 363D.1; C75, 77, 79, 81, §372.4]

86 Acts, ch 1171, §2; 87 Acts, ch 97, §1; 91 Acts, ch 256, §36; 97 Acts, ch 23, §38; 2001 Acts, ch 35, §1; 2003 Acts, ch 80, §1, 2; 2004 Acts, ch 1101, §44; 2007 Acts, ch 55, §1; 2010 Acts, ch 1061, §180; 2025 Acts, ch 130, §6

Referred to in §372.13, 380.4

372.5 Commission form.

1. A city governed by the commission form has five departments as follows:

a. Department of public affairs.

b. Department of accounts and finances.

c. Department of public safety.

d. Department of streets and public improvements.

e. Department of parks and public property.

2. *a.* A city governed by the commission form has a council composed of a mayor and four council members elected at large, unless the council representation plan is changed pursuant to section 372.13, subsection 11. The mayor administers the department of public affairs and each other council member is elected to administer one of the other four departments.

b. However, a city governed, on July 1, 1975, by the commission form and having a council composed of a mayor and two council members elected at large may continue with a council of three until the form of government is changed as provided in section 372.2 or section 372.9 or without changing the form, may submit to the voters the question of increasing the council to five members assigned to the five departments as set out in this section.

3. The mayor shall supervise the administration of all departments and report to the council all matters requiring its attention. The mayor is a member of the council and may vote on all matters before the council.

4. The council member elected to administer the department of accounts and finances is mayor pro tem.

5. The council may appoint a city treasurer or may, by ordinance, provide for election of that officer.

[S13, §1056-a18, -a20, -a24, -a25, -a26, -a29; C24, 27, 31, 35, 39, §**6484, 6488, 6489, 6502, 6520, 6524, 6526, 6527, 6565, 6566;** C46, 50, §416.8, 416.12 – 416.14, 416.26, 416.44, 416.48, 416.50, 416.51, 416.90, 416.91; C54, 58, 62, 66, 71, 73, §363B.1, 363B.2, 363B.4, 363B.5, 363B.7, 363B.8; C75, 77, 79, 81, §372.5]

91 Acts, ch 256, §37; 97 Acts, ch 23, §39; 2010 Acts, ch 1061, §151

Referred to in §372.13

372.6 Council-manager-at-large form.

1. A city governed by the council-manager-at-large form has five council members elected at large for staggered four-year terms. At the first meeting of the new term following each city election, the council shall elect one of the council members to serve as mayor, and one to serve as mayor pro tem. The mayor is a member of the council and may vote on all matters before the council. As soon as possible after the beginning of the new term following each city election, the council shall appoint a manager.

2. *a.* The city council of a city governed by the council-manager-at-large form may adopt a resolution on its own motion, or shall adopt a resolution if a petition valid under section 362.4 is filed with the city clerk, proposing that the city be governed by a mayor elected by the people for a four-year term and four council members elected at large. After adoption of the resolution, the council shall direct the county commissioner of elections to put the proposal on the ballot for the next general election or the next regular city election, whichever occurs first. If the ballot proposal is approved, the city council shall adopt an ordinance meeting

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the requirements of paragraph *"b"*, and the ordinance is effective beginning with the next following regular city election.

b. The ordinance shall provide that the mayor is a member of the council and may vote on all matters before the council. The ordinance shall provide that the term of office of the mayor is four years and, after each regular city election, the mayor shall appoint a council member as mayor pro tem. The ordinance shall provide that the mayor is a member of the council for purposes of maintaining staggered terms on the council. A council member's term shall not be shortened or lengthened as a means of initially implementing the ordinance.

c. An ordinance adopted and approved under this subsection is not subject to repeal until the ordinance has been in effect for at least six years. The question of repeal of the ordinance is subject to the requirements of paragraph *"a"*.

3. The council may by ordinance provide that the city will be governed by council-manager-ward form. The ordinance must provide for the election of the mayor and council members required under council-manager-ward form at the next regular city election.

[SS15, §1056-b1, -b7, -b12; C24, 27, 31, 35, 39, §**6621, 6622, 6645, 6665;** C46, 50, §419.7, 419.8, 419.31, 419.51; C54, 58, 62, 66, §363C.1, 363C.3; C71, 73, §363C.1, 363C.3, 363C.17; C75, 77, 79, 81, §372.6]

2006 Acts, ch 1138, §1

Referred to in §376.4A

372.7 Council-manager-ward form.

1. A city governed by council-manager-ward form has a council composed of a mayor and six council members. Of the six council members, two may be elected at large and one elected from each of four wards, or one may be elected from each of six wards. The mayor and other council members serve four-year staggered terms. The mayor is a member of the council and may vote on all matters before the council.

2. The council, by ordinance, may change from one ward option authorized under this section to the other ward option. The ordinance must provide for the election of the mayor and council members as provided in the selected ward option at the next regular city election.

3. As soon as possible after the beginning of the new term following each city election, the council shall appoint a city manager, and a council member to serve as mayor pro tem.

[C71, 73, §363E.1; C75, 77, 79, 81, §372.7]

87 Acts, ch 86, §1; 2017 Acts, ch 54, §76

372.8 Council-manager form — supervision.

When a city adopts a council-manager-at-large or council-manager-ward form of government:

1. The city manager is the chief administrative officer of the city.

2. The city manager shall:

a. Supervise enforcement and execution of the city laws.

b. Attend all meetings of the council.

c. Recommend to the council any measures necessary or expedient for the good government and welfare of the city.

d. Supervise the official conduct of all officers of the city appointed by the manager, and take active control of the police, fire, and engineering departments of the city.

e. Supervise the performance of all contracts for work to be done for the city, make all purchases of material and supplies, and see that such material and supplies are received, and are of the quality and character called for by the contract.

f. Supervise the construction, improvement, repair, maintenance, and management of all city property, capital improvements, and undertakings of the city, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements, except property, improvements, and undertakings managed by a utility board of trustees.

g. Cooperate with any administrative agency or utility board of trustees.

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h. Be responsible for the cleaning, sprinkling, and lighting of streets, alleys, and public places, and the collection and disposal of waste.

i. Provide for and cause records to be kept of the issuance and revocation of licenses and permits authorized by city law.

j. Keep the council fully advised of the financial and other conditions of the city, and of its future needs.

k. Prepare and submit to the council annually the required budgets.

l. Conduct the business affairs of the city and cause accurate records to be kept by modern and efficient accounting methods.

m. Make to the council not later than the tenth day of each month an itemized financial report in writing, showing the receipts and disbursements for the preceding month. Copies of financial reports must be available at the clerk's office for public distribution.

n. Appoint a treasurer subject to the approval of the council.

o. Perform other duties at the council's direction.

3. The city manager may:

a. Appoint administrative assistants, with the approval of the council.

b. Employ, reclassify, or discharge all employees and fix their compensation, subject to civil service provisions and chapter 35C, except the city clerk, deputy city clerk, and city attorneys.

c. Make all appointments not otherwise provided for.

d. Suspend or discharge summarily any officer, appointee, or employee whom the manager has power to appoint or employ, subject to civil service provisions and chapter 35C.

e. Summarily and without notice investigate the affairs and conduct of any department, agency, officer, or employee under the manager's supervision, and compel the production of evidence and attendance of witnesses.

f. Administer oaths.

4. The city manager shall not take part in any election for council members, other than by casting a vote, and shall not appoint a council member to city office or employment, nor shall a council member accept such appointment.

[SS15, §1056-b3, -b12, -b15, -b16, -b19, -b20; C24, 27, 31, 35, 39, §**6631, 6665, 6669 – 6672, 6675, 6676;** C46, 50, §419.17, 419.51, 419.55 – 419.58, 419.61, 419.62; C54, 58, 62, 66, 71, 73, §363C.3, 363C.7, 363C.10, 363C.11; C75, 77, 79, 81, §372.8]

Referred to in §373.5

372.9 Home rule charter procedure.

A city to be governed by the home rule charter form shall adopt a home rule charter in which its form of government is set forth. A city may adopt a home rule charter only by the following procedures:

1. A home rule charter may be proposed by:

a. The council, causing a charter to be prepared and filed and by resolution submitting it to the voters.

b. Eligible electors of the city equal in number to at least twenty-five percent of the persons who voted at the last regular city election petitioning the council to appoint a charter commission to prepare a proposed charter. The council shall, within thirty days of the filing of a valid petition, appoint a charter commission composed of not less than five nor more than fifteen members. The charter commission shall, within six months of its appointment, prepare and file with the council a proposed charter.

2. When a charter is filed, the council and mayor shall notify the county commissioner of elections to publish notice containing the full text of the proposed home rule charter, a description of any other form of government being presented to the voters, and the date of the election, and to conduct the election. The notice shall be published at least twice in the manner provided in section 362.3, except that the publications must occur within sixty days of the filing of the home rule charter, with a two-week interval between each publication. The council shall provide copies of a proposed charter for public distribution by the city clerk.

3. The proposed home rule charter must be submitted at a special election on a date specified in section 39.2, subsection 4, paragraph "*b*", and in accordance with section 47.6.

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However, the date of the last publication must be not less than thirty nor more than sixty days before the election.

4. If a proposed home rule charter is rejected by the voters, it may not be resubmitted in substantially the same form to the voters within the next four years. If a proposed home rule charter is adopted by the voters, no other form of government may be submitted to the voters for six years.

5. If a petition for the appointment of a charter commission is filed at any time within two weeks after the second publication of a charter proposed by the council, the submission to the voters of a charter proposed by the council must be delayed, a charter commission appointed, and the council proposal and the charter proposed by the charter commission must be submitted to the voters at the same special election.

6. The ballot submitting a proposed charter or charters must also submit the existing form of government as an alternative.

7. *a.* If only two forms of government are being voted upon, the form of government which receives the highest number of votes is adopted.

b. If more than two forms are being voted upon and no form receives a majority of the votes cast in the special election, there must be a runoff election between the two proposed forms which receive the highest number of votes in the special election. The runoff election must be held within thirty days following the special election and must be conducted in the same manner as a special city election.

8. If a home rule charter is adopted:

a. The elective officers provided for in the charter are to be elected at the next regular city election held more than sixty days after the special election at which the charter was adopted, and the adopted charter becomes effective at the beginning of the new term following the regular city election.

b. The adoption of the charter does not alter any right or liability of the city in effect at the time of the special election at which the charter was adopted.

c. All departments and agencies shall continue to operate until replaced.

d. All measures in effect remain effective until amended or repealed, unless they are irreconcilable with the charter.

e. Upon the effective date of the home rule charter, the city shall adopt by ordinance the home rule charter, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.

[C75, 77, 79, 81, §372.9]

89 Acts, ch 39, §8; 2002 Acts, ch 1134, §103, 115; 2008 Acts, ch 1115, §65, 71

Referred to in §372.3, 372.4, 372.5

372.10 Contents of charter.

A home rule charter must contain provisions for:

1. A council of an odd number of members, not less than five.

2. A mayor, who may be one of those council members.

3. Two-year or staggered four-year terms of office for the mayor and council members.

4. The powers and duties of the mayor and the council, consistent with the provisions of the city code.

5. A council representation plan pursuant to section 372.13, subsection 11.

[C75, 77, 79, 81, §372.10]

91 Acts, ch 256, §38

372.11 Amendment to charter.

A home rule charter may be amended by one of the following methods:

1. The council, by resolution, may submit a proposed amendment to the voters at a special city election, and the proposed amendment becomes effective if approved by a majority of those voting.

2. The council, by ordinance, may amend the charter. However, within thirty days of publication of the ordinance, if a petition valid under the provisions of section 362.4 is filed with the council, the council must submit the ordinance amendment to the voters at a special

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city election, and the amendment does not become effective until approved by a majority of those voting.

3. If a petition valid under the provisions of section 362.4 is filed with the council proposing an amendment to the charter, the council must submit the proposed amendment to the voters at a special city election, and the amendment becomes effective if approved by a majority of those voting.

[C75, 77, 79, 81, §372.11]
Referred to in §373.5

372.12 Special charter form limitation.

1. A city may not adopt the special charter form but a city governed by a special charter on July 1, 1975, is considered to have the special charter form although it may utilize elements of the mayor-council form in conjunction with the provisions of its special charter. In adopting and filing its charter as required in section 372.1, a special charter city shall include the provisions of its charter and any provisions of the mayor-council form which are followed by the city on July 1, 1975.

2. A special charter city may utilize the provisions of chapter 420 in lieu of conflicting sections, until the city changes to one of the other forms of government as provided in this chapter.

[C75, 77, 79, 81, §372.12]
97 Acts, ch 23, §40; 2020 Acts, ch 1062, §94

SUBCHAPTER II

CITY OFFICERS

372.13 The council.

1. A majority of all council members is a quorum.

2. A vacancy in an elective city office during a term of office shall be filled, at the council's option, by one of the two following procedures:

a. (1) By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph *"b"* shall be followed. The appointment shall be made within sixty days after the vacancy occurs and shall be for the period until the next regular city election described in section 376.1, unless there is an intervening special election for that city, in which event the election for the office shall be placed on the ballot at such special election. If the council fails to make an appointment within sixty days as required by this subsection, the city clerk shall give notice of the vacancy to the county commissioner and the county commissioner shall call a special election to fill the vacancy at the earliest practicable date but no fewer than thirty-two days after the notice is received by the county commissioner.

(2) If the council chooses to proceed under this paragraph, it shall publish notice in the manner prescribed by section 362.3, stating that the council intends to fill the vacancy by appointment but that the electors of the city or ward, as the case may be, have the right to file a petition requiring that the vacancy be filled by a special election. The council may publish notice in advance if an elected official submits a resignation to take effect at a future date. The council may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, there is filed with the city clerk a petition which requests a special election to fill the vacancy, an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph *"b"*. The number of signatures of eligible electors of a city for a valid petition shall be determined as follows:

(a) For a city with a population of ten thousand or less, at least two hundred signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

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(b) For a city with a population of more than ten thousand but not more than fifty thousand, at least one thousand signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(c) For a city with a population of more than fifty thousand, at least two thousand signatures or at least the number of signatures equal to ten percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(d) The minimum number of signatures for a valid petition pursuant to subparagraph divisions (a) through (c) shall not be fewer than ten. In determining the minimum number of signatures required, if at the last preceding election more than one position was to be filled for the office in which the vacancy exists, the number of voters who voted for candidates for the office shall be determined by dividing the total number of votes cast for the office by the number of seats to be filled.

b. (1) By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "*a*", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called by the council at the earliest practicable date. The council shall give the county commissioner at least thirty-two days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called. However, a nomination petition must be filed not less than twenty-five days before the date of the special election and, where a primary election may be required, a nomination petition must be filed not less than fifty-three days before the date of the special election.

(2) If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called by the county commissioner at the earliest practicable date. The remaining council members shall give notice to the county commissioner of the absence of a quorum. If there are no remaining council members, the city clerk shall give notice to the county commissioner of the absence of a council. If the office of city clerk is vacant, the city attorney shall give notice to the county commissioner of the absence of a clerk and a council. Notice of the need for a special election shall be given under this paragraph by the end of the following business day.

3. The council shall appoint a city clerk to maintain city records and perform other duties prescribed by state or city law.

4. Except as otherwise provided by state or city law, the council may appoint city officers and employees, and prescribe their powers, duties, compensation, and terms. The appointment of a city manager must be made on the basis of that individual's qualifications and not on the basis of political affiliation.

5. The council shall determine its own rules and maintain records of its proceedings. City records and documents, or accurate reproductions, shall be kept for at least five years except that:

a. Ordinances, resolutions, council proceedings, records and documents, or accurate reproductions, relating to the issuance of public bonds or obligations shall be kept for at least eleven years following the final maturity of the bonds or obligations. Thereafter, such records, documents, and reproductions may be destroyed, preserving confidentiality as necessary. Records and documents pertaining to the transfer of ownership of bonds shall be kept as provided in section 76.10.

b. Ordinances, resolutions, council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

6. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be delivered to a newspaper of general circulation in the city for publication. The

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publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims. The list of claims allowed shall show the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the city shall provide at its office upon request an unconsolidated list of all claims allowed. Matters discussed in closed session pursuant to section 21.3 shall not be published until entered on the public minutes. However, in cities having more than one hundred fifty thousand population, the council shall each month print in pamphlet form a detailed itemized statement of all receipts and disbursements of the city, and a summary of its proceedings during the preceding month, and furnish copies to the city library, the daily newspapers of the city, and to persons who apply at the office of the city clerk, and the pamphlet shall constitute publication as required. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.

7. By ordinance, the council may divide the city into wards which shall be drawn according to the following standards:

a. All ward boundaries shall follow precinct boundaries.

b. Wards shall be as nearly equal as practicable to the ideal population determined by dividing the number of wards to be established into the population of the city.

c. Wards shall be composed of contiguous territory as compact as practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

8. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor does not become effective during the term in which the change is adopted, and the council shall not adopt an ordinance changing the compensation of the mayor, council members, or other elected officers during the months of November and December in the year of a regular city election. A change in the compensation of council members becomes effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. Except as provided in section 362.5, an elected city officer is not entitled to receive any other compensation for any other city office or city employment during that officer's tenure in office, but may be reimbursed for actual expenses incurred. However, if the mayor pro tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period the compensation determined by the council, based upon the mayor pro tem's performance of the mayor's duties and upon the compensation of the mayor.

9. A council member, during the term for which that member is elected, is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which that member is elected. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which that person was elected if during that time, the compensation of the office has been increased.

10. A council member, during the term for which that member is elected, is not precluded from holding the office of chief of the volunteer fire department or from serving the volunteer fire department in any other position or capacity. A person holding the office of chief of such a volunteer fire department at the time of the person's election to the city council may continue to hold the office of chief of the fire department during the city council term for which that person was elected. A currently serving member may serve as chief of the volunteer fire department upon a majority vote of the council. A council member who is a candidate for

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the position of chief of the volunteer fire department or an appointed officer position shall abstain from voting upon the council member's own appointment to the position.

11. *a.* Council members shall be elected according to the council representation plans under sections 372.4 and 372.5. However, the council representation plan may be changed, by petition and election, to one of those described in this subsection. Upon receipt of a petition meeting the requirements of section 362.4, requesting a change to a council representation plan, the council shall submit the question at a special election. If a majority of the persons voting at the special election approves the changed plan, it becomes effective at the beginning of the term following the next regular city election. If a majority does not approve the changed plan, the council shall not submit another proposal to change a plan to the voters within the next two years.

b. Eligible electors of a city may petition for one of the following council representation plans:

(1) Election at large without ward residence requirements for the members.

(2) Election at large but with equal-population ward residence requirements for the members.

(3) Election from single-member, equal-population wards, in which the electors of each ward shall elect one member who must reside in that ward.

(4) Election of a specified number of members at large and a specified number of members from single-member, equal-population wards.

1. [R60, §1081, 1093; C73, §511, 522; C97, §668; S13, §668; C24, 27, 31, 35, 39, §**5663;** C46, 50, §363.36; C54, 58, 62, 66, 71, 73, §368A.1(2); C75, 77, 79, 81, §372.13(1)]

2. [R60, §1101; C73, §514, 524; C97, §668; S13, §668; C24, 27, 31, 35, 39, §**5663;** C46, 50, §363.36; C54, 58, 62, 66, 71, 73, §368A.1(8); C75, 77, 79, 81, §372.13(2); 81 Acts, ch 34, §46]

3. [R60, §1082, 1093; C73, §512, 522; C97, §651, 659, 940; S13, §651; SS15, §1056-a26, 1056-b18; C24, 27, 31, 35, 39, §**5633, 5640, 5663, 6528, 6651, 6703;** C46, 50, §363.11, 363.19, 363.36, 416.52, 419.37, 420.13; C54, 58, 62, 66, 71, 73, §368A.1(1), 368A.3; C75, 77, 79, 81, §372.13(3)]

4. [R60, §1086, 1093, 1095, 1098, 1103, 1105, 1134; C73, §493, 515, 522, 524, 528, 532, 534; C97, §651, 657, 668, 676; S13, §651, 657, 668, 1056-a27, 1056-a28; SS15, §1056-a26, 1056-b14, 1056-b17, 1056-b18; C24, 27, 31, 35, 39, §**5638, 5663, 5671, 6519, 6528, 6529, 6533, 6651, 6666, 6674;** C46, 50, §363.11, 363.17, 363.36, 363.45, 416.43, 416.52, 416.53, 416.57, 419.37, 419.52, 419.60; C54, 58, 62, 66, 71, 73, §363.40, 363A.4, 363B.11, 363C.4, 363C.9, 368A.1(7, 9, 10); C75, 77, 79, 81, §372.13(4)]

5, 6. [R60, §1082, 1093; C73, §512, 522; C97, §659, 668; S13, §668, 687-a; C24, 27, 31, 35, 39, §**5640, 5663, 5722;** C46, 50, §363.19, 363.33, 366.10; C54, 58, 62, 66, 71, 73, §368A.1(4), 368A.3; C75, 77, 79, 81, §372.13(5,6); 82 Acts, ch 1047, §1]

7. [R60, §1092; C73, §520; C97, §641; S13, §641; C24, 27, 31, 35, 39, §**5626;** C46, 50, §363.4; C54, 58, 62, 66, 71, 73, §363.7; C75, 77, 79, 81, §372.13(7)]

8. [R60, §1091, 1095, 1098; C73, §505, 519, 524, 528; C97, §669, 676, 943, 945; S13, §669, 1056-a28; SS15, §1056-b9; C24, 27, 31, 35, 39, §**5664, 5671, 6517, 6633, 6704, 6705;** C46, 50, §363.38, 363.45, 416.41, 419.19, 420.14, 420.15; C54, 58, 62, 66, §363.39, 363A.4, 363B.9, 363C.2, 420.14, 420.15; C71, 73, §363.39, 363A.4, 363B.9, 363C.2, 363E.1, 420.14, 420.15; C75, 77, 79, 81, §372.13(8)]

9. [R60, §1091, 1122; C73, §490, 491, 519; C97, §668, 677; S13, §668; C24, 27, 31, 35, 39, §**5672;** C46, 50, §363.46, 420.17 – 420.19; C54, 58, 62, 66, 71, 73, §368A.21; C75, 77, 79, 81, §372.13(9)]

85 Acts, ch 107, §1; 87 Acts, ch 203, §3; 88 Acts, ch 1052, §1; 88 Acts, ch 1246, §4; 89 Acts, ch 39, §9; 89 Acts, ch 136, §71; 90 Acts, ch 1106, §1; 91 Acts, ch 256, §39; 93 Acts, ch 89, §2; 94 Acts, ch 1179, §24; 94 Acts, ch 1180, §54; 97 Acts, ch 170, §90; 2002 Acts, ch 1134, §104, 115; 2004 Acts, ch 1175, §249; 2006 Acts, ch 1018, §5; 2006 Acts, ch 1138, §2; 2007 Acts, ch 112, §4; 2008 Acts, ch 1115, §66, 71; 2009 Acts, ch 57, §91; 2014 Acts, ch 1101, §8; 2017 Acts, ch 29, §105; 2017 Acts, ch 102, §1; 2024 Acts, ch 1019, §1, 8; 2025 Acts, ch 90, §2

Referred to in §69.12, 372.4, 372.5, 372.10, 376.11, 420.41
City ward standards, see also §49.3
Removal of officers, chapter 66
Removal of appointees, see §372.15

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372.13A Payments without prior authorization of council.

1. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership, the city clerk is authorized to make the following payments without prior approval of the council:

a. For fixed charges including but not limited to freight, express, postage, water, light, telephone service, or contractual services, after a bill is filed with the clerk.

b. For salaries and payrolls if the compensation has been fixed or approved by the council. The salary or payroll shall be certified by the officer or supervisor under whose direction or supervision the compensation is earned.

2. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership and the office of city clerk is vacant, the county auditor of the county where the city is located shall make the payments described in subsection 1 without prior approval of the council.

3. The bills paid under this section shall be submitted to the city council for review and approval at the next regular meeting following payment in which a quorum of the council is present.

2006 Acts, ch 1138, §3

372.14 The mayor — the mayor pro tem.

1. The mayor is the chief executive officer of the city and presiding officer of the council. Except for the supervisory duties which have been delegated by law to a city manager, the mayor shall supervise all city officers and departments.

2. The mayor may take command of the police and govern the city by proclamation, upon making a determination that a time of emergency or public danger exists. Within the city limits, the mayor has all the powers conferred upon the sheriff to suppress disorders.

3. The mayor pro tem is vice president of the council. When the mayor is absent or unable to act, the mayor pro tem shall perform the mayor's duties, except that the mayor pro tem may not appoint, employ, or discharge officers or employees without the approval of the council. Official actions of the mayor pro tem when the mayor is absent or unable to act are legal and binding to the same extent as if done by the mayor. The mayor pro tem retains all of the powers of a council member.

[R60, §1082, 1085, 1091, 1102, 1105, 1121; C73, §506, 512, 518, 519, 531, 534, 537, 547; C97, §658; S13, §658; SS15, §1056-b7; C24, 27, 31, 35, 39, §**5639, 6619, 6647;** C46, 50, §363.18, 419.33, 420.9 – 420.11; C54, 58, 62, 66, 71, 73, §363C.13, 368A.2; C75, 77, 79, 81, §372.14]

Requests to department of public safety for special occasions or emergencies, §321.6

372.15 Removal of appointees.

Except as otherwise provided by state or city law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the city clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the clerk within thirty days of the date of mailing the copy, shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty days of the date the request is filed, unless the person removed requests a later date.

[C77, 79, 81, §372.15]

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CHAPTER 373

CONSOLIDATED METROPOLITAN CORPORATIONS

Referred to in §376.1

373.1 Creation of commission.
373.2 Appointment of commission members.
373.3 Organization and expenses.
373.4 Commission procedures and reports.
373.5 Consolidation charter.
373.6 Referendum — effective date.
373.7 Form of ballot.
373.8 Effect of consolidation.
373.9 Metropolitan council.
373.10 Taxing authority.
373.11 Service delivery.

373.1 Creation of commission.

1. Cities within a county may unite to form a single unit of local government in accordance with this chapter. Any city located in two or more counties shall be allowed to participate in a metropolitan consolidation in the county where at least fifty percent of its population resides. An alternative form of metropolitan government shall be submitted to the electorate by a commission in the form of a charter or charter amendment proposed in accordance with this chapter.

2. Participation in a charter commission under this chapter may be proposed by:

a. The city council adopting a resolution calling for participation.

b. By petition of the number of eligible electors of the city equal to at least twenty-five percent of the votes cast in the city at the last regular city election petitioning the council to adopt a resolution calling for participation. The council shall within thirty days of the filing of a valid petition adopt such a resolution.

91 Acts, ch 256, §40

373.2 Appointment of commission members.

1. Within forty-five days after the establishment of a commission, the members of the commission shall be appointed as follows:

a. One member shall be appointed by the city council of each city participating in the charter process.

b. An additional member shall be appointed by each city council for every twenty-five thousand residents in the participating city.

c. One member shall be appointed by each state legislator whose legislative district is located in the commission area if a majority of the constituents of that legislative district resides in the commission area. However, if a commission area does not have a state legislative district which has a majority of its constituents residing in the commission area, the legislative district having the largest plurality of constituents residing in the commission area shall appoint one member.

2. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. The membership shall be bipartisan and each appointing authority under subsection 1 shall provide for representation of various age groups, racial minorities, economic groups, and representatives of identifiable geographically defined populations, all in reasonable relationship to the proportions in which these groups are present in the population of the commission area.

3. *a.* A vacancy on the commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

b. The legislative appointing authorities shall be considered one appointing authority for the purpose of complying with this subsection. The senior legislative appointing authority in terms of length of legislative service shall convene the legislative appointing authorities to consult for the purpose of complying with this subsection.

91 Acts, ch 256, §41; 2010 Acts, ch 1061, §180; 2024 Acts, ch 1004, §41

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373.3 Organization and expenses.

1. Within thirty days after the appointment of the members of the commission, the city clerk of the participating city with the largest population shall give written notice of the date, time, and location of the first meeting of the commission. At the first meeting the commission shall organize by electing a chairperson, vice chairperson, and other officers as necessary. The commission shall adopt rules governing the conduct of its meetings, subject to chapter 21.

2. The members of the commission shall serve without compensation, but they are entitled to travel and other necessary expenses relating to their duties of office.

3. The participating cities shall make available to the commission in-kind services such as office space, printing, supplies, and equipment and shall pay the other necessary expenses of the commission, including compensation for secretarial, clerical, professional, and consultant services. The total annual expenses, not including the value of in-kind expenses, to be paid from public funds shall not exceed one hundred thousand dollars or an amount equal to thirty cents times the population of the commission area, according to the most recent certified federal census. The commission may employ staff as necessary.

4. The expenses of the commission may be paid from the general fund of the participating cities or from any combination of public or private funds available for that purpose. The commission's annual expenses may exceed the amount in subsection 3 only if the excess is paid from private funds. If a proposed charter is submitted to the electorate, private funds donated to the commission may be used to promote passage of the proposed charter.

91 Acts, ch 256, §42

373.4 Commission procedures and reports.

1. Within sixty days after its organization, the commission shall hold at least one public hearing for the purpose of receiving information and material which will assist in the drafting of a charter. Notice of the date, time, and place of the hearing shall be published in the official county newspapers of each county in which the participating cities are located.

2. Within nine months after the organization of the commission, the commission shall submit a preliminary report to the councils of the participating cities, which report may include the text of the proposed charter. If a proposed charter is included in the preliminary report, the report shall also include an analysis of the fiscal impact of the proposed charter. Sufficient copies of the report shall be made available for distribution to residents of the participating cities who request a copy. The commission shall hold at least one public hearing after submission of the preliminary report to obtain public comment.

3. Within twenty months after organization, the commission shall submit the final report to the councils of the participating cities. If the commission recommends a charter of consolidation, the final report shall include the full text and an explanation of the proposed charter, an analysis of the fiscal impact of the proposed charter, any comments deemed desirable by the commission, and any minority reports. The final report may recommend no change to the existing form of government and that no charter be submitted to the electorate, or it may recommend consolidation of the participating cities with the county. If the board of supervisors by resolution agrees to participate in consolidation, then the participating cities and county shall proceed under sections 331.231 through 331.252.

4. The final report of the commission shall be made available to the residents of the participating cities upon request. A summary of the final report shall be published in the official newspapers of the county. If a charter is not recommended, the commission is dissolved upon submission of its final report to the councils of the participating cities.

91 Acts, ch 256, §43

373.5 Consolidation charter.

A proposed charter written by a charter commission shall specify the consolidated metropolitan form of government. The proposed consolidation charter shall do all of the following:

1. Provide the official name of the consolidated unit of local government and establish its geographic boundaries.

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2. Establish an elective legislative body pursuant to section 373.9, including provisions on terms of office, initial compensation, meetings, and rules of procedure.

3. Provide for the at-large election of an officer to preside over the metropolitan council and perform other duties as specified, and provide for the election of other necessary officers.

4. Provide for the nonpartisan election of officers of the consolidated metropolitan corporation government.

5. Specify the powers and duties of the metropolitan council, its administrative officers, and elected officials.

6. Provide for delivery of certain services to the member cities, pursuant to section 373.11, and may provide for the abolition or consolidation of a department, agency, board, or commission and the assumptions of its powers and duties by the metropolitan council or another officer.

7. Provide for a system of revenue collection pursuant to section 373.10.

8. Provide for the orderly transition to the charter form of metropolitan consolidation.

9. Include other provisions which the consolidation charter commission elects to include and which are not inconsistent with state law.

10. Specify a charter amendment process pursuant to section 372.11.

11. Provide for the appointment of a manager by the metropolitan council pursuant to section 372.8.

91 Acts, ch 256, §44

373.6 Referendum — effective date.

1. If a proposed charter for consolidation is received not later than seventy-eight days before the next general election, the council of the participating city with the largest population shall, not later than sixty-nine days before the general election, direct the county commissioner of elections to submit to the registered voters of the participating cities at the next general election the question of whether the proposed charter shall be adopted. A summary of the proposed charter shall be published in a newspaper of general circulation in each city participating in the charter commission process at least ten but not more than twenty days before the date of the election. The proposed charter shall be effective in regard to a city only if a majority of the electors of the city voting approves the proposed charter.

2. If a proposed charter for consolidation is adopted:

a. The adopted charter shall take effect July 1 following the election at which it is approved unless the charter provides a later effective date. A special election shall be called to elect the new elective officers.

b. The adoption of the consolidated metropolitan corporation form of government does not alter any right or liability of any participating city in effect at the time of the election at which the charter was adopted.

c. All departments and agencies shall continue to operate until replaced.

d. All ordinances or resolutions in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted charter.

e. Upon the effective date of the adopted charter, the participating cities shall adopt the consolidation form by ordinance, and shall file a copy with the secretary of state, and maintain available copies for public inspection.

3. If a charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for two years. If a charter is adopted, it may be amended at any time. If a charter is adopted, a proposed charter for another alternative form of city government shall not be submitted to the electorate for six years.

4. Section 372.2 shall not apply to a charter commission established under this chapter.

91 Acts, ch 256, §45; 95 Acts, ch 67, §53; 2009 Acts, ch 57, §92

373.7 Form of ballot.

1. The question of metropolitan consolidation shall be submitted to the electors in substantially the following form:

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Should the cities of ..... and .....
unite to form one joint metropolitan corporation government?

2. The ballot must contain a brief description and summary of the proposed charter or amendment.

91 Acts, ch 256, §46; 2010 Acts, ch 1061, §152

373.8 Effect of consolidation.

1. Cities consolidating pursuant to this chapter shall retain all the rights, powers, and duties conferred upon them by the Constitution of the State of Iowa and shall retain all the rights, powers, and duties conferred upon them by the laws of the state of Iowa, except to the extent those statutory rights, powers, and duties are limited by the charter government in fulfilling its duty to provide efficient administration and delivery of services to its citizens.

2. The consolidation charter may provide for the replacement of the city government of the member city with the largest population, according to the most recent certified federal census. That city shall be known as the home city of the consolidated metropolitan corporation. If its government is replaced, the consolidation charter shall provide that the home city be governed either directly by the metropolitan council or by those members of the metropolitan council who reside within the corporate boundaries of the home city. The home city shall retain its geographic boundaries for the purposes of taxation.

3. Cities participating in consolidation shall be referred to as member cities of the consolidated metropolitan corporation.

4. A city may join an existing consolidated metropolitan corporation government by resolution of the city council or upon petition of eligible electors of the city equal in number to at least twenty-five percent of the persons who voted at the last general election for the office of governor or president of the United States, whichever is fewer. Within fifteen days after receiving a valid petition, the city council of the petitioning city shall adopt a resolution in favor of participation and shall immediately forward the resolution to the metropolitan council. If a majority of the metropolitan council approves the resolution, the question of joining the consolidated metropolitan corporation shall be submitted to the electorate of the petitioning city within sixty days after approval of the resolution.

91 Acts, ch 256, §47; 2017 Acts, ch 54, §76
Referred to in §373.11

373.9 Metropolitan council.

1. A consolidated metropolitan corporation shall be governed by a metropolitan council. The council shall consist of an odd number of members, not less than eleven and not more than seventeen. If a vacancy on the metropolitan council occurs more than sixty days before the next general election, the council shall direct the county commissioner of elections to conduct a special election to fill the vacancy until the next general election.

2. Unless otherwise specified in the consolidation charter, the council shall act by a majority vote of the members on the council.

91 Acts, ch 256, §48
Referred to in §373.5

373.10 Taxing authority.

The metropolitan council shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the metropolitan council. A member city shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the metropolitan council. The maximum rates of taxes authorized to be levied under sections 384.1 and 384.12 by a member city shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the metropolitan council.

91 Acts, ch 256, §49
Referred to in §373.5

373.11 Service delivery.

1. The charter of consolidation shall provide for the transfer into the metropolitan consolidated corporation of areawide services which had been provided by other boards,

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commissions, and local governments. The metropolitan council shall have the authority to determine the boundaries of the service areas, except that formation of a consolidated metropolitan corporation shall not affect the assignment of electric utility service territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

a. For each service provided by the consolidated metropolitan corporation, the consolidated metropolitan corporation shall assume the same statutory rights, powers, and duties, except taxing authority, relating to the provision of such service as if the member city were itself providing the service to its citizens. However, the consolidated metropolitan corporation shall not assume any of the governmental functions of its member cities except as the functions relate to the delivery of services and except as provided in section 373.8.

b. If a service is being provided by the consolidated metropolitan corporation to any member city that member city shall not invoke any statutory right, power, or duty relating to the delivery of the service to its citizens.

2. A member city may apply to the metropolitan council for the purchase of any service which is being provided by the consolidated metropolitan corporation to any other member city, including the home city of the consolidated metropolitan corporation. Such an agreement to provide services shall be executed pursuant to chapter 28E and must contain provisions necessary for the lawful execution of the agreement.

91 Acts, ch 256, §50; 2010 Acts, ch 1061, §180
Referred to in §373.5

CHAPTERS 374 and 375

RESERVED

CHAPTER 376

CITY ELECTIONS

Referred to in §43.112, 362.1, 362.9, 420.137

376.1 City election held.
376.2 Terms.
376.3 Nominations.
376.4 Candidacy — nomination petition signature requirements — withdrawals.
376.4A Change to direct election of mayor — nomination petition signature requirements.
376.5 Publication of ballot.
376.6 Primary or other method of nomination — certification.
376.7 Date of primary.
376.8 Persons elected in city elections.
376.9 Runoff election.
376.10 Contest.
376.11 Write-in votes.

376.1 City election held.

1. A city shall hold a regular city election on the first Tuesday after the first Monday in November of each odd-numbered year. A city shall hold regular, special, primary, or runoff city elections as provided by state law.

2. The mayor or council shall give notice of any special election to the county commissioner of elections. The county commissioner of elections shall publish notice of any city election and conduct the election pursuant to the provisions of chapters 39 through 53, except as otherwise specifically provided in chapters 362 through 392. The results of any election shall be canvassed by the county board of supervisors and certified by the county

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commissioner of elections to the mayor and the council of the city for which the election is held.

[R60, §1130; C73, §501; C97, §642, 936; S13, §646, 1056-a20, -a21; SS15, §1056-b5, -b6; C24, 27, 31, 35, 39, §**5627, 6488, 6494, 6507, 6514, 6643, 6644, 6737;** C46, 50, §363.5, 416.12, 416.18, 416.31, 416.38, 419.29, 419.30; C54, 58, 62, 66, 71, 73, §363.8, 363.20, 363.24, 363.26; C75, 77, 79, 81, §376.1]

2020 Acts, ch 1063, §202

Referred to in §39.20, 331.383, 372.13, 388.2

376.2 Terms.

1. Terms of city officers begin and end at noon on the first day in January which is not a Sunday or legal holiday, following a regular city election.

2. Except as otherwise provided by state law or the city charter, terms for elective offices are two years. However, the term of an elective office may be changed to two or four years by petition and election. Upon receipt of a petition meeting the requirements of section 362.4, requesting that the term of an elective office be changed, the council shall submit the question at a special election. If a majority of the persons voting at the special election approves the changed term, it becomes effective at the beginning of the term following the next regular city election. If a majority does not approve the changed term, the council shall not submit the same proposal to the voters within the next four years.

3. At the first regular city election after the terms of council members are changed to four years, terms shall be staggered as follows:

a. If an even number of council members are elected at large, the half of the elected council members who receive the highest number of votes are elected for four-year terms. The remainder are elected for two-year terms.

b. If an odd number of council members are elected at large, the majority of the elected council members who receive the highest number of votes are elected for four-year terms. The remainder are elected for two-year terms.

c. In case of a tie the mayor and clerk shall determine by lot which council members are elected for four-year terms.

d. If the council members are elected from wards, the council members elected from the odd-numbered wards are elected for four-year terms and the council members elected from even-numbered wards are elected for two-year terms.

4. After July 1, 1986, a petition submitted under this section to change the term of council members from two to four years shall specify if the terms are to be staggered or run concurrently. If the petition provides for concurrent terms and the changed term is approved by the voters, subsection 3 shall not apply and the terms shall be concurrent. If valid petitions for staggered and concurrent terms are submitted, the first filed shall govern.

[R60, §1081, 1084, 1091, 1093, 1106; C73, §390, 511, 514, 518, 521, 535; C97, §646 – 649; S13, §646 – 649; SS15, §1056-b3; C24, 27, 31, 35, 39, §**5632, 6625, 6626;** C46, 50, §363.10, 419.11, 419.12; C54, 58, 62, 66, 71, 73, §363.9, 363.10, 363.28; C75, 77, 79, 81, §376.2]

86 Acts, ch 1224, §34; 2002 Acts, ch 1134, §105, 115; 2008 Acts, ch 1115, §67, 71; 2017 Acts, ch 29, §106

Referred to in §39.20

376.3 Nominations.

Candidates for elective city offices must be nominated as provided in sections 376.4 through 376.9, unless by ordinance a city chooses the provisions of chapter 44 or 45. However, a city acting under a special charter in 1973 and having a population of over fifty thousand shall continue to hold partisan elections as provided in sections 43.112 through 43.118 and sections 420.126 through 420.137, unless the city by election as provided in section 43.112 chooses to conduct city elections under this chapter or chapter 44 or 45. The choice of one of these options by such a special charter city does not otherwise affect the validity of the city's charter. However, special charter cities which choose to exercise the option to conduct

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nonpartisan city elections may choose, in the same manner the original decision was made, to resume holding city elections on a partisan basis.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §**6492, 6496, 6634, 6638;** C46, 50, §416.16, 416.20, 419.20, 419.24; C54, 58, 62, 66, 71, 73, §363.11, 363.16; C75, 77, 79, 81, §376.3; 82 Acts, ch 1097, §2]

2020 Acts, ch 1063, §203; 2023 Acts, ch 64, §61

376.4 Candidacy — nomination petition signature requirements — withdrawals.

1. *a.* An eligible elector of a city may become a candidate for an elective city office by filing with the county commissioner of elections responsible under section 47.2 for conducting elections held for the city a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the election, and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election, but not less than ten persons. However, for those cities which may be required to hold a primary election, the petition must be filed not more than eighty-five days and not less than sixty-eight days before the date of the regular city election. Nomination petitions shall be filed not later than 5:00 p.m. on the last day for filing.

b. The petitioners for an individual seeking election from a ward must be residents of the ward at the time of signing the petition. An individual is not eligible for election from a ward unless the individual is a resident of the ward at the time the individual files the petition and at the time of election.

2. *a.* The petition must include space for the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition. A person may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the person signed nomination petitions for one or more other candidates for the office.

b. The petition must include the affidavit of the individual for whom it is filed, stating the individual's name, the individual's residence, that the individual is a candidate and eligible for the office, and that if elected the individual will qualify for the office. The affidavit shall also state that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States.

3. On the final date for filing nomination papers the office of the county commissioner shall remain open until 5:00 p.m.

4. The county commissioner shall review each petition and affidavit of candidacy for completeness following the standards in section 45.5 and shall accept the petition for filing if on its face it appears to have the requisite number of signatures and if it is timely filed. The county commissioner shall note upon each petition and affidavit accepted for filing the date and time that they were filed. The county commissioner shall return any rejected nomination papers to the person on whose behalf the nomination papers were filed.

5. Nomination papers filed with the county commissioner shall be available for public inspection.

6. The city clerk shall deliver the text of any public measure being submitted by the city council to the electorate to the county commissioner of elections. The text of any public measure and nomination papers required to be delivered under this subsection shall be delivered no later than the day after the last day on which nomination petitions can be filed, and not later than 12:00 noon on that day.

7. Any person on whose behalf nomination petitions have been filed under this section may withdraw as a candidate by filing a signed statement to that effect as prescribed in

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section 44.9. Objections to the legal sufficiency of petitions shall be filed in accordance with the provisions of sections 44.4, 44.5, and 44.8.

[S13, §1056-a21, -a40; SS15, §1056-b4; C24, 27, 31, 35, 39, §**6478, 6495 – 6498, 6634 – 6638;** C46, 50, §416.2, 416.19 – 416.22, 419.20 – 419.24; C54, 58, 62, 66, 71, 73, §363.11 – 363.16; C75, 77, 79, 81, §376.4]

86 Acts, ch 1224, §35; 87 Acts, ch 221, §33; 88 Acts, ch 1119, §39; 89 Acts, ch 136, §72; 90 Acts, ch 1238, §40; 94 Acts, ch 1180, §55; 97 Acts, ch 170, §91; 98 Acts, ch 1052, §7; 2009 Acts, ch 57, §93; 2010 Acts, ch 1033, §51; 2014 Acts, ch 1101, §9, 10; 2016 Acts, ch 1062, §1; 2026 Acts, ch 1073, §18

Referred to in §49.31, 69.12, 372.13, 376.3
Subsections 1, 3, 4, 5, and 6 amended

376.4A Change to direct election of mayor — nomination petition signature requirements.

1. If there is a change in government pursuant to section 372.6, subsection 2, the number of signatures required on a nomination petition for the office of mayor for the first election that office is on the ballot shall be an amount equal to the product of the following:

a. The total number of votes cast for at-large city council offices at the last regular city election divided by the number of city council seats to be filled at the last regular city election.

b. Two hundredths.

2. If the product of subsection 1, paragraphs *"a"* and *"b"*, is less than ten, the required number of signatures is ten.

2007 Acts, ch 18, §1
Referred to in §372.13, 376.3

376.5 Publication of ballot.

Notice for each regular, special, primary, or runoff city election shall be published by the county commissioner of elections as provided in section 362.3, except that notice of a regular, primary, or runoff election may be published not less than four days before the date of the election. The published notice must list the names of all candidates, and must not contain any party designations. The published notice must include any question to be submitted to the voters. The notice may contain one or more facsimiles of the portion of the ballot containing the first arrangement of candidates as prescribed by section 49.31, subsection 2.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §**6499, 6500, 6501, 6503, 6640;** C46, 50, §416.23 – 416.25, 416.27, 419.26; C58, 62, 66, 71, 73, §363.19; C75, 77, 79, 81, §376.5]

2019 Acts, ch 148, §58; 2021 Acts, ch 147, §51, 54; 2022 Acts, ch 1021, §98
Referred to in §372.13, 376.3

376.6 Primary or other method of nomination — certification.

1. An individual for whom a valid petition is filed becomes a candidate in the regular city election for the office for which the individual has filed, except that a primary election must be held for offices for which the number of individuals for whom valid petitions are filed is more than twice the number of positions to be filled. However:

a. The council may by ordinance choose to have a runoff election, as provided in section 376.9, in lieu of a primary election.

b. If the council has by ordinance chosen to have nominations made in the manner provided by chapter 44 or 45, neither a primary election nor a runoff election is required.

2. Each city clerk shall certify to the city's controlling commissioner of elections under section 47.2 the type of nomination process to be used for the city no later than ninety days before the date of the regular city election. If the city has by ordinance chosen a runoff election or has chosen to have nominations made in the manner provided by chapter 44 or 45, or has repealed nomination provisions under those sections in preference for the primary election method, a copy of the city ordinance shall be attached. No changes in the method of

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nomination to be used in a city shall be made after the clerk has filed the certification with the commissioner, unless the change will not take effect until after the next regular city election.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §**6492, 6510, 6638;** C46, 50, §416.16, 416.34, 419.24; C54, 58, 62, 66, 71, 73, §363.16, 363.18; C75, 77, 79, 81, §376.6]

88 Acts, ch 1119, §40; 2002 Acts, ch 1134, §106, 115; 2010 Acts, ch 1061, §180; 2017 Acts, ch 155, §41, 44

Referred to in §372.13, 376.3

376.7 Date of primary.

1. If a primary election is necessary, it shall be held on the Tuesday four weeks before the date of the regular city election. For each office on the ballot, a voter shall only vote for the number of persons to be elected to that office at the regular city election. The county board of supervisors shall publicly canvass the tally lists of the vote cast in the primary election, following the procedures prescribed in section 50.24, at a meeting to be held on the second day following the primary election, and beginning no earlier than 1:00 p.m. on that day.

2. The names of those candidates who receive the highest number of votes for each office on the primary election ballot, to the extent of twice the number of unfilled positions, must be placed on the ballot for the regular city election as candidates for that office.

3. If the city holding a primary election is located in more than one county, the controlling commissioner for that city under section 47.2, subsection 2, shall conduct a second canvass on the first Monday or Tuesday after the day of the election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceeding. Each commissioner conducting a canvass for the city pursuant to section 50.24, subsection 1, shall transmit abstracts for the offices of that city to the controlling commissioner for that city, along with individual tallies for each write-in candidate. At the second canvass, the county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection and shall prepare a combined city abstract stating the number of votes cast in the city for each office. The combined city abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person received for that office. The votes of all write-in candidates who each received less than five percent of the total votes cast in the city for an office shall be reported collectively under the heading "scattering".

[S13, §1056-a21; SS15, §1056-b5; C24, 27, 31, 35, 39, §**6493, 6507, 6643;** C46, 50, §416.17, 416.31, 419.29; C54, 58, 62, 66, 71, 73, §363.17, 363.24; C75, 77, 79, 81, §376.7]

86 Acts, ch 1224, §36; 2010 Acts, ch 1033, §52; 2019 Acts, ch 148, §59

Referred to in §50.48, 331.383, 372.13, 376.3

376.8 Persons elected in city elections.

1. In a regular city election following a city primary, the candidates receiving the greatest number of votes cast for each office on the ballot are elected, to the extent necessary to fill the positions open.

2. In a regular city election held for a city where the council has chosen a runoff election in lieu of a primary, candidates are elected as provided by subsection 1, except that no candidate is elected who fails to receive a majority of the votes cast for the office in question. In the case of at-large elections to a multimember body, a majority is one vote more than half the quotient found by dividing the total number of votes cast for all candidates for that body by the number of positions to be filled. In calculating the number of votes necessary to constitute a majority, fractions shall be rounded up to the next higher whole number.

3. In a regular city election held for a city where the council has chosen to have nominations made in the manner provided by chapter 44 or 45, the candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

[S13, §1056-a21; SS15, §1056-b4; C24, 27, 31, 35, 39, §**6492, 6638;** C46, 50, §416.16, 419.24; C54, 58, 62, 66, 71, 73, §363.16; C75, 77, 79, 81, §376.8]

88 Acts, ch 1119, §41; 2010 Acts, ch 1061, §153

Referred to in §372.13, 376.3

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376.9 Runoff election.

1. A runoff election may be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election. When a council has chosen a runoff election in lieu of a primary, the county board of supervisors shall publicly canvass the tally lists of the vote cast in the regular city election, following the procedures prescribed in section 50.24. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the runoff election.

2. *a.* Runoff elections shall be held four weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections, except that the county board of supervisors required to canvass the vote of the runoff election pursuant to section 50.24 shall meet to canvass the vote on the Thursday following the runoff election.

b. For a city that is located in more than one county, the county board of supervisors conducting the canvass under paragraph *"a"* shall transmit abstracts for the offices and public measures of that city, along with individual tallies for each write-in candidate, to the city's controlling commissioner under section 47.2 within twenty-four hours of completing the canvass. The county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection on the first Monday or the first Tuesday after the day of the runoff election and shall proceed as provided in section 50.24, subsection 4.

3. Candidates in the runoff election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

[C71, 73, §363.16; C75, 77, 79, 81, §376.9]

86 Acts, ch 1224, §37; 2010 Acts, ch 1033, §53; 2017 Acts, ch 155, §42, 44; 2019 Acts, ch 148, §60

Referred to in §50.48, 331.383, 372.13, 376.3, 376.6

376.10 Contest.

A nomination or election to a city office may be contested in the manner provided in chapter 62 for contesting elections to county offices, except that a statement of intent to contest must be filed with the county commissioner of elections within ten days after the nomination or election.

[C97, §678, 679; C24, 27, 31, 35, 39, §**5629;** C46, 50, §363.7; C54, 58, 62, 66, 71, 73, §363.22; C75, 77, 79, 81, §376.10]

97 Acts, ch 170, §92; 2026 Acts, ch 1073, §19

Referred to in §372.13

Section amended

376.11 Write-in votes.

1. Write-in votes are permitted to be cast in all elections for city offices. A person who receives a sufficient number of write-in votes to be elected to a city office shall be declared the winner of the election. If the result is a tie vote, lots shall be drawn pursuant to section 50.44. If a person who was elected by write-in votes chooses not to serve in that office, the person shall submit a resignation in writing to the county commissioner of elections not later than 5:00 p.m. on the tenth day following the canvass of the election. If a person who was elected by write-in votes resigns at a later time, the office shall be considered vacant at the end of the term and the council shall fill the vacancy pursuant to the provisions of section 372.13, subsection 2.

2. Except in cities where the council has chosen a runoff election in lieu of a primary, following the resignation of a person who was elected by write-in votes, the city clerk shall notify the person who received the next highest number of votes cast for the office that the person may assume the office. If there is more than one person who received the next highest number of votes cast for the office, lots shall be drawn pursuant to section 50.44 to determine the person who received the next highest number of votes. If the person accepts the position, the person shall be considered the duly elected officer unless, within ten days after the county commissioner of elections has given notice, a petition requesting a special election is filed by

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eligible electors of the city equal in number to twenty-five percent of the number of persons who voted for the office at the election. If the person declines, the person shall do so in writing to the county commissioner of elections within ten days and the office shall be considered vacant at the end of the term. The vacancy shall be filled pursuant to the provisions of section 372.13, subsection 2. If the council chooses to appoint, the appointment may be made before the end of the current term.

3. In city primary elections any person who receives write-in votes shall execute an affidavit in substantially the form required by section 45.3, and file it with the county commissioner of elections not later than 5:00 p.m. on the day after the canvass of the primary election. If any person who received write-in votes fails to file the affidavit at the time required, the county commissioner shall disregard the write-in votes cast for that person. A notation shall be made on the abstract of votes showing which persons who received write-in votes filed affidavits. The total number of votes cast for each office on the ballot shall be amended by subtracting the write-in votes of those candidates who failed to file the affidavit. It is not necessary for a candidate whose name was printed upon the ballot to file an affidavit. Of the remaining candidates, those who receive the highest number of votes to the extent of twice the number of unfilled positions shall be placed on the ballot for the regular city election as candidates for that office.

4. In cities in which the city council has chosen a runoff election in lieu of a primary, if a person who was elected by write-in votes chooses not to accept the office by filing a resignation notice with the commissioner of elections not later than 5:00 p.m. on the day following the canvass, all remaining persons who received write-in votes and who wish to be considered candidates for the runoff election shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner not later than 5:00 p.m. of the fourth day following the canvass. If a person receiving write-in votes fails to file the affidavit at the time required, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to show that the person who was declared elected declined the office and a notation shall be made next to the names of those persons who did not file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

5. In a city in which the council has chosen a runoff election, if no person was declared elected for an office, all persons who received write-in votes shall execute an affidavit in substantially the form required by section 45.3 and file it with the county commissioner of elections not later than 5:00 p.m. on the day following the canvass of votes. If any person who received write-in votes fails to file the affidavit, the county commissioner of elections shall disregard the write-in votes cast for that person. The abstract of votes shall be amended to note which of the write-in candidates failed to file the affidavit. A runoff election shall be held with the remaining candidates who have the highest number of votes to the extent of twice the number of unfilled positions.

[C77, 79, 81, §376.11]

88 Acts, ch 1119, §42; 2007 Acts, ch 59, §18, 19; 2010 Acts, ch 1033, §54; 2014 Acts, ch 1101, §11; 2026 Acts, ch 1073, §20

Referred to in §372.13
Subsections 1 and 2 amended

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CHAPTERS 377 to 379B

RESERVED

CHAPTER 380

CITY LEGISLATION

Referred to in §331.251, 362.1, 362.9, 376.1, 455D.21

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		380.9	Fee for publication.
380.4	Majority requirement — tie vote — conflicts of interest.	380.10	Adoption by reference.
		380.11	Certain measures recorded.

380.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"All of the members of the council"* refers to all of the seats of the council including a vacant seat and a seat where the member is absent, but does not include a seat where the council member declines to vote by reason of a conflict of interest.

2. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1; 2010 Acts, ch 1069, §124

380.1A Title of ordinance.

The subject matter of an ordinance or amendment must be generally described in the title of the ordinance or amendment.

[R60, §1122; C73, §489; C97, §681; C24, 27, 31, 35, 39, §**5715;** C46, 50, 54, 58, 62, 66, 71, 73, §366.2; C75, 77, 79, 81, §380.1]

97 Acts, ch 168, §1

C2001, §380.1A

380.2 Amendment.

An amendment to an ordinance or to a code of ordinances must specifically identify the ordinance or code, or the section, subsection, or paragraph to be amended, and must set forth the ordinance, code, section, subsection, or paragraph as amended, which action is deemed to be a repeal of the previous ordinance, code, section, subsection, or paragraph amended.

[R60, §1122; C73, §489; C97, §681; C24, 27, 31, 35, 39, §**5715;** C46, 50, 54, 58, 62, 66, 71, 73, §366.2; C75, 77, 79, 81, §380.2]

91 Acts, ch 145, §3; 97 Acts, ch 168, §2

380.3 Two considerations before final passage — how waived.

A proposed ordinance or amendment must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of all of the members of the council. If a proposed ordinance, amendment, or resolution fails to receive sufficient votes for passage at any consideration and vote thereon, the proposed ordinance, amendment, or resolution shall be considered defeated.

[R60, §1122; C73, §489; C97, §682; C24, 27, 31, 35, 39, §**5716;** C46, 50, 54, 58, 62, 66, 71, 73, §366.3; C75, 77, 79, 81, §380.3]

88 Acts, ch 1246, §5; 97 Acts, ch 168, §3, 4

Referred to in §321P.2

380.4 Majority requirement — tie vote — conflicts of interest.

1. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the council, except when the mayor may vote to break a tie vote in a city with an even number of council members, as provided in section 372.4. Passage of a motion requires a majority vote of a quorum of the council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars on a public improvement project, or to accept public improvements and facilities upon their completion. Each council member's

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vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

2. A measure voted upon is not invalid by reason of a conflict of interest in a member of the council, unless the vote of the member of the council was decisive to passage of the measure. The vote must be computed on the basis of the number of members not disqualified by reason of conflict of interest. However, a majority of all members is required for a quorum. For the purpose of this section, the statement of a council member that the council member declines to vote by reason of conflict of interest is conclusive and must be entered of record.

[R60, §1122, 1134, 1135; C73, §466, 489, 493, 494; C97, §683, 684, 793; S13, §683, 693; C24, 27, 31, 35, 39, §**5717;** C46, 50, 54, 58, 62, 66, 71, 73, §366.4; C75, 77, 79, 81, §380.4]

97 Acts, ch 168, §5; 2007 Acts, ch 144, §14; 2010 Acts, ch 1069, §125

380.5 Mayor.

The mayor may sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. However, the mayor may not veto an ordinance, amendment, or resolution if the mayor was entitled to vote on such measure at the time of passage.

[C97, §685; C24, 27, 31, 35, 39, §**5718;** C46, 50, 54, 58, 62, 66, 71, 73, §366.5; C75, 77, 79, 81, §380.5]

97 Acts, ch 168, §6

380.6 Effective date.

Measures passed by the council become effective in one of the following ways:

1. *a.* An ordinance or amendment signed by the mayor becomes effective when the ordinance or a summary of the ordinance is published, as provided in section 380.7, subsection 3, unless a subsequent effective date is provided within the ordinance or amendment.

b. A resolution signed by the mayor becomes effective immediately upon signing.

c. A motion becomes effective immediately upon passage of the motion by the council.

2. The mayor may veto an ordinance, amendment, or resolution within fourteen days after passage. The mayor shall explain the reasons for the veto in a written message to the council at the time of the veto. Within thirty days after the mayor's veto, the council may pass the measure again by a vote of not less than two-thirds of all of the members of the council. If the mayor vetoes an ordinance, amendment, or resolution and the council repasses the measure after the mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

3. If the mayor takes no action on an ordinance, amendment, or resolution, a resolution becomes effective fourteen days after the date of passage and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, but not sooner than fourteen days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

[R60, §1133; C73, §492; C97, §685 – 687; C24, 27, 31, 35, §5718, 5720, 5721, 5721-a1; C39, §**5718, 5720, 5721, 5721.1;** C46, 50, §366.5, 366.7 – 366.9; C54, 58, 62, 66, 71, 73, §366.5, 366.7; C75, 77, 79, 81, §380.6]

89 Acts, ch 39, §10; 97 Acts, ch 168, §7

380.7 City clerk.

The city clerk shall:

1. Promptly record each measure.

2. Record a statement with the measure, where applicable, indicating whether the mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the mayor's veto.

3. Publish a summary of all ordinances or the complete text of ordinances and amendments in the manner provided in section 362.3. As used in this subsection, "*summary*" shall mean a narrative description of the terms and conditions of an ordinance setting forth

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the main points of the ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the ordinance. The description shall include the title of the ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the ordinance may be inspected, when the ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

4. Authenticate all measures except motions with the clerk's signature and certification as to time and manner of publication, if any. The clerk's certification is presumptive evidence of the facts stated therein.

5. Maintain for public use copies of all effective ordinances and codes.

[R60, §1133; C73, §492; C97, §686, 687; C24, 27, 31, 35, §5719 – 5721, 5721-a1; C39, §**5719 – 5721, 5721.1;** C46, 50, §366.6 – 366.9; C54, 58, 62, 66, 71, 73, §366.6, 366.7; C75, 77, 79, 81, §380.7]

96 Acts, ch 1098, §2; 97 Acts, ch 168, §8

Referred to in §380.6

380.8 Code of ordinances published.

1. *a.* A city shall compile a code of ordinances containing all of the city ordinances in effect, except grade ordinances, bond ordinances, zoning map ordinances, ordinances vacating streets and alleys, and ordinances containing legal descriptions of urban revitalization areas and urban renewal areas.

b. A city may maintain a code of ordinances either by compiling at least annually a supplement to the code of ordinances consisting of all new ordinances and amendments to ordinances which became effective during the previous year and adopting the supplement by resolution or by adding at least annually new ordinances and amendments to ordinances to the code of ordinances itself.

c. A city which does not maintain the city code of ordinances as provided in paragraph "*b*" shall compile a code of ordinances at least once every five years.

2. *a.* If a proposed code of ordinances contains only existing ordinances without change in substance, the council may adopt the code by ordinance.

b. If a proposed code of ordinances contains a new ordinance or an amendment to existing ordinances, the council shall hold a public hearing on the proposed code before adoption. The clerk shall publish notice of the hearing as provided in section 362.3. Copies of the proposed code of ordinances must be available at the city clerk's office and the notice must so state. Within thirty days after the hearing, the council may adopt the proposed code of ordinances. A new ordinance or an amendment to an existing ordinance becomes effective upon publication of the ordinance adopting the code of ordinances unless a subsequent effective date is provided within an ordinance. If the council substantially amends the proposed code of ordinances after the hearing, notice and hearing must be repeated before the code may be adopted.

3. A code of ordinances compiled and maintained at least annually, or compiled at least once every five years, is presumptive evidence of the passage, publication, and content of the

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ordinances codified therein as of the date of the clerk's certification of the ordinance adopting the code or supplement.

[R60, §1133; C73, §492; C97, §686, 687; C24, 27, 31, 35, §5720, 5721, 5721-a1; C39, §**5720, 5721, 5721.1;** C46, 50, §366.7 – 366.9; C54, 58, 62, 66, 71, 73, §366.7; C75, 77, 79, 81, §380.8]

97 Acts, ch 168, §9

Referred to in §331.302, 622.62

380.9 Fee for publication.

The compensation paid to a newspaper for any publication required by this chapter may not exceed the fee provided in section 618.11. The compensation paid to a newspaper for publication of the complete text of an ordinance shall not exceed three-fourths of the fee provided in section 618.11.

[S13, §687-b; C24, 27, 31, 35, 39, §**5723;** C46, 50, 54, 58, 62, 66, 71, 73, §366.11; C75, 77, 79, 81, §380.9]

96 Acts, ch 1098, §3

380.10 Adoption by reference.

1. A city may adopt the provisions of any statewide or nationally recognized standard code or portions of any such code by an ordinance which identifies the code by subject matter, source and date, and which incorporates the provisions of the code or portions of the code by reference without setting them forth in full. Copies of the proposed code or portions of such code shall be available at the office of the city clerk.

2. *a.* A city may by ordinance adopt by reference any portion of the Code of Iowa in effect at the time of the adoption in the manner provided in this section, subject to the following limitations:

(1) The ordinance shall describe the subject matter and identify the portion of the Code of Iowa adopted by chapter, section, and subsection or other subpart, as applicable.

(2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed the maximum fine and term of imprisonment for a simple misdemeanor under section 903.1, subsection 1, paragraph *"a"*.

(3) Amendments or other changes to those portions of the Code of Iowa which have been adopted by reference shall serve as an automatic modification of the applicable ordinance.

b. An ordinance which adopts by reference any portion of the Code of Iowa may provide that violations of the ordinance are municipal infractions and subject to the limitations of section 364.22.

3. Copies of any portions of the Code of Iowa to be adopted by reference shall be available at the city clerk's office. The council shall hold a public hearing on any proposed standard code or on the portions of any standard code to be adopted by reference. The council shall hold a public hearing on any portion of the Code of Iowa to be adopted by reference. The clerk shall publish notice of the hearing as provided in section 362.3. The notice must state that copies of the proposed standard code or portions thereof, or of the portion of the Iowa Code, are available at the city clerk's office. If the council substantially amends the proposed code after the hearing, notice and hearing must be repeated before the code may be adopted. Within thirty days after the hearing, the council by ordinance may adopt the proposed code which becomes effective upon publication of the ordinance adopting it, unless a subsequent effective date is provided within the adopting ordinance.

[R60, §1133; C73, §492; C97, §686, 687; C24, 27, 31, 35, §5720, 5721, 5721-a1; C39, §**5720, 5721, 5721.1;** C46, 50, §366.7 – 366.9; C54, 58, 62, 66, 71, 73, §366.7; C75, 77, 79, 81, §380.10]

91 Acts, ch 145, §4; 97 Acts, ch 168, §10, 11; 2000 Acts, ch 1203, §22; 2009 Acts, ch 21, §7

380.11 Certain measures recorded.

Immediately after the effective date of a measure establishing any zoning district, building lines, or fire limits, the city clerk shall certify the measure and a plat showing the district,

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lines, or limits to the recorder of any county which contains part of the city. The county recorder shall index and record the measure and plat. The city shall pay the recording fee.

[C24, 27, 31, 35, 39, §**5724 – 5727;** C46, 50, 54, 58, 62, 66, 71, 73, §366.12 – 366.15; C75, 77, 79, 81, §380.11]

2001 Acts, ch 44, §17

Referred to in §331.602

CHAPTERS 381 to 383

RESERVED

CHAPTER 384

CITY FINANCE

Referred to in §8A.311B, 28E.41, 28E.42, 28J.15, 357A.25, 357B.4, 358.22, 358C.17, 362.1, 362.9, 376.1

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SUBCHAPTER I

TAXES AND FUNDS

Referred to in §420.41

384.1 Taxes certified.

1. A city may certify taxes to be levied by the county on all taxable property within the city limits, for all city government purposes.

2. Notwithstanding subsection 3, the tax levied by a city on tracts of land and improvements thereon used and assessed for agricultural or horticultural purposes, shall not exceed three dollars and three-eighths cents per thousand dollars of assessed value in any fiscal year. Improvements located on such tracts of land and not used for agricultural or horticultural purposes and all residential dwellings are subject to the same rate of tax levied by the city on all other taxable property within the city.

3. *a.* For fiscal years beginning before July 1, 2024, a city's tax levy for the general fund shall not exceed eight dollars and ten cents per thousand dollars of assessed value used to calculate taxes in any fiscal year, except for the levies authorized in section 384.12.

b. Subject to adjustment under paragraph "*c*", subparagraph (2), for purposes of this subsection, "*adjusted city general fund levy rate*" means a levy rate per thousand dollars of assessed value equal to the sum of eight dollars and ten cents per thousand dollars of assessed value plus the sum of the following for the city, as applicable:

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(1) The amount per thousand dollars of assessed value levied by or on behalf of the city under section 384.8, Code 2023, for the fiscal year beginning July 1, 2023.

(2) The total amount per thousand dollars of assessed value levied by or on behalf of the city under section 384.12, subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 15, 16, and 20, Code 2023, for the fiscal year beginning July 1, 2023.

(3) The amount per thousand dollars of assessed value levied by the city under section 24.48, Code 2023, for the fiscal year beginning July 1, 2023.

c. (1) For each fiscal year beginning on or after July 1, 2024, but before July 1, 2027, subject to subparagraph (3), a city's tax levy for the general fund, except for levies authorized in section 384.12, shall not exceed in any tax year the greater of eight dollars and ten cents per thousand dollars of assessed value used to calculate taxes for the budget year and the adjusted city general fund levy rate, as adjusted under subparagraph (2), if applicable.

(2) (a) If the total assessed value used to calculate taxes under this paragraph for the budget year exceeds one hundred two and seventy-five hundredths percent, but is less than one hundred four percent, of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the adjusted city general fund levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred one percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied under the provisions specified in paragraph *"b"*, subparagraphs (1), (2), and (3).

(b) If the total assessed value used to calculate taxes under this paragraph for the budget year exceeds one hundred four percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the adjusted city general fund levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred two percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied under the provisions specified in paragraph *"b"*, subparagraphs (1), (2), and (3).

(c) If the total assessed value used to calculate taxes under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the adjusted city general fund levy rate, as previously adjusted under this subparagraph, if applicable, shall be reduced to a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred three percent of the total assessed value used to calculate such taxes for the current fiscal year. For the budget year beginning July 1, 2024, only, the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied under the provisions specified in paragraph *"b"*, subparagraphs (1), (2), and (3).

(3) (a) (i) In addition to the limitation under subparagraph (2), if the city's actual levy rate imposed under this subsection for the current fiscal year is eight dollars and ten cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes under this paragraph for the budget year exceeds one hundred two and seventy-five hundredths percent, but is less than one hundred four percent, of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the levy rate imposed under this paragraph for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred

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two percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the city's actual levy rate imposed under this subsection for the current fiscal year shall also include the sum of the amounts per thousand dollars of assessed value specified in paragraph *"b"*, subparagraphs (1), (2), and (3), and the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied by the city under the provisions specified in paragraph *"b"*, subparagraphs (1), (2), and (3).

(b) (i) In addition to the limitation under subparagraph (2), if the city's actual levy rate imposed under this subsection for the current fiscal year is eight dollars and ten cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes under this paragraph for the budget year exceeds one hundred four percent, but is less than one hundred six percent, of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the levy rate imposed under this paragraph for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred two percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the city's actual levy rate imposed under this subsection for the current fiscal year shall also include the sum of the amounts per thousand dollars of assessed value specified in paragraph *"b"*, subparagraphs (1), (2), and (3), and the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied by the city under the provisions specified in paragraph *"b"*, subparagraphs (1), (2), and (3).

(c) (i) In addition to the limitation under subparagraph (2), if the city's actual levy rate imposed under this subsection for the current fiscal year is eight dollars and ten cents or less per thousand dollars of assessed value and the total assessed value used to calculate taxes under this paragraph for the budget year is equal to or exceeds one hundred six percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year, the levy rate imposed under this paragraph for the budget year shall not exceed a rate per thousand dollars of assessed value that is equal to one thousand multiplied by the quotient of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by one hundred three percent of the total assessed value used to calculate taxes under this subsection for the current fiscal year.

(ii) For the budget year beginning July 1, 2024, only, the city's actual levy rate imposed under this subsection for the current fiscal year shall also include the sum of the amounts per thousand dollars of assessed value specified in paragraph *"b"*, subparagraphs (1), (2), and (3), and the current fiscal year's actual property tax dollars certified for levy under this subsection shall also include property tax dollar amounts levied by the city under the provisions specified in paragraph *"b"*, subparagraphs (1), (2), and (3).

(4) Notwithstanding other provisions of this paragraph, if a city's actual levy rate for the current fiscal year is zero dollars per thousand dollars of assessed value and the total assessed value used to calculate taxes under this paragraph for the budget year exceeds one hundred two and seventy-five hundredths percent, the city's tax levy imposed by this paragraph may be levied at a rate not to exceed eight dollars and ten cents per thousand dollars of assessed valuation.

d. For fiscal years beginning on or after July 1, 2027, but before July 1, 2030, a city's tax levy rate for the general fund, except for levies authorized in section 384.12, shall not exceed a levy rate per one thousand dollars of assessed value equal to one thousand multiplied by the quotient of one hundred two percent of the current fiscal year's actual property tax dollars certified for levy under this subsection divided by the remainder of the total assessed value used to calculate such taxes for the budget year minus value attributable to new valuation.

e. For each fiscal year beginning on or after July 1, 2030, a city's tax levy rate for the general fund, except for levies authorized in section 384.12, shall not exceed the lesser of:

(1) A levy rate per one thousand dollars of assessed value equal to one thousand multiplied by the quotient of one hundred two percent of the current fiscal year's actual

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property tax dollars certified for levy under this subsection divided by the remainder of the total assessed value used to calculate such taxes for the budget year minus value attributable to new valuation.

(2) Eight dollars and ten cents per thousand dollars of assessed value.

4. The amount of property tax dollars calculated under this section includes those amounts budgeted and received by the city as replacement taxes under chapter 437A or 437B, if applicable.

5. For purposes of this section:

a. *"Budget year"* is the fiscal year beginning during the calendar year in which a budget is certified.

b. *"Current fiscal year"* is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

c. *"New valuation"* means the increase from the current fiscal year to the budget year in taxable valuation, as shown on the assessment roll due to the following, the amount of each as reported under section 331.510 by the county auditor to the department of management:

(1) New construction.

(2) Additions or improvements to existing structures that are not normal and necessary repairs under section 441.21, subsection 8.

(3) Net boundary adjustments, including annexation, severance, incorporation, consolidation, or discontinuance as those terms are defined in section 368.1.

[C97, §616, 890; S13, §616; C24, 27, 31, 35, 39, §**6210;** C46, 50, §404.4; C54, 58, 62, 66, 71, 73, §404.1, 404.2, 404.15; C75, 77, 79, 81, §384.1]

89 Acts, ch 296, §39; 2023 Acts, ch 71, §14, 19; 2024 Acts, ch 1094, §40, 47, 57, 58; 2026 Acts, ch 1115, §11 – 17

Referred to in §37.8, 331.263, 357B.8, 357J.15, 373.10, 384.12, 386.8, 386.9, 444.25

2023 amendment applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §19

2024 amendment to subsection 3, paragraph c, subparagraphs (2) and (3) applies to taxes and budgets for fiscal years beginning on or after July 1, 2025; 2024 Acts, ch 1094, §58

2026 amendments by 2026 Acts, ch 1115, §11 – 15, apply to property taxes and budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §17

2026 amendments by 2026 Acts, ch 1115, §11 – 15, effective January 1, 2027; 2026 Acts, ch 1115, §16

Section amended and editorially internally renumbered

384.2 Fiscal year and tax year.

1. Except as otherwise provided for special charter cities, a city's fiscal year shall be as provided in section 24.2, subsection 3. All city property taxes must be certified by a city to the county auditor on or before April 30 of each year, unless otherwise provided by state law. However, municipal utilities, if not supported by taxation or the proceeds of outstanding indebtedness payable from taxes may, with the council's consent, choose to operate on a fiscal year which is the calendar year. The receipt by the utility of payments from other governmental funds for public fire protection, street lighting, or other public use of the utility's services shall not be deemed support by taxation. After notice and hearing in the same manner as required for the city's regular budget under section 384.16, the utility budget must be approved by resolution of the council not later than twenty days prior to the beginning of the calendar year for which the budget applies.

2. The county auditor shall place city taxes and assessments upon the tax list for the current year, and the county treasurer shall collect city taxes and assessments in the same manner as other taxes. Delinquent city taxes and assessments draw the same interest as other taxes. Sales for delinquent city taxes and assessments must be made in the manner provided in chapter 446. The county treasurer shall combine in one tax sale all taxes and assessments due from the same person and collectible by the county.

[R60, §1123, 1126; C73, §495, 498; C97, §902; S13, §902, 1056-a7, 1056-a34; C24, §5678, 6227, 6228, 6570, 6571; C27, 31, 35, §5676-a1, 6227, 6228, 6570, 6871; C39, §**5676.1, 6227,**

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6228, 6570, 6871; C46, 50, §363.51, 404.21, 404.22, 416.95, 420.212; C54, 58, §363.29, 404.3, 404.21; C62, 66, 71, 73, §363.29, 404.3, 404.22; C75, 77, 79, 81, §384.2]

92 Acts, ch 1016, §7; 2019 Acts, ch 24, §104; 2019 Acts, ch 165, §12, 17; 2023 Acts, ch 71, §91, 98

Referred to in §331.559

2023 amendment to subsection 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

384.3 General fund — major equipment reserve savings account or additional fund.

1. All moneys received for city government purposes from taxes and other sources must be credited to the general fund of the city, except that moneys received for the purposes of the debt service fund, the trust and agency funds, the capital improvements reserve fund, the emergency fund, and other funds established by state law must be deposited as otherwise required or authorized by state law. All moneys received by a city from the federal government must be reported to the department of management, who shall transmit a copy to the legislative services agency.

2. *a.* A city may establish an additional fund or a reserve savings account to pay costs associated with the acquisition, possession, and maintenance of major equipment for police, fire, rescue, or emergency medical services. Moneys in a fund or account established under this paragraph may remain in the fund or account at the end of each fiscal year.

b. If a city has established an additional fund or a reserve savings account under paragraph *"a"* and has received a payment, award, judgment, or insurance settlement for damaged police, fire, rescue, or emergency medical services equipment or vehicles, the city shall deposit the moneys into the relevant fund or account rather than into the general fund of the city. However, if a city uses moneys from its general fund to cover costs to repair or replace damaged police, fire, rescue, or emergency medical services equipment or vehicles, the city may deposit into its general fund an amount received from the payment, award, judgment, or insurance settlement that is equal to the amount used from the general fund. The city shall deposit any remaining amount received from the payment, award, judgment, or insurance settlement into the relevant fund or account established under paragraph *"a"*.

c. If a city has established an additional fund under paragraph *"a"*, moneys remaining in the fund at the end of the fiscal year may be deposited into a reserve savings account. Moneys in a reserve savings account shall be used for the purpose of maintaining or acquiring major equipment including vehicles.

[C50, §395.26; C54, 58, §395.26, 404.2, 404.23; C62, 66, 71, 73, §395.26, 404.2, 404.24; C75, 77, 79, 81, §384.3]

2003 Acts, ch 35, §45, 49; 2025 Acts, ch 90, §3

Property rights defense account; 2009 Acts, ch 179, §148, 153

384.3A Franchise fee account — use of franchise fee revenues.

1. A city that assesses a franchise fee pursuant to an ordinance that is adopted or amended on or after May 26, 2009, to increase the percentage rate at which franchise fees are assessed under section 364.2, subsection 4, paragraph *"f"*, shall establish a franchise fee account within the city's general fund. All revenues collected by a city pursuant to such an ordinance shall be deposited in the account. Interest earned on revenues deposited in the account shall remain in the account and be used for the purposes specified in this section. Moneys in the account are not subject to transfer to any other accounts in the city's general fund or to any other funds established by a city unless such transfer is for a purpose specified in this section.

2. Moneys in the account shall be used for the purposes of inspecting, supervising, and otherwise regulating each franchise approved by the city.

3. Moneys in the account in excess of the amount necessary for the purposes specified in subsection 2 shall be expended for any of the following:

a. Property tax relief.

b. The repair, remediation, restoration, cleanup, replacement, and improvement of existing public improvements and other publicly owned property, buildings, and facilities.

c. Projects designed to prevent or mitigate future disasters as defined in section 29C.2.

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d. Energy conservation measures for low-income homeowners, low-income energy assistance programs, and weatherization programs.

e. Public safety, including the equipping of fire, police, emergency services, sanitation, street, and civil defense departments.

f. The establishment, construction, reconstruction, repair, equipping, remodeling, and extension of public works, public utilities, and public transportation systems.

g. The construction, reconstruction, or repair of streets, highways, bridges, sidewalks, pedestrian underpasses and overpasses, street lighting fixtures, and public grounds, and the acquisition of real estate needed for such purposes.

h. Property tax abatements, building permit fee abatements, and abatement of other fees for property damaged by a disaster as defined in section 29C.2.

i. Economic development activities and projects.

j. For franchise fees assessed and collected by a city in excess of five percent of gross revenues generated from sales of the franchisee within the city pursuant to section 364.2, subsection 4, paragraph "*f*", subparagraph (1), subparagraph division (b), during fiscal years beginning on or after July 1, 2024, solely for the reduction of property tax levies that support the operation and maintenance of a municipal transit system or a regional transit district or to maintain transportation service levels of a municipal transit system or a regional transit district.

2009 Acts, ch 179, §230, 231; 2013 Acts, ch 140, §149, 150; 2014 Acts, ch 1092, §88, 197, 198; 2023 Acts, ch 71, §61, 62

Referred to in §364.2

384.4 Debt service fund.

1. A city shall establish a debt service fund and shall certify taxes to be levied for the debt service fund in the amount necessary to pay:

a. Judgments against the city, except those authorized by state law to be paid from other funds.

b. Interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all general obligation bonds issued by the city.

c. Payments required to be made from the debt service fund under a lease or lease-purchase agreement.

d. Payments required to be made from the debt service fund under a loan agreement.

e. Payments authorized to be made from the debt service fund to a flood project fund under section 418.14, subsection 4.

2. Moneys pledged or available to service general obligation bonds, and received from sources other than property taxes, must be deposited in the debt service fund.

3. If a final judgment is entered against a city with a population of five hundred or less for an amount in excess of eighty-eight thousand dollars over and above what is covered by liability insurance, such city may spread the budgeting and payment of that portion not covered by insurance over a period of time not to exceed ten years. Interest shall be paid by the city on the unpaid balance. This subsection shall only apply to final judgments entered but not fully satisfied prior to March 25, 1976.

4. The taxes realized from the tax levy imposed under section 346.27, subsection 22, for a joint county-city building shall be deposited into a separate account in the city's debt service fund for the payment of the annual rent and shall be disbursed pursuant to section 346.27, subsection 22.

[C97, §894; SS15, §879-s, 894; C24, 27, 31, 35, 39, §**6211, 6603;** C46, 50, §404.5, 416.132; C54, 58, 62, 66, 71, 73, §404.13; C75, 77, 79, 81, §384.4]

83 Acts, ch 207, §52, 93; 85 Acts, ch 156, §4; 87 Acts, ch 103, §5; 2007 Acts, ch 22, §72; 2010 Acts, ch 1069, §126; 2012 Acts, ch 1060, §4, 7; 2012 Acts, ch 1094, §3, 18; 2014 Acts, ch 1124, §22, 25

Referred to in §357E.11A, 384.24, 384.32, 384.74

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384.5 Excess tax.

A tax levied for the debt service fund is not invalid if it raises moneys in excess of those needed for a specific purpose. Only excess moneys remaining after retirement of all indebtedness payable from the fund may be transferred from the debt service fund to any other city fund, subject to the terms of the original bond issue, and as provided in rules promulgated by the city finance committee created in section 384.13.

[C51, §123, 124; R60, §259, 260; C73, §318, 319; C97, §897; C24, 27, 31, 35, 39, §**6222;** C46, 50, §404.16; C54, 58, §404.20; C62, 66, 71, 73, §404.21; C75, 77, 79, 81, §384.5]

384.6 Trust and agency funds.

A city may establish trust and agency funds for the following purposes:

1. Accounting for pension and related employee benefit funds as provided by the city finance committee. A city may certify taxes to be levied for a trust and agency fund in the amount necessary to meet its obligations.

a. A city may make contributions to a retirement system other than the Iowa public employees' retirement system for its city manager, or city administrator performing the duties of city manager, in an annual amount not to exceed the amount that would have been contributed by the employer under section 97B.11.

b. If a police chief or fire chief has submitted a written request to the board of trustees to be exempt from chapter 411, authorized in section 411.3, subsection 1, a city shall make contributions for the chief, in an amount not to exceed the amount that would have been contributed by the city under section 411.8, subsection 1, paragraph "*a*", to the international city management association retirement corporation.

c. A city which has contracted with another city or governmental entity for the provision of public safety services, including but not limited to police protection, fire protection, ambulance, or hazardous materials response, may, pursuant to contract, make contributions for pension and related employee benefits for personnel of the other city or governmental entity providing such services to the city. The city may make such contributions in an annual amount not to exceed the amount of contributions for pension and related employee benefits that would otherwise be paid by the other city or governmental entity for such personnel.

2. Accounting for gifts received by the city for a particular purpose.

3. Accounting for money and property received and handled by the city as trustee or custodian or in the capacity of an agent.

[C54, 58, 62, 66, 71, 73, §404.16; C75, 77, 79, 81, §384.6]

85 Acts, ch 195, §45; 2006 Acts, ch 1130, §1; 2013 Acts, ch 30, §82

Referred to in §364.25, 384.15, 411.15

384.7 Capital improvements fund.

1. A city may establish a capital improvements reserve fund, and may certify taxes not to exceed sixty-seven and one-half cents per thousand dollars of taxable value each year to be levied for the fund for the purpose of accumulating moneys for the financing of specified capital improvements, or carrying out a specific capital improvement plan.

2. The question of the establishment of a capital improvements reserve fund, the time period during which a levy will be made for the fund, and the tax rate to be levied for the fund is subject to approval by the voters, and may be submitted at any city election upon the council's motion, or shall be submitted at the next regular city election upon receipt of a valid petition as provided in section 362.4.

3. If a continuing capital improvements levy is established by election, it may be terminated in the same manner, upon the council's motion or upon petition. Balances in a capital improvements reserve fund are not unencumbered or unappropriated funds for the purpose of reducing tax levies. Transfers may be made between the capital improvements reserve fund, construction funds, and the general fund, as provided in rules promulgated by the city finance committee created in section 384.13.

[C75, 77, 79, 81, §384.7]

2017 Acts, ch 54, §76

Referred to in §386.9

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384.8 Emergency fund. Repealed by 2023 Acts, ch 71, §18, 19.
2023 repeal applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §19

384.9 Additional funds.
A city may establish other funds and may certify taxes to be levied for the funds as provided by state law. The status of each account or fund must be included in the annual report required in section 384.22.
[C54, 58, 62, 66, 71, 73, §404.1; C75, 77, 79, 81, §384.9]

384.10 Short-term loans.
A city may negotiate short-term loans, and may issue warrants as provided in chapter 74, in anticipation of and not in excess of its estimated revenues for the current fiscal year. However, natural disaster loans from the state or federal government and loans for projects where payment of state or federal funds has been guaranteed but receipt of such funds may not coincide with the fiscal year, may be negotiated in anticipation of revenues for a period of time longer than the current fiscal year.
[R60, §1129; C73, §500; C97, §898; C24, 27, 31, 35, 39, §**6223;** C46, 50, §404.17; C54, 58, §404.18; C62, 66, 71, 73, §404.19; C75, 77, 79, 81, §384.10]
Referred to in §384.57, 386.12

384.11 Direct deposit of taxes.
Before the fifteenth day of each month, the county treasurer shall send the amount collected for each fund through the last day of the preceding month for direct deposit into the depository and the account designated by the city clerk. The county treasurer shall send a notice at the same time to the city clerk stating the amount deposited, date, amount to be credited to each fund according to the budget, and the source of the revenue. This section shall also apply to the collection of special assessments assessed under section 364.12 or subchapter IV of this chapter.
[R60, §1123, 1126; C73, §495, 498; C97, §902; S13, §902; C24, 27, 31, 35, 39, §**6229;** C46, 50, §404.23; C54, 58, §404.19; C62, 66, 71, 73, §404.20; C75, 77, 79, 81, §384.11; 82 Acts, ch 1195, §5]
84 Acts, ch 1003, §9; 2018 Acts, ch 1041, §127
Referred to in §331.559, 423B.3

384.12 Additional taxes.
A city may certify, for the general fund levy, taxes which are not subject to the limit provided in section 384.1, and which are in addition to any other moneys the city may wish to spend for such purposes, as follows:
1. *a.* A tax for the operation and maintenance of a municipal transit system and for the creation of a reserve fund for the system in an amount not to exceed ninety-five cents per thousand dollars of assessed value each year, when the revenues from the transit system are insufficient for such purposes.
b. (1) A tax for the operation and maintenance of a regional transit district, and for the creation of a reserve fund for the district under chapter 28M, in an amount not to exceed ninety-five cents per thousand dollars of assessed value each year, when the revenues from the district are insufficient for such purposes. In addition to the levy rate limitation, for each fiscal year beginning on or after July 1, 2027, the sum of property tax dollars levied for the regional transit district by the city under this paragraph shall not exceed an amount equal to one hundred three percent of the sum of property tax dollars levied by the city for the regional transit district under this paragraph for the immediately preceding fiscal year.
(2) The amount of property tax dollars calculated under this paragraph includes those amounts budgeted by the city as replacement taxes under chapter 437A or 437B, if applicable.
2. A tax not to exceed twenty-seven cents per thousand dollars of assessed value each year for an aviation authority as provided in section 330A.15.
3. A tax to pay the premium costs on tort liability insurance, property insurance, and any other insurance that may be necessary in the operation of the city, the costs of a self-insurance program, the costs of a local government risk pool and amounts payable

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under any insurance agreements to provide or procure such insurance, self-insurance program, or local government risk pool.

4. A tax that exceeds any tax levy limit within this chapter, provided the question has been submitted at a special levy election and received a simple majority of the votes cast on the proposition to authorize the enumerated levy limit to be exceeded for the proposed budget year.

a. The election may be held as specified in this subsection if notice is given by the city council, not later than forty-six days before the first Tuesday in March, to the county commissioner of elections that the election is to be held.

b. An election under this subsection shall be held on the first Tuesday in March and be conducted by the county commissioner of elections in accordance with the law.

c. The ballot question shall be in substantially the following form:

WHICH TAX LEVY SHALL BE ADOPTED FOR THE CITY OF .....?

(Vote for only one of the following choices.)

CHANGE LEVY AMOUNT .....

Add to the existing levy amount a tax for the purpose of ..... (state purpose of proposed levy) at a rate of ..... (rate) which will provide an additional $..... (amount).

KEEP CURRENT LEVY .....

Continue under the current maximum rate of ....., providing $..... (amount).

d. The commissioner of elections conducting the election shall notify the city officials and other county auditors where applicable, of the results within two days of the canvass which shall be held on the second day that is not a holiday following the special levy election, and beginning no earlier than 1:00 p.m. on that day.

e. Notice of the election shall be published twice in accordance with the provisions of section 362.3, except that the first such notice shall be given at least two weeks before the election.

f. The cost of the election shall be borne by the city.

g. The election provisions of this subsection shall supersede other provisions for elections only to the extent necessary to comply with the provisions of this subsection.

h. The provisions of this subsection apply to all cities, however organized, including special charter cities which may adopt ordinances where necessary to carry out these provisions.

i. The council shall certify the city's budget with the tax askings not exceeding the amount approved by the special levy election.

5. A tax for the support of a local emergency management commission established pursuant to chapter 29C.

1. [C24, 27, 31, 35, 39, §**5835 – 5839;** C46, 50, 54, 58, 62, 66, 71, 73, §375.1 – 375.5; C75, 77, 79, 81, S81, §384.12(1)]

2. [C75, 77, 79, 81, S81, §384.12(2)]

3. [C50, 54, 58, 62, 66, 71, 73, §379A.1 – 379A.5; C75, 77, 79, 81, S81, §384.12(3)]

4. [C62, 66, 71, 73, §379B.1, 379B.2; C75, 77, 79, 81, S81, §384.12(4)]

5, 6. [R60, §710; C73, §796; C97, §758 – 764, 888, 895, 1303; C24, 27, 31, 35, 39, §**5882 – 5887, 6209, 6221;** C46, 50, §381.9 – 381.14, 404.3, 404.15; C54, 58, 62, 66, 71, 73, §381.9 – 381.14, 404.7; C75, 77, 79, 81, S81, §384.12(5, 6)]

7. [S13, §766-a, 766-b; C24, 27, 31, 35, 39, §**5890, 5891, 5894;** C46, 50, 54, 58, 62, 66, 71, 73, §381.17, 381.18, 382.1; C75, 77, 79, 81, S81, §384.12(7)]

8. [C97, §766; C24, 27, 31, 35, 39, §**5889;** C46, 50, 54, 58, 62, 66, 71, 73, §381.16; C75, 77, 79, 81, S81, §384.12(8)]

9. [C58, 62, 66, 71, 73, §386A.1, 386A.4, 386A.9, 386A.12; C75, 77, 79, 81, S81, §384.12(9)]

10. [C58, 62, 66, 71, 73, §386B.12; C75, 77, 79, 81, S81, §384.12(10)]

11. [C71, 73, §378A.6; C75, 77, 79, 81, S81, §384.12(11)]

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12. [C71, 73, §378A.10; C75, 77, 79, 81, S81, §384.12(12)]
13. [C71, 73, §404.27; C75, 77, 79, 81, S81, §384.12(13)]
14. [C75, 77, 79, 81, S81, §384.12(14)]
15. [C66, 71, 73, §368.67; C75, 77, 79, 81, S81, §384.12(15); 81 Acts, ch 117, §1081; 82 Acts, ch 1104, §14]
16. [C75, 77, 79, 81, S81, §384.12(16)]
17. [S13, §740; C24, 27, 31, 35, 39, §**10190;** C46, 50, 54, 58, 62, 66, 71, 73, §565.8; C75, 77, 79, 81, S81, §384.12(18); 81 Acts, ch 117, §1081]
18. [C75, 77, 79, 81, S81, §384.12(19)]
20. [C81, S81, §384.12(20)]
83 Acts, ch 101, §82; 85 Acts, ch 195, §46; 86 Acts, ch 1211, §23; 88 Acts, ch 1213, §1; 89 Acts, ch 203, §1; 91 Acts, ch 247, §1; 92 Acts, ch 1139, §29; 94 Acts, ch 1075, §15; 94 Acts, ch 1180, §56; 95 Acts, ch 189, §21; 2004 Acts, ch 1072, §8; 2009 Acts, ch 57, §94; 2010 Acts, ch 1033, §55, 56; 2012 Acts, ch 1060, §5, 7; 2022 Acts, ch 1021, §99; 2023 Acts, ch 71, §15, 19; 2026 Acts, ch 1115, §165
Referred to in §28M.5, 331.263, 373.10, 384.1, 384.110, 444.25
2023 amendment applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §19
Subsection 1 amended

SUBCHAPTER II

BUDGETING AND ACCOUNTING

Referred to in §384.34

384.13 City finance committee.

1. As used in this subchapter, unless the context otherwise requires, *"committee"* means the city finance committee and *"director"* means the director of the department of management.
2. An eight-member city finance committee is created. Members of the committee are:
a. The auditor of state or the auditor's designee.
b. A designee of the governor.
c. Five city officials who are regularly involved in budget preparation. The director of the department of management shall select and appoint the city officials.
d. One certified public accountant experienced in city accounting, to be selected and appointed by the director of the department of management.
3. City official members and the certified public accountant are appointed for four-year terms beginning and ending as provided in section 69.19 and the terms of the city officials are staggered. When a city official member no longer holds the office which qualified the official for appointment, the official may no longer be a member of the committee. Any person appointed to fill a vacancy during a term is appointed to serve for the unexpired portion of the term. Any member is eligible for reappointment, but no member shall be appointed to serve more than two complete terms.
[C75, 77, 79, 81, §384.13]
86 Acts, ch 1245, §118; 2008 Acts, ch 1156, §44, 45, 58; 2018 Acts, ch 1041, §127; 2024 Acts, ch 1170, §321
Referred to in §384.5, 384.7, 384.89

384.14 Office, expenses, compensation.

1. The committee is located for administrative purposes within the department of management. The director of the department of management shall provide office space and staff assistance, and shall budget funds to cover expenses of the committee.
2. Each member is entitled to receive actual and necessary expenses incurred in the performance of committee duties. Each member other than the state official members is also entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of committee duties.
[C75, 77, 79, 81, §384.14]
86 Acts, ch 1245, §119; 91 Acts, ch 258, §51; 2019 Acts, ch 24, §104

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384.15 Duties — rules — law enforcement officer training reimbursement.

The committee shall:

1. Promulgate rules relating to budget amendments and the procedures for transferring moneys between funds, and other rules necessary or desirable in order to exercise its powers and perform its duties, including rules necessary to implement section 384.6, subsection 1. The committee's rules are subject to chapter 17A as applicable.

2. Select its officers and meet at the call of the director of the department of management or at the request of a majority of the committee.

3. Establish guidelines for program budgeting and accounting and the preparation of five-year capital improvement plans. A city shall hold a public hearing on its capital improvement plan before adoption of the plan. The committee may require performance budgeting. It shall, where practicable, use recommendations of the national council on governmental accounting.

4. Review and comment on city budgets to city officials and provide assistance to enable cities to improve upon and use sound financial procedures.

5. Conduct studies of municipal revenues and expenditures.

6. Advise and make recommendations annually to the governor and the general assembly concerning city budgets and finance.

7. Adopt rules for the administration of a law enforcement officer training reimbursement program by the director of the department of management. A decision of the director may be appealed by a city or county to the committee. The program shall provide reimbursement to a city or county for necessary and actual expenses incurred in training a law enforcement officer who resigns from law enforcement service with the city or county within four years after completion of the law enforcement training. The reimbursable training expenses include mileage, food, lodging, tuition, replacement of an officer while the officer is in training if the replacement officer is a temporary employee hired for that purpose only or is on overtime status, and salary costs of the officer while in training. The law enforcement training eligible for reimbursement is the minimum law enforcement officer training required under chapter 80B and, if funding is available, approved advanced law enforcement training and reserve officer training required under chapter 80D. The committee shall adopt rules prescribing application forms, expense documentation, and procedures necessary to administer the reimbursement program.

a. The amount of reimbursement shall be determined as follows:

(1) If a law enforcement officer resigns less than one year following completion of approved training, one hundred percent.

(2) If a law enforcement officer resigns one year or more but less than two years after completion of approved training, seventy-five percent.

(3) If a law enforcement officer resigns two years or more but less than three years after completion of the approved training, fifty percent.

(4) If a law enforcement officer resigns three years or more but not more than four years after completion of the approved training, twenty-five percent.

b. An appropriated law enforcement training reimbursement account is established in the department of management. The proceeds shall be used by the director of the department of management to reimburse cities or counties for eligible law enforcement training expenses incurred as provided in this section.

[C75, 77, 79, 81, §384.15]

84 Acts, ch 1274, §1; 86 Acts, ch 1245, §120; 90 Acts, ch 1092, §6; 90 Acts, ch 1250, §4; 90 Acts, ch 1266, §42

384.15A Resolution establishing maximum property tax dollars — notice — hearing. Repealed by 2023 Acts, ch 71, §96, 98.

2023 repeal applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

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384.16 City budget.

Annually, a city that has satisfied the requirements of section 384.22, subsection 3, and the applicable portions of chapter 24, shall prepare and adopt a budget, and shall certify taxes as follows:

1. *a.* A budget must be prepared for at least the following fiscal year. When required by rules of the committee, a tentative budget must be prepared for one or two ensuing years. A proposed budget must show estimates of the following:

(1) Expenditures for each program.

(2) Income from sources other than property taxation.

(3) Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars assessed valuation.

b. A budget must show comparisons between the estimated expenditures in each program in the following year, the latest estimated expenditures in each program in the current year, and the actual expenditures in each program from the annual reports as provided in section 384.22, or as corrected by a subsequent audit report. Wherever practicable, as provided in rules of the committee, a budget must show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years. For each city that has established an urban renewal area, the budget shall include estimated and actual tax increment financing revenues and all estimated and actual expenditures of the revenues, proceeds from debt and all estimated and actual expenditures of the debt proceeds.

2. Not less than twenty days before the date that a budget must be certified to the county auditor and not less than ten days before the date set for the hearing, the clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the mayor and clerk and at the city library, if any, or have a copy posted at one of the three places designated by ordinance for posting notices if there is no library.

3. Following, and not until, completion of requirements of section 24.2A, the council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice of the hearing pursuant to section 362.3 in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, publication may be made by posting in three public places in the city. A summary of the proposed budget and a description of the procedure for protesting the city budget under section 384.19, in the form prescribed by the director of the department of management, shall be included in the notice. Proof of publication of the notice under this subsection 3 must be filed with the county auditor. The department of management shall prescribe the form for the public hearing notice for use by cities.

4. At the hearing, any resident or taxpayer of the city may present to the council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

5. After the hearing, the council shall adopt by resolution a budget for at least the next fiscal year, and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified may be less than but not more than the amount estimated in the proposed budget submitted at the final hearing, unless an additional tax levy is approved at a city election. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor, who shall complete the certificates and transmit a copy of each to the department of management.

6. *a.* Taxes from a city levy may be collected for a fiscal year for which no budget has been certified, but the county shall not distribute any funds collected from the levies to the city until the city certifies its budget and transmits the certified budget to the county auditor.

b. Taxes levied by a city whose budget is certified after April 30 shall be limited to the taxes levied for the previous fiscal year subject to applicable levy rate limits in this chapter. However, that amount shall not exceed the amount the city could collect based on property assessments for the fiscal year for which the city failed to certify property taxes.

c. The department of management may waive the limitation in paragraph *"b"* for a city if

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the department of management finds, after a showing of evidence by the city, that failure to certify the budget by April 30 was caused by one or more of the following:

(1) A newspaper failed to publish a notice of hearing as required under section 24.2A after the city gave the newspaper sufficient time to publish the notice.

(2) A verifiable public emergency or weather-related event which forced the cancellation of a public hearing as required under section 24.2A.

(3) An illness or unexpected vacancy of one or more council members caused a lack of a quorum necessary to hold a hearing as required under section 24.2A.

(4) A failure of state software or a state process caused the council to miss the required date to certify the city's budget.

7. A city that does not submit a budget in compliance with this section shall have all state funds withheld until a budget that is in compliance with this section is filed with the county auditor and subsequently received by the department of management. The department of management shall send notice to state agencies responsible for disbursement of state funds and that notice is sufficient authorization for those funds to be withheld until later notice is given by the department of management to release those funds.

[C24, 27, 31, 35, 39, §**370, 375 – 378, 381, 383;** C46, 50, 54, 58, 62, 66, 71, 73, §24.3, 24.9 – 24.12, 24.15, 24.17; C75, 77, 79, 81, §384.16]

97 Acts, ch 206, §19, 20, 24; 2005 Acts, ch 179, §62, 63; 2007 Acts, ch 186, §4; 2010 Acts, ch 1069, §127; 2012 Acts, ch 1124, §10, 11; 2019 Acts, ch 165, §14, 15, 17; 2023 Acts, ch 71, §92, 93, 98; 2024 Acts, ch 1094, §41, 47; 2025 Acts, ch 130, §7

Referred to in §384.2, 384.17, 384.18, 384.22, 419.11

2023 amendment to unnumbered paragraph 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2023 amendment to subsections 3, 5, and 6 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

384.17 Levy by county.

At the time required by law, the county board of supervisors shall levy the taxes necessary for each city fund for the following fiscal year. The levy must be as shown in the adopted city budget and as certified by the clerk, subject to any changes made after a protest hearing, and any additional tax rates approved at a city election. A city levy is not valid until proof of publication or posting of notice of a budget hearing under section 384.16, subsection 3, is filed with the county auditor and statements are mailed or posted under section 24.2A.

[C24, 27, 31, 35, 39, §**376, 385;** C46, 50, 54, 58, 62, 66, 71, 73, §24.10, 24.19; C75, 77, 79, 81, §384.17]

2019 Acts, ch 165, §16, 17; 2023 Acts, ch 71, §94, 98; 2026 Acts, ch 1115, §158, 161

2023 amendment applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2026 amendment applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

Section amended

384.18 Budget amendment.

1. A city budget as finally adopted for the following fiscal year becomes effective July 1 and constitutes the city appropriation for each program and purpose specified therein until amended as provided in this section. A city budget for the current fiscal year may be amended for any of the following purposes:

a. To permit the appropriation and expenditure of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

b. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

c. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by state law, to any other city fund, unless specifically prohibited by state law.

d. To permit transfers between programs within the general fund.

2. A budget amendment must be prepared and adopted in the same manner as the original budget, as provided in section 384.16, excluding the requirement for statements under section 24.2A, and is subject to protest as provided in section 384.19, except that the committee may

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by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest. A city budget shall be amended by May 31 of the current fiscal year to allow time for a protest hearing to be held and a decision rendered before June 30. The amendment of a budget after May 31, which is properly appealed but without adequate time for hearing and decision before June 30 is void.

[C24, 27, 31, 35, 39, §**375;** C46, 50, 54, 58, 62, 66, 71, 73, §24.9; C75, 77, 79, 81, §384.18; 82 Acts, ch 1079, §6]

2010 Acts, ch 1061, §180; 2023 Acts, ch 71, §95, 98; 2026 Acts, ch 1115, §159, 161

2023 amendment to subsection 2 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

2026 amendment to subsection 2 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

Subsection 2 amended

384.19 Written protest.

1. Within a period of ten days after the final date that a budget or amended budget may be certified to the county auditor, persons affected by the budget may file a written protest with the county auditor specifying their objections to the budget or any part of it. A protest must be signed by registered voters equal in number to one-fourth of one percent of the population of the city according to the most recent federal decennial census or special census, whichever is later.

2. Upon the filing of any such protest, the county auditor shall immediately prepare a true and complete copy of the written protest, together with the budget to which the objections are made, and shall transmit the same forthwith to the state appeal board, and shall also send a copy of the protest to the council.

3. The state appeal board shall proceed to consider the protest in accordance with the same provisions that protests to budgets of municipalities are considered under chapter 24. The state appeal board shall certify its decision with respect to the protest to the county auditor and to the parties to the appeal as provided by rule, and the decision shall be final.

4. The county auditor shall make up the records in accordance with the decision and the levying board shall make its levy in accordance with the decision. Upon receipt of the decision the council shall correct its records accordingly, if necessary.

[C39, §**390.2, 390.7;** C46, 50, 54, §24.26, 24.31; C58, 62, 66, 71, 73, §24.27, 24.32; C75, 77, 79, 81, §384.19; 82 Acts, ch 1079, §7]

2001 Acts, ch 56, §32; 2016 Acts, ch 1011, §121; 2025 Acts, ch 123, §19

Referred to in §331.502, 384.16, 384.18

384.20 Separate accounts.

1. A city shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the committee.

2. A city shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any city purpose, by any city officer, employee, or other person, and which show the receipt, use, and disposition of all city property. Public moneys may not be expended or encumbered except under an annual or continuing appropriation.

3. *"Continuing appropriation"* means the unexpended portion of the cost of public improvements, as defined in section 26.2, which cost was adopted through a public hearing pursuant to section 26.12 and was included in an adopted or amended budget of a city. A continuing appropriation does not expire at the conclusion of a fiscal year. A continuing appropriation continues until the public improvement is completed, but expenditures under the continuing appropriation shall not exceed the resources available for paying for the public improvement.

[S13, §741-a, 741-b; C24, 27, 31, 35, 39, §**5675, 5676;** C46, 50, §363.49, 363.50; C54, 58, 62, 66, 71, 73, §368A.5, 368A.6; C75, 77, 79, 81, §384.20]

96 Acts, ch 1104, §1; 2006 Acts, ch 1017, §36, 42, 43; 2007 Acts, ch 144, §15

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384.21 Joint investment of funds.

A city or a city utility board shall keep all funds invested to the extent practicable and may invest the funds jointly with one or more cities, utility boards, judicial district departments of correctional services, counties, or rural water districts created under chapter 357A pursuant to a joint investment agreement. All investments of funds shall be subject to sections 12B.10 and 12B.10A and other applicable law.

87 Acts, ch 105, §2; 88 Acts, ch 1084, §2; 92 Acts, ch 1156, §15; 95 Acts, ch 77, §6

384.22 Annual reports — financial report — urban renewal report.

1. Not later than December 1 of each year, a city shall publish an annual financial report as provided in section 362.3 containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. The annual financial report shall be prepared on forms and pursuant to instructions prescribed by the auditor of state. Beginning with the annual financial report published by December 1, 2025, each report shall include a list of bonds, notes, or other obligations issued by the city during the most recently completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the city or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.

2. *a.* Each city that had an urban renewal plan and area in effect at any time during the most recently ended fiscal year shall complete for each such urban renewal plan and area and file with the department of management an urban renewal report by December 1 following the end of such fiscal year. Each report shall be approved by the affirmative vote of a majority of the city council and be prepared in the format and submitted electronically pursuant to the instructions prescribed by the department of management in consultation with the legislative services agency.

b. The report required under this subsection shall include all of the following as of June 30 of the most recently ended fiscal year or the information for such fiscal year, as applicable:

(1) Whether the urban renewal area is determined by the city to be a slum area, blighted area, economic development area or a combination of those areas, and the date such determination was made.

(2) A map clearly identifying the boundaries of the urban renewal area.

(3) A copy of the ordinance providing for a division of revenue in the urban renewal area under section 403.19.

(4) A copy of the urban renewal plan adopted for the urban renewal area, the date of each amendment to the plan, and a copy of such amendment.

(5) A list and description of all urban renewal projects within the urban renewal area that are in process and all urban renewal projects that were completed during the fiscal year.

(6) A description of each expenditure during the fiscal year from the city's special fund created in section 403.19. Each such expenditure shall be classified by the city according to categories established by the department of management and shall be designated as corresponding to the specific loan, advance, indebtedness, or bond which qualifies for payment from the special fund under section 403.19. Each such expenditure shall also be designated as corresponding to one or more specific urban renewal projects. This description shall not be required for the report required to be filed on or before December 1, 2012.

(7) The amount of loans, advances, indebtedness, or bonds, including interest negotiated on such loans, advances, indebtedness, or bonds, which qualify for payment from the special fund created in section 403.19, and which were incurred or issued during the fiscal year. Each such loan, advance, debt, or bond shall be classified by the city according to categories established by the department of management and shall be designated as corresponding to one or more specific urban renewal projects.

(8) The amount of loans, advances, indebtedness, or bonds that remain unpaid at the close

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of the fiscal year, and which qualify for payment from the special fund created in section 403.19, including interest negotiated on such loans, advances, indebtedness, or bonds.

(9) The total amount of property taxes that were exempted, rebated, refunded, or reimbursed by the city, used to fund a grant provided by the city, or directly paid by the city during the fiscal year for property in the urban renewal area using moneys in the city's special fund created in section 403.19 and such amounts agreed to by the city for future fiscal years.

(10) A list of all properties, including the owner of such properties, and the amount of property taxes due and payable for the fiscal year that were exempted, rebated, refunded, or reimbursed by the city, used to fund a grant provided by the city, or directly paid by the city during the fiscal year using moneys in the city's special fund created in section 403.19 and information for such amounts agreed to by the city for future fiscal years.

(11) The balance of the city's special fund created in section 403.19.

(12) The aggregate assessed value of the taxable property in the urban renewal area, as shown on the assessment roll used to calculate the amount of taxes under section 403.19, subsection 1, for the fiscal year.

(13) The aggregate assessed value of each classification of taxable property located in the urban renewal area.

(14) That portion of the assessed value of all taxable property located in the urban renewal area that was used to calculate the amount of excess taxes under section 403.19, subsection 2.

(15) The amount of taxes determined under section 403.19, subsection 2, in excess of the amount required to pay the applicable loans, advances, indebtedness, and bonds, if any, and interest thereon, for the fiscal year that was paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(16) Interest or earnings received by each urban renewal area during the fiscal year on amounts deposited into the special fund created in section 403.19 and the net proceeds during the fiscal year from the sale of assets purchased using amounts deposited into the special fund created in section 403.19.

(17) For each taxing district for which the city divided taxes, the amount of taxes determined under section 403.19, subsection 2, that, in lieu of allocation to the taxing district, were deposited into the city's special fund during the fiscal year.

(18) The amount of expenditures by the city during the fiscal year for the purpose of providing or aiding in the provision of public improvements related to housing and residential development.

(19) When required as part of an urban renewal development or redevelopment agreement that includes the use of incremental taxes collected pursuant to section 403.19, subsection 2, the total number of jobs to be created, the wages associated with those jobs, the total private capital investment, and the total cost of the public infrastructure constructed.

(20) All other additional information or documentation relating to a city's urban renewal activities or use of divisions of revenue under chapter 403 deemed relevant by the department of management, in consultation with the city finance committee.

c. By December 1, 2012, the department of management, in collaboration with the legislative services agency, shall make publicly available on an internet site a searchable database of all such information contained in the reports required under this subsection. Reports from previous years shall be retained by the department and shall continue to be available and searchable on the internet site.

d. For purposes of this subsection, *"indebtedness"* includes but is not limited to written agreements whereby the city agrees to exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys in the special fund created in section 403.19, and bonds, notes, or other obligations that are secured by or subject to repayment from moneys appropriated by the city from moneys in the special fund created in section 403.19.

3. The annual financial report shall be prepared on forms and pursuant to instructions prescribed by the auditor of state and shall be filed with the auditor of state. The urban renewal report shall be filed with the department of management. Each report must be filed

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prior to the publication and adoption of the city budget under section 384.16 for the fiscal year beginning July 1 following the date such reports are due. If such reports are not filed pursuant to the requirements of this section, the department of management shall not certify the city's taxes back to the county auditor under section 24.17.

[S13, §741-c, 1056-a7, 1056-a9, 1056-a33; C24, 27, 31, 35, 39, §**5677, 5679, 5680, 6581;** C46, 50, §363.54, 363.56, 363.57, 416.109; C54, 58, 62, 66, 71, 73, §368A.9, 368A.11, 368A.12; C75, 77, 79, 81, §384.22]

97 Acts, ch 206, §21, 24; 2003 Acts, ch 178, §4; 2012 Acts, ch 1124, §12, 25; 2012 Acts, ch 1133, §99; 2023 Acts, ch 71, §147, 154; 2026 Acts, ch 1115, §96, 106

Referred to in §11.11, 331.403, 384.9, 384.16, 403.5, 403.23

Subsection 2, paragraph b, subparagraph (19) stricken and former subparagraphs (20) and (21) renumbered as (19) and (20)

SUBCHAPTER III

GENERAL OBLIGATION BONDS

Referred to in §386.12, 403.12, 423A.7, 468.240

384.23 Construction of words "and" and "or".

As used in subchapters III through V of this chapter, the use of the conjunctive *"and"* includes the disjunctive *"or"* and the use of the disjunctive *"or"* includes the conjunctive *"and"*, unless the context clearly indicates otherwise.

[C75, 77, 79, 81, §384.23]

2007 Acts, ch 144, §16; 2018 Acts, ch 1041, §127

Referred to in §357E.11A, 389.4, 390.5

384.24 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"General obligation bond"* means a negotiable bond issued by a city and payable from the levy of unlimited ad valorem taxes on all the taxable property within the city through its debt service fund which is required to be established by section 384.4.

2. *"City enterprise"* means any of the following, including the real estate, fixtures, equipment, accessories, appurtenances, and all property necessary or useful for the operation of any of the following:

a. Parking facilities systems, which may include parking lots and other off-street parking areas, parking ramps and structures on, above, or below the surface, parking meters, both on-street and off-street, and all other fixtures, equipment, accessories, appurtenances, and requisites useful for the successful operation of a parking facilities system.

b. Civic centers or civic center systems, which may include auditoriums, music halls, theatres, sports arenas, armories, exhibit halls, meeting rooms, convention halls, or combinations of these.

c. Recreational facilities or recreational facilities systems, including, without limitation, real and personal property, water, buildings, improvements, and equipment useful and suitable for administering recreation programs, and also including without limitation, zoos, museums, and centers for art, drama, and music, as well as those programs more customarily identified with the term "recreation" such as public sports, games, pastimes, diversions, and amusement, on land or water, whether or not such facilities are located in or as a part of any public park.

d. Port facilities or port facilities systems, including without limitation, real and personal property, water, buildings, improvements and equipment useful and suitable for taking care of the needs of commerce and shipping, and also including without limitation, wharves, docks, basins, piers, quay walls, warehouses, tunnels, belt railway facilities, cranes, dock apparatus, and other machinery necessary for the convenient and economical accommodation and handling of watercraft of all kinds and of freight and passengers.

e. Airport and airport systems.

f. Solid waste collection systems and disposal systems.

g. Bridge and bridge systems.

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h. Hospital and hospital systems.

i. Transit systems.

j. Stadiums.

k. Housing for persons who are elderly or persons with disabilities.

l. Child care centers providing child care or preschool services, or both. For purposes of this paragraph, *"child care"* means providing for the care, supervision, and guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of less than twenty-four hours per day on a regular basis. For purposes of this paragraph, *"preschool"* means child care which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, and motor skills, and to extend their interest and understanding of the world about them.

3. *"Essential corporate purpose"* means:

a. The opening, widening, extending, grading, and draining of the right-of-way of streets, highways, avenues, alleys, public grounds, and market places, and the removal and replacement of dead or diseased trees thereon; the construction, reconstruction, and repairing of any street improvements; the acquisition, installation, and repair of traffic control devices; and the acquisition of real estate needed for any of the foregoing purposes.

b. The acquisition, construction, improvement, and installation of street lighting fixtures, connections, and facilities.

c. The construction, reconstruction, and repair of sidewalks and pedestrian underpasses and overpasses, and the acquisition of real estate needed for such purposes.

d. The acquisition, construction, reconstruction, extension, improvement, and equipping of works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner, for the collection and disposal of solid waste, and for the collection and disposal of surface waters and streams.

e. The acquisition, construction, reconstruction, enlargement, improvement, and repair of bridges, culverts, retaining walls, viaducts, underpasses, grade crossing separations, and approaches thereto.

f. The settlement, adjustment, renewing, or extension of any part or all of the legal indebtedness of a city, whether evidenced by bonds, warrants, or judgments, or the funding or refunding of the same, whether or not such indebtedness was created for a purpose for which general obligation bonds might have been issued in the original instance.

g. The undertaking of any project jointly or in cooperation with any other governmental body which, if undertaken by the city alone, would be for an essential corporate purpose, including the joint purchase, acquisition, construction, ownership, or control of any real or personal property.

h. The acquisition, construction, reconstruction, improvement, and extension of works and facilities useful for the control and elimination of any and all sources of air, water, and noise pollution, and the acquisition of real estate needed for such purposes.

i. The acquisition, construction, reconstruction, and improvement of all waterways, and real and personal property, useful for the protection or reclamation of property situated within the corporate limits of cities from floods or high waters, and for the protection of property in cities from the effects of flood waters, including the deepening, widening, alteration, change, diversion, or other improvement of watercourses, within or without the city limits, the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the establishment, improvement, and widening of streets, avenues, boulevards, and alleys across and adjacent to the project, as well as the development and beautification of the banks and other areas adjacent to flood control improvements.

j. The equipping of fire, police, sanitation, street, and civil defense departments and the acquiring, developing, and improving of a geographic computer data base system suitable for automated mapping and facilities management.

k. The acquisition and improvement of real estate for cemeteries, and the construction, reconstruction, and repair of receiving vaults, mausoleums, and other cemetery facilities.

l. The acquisition of ambulances and ambulance equipment.

m. The reconstruction and improvement of dams already owned.

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n. The reconstruction, extension, and improvement of an airport owned or operated by the city, an agency of the city, or a multimember governmental body of which the city is a participating member.

o. The rehabilitation and improvement of parks already owned, including the removal, replacement and planting of trees in the parks, and facilities, equipment, and improvements commonly found in city parks.

p. The rehabilitation and improvement of area television translator systems already owned.

q. The aiding in the planning, undertaking, and carrying out of urban renewal projects under the authority of chapter 403, and all of the purposes set out in section 403.12. However, bonds issued for this purpose are subject to the right of petition for an election as provided in section 384.26, without limitation on the amount of the bond issue or the size of the city, and the council shall include notice of the right of petition in the notice required under section 384.25, subsection 2.

r. The acquisition, construction, reconstruction, improvement, repair, and equipping of waterworks, water mains, and extensions, and real and personal property, useful for providing potable water to residents of a city.

s. The provision of insurance, or funding a self-insurance program or local government risk pool, including but not limited to the investigation and defense of claims, the establishment of reserve funds for claims, the payment of claims, and the administration and management of such self-insurance program or local government risk pool.

t. The acquisition, restoration, or demolition of abandoned, dilapidated, or dangerous buildings, structures or properties or the abatement of a nuisance.

u. The establishment or funding of programs to provide for or assist in providing for the acquisition, restoration, or demolition of housing, as part of a municipal housing project under chapter 403 or otherwise, or for other purposes as may be authorized under chapter 403A.

v. The acquisition of peace officer communication equipment and other emergency services communication equipment and systems.

w. The remediation, restoration, repair, cleanup, replacement, and improvement of property, buildings, equipment, and public facilities that have been damaged by a disaster as defined in section 29C.2 and that are located in an area that the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 384.25 for the purposes specified in this paragraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later.

x. The reimbursement of the city's general fund or other funds of the city for expenditures made related to remediation, restoration, repair, and cleanup of damage caused by a disaster as defined in section 29C.2, if the damage is located in an area that the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster. Bonds issued pursuant to section 384.25 for the purposes specified in this paragraph shall be issued not later than ten years after the governor has proclaimed a disaster emergency or the president of the United States has declared a major disaster, whichever is later.

4. *"General corporate purpose"* means:

a. The acquisition, construction, reconstruction, extension, improvement, and equipping of city utilities, city enterprises, and public improvements as defined in section 384.37, other than those which are essential corporate purposes.

b. The acquisition, construction, reconstruction, enlargement, improvement, and equipping of community center houses, recreation grounds, recreation buildings, juvenile playgrounds, swimming pools, recreation centers, parks, and golf courses, and the acquisition of real estate therefor.

c. The acquisition, construction, reconstruction, enlargement, improvement, and equipping of city halls, jails, police stations, fire stations, garages, libraries, and hospitals, including buildings to be used for any combination of the foregoing purposes, and the acquisition of real estate therefor.

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d. The acquisition, construction, reconstruction, and improvement of dams at the time of acquisition.

e. The removal, replacement, and planting of trees, other than those on public right-of-way.

f. The acquisition, purchase, construction, reconstruction, and improvement of greenhouses, conservatories, and horticultural centers for growing, storing, and displaying trees, shrubs, plants, and flowers.

g. The acquisition, construction, reconstruction, and improvement of airports at the time of establishment.

h. The undertaking of any project jointly or in cooperation with any other governmental body which, if undertaken by the city alone, would be for a general corporate purpose, including the joint purchase, acquisition, construction, ownership, or control of any real or personal property.

5. The *"cost"* of a project for an essential corporate purpose or general corporate purpose includes construction contracts and the cost of engineering, architectural, technical, and legal services, preliminary reports, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds, interest during the period or estimated period of construction and for twelve months thereafter or for twelve months after the acquisition date, and provisions for contingencies.

1. [C75, 77, 79, 81, §384.24(1)]

2. a. [C46, §390.1; C50, 54, 58, 62, 66, 71, 73, §390.1, 390.7; C75, 77, 79, 81, §384.24(2, a)]

b. [C35, §5903-f1; C39, §**5903.12;** C46, 50, 54, 58, 62, 66, §385.1; C71, 73, §378A.1, 385.1; C75, 77, 79, 81, §384.24(2, b)]

c. [R60, §1111; C73, §538; C97, §957; C24, 27, 31, 35, 39, §**6742;** C46, 50, §368.9, 420.53; C54, 58, 62, 66, 71, 73, §368.30; C75, 77, 79, 81, §384.24(2, c)]

d. [S13, §741-w2; C24, 27, 31, §5902; C35, §5902, 6066-f2; C39, §**5902, 6066.25;** C46, 50, 54, 58, 62, 66, 71, 73, §384.3, 394.2; C75, 77, 79, 81, §384.24(2, d)]

e. [C31, 35, §5903-c2; C39, §**5903.02;** C46, 50, 54, 58, 62, 66, 71, 73, §330.2; C75, 77, 79, 81, §384.24(2, e)]

f. [S13, §1056-a61; SS15, §696-b; C24, 27, 31, §5746, 6592; C35, §5746, 6066-f1, 6066-f5, 6592; C39, §**5746, 6066.24, 6066.28, 6592;** C46, 50, §368.9, 394.1, 394.5, 416.120; C54, 58, 62, 66, 71, 73, §368.24, 394.1, 394.5; C75, 77, 79, 81, §384.24(2, f)]

g. [C31, 35, §5899-c1; C39, §**5899.01;** C46, 50, 54, 58, 62, 66, 71, 73, §383.1; C75, 77, 79, 81, §384.24(2, g)]

h. [C75, 77, 79, 81, §384.24(2, h)]

i. [C58, 62, 66, 71, 73, §386B.2; C75, 77, 79, 81, §384.24(2, i)]

j. [C75, 77, 79, 81, §384.24(2, j)]

k. [C75, 77, 79, 81, §384.24(2, k)]

3. a. [R60, §1064, 1097; C73, §464, 465, 527; C97, §751, 782; S13, §1056-a65; SS15, §751, 997-a, -c; C24, 27, 31, 35, 39, §**5938, 5951, 6608, 6744, 6746;** C46, 50, §389.1, 389.20, 416.138, 420.55, 420.57; C54, 58, 62, 66, 71, 73, §368.32, 389.1, 389.20, 408.17; C75, 77, 79, 81, §384.24(3, a)]

b. [R60, §1064; C73, §464; C97, §756; C24, 27, 31, 35, 39, §**5949;** C46, 50, 54, 58, 62, 66, 71, 73, §389.16; C75, 77, 79, 81, §384.24(3, b)]

c. [C73, §466; C97, §779; S13, §779; C24, 27, 31, 35, 39, §**5962;** C46, 50, 54, 58, §389.31; C62, 66, 71, 73, §389.31, 391.1; C75, 77, 79, 81, §384.24(3, c)]

d. [S13, §1056-a63; C24, 27, 31, 35, 39, §**6125, 6594;** C46, 50, §396.22, 416.122; C54, 58, §396.22, 404.18; C62, 66, 71, 73, §396.22, 404.19; C75, 77, 79, 81, §384.24(3, d)]

e. [R60, §1097; C73, §527; C97, §757, 758; SS15, §758; C24, 27, 31, 35, 39, §**5874 – 5876;** C46, 50, §381.1 – 381.3; C54, 58, 62, 66, §381.1; C71, 73, §381.1, 381.3; C75, 77, 79, 81, §384.24(3, e)]

f. [C97, §905; C24, 27, 31, 35, 39, §**6252;** C46, 50, 54, 58, 62, 66, 71, 73, §408.1; C75, 77, 79, 81, §384.24(3, f)]

g. [C27, 31, 35, §6066-a1; C39, §**6066.03;** C46, 50, 54, §392.1; C58, 62, 66, 71, 73, §368.49, 392.1; C75, 77, 79, 81, §384.24(3, g)]

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h. [C75, 77, 79, 81, §384.24(3, h)]

i. [SS15, §849-a; C24, 27, 31, 35, 39, §**6080;** C46, 50, 54, 58, 62, 66, 71, 73, §395.1; C75, 77, 79, 81, §384.24(3, i)]

j. [C54, 58, 62, 66, 71, 73, §368.16; C75, 77, 79, 81, §384.24(3, j)]

k. [R60, §1060; C73, §458; C97, §697; C24, 27, 31, 35, 39, §**5750;** C46, 50, §368.13; C54, 58, 62, 66, 71, 73, §368.29; C75, 77, 79, 81, §384.24(3, k)]

l. [C66, 71, 73, §368.74; C75, 77, 79, 81, §384.24(3, l)]

m. – p. [C77, 79, 81, §384.24(3, m – p)]

q. [C75, §384.24(4, g); C77, 79, 81, §384.24(3, q)]

r. [82 Acts, ch 1089, §1]

4. a. [S13, §741-w2, 1306-b; C24, 27, 31, 35, 39, §**5902, 6239;** C46, 50, §384.3, 407.3(1); C54, 58, 62, 66, 71, 73, §384.3, 390.13, 407.3(1); C75, 77, 79, 81, §384.24(4, a)]

b. [R60, §1111; C73, §538; C97, §852, 957; S13, §850-c; SS15, §879-r; C24, 27, 31, 35, 39, §**5793, 5830, 5844, 6239, 6742;** C46, 50, §368.9, 370.7, 374.1, 377.1, 407.3(2, 3), 420.53; C54, 58, 62, 66, 71, 73, §368.30, 370.7, 374.1, 377.1, 407.3(2, 3); C75, 77, 79, 81, §384.24(4, b)]

c. [R60, §1116; C73, §542; C97, §732, 735; S13, §668, 732, 741-r; SS15, §741-f; C24, 27, §5772, 6239; C31, §5772, 6239, 6600-c1; C35, §5772, 6239, 6579-f; C39, §**5772, 6239, 6579.1;** C46, 50, §368.40, 407.3(4 – 6), 416.107; C54, 58, 62, 66, §368.15, 368.41, 407.3(4 – 6); C71, 73, §368.15, 368.41, 407.3(4 – 6, 9); C75, 77, 79, 81, §384.24(4, c)]

d. [C27, 31, 35, 39, §**6239;** C46, 50, 54, 58, 62, 66, 71, 73, §407.3(7); C75, 77, 79, 81, §384.24(4, d)]

e. [S13, §1056-a65; SS15, §997-a, -c; C24, 27, 31, 35, 39, §**6608, 6744, 6746;** C46, 50, §416.138, 420.55, 420.57; C54, 58, 62, 66, 71, 73, §368.32; C75, 77, 79, 81, §384.24(4, e)]

f. [C75, 77, 79, 81, §384.24(4, f)]

g. [C77, 79, 81, §384.24(4, g)]

h. [C31, 35, §5766-c1; C39, §**5766.2;** C46, §368.31; C50, §368.31, 368.57, 392.1; C54, 58, 62, 66, 71, 73, §368.12, 368.19, 392.1; C75, 77, 79, 81, §384.24(4, h)]

i. [C75, 77, 79, 81, §384.24(4, i)]

5. [C75, 77, 79, 81, §384.24(5)]

83 Acts, ch 90, §21; 86 Acts, ch 1211, §24; 87 Acts, ch 103, §6 – 8; 89 Acts, ch 182, §10; 89 Acts, ch 189, §3; 96 Acts, ch 1129, §86; 96 Acts, ch 1204, §36; 2001 Acts, ch 88, §1, 2; 2008 Acts, ch 1013, §2, 3; 2009 Acts, ch 100, §13, 21; 2010 Acts, ch 1079, §15; 2018 Acts, ch 1041, §127; 2023 Acts, ch 71, §16, 19

Referred to in §8F.2, 23A.2, 37.6, 76.1, 357E.11A, 358C.19, 384.25, 384.27, 384.28, 384.80, 384.110, 386.1, 386.12, 389.4, 390.5, 392.1, 411.38

2023 strike of former subsection 4, paragraph i applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §19

384.24A Loan agreements.

A city may enter into loan agreements to borrow money for any public purpose in accordance with the following terms and procedures:

1. A loan agreement entered into by a city may contain provisions similar to those sometimes found in loan agreements between private parties, including, but not limited to, the issuance of notes to evidence its obligations.

2. A provision of a loan agreement which stipulates that a portion of the payments be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 is not applicable. A city utility or city enterprise is a separate entity under this section whether it is governed by the governing body of the city or another governing body.

3. The governing body shall follow substantially the same authorization procedure required for the issuance of general obligation bonds issued for the same purpose to authorize a loan agreement made payable from the debt service fund.

4. The governing body may authorize a loan agreement which is payable from the general fund if the loan agreement would not cause the total of scheduled annual payments of principal or interest or both principal and interest due from the general fund in any single future fiscal year with respect to all loan agreements in force on the date of the authorization to exceed ten percent of the last certified general fund budget amount in accordance with the following procedures:

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a. The governing body must follow substantially the authorization procedures of section 384.25 to authorize a loan agreement for personal property which is payable from the general fund. The governing body must follow substantially the authorization procedures of section 384.25 to authorize a loan agreement for real property which is payable from the general fund if the principal amount of the loan agreement does not exceed the following limits:

(1) Five hundred twenty thousand dollars in a city having a population of five thousand or less.

(2) Nine hundred ten thousand dollars in a city having a population of more than five thousand but not more than seventy-five thousand.

(3) One million three hundred thousand dollars in a city having a population of more than seventy-five thousand.

b. The governing body must follow the following procedures to authorize a loan agreement for real property which is payable from the general fund if the principal amount of the loan agreement exceeds the limits set forth in paragraph *"a"*:

(1) The governing body must institute proceedings to enter into a loan agreement payable from the general fund by causing a notice of the meeting to discuss entering into the loan agreement, including a statement of the principal amount and purpose of the loan agreement and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city at least ten days prior to the discussion meeting. No sooner than thirty days following the discussion meeting shall the governing body hold a meeting at which it is proposed to take action to enter into the loan agreement.

(2) (a) If at any time before the end of the thirty-day period after which a meeting may be held to take action to enter into the loan agreement, a petition is filed with the clerk of the city in the manner provided by section 362.4, asking that the question of entering into the loan agreement be submitted to the registered voters of the city, the governing body shall either by resolution declare the proposal to enter into the loan agreement to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of entering into the loan agreement. However, for purposes of this paragraph, the petition shall not require signatures in excess of one thousand persons.

(b) The question to be placed on the ballot shall be stated affirmatively in substantially the following manner:

Shall the city of ..... enter into a loan agreement in amount of $ ..... for the purpose of .....?

(c) Notice of the election and its conduct shall be in the manner provided in section 384.26, subsections 2 through 4.

(3) If a petition is not filed or if a petition is filed and the proposition of entering into the loan agreement is approved at an election, the governing body may proceed and enter into the loan agreement.

5. The governing body may authorize a loan agreement payable from the net revenues of a city utility, combined utility system, city enterprise, or combined city enterprise by following the authorization procedures of section 384.83.

6. A loan agreement to which a city is a party or in which the city has a participatory interest is an obligation of a political subdivision of this state for the purposes of chapters 502 and 636, and is a lawful investment for banks, trust companies, savings associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and any other fiduciaries responsible for the investment of funds.

87 Acts, ch 103, §9; 92 Acts, ch 1138, §5; 95 Acts, ch 67, §53; 2009 Acts, ch 100, §14, 21; 2010 Acts, ch 1061, §154; 2012 Acts, ch 1017, §76; 2023 Acts, ch 71, §148, 154

Referred to in §37.6, 357A.11, 357E.11A, 389.4, 390.5

384.25 General obligation bonds for essential purposes.

1. A city which proposes to carry out any essential corporate purpose within or without its corporate limits, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the cost of a project must do so in accordance with the provisions of this subchapter.

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2. Before the council may institute proceedings for the issuance of bonds for an essential corporate purpose, a notice of the proposed action, including a statement of the amount and purposes of the bonds, and an estimate of the annual increase in property taxes as the result of the bond issuance on a residential property with an actual value of one hundred thousand dollars, and the time and place of the meeting at which the council proposes to take action for the issuance of the bonds, must be published as provided in section 362.3. At the meeting, the council shall receive oral or written objections from any resident or property owner of the city. After all objections have been received and considered, the council may, at that meeting or any adjournment thereof, take additional action for the issuance of the bonds or abandon the proposal to issue the bonds. Any resident or property owner of the city may appeal the decision of the council to take additional action to the district court of the county in which any part of the city is located, within fifteen days after the additional action is taken, but the additional action of the council is final and conclusive unless the court finds that the council exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal, are in lieu of the provisions contained in chapter 73A, or any other law.

3. *a.* Notwithstanding subsection 2, a council may institute proceedings for the issuance of bonds for an essential corporate purpose specified in section 384.24, subsection 3, paragraph "*w*" or "*x*", in an amount equal to or greater than three million dollars by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds.

b. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the clerk of the city signed by eligible electors of the city equal in number to twenty percent of the persons in the city who voted for the office of president of the United States at the last preceding general election that had such office on the ballot, asking that the question of issuing the bonds be submitted to the registered voters of the city, the council shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 384.26.

c. If a petition is not filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the council may proceed with the authorization and issuance of the bonds.

[R60, §1060; C73, §458; C97, §697; S13, §716-d, 840-e, 849-h, -j, 912, 912-a, 1056-a43, -a63, -a64; SS15, §758-b, -e, 840-g, -p, 997-a, -c; C24, §5750, 5878 – 5881, 6103, 6126, 6261 – 6263, 6265, 6576, 6594, 6595, 6608, 6744, 6746; C27, 31, 35, §5750, 5878 – 5881, 6066-a11, 6103, 6126, 6261 – 6263, 6265, 6594, 6595, 6608, 6744, 6746; C39, §**5750, 5878 – 5881, 6066.13, 6103, 6126, 6261, 6261.1, 6261.2, 6262, 6263, 6265, 6576, 6594, 6595, 6608, 6744, 6746;** C46, 50, §368.13, 381.5 – 381.8, 392.11, 395.25, 396.22, 408.10 – 408.14, 408.16, 416.101, 416.104, 416.122, 416.123, 416.138, 420.55, 420.57; C54, 58, §368.16, 368.29, 368.32, 381.7, 392.11, 395.25, 396.22, 404.18, 408.17; C62, 66, 71, 73, §368.16, 368.29, 368.32, 381.7, 392.11, 395.25, 396.22, 404.19, 408.17; C75, 77, 79, 81, §384.25]

2009 Acts, ch 100, §15, 21; 2018 Acts, ch 1041, §127; 2023 Acts, ch 71, §149, 154

Referred to in §28E.17, 37.6, 357E.11A, 364.4, 384.24, 384.24A, 384.71, 386.11, 389.4, 390.5

384.26 General obligation bonds for general purposes.

1. A city which proposes to carry out any general corporate purpose within or without its corporate limits, and to contract indebtedness and issue general obligation bonds to provide funds to pay all or any part of the costs of a project, must do so in accordance with the provisions of this subchapter.

2. *a.* The council shall publish notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, a statement of the estimated cost of the project for which the bonds are to be issued, and an estimate of the annual increase in property taxes as the result of the bond issuance on a residential property with an actual

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value of one hundred thousand dollars. The notice shall be published as provided in section 362.3 with the minutes of the meeting at which the council adopts a resolution to call a special election to vote upon the question of issuing the bonds. The cost of the project, as published in the notice pursuant to this paragraph, is an estimate and is not intended to be binding on the council in later proceedings related to the project.

b. Before the council may institute proceedings for the issuance of bonds for a general corporate purpose, it shall call a special election to vote upon the question of issuing the bonds. At the election the proposition must be submitted in the following form:

> Shall the ..... (insert the name of the city) issue its bonds in an amount not exceeding the amount of $..... for the purpose of .....?

3. *a.* All elections held pursuant to this section shall be held on the date specified in section 39.2, subsection 4, paragraph *"d"*.

b. Notice of the election must be given by publication as required by section 49.53 in a newspaper of general circulation in the city. At the election the ballot used for the submission of the proposition must be in substantially the form for submitting special questions at general elections.

4. The proposition of issuing general corporate purpose bonds is not carried or adopted unless the vote in favor of the proposition is equal to at least sixty percent of the total vote cast for and against the proposition at the election. If the proposition of issuing the general corporate purpose bonds is approved by the voters, the city may proceed with the issuance of the bonds.

5. *a.* Notwithstanding the provisions of subsection 2, a council may, in lieu of calling an election, institute proceedings for the issuance of bonds for a general corporate purpose by causing a notice of the proposal to issue the bonds, including a statement of the amount and purpose of the bonds, together with the maximum rate of interest which the bonds are to bear, and the right to petition for an election, to be published at least once in a newspaper of general circulation within the city at least ten days prior to the meeting at which it is proposed to take action for the issuance of the bonds subject to the following population-based limitations, adjusted and published annually in January by the department of management by applying the percentage change in the consumer price index for all urban consumers for the most recent available twelve-month period published in the federal register by the United States department of labor, bureau of labor statistics:

(1) In cities having a population of five thousand or less, in an amount of not more than five hundred twenty thousand dollars.

(2) In cities having a population of more than five thousand and not more than seventy-five thousand, in an amount of not more than nine hundred ten thousand dollars.

(3) In cities having a population in excess of seventy-five thousand, in an amount of not more than one million three hundred thousand dollars.

b. Each city's population used to determine the limitations of paragraph *"a"* shall be determined by the greater of the city's population during the most recent federal decennial census or the most recent population estimate produced by the United States census bureau.

c. If at any time before the date fixed for taking action for the issuance of the bonds, a petition is filed with the clerk of the city in the manner provided by section 362.4, asking that the question of issuing the bonds be submitted to the registered voters of the city, the council shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in the preceding subsections of this section.

d. If no petition is filed, or if a petition is filed and the proposition of issuing the bonds is approved at an election, the council may proceed with the authorization and issuance of the bonds.

[C73, §461; C97, §727, 741-4, 852 – 855; S13, §727, 741-q, -r, -v, -w2, 850-c, -e, -f, 1306-d, -e; SS15, §696-b, 741-f, -g, -h, 879-r, -s; C24, 27, §5793 – 5795, 5800 – 5804, 5902, 6241, 6244 – 6246, 6248; C31, 35, §5793 – 5795, 5800 – 5804, 5902, 5903-c5, 6241, 6244 – 6246, 6248; C39,

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§**5793 – 5795, 5800 – 5804, 5902, 5903.05, 6241, 6244 – 6246, 6248, 6261.1;** C46, 50, §330.7, 330.8, 370.7 – 370.9, 370.15 – 370.19, 384.3, 407.5, 407.8 – 407.10, 407.12, 408.11; C54, 58, 62, 66, §330.7, 370.7, 384.3, 390.13, 407.5, 407.8 – 407.10, 407.12; C71, 73, §330.7, 370.7, 378A.11, 384.3, 390.13, 407.5, 407.8 – 407.10, 407.12, 408A.1, 408A.2, 408A.6; C75, 77, 79, 81, §384.26]

92 Acts, ch 1138, §6; 95 Acts, ch 67, §53; 2018 Acts, ch 1041, §127; 2023 Acts, ch 71, §132, 136, 150 – 154; 2024 Acts, ch 1043, §89

Referred to in §8.5, 28E.17, 37.6, 357E.11A, 364.4, 384.24, 384.24A, 384.25, 384.28, 384.71, 389.4, 390.5

384.27 Sale of bonds.

1. A city may sell general obligation bonds at public or private sale in the manner prescribed by chapter 75.

2. General obligation funding or refunding bonds issued for the purposes specified in section 384.24, subsection 3, paragraph "*f*", may be exchanged for the evidences of the legal indebtedness being funded or refunded, or such funding or refunding bonds may be sold in the manner prescribed by chapter 75 and the proceeds applied to the payment of such indebtedness. Funding or refunding bonds may bear interest at the same rate as, or at a higher or lower rate or rates of interest than the indebtedness being funded or refunded.

[C97, §910; C24, 27, 31, 35, 39, §**6258, 6259;** C46, 50, 54, 58, 62, 66, §408.7, 408.8; C71, 73, §378A.11, 408.7, 408.8; C75, 77, 79, 81, §384.27]

Referred to in §37.6, 357E.11A, 389.4, 390.5

384.28 Categories for general obligation bonds.

1. A city may issue general obligation bonds pursuant to a resolution adopted at a regular or special meeting by a majority of the total number of members to which the council is entitled. Each paragraph of section 384.24, subsections 3 and 4, describes a separate category. Separate categories of essential corporate purposes and of general corporate purposes may be incorporated in a single notice of intention to institute proceedings for the issuance of bonds, or separate categories may be incorporated in separate notices, and after an opportunity has been provided for filing objections, or after a favorable election has been held, if required, the council may include in a single resolution and sell as a single issue of bonds, any number or combination of essential corporate purposes or general corporate purposes. If an essential corporate purpose is combined with a general corporate purpose in a single notice of intention to institute proceedings to issue bonds, then the entire issue is subject to the referendum requirement provided in section 384.26.

2. Definitions of city enterprises, essential corporate purposes, and general corporate purposes are not mutually exclusive and shall be liberally construed. The detailing of examples is not intended to modify or restrict the meaning of general words used. If a project or activity may be reasonably construed to be included in more than one classification, the council may elect at any time between the classifications and the procedures respectively applicable to each classification.

[C75, 77, 79, 81, §384.28]

83 Acts, ch 90, §22; 2019 Acts, ch 24, §104

Referred to in §37.6, 357E.11A, 389.4, 390.5

384.29 Form of bonds.

As provided by resolution of the council, general obligation bonds may:

1. Bear dates.
2. Bear interest at rates not exceeding the limitations imposed by chapter 75.
3. Mature in one or more installments.
4. Be in either coupon or registered form.
5. Carry registration and conversion privileges.
6. Be payable as to principal and interest at times and places.
7. Be subject to terms of redemption prior to maturity with or without premium.
8. Be in one or more denominations.
9. Be designated with a brief reference to purpose, or if issued for a combination of purposes, be designated "corporate purpose bond".

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10. Contain other provisions not in conflict with the laws of the state of Iowa.

[C97, §908; C24, 27, 31, 35, 39, §**6255;** C46, 50, 54, 58, 62, 66, 71, 73, §408.4; C75, 77, 79, 81, §384.29]

Referred to in §37.6, 357E.11A, 386.11, 389.4, 390.5

384.30 Execution.

General obligation bonds must be executed by the mayor and city clerk. If coupons are attached to the bonds, they must be executed with the original or facsimile signature of the clerk. A general obligation bond is valid and binding if it bears the signatures of the officers in office on the date of the execution of the bonds, notwithstanding that any or all such persons whose signatures appear thereon have ceased to be such officers prior to the delivery thereof.

[C97, §907; C24, 27, 31, 35, 39, §**6254;** C46, 50, 54, 58, 62, 66, 71, 73, §408.3; C75, 77, 79, 81, §384.30]

Referred to in §37.6, 357E.11A, 386.11, 389.4, 390.5

384.31 Negotiable.

General obligation bonds issued pursuant to this subchapter are negotiable instruments.

[C75, 77, 79, 81, §384.31]

2017 Acts, ch 29, §107; 2018 Acts, ch 1041, §127

Referred to in §37.6, 357E.11A, 386.11, 389.4, 390.5

384.32 Tax to pay.

Taxes for the payment of general obligation bonds must be levied in accordance with chapter 76, and the bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the city through its debt service fund authorized by section 384.4.

[C97, §852 – 855, 912; S13, §741-w2, 758-b, 849-j, 850-c, -e, -f, 912-a, 1056-a43, -a63, -a64, -a65; SS15, §840-g, -p, 997-c; C24, 27, 31, §5793 – 5795, 5800 – 5804, 5878 – 5881, 5902, 6103, 6261 – 6263, 6265, 6594, 6595, 6608, 6746; C35, §5793 – 5795, 5800 – 5804, 5878 – 5881, 5902, 6103, 6261 – 6263, 6265, 6578-b1, 6594, 6595, 6608, 6746; C39, §**5793 – 5795, 5800 – 5804, 5878 – 5881, 5902, 6103, 6261 – 6263, 6265, 6578.1, 6594, 6595, 6608, 6746;** C46, 50, §370.7 – 370.9, 370.15 – 370.19, 381.5 – 381.8, 384.3, 395.25, 408.10 – 408.14, 408.16, 416.104, 416.122, 416.123, 416.138, 420.57; C54, 58, §368.16, 368.29, 368.32, 370.7, 381.7, 384.3, 390.14, 395.25, 404.18, 408.17; C62, 66, §368.16, 368.29, 368.32, 370.7, 381.7, 384.3, 390.13, 395.25, 404.19, 408.17; C71, 73, §368.16, 368.29, 368.32, 370.7, 378A.11, 381.7, 384.3, 390.13, 395.25, 404.19, 408.17; C75, 77, 79, 81, §384.32]

Referred to in §37.6, 357E.11A, 389.4, 390.5

384.33 Action.

No action may be brought which questions the legality of general obligation bonds or the power of the city to issue the bonds or the effectiveness of any proceedings relating to the authorization and issuance of the bonds from and after sixty days from the time the bonds are ordered issued by the city.

[C71, 73, §378A.13; C75, 77, 79, 81, §384.33]

Referred to in §37.6, 357E.11A, 389.4, 390.5

384.34 Local budget law.

The provisions of subchapter II of this chapter do not apply to any bonds issued pursuant to this subchapter.

[C75, 77, 79, 81, §384.34]

2018 Acts, ch 1041, §127

Referred to in §37.6, 357E.11A, 389.4, 390.5

384.35 Rule of construction.

The enumeration in this subchapter of specified powers and functions is not a limitation of the powers of cities, but the provisions of this subchapter and the procedures prescribed for exercising the powers and functions enumerated in this subchapter shall control and govern

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in the event of any conflict with the provisions of any other section, division, or chapter of the city code or with the provisions of any other law.

[C75, 77, 79, 81, §384.35]
2018 Acts, ch 1041, §127
Referred to in §37.6, 357E.11A, 389.4, 390.5

384.36 Prior proceedings.

Projects and proceedings for the issuance of general obligation bonds commenced before the effective date of the city code may be consummated and completed as required or permitted by any statute or other law amended or repealed by the city code as though the repeal or amendment had not occurred, and the rights, duties, and interests flowing from such projects and proceedings remain valid and enforceable. Without limiting the foregoing, projects commenced prior to the effective date may be financed by the issuance of general obligation bonds under any such amended or repealed law or by the issuance of general obligation bonds under the city code. For the purposes of this section, commencement of a project includes but is not limited to action taken by the council or authorized officer to fix a date for a hearing in connection with any part of the project, and commencement of proceedings for the issuance of general obligation bonds includes but is not limited to action taken by the council to fix a date for either a hearing or a sale in connection with any part of the general obligation bonds, or to order any part thereof to be issued.

[C75, 77, 79, 81, §384.36]
Referred to in §37.6, 357E.11A, 389.4, 390.5

SUBCHAPTER IV

SPECIAL ASSESSMENTS

Referred to in §331.382, 331.384, 331.486, 331.487, 358.16, 364.13, 384.11, 384.23, 425.17, 468.586, 468.587

384.37 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"Abutting lot"* means a lot which abuts or joins the street in which the public improvement is located or which abuts the right-of-way of the public improvement.
2. *"Adjacent lot"* means a lot within the district which does not abut upon the street or right-of-way of the public improvement.
3. *"Construction"* includes materials, labor, acts, operations and services necessary to complete a public improvement.
4. *"District"* means the lots or parts of lots within boundaries established by the council for the purpose of the assessment of the cost of a public improvement.
5. *"Engineer"* means a professional engineer, licensed in the state of Iowa, authorized by the council to render services in connection with the public improvement.
6. *"Final grade"* means the grade to which the public improvement is proposed to be constructed or repaired as shown on the final plans adopted by the council.
7. *"Grade"* means the longitudinal reference lines, as established by ordinance of the council, which designate the elevations at which a street or sidewalk is to be built.
8. *"Gravel"* includes gravel, crushed rock, cinders, shale and similar materials suitable for street construction or repair.
9. *"Lateral sewer"* means a sewer which contributes sewage, or surface or groundwater from a local area to a main sewer or outlet.
10. *"Lot"* means a parcel of land under one ownership, including improvements, against which a separate assessment is made. Two or more contiguous parcels under common ownership may be treated as one lot for purposes of this subchapter if the parcels bear common improvements or if the council finds that the parcels have been assembled into a single unit for the purpose of use or development.
11. *"Main sewer"* means a sewer which serves as an outlet for two or more lateral sewers, and which is commonly referred to as an intercepting sewer, outfall sewer or trunk sewer.

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12. *"Oil"* means any asphaltic or bituminous material suitable for street construction or repair.

13. *"Parking facilities"* means parking lots or other off-street areas for the parking of vehicles, including areas below or above the surface of streets.

14. *"Paving"* means any kind of hard street surface, including, but not limited to, concrete, bituminous concrete, brick, stabilized gravel, or combinations of these, together with or without curb and gutter.

15. *"Private property"* means all property within the district except streets.

16. *"Property owner"* or *"owner"* means the owner or owners of property, as shown by the transfer books in the office of the county auditor of the county in which the property is located.

17. *"Proposal"* means a legal bid on work advertised for a public improvement under chapter 26.

18. *"Publication"* means public notice given in the manner provided in section 362.3.

19. *"Public improvement"* includes the principal structures, works, component parts and accessories of any of the following:

a. Sanitary, storm and combined sewers.

b. Drainage conduits, channels and levees.

c. Street grading, paving, graveling, macadamizing, curbing, guttering, and surfacing with oil, oil and gravel or chloride.

d. Street lighting fixtures, connections and facilities.

e. Sewage pumping stations, and disposal and treatment plants.

f. Underground gas, water, heating, sewer and electrical connections located in streets for private property.

g. Sidewalks and pedestrian underpasses or overpasses.

h. Drives and driveway approaches located within the public right-of-way.

i. Waterworks, water mains and extensions.

j. Plazas, arcades and malls.

k. Parking facilities.

l. Removal of diseased or dead trees from any public place, publicly owned right-of-way or private property.

m. Traffic-control devices, fixtures, connections, and facilities.

20. *"Railways"* means all railways except street railways.

21. *"Repair"* includes materials, labor, acts, operations and services necessary for the repair, reconstruction, reconstruction by widening or resurfacing of a public improvement.

22. *"Sewer"* means structures designed, constructed and used for the purpose of controlling or carrying off streams, surface waters, waste or sanitary sewage.

23. *"Sewer systems"* are composed of the main sewers, sewage pumping stations, treatment and disposal plants, lateral sewers, drainage conduits or channels and sewer connections in public streets for private property.

24. *"Street"* means a public street, highway, boulevard, avenue, alley, parkway, public place, plaza, mall or publicly owned right-of-way or easement within the limits of the city.

25. *"Street improvement"* means the construction or repair of a street by grading, paving, curbing, guttering, and surfacing with oil, oil and gravel, or chloride, and street lighting fixtures, connections and facilities.

26. *"Total cost"* or *"cost"* of a public improvement includes the cost of engineering, preliminary reports, property valuations, estimates, plans, specifications, notices, legal services, acquisition of land, consequential damages or costs, easements, rights-of-way, construction, repair, supervision, inspection, testing, notices and publication, interest during construction and for not more than six months thereafter, and printing and sale of bonds.

[R60, §1064, 1097; C73, §464 – 466, 527; C97, §751, 779, 792; S13, §779, 792, 792-f, 840-c, -d; SS15, §751, 840-h, -r; C24, 27, §5938, 5962, 5974, 5975, 5987; C31, 35, §5938, 5962, 5974, 5975, 5987, 6610-c8; C39, §**5938, 5962, 5974, 5975, 5987, 6610.04;** C46, §389.1, 389.31, 391.1,

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391.2, 391.14, 417.8; C50, 54, 58, 62, §389.1, 389.31, 391.1, 391.2, 391.14, 391A.1, 417.8; C66, 71, 73, §389.1, 389.31, 390A.39, 391.1, 391.2, 391.14, 391A.1, 417.8; C75, 77, 79, 81, §384.37]

83 Acts, ch 90, §23; 92 Acts, ch 1176, §1; 2007 Acts, ch 126, §61; 2007 Acts, ch 144, §17; 2018 Acts, ch 1041, §127

Referred to in §298.3, 331.485, 357E.11A, 384.24, 384.44, 386.1, 468.585, 669.14, 670.4

384.38 Certain costs assessed to private property.

1. A city may assess to private property within the city the cost of construction and repair of public improvements within the city, and main sewers, sewage pumping stations, disposal and treatment plants, waterworks, water mains, extensions, and drainage conduits extending outside the city.

2. Upon petition as provided in section 384.41, subsection 1, a city may assess to private property affected by public improvements within three miles of the city's boundaries the cost of construction and repair of public improvements within that area. The right-of-way of a railway company shall not be assessed unless the company joins as a petitioner for said improvements. In the petition the property owners shall waive the limitation provided in section 384.62 that an assessment shall not exceed twenty-five percent of the value of the lot. The petition shall contain a statement that the owners agree to pay the city an amount equal to five percent of the cost of the improvements, to cover administrative expenses incurred by the city. This amount may be added to the cost of the improvements. Before the council may adopt the resolution of necessity, the preliminary resolution, preliminary plans and specifications, plat, schedule, and estimate of cost must be submitted to, and receive written approval from, the board of supervisors of any county which contains part of the property, and the city development board established in section 368.9.

3. *a.* A city may establish, by ordinance or by resolution adopted as an ordinance after notice published in accordance with section 362.3, and a public hearing, one or more districts and schedules of fees for the connection of property to the city sewer or water utility. If the governing body directs that notice be made by mail, the notice shall be as required in section 384.50. Each person whose property will be served by connecting to the city sewer or water utility shall pay a connection fee to the city. The ordinance shall be certified by the city and recorded in the office of the county recorder of the county in which a district is located. The connection fees are due and payable when a utility connection application is filed with the city. A connection fee may include the equitable cost of extending the utility to the properties, including reasonable interest from the date of construction to the date of payment. All fees collected under this subsection shall be paid to the city treasurer. The moneys collected as fees shall only be used for the purposes of operating the utility, or to pay debt service on obligations issued to finance improvements or extensions to the utility.

b. This subsection shall not apply when a city annexation plan includes annexation of an area adjoining the city and a petition has not been presented as provided in section 384.41 for a city sewer or water utility connection. Until annexation takes place, or the annexation plan is abandoned, the state mandate contained in section 455B.172, subsections 3, 4, and 5, shall not apply unless the individual property owner voluntarily pays the connection fee and requests to be connected to the city sewer or water utility.

[SS15, §840-d, -g; C24, §5985, 5986; C27, 31, 35, §5985, 5986, 6190-a1; C39, §**5985, 5986, 6190.01;** C46, §391.12, 391.13, 401.1; C50, §391.12, 391.13, 391A.2, 401.1, 420.56; C54, 58, 62, §391.12, 391.13, 391A.2, 401.1; C66, 71, 73, §390A.3, 390A.18, 391.12, 391.13, 391A.2, 401.1; C75, 77, 79, 81, §384.38]

94 Acts, ch 1073, §1; 96 Acts, ch 1120, §1; 2004 Acts, ch 1086, §65; 2010 Acts, ch 1061, §180; 2025 Acts, ch 130, §8

Referred to in §357E.11A, 358.22, 384.68

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384.39 Improvements brought to grade.

Paving, curbing, guttering, or sidewalks may not be constructed unless the improvement, when completed, will be to grade.

[C73, §466; C97, §779, 792; S13, §779, 792; SS15, §840-q; C24, 27, 31, 35, 39, §**5962, 5976;** C46, §389.31, 391.3; C50, §389.31, 391.3, 391A.2; C54, 58, 62, 66, 71, 73, §389.31, 391.3, 391A.3; C75, 77, 79, 81, §384.39]

Referred to in §357E.11A

384.40 Underground improvements.

A city may include underground gas, water, heating, sewer, or electrical connections to the street or property line for private property as a part of the public improvement, or a city may order the property owner to make, repair, or relocate such connections by publication of a notice once each week for two consecutive weeks in the manner provided by section 362.3, and if the order is not complied with at the end of thirty days after the date of the first publication, the city may cause the work to be done and assess the cost against the property served by the connection.

[C97, §779, 809; S13, §779, 792-f; C24, 27, 31, 35, 39, §**5981;** C46, §391.8; C50, §391.8, 391A.16; C54, 58, 62, 66, 71, 73, §391.8, 391A.4; C75, 77, 79, 81, §384.40]

Referred to in §357E.11A, 384.55

384.41 Petition by property owners.

1. Property owners may initiate a plan for a public improvement to be paid for in whole or in part by special assessments, by written contract to be approved by the city and signed by all of the owners of record of all property affected by the proposed assessment. If all owners of record of all the property to be affected by the public improvement petition the council, said owners may, in their petition, waive notice to property owners by publication and mailing, as provided in section 384.50, and the council may proceed to adopt a preliminary resolution, a plat, schedule and estimate, and resolution of necessity, and order preparation of detailed plans and specifications. Special assessments initiated without notice under this section are liens upon the property to be affected by the assessment, to the same extent as provided in section 384.65, subsection 5, except that they shall be subordinate to any perfected lien unless the holder of such perfected lien consents in writing to the initiation of the public improvement.

2. A petition may be filed subsequent to the initiation by the council of a plan for a public improvement, and if the petition is received prior to advertising for bids, the public improvement petitioned for may be added by amendment to the resolution of necessity. If the petition is received subsequent to advertising for bids and prior to the completion of the work under contract, the council may, in its discretion, approve the petition and contract with the contractor at a cost not to exceed the unit prices bid at public letting for the construction of the public improvements petitioned for by property owners.

3. This section does not limit the power of a city to initiate a public improvement project on its own motion.

4. Owners of commercial or industrial property may initiate a plan, under subsection 1 or 2, for the purchase of a traffic-control device, fixture, connection, or facility to be paid for in whole or in part by special assessments provided that the proposed assessments shall be made only against the commercial or industrial property owned by the petitioners.

[C31, 35, §6610-c7; C39, §**6610.13;** C46, 50, 54, 58, 62, 66, 71, 73, §417.7; C75, 77, 79, 81, §384.41]

92 Acts, ch 1176, §2

Referred to in §357E.11A, 384.38

384.42 Procedure on public improvement.

To construct or repair a public improvement to be paid for in whole or in part by special assessments, the council shall proceed as follows:

1. Arrange for engineering services to prepare the plats, schedules, estimates of cost, plans, and specifications and to supervise construction of the proposed improvement.

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2. Adopt a preliminary resolution by the vote of a majority of all the members of the council. The preliminary resolution shall contain the following:

a. A description of the types or alternate types of improvement proposed.

b. The beginning and terminal points or general location of the proposed improvement.

c. An order to the engineer to prepare preliminary plans and specifications, estimated total cost of the work, and a plat and schedule, and to file them with the clerk.

d. A general description of the property or a designation of the lots which the council believes will be specially benefited by the improvement.

3. The preliminary resolution may also contain the following:

a. A statement of the proportion of the total cost which the council proposes to assess against specially benefited property.

b. A short and convenient designation for the public improvement by which it may be referred to in all subsequent proceedings.

4. A preliminary resolution may include more than one improvement or class of improvement.

5. A single improvement may be in more than one locality or street, and that portion of the street which has been improved by any railway, or which the city may require the railway to improve under franchise or contract, may be excluded.

[C50, §391A.4; C54, 58, 62, 66, 71, 73, §391A.5; C75, 77, 79, 81, §384.42]
Referred to in §357E.11A

384.43 Preliminary plans.

Preliminary plans and specifications must only be in sufficient detail to advise any person interested of the general nature, character, and type of the improvement.

[C54, 58, 62, 66, 71, 73, §391A.6; C75, 77, 79, 81, §384.43]
Referred to in §357E.11A

384.44 Estimated cost.

The estimated total cost of any public improvement constructed under this subchapter must include all of the items of cost listed in section 384.37, subsection 26, which the council proposes to include as a part of the cost of the public improvement, and may include an item to be known as the default fund amounting to not more than ten percent of the portion of the total cost of the improvement which the council proposes to assess against specially benefited property.

[C50, §391A.25; C54, 58, 62, 66, 71, 73, §391A.7; C75, 77, 79, 81, §384.44]
2017 Acts, ch 29, §108; 2018 Acts, ch 1041, §127
Referred to in §357E.11A

384.45 Plats.

The plat as prepared and filed by the engineer must show the following information:

1. The boundaries of the district containing the lots proposed to be assessed.

2. The location of each lot under separate ownership within the district, including the property of all railways and utilities subject to assessment.

3. The location of the improvement within the district, together with the terminal points of all major parts proposed to be assessed.

4. The type and general details of the improvement.

[C97, §965; S13, §849-b, 965; SS15, §840-k; C24, 27, 31, 35, 39, §**5993, 6081, 6913;** C46, §391.20, 395.3, 420.265; C50, §391.20, 391A.5, 395.3, 420.265; C54, 58, 62, §391.20, 391A.8, 395.3, 420.265; C66, 71, 73, §390A.9, 391.20, 391A.8, 395.3, 420.265; C75, 77, 79, 81, §384.45]
Referred to in §357E.11A

384.46 Lot valuations.

Upon completion of the plat, the council shall determine the valuation of each lot within the proposed assessment district and shall report the valuations to the engineer, who shall show such valuations on the schedule before it is filed with the clerk. A valuation must be the present fair market value of the property with the proposed public improvement completed. As an aid in determining valuations, the council may appoint a committee of three persons

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skilled in the knowledge of real estate values within the city to appraise the present fair market value of each lot within a district and to file a written report of its appraisals with the council.

[C31, 35, §6610-c4; C39, §**6610.08;** C46, 50, §417.4; C54, 58, 62, 66, 71, 73, §391A.9, 417.4; C75, 77, 79, 81, §384.46]

Referred to in §357E.11A, 358C.17

384.47 Schedule.

The schedule, as prepared by the engineer, must show the following information for each lot within the district:

1. A description and parcel number of each lot and the name of the property owner.
2. The valuation of each lot as determined by the council.
3. The total amount proposed to be assessed to each lot, including the assessment for the default fund, if any.
4. The proportion of the estimated total cost of the public improvement which is allocated to each lot.
5. The amount of deficiency, if any, between the amount proposed to be assessed and the proportion of the estimated total cost of the public improvement allocated to each lot. The amount of deficiency shall be shown as a conditional deficiency assessment as authorized by sections 384.60, 384.62 and 384.63.

[C97, §965; S13, §849-b, 965; SS15, §751, 840-k; C24, 27, 31, 35, 39, §**5993, 6081, 6913;** C46, §391.20, 395.3, 420.265; C50, §391.20, 391A.6, 395.3, 420.265; C54, 58, 62, §391.20, 391A.10, 395.3, 420.265; C66, 71, 73, §390A.9, 391.20, 391A.10, 395.3, 420.265; C75, 77, 79, 81, §384.47]

98 Acts, ch 1107, §11

Referred to in §357E.11A

384.48 Adoption of plat.

When the plat, schedule, and estimate of cost have been filed, the council may, before adopting a proposed resolution of necessity, cause the estimate, valuation, or assessment of any lot or the boundaries of the district as reported by the engineer to be amended, and may adopt the plat, schedule, and estimate as amended or as filed.

[C50, §391A.8; C54, 58, 62, 66, 71, 73, §391A.11; C75, 77, 79, 81, §384.48]

Referred to in §357E.11A, 384.54

384.49 Resolution of necessity.

If, upon adoption of the plat, schedule, and estimate, the council determines to proceed with all or any part of the public improvement, it shall cause a proposed resolution of necessity to be prepared and introduced.

1. The resolution of necessity must include all of the following:

a. A brief description of the proposed public improvement.

b. A statement that there is on file in the office of the clerk an estimated total cost of the work, and a preliminary plat and schedule showing the amount proposed to be assessed to each lot for the improvement.

c. The date, time, and place the council will hear property owners subject to the assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of the district.

2. A resolution of necessity may include:

a. Any number of streets or sewer lines for improvement.

b. All improvements which are included in the preliminary resolution.

c. A provision that unless a property owner files objections with the clerk at the time of hearing on the resolution of necessity, the property owner is deemed to have waived all objections pertaining to the regularity of the proceeding and the legality of using the special assessment procedure.

3. *a.* To replace curbing and gutters in cities with a population of less than ten thousand, the council may adopt a preliminary resolution as provided in subsection 1. The description of the curbing and gutters to be replaced shall be prepared under the council's supervision. The council may, by resolution, provide for the computation of the assessments on the basis

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of the original assessment or of the lineal footage of the curbing and gutters to be replaced. Public improvements initiated under this subsection shall in all other respects comply with this subchapter.

b. For purposes of this subsection, *"replace"* means to substitute new curb and gutter at the same location where old curb and gutter is located and being reconstructed due to deterioration or destruction. *"Replace"* does not include the reconstruction of curb and gutter to change the grade or reconstruction required because of a street widening project.

[C73, §465, 466; C97, §791, 810; S13, §849-c; SS15, §751, 810, 840-j, 840-m; C24, §5942, 5991, 5992; C27, §5942-b2, 5991, 5992, 5995, 6082; C31, 35, §5942-b2, 5991, 5992, 5995, 6082, 6610-c17; C39, §**5942.2, 5991, 5992, 5995, 6082, 6610.16;** C46, §389.6, 391.18, 391.19, 391.22, 395.4, 417.17; C50, §389.6, 391.18, 391.19, 391.22, 391A.9, 395.4, 417.17; C54, 58, 62, §389.6, 391.18, 391.19, 391.22, 391A.12, 395.4, 417.17; C66, 71, 73, §389.6, 390A.7, 390A.8, 390A.11, 391.18, 391.19, 391.22, 391A.12, 395.4, 417.17; C75, 77, 79, 81, §384.49; 82 Acts, ch 1087, §1]

2018 Acts, ch 1041, §127

Referred to in §357E.11A

384.50 Notice of hearing.

1. The clerk shall publish notice of the date, time, and place of the hearing once each week for two consecutive weeks in the manner provided by section 362.3.

2. The notice must be in substantially the following form:

NOTICE TO PROPERTY OWNERS

Notice is given that there is now on file for public inspection in the office of the clerk of ....., Iowa, a proposed resolution of necessity, an estimate of cost, and a plat and schedule showing the amounts proposed to be assessed against each lot and the valuation of each lot within a district approved by the council of ....., Iowa, for a ..... improvement of the type(s) and in the location(s) as follows:

The council will meet at ..... o'clock .....m., on ..... (date), at the ....., at which time the owners of property subject to assessment for the proposed improvement or any other person having an interest in the matter may appear and be heard for or against the making of the improvement, the boundaries of the district, the cost, the assessment against any lot, or the final adoption of a resolution of necessity. A property owner will be deemed to have waived all objections unless at the time of hearing the property owner has filed objections with the clerk.

.....

Clerk

3. Not less than fifteen days before the hearing, the clerk shall send a copy of the notice by mail to each property owner whose property is subject to assessment for the improvement at the address as shown by the records of the county auditor. If a property is shown to be in the name of more than one owner at the same mailing address, a single notice may be mailed addressed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment.

[C97, §810, 823, 824, 965, 971; S13, §823, 840-a, 849-c, 965, 971; SS15, §810, 840-l, -r; C24, 27, §5997, 6026, 6029, 6083, 6092, 6901, 6914; C31, 35, §5997, 6026, 6029, 6083, 6092, 6610-c9, 6610-c10, 6901, 6914; C39, §**5997, 6026, 6029, 6083, 6092, 6610.21, 6610.22, 6901, 6914;** C46, §391.24, 391.53, 391.56, 395.5, 395.14, 417.9, 417.10, 420.253, 420.266; C50, §391.24, 391.53, 391.56, 391A.10, 395.5, 395.14, 417.9, 417.10, 420.253, 420.266; C54, 58, 62, §391.24, 391.53, 391.56, 391A.13, 395.5, 395.14, 417.9, 417.10, 420.253, 420.266; C66, 71, 73, §390A.13, 390A.27, 390A.29, 391.24, 391.53, 391.56, 391A.13, 395.5, 395.14, 417.9, 417.10, 420.253, 420.266; C75, 77, 79, 81, §384.50]

86 Acts, ch 1241, §9; 2000 Acts, ch 1058, §62; 2010 Acts, ch 1061, §155; 2025 Acts, ch 130, §9

Referred to in §357E.11A, 384.38, 384.41, 384.55, 384.56

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384.51 Adoption of resolution.

1. The council shall meet as specified in the published notice, and after hearing all objections and endorsements from property owners and other persons having an interest in the matter, and after considering all filed, written objections, may adopt or amend and adopt the proposed resolution of necessity, or may defer action until a subsequent meeting. A resolution of necessity requires for passage the vote of three-fourths of all the members of the council, or, in cities having but three members of the council, the vote of two members, and where a remonstrance has been filed with the clerk, signed by the owners subject to seventy-five percent of the amount of the proposed assessments for the entire public improvement included in the resolution of necessity, a resolution of necessity requires a unanimous vote of the council.

2. An amendment which extends the boundaries of a district, increases the amount to be assessed against a lot, or adds additional public improvements, is not effective until an amended plat, schedule, and estimate have been prepared and adopted, a notice published and mailed to all affected property owners, and hearing held in the same manner as the original proceedings, or until all affected property owners agree in writing to the change. The adoption of a resolution of necessity is a legislative determination that the improvement is expedient and proper and that property assessed will be specially benefited by the improvement and this determination of the council is conclusive. Ownership of property to be assessed by an improvement does not, except for fraud or bad faith, disqualify a council member from voting on any measure.

3. After adopting the resolution of necessity, the clerk shall certify to the county treasurer of each county in which the assessed property is located, a copy of the resolution of necessity, the plat, and the schedule of assessments. In counties in which taxes are collected in two or more places, the resolution of necessity, the plat, and the schedule of assessments shall be certified to the office of county treasurer where the special assessments are collected. The county treasurer shall preserve the resolution, plat, and schedule as a part of the records of the office until the city certifies the final assessment schedule as provided in section 384.60 or certifies that the public improvement has been abandoned.

[C73, §466; C97, §793, 794, 810, 811, 965; S13, §792-b, 793, 965; SS15, §810, 840-m; C24, 27, §5996, 5999, 6915; C31, 35, §5996, 5999, 6610-c15, 6610-c16, 6915, 6915-c1; C39, §**5996, 5999, 6610.26, 6610.28, 6915, 6915.1;** C46, §391.23, 391.26, 417.15, 417.16, 420.267, 420.268; C50, §391.23, 391.26, 391A.11, 417.15, 417.16, 420.267, 420.268; C54, 58, 62, §391.23, 391.26, 391A.14, 417.15, 417.16, 420.267, 420.268; C66, 71, 73, §390A.12, 391.23, 391.26, 391A.14, 417.15, 417.16, 420.267, 420.268; C75, 77, 79, 81, §384.51; 82 Acts, ch 1104, §15]

86 Acts, ch 1241, §10; 89 Acts, ch 39, §11; 2017 Acts, ch 54, §76

Referred to in §331.552, 357E.11A, 384.54, 384.65

384.52 Detailed plans and specifications.

After adopting a resolution of necessity, the council may, by resolution, order the engineer to prepare and file with the clerk detailed plans and specifications, and order the engineer and city attorney, or any attorney designated by the council, to prepare and file with the clerk a notice to bidders and form of contract.

[C97, §965; S13, §965; C24, 27, 31, 35, 39, §**6915;** C46, §420.267; C50, §391A.12, 420.267; C54, 58, 62, 66, 71, 73, §391A.15, 420.267; C75, 77, 79, 81, §384.52]

Referred to in §357E.11A

384.53 Procedures to let contract.

Contract letting procedures shall be as provided in chapter 26. The council may award any number of contracts for construction of any public improvement.

[C97, §791, 812; S13, §840-a; C24, 27, 31, 35, 39, §**6001;** C46, 50, 54, 58, 62, 66, 71, 73, §391.28; C75, 77, 79, 81, §384.53]

2007 Acts, ch 144, §18

Referred to in §357E.11A

384.54 Confirmation by decree.

1. At any time after final adoption of the resolution of necessity, but before awarding the

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contract, the council may direct the city attorney to file, in the district court of the county in which the property proposed to be assessed is located, a petition praying that the acts done by the council relative to the proposed public improvement be confirmed by decree.

2. The following must be filed with the petition in the office of the clerk of the court:

a. A copy of the resolution of necessity as adopted by the council.

b. A copy of the proposed schedule of assessments as adopted by the council under sections 384.48 and 384.51, which schedule shows the maximum amount that the council proposes to assess against any lot.

c. Preliminary plans and specifications, or, if available, detailed plans and specifications as prepared by the engineer.

d. A copy of the proposed contract if prepared.

3. Notice of the filing of the petition must be given in the same manner as is provided for service of original notice by publication by the rules of civil procedure, except as follows:

a. No affidavit of inability to obtain personal service within the state of Iowa is required.

b. The original notice must name as defendants those property owners who, on the date of filing the petition, have an interest in the real property to be assessed as a part of the public improvement, and the original notice must state that a plat and schedule is on file in the office of the clerk of the district court where the action is pending. No property owner is an indispensable party to the action. Publication of plat and schedule as part of the original notice is not required, nor shall reference in the original notice to specific descriptions of affected real property or the amounts of proposed assessments be necessary.

4. The petition must be given precedence over any other business of the court, except criminal cases. The court shall set the petition for hearing within thirty days from the date of final publication of notice. As a part of its order, the court may provide for a pretrial conference to be held not earlier than twenty days from the date of final publication of notice and require the appearance at the pretrial conference of all interested parties. Failure to appear at the pretrial conference may be grounds for dismissing any objection.

5. If no person having an interest in property proposed to be assessed has entered an appearance or filed an answer within the time set for hearing on the petition, the court shall confirm the assessment, and order the clerk of court to certify its decree to the city clerk.

6. If any person having an interest in property proposed to be assessed has entered an appearance or filed an answer to the petition, the court shall hear the cause as an action triable in equity.

7. Upon the hearing the court may correct any irregularities or inequalities in valuations or in the schedule of assessments, and shall consider any objections because of alleged illegal procedure or fraud.

8. The court shall render a decision upon the hearing as soon as practical after the final submission of the cause.

9. The clerk of the court shall certify to the city clerk the final action of the court, within three days from the date of the final decree upon the petition, showing assessments as confirmed in the schedule of assessments.

10. An appeal from the decree of the district court must be taken as in other equity cases.

11. A contract may or may not be let, in the discretion of the council, until appeals are finally determined, but the appeals need not delay the letting and execution of a contract for the work, if the council concludes the appeals were not taken in good faith.

12. An appeal does not, in the discretion of the council, delay the certification of an assessment or progress of an improvement, but upon decision of the appeal the assessment appealed from must be corrected and collected in the same manner as provided in section 384.74.

13. Corrections of assessments or valuations made by order of the district court are conclusive and not subject to review on appeal, or otherwise, except as provided in subsections 10 through 12 of this section. When court confirmation is obtained there is no right of appeal under the provisions of section 384.66.

14. If no contract is entered into within ninety days from the date of confirmation by the district court or within a further time allowed by the court on subsequent application, and

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if no appeal is pending, the court shall cancel the assessment, upon application of the city attorney.

15. *a.* The cost of all court proceedings are a legitimate item of expense in connection with a public improvement, and may be included within the final assessment against any property specially benefited in the assessment district.

b. Whenever on a hearing by the court, the amount of any assessment is reduced or canceled so that there is a deficiency in the total amount remaining assessed in the proceeding, the court may assess the deficiency to the city or distribute the deficiency upon the other property abutting upon or adjacent to the improvement or in the district assessed, in a manner the court finds to be just and equitable, not exceeding, however, the amount the property would be specially benefited by the improvement, and not exceeding twenty-five percent of the value of the lot as shown by the plat and schedule of assessments or as reduced by the court.

[C31, 35, §6610-c28, -c31, -c32, -c34 – c40, -c42 – c44, -c56; C39, §**6610.31 – 6610.33, 6610.36 – 6610.41, 6610.43, 6610.44, 6610.46, 6610.65, 6610.67;** C46, 50, §417.28, 417.31, 417.32, 417.34 – 417.40, 417.42 – 417.44, 417.60; C54, 58, 62, 66, 71, 73, §391A.18, 417.28, 417.31, 417.32, 417.34 – 417.40, 417.42 – 417.44, 417.60; C75, 77, 79, 81, §384.54]

2010 Acts, ch 1069, §128 – 130; 2021 Acts, ch 80, §237

Referred to in §357E.11A

384.55 Notice of paving to water board.

In cities having a water utility under the management of a board of trustees and in which water connections are not installed by the trustees at public expense, the council shall notify the board at the time of the adoption of a preliminary resolution, of any proposed street paving projects. The board shall report to the council the number of connections from water mains in streets to the curb lines of the proposed improvement necessary to serve private property dependent upon those particular mains for water supply, and the numbers of the lots to be served by the connections, and the names of the owners. Notice must be given to property owners, at the same time and in the same manner as the notice provided in section 384.50, to install the necessary connections within thirty days after hearing. For the purposes of the hearing, property owners who are notified to install water connections, but whose property is not within the proposed assessment district, may appear as interested parties. If upon hearing, the council determines to proceed with the improvement, and any property owner fails to make connections as required, the board of waterworks trustees shall cause them to be made and certify the cost to the council to be assessed against the property and collected in the same manner as provided in section 384.40 for other underground connections.

[C97, §809; S13, §779, 792-f; C24, 27, 31, 35, 39, §**5892, 5893;** C46, §391.9, 391.10; C50, §391.9, 391.10, 391A.17; C54, 58, 62, 66, 71, 73, §391.9, 391.10, 391A.20; C75, 77, 79, 81, §384.55]

Referred to in §357E.11A

384.56 State lands.

1. Cities may assess the cost of a public improvement which extends through, abuts upon, or is adjacent to lands owned by the state, and payment for the assessable portion of the cost of the improvement through or along the lands as provided shall be subject to authorization by the executive council and payable in the manner provided in section 307.45 for property owned by the state and not under the jurisdiction and control of the state department of transportation.

2. When a state park or institutional road abutting on or adjacent to state lands on one side of the road is improved by paving, the state shall pay one-half the total assessed cost of the portion of the improvement abutting, or adjacent to state lands, lots, or portions thereof, but for any other type of improvement so constructed and located, the state shall pay, as provided in section 307.45, the portion of the cost which would be assessable against state lands if they were privately owned.

3. When any portion of the cost of a public improvement is to be paid by the state under

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this section, the clerk shall, at the time of publication of the notice required by section 384.50, mail a copy of the notice to the secretary of the executive council.

4. Cities in which state buildings are located shall permit sewers for such buildings to be constructed through or under the streets of the city, and connections to be made to the sewer system of the city under the same regulations as for sewer connections to private property.

5. Subsections 1 and 3 of this section do not apply to lands under the jurisdiction and control of the department of transportation.

[C97, §794; C24, 27, 31, 35, 39, §**5988;** C46, §391.15; C50, §391.15, 391A.18; C54, 58, 62, §391.15, 391A.21; C66, 71, 73, §390A.22, 391.15, 391A.21; C75, 77, 79, 81, §384.56]

86 Acts, ch 1241, §11; 2011 Acts, ch 131, §34, 158

Referred to in §357E.11A

384.57 Monthly payments.

The city may contract to pay not to exceed ninety-five percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month. Payment may be made in warrants drawn on any funds from which payment for the work may be made. If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter 74A, which do not constitute a violation of section 384.10, even if the collection of taxes or special assessments or income from the sale of bonds applicable to the public improvement is after the end of the fiscal year in which the warrants are issued. If the city arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the contractor. Anticipatory warrants may also be used to pay other persons furnishing services constituting a part of the cost of the public improvement. The provisions of this section and section 384.58 shall not apply if the city has entered into a contract with the federal government or accepted a federal grant which is governed by federal laws or rules that are contrary to this section and section 384.58.

[C50, §391A.19; C54, 58, 62, 66, 71, 73, §391A.22; C75, 77, 79, 81, §384.57; 81 Acts, ch 127, §1]

Referred to in §357E.11A, 384.58

384.58 Inspection of work.

1. The engineer for the city shall inspect all work done under this subchapter, and within fifteen days of final completion of the public improvement, the engineer shall file a certificate with the clerk stating:

a. That the engineer has inspected the completed work.

b. That the work has or has not been performed in compliance with the terms of the contract, and the particulars, if any, in which the work varies from the terms.

c. The total cost of the completed work.

2. Within fifteen days after the filing of the engineer's certificate, the council shall by resolution accept or reject the work.

3. Upon accepting the work, or within ten days thereafter, the council shall ascertain the total cost and by resolution determine the proportion or amount of the cost to be assessed against private property within the assessment district. If the council has elected to award more than one contract for the work, the council may elect to proceed separately with the acceptance and levy of assessments for the work done under each contract.

4. Upon accepting the work, the council shall order payment of any amount due the contractor, to be made by warrants issued in the manner provided by section 384.57 or by other means. The city shall order payment of any amount due the contractor to be made in accordance with the terms of the contract. Failure to make payment within seventy days after the work under the contract has been completed and if the work has been accepted and all required materials, certifications, and other documentations required to be submitted by the contractor and specified by the contract have been furnished the awarding city by the contractor, shall cause interest to accrue on the amount unpaid to the benefit of the unpaid party. Interest shall not accrue on funds retained by a city to satisfy the provisions of section 573.14 regarding claims on file. Interest shall accrue during the period commencing the

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thirty-first day following the completion of work and satisfaction of the other requirements of this subsection and ending on the date of payment. The rate of interest shall be determined, by the period of time during which interest accrues, and shall be the same as the rate of interest that is in effect under section 12C.6, as of the day interest begins to accrue, for a deposit of public funds for a comparable period of time. Nothing contained in this subsection shall abridge any of the rights set forth in section 573.16.

[C97, §820, 822; S13, §779, 792-f, 820, 840-a; SS15, §840-r; C24, 27, §6018, 6025; C31, 35, §6018, 6025, 6610-c52, 6610-c54; C39, §**6018, 6025, 6610.53, 6610.56;** C46, §391.45, 391.52, 417.56, 417.58; C50, §391.45, 391.52, 391A.20, 417.56, 417.58; C54, 58, 62, 66, 71, 73, §391.45, 391.52, 391A.23, 417.56, 417.58; C75, 77, 79, 81, §384.58; 81 Acts, ch 127, §2]

2018 Acts, ch 1041, §127

Referred to in §357E.11A, 384.57

384.59 Assessment schedule.

1. Within thirty days after the council adopts a resolution fixing the amount to be assessed against private property, the engineer shall file with the clerk an assessment schedule showing:

a. A description and parcel number of each lot to be assessed.

b. The valuation of each lot as fixed by the council.

c. The amount to be assessed against each lot, which shall include the assessment for the default fund, if any, and the amount of deficiency, if any, which may be subsequently assessed against each lot under section 384.63.

2. In the case of the abatement of a nuisance by a city, the city clerk may prepare, sign, and file the assessment schedule and other related documents that would otherwise be required of the engineer.

[C97, §821; S13, §792-f; SS15, §840-r; C24, §6022, 6023; C31, 35, §6022, 6023, 6610-c19; C39, §**6022, 6023, 6610.45;** C46, §391.49, 391.50, 417.19; C50, §391.49, 391.50, 391A.21, 417.19; C54, 58, 62, §391.49, 391.50, 391A.24, 417.19; C66, 71, 73, §390A.24, 391.49, 391.50, 391A.24, 417.19; C75, 77, 79, 81, §384.59]

97 Acts, ch 121, §10; 2002 Acts, ch 1046, §1

Referred to in §331.384, 357E.11A, 358.16, 364.13B

384.60 Adoption of schedule.

1. Within ten days after filing of the assessment schedule, the council shall meet, consider, and adopt or amend and adopt, by resolution, the final assessment schedule. The resolution must:

a. Confirm and levy assessments, including a conditional levy of the amount of deficiencies which may be subsequently assessed against each lot under section 384.63.

b. State the number of annual installments, not exceeding fifteen, into which assessments of more than five hundred dollars are divided.

c. Provide for interest on all unpaid installments at a rate not exceeding that permitted by chapter 74A.

d. State the time when assessments are payable.

e. Direct the clerk to certify the final schedule to the treasurer of the county or counties in which the assessed property is located, and to publish notice of the schedule once each week for two consecutive weeks in the manner provided in section 362.3, the first publication of which shall be not more than fifteen days from the date of filing of the final schedule.

2. On or before the second publication of the notice, the clerk shall send by mail to each property owner whose property is subject to assessment for the improvement, as shown by the records in the office of the county auditor, a copy of the notice. The notice shall also include a statement in substance that assessments may be paid in full or in part without interest within thirty days after the date of the first notice of the final assessment schedule, and thereafter all unpaid special assessments bear interest at the rate specified by the council, but not exceeding that permitted by chapter 74A, computed to the December 1 next following the due dates of the respective installments as provided in section 384.65, subsection 3, and each installment will be delinquent from October 1 following its due date. However, when

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the last day of September is a Saturday or Sunday, that amount shall be delinquent from the second business day of October. Delinquent installments will draw the same delinquent interest as ordinary taxes. The notice shall also state substantially that property owners may elect to pay any installment semiannually in advance. If a property is shown by the records to be in the name of more than one owner at the same mailing address, a single notice may be mailed to all owners at that address. Failure to receive a mailed notice is not a defense to the special assessment or interest due on the special assessment.

3. The county treasurer shall enter on the county system the amounts to be assessed against each lot within the assessment district, as certified.

[R60, §1068; C73, §481; C97, §825, 826, 827, 982; S13, §791-c, 825, 849-e; SS15, §840-r; C24, 27, §5966, 6030, 6034, 6101, 6923; C31, 35, §5966, 6030, 6034, 6101, 6610-c45, 6923; C39, §**5966, 6030, 6034, 6101, 6610.47, 6923;** C46, §389.35, 391.57, 391.61, 395.23, 417.45, 420.276; C50, §389.35, 391.57, 391.61, 391A.22, 395.23, 417.45, 420.276; C54, 58, 62, §389.35, 391.57, 391.61, 391A.25, 395.23, 417.45, 420.276; C66, 71, 73, §389.35, 390A.30, 391.57, 391.61, 391A.25, 395.23, 417.45, 420.276; C75, 77, 79, 81, §384.60; 82 Acts, ch 1104, §16]

83 Acts, ch 148, §1; 86 Acts, ch 1241, §12; 92 Acts, ch 1016, §8; 97 Acts, ch 121, §11; 98 Acts, ch 1107, §12, 13; 2005 Acts, ch 34, §9, 26; 2012 Acts, ch 1138, §101

Referred to in §331.384, 357E.11A, 358.16, 364.13B, 384.47, 384.51, 384.63, 384.65

384.61 Assessment of benefits.

1. The total cost of a public improvement, except for paving that portion of a street lying between railroad tracks and one foot outside of the tracks, or which is to be otherwise paid, must be assessed against all lots within the assessment district in accordance with the special benefits conferred upon the property, and not in excess of such benefits.

2. If an owner of property subject to special assessment divides the property into two or more lots, and if the plan of division is approved by the council, the owner may discharge the lien upon any of the lots by payment of the amount unpaid, calculated as determined by the council.

[C97, §828; S13, §792-a, -f, 849-e; SS15, §840-a, -j, -r; C24, §6021, 6036, 6089; C27, §5942-b3, 6021, 6036, 6089; C31, 35, §5942-b3, 6021, 6036, 6089, 6610 – 6620; C39, §**5942.3, 6021, 6036, 6089, 6610.14;** C46, §389.7, 391.48, 391.63, 395.11, 417.20; C50, §389.7, 391.48, 391.63, 391A.23, 395.11, 417.20; C54, 58, 62, 66, 71, 73, §389.7, 391.48, 391.63, 391A.26, 395.11, 417.20; C75, 77, 79, 81, §384.61]

2019 Acts, ch 24, §104

Referred to in §331.384, 357E.11A, 358.16, 364.13B

384.62 Limit.

1. A special assessment against a lot for a public improvement shall not be in excess of the amount of the assessment, including the conditional deficiency assessment, as shown in the schedule confirmed by the court, or if court confirmation is not utilized, then on the original plat and schedule adopted by the council, and an assessment shall not exceed twenty-five percent of the value of the lot as shown by the plat and schedule approved by the council or as reduced by the court.

2. Special assessments for the construction or repair of underground connections for private property for gas, water, sewers, or electricity may be assessed to each lot for the actual cost of each connection for that lot, and the twenty-five percent limitation does not apply. Such connections shall not be installed to service railway right-of-way without written agreement with the railway company owning or leasing the right-of-way.

3. A special assessment for a public improvement against a tract of land assessed as agricultural property shall not become payable upon the filing of a request by the owner for deferment until that land is not assessed as agricultural property. This section shall not apply to a tract of land of less than one-quarter acre surrounding any dwelling or nonfarm structure on that tract nor shall it apply to a special assessment levied before July 3, 1978. This section shall not apply if the public improvement is a sewer, water, gas, or electrical line to which the owner of the land makes a connection.

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4. Payment of installments of special assessments for a public improvement against property assessed as agricultural property shall be deferred as follows:

a. The property owner who seeks deferment of an assessment shall file a written request for deferment with the city clerk at the time of the hearing on the resolution of necessity for the public improvement or within ten days following the date of the hearing and the request shall identify those lots subject to proposed assessments for which the property owner is seeking deferment which are assessed as agricultural property. The request may be withdrawn by the property owner at any time before or after the adoption of the resolution of necessity.

b. The city shall indicate those lots for which a deferment has been requested on the special assessment schedule.

c. After the assessments for the public improvement have been levied and the special assessment schedule has been filed with the county treasurer, the county treasurer shall indicate on the tax rolls those assessments subject to deferment under this section.

d. A deferment shall continue for as long as the county assessor continues to classify the property as agricultural land on January 1 of each assessment year. A deferment shall end six months following any January 1 assessment date on which the county assessor no longer classifies the property as agricultural land and the special assessment shall become payable in the same manner as the special assessment would have become payable had it not been deferred by this subsection.

[S13, §792-a, -f, 849-e; SS15, §840-a, -j, -r; C24, 27, §6021, 6089; C31, 35, §6021, 6089, 6610-c55; C39, §**6021, 6089, 6610.66;** C46, §391.48, 395.11, 417.59; C50, §391.48, 391A.24, 395.11, 417.59; C54, 58, 62, 66, 71, 73, §391.48, 391A.27, 395.11, 417.59; C75, 77, 79, 81, §384.62; 82 Acts, ch 1104, §17]

2003 Acts, ch 24, §5

Referred to in §331.384, 357E.11A, 358.16, 358C.17, 364.13B, 384.38, 384.47, 384.63

384.63 Insufficiency — certification to county treasurer — deficiency assessment.

1. If the special assessment which may be levied against a lot is insufficient to pay its proportion of the cost of the improvement, or if no special assessment may be levied against a lot, the deficiency shall be paid from the city fund or funds designated by the council.

2. The council shall, by resolution, provide that the deficiencies for the lots specially benefited by a public improvement shall be certified to the county treasurer, who shall record them in the county system as "special assessment deficiencies", and to the appropriate city official charged with the responsibility of issuing building permits, who shall notify the council when a private improvement is subsequently constructed on any lot subject to a deficiency. Certification to the county treasurer shall include a legal description of each lot. The period of amortization for a public improvement for which there are deficiencies shall commence with the adoption of the resolution of necessity and extend for the same period for which installments of assessments for the project are made payable. Deficiencies may be assessed only during the period of amortization, which shall also be certified to the county treasurer and the city official charged with the responsibility of issuing building permits. Certification to the county treasurer shall include a legal description of each lot.

3. When a private improvement is constructed on a lot subject to a deficiency, during the period of amortization, the council shall, by resolution, assess a pro rata portion of the deficiency on that lot, in the same proportion to the total deficiency on that lot as the number of future installments of special assessments remaining to be paid is to the total number of installments of assessments for the project, subject to the twenty-five percent limitation of section 384.62. A deficiency assessment becomes a lien on the property and is payable in the same manner, and subject to the same interests as the other special assessments. The council shall direct the clerk to certify a deficiency assessment to the county treasurer, and to send a notice of the deficiency assessment by mail to each owner, as provided in section 384.60, but publication of the notice is not required.

4. An owner may appeal from the amount of the assessment within thirty days of the date notice is mailed. County officials shall collect a deficiency assessment, commencing in the year following the assessment, in the manner provided for the collection of other special assessments. Upon collection, the county treasurer shall make the appropriate credit entries

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in the county system, and shall credit the amounts collected as provided for other special assessments on the same public improvement, or to the city, to the extent that the deficiency has been previously paid from other city funds.

[S13, §792-b; C24, 27, 31, 35, 39, §**6017;** C46, §391.44; C50, §391.44, 391A.25; C54, 58, 62, §391.44, 391A.28; C66, 71, 73, §390A.19, 391.44, 391A.28; C75, 77, 79, 81, §384.63; 82 Acts, ch 1104, §18]

83 Acts, ch 90, §24; 86 Acts, ch 1241, §13; 92 Acts, ch 1016, §9; 97 Acts, ch 121, §12; 2003 Acts, ch 108, §70

Referred to in §331.384, 357E.11A, 358.16, 364.13B, 384.47, 384.59, 384.60

384.64 Assessment to railway company.

The right-of-way of a railway company is subject to special assessments for public improvements, and such assessments constitute a debt due the city which is a paramount lien upon the track of the railway company owning or leasing the right-of-way within the limits of the city. The property of a railway to which a lien for unpaid special assessment has attached may not be released from the lien until the whole assessment is paid.

[C97, §816, 828; S13, §791-i, 792-f, 816; SS15, §840-r; C24, 27, 31, 35, 39, §**6009, 6010, 6013;** C46, §391.36, 391.37, 391.40; C50, §391.36, 391.37, 391.40, 391A.26; C54, 58, 62, 66, 71, 73, §391.36, 391.37, 391.40, 391A.29; C75, 77, 79, 81, §384.64]

Referred to in §331.384, 357E.11A, 358.16, 364.13B

384.65 Installments due.

1. The first installment of each assessment, or the total amount if five hundred dollars or less, is due and payable on July 1 next succeeding the date of the levy, unless the assessment is filed with the county treasurer after May 31 in any year. The first installment shall bear interest on the whole unpaid assessment from the date of acceptance of the work by the council to the first day of December following the due date.

2. The succeeding annual installments, with interest on the whole unpaid amount, to the first day of December following the due date, are respectively due on July 1 annually, and must be paid at the same time and in the same manner as the September semiannual payment of ordinary taxes.

3. All future installments of an assessment may be paid on any date by payment of the then outstanding balance, plus interest to the next December 1, or additional annual installments may be paid after the current installment has been paid before December 1 without interest. A payment must be for the full amount of the next installment. If installments remain to be paid, the next annual installment with interest added to December 1 will be due as provided in subsection 2.

4. *a.* Each installment of an assessment with interest on the unpaid balance is delinquent from October 1 after its due date and bears the same delinquent interest as ordinary taxes. However, when the last day of September is a Saturday or Sunday, the unpaid balance of the installment is delinquent from the second business day of October after its due date. When collected, the interest must be credited to the same fund as the special assessment.

b. To avoid interest on delinquent special assessment installments, a payment of the full installment amount must be received by the treasurer on or before the last business day of the month preceding the delinquent date, or mailed with appropriate postage and applicable fees paid, and a United States postal service postmark affixed to the payment envelope, with the postmark bearing a date preceding the delinquent date. Items returned to the sender by the United States postal service for insufficient postage or applicable fees shall be assessed interest, unless the appropriate postage and fees are paid and the items are postmarked again before the delinquent date. However, if the last calendar day of a month falls on a Saturday, Sunday, or a holiday, that amount becomes delinquent on the second business day of the following month.

c. To avoid interest on current or delinquent special assessment installments, for payments made through a county treasurer's authorized internet site only, if the last day of the month falls on a Saturday, Sunday, or a holiday, the electronic payment must be entered

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by midnight on the first business day of the next month. All other electronic payments must be entered by midnight on the last day of the month preceding the delinquent date.

5. From the date of filing of a certified copy of the resolution of necessity, the plat, and the schedule of assessments as provided in section 384.51, all special assessments with all interest become and remain a lien on the benefited properties until paid, and have equal precedence with ordinary taxes, and are not divested by any judicial sale.

6. After December 1, if a special assessment is not delinquent, a property owner may pay one-half or all of the next annual installment of principal and interest of a special assessment prior to the delinquency date of the installment. When the next installment has been paid in full, successive principal installments may be prepaid. The county treasurer shall accept the payments of the special assessment, and shall credit the next annual installment or future installments of the special assessment to the extent of the payment or payments, and shall remit the payments to the city. If a property owner elects to pay one or more principal installments in advance, the pay schedule shall be advanced by the number of principal installments prepaid.

7. Each installment of an assessment shall be equal to the amount of the unpaid assessment as computed on the thirty-first day after the certification of the assessment divided by the number of annual installments into which the assessment may be divided as adopted by the council pursuant to section 384.60.

8. Each installment of a special assessment shall be calculated to the nearest whole dollar. Interest on unpaid installments and interest added for delinquencies shall also be calculated to the nearest whole dollar. The minimum interest amount is one dollar.

[R60, §1068; C73, §478, 481; C97, §816, 825, 827, 974, 975; S13, §791-b, -c, 792-f, 816, 825, 840-a, 975; SS15, §840-r, 974; C24, 27, 31, 35, 39, §**5965, 5966, 6008, 6033, 6906 – 6908;** C46, §389.33 – 389.35, 391.35, 391.60, 420.258 – 420.260; C50, §389.33 – 389.35, 391.35, 391.60, 391A.27, 420.258 – 420.260; C54, 58, 62, 66, 71, 73, §389.33 – 389.35, 391.35, 391.60, 391A.30, 420.258 – 420.260; C75, 77, 79, 81, §384.65]

83 Acts, ch 90, §25; 83 Acts, ch 148, §2; 86 Acts, ch 1215, §1; 88 Acts, ch 1104, §1; 92 Acts, ch 1016, §10; 95 Acts, ch 57, §8; 98 Acts, ch 1107, §14; 99 Acts, ch 83, §6; 2005 Acts, ch 34, §10, 26; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1138, §102; 2013 Acts, ch 90, §257; 2017 Acts, ch 92, §2

Referred to in §311.17, 331.384, 331.559, 357E.11A, 358.16, 358C.17, 364.13B, 384.41, 384.60

384.66 Test of regularity.

1. A person having an interest in property subject to special assessment may, within twenty days after the adoption of a resolution of necessity, test the regularity of the proceedings or legality of the assessment procedure by a petition in equity filed in the district court of the county where the property is located. A petition does not stay further proceedings on the improvement by the council, unless there is also filed a bond in an amount and with security approved by the court.

2. A person having an interest in any property specially assessed may appeal from the amount of the assessment, at any stage of the special assessment procedure up to twenty days after the final publication of notice of filing of the final assessment schedule, by petition to the district court of the county where the property is located but such appeal is only to the amount of that assessment and does not stay further proceedings by the council on the improvement. No action shall be brought appealing the amount of any special assessment from and after twenty days after said final publication.

3. A person having an interest in property subject to special assessment has a right of appeal to the district court on the ground of fraud.

4. No action may be brought questioning the regularity of the proceedings pertaining to special assessments or the validity of any special assessment levied for any public

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improvement under this subchapter, from and after sixty days after the final publication of notice of filing the final assessment schedule.

[C97, §839; S13, §792-c, -f, 840-a; SS15, §840-r; C24, 27, 31, 35, 39, §**6063 – 6065, 6091;** C46, §391.88 – 391.90, 395.13; C50, §391.88 – 391.90, 391A.28, 395.13; C54, 58, 62, 66, 71, 73, §391.88 – 391.90, 391A.31, 395.13; C75, 77, 79, 81, §384.66]

2017 Acts, ch 29, §109; 2018 Acts, ch 1041, §127

Referred to in §331.384, 357E.11A, 358.16, 364.13B, 384.54

384.67 Payment to county treasurer.

Assessments levied and certified under the provisions of this subchapter, including installments and interest, are payable at the office of the county treasurer of the county where the property assessed is located, except that assessments may be paid in full or in part and without interest within thirty days after the date of certification, at the office of the county treasurer, if the property being assessed is located in an unincorporated area, or the city clerk, if the property being assessed is located in an incorporated area.

[C97, §825; S13, §825; C24, 27, 31, 35, 39, §**6031;** C46, §391.58; C50, §391.58, 391A.29; C54, 58, 62, 66, 71, 73, §391.58, 391A.32; C75, 77, 79, 81, §384.67]

2003 Acts, ch 24, §6; 2018 Acts, ch 1041, §127

Referred to in §331.384, 357E.11A, 358.16, 364.13B

384.68 Bonds issued.

1. After certification of the final assessment schedule, the city may, by resolution, authorize and issue bonds in anticipation of the collection of unpaid special assessments. However, the total principal amount of bonds issued for a public improvement may not exceed the total amount of unpaid special assessments less the proportionate unpaid amount assessed for the default fund.

2. All special assessment bonds are negotiable, must state on their face that they are issued under the provisions of this subchapter, and are payable as to both principal and interest from the proceeds of the special assessments levied for the public improvement. Such bonds may bear interest at a rate not exceeding that permitted by chapter 74A payable annually or semiannually, must mature serially on December 1 of the years in which any of the principal is scheduled to become due, and may contain a provision that the city reserves the right and option of calling and redeeming any or all of the bonds prior to maturity on any interest payment date or within forty-five days thereafter upon the terms specified therein. Such bonds must be called "improvement bonds", must designate the general type of improvement or improvements for which issued, and may be issued in any denomination, not exceeding ten thousand dollars. Bonds issued for a public improvement authorized in section 384.38, subsection 2, must be named in a way to distinguish them from other improvement bonds of the city, and to designate the property specially assessed for the improvement. Improvement bonds issued for any one levy must bear the same date and be divided into as many series as there are years in which installments of the special assessment mature, and each series must be as nearly equal in amount as practicable.

3. The proceeds of the special assessments and interest collected thereon must be used and applied by the city to the payment of the interest on the bonds and to the retirement of the principal as rapidly as proceeds are collected. Such bonds and coupons do not make the city liable in any way, except for the proper application of special assessments. If interest becomes due on any of the bonds when there is no fund or funds from which to pay it, the council may make a temporary loan for payment of the interest, which loan must be repaid from the special assessments and interest pledged to secure the bonds, but in case of purchase by the city at tax sale of the property on which a special assessment is levied, the loan must be repaid from the funds of the city from which deficiencies on the improvement were paid, or if there were no deficiencies, from the general fund.

4. Special assessment bonds must be sold at public or private sale in the manner provided by chapter 75, and may not be sold for less than par value with accrued interest from date to the time of delivery, or if no bids are received at public sale, bonds bearing the same rate of interest as the special assessment may be delivered to the contractor in payment of the cost

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of the public improvement. The proceeds of the sale must be applied to the payment of the cost of the public improvement.

5. Any excess of proceeds from special assessments remaining after all of the bonds for a particular improvement have been paid with interest may be credited to the fund from which deficiencies for the improvement could have been paid. However, any excess in a default fund established for a public improvement authorized in section 384.38, subsection 2, shall be held by the city in a special fund to guarantee other improvement bonds which may be issued by the city for public improvements authorized under that section.

6. Cities may issue refunding bonds to pay off and take up special assessment bonds issued in payment for public improvements, or to refund any part thereof, as follows:

a. Refunding bonds must substantially conform to the provisions of this subchapter, and the face value is limited to the amount of the unpaid special assessments with the interest thereon of the particular issue of bonds to be refunded.

b. Refunding bonds or their proceeds may be used only to pay improvement bonds taken up.

c. The expense of refunding bonds must be paid out of the funds of the city from which the cost of similar improvements might lawfully be paid.

d. When refunding bonds are issued to pay improvement bonds, all special assessments and sinking funds applicable to the payment of the improvement bonds previously issued must be applied in the same manner and to the same extent to the payment of the refunding bonds, and all the powers and duties to levy and to carry special assessments and taxes, to create liens upon property, and to establish sinking funds in respect to the bonds previously issued continue until refunding bonds are paid.

e. The city shall collect the special assessment out of which the refunding bonds are payable and hold the proceeds in trust for the payment of the refunding bonds, but it is not liable except for the proper application of the assessments.

7. No action shall be brought questioning the legality of the bonds authorized by this section from and after sixty days from the date the bonds are ordered issued by the city.

[C97, §842, 843, 845, 847, 987; C24, §6109 – 6113, 6117, 6118, 6121 – 6124, 6925, 6932; C27, §5942-b3, 6066-a11, 6109 – 6113, 6117, 6118, 6121 – 6124, 6126-a1 – a6, 6925, 6932; C31, 35, §5942-b3, 6066-a11, 6109 – 6113, 6117, 6118, 6121 – 6124, 6126-a1 – a6, 6610-c65, -c66, 6925, 6932; C39, §**5942.3, 6066.13, 6109 – 6113, 6117, 6118, 6121 – 6124, 6126.1 – 6126.6, 6610.71, 6610.72, 6925, 6932;** C46, §389.7, 392.11, 396.6 – 396.10, 396.14, 396.15, 396.18 – 396.21, 396.24 – 396.29, 417.68, 417.69, 420.278, 420.285; C50, §389.7, 391A.30, 392.11, 396.6 – 396.10, 396.14, 396.15, 396.18 – 396.21, 396.24 – 396.29, 417.68, 417.69, 420.278, 420.285; C54, 58, 62, 66, 71, 73, §389.7, 391A.33, 392.11, 396.6 – 396.10, 396.14, 396.15, 396.18 – 396.21, 396.24 – 396.29, 417.68, 417.69, 420.278, 420.285; C75, 77, 79, 81, §384.68]

2018 Acts, ch 1041, §127

Referred to in §357E.11A

384.69 Property sold at tax sale.

Property against which a special assessment has been levied for public improvements may be sold for any sum of principal or interest due and delinquent, at any regular or adjourned tax sale in the same manner with the same forfeitures, interest, right of redemption, certificates, and deeds, as for the nonpayment of ordinary taxes. The purchaser at a tax sale, other than the county, takes the property charged with the lien of the remaining unpaid installments and interest. When bonds have been issued in anticipation of special assessments and interest for which property is to be sold, the city may be a purchaser and is entitled to all rights of purchasers at tax sales. The proceeds subsequently realized from sales of property so purchased by the city must be credited to the funds of the city from which deficiencies on the improvement were paid, or if there were no deficiencies, to the general fund.

[C97, §829, 976, 983; SS15, §840-r; C24, 27, 31, 35, 39, §**6037 – 6040, 6909 – 6911, 6924;** C46, §391.64 – 391.67, 420.261 – 420.263, 420.277; C50, §391.64 – 391.67, 391A.31, 420.261

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– 420.263, 420.277; C54, 58, 62, 66, 71, 73, §391.64 – 391.67, 391A.34, 420.261 – 420.263, 420.277; C75, 77, 79, 81, §384.69]

92 Acts, ch 1016, §11

Referred to in §357E.11A

384.70 Redemption by bondholder.

A holder of a special assessment bond payable in whole or in part out of a special assessment against any lot or parcel of ground, or a city within which the lot or parcel of ground is situated, which lot or parcel of ground has been sold for taxes, either general or special, may have an assignment of any certificate of tax sale of the property for any general taxes or special taxes thereon, upon tender to the holder or to the county treasurer of the amount to which the holder of the tax sale certificate would be entitled in case of redemption.

[C97, §816; S13, §792-f, 816; C24, 27, 31, 35, 39, §**6041;** C46, 50, 54, 58, 62, 66, 71, 73, §391.68; C75, 77, 79, 81, §384.70]

97 Acts, ch 121, §13

Referred to in §357E.11A

384.71 Costs paid from applicable funds.

The whole or any part of the cost of construction or repair of a public improvement may be paid from the proceeds of the issuance of general obligation bonds under the provisions of section 384.25 or 384.26, as applicable, or from the fund or funds of the city authorized to be used for the particular type of improvement, and the council shall provide that the tax authorized for purposes of the fund or funds must be annually levied to the full extent necessary to reimburse the fund or funds for the amount paid for the construction or repair of the improvement.

[R60, §1064; C73, §465; C97, §751, 830, 831, 977, 978; S13, §840-a, -d; SS15, §751; C24, 27, 31, 35, 39, §**5940, 6042, 6050, 6125, 6916, 6917;** C46, §389.3, 391.69, 391.75, 396.22, 420.269, 420.270; C50, §389.3, 391.69, 391.75, 391A.32, 396.22, 420.269, 420.270; C54, 58, 62, §389.3, 391.69, 391.75, 391A.35, 396.22, 420.269, 420.270; C66, 71, 73, §389.3, 390A.18, 391.69, 391.75, 391A.35, 396.22, 420.269, 420.270; C75, 77, 79, 81, §384.71]

Referred to in §357E.11A

384.72 Reassessment and relevy.

When by reason of nonconformity to any law or resolution, or by reason of any omission, informality, or irregularity, any special tax or assessment levied is determined by the council to be invalid or is adjudged illegal, the council may correct the levy by resolution, and may reassess and relevy with the same force and effect as if done at the proper time and in the manner provided by law or by the resolution.

[C97, §836, 980; S13, §840-a; SS15, §836, 840-r; C24, 27, §6059, 6920; C31, 35, §6059, 6610-c58, 6920; C39, §**6059, 6610.68, 6920;** C46, §391.84, 417.62, 420.273; C50, §391.84, 391A.33, 417.62, 420.273; C54, 58, 62, 66, 71, 73, §391.84, 391A.36, 417.62, 420.273; C75, 77, 79, 81, §384.72]

Referred to in §331.384, 357E.11A, 358.16, 364.13B, 384.75

384.73 Void tax or assessment.

When a special tax or assessment, upon property not exempt, is adjudged void for any jurisdictional defect, or other reason, the council may as to such property, by resolution, cause to be prepared a schedule and proposed reassessment in proportion to and not in excess of benefits, cause notice to be given, hear objections, and make necessary corrections, and may reassess and relevy the tax or special assessment as corrected with the same force and effect as if jurisdiction had been acquired in the first instance and all subsequent proceedings had been regularly and legally had.

[SS15, §836, 840-r; C24, 27, 31, 35, 39, §**6060;** C46, 50, 54, 58, 62, 66, 71, 73, §391.85; C75, 77, 79, 81, §384.73]

Referred to in §331.384, 357E.11A, 358.16, 364.13B, 384.75

384.74 Correction of errors.

1. When, in making a special assessment, any property is assessed too little or too much,

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the assessment may be corrected and a reassessment and relevy made in conformity with the correction, and a tax collected in excess of the proper amount must be refunded to the person paying it. Corrected assessments are a lien on the lots the same as the original assessments, must be certified by the clerk to the county treasurer in the same manner, and must so far as practicable, be collected in the same installments, draw interest at the same rate, and be enforced in the same manner as the original assessment.

2. However, if the city does not certify the assessments within six months of final publication as required by subchapter IV of this chapter, all such assessments shall be null, void, and of no effect. Any bonds issued with such void assessments as security shall be paid by the city as they become due out of its debt service as provided in section 384.4.

[C97, §837, 981; SS15, §840-r; C24, §6061, 6921; C31, 35, §6061, 6610-c21, 6921; C39, §**6061, 6610.59, 6921;** C46, 50, 54, 58, 62, 66, 71, 73, §391.86, 417.21, 420.274; C75, 77, 79, 81, §384.74; 82 Acts, ch 1104, §19]

2018 Acts, ch 1041, §127

Referred to in §331.384, 357E.11A, 358.16, 364.13B, 384.54, 384.75

384.75 Special provisions.

1. Any provision of law, resolution, or ordinance specifying a time when or the order in which acts must be done in a proceeding which may result in a special assessment, is subject to the qualifications of sections 384.72 through 384.74.

2. A city may combine any one or more of the procedural acts required by this subchapter and call for bids for construction of a public improvement and comply with legal requirements respecting public contracts so as to permit the council to receive and consider proposals at the time of hearing on the resolution of necessity.

[C97, §838, 981; SS15, §840-r; C24, 27, 31, 35, 39, §**6062, 6921;** C46, 50, 54, 58, 62, 66, 71, 73, §391.87, 420.274; C75, 77, 79, 81, §384.75]

2018 Acts, ch 1041, §127; 2021 Acts, ch 80, §238

Referred to in §331.384, 357E.11A, 358.16, 364.13B

384.76 Application to joint undertakings.

The provisions of this subchapter apply to any public improvement undertaken jointly by the city and another city or by the city and the state or any other political subdivision of the state, and a city may enter into an agreement for such purpose under the provisions of chapter 28E and may assess and pay its portion of the cost of a public improvement as provided in this subchapter, but any requirement of this subchapter in respect to approval of detailed plans and specifications, calling for construction bids, awarding construction contracts and acceptance of the completed improvement may be carried out by each city with other cities, the state or any other political subdivision of the state, as provided in an agreement entered into as permitted by chapter 28E. However, an agreement between the city and the state department of transportation is also governed by the provisions of sections 313.21 through 313.23.

[C50, §391A.34; C54, 58, 62, 66, 71, 73, §391A.37; C75, 77, 79, 81, §384.76]

2017 Acts, ch 29, §110; 2018 Acts, ch 1041, §127; 2021 Acts, ch 80, §239

Referred to in §357E.11A

384.77 Assessments along railways.

In the making of assessments for paving streets, avenues or public places along or upon which a track of a railway or street railway company is located, the engineer shall make an estimate of the cost of building the improvement, and an estimate of the cost of the improvement if tracks were not there. The railway or street railway company may be charged with the difference between the two estimates of cost, and shall make payment in the same manner as other special assessments are paid. This section applies only to track within the limits of the improvement proper and shall not be construed as exempting a railway or street railway company from a special assessment on other property, adjacent or abutting, within the assessment district and owned by the company, nor does this section

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relieve a company from any of its duties and liabilities set forth in any other law concerning repair or construction of the strip of paving between the rails and one foot outside.

[C31, 35, §6051-c1; C39, §**6051.1;** C46, 50, §391.77; C54, 58, 62, 66, 71, 73, §391.77, 391A.38; C75, 77, 79, 81, §384.77]

Referred to in §357E.11A

384.78 Prior proceedings.

Projects and proceedings for the levy of special assessments and the issuance of special assessment bonds commenced before the effective date of the city code may be hereafter consummated and completed and special assessments levied and special assessment bonds issued as required or permitted by any statute or other law amended or repealed by 1972 Iowa Acts, ch. 1088, as though such repeal or amendment had not occurred, and the rights, duties, and interests flowing from such projects and proceedings remain valid and enforceable. Without limiting the foregoing, projects commenced prior to said effective date may be financed by the issuance of special assessment bonds and other bonds under any such amended or repealed law or by the issuance of special assessment bonds, or other bonds under the city code. For the purposes of this section, commencement of a project includes but is not limited to action taken by the council or authorized officer to fix a date for a hearing in connection with any part of a public improvement, and commencement of proceedings for the levy of special assessments and the issuance of special assessment bonds includes but is not limited to action taken by the council to fix a date for a hearing in connection with any public improvement proposed to be financed in whole or in part through special assessments.

[C75, 77, 79, 81, §384.78]

2016 Acts, ch 1011, §58

Referred to in §357E.11A

384.79 Conflicting provisions.

The enumeration in this subchapter of special powers and functions is not a limitation of the powers of cities, but the provisions of this subchapter and the procedures prescribed for exercising the powers and functions enumerated in this subchapter control and govern in the event of any conflict with the provisions of any other section, division, or chapter of the city code or with the provisions of any other law.

[C75, 77, 79, 81, §384.79]

2018 Acts, ch 1041, §127

Referred to in §357E.11A

SUBCHAPTER V

REVENUE FINANCING

Referred to in §357A.11, 384.23, 386.7, 392.1, 392.3

384.80 Definitions.

As used in this subchapter, unless the context otherwise requires:

1. *"City enterprise"* means the same as defined in section 384.24.
2. *"Combined city enterprise"* means two or more city enterprises combined and operated as a single enterprise.
3. *"Combined service account"* means a customer service account for the provision of two or more utility or enterprise services, regardless of whether those services are being provided by a single city, or by any combination of city utilities, combined utility systems, city enterprises, or combined city enterprises of one or more cities.
4. *"Combined utility system"* means two or more city utilities owned by a single city, and combined and operated as a single system.
5. *"Governing body"* means the public body which by law is charged with the management and control of a city utility, combined utility system, city enterprise, or combined city enterprise. The council is the governing body of each city utility, combined utility system,

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city enterprise, or combined city enterprise, except that a utility board, as provided in chapter 388, is the governing body of the city utility, city utilities or combined utility system which it operates.

6. *"Gross revenue"* means all income and receipts derived from the operation of a city utility, combined utility system, city enterprise, or combined city enterprise.

7. *"Landlord"* means the owner of record of a rental property, or a real estate manager or management company appointed by the owner to administer rental property.

8. *"Net revenues"* means gross revenues less operating expenses.

9. *"Operating expense"* means salaries, wages, cost of maintenance and operation, materials, supplies, insurance and all other items normally included under recognized accounting practices, but does not include allowances for depreciation in the value of physical property.

10. *"Owner"* means the owner of record as reflected in the records of the county treasurer.

11. *"Pledge order"* means a promise to pay out of the net revenues of a city utility, combined utility system, city enterprise, or combined city enterprise, which is delivered to the contractors or other persons in payment of all or part of the cost of the project.

12. *"Project"* means the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, and equipping of all or part of a city utility, combined utility system, city enterprise, or combined city enterprise, or a water resource restoration project within or without the corporate limits of the city.

13. *"Rates"* means rates, fees, tolls, rentals, and charges for the use of or service provided by a city utility, combined utility system, city enterprise, or combined city enterprise.

14. *"Revenue bond"* means a negotiable bond issued by a city and payable from the net revenues of a city utility, combined utility system, city enterprise, or combined city enterprise.

15. *"Water resource restoration project"* means the acquisition of real property or improvements or other activity or undertaking that will assist in improving the quality of the water in the watershed where a city water or wastewater utility is located.

[C75, 77, 79, 81, §384.80]

94 Acts, ch 1056, §1; 2009 Acts, ch 72, §3, 4; 2018 Acts, ch 1041, §127

Referred to in §26.9, 357E.11A, 364.4, 388.1, 388.9, 388.9A, 389.4, 390.1, 390.5, 403.7, 455B.199, 476.1A

384.81 Provisions of city code exclusive — combined utility or enterprise.

1. A city which proposes to establish, own, acquire by purchase, condemnation, or otherwise, lease, sell, construct, reconstruct, extend, remodel, improve, repair, equip, maintain and operate within or without its corporate limits a city utility, combined utility system, city enterprise, or combined city enterprise must do so in accordance with the provisions of the city code.

2. If all of the utilities involved in the establishment of a combined utility system are, at the time of establishment, controlled and managed by the same utility board, such utility board shall continue as the governing body of the combined utility system; otherwise the city council is the governing body of a combined utility system, but a utility board for a combined utility system may be established as provided in chapter 388. If a combined utility system or combined city enterprise is dissolved, each city utility or city enterprise shall continue in existence as a separate city utility or city enterprise unless the voters additionally authorize the abandonment thereof. The governing body of a combined utility system which is dissolved shall continue as the governing body of each city utility which was a part of the combined utility system unless changed as provided in chapter 388. The adding of an additional city utility to an existing combined utility system is the establishment of a new combined utility system and must be approved by the voters of the city as provided in chapter 388, but the governing body of the existing combined utility system shall continue as the governing body of the new combined utility system.

3. A combined utility system or combined city enterprise may be established, but if there are obligations outstanding which by their terms are payable from the revenues of any city utility or city enterprise involved, all such outstanding obligations must be assumed by the governing body of the combined utility system or combined city enterprise subject to all terms established at the time of the original issue, or refunded through the issuance of revenue

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bonds of the combined utility system or combined city enterprise as a part of the procedure for the establishment of the combined utility system or combined city enterprise, or funds sufficient to pay the principal of and all interest and premium, if any, on such outstanding obligations at and prior to maturity must have been properly set aside and pledged for that purpose. Any revenues earmarked for payment of the obligations must be handled by the governing body of the combined utility or combined city enterprise in the same manner as they were handled by the governing body of the city utility or city enterprise involved. A city utility or city enterprise may not be abandoned and a combined utility system or combined city enterprise may not be dissolved so long as there are obligations outstanding which by their terms are payable from the revenues of the city utility, combined utility system, city enterprise, or combined city enterprise unless funds sufficient to pay the principal of and all interest and premium, if any, on such outstanding obligations at and prior to maturity have been properly set aside and pledged for such purpose.

[C73, §471 – 473; C97, §720; S13, §720; C24, 27, 31, 35, 39, §**6127;** C46, 50, 54, §390.1, 397.1; C58, 62, 66, 71, 73, §386B.2, 390.1, 397.1; C75, 77, 79, 81, §384.81]

Referred to in §26.9, 357E.11A, 389.4, 390.5

384.82 Authority — revenue bonds — pledge orders.

1. *a.* A city may carry out projects, borrow money, and issue revenue bonds and pledge orders to pay all or part of the cost of projects, which may include a qualified water resource restoration project, such revenue bonds and pledge orders to be payable solely and only out of the net revenues of the city utility, combined utility system, city enterprise, or combined city enterprise involved in the project. The cost of a project includes the construction contracts, interest upon the revenue bonds and pledge orders during the period or estimated period of construction and for twelve months thereafter, or for twelve months after the acquisition date, such reserve funds as the governing body may deem advisable in connection with the project and the issuance of revenue bonds and pledge orders, and the costs of engineering, architectural, technical and legal services, preliminary reports, surveys, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds and provisions for contingencies. A city may sell revenue bonds or pledge orders at public or private sale in the manner prescribed by chapter 75 and may deliver revenue bonds and pledge orders to the contractors, sellers, and other persons furnishing materials and services constituting a part of the cost of the project in payment therefor.

b. A city may deliver its revenue bonds to the federal government or any agency thereof which has loaned the city money for sanitary or solid waste projects, water projects or other projects for which the government has a loan program.

2. A city may issue revenue bonds or pledge orders to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same city utility, combined utility system, city enterprise, or combined city enterprise, or from a city utility comprising a part of the combined utility system or a city enterprise comprising a part of the combined city enterprise, at lower, the same, or higher rates of interest. Upon a finding of necessity by the governing body, a city may issue revenue bonds or pledge orders to refund general obligation bonds to the extent the general obligation bonds were issued or the proceeds of them were expended for a city utility, city enterprise, or a portion of a combined city utility or city enterprise. These revenue bonds or pledge orders may be issued at lower, the same, or at higher rates of interest than the rates of the general obligation bonds being refunded. A city may sell refunding revenue bonds or pledge orders at public or private sale in the manner prescribed by chapter 75 and apply the proceeds to the payment of the obligations being refunded, and may exchange refunding revenue bonds or pledge orders in payment and discharge of the obligations being refunded. The principal amount of refunding revenue bonds or pledge orders may exceed the principal amount of the obligations being refunded to the extent necessary to pay a premium due on the call of the obligations being refunded, to fund interest accrued and to accrue on the obligations being refunded, to pay the costs of issuance of the refunding revenue bonds or

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pledge orders, and to fund such reserve funds as the governing body may deem advisable in connection with the issuance of the refunding revenue bonds or pledge orders.

[C31, §6134-d1; C35, §5903-f4, 6066-f6, 6134-d1, -f1; C39, §**5903.15, 6066.29, 6134.01 – 6134.03;** C46, §385.4, 394.6, 397.9 – 397.11; C50, §385.4, 390.9, 394.6, 397.9 – 397.11; C58, 62, 66, §385.4, 386B.10, 390.9, 394.6, 397.9 – 397.11; C71, 73, §385.4, 386B.10, 390.9, 390.16, 394.6, 397.9 – 397.11; C75, 77, 79, 81, §384.82; 81 Acts, ch 126, §1]

84 Acts, ch 1058, §1; 2009 Acts, ch 72, §5; 2010 Acts, ch 1061, §180

Referred to in §26.9, 357E.11A, 389.4, 390.5

384.83 Procedures for revenue bonds and pledge orders.

1. A city may issue revenue bonds pursuant to a resolution of the governing body of the city utility, combined utility system, city enterprise, or combined city enterprise, adopted at a regular or special meeting by a majority of the total number of members to which the governing body is entitled.

2. *a.* Before the governing body institutes proceedings for the issuance of revenue bonds, it shall fix a time and place of meeting at which it proposes to take action and give notice by publication in the manner directed in section 362.3. The notice must include a statement of the time and place of the meeting, the maximum amount of the proposed revenue bonds, the purpose or purposes for which the revenue bonds will be issued, and the city utility, combined utility system, city enterprise, or combined city enterprise whose net revenues will be used to pay the revenue bonds and interest on them. The governing body shall at the meeting receive oral or written objections from any resident or property owner of the city. After all objections have been received and considered, the governing body may, at the meeting or any adjournment of the meeting, take additional action for the issuance of the bonds or abandon the proposal to issue bonds. Any resident or property owner of the city may appeal a decision of the governing body to take additional action to the district court of the county in which any part of the city is located within fifteen days after the additional action is taken, but the additional action of the governing body is final and conclusive unless the court finds that the governing body exceeded its authority. The provisions of this subsection with respect to notice, hearing, and appeal in connection with the issuance of revenue bonds are in lieu of those contained in chapter 73A or any other law.

b. Separate purposes may be incorporated in a single notice of intention to institute proceedings or separate purposes may be incorporated in separate notices and, after an opportunity for filing objections, the governing body may include in a single issue of revenue bonds any number or combination of purposes.

3. Revenue bonds may bear dates, bear interest at rates not exceeding that permitted by chapter 74A, mature in one or more installments, be in either coupon or registered form, carry registration and conversion privileges, be payable as to principal and interest at times and places, be subject to terms of redemption prior to maturity with or without premium, and be in one or more denominations, all as provided by the resolution of the governing body authorizing their issuance. The resolution may also prescribe additional provisions, terms, conditions, and covenants which the governing body deems advisable, consistent with the provisions of the city code, including provisions for creating and maintaining reserve funds, the issuance of additional revenue bonds ranking on a parity with such revenue bonds and additional revenue bonds junior and subordinate to such revenue bonds, and that such revenue bonds shall rank on a parity with or be junior and subordinate to any revenue bonds which may be then outstanding. Revenue bonds are a contract between the city and holders and the resolution is a part of the contract.

4. If the governing body is a city council, the revenue bonds must be executed by the mayor and clerk of the city. If the governing body is a utility board, the revenue bonds must be executed by the chairperson and secretary of the board. If coupons are attached to the revenue bonds, they must be executed with the original or facsimile signature of the clerk or secretary. A revenue bond is valid and binding for all purposes if it bears the signatures of the officers in office on the date of the execution of the bonds notwithstanding that any or all persons whose signatures appear thereon have ceased to be such officers prior to the delivery thereof. The issuance of revenue bonds must be recorded in the office of the city treasurer

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or other financial officer designated by the council, and a certificate of the recording by the treasurer or other officer must be printed on the back of each revenue bond.

5. Revenue bonds and pledge orders issued pursuant to this subchapter are negotiable instruments.

6. A city may issue pledge orders pursuant to a resolution of the governing body of the city utility, combined utility system, city enterprise, or combined city enterprise, adopted by a majority of the total number of members to which the governing body is entitled, at a regular or special meeting, ordering their issuance and delivery in payment for all or part of the cost of a project. Pledge orders may bear interest at rates not exceeding that permitted by chapter 74A.

7. The physical properties of a city utility, combined utility system, city enterprise, or combined city enterprise may not be pledged or mortgaged to secure the payment of revenue bonds or pledge orders or the interest thereon.

[C35, §5903-f4, 6066-f6, -f7; C39, §**5903.15, 6066.29 – 6066.31;** C46, 50, §385.4, 394.6 – 394.8; C58, 62, 66, 71, 73, §385.4, 386B.10, 394.6 – 394.8; C75, 77, 79, 81, §384.83]

83 Acts, ch 90, §26; 2018 Acts, ch 1041, §127

Referred to in §26.9, 357A.11, 357E.11A, 364.4, 384.24A, 389.4, 390.5, 418.14, 423B.9

384.84 Rates and charges — billing and collection — contracts.

1. The governing body of a city utility, combined utility system, city enterprise, or combined city enterprise may establish, impose, adjust, and provide for the collection of rates and charges to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the city utility, combined utility system, city enterprise, or combined city enterprise. When revenue bonds or pledge orders are issued and outstanding pursuant to this subchapter, the governing body shall establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the city utility, combined utility system, city enterprise, or combined city enterprise, and to leave a balance of net revenues sufficient to pay the principal of and interest on the revenue bonds and pledge orders as they become due and to maintain a reasonable reserve for the payment of principal and interest, and a sufficient portion of net revenues must be pledged for that purpose. Rates must be established by ordinance of the council or by resolution of the trustees, published in the same manner as an ordinance.

2. The governing body of a city water or wastewater utility may enter into an agreement with a qualified entity to use proceeds from revenue bonds for a water resource restoration project if the rate imposed is no greater than if there was not a water resource restoration project agreement. For purposes of this subsection, "*qualified entity*" is an entity created pursuant to chapter 28E or two entities that have entered into an agreement pursuant to chapter 28E, whose purpose is to undertake a watershed project that has been approved for water quality improvements in the watershed.

3. *a.* A city utility or enterprise service to a property or premises, including services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, may be discontinued or disconnected if the account for the service becomes delinquent. Gas or electric service provided by a city utility or enterprise shall be discontinued or disconnected only as provided by section 476.20, subsections 1 through 4, and discontinuance or disconnection of those services is subject to rules adopted by the utilities commission.

b. If more than one city utility or enterprise service is billed to a property or premises as a combined service account, all of the services may be discontinued or disconnected if the account becomes delinquent.

c. A city utility or enterprise service to a property or premises shall not be discontinued or disconnected unless prior written notice is sent, by ordinary mail, to the account holder in whose name the delinquent rates or charges were incurred, informing the account holder of the nature of the delinquency and affording the account holder the opportunity for a hearing prior to discontinuance or disconnection of service. If the account holder is a tenant, and if the owner or landlord of the property or premises has made a written request for notice,

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the notice shall also be given to the owner or landlord. If the account holder is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

d. (1) If a delinquent amount is owed by an account holder for a utility service associated with a prior property or premises, a city utility, city enterprise, or combined city enterprise may withhold service from the same account holder at any new property or premises until such time as the account holder pays the delinquent amount owing on the account associated with the prior property or premises. A city utility, city enterprise, or combined city enterprise shall not withhold service from, or discontinue or disconnect service to, a subsequent owner who obtains fee simple title of the prior property or premises unless such delinquent amount has been certified in a timely manner to the county treasurer as provided in subsection 4, paragraph *"a"*, subparagraphs (1) and (2).

(2) Delinquent amounts that have not been certified in a timely manner to the county treasurer are not collectible against any subsequent owner of the property or premises.

e. (1) A legal entity created pursuant to chapter 28E by a city or cities, or other political subdivisions, and public or private agencies for the purposes of providing wastewater, sewer system, storm water drainage, or sewage treatment services shall have the same powers and duties as a city utility or enterprise under this subsection with respect to account holders and subsequent owners, or with respect to properties and premises, associated with a delinquent account under this subsection.

(2) The governing body of a city utility, combined city utility, city enterprise, or combined city enterprise may enter into an agreement with a legal entity described in subparagraph (1) to discontinue or disconnect water service to a property or premises if an account owed the legal entity for wastewater, sewer system, storm water drainage, or sewage treatment services provided to that customer's property or premises becomes delinquent. The customer shall be responsible for all costs associated with discontinuing or disconnecting and reestablishing water service disconnected pursuant to this paragraph *"e"*.

(3) This paragraph *"e"* shall not apply to a property or premises if, prior to July 1, 2015, the account holder for that property or premises had an established account with a legal entity described in subparagraph (1) for the provision of wastewater, sewer system, storm water drainage, or sewage treatment services to the property or premises.

f. (1) A legal entity providing wastewater, sewer system, storm water drainage, or sewage treatment services to a city or cities or other political subdivisions pursuant to a franchise or other agreement shall have the same powers and duties as a city utility or enterprise under this subsection with respect to account holders and subsequent owners, or with respect to properties and premises, associated with a delinquent account under this subsection.

(2) The governing body of a city utility, combined city utility, city enterprise, or combined city enterprise may enter into an agreement with a legal entity described in subparagraph (1) to discontinue or disconnect water service to a property or premises if an account owed the legal entity for wastewater, sewer system, storm water drainage, or sewage treatment services provided to that customer's property or premises becomes delinquent. The customer shall be responsible for all costs associated with discontinuing or disconnecting and reestablishing water service disconnected pursuant to this paragraph *"f"*.

(3) This paragraph *"f"* shall not apply to a property or premises if, prior to July 1, 2015, the account holder for that property or premises had an established account with a legal entity described in subparagraph (1) for the provision of wastewater, sewer system, storm water drainage, or sewage treatment services to the property or premises.

4. *a.* (1) Except as provided in paragraph *"d"*, all rates or charges for the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these services, if not paid as provided by ordinance of the council or resolution of the trustees, are a lien upon the property or premises served by any of these services upon certification to the county treasurer that the rates or charges are due. The governing body of a city utility may, by resolution, delegate to a designee named in the resolution the city utility's authority to certify unpaid rates or charges to the county treasurer. The city council of a city that is contracting with a city utility for joint billing or

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collection or both pursuant to chapter 28E may, by ordinance, delegate to such city utility, or the city utility's designee, the city's authority to certify unpaid rates or charges to the county treasurer.

(2) If the delinquent rates or charges were incurred prior to the date a transfer of the property or premises in fee simple is filed with the county recorder and such delinquencies were not certified to the county treasurer prior to such date, the delinquent rates or charges are not eligible to be certified to the county treasurer. If certification of such delinquent rates or charges is attempted subsequent to the date a transfer of the property or premises in fee simple is filed with the county recorder, the county treasurer shall return the certification to the city utility, city enterprise, or combined city enterprise attempting certification along with a notice stating that the delinquent rates or charges cannot be made a lien against the property or premises.

(3) If the city utility, city enterprise, or combined city enterprise is prohibited under subparagraph (2) from certifying delinquent rates or charges against the property or premises served by the services described in subparagraph (1), the city utility, city enterprise, or combined city enterprise may certify the delinquent rates or charges against any other property or premises located in this state and owned by the account holder in whose name the rates or charges were incurred.

(4) A lien under subparagraph (1) shall not be placed upon a premises that is a mobile home, modular home, or manufactured home served by any of the services under that subparagraph if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

b. The lien under paragraph "*a*" may be imposed upon a property or premises even if a city utility or enterprise service to the property or premises has been or may be discontinued or disconnected as provided in this section.

c. A lien for a city utility or enterprise service under paragraph "*a*" shall not be certified to the county treasurer for collection unless prior written notice of intent to certify a lien is given to the account holder in whose name the delinquent rates or charges were incurred at least thirty days prior to certification. If the account holder is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty days prior to certification of the lien to the county treasurer.

d. (1) Residential or commercial rental property where a charge for water service is separately metered and paid directly to the city utility or enterprise by the tenant is exempt from a lien for delinquent rates or charges associated with such water service if the landlord gives written notice to the city utility or enterprise that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. A city utility or enterprise may require a deposit not exceeding the usual cost of ninety days of water service to be paid to the utility or enterprise. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for charges, address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins.

(2) A change in tenant for a residential rental property shall require a new written notice to be given to the city utility or enterprise within thirty business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the city utility or enterprise within ten business days of the change in tenant. When the tenant moves from the rental property, the city utility or enterprise shall return the deposit if the water service charges are paid in full.

(3) A change in the ownership of the residential rental property shall require written notice of such change to be given to the city utility or enterprise within thirty business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the city utility or enterprise within ten business days of the completion of the change of ownership.

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(4) The lien exemption for rental property does not apply to charges for repairs to a water service if the repair charges become delinquent.

e. Residential rental property where a charge for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the city utility or enterprise by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the city utility or enterprise that the property is residential rental property and that the tenant is liable for the rates or charges. A city utility or enterprise may require a deposit not exceeding the usual cost of ninety days of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility or enterprise. A city utility or enterprise may require a deposit not exceeding the usual cost of sixty days of the services of gas and electric to be paid to the utility or enterprise. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to the city utility or enterprise within thirty business days of the change in tenant. When the tenant moves from the rental property, the city utility or enterprise shall return the deposit if the charges for the services of gas, electric, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the city utility or enterprise within thirty business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

5. A lien shall not be imposed pursuant to this section for a delinquent charge of less than five dollars. The governing body of the city utility or enterprise may charge up to five dollars, and the county treasurer may charge up to five dollars, as an administrative expense of certifying and filing this lien, which amounts shall be added to the amount of the lien to be collected at the time of payment of the assessment from the payor. Administrative expenses collected by the county treasurer on behalf of the city utility or enterprise shall be paid to the governing body of the city utility or enterprise, and those collected by the county treasurer on behalf of the county shall be credited to the county general fund. The lien has equal precedence with ordinary taxes, may be certified to the county treasurer and collected in the same manner as taxes, and is not divested by a judicial sale.

6. *a.* The governing body of a city utility or city enterprise providing wastewater, sewer system, storm water drainage, or sewage treatment services may file suit in the appropriate court against a customer if the customer's account for such services becomes delinquent pursuant to subsection 3. The governing body may recover the costs for providing such services to the customer's property or premises and reasonable attorney fees actually incurred.

b. A legal entity described in subsection 3, paragraph *"e"* or *"f"*, shall have the same powers and duties as a city utility or enterprise under paragraph *"a"* of this subsection with respect to filing suit in an appropriate court against a customer if the customer's account for such services becomes delinquent.

7. A governing body may declare all or a certain portion of a city as a storm water drainage system district for the purpose of establishing, imposing, adjusting, and providing for the collection of rates as provided in this section. The ordinance provisions for collection of rates of a storm water drainage system may prescribe a formula for determination of the rates which may include criteria and standards by which benefits have been previously determined for special assessments for storm water public improvement projects under this chapter.

8. *a.* The governing body of a city utility, combined utility system, city enterprise, or combined city enterprise may:

(1) By ordinance of the council or by resolution of the trustees published in the same manner as an ordinance, establish, impose, adjust, and provide for the collection of charges for connection to a city utility or combined utility system.

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(2) Contract for the use of or services provided by a city utility, combined utility system, city enterprise, or combined city enterprise with persons whose type or quantity of use or service is unusual.

(3) Lease for a period not to exceed fifteen years all or part of a city enterprise or combined city enterprise, if the lease will not reduce the net revenues to be produced by the city enterprise or combined city enterprise.

(4) Contract for a period not to exceed forty years with other governmental bodies for the use of or the services provided by the city utility, combined utility system, city enterprise, or combined city enterprise on a wholesale basis.

(5) Contract for a period not to exceed forty years with persons and other governmental bodies for the purchase or sale of water, gas, or electric power and energy on a wholesale basis.

b. Two or more city utilities, combined utility systems, city enterprises, or combined city enterprises, including city utilities established pursuant to chapter 388, may contract pursuant to chapter 28E for joint billing or collection, or both, of combined service accounts for utility or enterprise services, or both. The contracts may provide for the discontinuance or disconnection of one or more of the city utility or enterprise services if a delinquency occurs in the payment of any charges billed under a combined service account.

c. One or more city utilities or combined utility systems, including city utilities established pursuant to chapter 388, may contract pursuant to chapter 28E with one or more sanitary districts established pursuant to chapter 358 for joint billing or collection, or both, of combined service accounts from utility services and sanitary district services. The contracts may provide for the discontinuance or disconnection of one or more of the city water utility services or sanitary district services if a delinquency occurs in the payment of any charges billed under a combined service account.

9. The portion of cost attributable to the agreement or arbitration awarded under section 357A.21 may be apportioned in whole or in part among water customers within an annexed area.

10. For the purposes of this section, *"premises"* includes a mobile home, modular home, or manufactured home as defined in section 435.1.

11. Notwithstanding subsection 4, except for mobile home parks or manufactured home communities where the mobile home park or manufactured home community owner or manager is responsible for paying the rates or charges for services, a lien shall not be filed against the land if the premises are located on leased land. If the premises are located on leased land, a lien may be filed against the premises only.

[C73, §471, 473, 475; C97, §720, 725, 749; S13, §720, 724, 725, 766-c; C24, 27, 31, §5892, 5898, 6130, 6142, 6143, 6159; C35, §5892, 5898, 5903-f3, 5903-f6, 6066-f5, 6066-f8, 6130, 6142, 6143, 6159; C39, §**5892, 5898, 5903.14, 5903.17, 6066.28, 6066.32, 6130, 6142, 6143, 6159;** C46, 50, 54, §381.19, 382.5, 385.3, 385.6, 390.4, 390.5, 394.5, 394.9, 397.4, 397.27, 397.28, 398.10; C58, §381.19, 382.5, 385.3, 385.6, 386B.8, 390.4, 390.5, 394.5, 394.9, 397.4, 397.27, 397.28, 398.10; C62, §381.15, 382.5, 385.3, 385.6, 386B.8, 390.4, 390.5, 392.11, 394.5, 394.9, 397.4, 397.27, 397.28; C66, §368.24, 381.19, 382.5, 385.3, 385.6, 386B.8, 390.4, 390.5, 392.11, 394.5, 394.9, 397.4, 397.27, 397.28, 398.10; C71, 73, §368.24, 378A.7 – 378A.9, 381.19, 382.5, 385.3, 385.6, 386B.8, 390.4, 390.5, 392.11, 393.14, 394.5, 394.9, 397.4, 397.27, 397.28, 398.10; C75, 77, 79, 81, §384.84; 81 Acts, ch 128, §1]

83 Acts, ch 90, §27; 84 Acts, ch 1221, §1; 87 Acts, ch 109, §4; 88 Acts, ch 1246, §6; 90 Acts, ch 1206, §2; 90 Acts, ch 1211, §1; 93 Acts, ch 73, §4; 94 Acts, ch 1056, §2; 95 Acts, ch 49, §11; 95 Acts, ch 57, §9; 95 Acts, ch 67, §31; 97 Acts, ch 62, §3; 98 Acts, ch 1107, §15; 99 Acts, ch 149, §1, 2; 2000 Acts, ch 1085, §4; 2003 Acts, 1st Ex, ch 2, §19, 209; 2008 Acts, ch 1090, §1, 2; 2009 Acts, ch 72, §6; 2009 Acts, ch 133, §131, 132; 2011 Acts, ch 53, §1; 2012 Acts, ch 1087, §1 – 3; 2013 Acts, ch 89, §1; 2014 Acts, ch 1085, §1; 2015 Acts, ch 90, §1, 2; 2016 Acts, ch 1011, §59; 2016 Acts, ch 1138, §31, 32; 2017 Acts, ch 62, §1 – 3; 2018 Acts, ch 1041, §127; 2023 Acts, ch 19, §2666; 2024 Acts, ch 1170, §369

Referred to in §26.9, 29D.2, 357A.11, 357E.11A, 384.84A, 389.4, 390.5, 445.1, 455B.199, 455B.291, 476.20, 476.84
Collection of taxes, see chapter 445

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384.84A Special election.

1. The governing body of a city may institute proceedings to issue revenue bonds for storm water drainage construction projects under section 384.84, subsection 7, by causing notice of the proposed project, with a description of the proposed project and a description of the formula for the determination of the rate or rates applied to users for payment of the bonds, and a description of the bonds and maximum rate of interest and the right to petition for an election if the project meets the requirement of subsection 2, to be published at least once in a newspaper of general circulation within the city at least thirty days before the meeting at which the governing body proposes to take action to institute proceedings for issuance of revenue bonds for the storm water drainage construction project.

2. If, before the date fixed for taking action to authorize the issuance of revenue bonds for the storm water drainage construction project, a petition signed by eligible electors residing within the city equal in number to at least three percent of the registered voters of the city is filed, asking that the question of issuing revenue bonds for the storm water drainage construction project be submitted to the registered voters of the city, the council, by resolution, shall declare the project abandoned or shall direct the county commissioner of elections to call a special election upon the question of issuing the bonds for the storm water drainage construction project if the cost of the project and population of the city meet one of the following criteria:

a. The project cost is seven hundred fifty thousand dollars or more in a city having a population of five thousand or less.

b. The project cost is one million five hundred thousand dollars or more in a city having a population of more than five thousand but not more than seventy-five thousand.

c. The project cost is two million dollars or more in a city having a population of more than seventy-five thousand.

3. The proposition of issuing revenue bonds for a storm water drainage construction project under this section is not approved unless the vote in favor of the proposition is equal to a majority of the votes cast on the proposition.

4. If a petition is not filed, or if a petition is filed and the proposition is approved at an election, the council may issue the revenue bonds.

5. If a city is required by the federal environmental protection agency to file application for storm water sewer discharge or storm water drainage system under the federal Clean Water Act of 1987, this section does not apply to that city with respect to improvements and facilities required for compliance with federal environmental protection agency regulations, or any city that enters into a chapter 28E agreement to implement a joint storm water discharge or drainage system with a city that is required by the federal environmental protection agency to file application for storm water discharge or storm water drainage system.

90 Acts, ch 1206, §3; 95 Acts, ch 67, §53; 2001 Acts, ch 56, §33; 2002 Acts, ch 1119, §52; 2023 Acts, ch 64, §62

Referred to in §26.9, 357A.11, 357E.11A, 389.4, 390.5

384.85 Records — accounts — deposits.

1. The governing body of each city utility, combined utility system, city enterprise, or combined city enterprise being operated on a revenue producing basis shall maintain a proper system of books, records, and accounts.

2. The gross revenues of each city utility, combined utility system, city enterprise, or combined city enterprise must be deposited with the treasurer of the governing body and kept by the treasurer in a separate account apart from the other funds of the city and from each other. The treasurer shall apply the gross revenues of each city utility, combined utility system, city enterprise, or combined city enterprise only as ordered by the governing body and in strict compliance with such orders, including the provisions, terms, conditions, and covenants of any and all resolutions of the governing body pursuant to which revenue bonds

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or pledge orders are issued and outstanding. If the council is the governing body, it may designate another city officer to serve as treasurer.

[C97, §748; S13, §741-w2, 748; C24, 27, 31, 35, 39, §**5902, 6158;** C46, 50, 54, 58, 62, 66, 71, 73, §384.3(12), 398.9; C75, 77, 79, 81, §384.85]

Referred to in §26.9, 357A.11, 357E.11A, 389.4, 390.5

384.86 Pledge valid and effective.

The pledge of any net revenues of a city utility, combined utility system, city enterprise, or combined city enterprise is valid and effective as to all persons and other governmental bodies when it becomes valid and effective between the city and the holders of the revenue bonds or pledge orders.

[C75, 77, 79, 81, §384.86]

Referred to in §26.9, 357A.11, 357E.11A, 389.4, 390.5

384.87 Payable from revenues.

Revenue bonds and pledge orders are payable both as to principal and interest solely out of the portion of the net revenues of the city utility, combined utility system, city enterprise, or combined city enterprise pledged to their payment and are not a debt of or charge against the city within the meaning of any constitutional or statutory debt limitation provision.

[C58, 62, 66, 71, 73, §386B.10; C75, 77, 79, 81, §384.87]

Referred to in §26.9, 357A.11, 357E.11A, 389.4, 390.5

384.88 Sole remedy.

The sole remedy for a breach or default of a term of a revenue bond or pledge order is a proceeding in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by this subchapter and of the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders, or to obtain the appointment of a receiver to take possession of and operate the city utility, combined utility system, city enterprise, or combined city enterprise, and to perform the duties required by this subchapter and the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders.

[C58, 62, 66, 71, 73, §386B.10; C75, 77, 79, 81, §384.88]

2018 Acts, ch 1041, §127

Referred to in §26.9, 357A.11, 357E.11A, 389.4, 390.5

384.89 Transfer of surplus.

The governing body of a city utility, combined utility system, city enterprise, or combined city enterprise which has on hand surplus funds, after making all deposits into all funds required by the terms, covenants, conditions, and provisions of outstanding revenue bonds, pledge orders, and other obligations which are payable from the revenues of the city utility, combined utility system, city enterprise, or combined city enterprise and after complying with all of the requirements, terms, covenants, conditions and provisions of the proceedings and resolutions pursuant to which revenue bonds, pledge orders, and other obligations are issued, may transfer such surplus funds to any other fund of the city in accordance with any rules promulgated by the city finance committee created in section 384.13 if the transfer is also approved by the city council, provided that no transfer may be made if it conflicts with any of the requirements, terms, covenants, conditions or provisions of any resolution authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the city utility, combined utility system, city enterprise, or combined city enterprise which are then outstanding.

[C27, 31, 35, §6151-b1 – 6151-b3, 6151-c1; C39, §**6151.1 – 6151.4;** C46, 50, 54, 58, 62, 66, 71, 73, §397.38 – 397.41; C75, 77, 79, 81, §384.89]

Referred to in §26.9, 357E.11A, 389.4, 390.5, 437A.3, 437A.4, 437A.5, 437A.8

384.90 Part payment from other bonds and other sources.

This subchapter does not prohibit or prevent a city from using funds derived from the issuance of general obligation bonds, the levy of special assessments and the issuance

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of special assessment bonds, and any other source which may be properly used for such purpose, to pay a part of the cost of a project.

[C75, 77, 79, 81, §384.90]

2018 Acts, ch 1041, §127

Referred to in §26.9, 357E.11A, 389.4, 390.5

384.91 City to pay for services.

The city shall pay for the use of or the services provided by the city utility, combined utility system, city enterprise, or combined city enterprise as any other customer, except that the city may pay for use or service at a reduced rate or receive free use or service so long as the city complies with the provisions, terms, conditions and covenants of any and all resolutions pursuant to which revenue bonds or pledge orders are issued and outstanding.

[C75, 77, 79, 81, §384.91]

Referred to in §26.9, 357E.11A, 388.6, 389.4, 390.5

384.92 Statute of limitation.

No action may be brought which questions the legality of revenue bonds or the power of the city to issue revenue bonds or the effectiveness of any proceedings relating to the authorization and issuance of revenue bonds, from and after sixty days from the time the bonds are ordered issued by the city.

[C97, §913; C24, 27, 31, 35, 39, §**6264;** C46, 50, 54, 58, 62, 66, 71, 73, §408.15; C75, 77, 79, 81, §384.92]

Referred to in §26.9, 357A.11, 357E.11A, 386.7, 389.4, 390.5

384.93 Conflicting provisions.

The enumeration in this subchapter of specified powers and functions is not a limitation of the powers of cities, but the provisions of this subchapter and the procedures prescribed for exercising the powers and functions enumerated in this subchapter control and govern in the event of any conflict with the provisions of any other section, division, or chapter of the city code or with the provisions of any other law.

[C75, 77, 79, 81, §384.93]

2018 Acts, ch 1041, §127

Referred to in §26.9, 357A.11, 357E.11A, 389.4, 390.5

384.94 Prior projects preserved.

Projects and proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations commenced before the effective date of the city code may be consummated and completed as required or permitted by any statute or other law amended or repealed by 1972 Iowa Acts, ch. 1088, as though such repeal or amendment had not occurred, and the rights, duties, and interests flowing from such projects and proceedings remain valid and enforceable. Without limiting the foregoing, projects commenced prior to said effective date may be financed by the issuance of revenue bonds, pledge orders, and other temporary obligations under any such amended or repealed law or by the issuance of revenue bonds and pledge orders under the city code. For purposes of this section, commencement of a project includes but is not limited to action taken by the governing body or authorized officer to fix a date for either a hearing or an election in connection with any part of the project, and commencement of proceedings for the issuance of revenue bonds, pledge orders, and other temporary obligations includes but is not limited to action taken by the governing body to fix a date for either a hearing or a sale in connection with any part of such revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

[C75, 77, 79, 81, §384.94]

2007 Acts, ch 22, §73

Referred to in §26.9, 357E.11A, 389.4, 390.5

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SUBCHAPTER VI

BONDS AND CONTRACT LETTING PROCEDURE

384.95 through 384.102 Repealed by 2006 Acts, ch 1017, §41 – 43.

384.103 Bonds authorized — emergency repairs.

1. A governing body may authorize, sell, issue, and deliver its bonds whether or not notice and hearing on the plans, specifications, form of contract, and estimated cost for the public improvement to be paid for in whole or in part from the proceeds of said bonds has been given, and whether or not a contract has been awarded for the construction of the improvement. This subsection does not apply to bonds which are payable solely from special assessment levies against benefited property.

2. *a.* When emergency repair of a public improvement is necessary and the delay of advertising and a public letting might cause serious loss or injury to the city, the chief officer or official of the governing body of the city or the governing body shall make a finding of the necessity to institute emergency proceedings under this section, and shall procure a certificate from a competent licensed professional engineer or licensed architect, certifying that emergency repairs are necessary.

b. In that event, the chief officer or official of the governing body or the governing body may accept, enter into, and make payment under a contract for emergency repairs without holding a public hearing and advertising for bids, and the provisions of chapter 26 do not apply.

[C75, 77, 79, 81, §384.103]

2006 Acts, ch 1017, §37, 42, 43; 2007 Acts, ch 126, §62; 2009 Acts, ch 100, §16, 21; 2010 Acts, ch 1061, §180; 2016 Acts, ch 1011, §60; 2017 Acts, ch 131, §7

Referred to in §28E.6, 314.1, 331.341, 357A.12, 390.3

384.104 through 384.109 Reserved.

SUBCHAPTER VII

INSURANCE, SELF-INSURANCE, AND RISK POOLING FUNDS

384.110 Insurance, self-insurance, and risk pooling funds.

A city may credit funds to a fund or funds for the purposes authorized by section 364.4, subsection 5; section 384.12, subsection 3; or section 384.24, subsection 3, paragraph *"s"*. Moneys credited to the fund or funds, and interest earned on such moneys, shall remain in the fund or funds until expended for purposes authorized by section 364.4, subsection 5; section 384.12, subsection 3; or section 384.24, subsection 3, paragraph *"s"*.

86 Acts, ch 1211, §25; 2023 Acts, ch 71, §17, 19

2023 amendment applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §19

384.111 through 384.119 Reserved.

SUBCHAPTER VIII

DEFINITIONS

384.120 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

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CHAPTER 385

RESERVED

CHAPTER 386

SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICTS

Referred to in §376.1, 444.25

386.1 Definitions.
386.2 Authorization.
386.3 Establishment of district.
386.4 Amendments to district.
386.5 Dissolution.
386.6 Improvements.
386.7 Self-liquidating improvements.
386.8 Operation tax.
386.9 Capital improvement tax.
386.10 Debt service tax.
386.11 Self-supported municipal improvement district bonds.
386.12 Payment for improvements.
386.13 Parking fee abatements.
386.14 Independent provisions.

386.1 Definitions.

As used in this chapter, unless the context requires otherwise:

1. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. *"Cost"* of any improvement or self-liquidating improvement includes construction contracts and the cost of engineering, architectural, technical, and legal services, preliminary reports, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds, interest during construction and for not more than six months thereafter, and provisions for contingencies.

3. *"District"* means a self-supported municipal improvement district which may be created and the property therein taxed in accordance with this chapter.

4. *"Improvement"* means any of the following:

a. All or any part of a city enterprise as defined in section 384.24, subsection 2.

b. Public improvements as defined in section 384.37, subsection 19.

c. Those structures, properties, facilities or actions, the acquisition, construction, improvement, installation, reconstruction, enlargement, repair, equipping, purchasing, or taking of which would constitute an essential corporate purpose or general corporate purpose as defined in section 384.24, subsections 3 and 4.

5. *"Property"* means real property as defined in section 4.1, subsection 13, and in section 427A.1, subsection 1, paragraph *"h"*.

6. *"Property owner"* or *"owner"* means the owner of property, as shown by the transfer books in the office of the county auditor of the county in which the property is located.

7. *"Self-liquidating improvement"* means any facility or property proposed to be leased in whole or in part to any person or governmental body to further the corporate purposes of the city and:

a. To aid in the commercial development of the district.

b. To further the purposes of the districts; or

c. Not substantially reduce the city's property tax base.

8. The use of the conjunctive *"and"* includes the disjunctive *"or"* and the use of the disjunctive *"or"* includes the conjunctive *"and"*, unless the context clearly indicates otherwise.

9. All definitions in section 362.2 are incorporated by reference as a part of this chapter, except as provided in subsection 5.

[C77, 79, 81, §386.1]

84 Acts, ch 1179, §1; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201

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386.2 Authorization.

A city which proposes to create a district, to provide for its existence and operation, to provide for improvements or self-liquidating improvements for the district, to authorize and issue bonds for the purposes of the district, and to levy the taxes authorized by this chapter must do so in accordance with the provisions of this chapter.

[C77, 79, 81, §386.2]

386.3 Establishment of district.

1. Districts may be created by action of the council in accordance with the provisions of this chapter. A district shall:

a. Be comprised of contiguous property wholly within the boundaries of the city. A self-supported municipal improvement district shall be comprised only of property in districts which are zoned for commercial or industrial uses and properties within a duly designated historic district.

b. Be given a descriptive name containing the words "self-supported municipal improvement district".

c. Be comprised of property related in some manner, including but not limited to present or potential use, physical location, condition, relationship to an area, or relationship to present or potential commercial or other activity in an area, so as to be benefited in any manner, including but not limited to a benefit from present or potential use or enjoyment of the property, by the condition, development or maintenance of the district or of any improvement or self-liquidating improvement of the district, or be comprised of property the owners of which have a present or potential benefit from the condition, development or maintenance of the district or of any improvement or self-liquidating improvement of the district.

2. The council shall initiate proceedings for establishing a district upon the filing with its clerk of a petition containing:

a. The signatures of at least twenty-five percent of all owners of property within the proposed district. These signatures must together represent ownership of property with an assessed value of twenty-five percent or more of the assessed value of all of the property in the proposed district.

b. A description of the boundaries of the proposed district or a consolidated description of the property within the proposed district.

c. The name of the proposed district.

d. A statement of the maximum rate of tax that may be imposed upon property within the district. The maximum rate of tax may be stated in terms of separate maximum rates for the debt service tax, the capital improvement fund tax, and the operation tax, or in terms of a maximum combined rate for all three.

e. The purpose of the establishment of the district, which may be stated generally, or in terms of the relationship of the property within the district or the interests of the owners of property within the district, or in terms of the improvements or self-liquidating improvements proposed to be developed for the purposes of the district, either specific improvements, self-liquidating improvements, or general categories of improvements, or any combination of the foregoing.

f. A statement that taxes levied for the self-supported improvement district operation fund shall be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements for a specified length of time, along with any options to renew, if the taxes are to be used for this maintenance purpose.

3. *a.* The council shall notify the city planning commission upon the receipt of a petition. It shall be the duty of the city planning commission to make recommendations to the council in regard to the proposed district. The city planning commission shall, with due diligence, prepare an evaluative report for the council on the merit and feasibility of the project. The council shall not hold its public hearings or take further action on the establishment of the district until it has received the report of the city planning commission. In addition to its report, the commission may, from time to time, recommend to the council amendments and changes relating to the project.

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b. If no city planning commission exists, the council shall notify the metropolitan or regional planning commission upon receipt of a petition, and such commission shall have the same duties as the city planning commission set forth in this subsection. If no planning commission exists, the council shall notify the zoning commission upon receipt of a petition, and such commission shall have the same duties as the city planning commission set forth in this subsection. If no planning or zoning commission exists, the council shall call a hearing on the establishment of a district upon receipt of a petition.

4. Upon the receipt of the commission's final report the council shall set a time and place for a meeting at which the council proposes to take action for the establishment of the district, and shall publish notice of the meeting as provided in section 362.3, and the clerk shall send a copy of the notice by certified mail not less than fifteen days before the meeting to each owner of property within the proposed district at the owner's address as shown by the records of the county auditor. If a property is shown to be in the name of more than one owner at the same mailing address, a single notice may be mailed addressed to all owners at that address. Failure to receive a mailed notice is not grounds for objection to the council's taking any action authorized in this chapter.

5. In addition to the time and place of the meeting for hearing on the petition, the notice must state:

a. That a petition has been filed with the council asking that a district be established.

b. The name of the district.

c. The purpose of the district.

d. The property proposed to be included in the district.

e. The maximum rate of tax which may be imposed upon the property in the district.

6. At the time and place set in the notice the council shall hear all owners of property in the proposed district or residents of the city desiring to express their views. The council must wait at least thirty days after the public hearing has been held before it may adopt an ordinance establishing a district which must be comprised of all the property which the council finds has the relationship or whose owners have the interest described in subsection 1, paragraph "c". Property included in the proposed district need not be included in the established district. However, no property may be included in the district that was not included in the proposed district until the council has held another hearing after it has published and mailed the same notice as required in subsections 4 and 5 of this section on the original petition to the owners of the additional property, or has caused a notice of the inclusion of the property to be personally served upon each owner of the additional property, or has received a written waiver of notice from each owner of the additional property.

7. Adoption of the ordinance establishing a district requires the affirmative vote of three-fourths of all of the members of the council, or in cities having but three members of the council, the affirmative vote of two members. However if a remonstrance has been filed with the clerk signed by at least twenty-five percent of all owners of property within the proposed district representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all of the property in the proposed district, the adoption of the ordinance requires a unanimous vote of the council.

8. The clerk shall cause a copy of the ordinance to be filed in the office of the county recorder of each county in which any property within the district is located.

9. At any time prior to adoption of an ordinance establishing a district, the entire matter of establishing such district shall be withdrawn from council consideration if a petition objecting to establishing such district is filed with its clerk containing the signatures of at least forty percent of all owners of property within the proposed district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the proposed district.

10. The adoption of an ordinance establishing a district is a legislative determination that the property within the district has the relationship or its owners have the interest required under subsection 1, paragraph "c" and includes all of the property within the area which has that relationship or the owners of which have that interest in the district.

11. Any resident or property owner of the city may appeal the action and the decisions of the council, including the creation of the district and the levying of the proposed taxes for the

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district, to the district court of the county in which any part of the district is located, within thirty days after the date upon which the ordinance creating the district becomes effective, but the action and decision of the council are final and conclusive unless the court finds that the council exceeded its authority. No action may be brought questioning the regularity of the proceedings pertaining to the establishment of a district or the validity of the district, or the propriety of the inclusion or exclusion of any property within or from the district, or the ability of the city to levy taxes in accordance with the ordinance establishing the district, after thirty days from the date on which the ordinance creating the district becomes effective.

12. The procedural steps for the petitioning and creation of the district may be combined with the procedural steps for the authorization of any improvement or self-liquidating improvement, or the procedural steps for the authorization of any tax, or any combination thereof.

13. The rate of debt service tax referred to in the petition and the ordinance creating the district shall only restrict the amount of bonds which may be issued, and shall not limit the ability of the city to levy as necessary in subsequent years to pay interest and amortize the principal of that amount of bonds.

14. The ordinance creating the district may provide for the division of all of the property within the district into two or more zones based upon a reasonable difference in the relationship of the property or the interest of its owners, whether the difference is qualitative or quantitative. The ordinance creating the district and establishing the different zones may establish a different maximum rate of tax for each zone, or may provide that the rate of tax for a zone shall be a certain set percentage of the tax levied in the zone which is subject to the highest rate of tax.

[C77, 79, 81, §386.3]

85 Acts, ch 113, §1; 88 Acts, ch 1246, §7; 2010 Acts, ch 1061, §180

Referred to in §386.4, 386.6

386.4 Amendments to district.

1. The ordinance creating the district may be amended and property may be added to the district and the maximum rate of taxes referred to in the ordinance may be increased at any time in the same manner and by the same procedure as for the establishment of a district. All property added to a district shall be subject to all taxes currently and thereafter levied including debt service levies for bonds previously or thereafter issued.

2. Action by the council amending the ordinance creating the district, including adding any eligible property or deleting any property within the district or changing any maximum rate of taxes, shall be by ordinance adopted by an affirmative vote of three-fourths of all of the members of the council, or in cities having but three members of the council, the affirmative vote of two members. However, if a remonstrance has been filed with the clerk signed by at least twenty-five percent of all owners of property within the district and all property proposed to be included representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the district and all property proposed to be included, the amending ordinance must be adopted by unanimous vote of the council.

3. The clerk shall cause a copy of the amending ordinance to be filed in the office of the county recorder of each county in which any property within the district as amended is located.

4. At any time prior to council amendment of the ordinance creating the district, the entire matter of amending such ordinance shall be withdrawn from council consideration if a petition objecting to amending such ordinance is filed with its clerk containing either the signatures of at least forty percent of all owners of property within the district and all property proposed to be included or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the district and all property proposed to be included.

5. Any resident or property owner of the city may appeal the action or decisions of the council amending the ordinance creating the district, to the district court of the county in which any part of the district, as amended, is located, within fifteen days after the date upon

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which the ordinance amending the ordinance creating the district becomes effective, but the action and decision of the council are final and conclusive unless the court finds that the council exceeded its authority. No action may be brought questioning the regularity of the proceedings pertaining to the amended ordinance or the validity of the district as amended, or the propriety of the inclusion or exclusion of any property within or from the amended district, or the ability of the city to levy taxes in accordance with the ordinance establishing the district, as amended, after thirty days from the date upon which the amending ordinance becomes effective.

6. All other provisions in section 386.3 shall apply to an amended district and to the ordinance amending the ordinance creating the district with the same effect as they apply to the original district and the ordinance creating the original district.

[C77, 79, 81, §386.4]

386.5 Dissolution.

1. A district may be dissolved and terminated by action of the council rescinding the ordinance creating the district, and any subsequent ordinances amending the district, by an affirmative vote of three-fourths of all members of the council, or in cities having but three members of the council, the affirmative vote of two members. However, if a remonstrance has been filed with the clerk signed by at least twenty-five percent of all owners of property within the district representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the district, the rescission of the ordinance creating the district, and any subsequent ordinances amending the district, requires a unanimous vote of the council.

2. At any time prior to action of the council rescinding the ordinance creating the district, and any subsequent ordinances amending the district, the entire matter of dissolving a district shall be withdrawn from council consideration if a petition is filed with its clerk containing the signatures of at least forty percent of all owners of property within the district or signatures which together represent ownership of property with an assessed value of forty percent or more of the assessed value of all property within the district.

[C77, 79, 81, §386.5]

2019 Acts, ch 24, §104

386.6 Improvements.

When a city proposes to construct an improvement the cost of which is to be paid or financed under the provisions of this chapter, it must do so in accordance with the provisions of this section, as follows:

1. The council shall initiate proceedings for a proposed improvement upon receipt of a petition signed by at least twenty-five percent of all owners of property within the district representing ownership of property with an assessed value of twenty-five percent or more of the assessed value of all the property in the district.

2. Upon the receipt of such a petition the council shall notify the city planning commission, if one exists, the metropolitan or regional planning commission, if one exists, or the zoning commission, if one exists, in the order set forth in section 386.3, subsection 3. Upon notification by the council, the commission shall prepare an evaluative report for the council on the merit and feasibility of the improvement and carry out all other duties as set forth in section 386.3, subsection 3. If no planning or zoning commission exists, the council shall call a hearing on a proposed improvement upon receipt of a petition.

3. Upon the receipt of the commission's report the council shall set a time and place of meeting at which the council proposes to take action on the proposed improvement and shall publish and mail notice as provided in section 386.3, subsections 4 and 5.

4. The notice must include a statement that an improvement has been proposed, the nature of the improvement, the source of payment of the cost of the improvement, and the time and place of hearing.

5. At the time and place set in the notice the council shall hear all owners of property in the district or residents of the city desiring to express their views. The council must wait at least thirty days after the public hearing has been held before it may take action to order

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construction of the improvement. The provisions of section 386.3, subsections 7 and 9, relating to the adoption of the ordinance establishing a district, the requisite vote therefor, the remonstrance thereto and the withdrawal of the entire matter from council consideration apply to the adoption of the resolution ordering the construction of the improvement.

6. If the council orders the construction of the improvement, it shall proceed to let contracts therefor in accordance with chapter 26.

7. The adoption of a resolution ordering the construction of an improvement is a legislative determination that the proposed improvement is in furtherance of the purposes of the district and that all property in the district will be affected by the construction of the improvement, or that all owners of property in the district have an interest in the construction of the improvement.

8. Any resident or property owner of the city may appeal the action or decisions of the council ordering the construction of the improvement to the district court of the county in which any part of the district is located within thirty days after the adoption of the resolution ordering construction of the improvement, but the action and decisions of the council are final and conclusive unless the court finds that the council exceeded its authority. No action may be brought questioning the regularity of the proceedings pertaining to the ordering of the construction of an improvement, or the right of the city to apply moneys in the capital improvement fund referred to in this chapter to the payment of the costs of the improvement, or the right of the city to issue bonds referred to in this chapter for the payment of the costs of the improvement, or the right of the city to levy taxes which with any other taxes authorized by this chapter do not exceed the maximum rate of tax that may be imposed upon property within the district for the payment of principal of and interest on bonds issued to pay the costs of the improvement, after thirty days from the date of adoption of the resolution ordering construction of the improvement.

9. The procedural steps contained in this section may be combined with the procedural steps for the petitioning and creation of the district or the procedural steps for the authorization of any tax or any combination thereof.

[C77, 79, 81, §386.6]
2007 Acts, ch 144, §19
Referred to in §386.7, 386.13

386.7 Self-liquidating improvements.

When a city proposes to construct a self-liquidating improvement, the cost of which is to be paid or financed under the provisions of this chapter, it must do so in accordance with the provisions of this section as follows:

1. Section 386.6, subsections 1 through 5, are applicable to a self-liquidating improvement to the same extent as they are applicable to an improvement and the proceedings initiating a self-liquidating improvement shall be governed thereby.

2. Before the council may order the construction of a self-liquidating improvement, and after hearing thereon, it must find that the self-liquidating improvement and the leasing of a part or the whole of it to any person or governmental body will further the corporate purposes of the city and will:

a. Aid in the commercial development of the district.
b. Further the interests of the district; or
c. Not substantially reduce the city's property tax base.

3. If the council orders the construction of the self-liquidating improvement, contracts for the improvement shall be let in accordance with chapter 26.

4. The adoption of a resolution ordering the construction of a self-liquidating improvement is a legislative determination that the proposed self-liquidating improvement and the leasing of a part or the whole of it to any person or governmental body will further the corporate purposes of the city and will:

a. Aid in the commercial development of the district.
b. Further the interests of the district; or
c. Not substantially reduce the city's property tax base.

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5. A city may lease any or all of a self-liquidating improvement to any person or governmental body.

6. A city may issue revenue bonds payable from the income and receipts derived from the self-liquidated improvement. Chapter 384, subchapter V applies to revenue bonds for self-liquidating improvements and the term *"city enterprise"* as used in chapter 384, subchapter V, shall be deemed to include self-liquidating improvements authorized by this chapter.

7. Any resident or property owner of the city may appeal a decision of the council to order the construction of a self-liquidating improvement or to lease any or all of a self-liquidating improvement to the district court of the county in which any part of the district is located, within thirty days after the adoption of the resolution ordering the self-liquidating improvement, but the action of the council is final and conclusive unless the court finds that the council exceeded its authority.

8. No action may be brought questioning the regularity of the proceedings pertaining to the ordering of the construction of a self-liquidating improvement after thirty days from the date of adoption of the resolution ordering construction of the self-liquidating improvement. No action may be brought questioning the regularity of the proceedings pertaining to the leasing of any or all of a self-liquidating improvement after thirty days from the date of the adoption of a resolution approving the proposed lease. In addition to the limitation contained in section 384.92, no action may be brought which questions the legality of revenue bonds or the power of the city to issue revenue bonds or the effectiveness of any proceedings relating to the authorization and issuance of revenue bonds relating to a self-liquidating improvement after thirty days from the time the bonds are ordered issued by the city.

9. The procedural steps contained in this section may be combined with the procedural steps for the petitioning and creation of the district.

[C77, 79, 81, §386.7]

89 Acts, ch 83, §50; 2007 Acts, ch 144, §20; 2018 Acts, ch 1041, §127; 2019 Acts, ch 24, §48; 2020 Acts, ch 1063, §204; 2021 Acts, ch 80, §240

386.8 Operation tax.

A city may establish a self-supported improvement district operation fund, and may certify taxes not to exceed the rate limitation as established in the ordinance creating the district, or any amendment thereto, each year to be levied for the fund against all of the property in the district, for the purpose of paying the administrative expenses of the district, which may include but are not limited to administrative personnel salaries, a separate administrative office, planning costs including consultation fees, engineering fees, architectural fees, and legal fees and all other expenses reasonably associated with the administration of the district and the fulfilling of the purposes of the district. The taxes levied for this fund may also be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements for a specified length of time with one or more options to renew if such is clearly stated in the petition which requests the council to authorize construction of the improvement or self-liquidating improvement, whether or not such petition is combined with the petition requesting creation of a district. Parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section except residential properties within a duly designated historic district or property classified as multiresidential property under section 441.21, subsection 13, paragraph *"a"*, subparagraph (5). A tax levied under this section is not subject to the levy limitation in section 384.1.

[C77, 79, 81, §386.8]

85 Acts, ch 113, §2; 2021 Acts, ch 20, §1, 14, 15; 2026 Acts, ch 1115, §62, 81, 82

2026 amendment applies to assessment years beginning on or after January 1, 2027; 2026 Acts, ch 1115, §82

2026 amendment effective January 1, 2027; 2026 Acts, ch 1115, §81

Section amended

386.9 Capital improvement tax.

A city may establish a capital improvement fund for a district and may certify taxes, not to exceed the rate established by the ordinance creating the district, or any subsequent

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amendment thereto, each year to be levied for the fund against all of the property in the district, for the purpose of accumulating moneys for the financing or payment of a part or all of the costs of any improvement or self-liquidating improvement. However, parcels of property which are assessed as residential property for property tax purposes are exempt from the tax levied under this section except residential properties within a duly designated historic district or property classified as multiresidential property under section 441.21, subsection 13, paragraph *"a"*, subparagraph (5). A tax levied under this section is not subject to the levy limitations in section 384.1 or 384.7.

[C77, 79, 81, §386.9]

85 Acts, ch 113, §3; 2021 Acts, ch 20, §2, 14, 15; 2026 Acts, ch 1115, §63, 81, 82

Referred to in §386.12

2026 amendment applies to assessment years beginning on or after January 1, 2027; 2026 Acts, ch 1115, §82

2026 amendment effective January 1, 2027; 2026 Acts, ch 1115, §81

Section amended

386.10 Debt service tax.

A city shall establish a self-supported municipal improvement district debt service fund whenever any self-supported municipal improvement district bonds are issued and outstanding, other than revenue bonds, and shall certify taxes to be levied against all of the property in the district for the debt service fund in the amount necessary to pay interest as it becomes due and the amount necessary to pay, or to create a sinking fund to pay, the principal at maturity of all self-supported municipal improvement district bonds as authorized in section 386.11, issued by the city. However, parcels of property which are assessed as residential property for property tax purposes at the time of the issuance of the bonds are exempt from the tax levied under this section until the parcels are no longer assessed as residential property or until the residential properties are designated as a part of a historic district or property classified as multiresidential property under section 441.21, subsection 13, paragraph *"a"*, subparagraph (5).

[C77, 79, 81, §386.10]

85 Acts, ch 113, §4; 2021 Acts, ch 20, §3, 14, 15; 2026 Acts, ch 1115, §64, 81, 82

Referred to in §386.11

2026 amendment applies to assessment years beginning on or after January 1, 2027; 2026 Acts, ch 1115, §82

2026 amendment effective January 1, 2027; 2026 Acts, ch 1115, §81

Section amended

386.11 Self-supported municipal improvement district bonds.

1. A city may issue and sell self-supported municipal improvement district bonds at public or private sale payable from taxes which must be levied in accordance with chapter 76. The bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the district through the district debt service fund authorized by section 386.10. When self-supported municipal improvement district bonds are issued and taxes are levied in accordance with chapter 76, the taxes shall continue to be levied, until the bonds and interest thereon are paid in full, against all of the taxable property that was included in the district at the time of the issuance of the bonds, regardless of any subsequent removal of any property from the district or the dissolution of the district.

2. The proceeds of the sale of the bonds may be used to pay any or all of the costs of any improvement, or be used to pay any legal indebtedness incurred for the cost of any improvement including bonds or warrants previously issued to pay the costs of an improvement, or bonds may be exchanged for the evidences of such legal indebtedness.

3. Before the council may institute proceedings for the issuance of bonds, it shall proceed in the same manner as is required for the institution of proceedings for the issuance of bonds for an essential corporate purpose as provided in section 384.25, subsection 2 and all of the provisions of that subsection apply to bonds issued pursuant to this section.

4. A city may issue bonds authorized by this section pursuant to a resolution adopted at a regular or special meeting by an affirmative vote of a majority of the total members to which the council is entitled. The proceeds of a single bond issue may be used for various improvements.

5. The provisions of sections 384.29, 384.30, and 384.31 apply to bonds issued pursuant

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to this section, except that the bonds shall be designated "municipal improvement district bonds".

6. No action may be brought which questions the legality of bonds issued pursuant to this section or the power of a city to issue the bonds or the effectiveness of any proceedings relating to the authorization and issuance of the bonds after thirty days from the time the bonds are ordered issued by the city.

[C77, 79, 81, §386.11]
Referred to in §386.10, 386.12

386.12 Payment for improvements.

The costs of improvements may be paid from any of the following sources or a combination thereof:

1. The capital improvement fund referred to in section 386.9.
2. The proceeds of bonds referred to in section 386.11.
3. Any other funds of the city which are legally available to pay all or a portion of the cost of an improvement. The fact that an improvement is initiated under the provisions of this chapter, or any of the costs of an improvement or any part of an improvement are being paid under the provisions of this chapter, shall not preclude the city from paying any costs of an improvement from any fund from which it might otherwise have been able to pay such costs. In addition, and not in limitation of the foregoing, any improvement which constitutes an essential corporate purpose or a general corporate purpose as defined in section 384.24, subsections 3 and 4, may be financed in whole or in part with the proceeds of the issuance of general obligation bonds of the city pursuant to the provisions of chapter 384, subchapter III.
4. Payment for the costs of an improvement may also be made in warrants drawn on any fund from which payment for the improvement may be made. If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter 74A, which do not constitute a violation of section 384.10, even if the collection of taxes or income from the sale of bonds applicable to the improvement is after the end of the fiscal year in which the warrants are issued. If the city arranges for the private sale of anticipatory warrants, they may be sold and the proceeds used to pay the costs of the improvement. Such warrants may be used to pay other persons furnishing services constituting a part of the cost of the improvement.

[C77, 79, 81, §386.12]
2018 Acts, ch 1041, §127

386.13 Parking fee abatements.

A city may apply moneys in the operation fund of the district to prepay parking fees at any city parking facility located in or used in conjunction with the district but only after notice and hearing as required by section 386.6. The authority to prepay such fees shall exist only for the period of time set out in the notice to owners and in the resolution of the council authorizing the application of funds for that purpose. Upon the application of sufficient amounts of prepaid fees, the city need not charge individual users of the parking facility. Before adopting a resolution authorizing the application of funds for such purpose, the council must find that the application will further the purposes of the district, including but not limited to increasing the commercial activity in the district.

[C77, 79, 81, §386.13]

386.14 Independent provisions.

The provisions of this chapter with respect to notice, hearing and appeal for the construction of improvements and self-liquidating improvements and the issuance and sale of bonds are in lieu of the provisions contained in chapters 73A and 75, or any other law, unless specifically referred to and made applicable by this chapter.

[C77, 79, 81, §386.14]

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CHAPTERS 386A to 387

RESERVED

CHAPTER 388

CITY UTILITIES

Referred to in §12C.1, 26.2, 357A.2, 358.20, 362.1, 362.9, 376.1, 384.80, 384.81, 384.84, 392.1, 392.3, 437A.4, 437A.5, 573.28, 716.6B

Legislative intent regarding cable communications or television, telephone, and telecommunications systems or services; 99 Acts, ch 63, §1

388.1 Definitions.
388.2 Submission to voters.
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388.8 Easement continuance.
388.9 Competitive information.
388.9A Customer records.
388.10 Municipal utility providing telecommunications services.
388.11 Liability within two miles.

388.1 Definitions.

As used in this chapter:

1. *"Combined utility system"* means the same as defined in section 384.80.

2. *"Utility board"* or *"board"* means a board of trustees established to operate a city utility, city utilities, or a combined utility system. A single utility board may operate more than one city utility even though such city utilities are not a combined utility system.

[C75, 77, 79, 81, §388.1]

388.2 Submission to voters.

1. *a.* The proposal of a city to establish, acquire, lease, or dispose of a city utility, except a sanitary sewage or storm water drainage system, in order to undertake or to discontinue the operation of the city utility, or the proposal to establish or dissolve a combined utility system, or the proposal to establish or discontinue a utility board, is subject to the approval of the voters of the city, except that a board may be discontinued by resolution of the council when the city utility, city utilities, or combined utility system it administers is disposed of or leased for a period of over five years.

b. Upon the council's own motion, the proposal may be submitted to the voters at the general election, the regular city election, or at a special election called for that purpose. Upon receipt of a valid petition as defined in section 362.4, requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election.

c. If the special election is to establish a gas or electric utility pursuant to this section, or if such a proposal is to be included on the ballot at the regular city or general election, the mayor or council shall give notice as required by section 376.1 to the county commissioner of elections and to any utility whose property would be affected by such election not less than sixty days before the proposed date of the special, regular city, or general election.

d. A proposal for the establishment of a utility board must specify a board of either three or five members.

2. *a.* If a majority of those voting for and against the proposal approves the proposal, the city may proceed as proposed.

b. If a majority of those voting for and against the proposal does not approve the proposal,

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the same or a similar proposal may not be submitted to the voters of the city for at least four years from the date of the election at which the proposal was defeated.

[C73, §471; C97, §720, 721; S13, §720, 721; C24, 27, 31, 35, 39, §**6131 – 6133, 6144;** C46, 50, 54, 58, §397.5 – 397.7, 397.29; C62, 66, 71, 73, §397.5 – 397.7, 397.29, 397.43; C75, 77, 79, 81, §388.2]

90 Acts, ch 1206, §4; 2007 Acts, ch 215, §109, 110

Referred to in §388.2A, 476.55, 476.84

388.2A Procedure for disposal of city utility by sale.

1. A proposal to discontinue a city utility and dispose of such utility by sale, whether upon the council's own motion or upon the receipt of a valid petition pursuant to section 388.2, subsection 1, paragraph *"b"*, shall not be submitted to the voters of the city pursuant to section 388.2 at any election unless the governing body of the city utility meets the requirements of this section.

2. *a.* (1) The governing body of the city utility shall determine the fair market value of the utility system after obtaining two appraisals of the system's fair market value. One appraisal shall be obtained from an independent appraiser selected by the governing body, and the other appraisal shall be obtained from an independent appraiser approved by the Iowa utilities commission. Both appraisals shall be conducted in conformance with the uniform standards of professional appraisal practice or substantially similar standards.

(2) Any appraisal obtained pursuant to this paragraph shall consider the depreciated value of the capital assets to be sold, the loss of future revenues to the city utility, including the right to generate surpluses, and the cost of any capital improvements reasonably necessary to provide adequate service and facilities to the city utility's customers.

b. After considering the appraisals obtained pursuant to paragraph *"a"*, the governing body shall establish the city utility's fair market value. The fair market value shall be the greater of any of the following:

(1) The average of the two appraisals obtained pursuant to paragraph *"a"*.

(2) The depreciated value of the capital assets to be sold.

(3) The amount necessary to retire all of the city's outstanding revenue and general obligations issued for purposes of the city utility.

c. The governing body's determination of a city utility's fair market value pursuant to this subsection shall not be dispositive of the city utility's system price, which shall be subject to negotiation by the governing body.

d. The governing body shall prepare an inventory of the city utility's real and personal property, and a statement of net position or balance sheet of the city utility, including all assets, liabilities, outstanding revenue and general obligations used to finance the city utility system.

e. The governing body shall prepare a financial information statement of the city utility that includes current and projected rate schedules for the next five fiscal years, as well as the five most recent fiscal year revenue statements, if such statements exist, and a projection of the city utility's revenue statements for the next five fiscal years.

f. The governing body shall consider alternatives to disposing of the city utility system by sale, including entering into an agreement pursuant to chapter 28E, or into a finance agreement, purchase agreement, or lease agreement with another entity described in section 476.1, subsection 3.

g. (1) The governing body shall make available on its internet site, at least sixty days prior to submitting a proposal for election pursuant to section 388.2, a copy of each item listed in paragraphs *"a"* through *"f"* of this subsection.

(2) If, at the time of posting information pursuant to subparagraph (1), the governing body has received any offers or appraisals of fair market value from any prospective purchasers of the city utility system in connection with a proposal to discontinue the city utility and dispose of such utility by sale, then the governing body shall make available on its internet site each offer and appraisal then in existence. Proprietary information of a rate-regulated public utility under chapter 476 that is exempt from disclosure pursuant to section 22.7 may be withheld

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from disclosure on the governing body's internet site. The governing body may continue to receive new or revised offers or appraisals thereafter.

(3) The governing body shall make a good-faith effort to provide, by regular mail to each property owner of the city and each ratepayer of the city utility, a notice of the proposal to dispose of the city utility by sale, a summary of the proposal, a summary of the information described in subparagraphs (1) and (2), and instructions for locating the information described in subparagraphs (1) and (2) on the governing body's internet site.

3. Upon the governing body meeting the requirements of subsection 2, a city council may submit a proposal to discontinue and dispose of a city utility pursuant to section 388.2.

4. If a proposal to discontinue and dispose of a city utility is to be submitted to voters following the receipt of a valid petition pursuant to section 388.2, subsection 1, paragraph *"b"*, the council shall submit the proposal at the next general election, regular city election, or a special election called for that purpose, within one hundred twenty days after the governing body of the city utility meets the requirements of subsection 2.

5. A proposal to discontinue and dispose of a city utility by sale that is approved by the voters pursuant to section 388.2, subsection 2, paragraph *"a"*, shall not require the governing body or any purchasing entity to finalize a sale of the city utility.

6. No action may be brought which questions the legality of the election or the city and governing body's compliance with this section, except as provided in section 57.1, within twenty days of the canvass of votes for the election by the county board of supervisors.

2018 Acts, ch 1024, §1; 2020 Acts, ch 1068, §1; 2024 Acts, ch 1170, §369

Referred to in §455B.199D, 476.84

388.3 Procedure upon approval — appointment and removal of board members.

1. If a proposal to establish a utility board receives a favorable majority vote, the mayor shall appoint the board members, as provided in the proposal, subject to the approval of the council. The council shall by resolution provide for staggered six-year terms for, and shall set the compensation of, board members.

2. A board member appointed to fill a vacancy occurring by reason other than the expiration of a term is appointed for the balance of the unexpired term.

3. A public officer or a salaried employee of the city shall not serve on a utility board.

4. Any person appointed as a board member of a utility board pursuant to this section may be removed from office by the mayor with the unanimous approval of the city council for any of the following reasons:

a. For any reason enumerated in section 66.1A.

b. For habitual nonattendance of board meetings.

5. A removal pursuant to this section shall begin with a written notice, sent by certified mail to the board member stating the grounds for removal, with a copy of the notice filed with the city clerk. The board member shall be entitled to a public hearing within thirty days of the mailing of the notice, on all issues connected with the removal, unless the board member requests a later date. After the passage of thirty days or after the public hearing described provided by this subsection, the city council shall vote on whether to approve the removal of the board member.

6. The provisions of subsections 4 and 5 do not apply to a city with a population of more than two hundred thousand according to the 2020 federal decennial census.

[C97, §747; S13, §747-a, -b; C24, 27, §6147, 6148, 6157; C31, 35, §6147, 6148, 6157, 6943-c1, -c2, -c3; C39, §**6147, 6148, 6157, 6943.001 – 6943.003;** C46, 50, 54, 58, 62, 66, 71, 73, §397.32, 397.33, 398.8, 420.297 – 420.299; C75, 77, 79, 81, §388.3]

2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §205; 2022 Acts, ch 1068, §1, 2; 2023 Acts, ch 66, §94, 159

388.4 Utility board.

The title of a utility board must be appropriate to the city utility, city utilities, or combined utility system administered by the board. A utility board may be a party to legal action. A utility board may exercise all powers of a city in relation to the city utility, city utilities, or combined utility system it administers, with the following exceptions:

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1. A board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.

2. The title to all property of a city utility or combined utility system must be held in the name of the city, but the utility board has all the powers and authorities of the city with respect to the acquisition by purchase, condemnation, or otherwise, lease, sale, or other disposition of such property, and the management, control, and operation of the same, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the city utility or combined utility system, and which are then outstanding.

3. A board shall make to the council a detailed annual report, including a complete financial statement.

4. Immediately following a regular or special meeting of a utility board, the secretary shall prepare a condensed statement of the proceedings of the board and cause the statement to be published in a newspaper of general circulation in the city. The statement must include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the utility board shall provide at its office upon request an unconsolidated list of all claims allowed. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the utility, for services regularly performed by them, must be published once annually showing the gross amount of the salary. In cities having more than one hundred fifty thousand population, the utility board shall each month prepare in pamphlet form the statement herein required for the preceding month and furnish copies to the city library, the daily newspapers of the city, the city clerk, and to persons who apply at the office of the secretary, and the pamphlet shall constitute publication as required. Failure by the secretary to make publication is a simple misdemeanor.

[S13, §1056-a7, -c24; C24, §5678, 6149; C27, 31, 35, §5676-a2, 6149, 6159-a1; C39, §**5676.2, 6149, 6159.1;** C46, 50, §363.52, 397.34, 398.11; C54, 58, 62, 66, 71, 73, §368A.7, 368A.24, 397.34, 398.11; C75, 77, 79, 81, §388.4]

2006 Acts, ch 1018, §6

388.5 Control of tax revenues.

1. A utility board shall control tax revenues allocated to the city utility, city utilities, or combined utility system it administers and all moneys derived from the operation of the city utility, city utilities, or combined utility system, the sale of utility property, interest on investments, or from any other source related to the city utility, city utilities, or combined utility system.

2. All city utility moneys received must be held in a separate utility fund, with a separate account or accounts for each city utility or combined utility system. If a board administers a municipal utility or combined utility system, moneys may be paid out of that utility account only at the direction of the board.

[C97, §748; C13, §741-b, 748; C24, 27, 31, 35, 39, §**5676, 6158;** C46, 50, §363.50, 398.9; C54, 58, 62, 66, 71, 73, §368A.6, 398.9; C75, 77, 79, 81, §388.5]

2019 Acts, ch 24, §104

388.6 Discrimination in rates.

A city utility or a combined utility system may not provide use or service at a discriminatory rate, except to the city or its agencies, as provided in section 384.91.

[C75, 77, 79, 81, §388.6]

Referred to in §476.84

388.7 Prior utility board.

1. A utility board functioning on July 1, 1975, shall continue to function until discontinued as provided in this chapter, and has all the powers granted in this chapter.

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2. Nothing in the city code shall be construed to allow the abrogation of any franchise.
[C75, 77, 79, 81, §388.7]
2019 Acts, ch 59, §114

388.8 Easement continuance.
If a city exercised a right to an easement on property before January 1, 1950, for the establishment of water, sewer, or gas or power lines, the city has acquired the right to exercise a continuing easement on that property to the extent necessary for repair and maintenance of those lines.
[81 Acts, ch 129, §1]

388.9 Competitive information.
1. Notwithstanding section 21.5, subsection 1, the governing body of a city utility or combined utility system, or a city enterprise or combined city enterprise as defined in section 384.80, by a vote of two-thirds of the members of the body or all of the members present at the meeting, may hold a closed session to discuss marketing and pricing strategies or proprietary information if its competitive position would be harmed by public disclosure not required of potential or actual competitors, and if no public purpose would be served by such disclosure. The minutes and an audio or audiovisual recording of a session closed under this subsection shall be available for public examination at that point in time when the public disclosure would no longer harm the utility's competitive position.
2. *a.* Notwithstanding section 22.2, subsection 1, public records of a city utility or combined utility system, or a city enterprise or combined city enterprise as defined in section 384.80, which shall not be examined or copied as of right, include proprietary information, records of customer names and accounts, records associated with marketing or pricing strategies, preliminary working papers, spreadsheet scenarios, and cost data, if the competitive position of the city utility, combined utility system, city enterprise, or combined city enterprise would be harmed by public disclosure not required of a potential or actual competitor, and if no public purpose would be served by such disclosure. A public record not subject to examination or copying under this subsection shall be available for public examination and copying at that point in time when public disclosure would no longer harm the competitive position of the city utility, combined utility system, city enterprise, or combined city enterprise.
b. For purposes of this subsection, "*proprietary information*" includes customer records that if disclosed would harm the competitive position of a customer; or information required by a noncustomer contracting party to be kept confidential pursuant to a nondisclosure agreement which relates to electric transmission planning and construction, critical energy infrastructure, an ownership interest or acquisition of an ownership interest in an electric generating facility, or other information made confidential by law or rule.
99 Acts, ch 63, §3, 8; 2008 Acts, ch 1126, §16, 33; 2020 Acts, ch 1063, §206
Referred to in §388.10

388.9A Customer records.
Notwithstanding section 22.2, subsection 1, public records of a city utility or combined utility system, or a city enterprise or combined city enterprise as defined in section 384.80, which shall not be examined or copied as of right, include private customer information. Except as required pursuant to chapter 476, "*private customer information*" includes information identifying a specific customer and any record of a customer account, including internet-based customer account information.
2012 Acts, ch 1010, §2

388.10 Municipal utility providing telecommunications services.
1. *a.* A city that owns or operates a municipal utility providing telecommunications services or such a municipal utility shall not do, directly or indirectly, any of the following:
(1) Use general fund moneys for the ongoing support or subsidy of a telecommunications system.

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(2) Provide any city facilities, equipment, or services to provide telecommunications systems or services at a cost for such facilities, equipment, or services which is less than the reasonable cost of providing such city facilities, equipment, or services.

(3) Provide any other city service, other than a communications service, to a telecommunications customer at a cost which is less than would be paid by the same person receiving such other city service if the person was not a telecommunications customer.

(4) Use funds or revenue generated from electric, gas, water, sewage, or garbage services provided by the city for the ongoing support of any city telecommunications system.

b. For purposes of this section:

(1) *"Telecommunications system"* means a system that provides telecommunications services.

(2) *"Telecommunications services"* means the retail provision of any of the following services:

(a) Local exchange telephone services.

(b) Long distance telephone services.

(c) Internet access services.

(d) Cable television services.

2. A city that owns or operates a municipal utility providing telecommunications services or such a municipal utility shall do the following:

a. Prepare and maintain records which record the full cost accounting of providing telecommunications services. The records shall show the amount and source of capital for initial construction or acquisition of the telecommunications system or facilities. The records shall be public records subject to the requirements of chapter 22. Information in the records that is not subject to examination or copying as provided in section 388.9, subsection 2, may be expunged from the records prior to public disclosure. This section shall not prohibit a municipal utility from utilizing capital from any lawful source, provided that the reasonable cost of such capital is accounted for as a cost of providing the service. In accounting for the cost of use of any city employees, facilities, equipment, or services, a city or municipal utility may make a reasonable allocation of the cost of use of any city employees, facilities, equipment, or services used by the municipal utility based upon reasonable criteria for the distribution of the cost of use in any manner which is not inconsistent with generally accepted accounting principles.

b. Adopt rates for the provision of telecommunications services that reflect the actual cost of providing the telecommunications services. However, this paragraph shall not prohibit the municipal utility from establishing market-based prices for competitive telecommunications services.

c. Be subject to all requirements of the city which would apply to any other provider of telecommunications services in the same manner as such requirements would apply to such other provider. For purposes of cable television services, a city that is in compliance with section 364.3, subsection 7, shall be considered in compliance with this paragraph.

d. Make an annual certification of compliance with this section. For any year in which the city or municipal utility is not audited in accordance with section 11.6, the city or municipal utility shall contract with or employ the auditor of state or a certified public accountant certified in the state of Iowa to attest to the certification. The attestation report shall be a public record for purposes of chapter 22.

3. This section shall not prohibit the marketing or bundling of other products or services, in addition to telecommunications services. However, a city shall include on a billing statement sent to a person receiving services from the city, a separate charge for each service provided to the person. This subsection does not prohibit the city from also including on the billing statement a total amount to be paid by the person.

4. This section shall not apply to telecommunications services provided directly by a municipal airport.

99 Acts, ch 63, §4, 8; 2004 Acts, ch 1022, §2, 3; 2004 Acts, ch 1048, §2

Referred to in §11.6, 477A.1, 477A.7

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388.11 Liability within two miles.

A city or city utility providing water service within two miles of the limits of the city shall not be liable for a claim for failure to provide or maintain hydrants, facilities, or an adequate supply of water or water pressure for fire protection purposes in the area receiving water service if such hydrants, facilities, or water are not intended to be used for fire protection purposes.

2014 Acts, ch 1086, §5; 2015 Acts, ch 30, §112

CHAPTER 389

JOINT WATER UTILITIES

Referred to in §28F.1, 376.1, 427.1(28), 476.1, 716.6B

389.1 Definitions.
389.2 Submission to voters.
389.3 Powers and duties.
389.4 Financing.
389.5 Construction.

389.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Joint water utility"* means a water utility established by two or more cities which owns or operates or proposes to finance the purchase or construction of all or part of a water supply system or the capacity or use of a water supply system pursuant to this chapter. A water supply system includes all land, easements, rights-of-way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the system.

2. *"Joint water utility board"* means the board of trustees established to operate a joint water utility.

3. *"Project"* means any works or facilities useful or necessary for the operation of a joint water utility.

91 Acts, ch 168, §2

389.2 Submission to voters.

A joint water utility may be established by two or more cities. A proposal to establish a joint water utility or to join an existing joint water utility may be submitted to the voters of a city by the city council upon its own motion, or upon receipt of a valid petition pursuant to section 362.4.

1. If the proposal is to establish a joint water utility, the proposal shall be submitted to the voters of each city proposing to establish the joint water utility. If a majority of the electorate in each of at least two cities approves the proposal, the cities approving the proposal may establish a joint water utility.

2. If the proposal is to join an existing joint water utility, the proposal must first be submitted to the joint water utility board for its approval. If the proposal is approved by the board, the proposal shall be submitted to the electorate of the city wishing to join. The proposal must receive a majority affirmative vote for passage.

91 Acts, ch 168, §3; 2010 Acts, ch 1061, §156

389.3 Powers and duties.

1. Upon adoption of a proposal to establish a joint water utility, the member cities shall establish a joint water utility board, consisting of at least five members. The mayors of the participating cities shall appoint the members, subject to the approval of the city councils, and at least one member shall be appointed from each participating city. The board shall be responsible for the planning and operation of a joint water utility, subject to the provisions of this chapter.

2. A joint water utility is a political subdivision and an instrumentality of municipal

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government. The statutory powers, duties, and limitations conferred upon a city utility apply to a joint water utility, except that title to property of a joint water utility may be held in the name of the joint water utility. The joint water utility board shall have all powers and authority of a city with respect to property which is held by the joint water utility. A joint water utility shall have the power of eminent domain, including the powers, duties, and limitations conferred upon a city in chapters 6A and 6B, for the purposes of constructing and operating a joint water utility.

3. The joint water utility board may purchase or construct all or part of any water supply system, and may finance the purchase or construction. The board may also contract to sell all or part of the joint water utility's water supply, including any surplus, to a public or private agency, or an entity created to carry out an agreement authorizing the joint exercise of any of the governmental powers enumerated in section 28F.1. The board may contract for the purchase, from any source, of all or a portion of the water supply requirements of the joint water facility. A contract may include provisions for the payment for capacity or output of a facility whether the facility is completed or operating, and for establishing the rights and obligations of the parties to the contract in the event of a default by any of the parties.

4. Payments made by a joint water utility pursuant to a contract shall constitute operating expenses of the joint water utility and shall be payable from the revenues derived from the operation of the joint water utility.

91 Acts, ch 168, §4; 2006 Acts, 1st Ex, ch 1001, §33, 49; 2010 Acts, ch 1061, §180

389.4 Financing.

1. A joint water utility may finance projects pursuant to chapter 28F. A city may finance its share of the cost of a project by the use of any method of financing available for city utilities, including but not limited to sections 384.23 through 384.36 and sections 384.80 through 384.94.

2. If a project is financed by a joint water utility, revenues derived from the project shall be deemed to be revenues of the joint water utility for all purposes including the issuance and payment of bonds secured by or payable from the revenues of the joint water utility. If a project is financed by member cities of a joint water utility, the revenues derived from the project shall be deemed to be revenues of the city or city utility for all purposes including the issuance and payment of bonds secured by or payable from the revenues of the city or city utility.

91 Acts, ch 168, §5; 2021 Acts, ch 76, §150

389.5 Construction.

This chapter being necessary for the public health, public safety, and general welfare, shall be liberally construed to effectuate its purposes. This chapter shall be construed as providing a separate and independent method for accomplishing its purposes, and shall take precedence over any contrary provision of the law.

91 Acts, ch 168, §6

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CHAPTER 390

JOINT ELECTRICAL UTILITIES

Referred to in §376.1, 476.23

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SUBCHAPTER I

JOINT ELECTRICAL UTILITIES

390.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Acquisition"* of a joint facility includes the purchase, lease, construction, reconstruction, extension, remodeling, improvement, repair, and equipping of the joint facility.

2. *"City"* means a municipal corporation, but not including a county, township, school district, or special purpose district or authority.

3. *"City utility"* has the same meaning provided in section 362.2, subsection 6, and includes a *"combined utility system"*, as defined in section 384.80, which operates facilities for the generation or transmission of electric energy.

4. *"Electric cooperative"* means a cooperative association which owns and operates property for generating, purchasing, obtaining by exchange or otherwise acquiring, or transmitting electric power and energy.

5. *"Governing body"* means the public body which by law is charged with the management and control of a city utility as defined in section 384.80, subsection 5.

6. *"Joint agreement"* means an agreement of participants pursuant to the provisions of this chapter. A joint agreement may be one or more documents, and may be entitled joint agreement, agreement, contract, or otherwise.

7. *"Joint facility"* means all property necessary or useful for generating, purchasing, obtaining by exchange or otherwise acquiring, or transmitting electric power and energy, which is owned and operated pursuant to a joint agreement.

8. *"Or"* includes the conjunctive *"and"* and *"and"* includes the disjunctive *"or"*, unless the context clearly indicates otherwise.

9. *"Own"* and *"ownership"* in the case of transmission facilities, including substations and associated facilities, may include the right to the use of an amount of the capacity of the facilities, if the joint agreement so provides. *"Own"* and *"ownership"* may include a joint facility located in this state or outside this state.

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10. *"Participant"* means a city, electric cooperative, or privately owned utility company, which is a party to a joint agreement.

[C75, 77, 79, 81, §390.1]

84 Acts, ch 1251, §1; 2012 Acts, ch 1065, §1; 2022 Acts, ch 1032, §55

Referred to in §23A.2, 352.6, 390.9, 476.22

390.2 Additional power.

In addition to other powers conferred by the Constitution and laws of this state, any city having established a utility which operates an existing electric generating facility or distribution system may enter into and carry out joint agreements with other participants for the acquisition of ownership of an undivided interest in a joint facility and for the planning, financing, operation, and maintenance of the joint facility.

[C75, 77, 79, 81, §390.2]

390.3 Hearing — exception to general statutes.

1. Before a city may enter into or amend a joint agreement, the governing body shall adopt a proposed form of agreement and give notice and conduct a public hearing on the agreement in the manner provided by sections 73A.1 through 73A.11, which action shall be subject to appeal as provided in chapter 73A.

2. However, in the performance of a joint agreement, the governing body is not subject to statutes generally applicable to public contracts, including hearings on plans, specifications, form of contracts, costs, notice, and competitive bidding required under chapter 26 and section 384.103, unless all parties to the joint agreement are cities located within the state of Iowa.

[C75, 77, 79, 81, §390.3]

84 Acts, ch 1067, §36; 2006 Acts, ch 1017, §38, 42, 43; 2020 Acts, ch 1063, §207; 2021 Acts, ch 80, §241

390.4 Undivided joint interest.

In substance, a joint agreement shall:

1. Provide that each participant shall own an undivided interest in the joint facility, the interest being equal to the percentage of the money furnished, value of property furnished, or services rendered by each participant toward the total cost of the joint facility, and that each participant shall own and control a like percentage of the output of the joint facility.

2. Provide that each participant shall undertake to finance its portion of the cost of planning, acquisition, operation, and maintenance of the joint facility.

3. Provide that each participant in the ownership of the joint facility shall bear all taxes, if any, chargeable to its ownership of the joint facility under statutes now or hereafter in effect.

4. Provide for the planning, financing, acquisition, operation and maintenance of the joint facility, or for any one or more of said purposes, including the cost to be contributed by each participant.

5. Provide for a uniform method of determining and allocating operation and maintenance expenses of the joint facility.

6. Provide that a participant may be liable only for its own acts with regard to the joint facility, or as principal for the acts of the manager in proportion to its percentage of ownership, and shall not be jointly or severally liable for the acts, omissions, or obligations of other participants.

7. Provide that the undivided interest of a participant in the joint facility may not be charged directly or indirectly with a debt or obligation of another participant or be subject to any lien as a result thereof.

8. Provide for the management and operation of the affairs of the joint facility, and the indemnification of the manager, which may include a provision that the joint facility shall be managed and operated by one or more of the participants.

9. Provide that no participant may withdraw from the joint agreement during its duration so long as obligations payable in whole or in part from revenues derived from the operation

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of the joint facility, and issued by a city, are outstanding, unless prior consent is first granted by each of the other participants either in the joint agreement or otherwise.

10. Provide for the method to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property and assets upon partial or complete termination. The provisions of the joint agreement for disposition of the joint facilities shall not be subject to the statutes limiting or prescribing procedure for the sale of city-owned properties.

11. Provide for the duration of the agreement. An agreement authorized by this chapter shall not be limited as to period of existence, except as may be limited by the terms of the agreement itself.

12. Include other provisions as the parties may deem necessary or appropriate with respect to the conduct of the participants, the operation or ownership of the joint facility, or the settlement of disputes.

[C75, 77, 79, 81, §390.4]

390.5 Financing.

A city may finance its share of the cost of a joint facility by the use of any method of financing available for city utilities under the statutes of this state, for the financing of electric generation or transmission facilities to be owned by a city in their entirety, including but not limited to the provisions of chapters 397 and 407, Code 1973, and sections 384.23 through 384.36 and sections 384.80 through 384.94 as applicable. Revenues derived by a city utility from its share of ownership or operation of a joint facility shall be deemed to be revenues of the city utility for all purposes including the issuance and payment of bonds secured by or payable from the revenues of a city utility. A joint agreement shall be deemed payable from revenues or revenue bonds of a city utility in the absence of provision to the contrary or a referendum approving the issuance of general obligation bonds.

[C75, 77, 79, 81, §390.5]

2019 Acts, ch 59, §115

390.6 Construction.

This chapter being necessary for the public health, public safety and general welfare, shall be liberally construed to effectuate its purposes. This chapter shall be construed as providing a separate and independent method for accomplishing its purposes, and except as provided or necessarily implied shall not be construed as subject to or an amendment of any other law. In particular, without limiting the generality of the foregoing, no restrictions or requirements contained in this chapter shall be construed as applying to bonds issued pursuant to the provisions of chapter 419. Nothing contained in this chapter shall be construed to limit the powers and authority of privately owned utility companies or electric cooperatives under any other law.

[C75, 77, 79, 81, §390.6]

390.7 Construction of amendments.

The provisions of 1975 Iowa Acts, ch. 199, are retroactive in application to all joint agreements entered into and executed prior to July 1, 1975, under this chapter, on behalf of cities which, on the date of executing the agreements, operated existing electric generating or distribution facilities. However, all such joint agreements which complied with the provisions of this chapter prior to amendment by 1975 Iowa Acts, ch. 199, are also in full force and effect according to their terms, and are not rendered invalid in any respect by any provision of 1975 Iowa Acts, ch. 199.

[C77, 79, 81, §390.7]

390.8 Equity investment in independent transmission company.

In addition to the powers conferred upon a city elsewhere in this chapter, any city operating a city electric utility on January 1, 2003, may enter into agreements with and acquire equity interests in independent transmission companies or similar independent transmission entities in which they are participating that are approved by the federal

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energy regulatory commission. The purpose of such equity investments shall be to mitigate expenses incurred by the city electric utility due to its procurement of electric transmission service or to otherwise facilitate investment in transmission facilities and shall not be for general city or city utility investment purposes.

2003 Acts, ch 116, §1

390.8A Transmission facility ownership.

In addition to the powers conferred upon a city or electric power agency elsewhere in this chapter, a city or electric power agency may acquire ownership interest in a transmission facility, including ownership of the capacity of such facility, within this state or in any other state for the purpose of participating with other utilities in transmission to be operated by a regional transmission organization or an independent transmission operator approved by the federal energy regulatory commission. For purposes of this section, *"electric power agency"* means the same as defined in section 390.9.

2012 Acts, ch 1065, §2

SUBCHAPTER II

ELECTRIC POWER AGENCIES

390.9 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. *"Electric power agency"* means an entity financing or acquiring an electric power facility pursuant to this chapter, chapter 28E, or chapter 28F. An electric power agency may be organized as a nonprofit corporation, limited liability company, or as a separate administrative or legal entity pursuant to chapter 28E. When the electric power agency is comprised solely of cities or solely of cities and other political subdivisions, the electric power agency shall be a political subdivision of the state with the name under which it was organized, and shall have all the powers of a city or city utility under this chapter.

2. *"Facility"*, *"joint facility"*, *"electric power facility"*, or *"project"* means an electric power generating plant, or transmission line or system, including a joint facility as defined in section 390.1, subsection 7.

3. *"Public bond or obligation"* means an obligation as defined in section 76.14.

2010 Acts, ch 1018, §5

Referred to in §12C.1, 390.8A, 476.1B, 478.16

390.10 Electric power agency — general authority.

In addition to other powers conferred upon an electric power agency by chapter 28F or other applicable law, an electric power agency may enter into and carry out joint agreements with other participants for the acquisition of ownership of a joint facility and for the planning, financing, operation, and maintenance of the joint facility, as provided in this subchapter.

2001 Acts, 1st Ex, ch 4, §18, 36
CS2001, §476A.21
2010 Acts, ch 1018, §8
C2011, §390.10

390.11 Electric power agency — authority — conflicting provisions.

1. In addition to any powers conferred upon an electric power agency under chapter 28F or other applicable law, an electric power agency may exercise all other powers reasonably necessary or appropriate for or incidental to the effectuation of the electric power agency's authorized purposes, including without limitation the powers enumerated in chapters 6A and 6B for purposes of constructing or acquiring an electric power facility.

2. An electric power agency, in connection with its property and affairs, and in connection with property within its control, may exercise any and all powers that might be exercised by a natural person or a private corporation in connection with similar property and affairs.

3. The enumeration of specified powers and functions of an electric power agency in this

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subchapter is not a limitation of the powers of an electric power agency, but the procedures prescribed for exercising the powers and functions enumerated in this subchapter control and govern in the event of any conflict with any other provision of law.

4. The authority conferred pursuant to this subchapter applies to electric power agencies, notwithstanding any contrary provisions of section 28F.1.

2001 Acts, 1st Ex, ch 4, §19, 36
CS2001, §476A.22
2010 Acts, ch 1018, §9
C2011, §390.11
Eminent domain and eminent domain procedures; chapters 6A and 6B

390.12 Issuance of public bonds or obligations — purposes — limitations.

1. An electric power agency may from time to time issue its public bonds or obligations in such principal amounts as the electric power agency deems necessary to provide sufficient funds to carry out any of its purposes and powers, including but not limited to any of the following:

a. The acquisition or construction of any project to be owned or leased by the electric power agency, or the acquisition of any interest in such project or any right to the capacity of such project, including the acquisition, construction, or acquisition of any interest in an electric power generating plant to be constructed in this state, or the acquisition, construction, or acquisition of any interest in a transmission line or system.

b. The funding or refunding of the principal of, or interest or redemption premiums on, any public bonds or obligations issued by the electric power agency whether or not the public bonds or obligations or interest to be funded or refunded have become due.

c. The establishment or increase of reserves to secure or to pay the public bonds or obligations or interest on the public bonds or obligations.

d. The payment of all other costs or expenses of the electric power agency incident to and necessary to carry out its purposes and powers.

2. Notwithstanding anything in this subchapter or chapter 28F to the contrary, a facility shall not be financed with the proceeds of public bonds or obligations, the interest on which is exempt from federal income tax, unless the public issuer of such public bonds or obligations covenants that the issuer shall comply with the requirements or limitations imposed by the Internal Revenue Code or other applicable federal law to preserve the tax exemption of interest payable on the bonds or obligations.

3. *a.* Notwithstanding anything in this subchapter or chapter 28F to the contrary, an electric power generating facility shall not be financed under this subchapter unless all of the following conditions are satisfied:

(1) The portion of the electric power generating facility financed by the electric power agency is not designed to serve the electric power requirements of retail customers of members that are municipal electric utilities established in the state after January 1, 2001.

(2) The electric power agency annually files with the utilities commission, in a manner to be determined by the utilities commission, information regarding sales from the electric power generating facility in sufficient detail to determine compliance with these provisions.

b. The utilities commission shall report to the general assembly if any of the provisions are being violated.

2001 Acts, 1st Ex, ch 4, §20, 36
CS2001, §476A.23
2003 Acts, ch 44, §78, 79; 2010 Acts, ch 1018, §10
C2011, §390.12
2011 Acts, ch 25, §143; 2024 Acts, ch 1170, §369

390.13 Public bonds or obligations authorized by resolution of board of directors — terms.

1. The board of directors of an electric power agency, by resolution, may authorize the issuance of public bonds or obligations of the electric power agency.

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2. The public bonds or obligations may be issued in one or more series under the resolution or under a trust indenture or other security agreement.

3. The resolution, trust indenture, or other security agreement, with respect to such public bonds or obligations, shall provide for all of the following:

a. The date on the public bonds or obligations.

b. The time of maturity.

c. The rate of interest.

d. The denomination.

e. The form, either coupon or registered.

f. The conversion, registration, and exchange privileges.

g. The rank or priority.

h. The manner of execution.

i. The medium of payment, including the place of payment, either within or outside of the state.

j. The terms of redemption, either with or without premium.

k. Such other terms and conditions as set forth by the board in the resolution, trust indenture, or other security agreement.

4. Public bonds or obligations authorized by the board of directors shall not be subject to any restriction under other law with respect to the amount, maturity, interest rate, or other terms of obligation of a public agency or private person.

5. Chapter 75 shall not apply to public bonds or obligations authorized by the board of directors as provided in this section.

2001 Acts, 1st Ex, ch 4, §21, 36
CS2001, §476A.24
2010 Acts, ch 1018, §11
C2011, §390.13

390.14 Public bonds or obligations payable solely from agency revenues or funds.

1. The principal of and interest on any public bonds or obligations issued by an electric power agency shall be payable solely from the revenues or funds pledged or available for their payment as authorized in this subchapter.

2. Each public bond or obligation shall contain all of the following terms:

a. That the principal of or interest on such public bonds or obligations is payable solely from revenues or funds of the electric power agency.

b. That neither the state or a political subdivision of the state other than the electric power agency, nor a public agency that is a member of the electric power agency is obligated to pay the principal or interest on such public bonds or obligations.

c. That neither the full faith and credit nor the taxing power of the state, of any political subdivision of the state, or of any such public agency is pledged to the payment of the principal of or the interest on the public bonds or obligations.

2001 Acts, 1st Ex, ch 4, §22, 36
CS2001, §476A.25
2010 Acts, ch 1018, §12
C2011, §390.14

390.15 Public bonds or obligations — types — sources for payment — security.

1. Except as otherwise expressly provided by this subchapter or by the electric power agency, every issue of public bonds or obligations of the electric power agency shall be payable out of any revenues or funds of the electric power agency, subject only to any agreements with the holders of particular public bonds or obligations pledging any particular revenues or funds.

2. An electric power agency may issue types of public bonds or obligations as it may determine, including public bonds or obligations as to which the principal and interest are payable exclusively from the revenues from one or more projects, or from an interest in such project or projects, or a right to capacity of such project or projects, or from any

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revenue-producing contract made by the electric power agency with any person, or from its revenues generally.

3. Any public bonds or obligations may be additionally secured by a pledge of any grant, subsidy, or contribution from any public agency or other person, or a pledge of any income or revenues, funds, or moneys of the electric power agency from any other source.

2001 Acts, 1st Ex, ch 4, §23, 36
CS2001, §476A.26
2010 Acts, ch 1018, §13
C2011, §390.15

390.16 Public bonds or obligations and rates for debt service not subject to state approval.

Public bonds or obligations of an electric power agency may be issued under this subchapter, and rents, rates, and charges may be established in the same manner as provided in section 28F.5 and pledged for the security of public bonds or obligations and interest and redemption premiums on such public bonds or obligations, without obtaining the consent of any department, division, commission, board, bureau, or agency of the state and without any other proceeding or the happening of any other condition or occurrence, except as specifically required by this subchapter.

2001 Acts, 1st Ex, ch 4, §24, 36
CS2001, §476A.27
2010 Acts, ch 1018, §14
C2011, §390.16

390.17 Public bonds or obligations to be negotiable.

All public bonds or obligations of an electric power agency shall be negotiable within the meaning and for all of the purposes of the uniform commercial code, chapter 554, subject only to the registration requirement of section 76.10.

2001 Acts, 1st Ex, ch 4, §25, 36
CS2001, §476A.28
2010 Acts, ch 1018, §15
C2011, §390.17

390.18 Validity of public bonds or obligations at delivery — temporary bonds.

1. Any public bonds or obligations may be issued and delivered, notwithstanding that one or more of the officers executing them shall have ceased to hold office at the time when the public bonds or obligations are actually delivered.

2. Pending preparation of definitive bonds or obligations, an electric power agency may issue temporary bonds or obligations that shall be exchanged for the definitive bonds or obligations upon their issuance.

2001 Acts, 1st Ex, ch 4, §26, 36
CS2001, §476A.29
2010 Acts, ch 1018, §16
C2011, §390.18

390.19 Public or private sale of bonds and obligations.

Public bonds or obligations of an electric power agency may be sold at public or private sale for a price and in a manner determined by the electric power agency.

2001 Acts, 1st Ex, ch 4, §27, 36
CS2001, §476A.30
2010 Acts, ch 1018, §17
C2011, §390.19

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390.20 Public bonds or obligations as suitable investments for governmental units, financial institutions, and fiduciaries.

The following persons may legally invest any debt service funds, money, or other funds belonging to such person or within such person's control in any public bonds or obligations issued pursuant to this subchapter:

1. A bank, trust company, savings association, or investment company.
2. An insurance company, insurance association, or any other person carrying on an insurance business.
3. An executor, administrator, conservator, trustee, or other fiduciary.
4. Any other person authorized to invest in bonds or obligations of the state.

2001 Acts, 1st Ex, ch 4, §28, 36
CS2001, §476A.31
2010 Acts, ch 1018, §18
C2011, §390.20
2012 Acts, ch 1017, §77
Investment of public funds; §12B.10
Insurance companies; §511.8, 515.35
Banks; §524.901
Investments by fiduciaries; §636.23

390.21 Resolution, trust indenture, or security agreement constitutes contract — provisions.

The resolution, trust indenture, or other security agreement under which any public bonds or obligations are issued shall constitute a contract with the holders of the public bonds or obligations, and may contain provisions, among others, prescribing any of the following terms:

1. The terms and provisions of the public bonds or obligations.
2. The mortgage or pledge of and the grant of a security interest in any real or personal property and all or any part of the revenue from any project or any revenue producing contract made by the electric power agency with any person to secure the payment of public bonds or obligations, subject to any agreements with the holders of public bonds or obligations which might then exist.
3. The custody, collection, securing, investment, and payment of any revenues, assets, money, funds, or property with respect to which the electric power agency may have any rights or interest.
4. The rates or charges for electric energy sold by, or services rendered by, the electric power agency, the amount to be raised by the rates or charges, and the use and disposition of any or all revenue.
5. The creation of reserves or debt service funds and the regulation and disposition of such reserves or funds.
6. The purposes to which the proceeds from the sale of any public bonds or obligations to be issued may be applied, and the pledge of the proceeds to secure the payment of the public bonds or obligations.
7. Limitations on the issuance of any additional public bonds or obligations, the terms upon which additional public bonds or obligations may be issued and secured, and the refunding of outstanding public bonds or obligations.
8. The rank or priority of any public bonds or obligations with respect to any lien or security.
9. The creation of special funds or moneys to be held for operating expenses, payment, or redemption of public bonds or obligations, reserves or other purposes, and the use and disposition of moneys held in these funds.
10. The procedure by which the terms of any contract with or for the benefit of the holders of public bonds or obligations may be amended or abrogated, the amount of public bonds or obligations the holders of which must consent to such amendment or abrogation, and the manner in which consent may be given.
11. The definition of the acts or omissions to act that constitute a default in the duties of the electric power agency to holders of its public bonds or obligations, and the rights

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and remedies of the holders in the event of default including, if the electric power agency so determines, the right to accelerate the date of the maturation of the public bonds or obligations or the right to appoint a receiver or receivers of the property or revenues subject to the lien of the resolution, trust indenture, or other security agreement.

12. Any other or additional agreements with or for the benefit of the holders of public bonds or obligations or any covenants or restrictions necessary or desirable to safeguard the interests of the holders.

13. The custody of any of the electric power agency's property or investments, the safekeeping of such property or investments, the insurance to be carried on such property or investments, and the use and disposition of insurance proceeds.

14. The vesting in a trustee or trustees, within or outside the state, of such property, rights, powers, and duties as the electric power agency may determine; or the limiting or abrogating of the rights of the holders of any public bonds or obligations to appoint a trustee, or the limiting of the rights, powers, and duties of such trustee.

15. The appointment of and the establishment of the duties and obligations of any paying agent or other fiduciary within or outside the state.

2001 Acts, 1st Ex, ch 4, §29, 36
CS2001, §476A.32
2010 Acts, ch 1018, §19
C2011, §390.21

390.22 Mortgage or trust deed to secure bonds.

For the security of public bonds or obligations issued or to be issued by an electric power agency, the electric power agency may mortgage or execute deeds of trust of the whole or any part of its property.

2001 Acts, 1st Ex, ch 4, §30, 36
CS2001, §476A.33
2010 Acts, ch 1018, §20
C2011, §390.22

390.23 No personal liability on public bonds or obligations.

An official, director, member of an electric power agency, or any person executing public bonds or obligations shall not be liable personally on the public bonds or obligations or be subject to any personal liability or accountability by reason of the issuance of such public bonds or obligations.

2001 Acts, 1st Ex, ch 4, §31, 36
CS2001, §476A.34
2010 Acts, ch 1018, §21
C2011, §390.23

390.24 Repurchase of securities.

An electric power agency may purchase public bonds or obligations out of any funds available for such purchase, and hold, pledge, cancel, or resell the public bonds or obligations, subject to and in accordance with any agreements with the holders.

2001 Acts, 1st Ex, ch 4, §32, 36
CS2001, §476A.35
2010 Acts, ch 1018, §22
C2011, §390.24

390.25 Pledge of revenue as security.

An electric power agency may pledge its rates, rents, and other revenues, or any part of such rates, rents, and revenues, as security for the repayment, with interest and redemption premiums, if any, of the moneys borrowed by the electric power agency or advanced to the electric power agency for any of its authorized purposes and as security for the payment of moneys due and owed by the electric power agency under any contract.

2001 Acts, 1st Ex, ch 4, §33, 36

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CS2001, §476A.36
2010 Acts, ch 1018, §23
C2011, §390.25

CHAPTERS 390A to 391A

RESERVED

CHAPTER 392

CITY ADMINISTRATIVE AGENCIES

Referred to in §21.5, 27.1, 97B.52A, 330.23, 362.1, 362.2, 362.9, 376.1, 476B.1

392.1 Establishment by ordinance.
392.2 Pledging credit or taxing power prohibited.
392.3 Contracts reviewable by council.
392.4 Joint action.
392.5 Library board.
392.6 Hospital or health care facility trustees.
392.7 Prior agencies.

392.1 Establishment by ordinance.

If the council wishes to establish an administrative agency, it shall do so by an ordinance which indicates the title, powers, and duties of the agency, the method of appointment or election, qualifications, compensation, and term of members, and other appropriate matters relating to the agency. The title of an administrative agency must be appropriate to its function. The council may not delegate to an administrative agency any of the powers, authorities, and duties prescribed in subchapter V of chapter 384 or in chapter 388, except that the council may delegate to an administrative agency established for the purpose of operating an airport any of its powers and duties prescribed in subchapter V of chapter 384, and the council may delegate to an administrative agency power to establish and collect charges, and disburse the moneys received for the use of a city facility, including a city enterprise, as defined in section 384.24, if the delegation to an administrative agency is strictly subject to the limitations imposed by the revenue bonds or pledge orders outstanding which are payable from the revenues of the city enterprise. Except as otherwise provided in this chapter, the council may delegate rulemaking authority to the agency for matters within the scope of the agency's powers and duties, and may prescribe penalties for violation of agency rules which have been adopted by ordinance. Rules governing the use by the public of any city facility must be made readily available to the public.

[C75, 77, 79, 81, §392.1]
95 Acts, ch 21, §1; 2018 Acts, ch 1041, §127

392.2 Pledging credit or taxing power prohibited.

An administrative agency may not pledge the credit or taxing power of the city.

[C75, 77, 79, 81, §392.2]

392.3 Contracts reviewable by council.

Unless otherwise stated in the ordinance establishing the agency, contracts and agreements entered into by administrative agencies are subject to review and approval by the council, but when so approved and to the extent such contracts and agreements are otherwise valid by law, are valid and not voidable by subsequent actions of the city even if the administrative agency is dissolved, but no such contract or agreement may conflict with the provisions of

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subchapter V of chapter 384 or chapter 388, or any action taken pursuant to the provisions of the same.

[C75, 77, 79, 81, §392.3]

2018 Acts, ch 1041, §127

392.4 Joint action.

Subject to approval by the council, an administrative agency may take action jointly with other public or private agencies as provided in chapter 28E.

[C75, 77, 79, 81, §392.4]

392.5 Library board.

1. *a.* A city library board of trustees functioning on the effective date of the city code shall continue to function in the same manner until altered or discontinued as provided in this section.

b. In order for the board to function in the same manner, the council shall retain all applicable ordinances, and shall adopt as ordinances all applicable state statutes repealed by 1972 Iowa Acts, ch. 1088.

2. A library board may accept and control the expenditure of all gifts, devises, and bequests to the library.

3. *a.* A proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the city.

b. The proposal may be submitted to the voters at any city election by the council on its own motion. Upon receipt of a valid petition as defined in section 362.4, requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election. A proposal submitted to the voters must describe with reasonable detail the action proposed.

c. If a majority of those voting approves the proposal, the city may proceed as proposed.

d. If a majority of those voting does not approve the proposal, the same or a similar proposal may not be submitted to the voters of the city for at least four years from the date of the election at which the proposal was defeated.

[C97, §728, 729; S13, §729; SS15, §728; C24, 27, 31, 35, 39, §**5851, 5858;** C46, 50, 54, 58, 62, 66, 71, 73, §378.3, 378.10; C75, 77, 79, 81, §392.5]

2001 Acts, ch 24, §49; 2014 Acts, ch 1026, §81

392.6 Hospital or health care facility trustees.

1. If a hospital or health care facility is established by a city, the city shall by ordinance provide for the election, at a special election held pursuant to section 39.2, subsection 4, paragraph *"b"*, of three trustees, whose terms of office shall be four years. However, at the first election, three shall be elected and hold their office, one for four years and two for two years, and they shall by lot determine their respective terms. A candidate for hospital or health care facility trustee must be a resident of the hospital or health care facility service area within the boundaries of the state at the time of the election at which the person's name appears on the ballot. A board of trustees elected pursuant to this section shall serve as the sole and only board of trustees for any and all institutions established by a city as provided for in this section.

2. The administration and management of an institution as provided for in this section is vested in a board of trustees consisting of three, five, or seven members. A three-member board may be expanded to a five-member board, and a five-member board may be expanded to a seven-member board. Expansion of the membership of the board shall occur only on approval of a majority of the current board of trustees. The additional members shall be appointed by the current board of trustees. One appointee shall serve until the next succeeding general or regular city election, at which time a successor shall be elected, and the other appointee shall serve until the second succeeding general or regular city election, at which time a successor shall be elected. The determination of which election an appointed

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additional member shall be required to seek election shall be determined by lot. Thereafter, the terms of office of such additional members shall be four years.

3. *a.* Terms of office of trustees elected pursuant to general or regular city elections shall begin at noon on the first day in January which is not a Sunday or legal holiday. Terms of office of trustees appointed to fill a vacancy or elected pursuant to special elections shall begin at noon on the tenth day after appointment or the special election which is not a Sunday or legal holiday. The trustees shall begin their terms of office by taking the oath of office, and organize as a board by the election of one trustee as chairperson, one trustee as treasurer, and one trustee as secretary. Terms of office of trustees shall extend to noon on the first day in January which is not a Sunday or legal holiday or until their successors are elected and qualified.

b. Vacancies on the board of trustees may, until the next general or regular city election, be filled in the same manner as provided in section 347.10. An appointment made under this paragraph shall be for the unexpired balance of the term of the preceding trustee. If a board member is absent for four consecutive regular board meetings, without prior excuse, or fails to comply with more stringent attendance requirements for regular board meetings included in the bylaws governing the board, the member's position shall be declared vacant and filled as set out in this paragraph.

4. A trustee shall not receive any compensation for services performed under this chapter, but a trustee shall be reimbursed for actual and necessary expenses incurred in performance of the trustee's duties.

5. The board of trustees shall be vested with authority to provide for the management, control, and government of the city hospital or health care facility established as permitted by this section, and shall provide all needed rules for the economic conduct thereof and shall annually prepare a condensed statement of the total receipts and expenditures for the hospital or health care facility and cause the same to be published in a newspaper of general circulation in the city in which the hospital or health care facility is located.

6. Boards of trustees of institutions provided for in this section are granted all of the powers and duties necessary for the management, control, and government of the institutions, specifically including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and other ancillary services irrespective of the chapter of the Code under which such institutions are established, organized, operated, or maintained, unless such provisions are in conflict with this section.

[S13, §741-o, -p; C24, §5867 – 5871; C27, 31, 35, §5867, 5867-a1, 5868 – 5871; C39, §**5867, 5867.1, 5868 – 5871;** C46, 50, 54, 58, 62, 66, §380.1 – 380.6; C71, 73, §380.1 – 380.6, 380.16; C75, 77, 79, 81, §392.6]

94 Acts, ch 1034, §1; 96 Acts, ch 1080, §1, 2; 99 Acts, ch 36, §11; 2000 Acts, ch 1015, §1; 2003 Acts, ch 9, §1, 2; 2009 Acts, ch 110, §16; 2018 Acts, ch 1033, §7

Referred to in §12B.10
Removal from office, §66.1A, 66.31

392.7 Prior agencies.

Except as otherwise provided in this chapter, an administrative agency established by a city shall continue with the same powers and duties until altered or discontinued as provided in this section. The council may by ordinance reduce or increase an administrative agency's power and duties, or may transfer powers and duties from one agency to another. The council may discontinue an administrative agency by adopting a resolution proposing the action, and publishing notice as provided in section 362.3, of the resolution and of a date, time and place of a public hearing on the proposal, and may discontinue the agency by ordinance or amendment not sooner than thirty days following the hearing.

[C97, §850; S13, §679-m, 741-w1, 850-a, 1056-a6d; C24, §5685, 5787, 5832, 5845, 5901, 6827; C27, §5685, 5787, 5829-a1, 5832, 5845, 5866-a2, 5901, 6827; C31, 35, §5685, 5787, 5813-d2, 5829-a1, 5832, 5845, 5866-a2, 5901, 6827; C39, §**5685, 5787, 5813.2, 5829.01, 5832, 5845, 5866.02, 5901, 6827;** C46, 50, §364.1, 370.1, 371.2, 373.1, 374.3, 377.2, 379.2, 384.2, 420.160; C54, §364.1, 370.1, 371.2, 373.1, 374.3, 374A.1, 377.2, 379.2, 384.2, 420.160; C58, 62, 66, 71,

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73, §364.1, 370.1, 371.2, 373.1, 374.3, 374A.1, 377.2, 379.2, 384.2, 386B.6, 420.160; C75, 77, 79, 81, §392.7]

CHAPTER 393

RESERVED

CHAPTER 394

ZOOLOGICAL GARDENS

See also §384.24(2)(c)

394.1 Authority to issue bonds — taxes.
394.2 Question submitted to voters.
394.3 Tax for operating zoo.
394.4 Contracts with other cities — election.

394.1 Authority to issue bonds — taxes.

1. Cities are hereby authorized to contract indebtedness and to issue general obligation bonds to provide funds to pay the cost of opening, establishing, constructing, improving, extending, or remodeling of a zoo or zoological garden and to construct, reconstruct, or repair any such improvement and to pay the cost of land needed for any of said purposes.

2. Taxes for the payment of said bonds shall be levied in accordance with chapter 76, and said bonds shall be payable through the debt service fund in not more than twenty years, and bear interest at a rate not exceeding that permitted by chapter 74A, and shall be of such form as the city council shall by resolution provide, but no city shall become indebted in excess of five percent of the actual value of the taxable property within said city, as shown by the last preceding state and county tax lists. The indebtedness incurred for the purpose provided in this section shall not be considered an indebtedness incurred for general or ordinary purposes.

3. This section shall be construed as granting additional power without limiting the power already existing in cities.

4. The provisions of this section shall be applicable to all municipal corporations regardless of form of government or manner of incorporation.

[C75, 77, 79, 81, §394.1]

2017 Acts, ch 54, §76

394.2 Question submitted to voters.

1. It shall not be necessary to submit to the voters the proposition of issuing bonds for refunding purposes, but prior to the issuance of bonds for other purposes the council shall submit to the voters of the city on the date specified in section 39.2, subsection 4, paragraph *"d"*, the proposition of issuing the bonds. Notice of the election on the proposition of issuing bonds shall be published as required by section 49.53. The notice shall also state whether or not an admission fee is to be charged by the zoo or zoological gardens.

2. Bonds issued pursuant to the provisions of this chapter shall be sold by the council in the manner prescribed by chapter 75; however, refunding bonds may either be sold and the proceeds applied to the payment of the bonds to be refunded, or the refunding bonds may be issued in exchange for the bonds being refunded upon their surrender and cancellation.

[C75, 77, 79, 81, §394.2]

2002 Acts, ch 1134, §107, 115; 2023 Acts, ch 71, §133, 136

2023 amendment to subsection 1 applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

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394.3 Tax for operating zoo.

A city establishing or having established a zoo or zoological garden may authorize not to exceed a levy of twenty-seven cents per thousand dollars of assessed valuation on all taxable property within the corporation for the purpose of paying the costs of operating, maintaining and managing a zoo or zoological garden. The levy shall be subject to cumulative levy limitations otherwise provided by law unless said levy shall have been submitted to and approved by the voters of said city.

[C75, 77, 79, 81, §394.3]

394.4 Contracts with other cities — election.

1. Contracts may be made between any city establishing or having established a zoo or zoological garden and any other city or county, but a county may contract only with respect to residents outside of any city, for the use of such zoo or zoological garden or any extension service thereof by its residents, and for the levy of a tax in support thereof. Such contracts shall provide for the rate of tax to be levied during the term thereof, not exceeding twenty-seven cents per thousand dollars of assessed valuation. Said contracts may be submitted to the voters of either city and shall not be subject to termination if approved by the voters of both parties.

2. If not so approved, such contracts may be modified by mutual consent or may be terminated by the voters of either party thereto.

3. Any such tax shall be subject to cumulative levy limitations applicable generally to the contracting parties unless the contract shall have been approved by the voters.

4. Any election held hereunder may be held upon notice and in any manner provided by law applicable to the contracting party with respect to elections upon special public propositions; provided that it shall not be necessary to set out the contract provisions in full as a part of the ballot.

[C75, 77, 79, 81, §394.4]

2017 Acts, ch 54, §76

CHAPTERS 395 to 399

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CHAPTER 400

CIVIL SERVICE

Referred to in §8.80, 8A.122, 10A.515, 20.8, 20.18, 28D.6, 28E.26, 28J.7, 80B.11, 97B.49B, 97B.49G, 137.104, 321J.1, 364.3, 411.5, 462A.2

400.1 Appointment of commission.
400.2 Qualifications — prohibited contracts — penalty.
400.3 Optional appointment of commission — abolishing commission.
400.4 Chairperson — clerk — records.
400.5 Rooms and supplies.
400.6 Applicability — exceptions.
400.7 Preference by service.
400.8 Original entrance examination — appointments.
400.8A Guidelines for ongoing fitness for police officers and fire fighters.
400.9 Promotional examinations and procedures.
400.10 Veterans preferences.
400.11 Names certified — temporary appointment.
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400.12A Hiring practices — suspension — reinstatement.
400.13 Chief of police and chief of fire department.
400.14 Civil service status of chiefs.
400.15 Appointing powers.
400.16 Qualifications.
400.17 Employees under civil service — qualifications.
400.18 Removal, discharge, demotion, or suspension.
400.19 Peremptory removal, discharge, demotion, or suspension of subordinates.
400.20 Appeal.
400.21 Notice of appeal.
400.22 Charges.
400.22A Exculpatory evidence.
400.23 Time and place of hearing.
400.24 Oaths — books and papers — procedures.
400.25 Contempt.
400.26 Public trial.
400.27 Jurisdiction — attorney — appeal.
400.28 Employees — number diminished.
400.29 Political activity limited.
400.30 Penalty.
400.31 Waterworks employees.

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400.1 Appointment of commission.

1. In cities having a population of eight thousand or over and having a paid fire department or a paid police department, the mayor, one year after a regular city election, with the approval of the council, shall appoint three civil service commissioners. The city shall publish notice of the names of persons selected for appointment pursuant to section 362.3. Commissioners shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. In cities having a population of more than fifty thousand, the city council shall establish, by ordinance, the number of civil service commissioners at not less than five but not more than seven.

2. For the purpose of determining the population of a city under this chapter, the federal census conducted in 1980 shall be used.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5689;** C46, 50, 54, 58, 62, 66, 71, 73, §365.1; C75, 77, 79, 81, §400.1]

92 Acts, ch 1118, §1; 95 Acts, ch 114, §3; 97 Acts, ch 162, §1, 9; 98 Acts, ch 1100, §55; 2002 Acts, ch 1134, §108, 115; 2007 Acts, ch 127, §1; 2009 Acts, ch 111, §1; 2025 Acts, ch 82, §2, 12; 2025 Acts, ch 130, §10

400.2 Qualifications — prohibited contracts — penalty.

1. The commissioners must be citizens of Iowa, eligible electors as defined in chapter 39, and residents of the city preceding their appointment, and shall serve without compensation. A person, while on the commission, shall not hold or be a candidate for any office of public trust. However, when a human rights commission has been established by a city, the director of the commission shall ex officio be a member, without vote, of the civil service commission.

2. Civil service commissioners, with respect to the city in which they are commissioners, shall not do any of the following:

a. Sell, or in any manner become parties, directly or indirectly, to any contract to furnish supplies, material, or labor to the city unless the sale is made or the contract is awarded by competitive bid in writing, publicly invited and opened.

b. Have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the city unless the contract or job is awarded by competitive bid in writing, publicly invited and opened.

3. A contract entered into in violation of subsection 2 is void.

4. A violation of the provisions contained in subsection 2 is a simple misdemeanor.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5690;** C46, 50, 54, 58, 62, 66, 71, 73, §365.2; C75, 77, 79, 81, §400.2]

86 Acts, ch 1138, §1; 89 Acts, ch 21, §1; 2009 Acts, ch 111, §2; 2010 Acts, ch 1019, §1; 2011 Acts, ch 25, §36

400.3 Optional appointment of commission — abolishing commission.

1. In cities having a population of less than eight thousand, the city council may, by ordinance, adopt the provisions of this chapter in which case it shall either appoint such commission or provide, by ordinance, for the exercise of the powers and performance of the duties of the commission by the council. Where the city council exercises the powers of the commission the term "*commission*" as used in this chapter shall mean the city council.

2. If the city council appoints a commission, the city council may, by ordinance, abolish the commission, and the commission shall stand abolished sixty days from the date of the ordinance and the powers and duties of the commission shall revert to the city council except whenever a city having a population of less than eight thousand provides for the appointment of a civil service commission, the city council may by ordinance abolish such office, but the ordinance shall not take effect until the ordinance has been submitted to the voters at a regular city election and approved by a majority of the voters at such election. The ordinance shall be published once each week for two consecutive weeks preceding the date of the election in a newspaper published in and having a general circulation in the city. If a newspaper is not published in such city, publication may be made in any newspaper having general circulation in the county.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5691;** C46, 50, 54, 58, 62, 66, 71, 73, §365.3; C75, 77, 79, 81, §400.3]

2002 Acts, ch 1134, §109, 115

400.4 Chairperson — clerk — records.

1. The commission shall elect a chairperson from among its members. In cities having a population of more than seventy-five thousand, the commission shall appoint a clerk of the commission. In all other cities the city clerk or a designee of the city clerk shall be clerk of the commission. If an employee is appointed clerk of the commission who is employed in a civil service status at the time of appointment as clerk of the commission, the appointee shall retain the civil service rights held before the appointment. However, this section does not grant civil service status or rights to the employee in the capacity of clerk of the commission nor extend any civil service right upon which the appointee may retain the position of clerk of the commission.

2. The civil service commission shall keep a record of all its meetings and also a complete individual service record of each civil service employee which record shall be permanent and kept up-to-date.

3. When duly certified by the clerk of the commission copies of all records and entries or papers pertaining to said record shall be admissible in evidence with the same force and effect as the originals.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5692;** C46, 50, 54, 58, 62, 66, 71, 73, §365.4; C75, 77, 79, 81, §400.4]

86 Acts, ch 1138, §2; 91 Acts, ch 55, §1; 97 Acts, ch 162, §2; 2017 Acts, ch 54, §76

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400.5 Rooms and supplies.

The council shall provide suitable rooms in which the commission may hold its meetings and supply the commission with all necessary equipment and a qualified shorthand reporter or an electronic voice recording device to enable it to properly perform its duties.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5693;** C46, 50, 54, 58, 62, 66, 71, 73, §365.5; C75, 77, 79, 81, §400.5]

93 Acts, ch 147, §1

400.6 Applicability — exceptions.

This chapter applies to permanent full-time police officers and fire fighters in cities having a population of more than eight thousand, and to all appointive permanent full-time employees in cities having a population of more than fifteen thousand except:

1. Persons appointed to fill vacancies in elective offices and members of boards and commissions and the clerk to the civil service commission.
2. The city clerk, chief deputy city clerk, city attorneys, city treasurer, city assessor, city auditor, professional city engineers licensed in this state, and city health officer.
3. The city manager or city administrator and assistant city managers or assistant city administrators.
4. The head and principal assistant of each department and the head of each division. This exclusion does not apply to assistant fire chiefs and to assistant police chiefs in cities with police departments of two hundred fifty or fewer members. However, sections 400.13 and 400.14 apply to police and fire chiefs.
5. The principal secretary to the city manager or city administrator, the principal secretary to the mayor, and the principal secretary to each of the department heads.
6. Employees of boards of trustees or commissions established pursuant to state law or city ordinances.
7. Employees whose positions are funded by state or federal grants or other temporary revenues. However, a city may use state or federal grants or other temporary revenue to fund a position under civil service if the position is a permanent position which will be maintained for at least one year after expiration of the grants or temporary revenues.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5694;** C46, 50, 54, 58, 62, 66, 71, 73, §365.6; C75, 77, 79, 81, §400.6]

83 Acts, ch 186, §10103, 10201; 86 Acts, ch 1138, §3; 88 Acts, ch 1058, §1; 97 Acts, ch 162, §3

400.7 Preference by service.

1. An employee regularly serving in or holding a position when the position becomes subject to this chapter or when the position is reclassified by the city shall retain the position and have full civil service rights in the position under any of the following conditions:

a. The employee meets the minimum qualifications established for the position and has completed the required probationary period for the position.

b. The employee has served satisfactorily in the position for a period equal to the probationary period of the position, and passes a qualifying noncompetitive examination for the position but does not meet the minimum qualifications established for the position.

2. An employee who has not completed the required probationary period but who otherwise meets the minimum qualifications established for the position or who passes a qualifying noncompetitive examination for the position shall receive full civil service rights in the position upon the completion of the probationary period.

3. Appointments made after the time this chapter becomes applicable in a city are subject to this chapter.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5695;** C46, 50, 54, 58, 62, 66, 71, 73, §365.7; C75, 77, 79, 81, §400.7]

86 Acts, ch 1138, §4; 97 Acts, ch 162, §4; 2010 Acts, ch 1061, §180

Referred to in §28D.6, 400.17

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400.8 Original entrance examination — appointments.

1. The commission, when necessary under the rules, including minimum and maximum age limits, which shall be prescribed and published in advance by the commission and posted in the city hall, shall hold examinations for the purpose of determining the qualifications of applicants for positions under civil service, other than promotions, which examinations shall be practical in character and shall relate to matters which will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. The physical examination and mental health evaluation of applicants for appointment to the positions of police officer or fire fighter shall be held in accordance with medical protocols established by the board of trustees of the fire and police retirement system established by section 411.5 and shall be conducted in accordance with the directives of the board of trustees. However, the prohibitions of section 216.6, subsection 1, paragraph *"d"*, regarding tests for the presence of the antibody to the human immunodeficiency virus shall not apply to such examinations. The board of trustees may change the medical protocols at any time the board so determines. In the event of a conflict between the medical protocols established under this section and the minimum entrance requirements of the Iowa law enforcement academy under section 80B.11, the medical protocols established under this section shall control. The physical examination and mental health evaluation of an applicant for the position of police officer or fire fighter shall be conducted after a conditional offer of employment has been made to the applicant. An applicant shall not be discriminated against on the basis of height, weight, sex, or race in determining physical or mental ability of the applicant. Reasonable rules relating to strength, agility, and general health of applicants shall be prescribed. The costs of the physical examination and the mental health evaluation required under this subsection shall be paid from the trust and agency fund of the city.

2. *a.* The commission shall establish the guidelines for conducting the examinations under subsection 1 of this section. The commission shall hire persons with expertise to prepare and administer the examinations approved by the commission. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid personnel of the commission in assuring that a fair examination is conducted. A fair examination shall explore the competence of the applicant in the particular field of examination.

b. An applicant who has successfully completed training at the Iowa law enforcement academy or another training facility certified by the director of the Iowa law enforcement academy does not need to retake a civil service examination upon changing employment from one Iowa law enforcement agency to another Iowa law enforcement agency, or upon becoming employed by more than one Iowa law enforcement agency simultaneously, if the applicant has previously passed a civil service examination when the applicant was initially hired as a certified peace officer and if, without a break of not more than one hundred eighty days from prior law enforcement service, the applicant is hired by another Iowa law enforcement agency. However, the applicant shall complete and pass the applicable physical examination provided in subsection 1 prior to beginning the new employment.

3. All appointments to such positions shall be conditional upon a probation period of not to exceed six months, and in the case of police dispatchers and fire fighters a probation period not to exceed twelve months. In the case of police patrol officers, if the employee has successfully completed training at the Iowa law enforcement academy or another training facility certified by the director of the Iowa law enforcement academy before the initial appointment as a police patrol officer, the probationary period shall be for a period of up to nine months and shall commence with the date of initial appointment as a police patrol officer. If the employee has not successfully completed training at the Iowa law enforcement academy or another training facility certified by the director of the law enforcement academy before initial appointment as a police patrol officer, the probationary period shall commence with the date of initial employment as a police patrol officer and shall continue for a period of up to nine months following the date of successful completion of training at the Iowa law enforcement academy or another training facility certified by the director of the Iowa law enforcement academy. A police patrol officer transferring employment

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from one jurisdiction to another shall be employed subject to a probationary period of up to nine months. However, in cities with a population over one hundred seventy-five thousand, appointments to the position of fire fighter shall be conditional upon a probation period of not to exceed twenty-four months. During the probation period, the appointee may be removed or discharged from such position by the appointing person or body without the right of appeal to the commission. A person removed or discharged during a probationary period shall, at the time of discharge, be given a notice in writing stating the reason or reasons for the dismissal. A copy of such notice shall be promptly filed with the commission. Continuance in the position after the expiration of such probationary period shall constitute a permanent appointment.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5696;** C46, 50, 54, 58, 62, 66, 71, 73, §365.8; C75, 77, 79, 81, §400.8]

89 Acts, ch 187, §2; 93 Acts, ch 147, §2; 94 Acts, ch 1071, §1; 96 Acts, ch 1187, §99; 98 Acts, ch 1124, §3; 2000 Acts, ch 1077, §84; 2001 Acts, ch 176, §16; 2004 Acts, ch 1103, §63; 2013 Acts, ch 20, §1; 2021 Acts, ch 183, §55; 2024 Acts, ch 1014, §1; 2024 Acts, ch 1138, §1

Referred to in §400.10, 400.11, 411.6

400.8A Guidelines for ongoing fitness for police officers and fire fighters.

The board of trustees of the fire and police retirement system established by section 411.5, in consultation with the medical board established in section 411.5, shall establish and maintain protocols and guidelines for ongoing wellness and fitness for police officers and fire fighters while in service. The board of trustees may change the protocols and guidelines at any time the board so determines. The protocols and guidelines shall be established by the board of trustees for the consideration of cities covered by this chapter and may be applied by a city for the purpose of determining continued wellness and fitness for members of the city's police and fire departments. However, the protocols and guidelines shall not be applied to members of a police or fire department of a city who are covered by chapter 20 except through the collective bargaining process as provided under chapter 20. The medical board established in section 411.5 shall provide to cities and fire and police departments assistance regarding the possible implementation and operation of the protocols and guidelines for ongoing wellness and fitness provided by this section. For purposes of this section, *"wellness and fitness"* means the process by which police officers and fire fighters maintain fitness for duty.

2000 Acts, ch 1077, §85

Referred to in §400.18, 400.19

400.9 Promotional examinations and procedures.

1. The commission shall, at such times as shall be found necessary, under such rules as shall be prescribed and published in advance by the commission, and posted in the city hall, hold competitive promotional examinations for the purpose of determining the qualifications of applicants for promotion to a higher grade under civil service, which examinations shall be practical in character, and shall relate to such matters as will fairly test the ability of the applicant to discharge the duties of the position to which the applicant seeks promotion.

2. The commission shall establish guidelines for conducting the examinations under subsection 1. The commission shall hire persons with expertise to prepare and administer the examinations approved by the commission for the position in the city for which the applicant is taking the examination. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid personnel of the commission in assuring that a fair examination is conducted. A fair examination shall explore the competence of the applicant in the particular field of examination. The names of persons approved to administer any examination under this section shall be posted in the city hall at least twenty-four hours prior to the examination.

3. Vacancies in civil service promotional grades shall be filled by lateral transfer, voluntary demotion, or promotion of employees of the city to the extent that the city employees qualify for the positions. When laterally transferred, voluntarily demoted, or promoted, an employee shall hold full civil service rights in the position. If an employee of the city does not pass the

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promotional examination and otherwise qualify for a vacated position, or if an employee of the city does not apply for a vacated position, an entrance examination may be used to fill the vacancy.

4. If there is a certified list of qualified candidates for a promotional appointment, the following procedures shall be followed:

a. A publication stating that interviews are being scheduled to make a new certified list to fill a vacancy in a civil service promotional grade classification shall be posted for at least five working days before the closing date for the interviews in the same locations where examination notices are posted.

b. An employee who wishes to voluntarily demote or to laterally transfer into a vacancy and has previously been or is currently in the classification where the vacancy exists shall notify the civil service commission of the employee's interest in the vacant position. The employee shall be added to the list of candidates to be interviewed and considered for the vacancy.

5. If there is no certified list of qualified candidates for a promotional appointment, the following procedures shall be followed:

a. When an examination announcement is posted to make a certified list of qualified candidates, the announcement shall also state that an employee who has been or is currently employed in the classification where the vacancy exists may notify the civil service commission of the employee's interest in the vacant position. Upon notification, the employee shall be added to the list of candidates for an interview and consideration for the vacant position.

b. All civil service employees of a city who meet the minimum qualifications for a classification shall have the right to compete in the civil service examination process to establish a certified list of qualified candidates.

[C31, 35, §5696-d1; C39, §**5696.1;** C46, 50, 54, 58, 62, 66, 71, 73, §365.9; C75, 77, 79, 81, §400.9]

86 Acts, ch 1138, §5; 88 Acts, ch 1085, §1, 2; 97 Acts, ch 162, §5; 2009 Acts, ch 111, §3; 2021 Acts, ch 183, §56

400.10 Veterans preferences.

1. In all examinations and appointments under this chapter, other than promotions and appointments of chief of the police department and chief of the fire department, veterans who are citizens and residents of the United States, shall have five percentage points added to the veteran's grade or score attained in qualifying examinations for appointment to positions and five additional percentage points added to the grade or score if the veteran has a service-connected disability or is receiving compensation, disability benefits, or pension under laws administered by the United States department of veterans affairs. An honorably discharged veteran who has been awarded the Purple Heart incurred in action shall be considered to have a service-connected disability. However, the percentage points shall be given only upon passing the exam and shall not be the determining factor in passing. Veteran's preference percentage points shall be applied once to the final scores used to rank applicants for selection for an interview. For purposes of this section, "*veteran*" means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.

2. If a veteran entitled to preference pursuant to this section has been honorably discharged between forty-five days before and sixty days after an examination is administered pursuant to section 400.8, the commission may allow the veteran to be subject to examination up to ninety days following the date the original examination

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was administered and if appropriate shall add the veteran's name to the list for original appointment pursuant to section 400.11, subsection 1.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5697;** C46, 50, 54, 58, 62, 66, 71, 73, §365.10; C75, 77, 79, 81, §400.10]

85 Acts, ch 50, §2; 92 Acts, ch 1238, §36; 99 Acts, ch 180, §17; 2009 Acts, ch 26, §15; 2009 Acts, ch 150, §2; 2009 Acts, ch 179, §128; 2014 Acts, ch 1116, §58

Referred to in §35C.1
Veterans preference law, chapter 35C

400.11 Names certified — temporary appointment.

1. *a.* The commission, within one hundred eighty days after the beginning of each competitive examination for original appointment, shall certify to the city council a list of the names of forty persons, or a lesser number as determined by the commission, who qualify with the highest standing as a result of each examination for the position they seek to fill, or the number which have qualified if less than forty, in the order of their standing, and all newly created offices or other vacancies in positions under civil service which occur before the beginning of the next examination for the positions shall be filled from the lists, or from the preferred list existing if provided for in case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the last position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the last position. Preference for temporary service in civil service positions shall be given those on the lists. However, the commission may certify a list of names eligible for appointment subject to successfully completing a medical examination. The medical examination shall be provided pursuant to commission rules adopted under section 400.8.

b. The commission may hold in reserve, for original appointments, additional lists of forty persons, each next highest in standing, in order of their grade, or such number as may qualify if less than forty. If the list of up to forty persons provided in the first paragraph is exhausted within one year, the commission may certify such additional lists of up to forty persons each, in order of their standing, to the council as eligible for appointment to fill such vacancies as may exist.

2. *a.* The commission, within ninety days after the beginning of each competitive examination for promotion, shall certify to the city council a list of names of the ten persons who qualify with the highest standing as a result of each examination for the position the persons seek to fill, or the number which have qualified if less than ten, in the order of their standing and all newly created offices or other vacancies in positions under civil service which occur before the beginning of the next examination for the positions shall be filled from the lists, or from the preferred list existing if provided for in the case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the tenth position on the list, the list of names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the tenth position.

b. Except where the preferred list exists, persons on the certified eligible list for promotion shall hold preference for promotion for two years following the date of certification, except for certified eligible lists of fire fighters as defined in section 411.1, subsection 11, which lists shall hold preference for three years upon approval of the commission, after which the lists shall be canceled and promotion to the grade shall not be made until a new list has been certified eligible for promotion.

3. When there is no such preferred list or certified eligible list, or when the eligible list shall be exhausted, the person or body having the appointing power may temporarily fill a newly created office or other vacancy only until an examination can be held and the names of qualified persons be certified by the commission, and such temporary appointments are hereby limited to ninety days for any one person in the same vacancy, but such limitation shall not apply to persons temporarily acting in positions regularly held by another. A temporary appointment to a position regularly held by another shall, whenever possible, be made according to the certified eligible list. Any person temporarily filling a vacancy in a

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position of higher grade for twenty days or more, shall receive the salary paid in such higher grade.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5698;** C46, 50, 54, 58, 62, 66, 71, 73, §365.11; C75, 77, 79, 81, §400.11]

83 Acts, ch 62, §1; 89 Acts, ch 187, §3; 93 Acts, ch 147, §3; 94 Acts, ch 1071, §2; 97 Acts, ch 162, §6, 7; 2009 Acts, ch 111, §4; 2019 Acts, ch 59, §116, 117

Referred to in §400.10, 400.12A

400.12 Seniority — extinguishment — reestablishment.

1. For the purpose of determining the seniority rights of civil service employees, seniority shall be computed, beginning with the date of appointment to or employment in any positions for which they were certified or otherwise qualified and established as provided in this chapter, but shall not include any period of time exceeding sixty days in any one year during which they were absent from the service except for disability.

2. In the event that a civil service employee has more than one classification or grade, the length of the employee's seniority rights shall date in the respective classifications or grades from and after the time the employee was appointed to or began employment in each classification or grade. In the event that an employee has been promoted from one classification or grade to another, the employee's civil service seniority rights shall be continuous in any department grade or classification that the employee formerly held.

3. A list of all civil service employees shall be prepared and posted in the city hall by the civil service commission on or before July 1 of each year, indicating the civil service standing of each employee as to the employee's seniority.

4. Unless otherwise provided in a collective bargaining agreement, a city council may extinguish the seniority rights, including but not limited to seniority accrued, provided pursuant to this section to all civil service employees who are not employed or appointed as a fire fighter or police officer, fire chief or police chief, or assistant fire chief or assistant police chief. A city council may subsequently reestablish seniority rights extinguished pursuant to this section for all employees who are not employed or appointed as a fire fighter or police officer, fire chief or police chief, or assistant fire chief or assistant police chief. Seniority rights reestablished in this way may include, but are not required to include, accrual of seniority for employment prior to the reestablishment of such rights.

[C39, §**5698.1;** C46, 50, 54, 58, 62, 66, 71, 73, §365.12; C75, 77, 79, 81, §400.12]

2017 Acts, ch 2, §55, 64; 2017 Acts, ch 54, §76

Referred to in §400.13

400.12A Hiring practices — suspension — reinstatement.

1. A city council, by majority vote, may suspend the practices specified in subsection 2 that are generally required pursuant to this chapter for the hiring of an employee of a department governed by civil service. A suspension shall not be in effect for more than one year, but a city council may immediately vote to implement a new suspension of the required practices upon the expiration of the prior suspension. Upon the expiration of a suspension, hiring practices required under this chapter shall be immediately reinstated for the applicable positions. A city council, by majority vote, may reinstate hiring practices suspended pursuant to this section prior to the expiration of the suspension. A subsequent vote to suspend required hiring practices, even if the vote occurs prior to the original expiration date of the prior suspension, shall be considered a vote for a new suspension.

2. The provisions of section 400.11, subsection 1, paragraph *"a"*, may be suspended as provided in subsection 1.

3. *a.* This section does not relieve an employee of a department governed by civil service from the requirements to complete all examinations and tests applicable to those persons for positions subject to the provisions of this chapter.

b. This section shall not be construed to preclude an employee of a department governed by civil service from accessing rights, benefits, or privileges provided outside of this chapter.

c. This section shall not be construed to change the maximum number of persons on the

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hiring list referenced in section 400.11, subsection 1, paragraph *"a"*, for a position to be filled to be greater than forty.

2024 Acts, ch 1014, §2; 2025 Acts, ch 82, §3, 12

400.13 Chief of police and chief of fire department.

1. The chief of the fire department and the chief of the police department shall be appointed from the chiefs' civil service eligible lists. Such lists shall be determined by original examination open to all persons applying, whether or not members of the employing city. The chief of a fire department shall have had a minimum of five years' experience in a fire department, or three years' experience in a fire department and two years of comparable experience or educational training. The chief of a police department shall have had a minimum of five years' experience in a public law enforcement agency, or three years' experience in a public law enforcement agency and two years of comparable experience or educational training. A chief of a police department or fire department shall maintain civil service rights as determined by section 400.12.

2. Any person who becomes chief of police or chief of the fire department shall be allowed to transfer all rights the person may have acquired under chapter 410 or 411, including employer contributions during the person's years of service in a city, employee contributions, and interest, to the retirement system of the city that hires the person as chief. Such person shall also transfer the number of years served as seniority toward other benefits provided by the city which hires the person. If a chief of a police or fire department is relieved of that position, the person shall be entitled to remain in the department for which the person was chief at a position commensurate with the person's civil service status, even if this means that the city must create a position for the person to fill until a regular position becomes vacant.

3. In cities under the commission plan of government the superintendent of public safety, with the approval of the city council, shall appoint the chief of the fire department and the chief of the police department. In cities under a council-manager form of government the city manager shall make the appointments with the approval of the city council, and in all other cities the appointments shall be made as provided by city ordinance or city charter.

[C24, 27, 31, 35, 39, §**5699;** C46, 50, 54, 58, 62, 66, 71, 73, §365.13; C75, 77, 79, 81, §400.13]

86 Acts, ch 1171, §1; 2017 Acts, ch 54, §76

Referred to in §372.4, 400.6

400.14 Civil service status of chiefs.

A police officer under civil service may be appointed chief of police and a fire fighter under civil service may be appointed chief of the fire department without losing civil service status, and shall retain, while holding the office of chief, the same civil service rights that the officer or fire fighter may have had immediately previous to appointment as chief, but nothing in this section shall be deemed to extend to such individual any civil service right upon which the individual may retain the position of chief.

[C27, 31, 35, §5699-a1; C39, §**5699.1;** C46, 50, 54, 58, 62, 66, 71, 73, §365.14; C75, 77, 79, 81, §400.14]

2020 Acts, ch 1063, §208

Referred to in §400.6

400.15 Appointing powers.

1. All appointments or promotions to positions within the scope of this chapter other than those of chief of police and chief of fire department shall be made:

a. In cities under the commission form of government, by the superintendents of the respective departments, with the approval of the city council.

b. In cities under the city manager plan, by the city manager.

c. In all other cities, with the approval of the city council.

d. In the police and fire departments, by the chiefs of the respective departments.

2. All such appointments or promotions shall promptly be reported to the clerk of the commission by the appointing officer. An appointing authority may transfer an employee, other than police officers and fire fighters, from one department to the same civil service

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classification in another department, and such employee shall retain the same civil service status.

[SS15, §1056-a32; C24, 27, 31, 35, §5698; C39, §**5699.2;** C46, 50, 54, 58, 62, 66, 71, 73, §365.15; C75, 77, 79, 81, §400.15]

97 Acts, ch 162, §8; 2017 Acts, ch 54, §51

400.16 Qualifications.

All appointive officers and employees of cities shall be selected with reference to their qualifications and fitness and for the good of the public service, and without reference to their political faith or party allegiance.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5700;** C46, 50, 54, 58, 62, 66, 71, 73, §365.16; C75, 77, 79, 81, §400.16]

400.17 Employees under civil service — qualifications.

1. Except as otherwise provided in section 400.7, a person shall not be appointed, promoted, or employed in any capacity, including a new classification, in the fire or police department, or any department which is governed by the civil service, until the person has passed a civil service examination as provided in this chapter, and has been certified to the city council as being eligible for the appointment. However, in an emergency in which the peace and order of the city is threatened by reason of fire, flood, storm, or mob violence, making additional protection of life and property necessary, the person having the appointing power may deputize additional persons, without examination, to act as peace officers until the emergency has passed. A person may be appointed to a position subject to successfully completing a civil service medical examination. A person shall not be appointed or employed in any capacity in the fire or police department if the person is unable to meet reasonable physical condition training requirements and reasonable level of experience requirements necessary for the performance of the position; if the person is a habitual criminal; if the person is addicted to narcotics or alcohol and has not been rehabilitated for a period of one year or more, or is not presently undergoing treatment; or if the person has attempted a deception or fraud in connection with a civil service examination.

2. Except as otherwise provided in this section and section 400.7, a person shall not be appointed or employed in any capacity in any department which is governed by civil service if the person is unable to meet reasonable physical condition training requirements and reasonable level of experience requirements necessary for the performance of the position; if the person is addicted to narcotics or alcohol and has not been rehabilitated for a period of one year or more, or is not presently undergoing treatment; or if the person has attempted a deception or fraud in connection with a civil service examination.

3. *a.* Employees shall not be required to be a resident of the city in which they are employed, but they shall become a resident of the state within two years of such appointment or the date employment begins and shall remain a resident of the state during the remainder of employment. The state residency requirement under this paragraph "*a*" shall not apply to employees of a city that has adopted an ordinance to allow its employees to reside in another state and shall not apply to an employee of a city that later repeals such an ordinance if the employee resides in another state at the time of the repeal.

b. Cities may set a reasonable maximum distance outside of the corporate limits of the city, or a reasonable maximum travel time, that police officers, fire fighters, and other critical city employees may live from their place of employment. An employee subject to a residency requirement based on distance or travel time who does not meet that residency requirement on the date of appointment or on the date employment begins shall take reasonable steps to meet the requirement as soon as practicable, and a city may provide the employee up to one year from the date of appointment or the date employment begins to meet the residency requirement.

4. A person shall not be appointed, denied appointment, promoted, removed, discharged, suspended, or demoted to or from a civil service position or in any other way favored or discriminated against in that position because of political or religious opinions or affiliations, race, national origin, sex, or age, or in retaliation for the exercise of any right enumerated in

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this chapter. However, the maximum age for a police officer or fire fighter covered by this chapter and employed for police duty or the duty of fighting fires is sixty-five years of age.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5701;** C46, 50, 54, 58, 62, 66, 71, 73, §365.17; C75, 77, 79, 81, §400.17]

89 Acts, ch 187, §4; 93 Acts, ch 147, §4, 5; 2009 Acts, ch 111, §5; 2016 Acts, ch 1017, §1; 2017 Acts, ch 2, §56, 64

400.18 Removal, discharge, demotion, or suspension.

1. A person holding civil service rights as provided in this chapter shall only be removed, discharged, demoted, or suspended with just cause and upon a finding by a preponderance of the evidence that an act or failure to act by the employee is in violation of law, city policies, or rules, or that the employee is physically or mentally unfit as determined under guidelines established pursuant to section 400.8A. This subsection shall not be construed to modify the rights, requirements, or procedures provided in section 400.8A or other rights, requirements, or procedures provided by law.

2. An employee who is removed, discharged, demoted, or suspended may request a hearing before the civil service commission to review the appointing authority's, police chief's, or fire chief's decision to remove, discharge, demote, or suspend the employee.

3. The city shall have the burden to prove that the act or failure to act by the employee was in violation of law, city policies, or department rules not in conflict with any collective bargaining agreement or law. For purposes of this chapter, the city shall establish each element of the charges specified under section 400.22 by a preponderance of the evidence. The city shall have the burden to prove that the punishment imposed upon the employee is proportionate, reasonable, and just in the totality of the circumstances under the factors provided in section 400.27, subsection 1, paragraph *"b"*.

4. A person subject to a hearing has the right to be represented by counsel at the person's expense or by the person's authorized collective bargaining representative.

5. A collective bargaining agreement to which a bargaining unit that has at least thirty percent of members who are public safety employees as defined in section 20.3 is a party shall provide additional procedures not inconsistent with this section for the implementation of this section.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5702;** C46, 50, 54, 58, 62, 66, 71, 73, §365.18; C75, 77, 79, 81, §400.18]

2009 Acts, ch 111, §6; 2017 Acts, ch 2, §57, 64; 2025 Acts, ch 82, §4, 12

Referred to in §411.1, 411.6

400.19 Peremptory removal, discharge, demotion, or suspension of subordinates.

The person having the appointing power as provided in this chapter, or the chief of police or chief of the fire department, may, upon presentation of reasonable and just grounds for such action to the subordinate in writing, peremptorily remove, discharge, demote, or suspend a subordinate then under the person's or chief's direction due to any act or failure to act by the employee that is in violation of law, city policies, or department rules, and is deemed reasonably anticipated to be detrimental to the public. This section shall not be construed to modify the rights, requirements, or procedures provided in section 400.8A or other rights, requirements, or procedures provided by law.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5703;** C46, 50, 54, 58, 62, 66, 71, 73, §365.19; C75, 77, 79, 81, §400.19]

86 Acts, ch 1138, §6; 2017 Acts, ch 2, §58, 64; 2025 Acts, ch 82, §5, 12

Referred to in §411.1, 411.6

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400.20 Appeal.

The removal, discharge, demotion, or suspension of a person holding civil service rights may be appealed to the civil service commission within fourteen calendar days after the removal, discharge, demotion, or suspension.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5704;** C46, 50, 54, 58, 62, 66, 71, 73, §365.20; C75, 77, 79, 81, §400.20]

86 Acts, ch 1138, §7; 2017 Acts, ch 2, §59, 64

Referred to in §80F.1

Internal investigations and rights of peace officers and public safety and emergency personnel, see §80F.1

400.21 Notice of appeal.

If the appeal be taken by the person removed, discharged, demoted, or suspended, notice of the appeal, signed by the appellant and specifying the ruling appealed from, shall be filed with the clerk of the commission. If the appeal is taken by the person making such removal, discharge, demotion, or suspension, such notice shall also be served upon the person removed, discharged, demoted, or suspended.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5705;** C46, 50, 54, 58, 62, 66, 71, 73, §365.21; C75, 77, 79, 81, §400.21]

2017 Acts, ch 2, §60, 64; 2017 Acts, ch 54, §52; 2018 Acts, ch 1026, §125

Referred to in §400.27

400.22 Charges.

Within fourteen calendar days from the service of the notice of appeal, the person or body making the ruling appealed from shall file with the body to which the appeal is taken a written specification of the charges and grounds upon which the ruling was based. If the charges are not filed, the person removed, discharged, demoted, or suspended may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and the body to whom the appeal is to be taken shall immediately enter an order reinstating the person removed, discharged, demoted, or suspended for want of prosecution.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5706;** C46, 50, 54, 58, 62, 66, 71, 73, §365.22; C75, 77, 79, 81, §400.22]

86 Acts, ch 1138, §8; 2017 Acts, ch 2, §61, 64

Referred to in §400.18, 400.22A

400.22A Exculpatory evidence.

A person shall not knowingly withhold exculpatory evidence from an employee subject to a written specification of charges filed under section 400.22.

2025 Acts, ch 82, §6, 12

400.23 Time and place of hearing.

Within ten days after such specifications are filed, the commission shall fix the time for a hearing, which shall be not less than five nor more than twenty days thereafter, and the place for hearing the appeal. The commission shall notify the parties in writing of the time and place so fixed, and the notice shall contain a copy of the specifications so filed. Hearings under this section shall be held during normal city business hours unless otherwise agreed to by the parties and the commission. The commission in its discretion may grant a continuance or stay of a hearing upon request.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5707;** C46, 50, 54, 58, 62, 66, 71, 73, §365.23; C75, 77, 79, 81, §400.23]

2025 Acts, ch 82, §7, 12

400.24 Oaths — books and papers — procedures.

1. The presiding officer of the commission or the council, as the case may be, shall have power to administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction.

2. The council or commission shall cause subpoenas to be issued for such witnesses and the production of such books and papers as either party may designate. Issuance of

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subpoenas shall be consistent with the Iowa rules of civil procedure. The subpoenas shall be signed by the chairperson of the commission or mayor, as the case may be, or by an attorney representing a party before the commission. The council or commission shall provide a copy of each subpoena to both parties upon issuance. A party, or an attorney representing a party, shall provide copies of any material produced in response to a subpoena to the opposing party upon receipt of such material.

3. Those employees who are defined as an *"officer"* under section 80F.1, subsection 1, paragraph *"f"*, shall have the right to request documents, records, and any other evidence in the possession of the appointing authority relevant to the determination of cause and proportionality of discipline not otherwise in violation of chapter 80F.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5708;** C46, 50, 54, 58, 62, 66, 71, 73, §365.24; C75, 77, 79, 81, §400.24]

2025 Acts, ch 82, §8, 12

400.25 Contempt.

In case a witness is duly subpoenaed and refuses to attend, or in case a witness appears and refuses to testify or to produce required books or papers, the official body hearing the appeal shall, in writing, report such refusal to the district court of the county, and said court shall proceed with said person or witness as though said refusal had occurred in a proceeding legally pending before said court.

[C24, 27, 31, 35, 39, §**5709;** C46, 50, 54, 58, 62, 66, 71, 73, §365.25; C75, 77, 79, 81, §400.25]

Contempts, chapter 665

400.26 Public trial.

The trial of all appeals shall be public, and the parties may be represented by counsel or by the parties' authorized collective bargaining representative. However, upon the request of the employee, the deliberations of the commission in a city with a population of less than two hundred thousand shall be held in closed session.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5710;** C46, 50, 54, 58, 62, 66, 71, 73, §365.26; C75, 77, 79, 81, §400.26]

2009 Acts, ch 111, §7; 2025 Acts, ch 82, §9, 12

400.27 Jurisdiction — attorney — appeal.

1. *a.* The civil service commission has jurisdiction to hear and determine matters involving the rights of civil service employees under this chapter, and may affirm, modify, or reverse any case on its merits.

b. If the commission determines that the city proved the employee committed the charge as specified, the commission shall determine whether the removal, discharge, demotion, or suspension of the employee was with just cause based upon the totality of the circumstances. For the purposes of this subsection, the commission shall consider factors including the nature of the conduct at issue in the circumstances, the proportionality of the punishment to the conduct at issue, the employee's work history, whether the employee reasonably could comply with the policy or rule in the circumstances and whether the employee's conduct was objectively reasonable in the circumstances, the employee's defenses or justifications, any mitigating or aggravating factors, whether the punishment is reasonably calculated to correct the employee's behavior or conduct, if the punishment is necessary to protect the public interest, whether the city, its employees, or the appointing authority acted in accordance with the law, city policies, department rules, or standard operating procedures, or if the policy failed in the circumstances. The commission shall only consider, order, or impose discipline upon the employee for charges proven by the city.

c. The commission shall reverse the city's decision and dismiss a specific charge with prejudice if the city fails to meet its burden of proof as to that charge.

d. The final decision of the commission shall be based upon a majority vote of the commission, shall be made in writing, and shall include findings of fact and conclusions relied upon, and reasoning or rationale for the decision, separately stated. The commission shall render and serve its final decision upon the parties by certified mail within thirty days

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of the close of the record or trial unless the parties consent to a later date in writing or on the record. The final decision may be served upon an employee by electronic mail with the consent of the employee.

2. *a.* Except as otherwise provided in this section, the city attorney or solicitor shall be the attorney for the commission or when requested by the commission shall present matters concerning civil service employees to the commission, except the commission may hire a counselor or an attorney on a per diem basis to represent it when in the opinion of the commission there is a conflict of interest between the commission and the city council. The counselor or attorney hired by the commission shall not be the city attorney or solicitor.

b. Upon the filing of a notice of appeal pursuant to section 400.21, a city attorney, assistant city attorney, or solicitor who represents or has represented the commission shall not represent the city or its officers or employees in an appeal pending before the commission unless the employee waives the conflict of interest in writing or on the record. If the commission is required to hire a counselor or attorney that is not a city attorney, assistant city attorney, or solicitor as provided in this subsection, the city shall pay the costs incurred by the commission in employing a counselor or attorney under this section, and the commission shall independently seek and retain such an attorney.

c. A counselor or attorney who represents the commission in an appeal before the commission shall be fair and impartial toward the parties. The counselor or attorney representing the commission may provide advice and counsel to the commission on matters before it and assist the commission with its proceedings and trial as may be necessary or requested.

3. The commission shall provide for the production of evidence and exchange of exhibits in advance of trial. The city shall mark its exhibits with numbers. The employee shall mark its exhibits with letters.

4. The city or any civil service employee shall have a right to appeal to the district court from the final ruling or decision of the civil service commission. The appeal shall be taken within thirty days from the service of the formal decision of the commission. The district court of the county in which the city is located shall have full jurisdiction of the appeal. The scope of review for the appeal shall be a trial de novo.

5. The appeal to the district court shall be perfected by filing a notice of appeal with the clerk of the district court within the time prescribed in this section and by serving notice of appeal on the clerk of the civil service commission, from whose ruling or decision the appeal is taken.

6. In the event the ruling or decision appealed from is reversed by the district court, the appellant, if it be an employee, shall then be reinstated as of the date of the said suspension, demotion, or discharge and shall be entitled to compensation from the date of such suspension, demotion, or discharge.

7. In addition to any other remedies and relief, upon application, the district court may award reasonable attorney fees, expert fees, and costs to those employees who are defined as an "officer" under section 80F.1, subsection 1, paragraph *"f"*, and only when such employee meets any of the following criteria:

a. The employee is fully reinstated from a termination without discipline imposed.

b. The employee's suspension has been reduced by over fifty percent.

c. The employee's demotion was reversed.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5711;** C46, 50, 54, 58, 62, 66, 71, 73, §365.27; C75, 77, 79, 81, §400.27]

86 Acts, ch 1138, §9; 91 Acts, ch 55, §2; 2017 Acts, ch 2, §62, 64; 2017 Acts, ch 54, §76; 2018 Acts, ch 1026, §126; 2025 Acts, ch 82, §10 – 12

Referred to in §400.18

400.28 Employees — number diminished.

A city council may implement a diminution of employees in a classification or grade under civil service. Such a diminution shall be carried out in accordance with any procedures provided in a collective bargaining agreement to which a bargaining unit that has at least

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thirty percent of members who are public safety employees as defined in section 20.3 is a party, if applicable.

[S13, §679-h; C24, 27, 31, 35, 39, §**5712;** C46, 50, 54, 58, 62, 66, 71, 73, §365.28; C75, 77, 79, 81, §400.28]

86 Acts, ch 1138, §10, 11; 2010 Acts, ch 1069, §131; 2017 Acts, ch 2, §63, 64

400.29 Political activity limited.

1. A person holding a civil service position shall not, while performing official duties or while using city equipment at the person's disposal by reason of the position, solicit in any manner contribution for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during the working hours. A person shall not seek or attempt to use any political endorsement in connection with any appointment to a civil service position.

2. A person holding a civil service position shall not, by the authority of the position, secure or attempt to secure in any manner for any other person an appointment or advantage in appointment to a civil service position or an increase in pay or other advantage of employment in any such position for the purpose of influencing the vote or political action of that person or for any other consideration.

3. A person who in any manner supervises a person holding a civil service position shall not directly or indirectly solicit the person supervised to contribute money, anything of value, or service to a candidate seeking election, or a political party or candidate's political committee.

4. This section shall not be construed to prohibit any employee or group of employees, individually or collectively, from expressing honest opinions and convictions, or making statements and comments concerning their wages or other conditions of their employment.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §**5713;** C46, 50, 54, 58, 62, 66, 71, 73, §365.29; C75, 77, 79, 81, §400.29]

86 Acts, ch 1021, §3

Public employee candidates for elective public office; see §55.4

400.30 Penalty.

The provisions of this chapter shall be strictly carried out by each person or body having powers or duties thereunder, and any act or failure to act tending to avoid or defeat the purposes of such provisions is hereby prohibited and shall be a simple misdemeanor.

[C39, §**5713.1;** C46, 50, 54, 58, 62, 66, 71, 73, §365.30; C75, 77, 79, 81, §400.30]

400.31 Waterworks employees.

In cities where the board of waterworks trustees has adopted a resolution placing its employees under this chapter as to civil service, the civil service commission acting under this chapter has charge of the civil service procedure as to those employees and this chapter applies.

[C50, 54, 58, 62, 66, 71, 73, §365.31; C75, 77, 79, 81, §400.31]

83 Acts, ch 101, §83

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CHAPTERS 401 and 402

RESERVED

CHAPTER 403

URBAN RENEWAL

Referred to in §6A.22, 15J.4, 331.403, 331.441, 357H.4, 384.22, 384.24, 419.17

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403.23 Audit — certificate of compliance.

403.1 Title.

This chapter shall be known and may be cited as the *"Urban Renewal Law"*.
[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.1]

403.2 Declaration of policy.

1. It is hereby found and declared that there exist in municipalities of the state slum and blighted areas, as defined in this chapter, which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blighted areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency and consume an excessive proportion of state revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

2. It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this chapter, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that fringe areas can be conserved and rehabilitated through appropriate public action as herein authorized, and through the cooperation and voluntary action of the owners and tenants of property in such areas.

3. It is further found and declared that there exists in this state the continuing need for programs to alleviate and prevent conditions of unemployment and a shortage of housing; and that it is accordingly necessary to assist and retain local industries and commercial enterprises to strengthen and revitalize the economy of this state and its municipalities; that accordingly it is necessary to provide means and methods for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping, and

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expanding in this state and its municipalities, for the provision of public improvements related to housing and residential development, and for the construction of housing for low and moderate income families; that accordingly it is necessary to authorize local governing bodies to designate areas of a municipality as economic development areas for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing for low and moderate income families; and that it is also necessary to encourage the location and expansion of commercial enterprises to more conveniently provide needed services and facilities of the commercial enterprises to municipalities and the residents of the municipalities. Therefore, the powers granted in this chapter constitute the performance of essential public purposes for this state and its municipalities.

4. It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and for which the power of eminent domain, to the extent authorized, and police power exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.2]

85 Acts, ch 66, §1; 91 Acts, ch 186, §1; 96 Acts, ch 1204, §13; 2006 Acts, 1st Ex, ch 1001, §34, 49; 2020 Acts, ch 1063, §209

403.3 Municipal program.

The local governing body of a municipality may formulate for the municipality a workable program for utilizing appropriate private and public resources to eliminate slums and prevent the development or spread of slums and urban blight and to encourage needed urban rehabilitation. Such workable program may include, without limitation, provisions for:

1. The prevention of the spread of blight into areas of the municipality which are free from blight, through diligent enforcement of housing, zoning and occupancy controls and standards.

2. The rehabilitation or conservation of slum or blighted areas or portions thereof by replanning, by removing congestion, by providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures.

3. The clearance of slum and blighted areas or portions thereof.

4. The redevelopment of slum and blighted areas by approval of urban renewal plans.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.3]

Referred to in §403.14

403.4 Resolution of necessity.

A municipality shall not exercise the authority conferred upon municipalities by this chapter until after its local governing body has adopted a resolution finding that:

1. One or more slum, blighted or economic development areas exist in the municipality.

2. The rehabilitation, conservation, redevelopment, development, or a combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the municipality.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.4]

85 Acts, ch 66, §2; 2020 Acts, ch 1063, §210

Referred to in §403.14, 403.15

403.5 Urban renewal plan.

1. A municipality shall not approve an urban renewal project for an urban renewal area unless the governing body has, by resolution, determined the area to be a slum area, blighted area, economic development area or a combination of those areas, and designated the area as appropriate for an urban renewal project. The local governing body shall not approve an urban renewal plan until a general plan for the municipality has been prepared. For this purpose and other municipal purposes, authority is vested in every municipality to prepare, to adopt and to revise from time to time, a general plan for the physical development of the municipality as a whole, giving due regard to the environs and metropolitan surroundings.

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A municipality shall not acquire real property for an urban renewal project unless the local governing body has approved the urban renewal project in accordance with subsection 4.

2. *a.* The municipality may itself prepare or cause to be prepared an urban renewal plan; or any person or agency, public or private, may submit such a plan to a municipality. Prior to its approval of an urban renewal plan, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or, if no recommendations are received within the thirty days, then, without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal plan prescribed by subsection 3.

b. (1) Prior to its approval of an urban renewal plan which provides for a division of revenue pursuant to section 403.19, the municipality shall mail the proposed plan by regular mail to the affected taxing entities. The municipality shall include with the proposed plan notification of a consultation to be held between the municipality and affected taxing entities prior to the public hearing on the urban renewal plan. If the proposed urban renewal plan or proposed urban renewal project within the urban renewal area includes the use of taxes resulting from a division of revenue under section 403.19 for a public building, including but not limited to a police station, fire station, administration building, swimming pool, hospital, library, recreational building, city hall, or other public building that is exempt from taxation, including the grounds of, and the erection, equipment, remodeling, or reconstruction of, and additions or extensions to, such a building, the municipality shall include with the proposed plan notification an analysis of alternative development options and funding for the urban renewal area or urban renewal project and the reasons such options would be less feasible than the proposed urban renewal plan or proposed urban renewal project. A copy of the analysis required in this subparagraph shall be included with the urban renewal report required under section 331.403 or 384.22, as applicable, and filed by December 1 following adoption of the urban renewal plan or project.

(2) Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed urban renewal area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed urban renewal area, and the duration of any bond issuance included in the plan. The designated representative of the affected taxing entity may make written recommendations for modification to the proposed division of revenue no later than seven days following the date of the consultation. The representative of the municipality shall, no later than seven days prior to the public hearing on the urban renewal plan, submit a written response to the affected taxing entity addressing the recommendations for modification to the proposed division of revenue.

3. The local governing body shall hold a public hearing on an urban renewal plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal activities under consideration. A copy of the notice shall be sent by ordinary mail to each affected taxing entity.

4. Following such hearing, the local governing body may approve an urban renewal plan if it finds that:

a. A feasible method exists for the location of families who will be displaced from the urban renewal area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families.

b. (1) The urban renewal plan conforms to the general plan of the municipality as a whole; provided, that if the urban renewal area consists of an area of open land to be acquired by the municipality, such area shall not be so acquired except:

(a) If it is to be developed for residential uses, the local governing body shall determine

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that a shortage of housing of sound standards and design with decency, safety, and sanitation exists in the municipality; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

(i) That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

(ii) That conditions of blight in the municipality and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

(iii) That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

(iv) The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

(b) If it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.

(2) The acquisition of open land authorized in subparagraph (1), subparagraph divisions (a) and (b) may require the exercise of governmental action, as provided in this chapter, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, or because of the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area. If such governmental action involves the exercise of eminent domain authority, the municipality is subject to the limitations of this chapter and chapters 6A and 6B.

5. *a.* Except as otherwise provided in this subsection, an urban renewal plan may be modified at any time. However, if the urban renewal plan is modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the municipality may deem advisable, and in any event such modification shall be subject to such rights at law or in equity as a lessee or purchaser, or a lessee's or purchaser's successor or successors in interest, may be entitled to assert.

b. A municipality shall not approve an urban renewal project for an urban renewal area unless the governing body has amended or modified the adopted urban renewal plan to include the urban renewal project.

c. The municipality shall comply with the notification, consultation, and hearing process provided in this section prior to the approval of any amendment or modification to an adopted urban renewal plan if such amendment or modification provides for refunding bonds or refinancing resulting in an increase in debt service or provides for the issuance of bonds or other indebtedness, to be funded primarily in the manner provided in section 403.19, or if such amendment or modification provides for the inclusion and approval of an urban renewal project under paragraph "*b*". However, the review and recommendation process conducted by the municipality's planning commission under subsection 2, paragraph "*a*", shall not be required when amending or modifying an adopted urban renewal plan.

d. Once determined to be a blighted area, a slum area, or an economic development area by a municipality, an urban renewal area shall not be redetermined by the municipality throughout the duration of the urban renewal area.

6. Upon the approval by a municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

7. Notwithstanding any other provisions of this chapter, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire,

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hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under Pub. L. No. 81-875, Eighty-first Congress, 64 Stat. 1109, codified at 42 U.S.C. §1855 – 1855g or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection 4 and without regard to provisions of this section requiring notification and consultation, a general plan for the municipality, and a public hearing on the urban renewal plan or project.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.5]

85 Acts, ch 66, §3; 94 Acts, ch 1182, §6; 96 Acts, ch 1204, §14 – 16; 99 Acts, ch 171, §35, 41, 42; 2006 Acts, ch 1010, §97; 2006 Acts, 1st Ex, ch 1001, §35, 36, 49; 2010 Acts, ch 1061, §157, 180; 2012 Acts, ch 1124, §13, 14

Referred to in §403.14, 403.17

403.6 Powers of municipality.

The provisions of this chapter shall be liberally interpreted to achieve the purposes of this chapter. Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

1. To undertake and carry out urban renewal projects within its area of operation, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter, and to disseminate slum clearance and urban renewal information.

2. To arrange or contract for the furnishing or repair by any person of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions, that it may deem reasonable and appropriate, attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project; and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

3. Within its area of operation, to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property, or personal property for administrative purposes, together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this chapter. A municipality or other public body exercising powers under this chapter with respect to the acquisition, clearance, or disposition of property shall not be restricted by any other statutory provision in the exercise of such powers unless such statutory provision specifically states its application to this chapter or unless this chapter specifically applies restrictions contained in another statutory provision to the powers that may be exercised under this chapter.

4. To invest any urban renewal project funds held in reserves or sinking funds, or any such funds not required for immediate disbursement, in property or securities in which a state bank may legally invest funds subject to its control; to redeem such bonds as have been issued pursuant to section 403.9 at the redemption price established therein, or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

5. To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this chapter,

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and to give such security as may be required, and to enter into and carry out contracts in connection therewith. A municipality may include in any contract, for financial assistance with the federal government for an urban renewal project, such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of the chapter.

6. Within its area of operation, to make or have made all surveys and planning necessary to the carrying out of the purposes of this chapter, and to contract with any person in making and carrying out of such planning, and to adopt or approve, modify and amend such planning. Such planning may include, without limitation:

a. A general plan for the locality as a whole.

b. Urban renewal plans.

c. Preliminary plans outlining urban renewal activities for neighborhoods to embrace two or more urban renewal areas.

d. Planning for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

e. Planning for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

f. Appraisals, title searches, surveys, studies, and other planning and work necessary to prepare for the undertaking of urban renewal projects. The municipality is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and to apply for, accept and utilize grants of funds from the federal government for such purposes.

7. To plan for the relocation of persons, including families, business concerns and others, displaced by an urban renewal project, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government. Other provisions of the Code notwithstanding, in making such payments on projects not federally funded, the municipality may pay relocation assistance benefits in the amounts authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, as amended by the Uniform Relocation Act Amendments of 1987, Tit. IV, Pub. L. No. 100-17.

8. To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter, and to levy taxes and assessments for such purposes; to zone or rezone any part of the municipality or make exceptions from building regulations; and to enter into agreements, respecting action to be taken by such municipality pursuant to any of the powers granted by this chapter, with an urban renewal agency vested with urban renewal project powers under section 403.14, which agreements may extend over any period, notwithstanding any provision of rule of law to the contrary.

9. To close, vacate, plan or replan streets, roads, sidewalks, ways or other places; and to plan or replan any part of the municipality.

10. Within its area of operation, to organize, coordinate and direct the administration of the provisions of this chapter as they apply to such municipality in order that the objective of remedying slum and blighted areas, and preventing the causes thereof, within such municipality, may be most effectively promoted and achieved; and to establish such new office or offices of the municipality, or to reorganize existing offices, in order to carry out such purpose most effectively.

11. To exercise all or any part of combination of powers herein granted.

12. To approve urban renewal plans.

13. To sell and convey real property in furtherance of an urban renewal project.

14. To supplement the rent required to be paid by any family residing in the municipality forced to relocate by reason of any governmental activity, provided it is necessary to do so in order to house such family in decent, safe and sanitary housing and provided further that such family does not have sufficient means, as determined by the municipality, to pay the required rent for such housing. Any such rent supplement for any such family shall not continue for more than five years.

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15. To acquire by purchase, gift or condemnation real property within its area of operation for the relocation of railroad passenger and freight depots, tracks, and yard and other railroad facilities and to sell or exchange and convey such real property to railroads.

16. To acquire or dispose of by purchase, construction, or lease, or otherwise to deal in air rights, and facilities or easements for lateral or vertical support of land or structures of any kind.

17. Subject to applicable state or federal regulations in effect at the time of the municipal action, accept contributions, grants, and other financial assistance from the state or federal government to be used upon a finding of public purpose for grants, loans, loan guarantees, interest supplements, technical assistance, or other assistance as necessary or appropriate to private persons for an urban renewal project.

18. To provide in an urban renewal plan for the exclusion from taxation of value added to real estate during the process of construction for development or redevelopment. The exclusion may be limited as to the scope of exclusion, territory, or class of property affected. However, the value added during construction shall not be eligible for exclusion from taxation for more than two years and the exclusion shall not be applied to a facility which has been more than eighty percent completed as of the most recent date of assessment. This subsection permits the elimination only of those taxes which are levied against assessments made during the construction of the development or redevelopment.

19. *a.* A municipality, upon entering into a development or redevelopment agreement pursuant to section 403.8, subsection 1, or as otherwise permitted in this chapter, may enter into a written assessment agreement with the developer of taxable property in the urban renewal area which establishes a minimum actual value of the land and completed improvements to be made on the land until a specified termination date which shall not be later than the date after which the tax increment will no longer be remitted to the municipality pursuant to section 403.19, subsection 2. The assessment agreement shall be presented to the appropriate assessor. The assessor shall review the plans and specifications for the improvements to be made and if the minimum actual value contained in the assessment agreement appears to be reasonable, the assessor shall execute the following certification upon the agreement:

> The undersigned assessor, being legally responsible for the assessment of the above described property upon completion of the improvements to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall not be less than $.....

b. This assessment agreement with the certification of the assessor and a copy of this subsection shall be filed in the office of the county recorder of the county where the property is located. Upon completion of the improvements, the assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the assessment agreement. This subsection does not prohibit the assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the assessment agreement. An assessor, county auditor, board of review, director of revenue, or court of this state shall not reduce or order the reduction of the actual value below the minimum actual value in the agreement during the term of the agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an assessment agreement complying with this subsection constitutes notice of the assessment agreement to a subsequent purchaser or

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encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.6]

83 Acts, ch 48, §2, 3; 84 Acts, ch 1210, §1; 88 Acts, ch 1209, §3; 96 Acts, ch 1204, §17; 2002 Acts, ch 1119, §160; 2003 Acts, ch 145, §286; 2006 Acts, 1st Ex, ch 1001, §37, 49; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §132 – 134; 2015 Acts, ch 29, §48; 2025 Acts, ch 30, §65

Referred to in §403.8, 403.14, 427B.19D

403.7 Condemnation of property.

1. A municipality shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project under this chapter, subject to the limitations on eminent domain authority in chapter 6A. However, a municipality shall not condemn agricultural land included within an economic development area for any use unless the owner of the agricultural land consents to condemnation or unless the municipality determines that the land is necessary or useful for any of the following:

a. The operation of a city utility as defined in section 362.2.

b. The operation of a city franchise conferred the authority to condemn private property under section 364.2.

c. The operation of a combined utility system as defined in section 384.80.

2. A municipality shall exercise the power of eminent domain in the manner provided in chapter 6B. Property already devoted to a public use may be acquired in like manner. However, real property belonging to the state, or any political subdivision of this state, shall not be acquired without its consent, and real property or any right or interest in the property owned by any public utility company, pipeline company, railway or transportation company vested with the right of eminent domain under the laws of this state shall not be acquired without the consent of the company, or without first securing, after due notice to the company and after hearing, a certificate authorizing condemnation of the property from the board, commission, or body having the authority to grant a certificate authorizing condemnation.

3. In a condemnation proceeding, if a municipality proposes to take a part of a lot or parcel of real property, the municipality shall also take the remaining part of the lot or parcel if requested by the owner.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.7]

85 Acts, ch 66, §4; 99 Acts, ch 171, §36, 41, 42; 2006 Acts, 1st Ex, ch 1001, §38, 49

403.8 Sale or lease of property.

1. A municipality may sell, lease or otherwise transfer real property or any interest in real property acquired by it, and may enter into contracts for such purposes, in an urban renewal area for residential, recreational, commercial, industrial or other uses, or for public use, subject to covenants, conditions and restrictions, including covenants running with the land, it deems to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas, or to otherwise carry out the purposes of this chapter. However, the sale, lease, other transfer, or retention, and any agreement relating to it, may be made only after the approval of the urban renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall devote the real property only to the uses specified in the urban renewal plan, and they may be obligated to comply with other requirements the municipality determines to be in the public interest, including the requirement to begin within a reasonable time any improvements on the real property required by the urban renewal plan. The real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan except as provided in subsection 3. In determining the fair value of real property for uses in accordance with the urban renewal plan, a municipality shall take into account and give consideration to the uses provided in the plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of the plan for the prevention of the recurrence of slum or blighted areas. The municipality in an instrument of conveyance to a

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private purchaser or lessee may provide that the purchaser or lessee shall not sell, lease or otherwise transfer the real property, without the prior written consent of the municipality, until the purchaser or lessee has completed the construction of any or all improvements which the purchaser or lessee has become obligated to construct. Real property acquired by a municipality which, in accordance with the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the urban renewal plan. A contract for a transfer under the urban renewal plan, or a part or parts of the contract or plan as the municipality determines, may be recorded in the land records of the county in a manner to afford actual or constructive notice of the contract or plan.

2. *a.* A municipality may dispose of real property in an urban renewal area to private persons only under reasonable competitive bidding procedures it shall prescribe, or as provided in this subsection. A municipality, by public notice by publication in a newspaper having a general circulation in the community, thirty days prior to the execution of a contract to sell, lease or otherwise transfer real property, and prior to the delivery of an instrument of conveyance with respect to the real property under this section, may invite proposals from and make available all pertinent information to any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or a part of the area. The notice shall identify the area, or portion of the area, and shall state that proposals shall be made by those interested within thirty days after the date of publication of the notice, and that further information available may be obtained at the office designated in the notice. The municipality shall consider all redevelopment or rehabilitation proposals, and the financial and legal ability of the persons making the proposals to carry them out, and the municipality may negotiate with any persons for proposals concerning the purchase, lease or other transfer of real property acquired by the municipality in the urban renewal area. The municipality may accept the proposal it deems to be in the public interest and in furtherance of the purposes of this chapter. However, a notification of intention to accept the proposal shall be filed with the governing body not less than thirty days prior to the acceptance. Thereafter, the municipality may execute a contract in accordance with subsection 1 and may deliver deeds, leases and other instruments and may take all steps necessary to effectuate the contract.

b. However, this subsection does not apply to real property disposed of for the purpose of development or redevelopment as an industrial building or facility, facilities for use as a center for export for international trade, a home office or regional office facility for a multistate business or which meets the criteria set forth in subsection 3.

3. The requirement that real property or an interest in real property transferred or retained for the purpose of a development or redevelopment be sold, leased, otherwise transferred, or retained at not less than its fair market value does not apply if the developer enters into a written assessment agreement with the municipality pursuant to section 403.6, subsections 18 and 19, and the minimum actual value contained in the assessment agreement would indicate that there will be sufficient taxable valuations to permit the collection of incremental taxes as provided in section 403.19, subsection 2, to cause the indebtedness and other costs incurred by the municipality with respect to the property or interest transferred or retained to be repayable as to principal within four tax years following the commencement of full operation of the development.

4. A municipality may temporarily operate and maintain real property acquired in an urban renewal area pending the disposition of the property as authorized in this chapter, without regard to the provisions of subsection 1 above, for such uses and purposes as may be deemed desirable, even though not in conformity with the urban renewal plan.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.8]

84 Acts, ch 1210, §2, 3; 88 Acts, ch 1144, §1, 3; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1026, §82

Referred to in §403.6

403.9 Issuance of bonds.

1. A municipality shall have power to periodically issue bonds in its discretion to pay the costs of carrying out the purposes and provisions of this chapter, including but not limited to

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the payment of principal and interest upon any advances for surveys and planning, and the payment of interest on bonds, authorized under this chapter, not to exceed three years from the date the bonds are issued. The municipality shall have power to issue refunding bonds for the payment or retirement of such bonds previously issued by the municipality. Said bonds shall be payable solely from the income and proceeds of the fund and portion of taxes referred to in section 403.19, subsection 2, and revenues and other funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this chapter. The municipality may pledge to the payment of the bonds the fund and portion of taxes referred to in section 403.19, subsection 2, and may further secure the bonds by a pledge of any loan, grant, or contribution from the federal government or other source in aid of any urban renewal projects of the municipality under this chapter, or by a mortgage of any such urban renewal projects, or any part thereof, title which is vested in the municipality.

2. Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this chapter are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

3. *a.* Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates not exceeding that permitted by chapter 74A, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

b. Before the local governing body may institute proceedings for the issuance of bonds under this section, a notice of the proposed action, including a statement of the amount and purposes of the bonds and the time and place of the meeting at which the local governing body proposes to take action for the issuance of the bonds, must be published as provided in section 362.3. At the meeting, the local governing body shall receive oral or written objections from any resident or property owner of the municipality. After all objections have been received and considered, the local governing body, at that meeting or any subsequent meeting, may take additional action for the issuance of the bonds or abandon the proposal to issue the bonds. Any resident or property owner of the municipality may appeal the decision of the local governing body to take additional action to the district court of the county in which any part of the municipality is located, within fifteen days after the additional action is taken. The additional action of the local governing body is final and conclusive unless the court finds that the municipality exceeded its authority.

4. Such bonds may be sold at not less than ninety-eight percent of par at public or private sale, or may be exchanged for other bonds at not less than ninety-eight percent of par.

5. In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

6. In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as defined in this chapter, shall be conclusively deemed to have been issued for such purpose and

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such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.9]

96 Acts, ch 1204, §18, 19; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1026, §83; 2015 Acts, ch 30, §113; 2017 Acts, ch 54, §53; 2020 Acts, ch 1063, §211

Referred to in §403.6, 403.12, 403.19, 422.7(2)(s)

403.10 Bonds as legal investment.

All banks, trust companies, savings associations, investment companies, and other persons carrying on an investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality pursuant to this chapter, or those issued by any urban renewal agency vested with urban renewal project powers under section 403.14. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.10]

96 Acts, ch 1204, §20; 2012 Acts, ch 1017, §78

403.11 Exemptions from legal process.

1. All property of a municipality, including funds, owned or held by it for the purposes of this chapter shall be exempt from levy and sale by virtue of an execution. Execution or other judicial process shall not issue against the property and a judgment against a municipality shall not be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality on its rents, fees, grants or revenues from urban renewal projects.

2. The property of a municipality, acquired or held for the purposes of this chapter, is declared to be public property used for essential public and governmental purposes, and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof. However, such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.11]

2011 Acts, ch 34, §90

403.12 Urban renewal project — powers of municipality.

1. For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine:

a. Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or other rights or privileges therein to a municipality.

b. Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section.

c. Do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal project.

d. Lend, grant, or contribute funds to a municipality.

e. Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with a municipality or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with an urban renewal project.

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f. Cause public buildings and public facilities, including parks, playgrounds, and recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished.

g. Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places.

h. Plan or replan, or zone or rezone any part of the public body or make exceptions from building regulations.

i. Cause administrative and other services to be furnished to the municipality.

2. If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, including any agency or instrumentality of the United States, other than the municipality, which is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects, the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the term *"municipality"* shall also include an urban renewal agency vested with all of the urban renewal project powers pursuant to the provisions of section 403.14.

3. Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.

4. For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of an urban renewal agency, a municipality may, in addition to its other powers and upon such terms, with or without consideration, as it may determine, do and perform any or all of the actions or things which, by the provisions of subsection 1 of this section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

5. For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of an urban renewal project of a municipality, a municipality may, in addition to any authority to issue bonds pursuant to section 403.9, issue and sell its general obligation bonds. Any bonds issued by a municipality pursuant to this section must be issued, in the case of a city, by resolution of the council in the manner and within the limitations prescribed by chapter 384, subchapter III, or in the case of a county, by resolution of the board of supervisors in the manner and within the limitations prescribed by chapter 331, subchapter IV, part 3. Bonds issued pursuant to the provisions of this subsection must be sold in the manner prescribed by chapter 75. The additional power granted in this subsection for the financing of public undertakings and activities by municipalities within an urban renewal area shall not be construed as a limitation of the existing powers of municipalities.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.12]

94 Acts, ch 1182, §7; 2012 Acts, ch 1023, §157; 2018 Acts, ch 1041, §127; 2025 Acts, ch 30, §66

Referred to in §331.441, 384.24

403.13 Presumption of title.

Any instrument executed by a municipality and purporting to convey any right, title, or interest in any property under this chapter shall be conclusively presumed to have been executed in compliance with the provisions of this chapter insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.13]

2025 Acts, ch 30, §67

403.14 Urban renewal agency powers.

1. A municipality may itself exercise its urban renewal project powers, as defined in this section, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency, if one exists or is subsequently established in the community. In the event the local governing body makes such determination, the urban renewal agency shall be vested with all of the urban renewal project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the local governing body does not elect to make

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such determination, the municipality in its discretion may exercise its urban renewal project powers through a board or commissioner, or through such officers of the municipality as the local governing body may by resolution determine.

2. As used in this section, the term *"urban renewal project powers"* shall include the rights, powers, functions and duties of a municipality under this chapter, except the following:

a. The power to determine an area to be a slum or blighted area or combination thereof and to designate such area as appropriate for an urban renewal project and to hold any public hearings required with respect thereto.

b. The power to approve urban renewal plans and modifications thereof.

c. The power to establish a general plan for the locality as a whole.

d. The power to formulate a workable program under section 403.3.

e. The power to make the determinations and findings provided for in section 403.4, and section 403.5, subsection 4.

f. The power to issue general obligation bonds.

g. The power to appropriate funds, to levy taxes and assessments, and to exercise other powers provided for in section 403.6, subsection 8.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.14]
2020 Acts, ch 1063, §212; 2025 Acts, ch 30, §68
Referred to in §403.6, 403.10, 403.12, 403.15, 403.16

403.15 Agency created.

1. There is hereby created in each municipality a public body corporate and politic to be known as the "urban renewal agency" of the municipality. An urban renewal agency shall not transact any business or exercise its powers under this chapter until or unless the local governing body has made the finding prescribed in section 403.4, and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in section 403.14.

2. If the urban renewal agency is authorized to transact business and exercise powers pursuant to this chapter, the mayor or chairperson of the board, as applicable, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency, which board shall consist of five commissioners. In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of commissioners at not less than five. The term of office of each such commissioner shall be one year.

3. A commissioner shall receive no compensation for services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of the commissioner's duties. Each commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

4. The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency, and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency, which area shall be conterminous with the area of operation of the municipality, and if they are otherwise eligible for such appointments under this chapter.

5. The mayor or chairperson of the board, as applicable, shall designate a chairperson and vice chairperson from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and the agency may determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year, which report shall include

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a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the city or county, as applicable, a notice to the effect that such report has been filed with the municipality, and that the report is available for inspection during business hours in the office of the city clerk or county auditor, as applicable, and in the office of the agency.

6. For inefficiency, or neglect of duty, or misconduct in office, a commissioner may be removed only after a hearing, and after the commissioner shall have been given a copy of the charges at least ten days prior to such hearing, and after the commissioner shall have had an opportunity to be heard in person or by counsel.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.15]

91 Acts, ch 214, §1; 95 Acts, ch 114, §4; 2015 Acts, ch 30, §114; 2021 Acts, ch 80, §242

Referred to in §403.17

403.16 Personal interest prohibited.

1. For purposes of this section:

a. "Action" does not include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function under this chapter.

b. "Action affecting such property" includes only that action directly and specifically affecting such property as a separate property but shall not include any action, any benefits of which accrue to the public generally, or which affects all or a substantial portion of the properties included or planned to be included in such a project.

c. "Participation" does not include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

2. A public official or employee of a municipality, or board or commission of a municipality, and a commissioner or employee of an urban renewal agency, which has been vested by a municipality with urban renewal project powers under section 403.14, shall not voluntarily acquire any personal interest, whether direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project. Where an acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or has owned or controlled within the preceding two years, any interest proscribed in this section, whether direct or indirect, in any property which the official, commissioner, or employee knows is included or planned to be included in an urban renewal project, the official, commissioner, or employee shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body. Any such official, commissioner, or employee with an interest proscribed in this section shall not participate in any action by the municipality, or board or commission of the municipality, or urban renewal agency affecting such property, which is proscribed in this section.

3. Employment by a public body, its agencies, or institutions or by any other person having an interest proscribed in this section shall not be deemed an interest by the employee or of any ownership or control by the employee of interests of the employee's employer. Such an employee may participate in an urban renewal project so long as any benefits of such participation accrue to the public generally, such participation affects all or a substantial portion of the properties included or planned to be included in such a project, or such participation promotes the public purposes of such project, and shall limit only that participation by an employee which directly or specifically affects property in which an employer of an employee has an interest.

4. The designation of a bank or trust company as depository, paying agent, or agent for investment of funds shall not be deemed a matter of interest or personal interest proscribed by this section.

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5. Stock ownership in a corporation having such an interest shall not be deemed an indicia of an interest, or of ownership or control by the person owning such stocks, proscribed by this section when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such person.

6. The limitations of this section shall be construed to permit action by a public official, commissioner, or employee where any benefits of such an action accrue to the public generally, the action affects all or a substantial portion of the properties included or planned to be included in such a project, or the action promotes the public purposes of such project. The limitations of this section shall be construed to limit only that action by a public official, commissioner, or employee which directly or specifically affects property in which such official, commissioner, or employee has an interest or in which an employer of such official, commissioner, or employee has an interest. Any disclosure required to be made by this section to the local governing body shall concurrently be made to an urban renewal agency which has been vested with urban renewal project powers by the municipality pursuant to the provisions of section 403.14. A commissioner or other officer of any urban renewal agency, board, or commission exercising powers pursuant to this chapter shall not hold any other public office under the municipality, other than the commissionership or office with respect to such urban renewal agency, board, or commission. Any violation of the provisions of this section shall constitute misconduct in office, but an ordinance or resolution of a municipality or agency shall not be invalid by reason of a vote or votes cast in violation of the standards of this section unless the vote or votes were decisive in the passage of the ordinance or resolution.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.16]

2020 Acts, ch 1063, §213; 2021 Acts, ch 80, §243; 2022 Acts, ch 1032, §56

403.17 Definitions.

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

1. *"Affected taxing entity"* means a city, county, or school district which levied or certified for levy a property tax on any portion of the taxable property located within the urban renewal area in the fiscal year beginning prior to the calendar year in which a proposed urban renewal plan is submitted to the local governing body for approval.

2. *"Agency"* or *"urban renewal agency"* shall mean a public agency created by section 403.15.

3. *a. "Agricultural land"* means real property owned by a person in tracts of ten acres or more and not laid off into lots of less than ten acres or divided by streets and alleys into parcels of less than ten acres, and that has been used for the production of agricultural commodities during three out of the past five years. Such use of property includes but is not limited to the raising, harvesting, handling, drying, or storage of crops used for feed, food, seed, or fiber; the care or feeding of livestock; the handling or transportation of crops or livestock; the storage, treatment, or disposal of livestock manure; and the application of fertilizers, beneficial substances, pesticides, and herbicides on crops.

b. "Agricultural land" includes land on which is located farm residences or outbuildings used for agricultural purposes and land on which is located facilities, structures, or equipment for agricultural purposes.

c. "Agricultural land" includes land taken out of agricultural production for purposes of environmental protection or preservation.

4. *"Area of operation"* of a city means the area within the corporate limits of the city and, with the consent of the county, the area within two miles of such limits, except that it does not include any area which lies within the territorial boundaries of another incorporated city, unless a resolution has been adopted by the governing body of the city declaring a need to be included in the area. The *"area of operation"* of a county means an area outside the corporate limits of a city. However, in that area outside a city's boundary but within two miles of the city's boundary, a joint agreement between the city and the county is required allowing the county to proceed with the activities authorized under this chapter. In addition, a county may proceed with activities authorized under this chapter in an area inside the boundaries

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of a city, provided a joint agreement is entered into with respect to such activities between a city and a county.

5. *"Blighted area"* means an area of a municipality within which the local governing body of the municipality determines that the presence of a substantial number of slum, deteriorated, or deteriorating structures; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; insanitary or unsafe conditions; deterioration of site or other improvements; diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; or the existence of conditions which endanger life or property by fire and other causes; or any combination of these factors; substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use. A disaster area referred to in section 403.5, subsection 7, constitutes a *"blighted area"*. *"Blighted area"* does not include real property assessed as agricultural property for purposes of property taxation.

6. *"Board"* or *"commission"* shall mean a board, commission, department, division, office, body, or other unit of the municipality.

7. *"Bonds"* shall mean any bonds, including refunding bonds, notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

8. *"Chairperson of the board"* means the chairperson of the board of supervisors or other legislative body charged with governing a county.

9. *"Clerk"* shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

10. *"Economic development area"* means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing. Such designated area shall not include agricultural land, including land which is part of a century farm, unless the owner of the agricultural land or century farm agrees to include the agricultural land or century farm in the urban renewal area. For the purposes of this subsection, *"century farm"* means a farm in which at least forty acres of such farm have been held in continuous ownership by the same family for one hundred years or more.

11. *"Federal government"* shall include the United States or any agency or instrumentality, corporate or otherwise, of the United States.

12. *"Housing and residential development"* means single or multifamily dwellings to be constructed in an area with respect to which the local governing body of the municipality determines that there is an inadequate supply of affordable, decent, safe, and sanitary housing and that providing such housing is important to meeting any or all of the following objectives: retaining existing industrial or commercial enterprises; attracting and encouraging the location of new industrial or commercial enterprises; meeting the needs of special elements of the population, such as the elderly or persons with disabilities; and providing housing for various income levels of the population which may not be adequately served.

13. *"Local governing body"* means the council, board of supervisors, or other legislative body charged with governing the municipality.

14. *"Low and moderate income families"* means those families, including single person households, earning no more than eighty percent of the higher of the median family income of the county or the statewide nonmetropolitan area as determined by the latest United States department of housing and urban development, section 8 income guidelines.

14A. *"Low and moderate income family housing"* means housing for low and moderate income families and includes housing that meets the requirements of section 15.353.

15. *"Mayor"* shall mean the mayor of a municipality, or other officer or body having the duties customarily imposed upon the executive head of a municipality.

16. *"Municipality"* means any city or county in the state.

17. *"Obligee"* shall include any bondholder, agents, or trustees for any bondholders, or

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any lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government, when it is a party to any contract with the municipality.

18. *"Person"* shall mean any individual, firm, partnership, corporation, company, association, joint stock association; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity for an individual or such entities.

19. *"Public body"* shall mean the state or any political subdivision thereof.

20. *"Public officer"* shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

21. *"Real property"* shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

22. *"Slum area"* shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which: by reason of dilapidation, deterioration, age or obsolescence; by reason of inadequate provision for ventilation, light, air, sanitation, or open spaces; by reason of high density of population and overcrowding; by reason of the existence of conditions which endanger life or property by fire and other causes; or which by any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and which is detrimental to the public health, safety, morals, or welfare. *"Slum area"* does not include real property assessed as agricultural property for purposes of property taxation.

23. *"Urban renewal area"* means a slum area, blighted area, economic development area, or combination of the areas, which the local governing body designates as appropriate for an urban renewal project.

24. *"Urban renewal plan"* means a plan for the development, redevelopment, improvement, or rehabilitation of a designated urban renewal area, as it exists from time to time. The plan shall meet the following requirements:

a. Conform to the general plan for the municipality as a whole except as provided in section 403.5, subsection 7.

b. Be sufficiently complete to indicate the real property located in the urban renewal area to be acquired for the proposed development, redevelopment, improvement, or rehabilitation, and to indicate any zoning district changes, existing and future land uses, and the local objectives respecting development, redevelopment, improvement, or rehabilitation related to the future land uses plan, and need for improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements within the urban renewal area.

c. If the plan includes a provision for the division of taxes as provided in section 403.19, the plan shall also include a list of the current general obligation debt of the municipality, the current constitutional debt limit of the municipality, and the proposed amount of indebtedness to be incurred, including loans, advances, indebtedness, or bonds which qualify for payment from the special fund referred to in section 403.19, subsection 2.

25. *"Urban renewal project"* may include undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, may include the designation and development of an economic development area in an urban renewal area, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal program. The undertakings and activities may include:

a. Acquisition of a slum area, blighted area, economic development area, or portion of the areas;

b. Demolition and removal of buildings and improvements;

c. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;

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d. Disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;

e. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

f. Acquisition of any other real property in the urban renewal area, where necessary to eliminate unhealthful, insanitary, or unsafe conditions, or to lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

g. Sale and conveyance of real property in furtherance of an urban renewal project;

h. Expenditure of proceeds of bonds issued before October 7, 1986, for the construction of parking facilities on city blocks adjacent to an urban renewal area.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.17]

85 Acts, ch 66, §5 – 9; 86 Acts, ch 1237, §23; 87 Acts, ch 104, §5; 89 Acts, ch 299, §4; 91 Acts, ch 186, §2 – 4; 91 Acts, ch 214, §2, 3; 94 Acts, ch 1182, §8, 9; 96 Acts, ch 1050, §1; 96 Acts, ch 1129, §113; 96 Acts, ch 1204, §21; 99 Acts, ch 171, §37, 38, 41, 42; 2002 Acts, ch 1119, §161; 2012 Acts, ch 1124, §15; 2025 Acts, ch 134, §23; 2026 Acts, ch 1115, §97 – 99, 106

Referred to in §15A.1, 368.26, 403A.22, 404.1, 423B.10, 437A.15

Subsection 1 and 1994 amendments to subsections 4, 5, 10, 14, 22, and 24 apply to plans approved on or after January 1, 1995, except that the century farm amendment to subsection 10 applies to plans approved on or after July 1, 1994; 94 Acts, ch 1182, §15

Subsection 3 and 1999 amendments to subsection 10 apply to state highway construction projects approved for commencement by the transportation commission on or after July 1, 1999, and to all other condemnation proceedings in which the application for condemnation is filed on or after July 1, 1999; see 99 Acts, ch 171, §42

1999 amendment to subsection 10 applies to urban renewal areas established on or after July 1, 1999, and to agricultural land included in an urban renewal area established before July 1, 1999, if the land is so included by amendment to the urban renewal plan adopted on or after that date; see 99 Acts, ch 171, §41

Subsection 10 amended

Subsection 14 amended

NEW subsection 14A

403.18 Rule of construction.

Insofar as the provisions of this chapter may be inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling. The powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §403.18]

403.19 Division of revenue from taxation — tax increment financing.

A municipality may provide by ordinance that taxes levied on taxable property in an urban renewal area each year by or for the benefit of the state, city, county, school district, or other taxing district, shall be divided as follows:

1. *a.* Unless otherwise provided in this section, that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the urban renewal area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the municipality certifies to the county auditor the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue, or on the assessment roll last equalized prior to the date of initial adoption of the urban renewal plan if the plan was adopted prior to July 1, 1972, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. However, the municipality may choose to divide that portion of the taxes which would be produced by levying the municipality's portion of the total tax rate levied by or for the municipality upon the total sum of the assessed value of the taxable property in the urban renewal area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of the ordinance and if the municipality so chooses, an affected taxing entity may allow a municipality to divide that portion of the taxes which would be produced by levying the affected taxing district's portion of the total tax rate levied by or for the affected taxing entity upon the total sum of the assessed value of the taxable property in the urban renewal area, as shown on the assessment roll as of January 1 of the calendar year preceding the effective date of the ordinance. This choice to divide

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a portion of the taxes shall not be construed to change the effective date of the division of property tax revenue with respect to an urban renewal plan in existence on July 1, 1994.

b. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in an urban renewal area on the effective date of the ordinance or initial adoption of the plan, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance, which amends the plan to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

c. For the purposes of dividing taxes under section 260E.4, the applicable assessment roll for purposes of paragraph *"a"* shall be the assessment roll as of January 1 of the calendar year preceding the first written agreement providing that all or a portion of program costs are to be paid for by incremental property taxes. The community college shall file a copy of the agreement with the appropriate assessor. The assessor may, within fourteen days of such filing, physically inspect the applicable taxable business property. If upon such inspection the assessor determines that there has been a change in the value of the property from the value as shown on the assessment roll as of January 1 of the calendar year preceding the filing of the agreement and such change in value is due to new construction, additions or improvements to existing structures, or remodeling of existing structures for which a building permit was required, the assessor shall promptly determine the value of the property as of the inspection in the manner provided in chapter 441 and that value shall be included for purposes of the jobs training project in the assessed value of the employer's taxable business property as shown on the assessment roll as of January 1 of the calendar year preceding the filing of the agreement. The assessor, within thirty days of such filing, shall notify the community college and the employer or business of that valuation which shall be included in the assessed valuation for purposes of this subsection and section 260E.4. The value determined by the assessor shall reflect the change in value due solely to new construction, additions or improvements to existing structures, or remodeling of existing structures for which a building permit was required.

2. *a.* That portion of the taxes each year in excess of such amount shall be allocated to and when collected be paid into a special fund of the municipality to pay the principal of and interest on loans, moneys advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, including bonds issued under the authority of section 403.9, subsection 1, incurred by the municipality to finance or refinance, in whole or in part, an urban renewal project within the area, and to provide low and moderate income family housing. However, except as provided in paragraph *"b"*, taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to section 298.2; taxes for the instructional support program of a school district imposed pursuant to section 257.19; taxes for the payment of bonds and interest of each taxing district; foundation property taxes of a school district imposed under section 257.3 levied against property located in an incorporated area and subject to an ordinance providing for a division of revenue adopted on or after January 1, 2027; foundation property taxes of a school district imposed under section 257.3 levied against property subject to a division of revenue subject to the sixty percent limitation under paragraph *"e"* for the applicable fiscal year; taxes for emergency medical services imposed pursuant to chapter 357F, 357G, or 422D; and taxes imposed under section 346.27, subsection 22, related to joint county-city buildings shall be collected against all taxable property within the taxing district without limitation by the provisions of this subsection.

b. (1) All or a portion of the taxes for the physical plant and equipment levy shall be paid by the school district to the municipality if the auditor certifies to the school district by July 1 the amount of such levy that is necessary to pay the principal and interest on bonds issued by the municipality to finance an urban renewal project, which bonds were issued before July 1, 2001. Indebtedness incurred to refund bonds issued prior to July 1, 2001, shall not be included in the certification. Such school district shall pay over the amount certified by November 1 and May 1 of the fiscal year following certification to the school district.

(2) (a) All or a portion of the taxes for the instructional support program levy of a

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school district shall be paid by the school district to the municipality if the auditor, pursuant to subsection 12, certifies to the school district by July 1 the amount of such levy that is necessary to pay the principal and interest on bonds issued or other indebtedness incurred by the municipality to finance an urban renewal project if such bonds or indebtedness were issued or incurred on or before April 24, 2012. Such school district shall pay over the amount certified by November 1 and May 1 of the fiscal year following certification to the school district.

(b) In lieu of payment to a municipality under subparagraph division (a), a school district may by resolution of the board of directors of the school district approve at a regular meeting of the board of directors the payment of all or a portion of the instructional support program property tax revenue excluded under paragraph *"a"*, to the municipality for the payment of principal and interest on such bonds issued or such other indebtedness incurred by the municipality before, on, or after April 24, 2012.

c. Unless and until the total assessed valuation of the taxable property in an urban renewal area exceeds the total assessed value of the taxable property in such area as shown by the last equalized assessment roll referred to in subsection 1, all of the taxes levied and collected upon the taxable property in the urban renewal area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in such urban renewal area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

d. In those instances where a school district has entered into an agreement pursuant to section 279.64 for sharing of school district taxes levied and collected from valuation described in this subsection and released to the school district, the school district shall transfer the taxes as provided in the agreement.

e. For urban renewal areas for which an ordinance providing for a division of revenue in effect on May 18, 2026, that is not limited in duration under section 403.17, subsection 10, Code 2026, after twenty years following May 18, 2026, or after twenty years from the calendar year following the calendar year in which the municipality first certifies to the county auditor the amount of any loans, advances, indebtedness, or bonds which qualify for payment from the division of revenue, whichever is later, the amount determined under paragraph *"a"* that may be paid into the municipality's special fund shall not exceed sixty percent of the amount otherwise determined under paragraph *"a"* but for this paragraph and such excess amounts shall be allocated and paid to the respective taxing districts in the same manner as amounts under subsection 1. The municipality may exceed the limitation in this paragraph to the extent necessary for payments of bonds or other indebtedness incurred before May 18, 2026, but in such event the municipality shall not issue bonds or other indebtedness payable from such division of revenue while exceeding the limitation and the municipality shall not be eligible to utilize school district foundation property taxes imposed under section 257.3. This paragraph shall not apply to divisions of revenue established by community colleges under chapter 260E or rural improvement zones under chapter 357H.

3. The portion of taxes mentioned in subsection 2 and the special fund into which they shall be paid, may be irrevocably pledged by a municipality for the payment of the principal and interest on loans, advances, bonds issued under the authority of section 403.9, subsection 1, or indebtedness incurred by a municipality to finance or refinance, in whole or in part, the urban renewal project within the area.

4. An ordinance providing for a division of revenue under this section that is adopted on or after May 18, 2026, shall be limited to twenty-three years from the calendar year following the calendar year in which the municipality first certifies to the county auditor the amount of any loans, advances, indebtedness, or bonds that qualify for payment from the division of revenue provided for in this section. The ordinance shall terminate and be of no further force and effect following the twenty-three-year period provided in this subsection. This subsection shall not apply to divisions of revenue established by community colleges under chapter 260E or rural improvement zones under chapter 357H.

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5. As used in this section the word *"taxes"* includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

6. An ordinance adopted under this section providing for a division of revenue shall be filed in the office of the county auditor of each county where the property that is subject to the ordinance is located.

7. *a.* (1) A municipality shall certify to the county auditor on or before December 1 the amount of loans, advances, indebtedness, or bonds, including interest negotiated on such loans, advances, indebtedness, or bonds, which qualify for payment from the special fund referred to in subsection 2, for each urban renewal area in the municipality, and the filing of the certificate shall make it a duty of the auditor to provide for the division of taxes in each subsequent year without further certification, except as provided in paragraphs *"b"* and *"c"*, until the amount of the loans, advances, indebtedness, or bonds is paid to the special fund. Such certification shall include all amounts which qualify for payment from the special fund referred to in subsection 2 during the next fiscal year and all amounts which qualify for payment from the special fund in any subsequent fiscal year. If any loans, advances, indebtedness, or bonds are issued which qualify for payment from the special fund and which are in addition to amounts already certified, the municipality shall certify the amount of the additional obligations on or before December 1 of the year such obligations were issued, and the filing of the certificate shall make it a duty of the auditor to provide for the division of taxes in each subsequent year without further certification, except as provided in paragraphs *"b"* and *"c"*, until the amount of the loans, advances, indebtedness, or bonds is paid to the special fund. Any subsequent certifications under this subsection shall not include amounts previously certified.

(2) A certification made under this paragraph *"a"* shall include the date that the individual loans, advances, indebtedness, or bonds were initially approved by the governing body of the municipality.

b. If the amount certified in paragraph *"a"* is reduced by payment from sources other than the division of taxes, by a refunding or refinancing of the obligation which results in lowered principal and interest on the amount of the obligation, or for any other reason, the municipality on or before December 1 of the year the action was taken which resulted in the reduction shall certify the amount of the reduction to the county auditor.

c. In any year, the county auditor shall, upon receipt of a certified request from a municipality filed on or before December 1, increase the amount to be allocated under subsection 1 in order to reduce the amount to be allocated in the following fiscal year to the special fund, to the extent that the municipality does not request allocation to the special fund of the full portion of taxes which could be collected. Upon receipt of a certificate from a municipality, the auditor shall mail a copy of the certificate to each affected taxing district.

d. For purposes of this section, *"indebtedness"* includes but is not limited to written agreements whereby the municipality agrees to exempt, rebate, refund, or reimburse property taxes, provide a grant for property taxes paid, or make a direct payment of taxes, with moneys in the special fund referred to in subsection 2, and bonds, notes, or other obligations that are secured by or subject to payment from moneys appropriated by the municipality from moneys in the special fund referred to in subsection 2.

8. Tax collections within each taxing district may be allocated to the entire taxing district including the taxes on the valuations determined under subsection 1 and to the special fund created under subsection 2 in the proportion of their taxable valuations determined as provided in this section.

9. For any fiscal year, a municipality may certify to the county auditor for physical plant and equipment revenue necessary for payment of principal and interest on bonds issued prior to July 1, 2001, only if the municipality certified for such revenue for the fiscal year beginning July 1, 2000. A municipality shall not certify to the county auditor for a school district more than the amount the municipality certified for the fiscal year beginning July 1, 2000. If for any fiscal year a municipality fails to certify to the county auditor for a school district by July 1 the amount of physical plant and equipment revenue necessary for payment of principal and interest on such bonds, as provided in subsection 2, the school district is not required to pay over the revenue to the municipality. If a school district and a municipality are unable to agree

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on the amount of physical plant and equipment revenue certified by the municipality for the fiscal year beginning July 1, 2001, either party may request that the state appeal board review and finally pass upon the amount that may be certified. Such appeals must be presented in writing to the state appeal board no later than July 31 following certification. The burden shall be on the municipality to prove that the physical plant and equipment levy revenue is necessary to pay principal and interest on bonds issued prior to July 1, 2001. A final decision must be issued by the state appeal board no later than the following October 1.

10. *a.* Moneys from any source deposited into the special fund created in this section shall not be expended for or otherwise used in connection with an urban renewal project approved on or after July 1, 2012, that includes the relocation of a commercial or industrial enterprise not presently located within the municipality, unless one of the following occurs:

(1) The local governing body of the municipality where the commercial or industrial enterprise is currently located and the local governing body of the municipality where the commercial or industrial enterprise is proposing to relocate have either entered into a written agreement concerning the relocation of the commercial or industrial enterprise or have entered into a written agreement concerning the general use of economic incentives to attract commercial or industrial development within those municipalities.

(2) The local governing body of the municipality where the commercial or industrial enterprise is proposing to relocate finds that the use of deposits into the special fund for an urban renewal project that includes such a relocation is in the public interest. A local governing body's finding that an urban renewal project that includes a commercial or industrial enterprise relocation is in the public interest shall include written verification from the commercial or industrial enterprise that the enterprise is actively considering moving all or a part of its operations to a location outside the state and a specific finding that such an out-of-state move would result in a significant reduction in either the enterprise's total employment in the state or in the total amount of wages earned by employees of the enterprise in the state.

b. For the purposes of this subsection, "*relocation*" means the closure or substantial reduction of an enterprise's existing operations in one area of the state and the initiation of substantially the same operation in the same county or a contiguous county in the state. This subsection does not prohibit an enterprise from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

11. *a.* Interest or earnings received on amounts deposited into the special fund created in this section and the net proceeds from the sale of assets purchased using amounts deposited into the special fund created in this section shall be credited to the special fund and shall be used solely for the purposes specified in this section.

b. Moneys in the special fund created in this section shall not be transferred to another fund of the municipality except for the payment of loans, advances, indebtedness, or bonds that qualify for payment from the special fund.

12. For any fiscal year, a municipality may certify to the county auditor for instructional support program property tax revenue necessary for payment of principal and interest on bonds issued or other indebtedness incurred for an urban renewal project on or before April 24, 2012. If for any fiscal year a municipality fails to certify to the county auditor by July 1 the amount of instructional support program property tax revenue necessary for payment of principal and interest on such bonds, as provided in subsection 2, the school district is not required to pay over the revenue to the municipality. If a school district and a municipality are unable to agree on the amount of instructional support program property tax revenue certified by the municipality, either party may request that the state appeal board review and finally pass upon the amount that may be certified. Such appeals must be presented in writing to the state appeal board no later than July 31 following certification. The burden shall be on the municipality to prove that the instructional support program property tax revenue is necessary to pay principal and interest on the applicable bonds. A final decision must be issued by the state appeal board no later than the following October 1.

13. For any fiscal year beginning on or after July 1, 2027, following written request filed with the county auditor and the board of directors of the school district, a school district

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may approve by resolution of the board of directors the payment from the school district's general fund to the municipality for deposit in the special fund under this section all or a portion of the school district foundation property taxes under section 257.3 levied against property located in an incorporated area and subject to an ordinance providing for a division of revenue adopted on or after January 1, 2027, for one or more applicable fiscal years. If approved, the board of directors shall file such resolution with the county auditor. Payments approved under this subsection are voluntary and a school district is not required to pay over the revenue to the municipality unless approved by resolution. Amounts paid by a school district under this subsection shall continue to be considered foundation property taxes levied under section 257.3 and such payment shall not result in the adjustment of state foundation aid or other amounts under chapter 257.

[C71, 73, 75, 77, 79, 81, §403.19]

85 Acts, ch 240, §3 – 5; 88 Acts, ch 1144, §2, 3; 91 Acts, ch 214, §4; 94 Acts, ch 1182, §10 – 12; 96 Acts, ch 1047, §1; 96 Acts, ch 1180, §16; 96 Acts, ch 1204, §22, 23; 2000 Acts, ch 1054, §2, 3; 2001 Acts, ch 176, §40, 41, 47; 2006 Acts, ch 1131, §1; 2006 Acts, ch 1156, §2; 2010 Acts, ch 1061, §180; 2011 Acts, ch 50, §1; 2012 Acts, ch 1060, §6, 7; 2012 Acts, ch 1124, §16 – 21, 26; 2026 Acts, ch 1070, §1 – 3; 2026 Acts, ch 1115, §100 – 103, 106, 107

Referred to in §2.48, 24.21, 260E.2, 260E.4, 279.64, 298.3, 331.403, 331.441, 357H.9, 384.22, 403.5, 403.6, 403.8, 403.9, 403.17, 403.20, 403.23, 404.3D, 423B.7, 423B.10, 427B.17, 427B.19, 427B.19A, 427B.19C, 437A.15, 437B.11, 441.21A, 455H.309

2026 amendment to subsection 2, paragraph a, by 2026 Acts, ch 1070, §1, applies to property taxes due and payable in fiscal years beginning on or after July 1, 2026; 2026 Acts, ch 1070, §3

The portion of the 2026 amendment to subsection 2, paragraph a, by 2026 Acts, ch 1115, §100, that excludes taxes under section 257.3 from divisions of revenue, applies to property taxes due and payable in fiscal years beginning on or after July 1, 2028; 2026 Acts, ch 1115, §107

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsection 2, paragraph a amended

Subsection 2, NEW paragraph e

NEW subsection 4 and former subsections 4 – 11 renumbered as 5 – 12

NEW subsection 13

403.19A Targeted jobs withholding credit — pilot project.

1. For purposes of this section, unless the context otherwise requires:

a. "Business" means an enterprise that is located in this state and that is operated for profit and under a single management. *"Business"* includes professional services and industrial enterprises, including but not limited to medical treatment facilities, manufacturing facilities, corporate headquarters, and research facilities. *"Business"* does not include a retail operation, a government entity, or a business which closes or substantially reduces its operation in one area of this state and relocates substantially the same operation to another area of this state.

b. "Employee" means the individual employed in a targeted job that is subject to a withholding agreement.

c. "Employer" means a business creating or retaining targeted jobs in a pilot project city pursuant to a withholding agreement.

d. "Pilot project city" means a city that has applied and been approved as a pilot project city pursuant to subsection 2.

e. "Qualifying investment" means a capital investment in real property including the purchase price of land and existing buildings, site preparation, building construction, and long-term lease costs. *"Qualifying investment"* also means a capital investment in depreciable assets. For purposes of this paragraph, *"long-term lease costs"* means those costs incurred or expected to be incurred under a lease during the duration of a withholding agreement.

f. "Retained job" means a full-time equivalent position in existence at the time an employer applies to the authority for approval of a withholding agreement and which remains continuously filled and which is at risk of elimination if the project for which the employer is seeking assistance under the withholding agreement does not proceed.

g. "Targeted job" means a job in a business which is or will be located in a pilot project city that pays a wage at least equal to the countywide average wage. *"Targeted job"* includes new or retained jobs from Iowa business expansions or retentions within the city limits of the pilot project city and those jobs resulting from established out-of-state businesses, as defined by the economic development authority, moving to or expanding in Iowa.

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h. "Withholding agreement" means the agreement between a pilot project city, the economic development authority, and an employer concerning the targeted jobs withholding credit authorized in subsection 3.

2. *a.* An eligible city may apply for designation as a pilot project city pursuant to this subsection. An eligible city is a city that contains three or more census tracts and is located in a county meeting one of the following requirements:

(1) A county that borders Nebraska.

(2) A county that borders South Dakota.

(3) A county that borders a state other than Nebraska or South Dakota.

b. (1) The economic development authority shall approve four eligible cities as pilot project cities, one pursuant to paragraph *"a"*, subparagraph (1), one pursuant to paragraph *"a"*, subparagraph (2), and two pursuant to paragraph *"a"*, subparagraph (3). If two eligible cities are approved which are located in the same county and the county has a population of less than forty-five thousand, the two approved eligible cities shall be considered one pilot project city. If more than two cities meeting the requirements of paragraph *"a"*, subparagraph (3), apply to be designated as a pilot project city, the economic development authority shall determine which two cities hold the most potential to create new jobs or generate the greatest capital within their areas. Applications from eligible cities filed on or after October 1, 2006, shall not be considered.

(2) If a pilot project city does not enter into a withholding agreement within one year of its approval as a pilot project city, the city shall lose its status as a pilot project city. If two pilot project cities are located in the same county, the loss of status by one pilot project city shall not cause the second pilot project city in the county to lose its status as a pilot project city. Upon such occurrence, the economic development authority shall take applications from other eligible cities to replace that city. Another city shall be designated within six months.

3. *a.* A pilot project city may provide by resolution for the deposit into a designated withholding project fund of the targeted jobs withholding credit described in this section. The targeted jobs withholding credit shall be based upon the wages paid to employees pursuant to a withholding agreement.

b. An amount equal to three percent of the gross wages paid by an employer to each employee under a withholding agreement shall be credited from the payment made by the employer pursuant to section 422.16. If the amount of the withholding by the employer is less than three percent of the gross wages paid to the employees covered by the withholding agreement, the employer shall receive a credit against other withholding taxes due by the employer or may carry the credit forward for up to ten years or until depleted, whichever is the earlier. The employer shall remit the amount of the credit quarterly, in the same manner as withholding payments are reported to the department of revenue, to the pilot project city to be allocated to and when collected paid into a designated withholding project fund for the project. All amounts so deposited shall be used or pledged by the pilot project city for a project related to the employer pursuant to the withholding agreement.

c. (1) The pilot project city and the economic development authority shall enter into a withholding agreement with each employer concerning the targeted jobs withholding credit. The withholding agreement shall provide for the total amount of withholding credits awarded, as negotiated by the economic development authority, the pilot project city, and the employer. An agreement shall not provide for an amount of withholding credits that exceeds the amount of the qualifying investment made in the project. An agreement shall not be entered into with a business currently located in this state unless the business either creates or retains ten jobs or makes a qualifying investment of at least one million dollars within the pilot project city. The withholding agreement may have a term of years negotiated by the economic development authority, the pilot project city, and the employer, of up to ten years. A withholding agreement specifying a term of years or a total amount of withholding credits shall terminate upon the expiration of the term of years specified in the agreement or upon the award of the total amount of withholding credits specified in the agreement, whichever occurs first. An employer shall not be obligated to enter into a withholding agreement. An agreement shall not be entered into with an employer not already located in a pilot project

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city when another Iowa community is competing for the same project and both the pilot project city and the other Iowa community are seeking assistance from the authority.

(2) The pilot project city and the economic development authority shall not enter into a withholding agreement after June 30, 2027.

(3) The employer, in conjunction with the pilot project city, shall provide on an annual basis to the economic development authority information documenting the total amount of payments and receipts under a withholding agreement, including all agreements with an employer to suspend, abate, exempt, rebate, refund, or reimburse property taxes, to provide a grant for property taxes paid or a grant not related to property taxes, or to make a direct payment of taxes, with moneys in the withholding project fund. The economic development authority shall verify the information provided and determine whether the pilot project city and the employer are in compliance with this section and the rules adopted by the economic development authority to implement this section.

(4) The economic development authority board, on behalf of the authority, shall have the authority to approve or deny a withholding agreement according to the provisions of this section. Each withholding agreement, and the total amount of withholding credits allowed under the withholding agreement, shall be approved by the economic development authority board after taking into account the incentives or assistance received by or to be received by the employer under other economic development programs. The economic development authority board shall only deny an agreement if the agreement fails to meet the requirements of this paragraph "*c*" or the local match requirements in paragraph "*k*", or if an employer is not in good standing as to prior or existing agreements with the economic development authority. The authority shall have the authority to negotiate a withholding agreement and may suggest changes to any of the terms of the agreement.

d. A withholding agreement shall be disclosed to the public and shall contain but is not limited to all of the following:

(1) A copy of the adopted local development agreement between the pilot project city and the employer that outlines local incentives or assistance for the project using urban renewal or urban revitalization incentives, if applicable.

(2) A list of any other amounts of incentives or assistance the employer may be receiving from other economic development programs, including grants, loans, forgivable loans, and tax credits.

(3) The approval of local participating authorities.

(4) The amount of local incentives or assistance received for each project of the employer.

e. (1) The employer shall certify to the department of revenue that the targeted jobs withholding credit is in accordance with the withholding agreement and shall provide other information the department may require. Notice of any withholding agreement shall be provided promptly to the department of revenue following execution of the agreement by the pilot project city and the employer.

(2) Following termination of the withholding agreement, the employer credits shall cease and any money received by the pilot project city after termination shall be remitted to the treasurer of state to be deposited into the general fund of the state. Notice shall be provided promptly to the department of revenue following termination.

f. Pursuant to rules adopted by the economic development authority, the employer shall provide on an annual basis to the economic development authority information documenting the employer's compliance with each requirement of the withholding agreement, including but not limited to the number of jobs created or retained and the amount of investment made by the employer. The economic development authority shall, in response to receiving such information from the employer, assess the level of compliance by each employer and provide to the pilot project city recommendations for either maintaining employer compliance with the withholding agreement or terminating the agreement for noncompliance under paragraph "*g*". The economic development authority shall also provide each such assessment and recommendation report to the department of revenue.

g. If the economic development authority, following an eighteen-month performance period beginning on the date the withholding agreement is approved by the authority board, determines that the employer ceases to meet the requirements of the withholding agreement

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relating to retaining jobs, if applicable, the agreement shall be terminated by the economic development authority and the pilot project city and any withholding credits for the benefit of the employer shall cease. If the economic development authority, following a three-year performance period beginning on the date the withholding agreement is approved by the authority board, determines that the employer has not or is incapable of meeting the requirements of the withholding agreement relating to creating jobs, if applicable, or the requirement of the withholding agreement relating to the qualifying investment prior to the end of the withholding agreement, the economic development authority may reduce the future benefits to the employer under the agreement or negotiate with the other parties to terminate the agreement early. Notice shall be provided promptly by the pilot project city to the department of revenue following termination of a withholding agreement.

h. A pilot project city shall certify to the department of revenue the amount of the targeted jobs withholding credit an employer has remitted to the city and shall provide other information the department may require.

i. An employee whose wages are subject to a withholding agreement shall receive full credit for the amount withheld as provided in section 422.16.

j. An employer may participate in a new jobs credit from withholding under section 260E.5, or a supplemental new jobs credit from withholding under section 15E.197, Code 2014, or under section 15.331, Code 2005, at the same time as the employer is participating in the withholding credit under this section. Notwithstanding any other provision in this section, the new jobs credit from withholding under section 260E.5, and the supplemental new jobs credit from withholding under section 15E.197, Code 2014, or under section 15.331, Code 2005, shall be collected and disbursed prior to the withholding credit under this section.

k. (1) A pilot project city entering into a withholding agreement shall arrange for matching local financial support for the project. The local match required under this paragraph *"k"* shall be in an amount equal to one dollar for every dollar of withholding credit received by the pilot project city.

(2) For purposes of this paragraph *"k"*, *"local financial support"* means cash or in-kind contributions to the project from a private donor, a business, or the pilot project city.

(3) If the project, when completed, will increase the amount of an employer's taxable capital investment by an amount equal to at least ten percent of the amount of withholding credit dollars received by the pilot project city, then the pilot project city shall itself contribute at least ten percent of the local match amount computed under subparagraph (1).

(4) If the project, when completed, will not increase the amount of an employer's taxable capital investment by an amount at least equal to ten percent of the amount of withholding credit dollars received by the pilot project city, then the pilot project city shall not be required to make a contribution to the local match.

(5) A pilot project city's contribution, if any, to the local match may include the dollar value of any tax abatement provided by the city to the business for new construction.

l. At the time of submitting its budget to the department of management, the pilot project city shall submit to the department of management and the economic development authority a description of the activities involving the use of withholding agreements. The description shall include but is not limited to the following:

(1) The total number of targeted jobs and a breakdown as to those that are Iowa business expansions or retentions within the city limits of the pilot project city and those that are jobs resulting from established out-of-state businesses moving to or expanding in Iowa.

(2) The number of withholding agreements and the amount of withholding credits involved.

(3) The types of businesses that entered into agreements, and the types of businesses that declined the city's proposal to enter into an agreement.

m. The economic development authority in consultation with the department of revenue shall coordinate the pilot project program with the pilot project cities under this section. The economic development authority is authorized to adopt, amend, and repeal rules to implement the pilot project program under this section.

2006 Acts, ch 1141, §1; 2007 Acts, ch 2, §1, 2; 2007 Acts, ch 126, §63; 2008 Acts, ch 1122, §15; 2009 Acts, ch 103, §1, 2; 2011 Acts, ch 25, §37, 38; 2011 Acts, ch 118, §81, 85, 89; 2011

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Acts, ch 131, §126 – 129; 2012 Acts, ch 1018, §1; 2013 Acts, ch 111, §1 – 6; 2014 Acts, ch 1130, §35; 2017 Acts, ch 160, §12; 2018 Acts, ch 1161, §31; 2019 Acts, ch 152, §45; 2021 Acts, ch 177, §71; 2024 Acts, ch 1094, §18, 19
Referred to in §2.48, 15.499

403.20 Adjustment considered in value assessment.

In determining the assessed value of property within an urban renewal area which is subject to a division of tax revenues pursuant to section 403.19, the difference between the actual value of the property as determined by the assessor each year and the actual value of the property as determined by the assessor following application of the assessment limitations under section 441.21, subsection 9, shall be subtracted from the actual value of the property as determined pursuant to section 403.19, subsection 1. If the assessed value of the property as determined pursuant to section 403.19, subsection 1, is reduced to zero, the additional valuation reduction shall be subtracted from the actual value of the property as determined by the assessor.

[C81, §403.20]
2003 Acts, ch 145, §286; 2022 Acts, ch 1061, §33, 38
Referred to in §357H.9, 441.21A
2022 amendment applies retroactively to assessment years beginning on or after January 1, 2022; 2022 Acts, ch 1061, §38

403.21 Communication and cooperation regarding new jobs training projects.

1. In order to promote communication and cooperation among cities, counties, and community colleges with respect to the allocation and division of taxes, no jobs training projects as defined in chapter 260E shall be undertaken within the area of operation of a municipality after July 1, 1995, unless the municipality and the community college have entered into an agreement or have jointly adopted a plan relating to a community college's new jobs training program which shall provide for a procedure for advance notification to each affected municipality, for exchange of information, for mutual consultation, and for procedural guidelines for all such new jobs training projects, including related project financing to be undertaken within the area of operation of the municipality. The joint agreement or the plan shall state its precise duration and shall be binding on the community college and the municipality with respect to all new jobs training projects, including related project financing undertaken during its existence. The joint agreement or plan shall be effective upon adoption and shall be placed on file in the office of the secretary of the board of directors of the community college and such other location as may be stated in the joint agreement or plan. The joint agreement or plan shall also be sent to each school district which levied or certified for levy a property tax on any portion of the taxable property located in the area of operation of the municipality in the fiscal year beginning prior to the calendar year in which the plan is adopted or the agreement is reached. If no such agreement is reached or plan adopted, the community college shall not use incremental property tax revenues to fund jobs training projects within the area of operation of the municipality. Agreements entered into between a community college and a city or county pursuant to chapter 28E shall not apply.

2. The community college shall send a copy of the final agreement prepared pursuant to section 260E.3 to the department of workforce development. For each year in which incremental property taxes are used to pay job training certificates issued for a project creating new jobs, the community college shall provide to the department of workforce development a report of the incremental property taxes and new jobs credits from withholding generated for that year, a specific description of the training conducted, the number of employees provided program services under the project, the median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

3. For each year in which incremental property taxes are used to retire debt service on a jobs training advance issued for a project creating new jobs, the community college shall provide to the department of workforce development a report of the incremental property taxes and new jobs credits from withholding generated for that year, a specific description of the training conducted, the number of employees provided services under the project, the

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median wage of employees in the new jobs in the project, and the administrative costs directly attributable to the project.

94 Acts, ch 1182, §13, 15; 2011 Acts, ch 118, §85, 89; 2012 Acts, ch 1023, §46; 2014 Acts, ch 1132, §33; 2023 Acts, ch 19, §2203

403.22 Public improvements related to housing and residential development — low income assistance requirements. Repealed by 2026 Acts, ch 1115, §104, 106, 108.

2026 repeal applies to urban renewal areas in existence on or established on or after May 18, 2026; 2026 Acts, ch 1115, §108

For a division of revenue in effect on May 18, 2026, that was subject to the duration limitation of section 403.22, subsection 5, Code 2026, prior to May 18, 2026, such division of revenue shall continue to be subject to the duration limitation otherwise applicable to an urban renewal area established upon the determination that the area is an economic development area, as provided in section 403.17, subsection 10, Code 2026; 2026 Acts, ch 1115, §105

403.23 Audit — certificate of compliance.

1. Each municipality that has established an urban renewal area that utilizes, or plans to utilize, revenues from the special fund created in section 403.19, shall make an annual certification of compliance with this section. For any year in which the municipality is audited in accordance with section 11.6, such certification shall be audited as part of the municipality's audit.

2. The certification required under this section shall include such information or documentation deemed appropriate by the auditor of state including but not limited to the information required to be reported under section 331.403, subsection 3, or section 384.22, subsection 2, as applicable.

3. The auditor of state shall adopt rules necessary to implement this section.

2012 Acts, ch 1124, §22

CHAPTER 403A

MUNICIPAL HOUSING PROJECTS

Referred to in §331.441, 384.24, 562A.27, 562B.5

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403A.1 Short title.

This chapter shall be known and may be cited as the "*Municipal Housing Law*".

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.1]

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403A.2 Definitions.

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

1. *"Agency"* or *"municipal housing agency"* shall mean a public agency created under the provisions of section 403A.5.

2. An *"agreement"* of any municipality authorized by this chapter with respect to a housing project, means a resolution or resolutions of the governing body of such municipality setting forth the action to be taken or the matter determined. Such resolutions shall be deemed to be agreements made for the benefit of the holders of bonds then outstanding or thereafter issued in connection with such project and for the benefit of any person, firm, corporation, state public body or the federal government which has agreed or thereafter agrees to make a grant or annual contribution for or in aid of such project.

3. *"Area of operation"* includes all of a municipality and any area adjacent to and within one mile of such municipality, provided that the governing body of such adjacent area approves and consents.

4. *"Bonds"* means any bonds, notes, interim certificates, debentures or other obligations issued by a municipality pursuant to this chapter.

5. *"Clerk"* means the clerk of the municipality or the officer charged with the duties customarily imposed on such clerk.

6. *a. "Families of low income"* means families who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe and sanitary dwellings for their use.

b. "Lower-income families" means families whose incomes do not exceed eighty percent of the median income for the area with adjustments for the size of the family or other adjustments necessary due to unusual prevailing conditions in the area.

c. "Very low-income families" means families whose incomes do not exceed fifty percent of the median income for the area with adjustments for the size of the family or other adjustments necessary due to unusual prevailing conditions in the area.

d. "Families" includes, but is not limited to, families consisting of a single person in the case of any of the following:

(1) A person who is at least sixty-two years of age.

(2) A person with a disability.

(3) A displaced person.

(4) The remaining member of a tenant family.

e. "Families" includes two or more persons living together, who are at least sixty-two years of age, are persons with a disability, or one or more such individuals living with another person who is essential to such individual's care or well-being.

f. "Disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, or having a physical or mental impairment which is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of a nature that the ability to live independently could be improved by more suitable housing conditions.

g. "Displaced" means displaced by governmental action, or having one's dwelling extensively damaged or destroyed as a result of a disaster.

h. The municipality, by resolution, or the agency by rule shall establish further definitions applicable to this subsection as necessary to assure eligibility for funds available under federal housing laws.

7. *"Federal government"* includes the United States of America, the Public Housing Administration, or any other agency or instrumentality, corporate or otherwise of the United States of America.

8. *a. "Housing project"* or *"project"* means any work or undertaking to do any of the following:

(1) To demolish, clear or remove buildings from any slum areas.

(2) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for families of low income, lower-income families, or very low-income families.

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(3) To accomplish a combination of the foregoing.

b. Such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparation, landscaping, administrative, community, health, recreational, welfare or other purposes.

c. The term *"housing project"* or *"project"* also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, or repair of the improvements and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

9. *"Local governing body"* shall mean the council or other legislative body charged with governing the municipality.

10. *"Major disaster"* means any flood, drought, fire, hurricane, earthquake, storm or other catastrophe which, in the determination of the governing body, is of sufficient severity and magnitude to warrant the use of available resources of the federal, state and local governments to alleviate the damage, hardship or suffering caused thereby.

11. *"Mayor"* means the mayor of the municipality or the officer thereof charged with the duties customarily imposed on the mayor or executive head of a municipality.

12. *"Municipality"* shall mean any city or county in the state.

13. *"Obligee"* includes any bondholder, agent or trustee for any bondholder, or lessor demising to a municipality, property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality in respect to a housing project.

14. *"Persons engaged in national defense activities"* means persons in the armed forces of the United States; employees of the department of defense; and workers engaged or to be engaged in activities connected with national defense. The term also includes the families of the persons, employees and workers who reside with them.

15. *"Real property"* includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years.

16. *"Slum"* means any area where dwellings predominate which by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals.

17. *"State public body"* means any city, county, township, municipal corporation, commission, district or other subdivision or public body of the state.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.2]

96 Acts, ch 1129, §87; 2011 Acts, ch 34, §91

403A.3 Powers.

Every municipality in addition to other powers conferred by this or any other chapter, shall have power:

1. To prepare, carry out, and operate housing projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any housing project or any part thereof.

2. To undertake and carry out studies and analyses of the housing needs and of the meeting of such needs, including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting the local housing needs and the meeting thereof, and to make the results of such studies and analyses available to the public and the building, housing, and supply industries; and to engage in research and disseminate information on housing and slum clearance.

3. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and, notwithstanding anything to the contrary contained in this

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chapter or in any other provision of law, to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

4. To lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any project and, subject to the limitations contained in this chapter with respect to the rental of dwellings in housing projects, to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property subject to section 403A.20; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to insure or provide for the insurance, in any stock or mutual company of any real or personal property or operations of the municipality against any risks or hazards; and to procure or agree to the procurement of federal or state government insurance or guarantees of the payment of any bonds or parts thereof issued by a municipality, including the power to pay premiums on any such insurance.

5. To invest any funds held in connection with a housing project in reserve or sinking funds, or any fund not required for immediate disbursement, in property or securities which banks designated as state depositories may use to secure the deposit of state funds; and to redeem its bonds at the redemption price established therein or to purchase its bonds at less than such redemption price, all bonds so redeemed or purchased to be canceled.

6. To determine where slum areas exist or where there is unsafe, insanitary or overcrowded housing; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas and the problem of eliminating unsafe, insanitary or overcrowded housing and providing dwelling accommodations for persons of low income; and to cooperate with any state public body in action taken in connection with these problems.

7. To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend or excused from attendance; and to make available to appropriate agencies, including those charged with the duty of abating or requiring the correction of nuisances or like conditions or of demolishing unsafe or insanitary structures within its area of operation, its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety, or welfare.

8. To, within its area of operation, enter into any building or property in any municipal housing area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

9. To exercise all or any part or combination of powers herein granted. No provision of law with respect to the acquisition, operation or disposition of property by public bodies shall be applicable to a municipality in its operations pursuant to this chapter unless the legislature shall specifically so state.

10. To cooperate with the Iowa finance authority, to participate in any of its programs, to use any of the funds available to the municipality for the uses of this chapter to contribute to such programs in which it participates, and to comply with the provisions of chapter 16 and the rules of the Iowa finance authority promulgated thereunder.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.3]

2006 Acts, 1st Ex, ch 1001, §39, 49; 2007 Acts, ch 54, §34; 2015 Acts, ch 29, §49; 2016 Acts, ch 1011, §61

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403A.4 Aid from federal government.

In addition to the powers conferred upon a municipality by other provisions of this chapter, a municipality is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over, lease or manage any project or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and enter into such contracts, covenants, mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every municipality to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any housing project by such municipality. To accomplish this purpose a municipality, notwithstanding the provisions of any other law, may include in any contract for financial assistance with the federal government any provisions, which the federal government may require as conditions to its financial aid of a housing project, not inconsistent with the purposes of this chapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.4]

403A.5 Exercise of municipal housing powers — municipal housing agency.

1. Any municipality may create, in such municipality, a public body corporate and politic to be known as the "Municipal Housing Agency" of such municipality except that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has elected to exercise its municipal housing powers through such an agency as prescribed in this section.

2. If the municipal housing agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the municipal housing agency which board shall consist of five commissioners. The term of office for three of the commissioners originally appointed shall be two years and the term of office for two of the commissioners originally appointed shall be one year. Thereafter the term of office for each commissioner shall be two years. In cities having a population of more than one hundred thousand, the city council may establish, by ordinance, the number of commissioners at not less than five.

3. A commissioner shall receive no compensation for services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of a duty. Each commissioner shall hold office until a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality, and the certificate shall be conclusive evidence of the due and proper appointment of the commissioner.

4. *a.* The powers of a municipal housing agency shall be exercised by the commissioners. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency, and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency, which area shall be conterminous with the area of operation of the municipality, and if they are otherwise eligible for appointments under this chapter.

b. The mayor shall designate a chairperson and vice chairperson from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and the agency may determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality,

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and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

c. For inefficiency, or neglect of duty, or misconduct in office, a commissioner may be removed by a majority vote of the governing body of the municipality only after a hearing before the body, and after the commissioner shall have been given a copy of the charges at least ten days prior to such hearing, and after the commissioner shall have had an opportunity to be heard in person or by counsel.

5. A municipality may itself exercise the powers in connection with municipal housing as defined in this chapter, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the municipal housing agency, if one exists or is subsequently established in the community. In the event the local governing body makes such determination, the municipal housing agency shall be vested with all of the municipal housing project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the local governing body does not elect to make such determination, the municipality in its discretion may exercise its municipal housing project powers through a board or commissioner, or through such officers of the municipality as the local governing body may by resolution determine.

6. A municipality or a municipal housing agency may not proceed with a housing project until a study or a report and recommendation on housing available within the community is made public by the municipality or agency and is included in its recommendations for a housing project. Recommendations must receive majority approval from the local governing body before proceeding on the housing project.

[C58, §403.19; C62, 66, 71, 73, 75, 77, 79, 81, §403A.5]
95 Acts, ch 114, §5; 2010 Acts, ch 1061, §158
Referred to in §403A.2, 403A.22

403A.6 Operation of housing not for profit.

It is hereby declared to be the policy of this state that each municipality shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals or payments for dwelling accommodations at low rates consistent with its providing decent, safe and sanitary dwelling accommodations for persons of low income, and that no municipality shall construct or operate any housing project for profit, or as a source of revenue to the municipality. To this end the municipality shall fix the rentals or payments for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenues which, together with all other available moneys, revenues, income and receipts in connection with or for such projects from whatever sources derived, including federal financial assistance, will be sufficient to do all of the following:

1. To pay, as the same become due, the principal and interest on the bonds issued pursuant to this chapter.

2. To create and maintain such reserves as may be required to assure the payment of principal and interest as it becomes due on such bonds.

3. To meet the cost of, and to provide for, maintaining and operating the projects, including necessary reserves therefor and the cost of any insurance, and of administrative expenses.

4. To make such payments in lieu of taxes and, after payment in full of all obligations for which federal annual contributions are pledged, to make such repayments of federal and local contributions as it determines are consistent with the maintenance of the low-rent character of projects. Rentals or payments for dwellings shall be established and the projects administered, insofar as possible, so as to assure that any federal financial assistance required shall be strictly limited to amounts and periods necessary to maintain the low-rent character of the projects.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.6]
2008 Acts, ch 1032, §50
Referred to in §403A.7

403A.7 Housing rentals and tenant admissions.

1. A municipality shall do the following:

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a. Rent or lease the dwelling accommodations in a housing project only to persons or families of low income and at rentals within their financial reach.

b. Rent or lease to a tenant such dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants without overcrowding.

c. (1) Fix income limits for occupancy and rents after taking into consideration the following:

(a) The family size, composition, age, disabilities, and other factors which might affect the rent-paying ability of the person or family.

(b) The economic factors which affect the financial stability and solvency of the project.

(2) However, such determination of eligibility shall be within the limits of the income limits hereinbefore set out.

2. Nothing contained in this section or section 403A.6 shall be construed as limiting the power of a municipality with respect to a housing project, to vest in an obligee the right, in the event of a default by the municipality, to take possession or cause the appointment of a receiver for the housing project, free from all the restrictions imposed by this section or section 403A.6.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.7]

96 Acts, ch 1129, §88, 113; 2008 Acts, ch 1032, §51; 2010 Acts, ch 1079, §16

403A.8 Dwellings for disaster victims and defense workers.

Notwithstanding the provisions of this or any other chapter relating to rentals of, preferences or eligibility for admission to, or occupancy of dwellings in housing projects, during the period when a municipality determines that there is an acute need in its area of operation for housing to assure the availability of dwellings for persons engaged in national defense activities or for victims of a major disaster, a municipality may undertake the development and administration of housing projects for the federal government, and dwellings in any housing project under the jurisdiction of the municipality may be made available to persons engaged in national defense activities or to victims of a major disaster, as the case may be. A municipality is authorized to contract with the federal government or the state or a state public body for advance payment or reimbursement for the furnishing of housing to victims of a major disaster, including the furnishing of the housing free of charge to needy disaster victims during any period covered by a determination of acute need by the municipality as herein provided.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.8]

403A.9 Cooperation between municipalities.

Any two or more municipalities may join or cooperate with one another in the exercise of any or all of the powers conferred hereby for the purpose of financing, planning, undertaking, constructing or operating a housing project or projects.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.9]

403A.10 Tax exemption and payments in lieu of taxes.

The property acquired or held pursuant to this chapter is declared to be public property used exclusively for essential city or municipal public and governmental purposes, and such property is hereby declared to be exempt from all taxes and special assessments of the state or of any state public body. In lieu of taxes on such property a municipality may agree to make payments to the state or a state public body, including to the municipality, as it finds consistent with the maintenance of the low-rent character of housing projects and the achievement of the purposes of this chapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.10]

2017 Acts, ch 29, §111

403A.11 Planning, zoning, and building laws — insulation requirements.

1. All housing projects of a municipality shall be subject to the planning, zoning, sanitary,

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and building laws, ordinances, and regulations applicable to the locality in which the project is situated.

2. All dwellings which are part of housing projects and which are proposed to be rented to low-income families or the elderly through the programs of the United States department of housing and urban development shall have ceiling insulation having an R value of 38 in the attic, floor insulation having an R value of 20, or perimeter wall insulation having an R value of 10 beneath all habitable heated areas or over unheated spaces. In addition, basement walls shall have insulation with an R value of 6 to their full height, with insulation in the box sill having an R value of 20. As used in this section, *"R value"* means resistance to heat flow.

3. The insulation requirements of this section are effective for all dwellings, the construction of which begins on or after July 1, 1991. For dwellings existing or under construction prior to July 1, 1991, the dwelling must comply with the insulation requirements of this section by June 30, 1996.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.11]
91 Acts, ch 270, §5; 2017 Acts, ch 54, §76

403A.12 Bonds.

1. A municipality shall have power to issue bonds from time to time in its discretion, for any of the purposes of this chapter. A municipality shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. A municipality may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable exclusively from the income and revenues of the project financed with the proceeds of such bonds, or exclusively from the income and revenues of certain designated housing projects whether or not they are financed in whole or in part with the proceeds of such bonds. Any such bonds may be additionally secured by a pledge of any loan, grant or contribution or parts thereof from the federal government or other source, or a pledge of any income or revenues connected with a housing project or a mortgage of any housing project or projects. The authority to issue bonds under this subsection does not limit the municipality's general authority to issue bonds for any of the purposes of this chapter.

2. Neither the governing body of a municipality nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof hereunder. The bonds and other obligations issued under the provisions of this chapter shall be payable solely from the sources provided in this section and shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. The bonds and obligations shall state on their face that they are payable solely from the sources provided in this section and that they do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction. Bonds issued pursuant to this chapter are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. The tax exemption provisions of this chapter shall be considered part of the security for the repayment of bonds and shall constitute, by virtue of this chapter and without the necessity of the same being restated in said bonds, a contract between the bondholders and each and every one thereof, including all transferees of said bonds from time to time on the one hand and the respective municipalities issuing said bonds and the state on the other.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.12]
2017 Acts, ch 29, §112
Referred to in §422.7(2)(t)

403A.13 Form and sale of bonds.

1. Bonds of a municipality shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding that permitted by chapter 74A, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in

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such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution, its trust indenture or mortgage may provide.

2. The bonds may be sold at public or private sale at not less than par.

3. If the officers of the municipality whose signatures appear on any bonds or coupons shall cease to be such officers before the delivery of the bonds, their signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

4. In any suit, action or proceedings involving the validity or enforcement of any bond issued pursuant to this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality pursuant to this chapter shall be conclusively deemed to have been issued for such purpose and the housing project in respect to which such bond was issued shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of this chapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.13]

2016 Acts, ch 1011, §62

403A.14 Provisions of bonds, trust indentures, and mortgages.

1. In connection with the issuance of bonds pursuant to this chapter or the incurring of obligations under leases made pursuant to this chapter and in order to secure the payment of the bonds or obligations, a municipality, in addition to its other powers, shall have power to:

a. Pledge all or any part of the gross or net rents, fees or revenues of a housing project, financed with the proceeds of such bonds, to which its rights then exist or may thereafter come into existence.

b. Mortgage all or any part of its real or personal property, then owned or thereafter acquired or held pursuant to this chapter.

c. Covenant against pledging all or any part of the rents, fees and revenues or against mortgaging all or any part of its real or personal property, acquired or held pursuant to this chapter, to which its right or title then exists or may thereafter come into existence or against permitting or suffering any lien on such revenues or property; covenant with respect to limitations on the right to sell, lease or otherwise dispose of any housing project or any part thereof; and covenant as to what other, or additional debts or obligations may be incurred by it.

d. Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; provide for the replacement of lost, destroyed, or mutilated bonds; covenant against extending the time for the payment of its bonds or interest thereon; and covenant for the redemption of the bonds and to provide the terms and conditions thereof.

e. Covenant subject to the limitations contained in this chapter as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and the use and disposition to be made thereof; create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves, or other purposes, and covenant as to the use and disposition of the moneys held in such funds.

f. Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the proportion of outstanding bonds the holders of which must consent to such action, and the manner in which such consent may be given.

g. Covenant as to the use, maintenance and replacement of any or all of its real or personal property acquired pursuant to this chapter, the insurance to be carried thereon and the use and disposition of insurance moneys.

h. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition, or obligation; and covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

i. Vest in any obligees or any specified proportion of them the right to enforce the payment

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of the bonds or any covenants securing or relating to the bonds; vest in an obligee or obligees the right, in the event of a default by the municipality to take possession of and use, operate and manage any housing project or any part thereof or any funds connected therewith, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement between the municipality and such obligees; provide for the powers and duties of such obligees and limit the liabilities thereof; and provide the terms and conditions upon which such obligees may enforce any covenant or rights securing or relating to the bonds.

j. Exercise all or any part or combination of the powers herein granted; make such covenants, other than and in addition to the covenants herein expressly authorized; and do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of said municipality, as will tend to make the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

2. This chapter without reference to other statutes of the state, shall constitute full authority for the authorization and issuance of bonds hereunder. No other act or law with regard to the authorization or issuance of obligations that requires a bond election or in any way impedes or restricts the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.14]

2010 Acts, ch 1061, §180; 2016 Acts, ch 1011, §63

403A.15 Remedies of an obligee.

An obligee of a municipality shall have the right in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee.

1. By mandamus, suit, action or proceeding at law or in equity to compel said municipality to perform each and every term, provision and covenant contained in any contract of said municipality with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said municipality and the fulfillment of all duties imposed by this chapter.

2. By suit, action or proceeding in equity, to enjoin any acts or things which may be unlawful, or the violation of any of the rights of such obligee of said municipality.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.15]

403A.16 Additional remedies conferrable by a municipality.

A municipality shall have power by its resolution, trust indenture, mortgage, lease, or other contract to confer upon any obligee the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action, or proceeding in any court of competent jurisdiction to:

1. Cause possession of any housing project or any part thereof to be surrendered to any such obligee.

2. Obtain the appointment of a receiver of any housing project of said municipality or any part thereof and of the rents and profits therefrom, and provide that, if a receiver be appointed, the receiver may enter and take possession of such housing project or any part thereof and operate and maintain same, and collect and receive all fees, rents, revenues, or other charges thereafter arising therefrom, and keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of the municipality as the court shall direct.

3. Require said municipality and the officers, agents, and employees thereof to account as if it and they were the trustees of an express trust.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.16]

2016 Acts, ch 1011, §64

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403A.17 Exemption of property from execution sale.

All property, including funds, owned or held by a municipality for the purposes of this chapter shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the municipality be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obligees to foreclose or otherwise enforce any mortgage or other security executed or issued pursuant to this chapter or the right of obligees to pursue any remedies for the enforcement of any pledge or lien on rents, fees, or revenues or the right of the federal government to pursue any remedies conferred upon it pursuant to the provisions of this chapter.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.17]

2016 Acts, ch 1011, §65

403A.18 Transfer of possession or title to federal government.

In any contract with the federal government for annual contributions to a municipality, the municipality may obligate itself, which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other law, to convey to the federal government possession of or title to the housing project to which such contract relates, upon the occurrence of a substantial default as defined in such contract with respect to the covenant or conditions to which the municipality is subject. The contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the housing project and funds in accordance with the terms of the contract, provided that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the housing project have been cured and that the housing project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the municipality the housing project as then constituted.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.18]

2016 Acts, ch 1011, §66; 2017 Acts, ch 29, §113

403A.19 Certificate of state auditor.

The municipality may submit to the state auditor a certified copy of the proceedings for the issuance of any bonds hereunder, including the form of such bonds. Upon the submission of these documents to the state auditor, it shall be the duty of the state auditor to pass upon the validity of such bonds and the regularity of all proceedings in connection therewith. If such proceedings conform to the provisions of this chapter and are otherwise regular in form and if such bonds when delivered and paid for will constitute binding and legal obligations enforceable according to the terms thereof, the state auditor shall so certify in an opinion addressed to the municipality.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.19]

403A.20 Condemnation of property.

A municipality shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with a municipal housing project under this chapter, subject to the limitations on eminent domain authority in chapter 6A. A municipality shall exercise the power of eminent domain in the manner provided in chapter 6B. Property already devoted to a public use may be acquired in like manner. However, real property belonging to the state, or any political subdivision thereof, shall not be acquired without its consent, and real property or any right or interest in the property owned by any public utility company, pipeline company, railway or transportation company vested with the right of eminent domain under the laws of this state shall not be acquired without the consent of the company, or without first securing, after due notice to the company and after hearing, a certificate authorizing condemnation of such

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property from the board, commission, or body having the authority to grant a certificate authorizing condemnation.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.20]
2006 Acts, 1st Ex, ch 1001, §40, 49
Referred to in §403A.3

403A.21 Cooperation in undertaking housing projects.

1. For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of housing projects located within the area in which it is authorized to act, any state public body may upon such terms, with or without consideration, as it may determine:

a. Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses or any other rights or privileges therein to any municipality, or to the federal government.

b. Cause parks, playgrounds, recreational community, educational, water, sewer or drainage facilities or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects.

c. Furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake.

d. Cause services to be furnished for housing projects of the character which such state public body is otherwise empowered to furnish.

e. Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, elimination or closing of unsafe, insanitary or unfit dwellings.

f. Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, construction, or operation of such housing projects.

g. Incur the entire expense of any public improvements made by such state public body in exercising the powers granted in this chapter.

h. Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with any municipality respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of municipal housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall inure to the benefit of and may be enforced by such public body or governmental agency.

2. Any law or statute to the contrary notwithstanding, any sale, conveyance, lease, or agreement provided for in this section may be made by a state public body without appraisal, public notice, advertisement, or public bidding.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.21]
2011 Acts, ch 25, §39

403A.22 Personal interest prohibited.

No public official or employee of a municipality or board or commission thereof and no commissioner or employee of a municipal housing agency which has been vested with municipal housing project powers under section 403A.5, shall voluntarily acquire any personal interest, as hereinafter defined, whether direct or indirect, in any municipal housing project, or in any property included or planned to be included in any municipal housing project of such municipality, or in any contract or proposed contract in connection with such municipal housing project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or has owned or controlled within the preceding two years, any interest, as hereinafter defined, whether direct or indirect, in any property which it is known is included or planned to be included in a municipal housing project, the commissioner shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body; and any such official, commissioner or employee shall not participate in any action by the municipality, or

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board or commission thereof affecting such property, as the terms of such proscription are hereinafter defined. For the purposes of this section the following definitions and standards of construction shall apply:

1. *"Action affecting such property"* shall include only that action directly and specifically affecting such property as a separate property but shall not include any action of which any benefits accrue to the public generally, or which affects all or a substantial portion of the properties included or planned to be included in such a project.

2. Employment by a state public body, its agencies, and institutions or by any other person as defined in section 403.17, subsection 18, having such an interest shall not be deemed an interest by such employee or of any ownership or control by such employee of interests of the employee's employer. Such an employee may participate in a municipal housing project so long as any benefits of such participation accrue to the public generally, such participation affects all or a substantial portion of the properties included or planned to be included in such a project, or such participation promotes the public purposes of such project, and shall limit only that participation by an employee which directly or specifically affects property in which an employer of an employee has an interest.

3. The word "*participation*" shall be deemed not to include discussion or debate preliminary to a vote by a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

4. The designation of a bank or trust company as a depository, paying agent, or agent for investment of funds shall not be deemed a matter of interest or personal interest.

5. Stock ownership in a corporation having such an interest shall not be deemed an interest of, or ownership or control by, the person owning such stocks when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such person.

6. The word "*action*" shall not be deemed to include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory function of approving or recommending under this chapter.

7. The limitations of this section shall be construed to permit action by a public official, commissioner, or employee where any benefits of such action accrue to the public generally, such action affects all or a substantial portion of the properties included or planned to be included in such a project, or such action promotes the public purposes of such project, and shall be construed to limit only that action by a public official, commissioner, or employee which directly or specifically affects property in which such official, commissioner, or employee has an interest or in which an employer of such official, commissioner, or employee has an interest. Any violation of the provisions of this section shall constitute misconduct in office, but no ordinance or resolution of a municipality or agency shall be invalid by reason of a vote or votes cast in violation of the standards of this section unless such vote or votes were decisive in the passage of such ordinance or resolution.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.22]
2000 Acts, ch 1154, §28

403A.23 Eligibility of persons receiving public assistance.

Any statute to the contrary notwithstanding, no person otherwise eligible to be a tenant in a municipal housing project, shall be declared ineligible or denied occupancy in the municipal housing project merely because the person is receiving in some form public assistance including but not limited to federal supplemental security income or state supplementary assistance as defined by section 249.1, unemployment compensation, or social security.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.23]
2023 Acts, ch 19, §1115

403A.24 Chapter controlling.

The provisions of this chapter shall be controlling, notwithstanding anything to the contrary contained in any other law of this state, or local ordinance. Any action of a municipality or the governing body thereof in carrying out the purposes of this chapter, whether by resolution,

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ordinance or otherwise, shall be deemed administrative in character, and no public notice or publication need be made with respect to such action taken.

[C62, 66, 71, 73, 75, 77, 79, 81, §403A.24]

403A.25 and 403A.26 Reserved.

403A.27 Percentage of rent as taxes.

Any provision of this chapter notwithstanding, no housing project shall be approved unless as a condition at least ten percent of all rents and supplemental rental aid shall be paid annually as taxes to the office of the treasurer in the respective county in which said project is located, except as to the use of dwelling units in existing structures leased from private owners.

[C71, 73, 75, 77, 79, 81, §403A.27]

403A.28 Public hearing required.

The municipal housing agency shall not undertake any low-cost housing project until such time as a public hearing has been called, at which time the agency shall advise the public of the name of the proposed project, its location, the number of living units proposed and their approximate cost. Notice of the public hearing on the proposed project shall be published at least once in a newspaper of general circulation within the municipality, at least fifteen days prior to the date set for the hearing.

[C73, 75, 77, 79, 81, §403A.28]

CHAPTER 404

URBAN REVITALIZATION TAX EXEMPTIONS

Referred to in §364.19, 437A.19, 437B.15

Chapter applies to all cities including special charter cities; 79 Acts, ch 84, §12

404.1 Area established by city or county.
404.2 Conditions mandatory.
404.3 Basis of tax exemption.
404.3A Residential development area exemption.
404.3B Abandoned real property exemption.
404.3C Assessment agreements — commercial property.
404.3D Exemptions for residential and multiresidential property.
404.4 Prior approval of eligibility.
404.5 Physical review of property by assessor.
404.6 Relocation expense of tenant.
404.7 Repeal of ordinance.

404.1 Area established by city or county.

The governing body of a city may, by ordinance, designate an area of the city or the governing body of a county may, by ordinance, designate an area of the county outside the boundaries of a city, as a revitalization area, if that area is any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and which is detrimental to the public health, safety, or welfare.

2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value

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of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use.

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

4. An area which is appropriate as an economic development area as defined in section 403.17.

5. An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

[C81, §404.1]

91 Acts, ch 214, §6, 7; 97 Acts, ch 214, §10

Referred to in §404.2, 404.3A, 419.17

404.2 Conditions mandatory.

A city or county may only exercise the authority conferred upon it in this chapter after the following conditions have been met:

1. The governing body has adopted a resolution finding that the rehabilitation, conservation, redevelopment, economic development, or a combination thereof of the area is necessary in the interest of the public health, safety, or welfare of the residents of the city, or county as applicable, and the area substantially meets the criteria of section 404.1.

2. The city or county has prepared a proposed plan for the designated revitalization area. The proposed plan shall include all of the following:

a. A legal description of the real estate forming the boundaries of the proposed area along with a map depicting the existing parcels of real estate.

b. The existing assessed valuation of the real estate in the proposed area, listing the land and building values separately.

c. A list of names and addresses of the owners of record of real estate within the area.

d. The existing zoning classifications and district boundaries and the existing and proposed land uses within the area.

e. Any proposals for improving or expanding city or county services within the area including but not limited to transportation facilities, sewage, garbage collection, street maintenance, park facilities and police and fire protection.

f. A statement specifying whether the revitalization is applicable to none, some, or all of the property assessed as residential, multiresidential, agricultural, commercial, or industrial property within the designated area or a combination thereof and whether the revitalization is for rehabilitation and additions to existing buildings or new construction or both. If revitalization is made applicable only to some property within an assessment classification, the definition of that subset of eligible property must be by uniform criteria which further some planning objective identified in the plan. The city shall state how long it is estimated that the area shall remain a designated revitalization area which time shall be longer than one year from the date of designation and shall state any plan by the city to issue revenue bonds for revitalization projects within the area. For a county, a revitalization area shall include only property which will be used as industrial property, commercial property, multiresidential property, or residential property. However, a county shall not provide a tax exemption under this chapter to commercial property, multiresidential property, or residential property which is located within the limits of a city.

g. The provisions that have been made for the relocation of persons, including families, business concerns and others, whom the city or county anticipates will be displaced as a result of improvements to be made in the designated area.

h. Any tax exemption schedule authorized in section 404.3, subsection 5, that shall be used in lieu of the schedule set out in section 404.3, subsection 1, 2, 3, or 4. In the case of a

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county, the tax schedules used shall only be applicable to property of the type for which the revitalization area is zoned at the time the county designates the area a revitalization area.

i. The percent increase in actual value requirements that shall be used in lieu of the fifteen and ten percent requirements specified in section 404.3, subsection 8 and in section 404.5. This percent increase in actual value requirements shall not be greater than that provided in this chapter and shall be the same requirements applicable to all existing revitalization areas.

j. A description of any federal, state or private grant or loan program likely to be a source of funding for that area for residential improvements and a description of any grant or loan program which the city or county has or will have as a source of funding for that area for residential improvements.

3. The city or county has scheduled a public hearing and notified all owners of record of real property located within the proposed area and the tenants living within the proposed area in accordance with section 362.3 or 331.305, as applicable. In addition to notice by publication, notification shall also be given by ordinary mail to the last known address of the owners of record. The city or county shall also send notice by ordinary mail addressed to the "occupants" of addresses located within the proposed area, unless the city council or board of supervisors, by reason of lack of a reasonably current and complete address list, or for other good cause, shall have waived the notice. Notwithstanding section 362.3 or 331.305, as applicable, the notice shall be given by the thirtieth day prior to the public hearing.

4. The public hearing has been held.

5. *a.* A second public hearing has been held if:

(1) The city or county has received within thirty days after the holding of the first public hearing a valid petition requesting a second public hearing containing the signatures and current addresses of property owners that represent at least ten percent of the privately owned property within the designated revitalization area or;

(2) The city or county has received within thirty days after the holding of the first public hearing a valid petition requesting a second public hearing containing the signatures and current addresses of tenants that represent at least ten percent of the residential units within the designated revitalization area.

b. At any such second public hearing the city or county may specifically request those in attendance to indicate the precise nature of desired changes in the proposed plan.

6. The city or county has adopted the proposed or amended plan for the revitalization area after the requisite number of hearings. The city or county may subsequently amend this plan after a hearing. Notice of the hearing shall be published as provided in section 362.3 or 331.305. A city that has adopted a plan for a revitalization area that covers all property within the city limits may amend that plan at any time, pursuant to this section, to include property that has been or will be annexed to the city. The provisions of the original plan shall be applicable to the property that is annexed and the property shall be considered to have been part of the revitalization area as of the effective date of its annexation to the city.

[C81, §404.2]

83 Acts, ch 173, §1, 4, 5; 85 Acts, ch 95, §1; 86 Acts, ch 1245, §848, 849; 89 Acts, ch 2, §1; 91 Acts, ch 214, §5, 8 – 11; 92 Acts, ch 1191, §1, 4; 96 Acts, ch 1204, §38, 39; 2004 Acts, ch 1165, §1, 11, 12; 2010 Acts, ch 1061, §159, 180; 2013 Acts, ch 123, §24, 30; 2021 Acts, ch 20, §4, 14, 15; 2025 Acts, ch 130, §11; 2026 Acts, ch 1115, §65, 81, 82

Referred to in §404.3, 404.4, 404.5, 404.6, 419.17

2026 amendment to subsection 2, paragraph f applies to assessment years beginning on or after January 1, 2027; 2026 Acts, ch 1115, §82

2026 amendment to subsection 2, paragraph f effective January 1, 2027; 2026 Acts, ch 1115, §81

Subsection 2, paragraph f amended

404.3 Basis of tax exemption.

1. All qualified real estate assessed as residential property is eligible to receive an exemption from taxation based on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the exemption is equal to a percent of the actual value added by the improvements, determined as follows: One hundred fifteen percent of the value added by the improvements. However, the amount of the actual value added by the improvements which shall be used to compute the exemption shall not exceed twenty thousand dollars and the granting of the exemption shall not result in the actual value

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of the qualified real estate being reduced below the actual value on which the homestead exemption is computed under section 425.1A, subsection 2.

2. All qualified real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

a. For the first year, eighty percent.
b. For the second year, seventy percent.
c. For the third year, sixty percent.
d. For the fourth year, fifty percent.
e. For the fifth year, forty percent.
f. For the sixth year, forty percent.
g. For the seventh year, thirty percent.
h. For the eighth year, thirty percent.
i. For the ninth year, twenty percent.
j. For the tenth year, twenty percent.

3. All qualified real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

4. *a.* All qualified real estate assessed as any of the following is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements:

(1) Residential property.

(2) Commercial property if the commercial property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes.

(3) Multiresidential property if the multiresidential property consists of three or more separate living quarters with at least seventy-five percent of the space used for residential purposes.

b. The exemption is for a period of ten years.

5. A city or county may adopt a different tax exemption schedule than those allowed in subsection 1, 2, 3, or 4. The different schedule adopted shall not allow a greater exemption, but may allow a smaller exemption, in a particular year, than allowed in the schedule specified in the corresponding subsection of this section. A different schedule adopted by a city or county shall apply to every revitalization area within the city or county, unless the qualified property is eligible for an exemption pursuant to section 404.3A or 404.3B, and except in areas of the city or county which have been designated as both urban renewal and urban revitalization areas. In an area designated for both urban renewal and urban revitalization, a city or county may adopt a different schedule than has been adopted for revitalization areas which have not been designated as urban renewal areas.

6. The owners of qualified real estate eligible for the exemption provided in this section or section 404.3A or 404.3B shall elect to take the applicable exemption or shall elect to take the applicable exemption provided in the different schedule authorized by subsection 5 and adopted in the city or county plan if a different schedule has been adopted. Once the election has been made and the exemption granted, the owner is not permitted to change the method of exemption.

7. The tax exemption schedule specified in subsection 1, 2, 3, or 4 shall apply to every revitalization area within a city or county unless a different schedule is adopted in the city or county plan as provided in section 404.2 and authorized by subsection 5.

8. *"Qualified real estate"* as used in this chapter and section 419.17 means real property, other than land, which is located in a designated revitalization area and to which improvements have been added, during the time the area was so designated, which have increased the actual value by at least the percent specified in the plan adopted by the city or county pursuant to section 404.2 or if no percent is specified then by at least fifteen percent, or at least ten percent in the case of real property assessed as residential property or which have, in the case of land upon which is located more than one building and not assessed as residential property, increased the actual value of the buildings to which the improvements have been made by at least fifteen percent. *"Qualified real estate"* also means

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land upon which no structure existed at the start of the new construction, which is located in a designated revitalization area and upon which new construction has been added during the time the area was so designated. *"Improvements"* as used in this chapter and section 419.17 includes rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. However, new construction on land assessed as agricultural property shall not qualify as *"improvements"* for purposes of this chapter and section 419.17 unless the governing body of the city or county has presented justification at a public hearing held pursuant to section 404.2 for the revitalization of land assessed as agricultural property by means of new construction. Such justification shall demonstrate, in addition to the other requirements of this chapter and section 419.17, that the improvements on land assessed as agricultural land will utilize the minimum amount of agricultural land necessary to accomplish the revitalization of the other classes of property within the urban revitalization area. However, if such construction, rehabilitation or additions were begun prior to January 29, 1979, or one year prior to the adoption by the city or county of a plan of urban revitalization pursuant to section 404.2, whichever occurs later, the value added by such construction, rehabilitation or additions shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section. *"Actual value added by the improvements"* as used in this chapter and section 419.17 means the actual value added as of the first year for which the exemption was received.

9. The fifteen and ten percent increase in actual value requirements specified in subsection 8 shall apply to every revitalization area within a city or county unless different percent increases in actual value requirements are adopted in the city or county plan as provided in section 404.2. However, a city or county shall not adopt different requirements unless every revitalization area within the city or county has the same requirements and the requirements do not provide for a greater percent increase than specified in subsection 8.

[C81, §404.3]

83 Acts, ch 173, §2, 3, 5; 91 Acts, ch 186, §5; 91 Acts, ch 214, §11; 2004 Acts, ch 1165, §2, 3, 11, 12; 2013 Acts, ch 123, §25, 30; 2021 Acts, ch 20, §5, 14, 15; 2026 Acts, ch 1115, §66, 81, 82, 131, 148

Referred to in §404.2, 404.3A, 404.3B, 404.4, 404.5, 404.6, 419.17

2026 amendment to subsection 1 applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148

2026 amendment to subsection 4, paragraph a applies to assessment years beginning on or after January 1, 2027; 2026 Acts, ch 1115, §82

2026 amendment to subsection 4, paragraph a effective January 1, 2027; 2026 Acts, ch 1115, §81

Subsection 1 amended

Subsection 4, paragraph a stricken and rewritten

404.3A Residential development area exemption.

Notwithstanding the schedules provided for in section 404.3, all qualified real estate assessed as residential property or multiresidential property, excluding property classified as multiresidential property under section 441.21, subsection 13, paragraph *"a"*, subparagraph (5), in an area designated under section 404.1, subsection 5, is eligible to receive an exemption from taxation on the first seventy-five thousand dollars of actual value added by the improvements. The exemption is for a period of five years.

97 Acts, ch 214, §11; 2021 Acts, ch 20, §6, 14, 15; 2026 Acts, ch 1115, §67, 81, 82

Referred to in §404.3, 419.17

2026 amendment applies to assessment years beginning on or after January 1, 2027; 2026 Acts, ch 1115, §82

2026 amendment effective January 1, 2027; 2026 Acts, ch 1115, §81

Section amended

404.3B Abandoned real property exemption.

1. Notwithstanding the schedules provided for in section 404.3, a city or county may provide that all qualified real estate that meets the definition of abandoned as stated in section 657A.1 is eligible to receive an exemption from taxation based on the schedule set forth in subsection 2 or 3.

2. All qualified real estate described in subsection 1 is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of fifteen years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

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a. For the first year, eighty percent.
b. For the second year, seventy-five percent.
c. For the third year, seventy percent.
d. For the fourth year, sixty-five percent.
e. For the fifth year, sixty percent.
f. For the sixth year, fifty-five percent.
g. For the seventh year, fifty percent.
h. For the eighth year, forty-five percent.
i. For the ninth year, forty percent.
j. For the tenth year, thirty-five percent.
k. For the eleventh year, thirty percent.
l. For the twelfth year, twenty-five percent.
m. For the thirteenth year, twenty percent.
n. For the fourteenth year, twenty percent.
o. For the fifteenth year, twenty percent.

3. All qualified real estate described in subsection 1 is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of five years.

2004 Acts, ch 1165, §4, 11, 12
Referred to in §404.3, 419.17

404.3C Assessment agreements — commercial property.

1. For revitalization areas established under this chapter on or after July 1, 2024, and for first-year exemption applications for property located in a revitalization area in existence on July 1, 2024, filed on or after July 1, 2024, commercial property shall not receive a tax exemption under this chapter unless the city or county, as applicable, and the owner of the qualified real estate enter into a written assessment agreement specifying a minimum actual value until a specified termination date for the duration of the exemption period.

2. *a.* The assessment agreement shall be presented to the appropriate assessor. The assessor shall review the plans and specifications for the improvements to be made to the property and if the minimum actual value contained in the assessment agreement appears to be reasonable, the assessor shall execute the following certification upon the agreement:

> The undersigned assessor, being legally responsible for the assessment of the above described property upon completion of the improvements to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall not be less than $.....

b. The assessment agreement with the certification of the assessor and a copy of this subsection shall be filed in the office of the county recorder of the county where the property is located. Upon completion of the improvements, the assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the assessment agreement. This subsection does not prohibit the assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the assessment agreement. An assessor, county auditor, board of review, director of revenue, or court of this state shall not reduce or order the reduction of the actual value below the minimum actual value in the agreement during the term of the agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an assessment agreement complying with this subsection constitutes notice of the assessment agreement to a subsequent purchaser or encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

2023 Acts, ch 71, §57, 59
Referred to in §419.17

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404.3D Exemptions for residential and multiresidential property.

1. For revitalization areas established under this chapter on or after July 1, 2024, and for first-year exemption applications for property located in a revitalization area in existence on July 1, 2024, filed on or after July 1, 2024, an exemption authorized under this chapter for property that is residential property or multiresidential property shall not apply to property tax levies imposed by a school district.

2. In addition to the inapplicability of the exemption to school district property tax levies specified under subsection 1, for property taxes due and payable in fiscal years beginning on or after July 1, 2027, if such a property receiving an exemption is located in both a revitalization area and an urban renewal area, the school district property taxes on the property shall not be subject to the division of revenue under section 403.19 and when collected shall be paid to the school district.

2023 Acts, ch 71, §58, 59; 2026 Acts, ch 1115, §68, 81, 82, 116, 117
Referred to in §419.17
2026 amendment by 2026 Acts, ch 1115, §68, applies to assessment years beginning on or after January 1, 2027; 2026 Acts, ch 1115, §82
2026 amendment by 2026 Acts, ch 1115, §68, effective January 1, 2027; 2026 Acts, ch 1115, §81
See Code editor's note on simple harmonization at the beginning of this Code volume
Section amended

404.4 Prior approval of eligibility.

1. A person may submit a proposal for an improvement project to the governing body of the city or county to receive prior approval for eligibility for a tax exemption on the project. The governing body shall, by resolution, give its prior approval for an improvement project if the project is in conformance with the plan for revitalization developed by the city or county. Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed and found to be qualified real estate; however, if the proposal is not approved, the person may submit an amended proposal for the governing body to approve or reject.

2. An application shall be filed for each new exemption claimed. The first application for an exemption shall be filed by the owner of the property with the governing body of the city or county in which the property is located by February 1 of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, or the following two assessment years, in which case the exemption is allowed for the total number of years in the exemption schedule. However, upon the request of the owner at any time, the governing body of the city or county provides by resolution that the owner may file an application by February 1 of any other assessment year selected by the governing body in which case the exemption is allowed for the number of years remaining in the exemption schedule selected. The application shall contain but not be limited to all of the following information:

a. The nature of the improvement.

b. The cost of the improvement project.

c. The estimated or actual date of completion.

d. The tenants that occupied the owner's building on the date the city or county adopted the resolution referred to in section 404.2, subsection 1.

e. Which exemption in section 404.3 or in the different schedule, if one has been adopted, will be elected.

3. The governing body of the city or county shall approve the application, subject to review by the local assessor pursuant to section 404.5, if the project is in conformance with the plan for revitalization developed by the city or county, is located within a designated revitalization area, and if the improvements were made during the time the area was so designated. The governing body of the city or county shall forward for review all approved applications to the appropriate local assessor by March 1 of each year with a statement indicating whether section 404.3, subsection 1, 2, 3, or 4 applies or if a different schedule has been adopted, which

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exemption from that schedule applies. Applications for exemption for succeeding years on approved projects shall not be required.

[C81, §404.4]

87 Acts, ch 156, §1; 91 Acts, ch 214, §11; 92 Acts, ch 1191, §2, 4; 2001 Acts, ch 116, §2; 2002 Acts, ch 1151, §1, 36; 2015 Acts, ch 30, §115

Referred to in §404.5, 419.17

404.5 Physical review of property by assessor.

1. The local assessor shall review each first-year application by making a physical review of the property, to determine if the improvements made increased the actual value of the qualified real estate by at least fifteen percent or at least ten percent in the case of real property assessed as residential property or the applicable percent increase requirement adopted by the city or county under section 404.2. If the assessor determines that the actual value of that real estate has increased by at least the requisite percent, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to section 404.3 to the county auditor at the time of transmitting the assessment rolls. However, if a new structure is erected on land upon which no structure existed at the start of the new construction, the assessor shall proceed to determine the actual value of the property and certify the valuation determined pursuant to section 404.3 to the county auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination, and the assessor's decision may be appealed to the local board of review at the times specified in section 441.37. If an application for exemption is denied as a result of failure to sufficiently increase the value of the real estate as provided in section 404.3, the owner may file a first annual application in a subsequent year when additional improvements are made to satisfy requirements of section 404.3, and the provisions of section 404.4 shall apply. After the tax exemption is granted, the local assessor shall continue to grant the tax exemption, with periodic physical review by the assessor, for the time period specified in section 404.3, subsection 1, 2, 3, or 4, or specified in the different schedule if one has been adopted, under which the exemption was granted. The tax exemptions for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years.

2. For the purposes of this section, the actual value of the property upon which the value of improvements in the form of rehabilitation or additions to existing structures shall be determined shall be the lower of either the amount listed on the assessment rolls in the assessment year in which such improvements are first begun or the price paid by the owner if the improvements in the form of rehabilitation or additions to existing structures were begun within one year of the date the property was purchased and the sale was a fair and reasonable exchange between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and each being familiar with all the facts relating to the particular property.

[C81, §404.5]

91 Acts, ch 214, §11; 92 Acts, ch 1191, §3, 4; 96 Acts, ch 1204, §40, 41; 2016 Acts, ch 1011, §67

Referred to in §404.2, 404.4, 419.17

404.6 Relocation expense of tenant.

Upon application to it and after verification by it, the city or county shall require compensation of at least one month's rent and may require compensation of actual relocation expenses be paid to a qualified tenant whose displacement is due to action on the part of a property owner to qualify for the benefits under this chapter. However, the city or county may require the persons causing the qualified tenant to be displaced to pay all or a part of the relocation payments as a condition for receiving a tax exemption under section 404.3. "*Qualified tenant*" as used in this chapter shall mean the legal occupant of a residential dwelling unit which is located within a designated revitalization area and who has occupied

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the same dwelling unit continuously since one year prior to the city's or county's adoption of the plan pursuant to section 404.2.

[C81, §404.6]
91 Acts, ch 214, §11
Referred to in §419.17

404.7 Repeal of ordinance.

When in the opinion of the governing body of a city or county the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted by this chapter would cease to be of benefit to the city or county, the governing body may repeal the ordinance establishing a revitalization area. In that event, all existing exemptions shall continue until their expiration.

[C81, §404.7]
91 Acts, ch 214, §11
Referred to in §419.17

CHAPTER 404A

HISTORIC PRESERVATION TAX CREDIT

Referred to in §2.48, 16.50, 422.11D, 422.33, 422.60, 432.12A

404A.1 Definitions.
404A.2 Historic preservation tax credit.
404A.3 Application and registration — agreement — compliance and examination.
404A.4 Aggregate tax credit award limit.
404A.5 Economic impact — recommendations.
404A.6 Rules.

404A.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Authority"* means the economic development authority created in section 15.105.

2. *"Eligible taxpayer"* means the owner of the property that is the subject of a qualified rehabilitation project, or another person who will qualify for the federal rehabilitation credit allowed under section 47 of the Internal Revenue Code with respect to the property that is the subject of a qualified rehabilitation project.

3. *"Nonprofit organization"* means an organization described in section 501 of the Internal Revenue Code unless the exemption is denied under section 501, 502, 503, or 504 of the Internal Revenue Code. *"Nonprofit organization"* does not include a governmental body, as that term is defined in section 362.2.

4. *"Program"* shall mean the historic preservation tax credit program set forth in this chapter.

5. *a. "Qualified rehabilitation expenditures"* means the same as defined in section 47 of the Internal Revenue Code. Notwithstanding the foregoing sentence, expenditures incurred by an eligible taxpayer that is a nonprofit organization shall be considered *"qualified rehabilitation expenditures"* if they are any of the following:

(1) Expenditures made for structural components, as that term is defined in 26 C.F.R. §1.48-1(e)(2).

(2) Expenditures made for architectural and engineering fees, site survey fees, legal expenses, insurance premiums, and development fees.

b. "Qualified rehabilitation expenditures" does not include those expenditures financed by federal, state, or local government grants or forgivable loans unless otherwise allowed under section 47 of the Internal Revenue Code.

c. "Qualified rehabilitation expenditures" may include expenditures incurred prior to the date an agreement is entered into under section 404A.3, subsection 3.

6. *"Qualified rehabilitation project"* means a project for the rehabilitation of property in this state that meets all of the following criteria:

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a. The property is at least one of the following:

(1) Property listed on the national register of historic places or eligible for such listing.

(2) Property designated as of historic significance to a district listed in the national register of historic places or eligible for such designation.

(3) Property or district designated a local landmark by a city or county ordinance.

(4) A barn constructed prior to 1937.

b. The property meets the physical criteria and standards for rehabilitation established by the authority by rule. To the extent applicable, the physical standards and criteria shall be consistent with the United States secretary of the interior's standards for rehabilitation.

c. The project has qualified rehabilitation expenditures that meet or exceed the following:

(1) In the case of commercial property, expenditures totaling at least fifty thousand dollars or fifty percent of the assessed value of the property, excluding the land, prior to rehabilitation, whichever is less.

(2) In the case of property other than commercial property, including but not limited to barns constructed prior to 1937, expenditures totaling at least twenty-five thousand dollars or twenty-five percent of the assessed value, excluding the land, prior to rehabilitation, whichever is less.

d. The property is not a single-family dwelling unit, unless the project will result in two or more new single-family dwelling units that were not available for occupancy as residential housing during the immediately preceding consecutive six months prior to commencement of the project, and the dwelling units are located in the same neighborhood, as confirmed by the authority. The two or more new single-family dwelling units must be made available for occupancy as a result of the rehabilitation project. The authority may promulgate by rule criteria used by the authority to determine if a property is a single-family dwelling unit, and qualifies as a qualified rehabilitation project under this paragraph.

7. *"Registration date"* means the date on which the authority notifies an eligible taxpayer of successful registration of the taxpayer's qualified rehabilitation project pursuant to section 404A.3, subsection 2.

2000 Acts, ch 1194, §3, 20; 2002 Acts, ch 1003, §1, 5; 2005 Acts, ch 150, §20, 21; 2007 Acts, ch 165, §1, 9; 2011 Acts, ch 99, §1, 6; 2011 Acts, ch 130, §30, 35; 2013 Acts, ch 112, §1; 2014 Acts, ch 1093, §12; 2014 Acts, ch 1118, §2, 12; 2016 Acts, ch 1109, §14, 35, 36; 2017 Acts, ch 29, §114; 2023 Acts, ch 19, §2113, 2114; 2025 Acts, ch 147, §16 – 18

Referred to in §15.353

404A.2 Historic preservation tax credit.

1. An eligible taxpayer who has entered into an agreement under section 404A.3, subsection 3, is eligible to receive a historic preservation tax credit in an amount equal to twenty-five percent of the qualified rehabilitation expenditures of a qualified rehabilitation project that are specified in the agreement. Notwithstanding any other provision of this chapter or any provision in the agreement to the contrary, the amount of the tax credits shall not exceed twenty-five percent of the final qualified rehabilitation expenditures verified by the authority pursuant to section 404A.3, subsection 5, paragraph *"c"*.

2. The tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. For an individual claiming a tax credit of an estate or trust, the amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the estate or trust. For an individual claiming a tax credit of a partnership, limited liability company, or S corporation, the amount claimed by the partner, member, or shareholder, respectively, shall be based upon the amounts designated by the eligible partnership, S corporation, or limited liability company, as applicable.

3. *a.* Tax credit certificates issued under section 404A.3 may be transferred to any person. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee's name, tax identification number, address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue. However,

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tax credit certificate amounts of less than the minimum amount established by rule by the department of revenue shall not be transferable.

b. Within thirty days of receiving the transferred tax credit certificate and the transferee's statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate and must have the same expiration date that appeared on the transferred tax credit certificate.

c. A tax credit shall not be claimed by a transferee under this section until a replacement tax credit certificate identifying the transferee as the proper holder has been issued. The transferee may use the amount of the tax credit transferred against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of the tax credit shall not be included as income under chapter 422, subchapters II, III, and V. Any consideration paid for the transfer of the tax credit shall not be deducted from income under chapter 422, subchapters II, III, and V.

4. *a.* For a tax credit claimed by an eligible taxpayer or a transferee for qualified rehabilitation projects with agreements entered into on or after July 1, 2014, the following percentage of any credit in excess of the taxpayer's tax liability for the tax year may be refunded:

(1) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety-five percent.

(2) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, ninety percent.

(3) For tax years beginning on or after January 1, 2025, one hundred percent.

b. In lieu of claiming a refund, a taxpayer may elect to have the overpayment otherwise eligible for a refund shown on the taxpayer's final, completed return credited to the tax liability for the following five tax years or until depleted, whichever is earlier.

c. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit. As used in this subsection, *"taxpayer"* includes an eligible taxpayer or a person transferred a tax credit certificate pursuant to subsection 3.

5. *a.* To claim a tax credit under this section, a taxpayer shall include one or more tax credit certificates with the taxpayer's tax return.

b. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the credit, the name of the eligible taxpayer, any other information required by the department of revenue, and a place for the name and tax identification number of a transferee and the amount of the tax credit being transferred.

c. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, subject to any conditions or restrictions placed by the authority or the department of revenue upon the face of the tax credit certificate and subject to the limitations of this program.

6. For purposes of the individual and corporate income taxes and the franchise tax, the increase in the basis of the rehabilitated property that would otherwise result from the qualified rehabilitation expenditures shall be reduced by the amount of the credit computed under this section.

2000 Acts, ch 1194, §4, 20; 2002 Acts, ch 1003, §2, 5; 2004 Acts, ch 1175, §250, 287; 2009 Acts, ch 98, §1; 2011 Acts, ch 99, §2, 6; 2014 Acts, ch 1118, §3, 12; 2016 Acts, ch 1109, §15 – 19, 35, 36; 2017 Acts, ch 29, §115; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1002, §50, 54, 55; 2025 Acts, ch 132, §39, 40

Referred to in §404A.3, 404A.4

2025 amendment to subsection 4, paragraph a applies retroactively to January 1, 2025, for tax years beginning on or after that date; 2025 Acts, ch 132, §40

404A.3 Application and registration — agreement — compliance and examination.

1. *Application and fees.*

a. An eligible taxpayer seeking historic preservation tax credits provided in section 404A.2 shall make application to the authority in the manner prescribed by the authority.

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b. The authority may accept applications on a continuous basis or may accept applications, or one or more components of an application, during one or more application periods.

c. The application shall include any information deemed necessary by the authority to evaluate the eligibility under the program of the applicant and the rehabilitation project, the amount of projected qualified rehabilitation expenditures of a rehabilitation project, and the amount and source of all funding for a rehabilitation project. An applicant shall have the burden of proof to demonstrate to the authority that the applicant is an eligible taxpayer and the project is a qualified rehabilitation project under the program.

d. The authority may establish criteria for the use of electronic or other alternative filing or submission methods for any application, document, or payment requested or required under this program. Such criteria may provide for the acceptance of a signature in a form other than the handwriting of a person.

e. (1) The authority may charge application and other fees to eligible taxpayers who apply to participate in the program. The amount of such fees shall be determined based on the costs to the authority of administering the program.

(2) Fees collected by the authority pursuant to this paragraph shall be deposited with the authority notwithstanding section 8A.708, subsection 1.

2. *Registration.*

a. Upon review of the application by the authority, the authority may register a qualified rehabilitation project under the program. If the authority registers the project, the authority shall make a preliminary determination as to the amount of tax credits for which the project qualifies.

b. After registering the qualified rehabilitation project, the authority shall notify the eligible taxpayer of successful registration under the program within a period of time established by the authority by rule. The notification shall include the amount of tax credits under section 404A.2 for which the qualified rehabilitation project has received a tentative award and a statement that the amount is a preliminary determination only.

3. *Agreement.*

a. Upon successful registration of a qualified rehabilitation project, the eligible taxpayer shall enter into an agreement with the authority for the successful completion of all requirements of the program.

b. The agreement shall contain mutually agreeable terms and conditions which, at a minimum, provide for the following:

(1) The amount of the tax credit award. An eligible taxpayer has no right to receive a tax credit certificate or claim a tax credit until all requirements of the agreement and subsections 4 and 5 have been satisfied. The amount of tax credit included on a tax credit certificate issued under this section shall be contingent upon verification by the authority of the amount of final qualified rehabilitation expenditures.

(2) The rehabilitation work to be performed. An eligible taxpayer shall perform the rehabilitation work consistent with the United States secretary of the interior's standards for rehabilitation, as determined by the authority.

(3) The budget of the qualified rehabilitation project, including the projected qualified rehabilitation expenditures, allowable cost overruns, and the source and amount of all funding received or anticipated to be received. The amount of allowable cost overruns provided for in the agreement shall not exceed the following amount:

(a) For a qualified rehabilitation project with final qualified rehabilitation expenditures of not more than seven hundred fifty thousand dollars, fifteen percent of the projected qualified rehabilitation expenditures provided for in the agreement.

(b) For a qualified rehabilitation project with final qualified rehabilitation expenditures of more than seven hundred fifty thousand dollars but not more than six million dollars, ten percent of the projected qualified rehabilitation expenditures provided for in the agreement.

(c) For a qualified rehabilitation project with final qualified rehabilitation expenditures of more than six million dollars, five percent of the projected qualified rehabilitation expenditures provided for in the agreement.

(4) The date by which the qualified rehabilitation project must commence, which shall be

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no later than one calendar year from the registration date. Upon application of the eligible taxpayer, the authority may, at the discretion of the authority, extend the date by which the qualified rehabilitation project must commence up to an additional twelve consecutive months.

(5) (a) The date by which the qualified rehabilitation project must be completed, which shall be no later than three consecutive calendar years from the registration date. The qualified rehabilitation project shall be considered complete as of the date the property that is the subject of the qualified rehabilitation project is placed in service, as described in 26 U.S.C. §47.

(b) Upon application of the eligible taxpayer, the authority may, at the discretion of the authority, extend the date by which the qualified rehabilitation project must be complete up to an additional twelve consecutive months.

(c) Upon application of the eligible taxpayer made prior to the expiration of an extension under subparagraph division (b), the authority may, at the discretion of the authority, extend the date by which the qualified rehabilitation project must be complete up to an additional twelve consecutive months. The qualified eligible taxpayer must substantiate to the satisfaction of the authority that the requested extension is warranted due to extenuating circumstances outside the control of the eligible taxpayer.

(d) An application by an eligible taxpayer under subparagraph division (b) or (c) shall be made in the manner and form prescribed by the authority by rule.

(6) The date on which the agreement terminates, which date shall not be earlier than five years from the date on which the tax credit certificate is issued.

4. *Compliance.*

a. The eligible taxpayer shall, for the length of the agreement, annually certify to the authority compliance with the requirements of the agreement. The certification shall be made at such time as the authority shall determine in the agreement.

b. The eligible taxpayer shall have the burden of proof to demonstrate to the authority that all requirements of the agreement are satisfied. The taxpayer shall notify the authority in a timely manner of any changes in the qualification of the rehabilitation project or in the eligibility of the taxpayer to claim the tax credit provided under this chapter, or of any other change that may have a negative impact on the eligible taxpayer's ability to successfully complete any requirement under the agreement.

c. (1) If after entering into the agreement but before a tax credit certificate is issued, the eligible taxpayer or the qualified rehabilitation project no longer meets the requirements of the agreement, the authority may find the taxpayer in default under the agreement and may revoke the tax credit award.

(2) If an eligible taxpayer obtains a tax credit certificate from the authority by way of a prohibited activity, the eligible taxpayer and any transferee shall be jointly and severally liable to the state for the amount of the tax credits so issued, interest and penalties allowed under chapter 422, and reasonable attorney fees and litigation costs, except that the liability of the transferee shall not exceed an amount equal to the amount of the tax credits acquired by the transferee. The department of revenue, upon notification or discovery that a tax credit certificate was issued to an eligible taxpayer by way of a prohibited activity, shall revoke any outstanding tax credit and seek repayment of the value of any tax credit already claimed, and the failure to make such a repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due or required to be shown due with the filing of a return or deposit form. A qualifying transferee is not subject to the liability, revocation, and repayment imposed under this subparagraph.

(3) For purposes of this paragraph:

(a) *"Control"* means when a person, directly or indirectly or acting through or together with one or more persons, satisfies any of the following:

(i) Owns, controls, or has the power to vote fifty percent or more of any class of voting securities or voting membership interests of another person.

(ii) Controls, in any manner, the election of a majority of the directors, managers, trustees, or other persons exercising similar functions of another person.

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(iii) Has the power to exercise a controlling influence over the management or policies of another person.

(b) *"Prohibited activity"* means a breach or default under the agreement with the authority, the violation of any warranty provided by the eligible taxpayer to the authority or the department of revenue, the claiming of a tax credit issued under this chapter for expenditures that are not qualified rehabilitation expenditures, the violation of any requirements of this chapter or rules adopted pursuant to this chapter, misrepresentation, fraud, or any other unlawful act or omission.

(c) *"Qualifying transferee"* means a transferee who acquires a tax credit certificate issued under this chapter for value, in good faith, without express or implied notice of a prohibited activity of the eligible taxpayer who was originally issued the tax credit, and without express or implied notice of any other claim to or defense against the tax credit, and which transferee is not associated with the eligible taxpayer by being one or more of the following:

(i) An owner, member, shareholder, or partner of the eligible taxpayer who directly or indirectly owns and controls, in whole or in part, the eligible taxpayer.

(ii) A director, officer, or employee of the eligible taxpayer.

(iii) A relative of the eligible taxpayer or a person listed in subparagraph subdivision (i) or (ii) or, if the eligible taxpayer or an owner, member, shareholder, or partner of the eligible taxpayer is a legal entity, the natural persons who ultimately own such legal entity.

(iv) A person who is owned or controlled, in whole or in part, by a person listed in subparagraph subdivision (i) or (ii).

(d) *"Relative"* means an individual related by consanguinity within the second degree as determined by common law, a spouse, or an individual related to a spouse within the second degree as so determined, and includes an individual in an adoptive relationship within the second degree.

5. *Examination of project.*

a. An eligible taxpayer shall engage a certified public accountant authorized to practice in this state to conduct an examination of the project in accordance with the American institute of certified public accountants' statements on standards for attestation engagements. Upon completion of the qualified rehabilitation project, the eligible taxpayer shall submit the examination to the authority, along with a statement of the amount of final qualified rehabilitation expenditures and any other information deemed necessary by the authority in order to verify that all requirements of the agreement, this chapter, and all rules adopted pursuant to this chapter have been satisfied. The authority shall adopt rules governing examinations required under this subsection.

b. Notwithstanding paragraph *"a"*, the authority may waive the examination requirement in this subsection if all the following requirements are satisfied:

(1) The final qualified rehabilitation expenditures of the qualified rehabilitation project, as verified by the authority, do not exceed one hundred thousand dollars.

(2) The qualified rehabilitation project is funded exclusively by private funding sources.

c. Upon review of the examination, if applicable, the authority shall verify that all requirements of the agreement, this chapter, and all rules adopted pursuant to this chapter have been satisfied and shall verify the amount of final qualified rehabilitation expenditures. If the authority determines that all requirements of the agreement, this chapter, and all rules adopted pursuant to this chapter have been satisfied and it has verified the amount of final qualified rehabilitation expenditures, the authority shall issue a tax credit certificate to the eligible taxpayer stating the amount of the credit under section 404A.2 the eligible taxpayer may claim.

6. *Waivers.* Notwithstanding any other provision of this chapter to the contrary, the authority may waive the requirements of subsections 1 through 4, except the requirements relating to allowable cost overruns in subsection 3, paragraph *"b"*, subparagraph (3), and the requirements in subsection 4, paragraphs *"b"* and *"c"*, for qualified rehabilitation projects with final qualified rehabilitation expenditures of seven hundred fifty thousand dollars or less and may establish by rule different application, registration, agreement, compliance, or other requirements relating to such projects.

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7. *Amendments.* The authority may for good cause amend an agreement.

2000 Acts, ch 1194, §5, 20; 2002 Acts, ch 1119, §162; 2005 Acts, ch 150, §22; 2009 Acts, ch 98, §2; 2011 Acts, ch 99, §3, 6; 2013 Acts, ch 112, §2, 4, 5; 2014 Acts, ch 1118, §4, 12; 2016 Acts, ch 1109, §20 – 28, 35, 36; 2017 Acts, ch 29, §116; 2023 Acts, ch 19, §2115 – 2117; 2025 Acts, ch 147, §19; 2025 Acts, ch 159, §14

Referred to in §404A.1, 404A.2, 404A.4

404A.4 Aggregate tax credit award limit.

1. *a.* Except as provided in subsections 2, 3, and 4, the authority shall not award in any one fiscal year an amount of tax credits provided in section 404A.2 in excess of forty-five million dollars.

b. Of the tax credits that may be awarded in a fiscal year pursuant to paragraph *"a"*, at least five percent of the dollar amount of the tax credits shall be allocated for purposes of new qualified rehabilitation projects with final qualified rehabilitation expenditures of seven hundred fifty thousand dollars or less.

2. *a.* The amount of a tax credit that is awarded during a fiscal year beginning on or after July 1, 2016, and that is irrevocably declined or revoked on or before June 30 of the next fiscal year may be awarded under section 404A.3 during the fiscal year in which the declination or revocation occurs.

b. The amount of a tax credit that was reserved prior to July 1, 2014, under section 404A.4, Code 2014, for use in a fiscal year beginning before July 1, 2016, that is irrevocably declined or revoked on or after July 1, 2014, but before July 1, 2016, may be awarded under section 404A.3 during the fiscal year in which such declination or revocation occurs. Such tax credits awarded shall not be claimed by a taxpayer in a fiscal year that is earlier than the fiscal year for which the tax credits were originally reserved.

c. The amount of a tax credit that was available for approval by the state historical preservation office of the former department of cultural affairs under section 404A.4, Code 2014, in a fiscal year beginning on or after July 1, 2010, but before July 1, 2014, that was required to be allocated to new projects with final qualified rehabilitation costs of five hundred thousand dollars or less, or seven hundred fifty thousand dollars or less, as the case may be, and that was not finally approved by the state historical preservation office, may be awarded under section 404A.3 during the fiscal years beginning on or after July 1, 2014, but before July 1, 2016.

d. Tax credits awarded pursuant to this subsection shall not be considered for purposes of calculating the aggregate tax credit award limit in subsection 1.

3. *a.* If during the fiscal year beginning July 1, 2016, or any fiscal year thereafter, the authority awards an amount of tax credits that is less than the maximum aggregate tax credit award limit specified in subsection 1, the difference between the amount so awarded and the amount specified in subsection 1, not to exceed ten percent of the amount specified in subsection 1, may be carried forward to the succeeding fiscal year and awarded during that fiscal year.

b. Tax credits awarded pursuant to this subsection shall not be considered for purposes of calculating the aggregate tax credit award limit in subsection 1.

4. *a.* If, during the fiscal year beginning July 1, 2025, or any fiscal year thereafter, the authority receives an application for a qualified rehabilitation project with qualified rehabilitation expenditures that, if registered by the authority, makes the eligible taxpayer eligible for tax credits of ten million dollars or more, the authority may award tax credits during the fiscal year in which the application is received in an amount not to exceed twenty percent more than the maximum aggregate tax credit award limit specified in subsection 1.

b. Tax credits awarded pursuant to this subsection shall be considered for purposes of calculating the maximum aggregate tax credits awarded pursuant to subsection 1 in the immediately succeeding fiscal year.

2000 Acts, ch 1194, §6, 20; 2003 Acts, ch 133, §2 – 4; 2003 Acts, 1st Ex, ch 2, §90, 209; 2004 Acts, ch 1001, §1; 2004 Acts, ch 1175, §395; 2005 Acts, ch 150, §23 – 25; 2006 Acts, ch 1158, §6; 2007 Acts, ch 165, §2, 3, 9; 2009 Acts, ch 98, §3; 2010 Acts, ch 1069, §50, 51; 2010 Acts, ch 1138, §29, 30; 2011 Acts, ch 34, §92; 2011 Acts, ch 99, §4 – 6; 2011

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Acts, ch 118, §85, 89; 2013 Acts, ch 112, §3; 2014 Acts, ch 1093, §13; 2014 Acts, ch 1118, §5, 12; 2016 Acts, ch 1109, §29, 30, 35, 36; 2023 Acts, ch 19, §2118; 2025 Acts, ch 147, §20, 21

404A.5 Economic impact — recommendations.

1. The authority, in consultation with the department of revenue, shall be responsible for keeping the general assembly and the legislative services agency informed on the overall economic impact to the state of qualified rehabilitation projects.

2. An annual report shall be filed which shall include but is not limited to data on the number and potential value of qualified rehabilitation projects begun during the latest twelve-month period, the total historic preservation tax credits originally awarded or tax credit certificates originally issued during that period, the potential reduction in state tax revenues as a result of all awarded or issued tax credits still unclaimed and eligible for refund, and the potential increase in local property tax revenues as a result of the qualified rehabilitation projects.

3. The authority, to the extent it is able, shall provide recommendations on whether the limit on tax credits should be changed, the need for a broader or more restrictive definition of qualified rehabilitation project, and other adjustments to the tax credits under this chapter.

2000 Acts, ch 1194, §7, 20; 2003 Acts, ch 35, §45, 49; 2005 Acts, ch 150, §26; 2009 Acts, ch 98, §4; 2014 Acts, ch 1118, §6, 12; 2016 Acts, ch 1109, §31, 35, 36; 2017 Acts, ch 29, §117

404A.6 Rules.

The authority and the department of revenue shall each adopt rules as necessary for the administration of this chapter.

2014 Acts, ch 1118, §7, 12; 2016 Acts, ch 1109, §32, 35, 36; 2023 Acts, ch 19, §2119

CHAPTER 404B

DISASTER REVITALIZATION TAX EXEMPTIONS

Referred to in §364.19

404B.1	Disaster revitalization area.	404B.5	Application for exemption by property owner.
404B.2	Conditions mandatory.		
404B.3	Disaster revitalization plan amendments.	404B.6	Physical review of property by assessor.
404B.4	Basis of tax exemption.	404B.7	Expiration or repeal of ordinance.

404B.1 Disaster revitalization area.

1. *a.* The governing body of a city may, by ordinance, designate an area of the city a disaster revitalization area if that area is within a county or portion of a county in which the governor has proclaimed a disaster emergency or the United States president has declared a major disaster.

b. The governing body of a county may, by ordinance, designate an area of the county outside the boundaries of a city as a disaster revitalization area if that area is within a county or portion of a county in which the governor has proclaimed a disaster emergency or the United States president has declared a major disaster.

2. A disaster revitalization area shall be composed of contiguous parcels. However, the governing body of a city or the governing body of a county may establish more than one disaster revitalization area.

2009 Acts, ch 100, §23, 30

Referred to in §404B.2

404B.2 Conditions mandatory.

A city or county may only exercise the authority conferred upon it in this chapter after all of the following conditions have been met:

1. The governing body has adopted a resolution finding that the property located within

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the area was damaged by a disaster, that revitalization of the area is in the economic interest of the residents of the city or county, as applicable, and the area substantially meets the criteria of section 404B.1.

2. The city or county has prepared a proposed plan for the designated disaster revitalization area. The proposed disaster revitalization plan shall include all of the following:

a. A legal description of the real property forming the boundaries of the proposed area along with a map depicting the existing parcels of real property.

b. The assessed valuation of the real property in the proposed area as of January 1, 2007, listing the land and building values separately.

c. A list of names and addresses of the owners of record of real property within the area.

d. The existing zoning classifications and district boundaries and the existing and proposed land uses within the area.

e. The exemption percentage applicable in the proposed area pursuant to section 404B.4.

f. A statement specifying whether none, some, or all of the property assessed as residential, agricultural, commercial, or industrial property within the designated area is eligible for the exemption under section 404B.4.

g. A definition of revitalization, including whether it is applicable to existing buildings, new construction, or development of previously vacant land. A definition of revitalization may also include a requirement for a minimum increase in assessed valuation of individual parcels of property in the area.

h. A statement specifying the duration of the designated disaster revitalization area.

i. A description of planned measures to mitigate or prevent future disaster damage in the area.

j. A description of revitalization projects commenced prior to the effective date of the plan that are eligible for the exemption under section 404B.4.

3. *a.* The city or county has scheduled a public hearing and published notice of the hearing in accordance with section 362.3 or 331.305, as applicable. In addition to notice by publication, notification shall also be given by ordinary mail to the last known address of the owners of record. The city or county shall also send notice by ordinary mail addressed to the "occupants" of addresses located within the proposed area, unless the governing body of the city or county, by reason of lack of a reasonably current and complete address list, or for other good cause, shall have waived the notice.

b. The notice provided by mail to owners and occupants within the area shall be given no later than thirty days before the date of the public hearing.

4. The public hearing has been held.

5. The city or county has adopted the proposed or amended plan for the disaster revitalization area after the hearing.

2009 Acts, ch 100, §24, 30

404B.3 Disaster revitalization plan amendments.

1. The city or county may subsequently amend a disaster revitalization plan after a hearing. Notice of the hearing shall be published as provided in section 362.3 or 331.305, except that at least seven days' notice must be given, and the public hearing shall not be held earlier than the next regularly scheduled city council or board of supervisors meeting following the published notice. Notice shall also be provided by ordinary mail to owners and occupants within the area and any proposed addition to the area.

2. A city which has adopted a plan for a disaster revitalization area that covers all property within the city limits may amend that plan at any time, pursuant to this section, to include property which has been or will be annexed to the city. The provisions of the original disaster revitalization plan shall be applicable to the property that is annexed and the property shall be considered to have been part of the disaster revitalization area as of the effective date of its annexation to the city. The notice and hearing provisions of subsection 1 shall apply to amendments under this subsection.

2009 Acts, ch 100, §25, 30

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404B.4 Basis of tax exemption.

1. All real property within a disaster revitalization area is eligible to receive a one hundred percent exemption from taxation on the increase in assessed value of the property, as compared to the property's assessed value on January 1, 2007, if the increase in assessed value is attributable to revitalization of the property occurring between May 25, 2008, and December 31, 2013. The exemption is for a period not to exceed five years, starting with an assessment year beginning on or after January 1, 2010.

2. A city or county may adopt a different tax exemption percentage than the exemption provided in subsection 1. The different percentage adopted shall not allow a greater exemption, but may allow a smaller exemption. A different percentage adopted by a city or county shall apply to every disaster revitalization area within the city or county. The owners of real property eligible for the exemption provided in this section shall elect to take the exemption or shall elect to take an eligible exemption provided under another statute. Once the election has been made and the exemption granted, the owner is not permitted to change the method of exemption.

2009 Acts, ch 100, §26, 30
Referred to in §404B.2

404B.5 Application for exemption by property owner.

An application shall be filed for each revitalization project resulting in increased assessed value for which an exemption is claimed. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the first assessment year for which the exemption is requested. Applications for exemption shall be made on forms prescribed by the local assessor and shall contain information pertaining to the requirements under this section and any requirements imposed by a city or county governing body.

2009 Acts, ch 100, §27, 30

404B.6 Physical review of property by assessor.

The local assessor shall review each application by making a physical review of the property to determine if the revitalization project increased the assessed value of the real property. If the assessor determines that the assessed value of the real property has increased, the assessor shall proceed to determine the assessed value of the property and certify the valuation determined to the county auditor at the time of transmitting the assessment rolls. The assessor shall notify the applicant of the determination, and the assessor's decision may be appealed to the local board of review at the times specified in section 441.37. After the tax exemption is granted, the local assessor shall continue to grant the tax exemption, with periodic physical review by the assessor, for the time period specified by ordinance. The tax exemption for the succeeding years shall be granted without the taxpayer having to file an application for the succeeding years, unless additional revitalization projects occur on the property.

2009 Acts, ch 100, §28, 30

404B.7 Expiration or repeal of ordinance.

An ordinance enacted under this chapter shall expire or be repealed no later than December 31, 2016.

2009 Acts, ch 100, §29, 30

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CHAPTER 405

ASSESSMENT OF PROPERTY FOR HOUSING DEVELOPMENT

405.1 Housing development — tax status — limitation.

405.1 Housing development — tax status — limitation.

1. *a.* The board of supervisors of a county may adopt an ordinance providing that property acquired and subdivided for development of housing on or after January 1, 2011, shall continue to be assessed for taxation in the manner that it was prior to the acquisition for housing. Each lot shall continue to be taxed in the manner it was prior to its acquisition for housing until the lot is sold for construction or occupancy of housing or five years from the date of subdivision, whichever is shorter. Upon the sale or the expiration of the five-year period, the property shall be assessed for taxation as residential or commercial multifamily property, whichever is applicable.

b. Ordinances adopted under this section, to the extent such ordinances affect the assessment of property subdivided for development of housing on or after January 1, 2004, but before January 1, 2011, shall remain in effect or otherwise be made effective and such ordinances adopted under section 405.1, subsection 1, Code 2011, shall be extended to apply the ordinances to the period of time ending ten years from the date of subdivision, and ordinances adopted under section 405.1, subsection 2, Code 2011, shall be extended to apply the ordinances to the period of time ending eight years from the date of subdivision.

2. On or after July 27, 2011, the board of supervisors of a county may amend an ordinance adopted or otherwise made effective under subsection 1 to extend the period of time established under subsection 1 to apply the ordinance to a period of time not to exceed five years beyond the end of the period of time established under subsection 1. An extension of an ordinance under this subsection may apply to all or a portion of the property that was subject to the original ordinance.

3. A city council may adopt an ordinance affecting that portion of the applicable property located within the incorporated area of the city, effectuating an extension of a county ordinance otherwise eligible to be extended under subsection 2 and not previously extended by the board of supervisors. An ordinance by a city council providing for an extension under this subsection shall be subject to the limitations of subsection 2.

96 Acts, ch 1204, §37; 2011 Acts, ch 131, §154, 157

2011 amendments to this section take effect July 27, 2011, and apply to assessment years beginning on or after January 1, 2012; amendments do not require refund or modification of property taxes attributable to, or the adjustment of property assessments for, assessments years beginning before January 1, 2012; 2011 Acts, ch 131, §156, 157

CHAPTER 405A

STATE FUND ALLOCATIONS TO LOCAL GOVERNMENT

Repealed by 2003 Acts, ch 178, §11

CHAPTERS 406 to 409A

RESERVED

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CHAPTER 410

FIRE FIGHTERS AND POLICE OFFICERS — RETIREMENT AND DISABILITY

Referred to in §25B.2, 28E.26, 28J.18, 29C.8, 85.1, 97B.49B, 364.16, 400.13, 422.7(19)(c), 686D.8

GENERAL PROVISIONS

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HOURS OF SERVICE

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GENERAL PROVISIONS

410.1 Pension funds.

1. Any city having an organized fire department may, and all cities having an organized police department or a paid fire department shall, levy annually on taxable property a tax not to exceed three and three-eighths cents per thousand dollars of assessed value for each such department, for the purpose of creating fire fighters' and police officers' pension funds.

2. Provided that cities having a population of more than six thousand five hundred may annually levy on taxable property a tax of not more than thirteen and one-half cents per thousand dollars of assessed value for each such department for such purpose. Provided, further, that cities, in which a police or fire retirement system based upon actuarial tables shall be established by law, shall levy for the police or fire pension funds a tax sufficient in amount to meet all necessary obligations and expenditures; and said obligations and expenditures shall be direct liabilities of said cities.

3. Whenever there is a sufficient balance in both of said funds to meet any proper or legitimate charges that may be made against the same, such city shall not be required to levy a tax for this purpose.

4. All moneys derived from each tax so levied, and all moneys received as membership fees and dues, and all moneys received from grants, donations, and devises for the benefit of each fund shall constitute separate funds, to be known and designated as a police officers' pension fund and a fire fighters' pension fund.

5. The provisions of this chapter shall not apply to police officers and fire fighters who entered employment after March 2, 1934, except that any police officer or fire fighter who had been making payments of membership fees and assessments as provided in section 410.5 prior to July 1, 1971, shall on July 1, 1973, be fully restored and entitled to all pension rights and benefits, vested or not vested, under this chapter if the city has not returned to such police officer or fire fighter the membership fees and assessments paid by the police officer or fire fighter prior to July 1, 1971, and if such police officer or fire fighter pays to the city within six months after July 1, 1973, the amount of the fees and assessments that the police officer or fire fighter would have paid to the police officers' or fire fighters' pension fund from July 1, 1971, to July 1, 1973, if 1971 Iowa Acts, ch. 108, had not been adopted. If the membership fees and assessments paid by such police officer or fire fighter prior to July 1, 1971, have been returned to the police officer or fire fighter, all pension rights and benefits, vested or not vested, under this chapter shall be fully restored to the police officer or fire fighter on July 1, 1973, if, within six months after July 1, 1973, such police officer or fire fighter repays the fees and assessments so returned and pays the amount of the fees and assessments to the city that

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the police officer or fire fighter would have paid to the appropriate pension fund from July 1, 1971, to July 1, 1973, if 1971 Iowa Acts, ch. 108 had not been adopted.

[S13, §932-a,-j; C24, 27, 31, 35, 39, §**6310;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.1]

2012 Acts, ch 1023, §47; 2017 Acts, ch 54, §76

410.2 Boards of trustees — officers.

The chief officer of each department, with the city treasurer and the city solicitor or attorney of such cities, shall be ex officio members of and shall constitute separate boards of trustees for the management of each fund. The chief officer of the department shall be president and the city treasurer, treasurer of such boards, and the faithful performance of the duties of the treasurer shall be secured by an official bond as city treasurer. Such trustees shall not receive any compensation for their services as members of said boards. Provided, however, that in any city where contributory fire or police retirement systems or both systems based upon actuarial tables shall be established by this Act* for the benefit of police officers or fire fighters or both appointed to the force after the establishment of same, the board of trustees of each such system, respectively, shall also constitute the board of trustees for the management of each fund under this section as a separate and distinct fund in itself.

[S13, §932-a,-b,-j,-k; C24, 27, 31, 35, 39, §**6311;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.2]

*See 34 Acts, 1st Ex, ch 75, effective date March 2, 1934

410.3 Investment of surplus.

The boards shall have power to invest any surplus left in such funds, respectively, at the end of the fiscal year, but no part of the funds realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be in interest-bearing bonds, notes, certificates, or other evidences of indebtedness which are obligations of or guaranteed by the United States, or in interest-bearing bonds of the state of Iowa, of any county, township, or municipal corporation of the state of Iowa. All such securities shall be deposited with the treasurer of the boards of trustees for safekeeping.

[S13, §932-1; SS15, §932-c; C24, 27, 31, 35, 39, §**6312;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.3]

410.4 Gifts, devises, or bequests.

Each board may take by gift, grant, devise, or bequest, any money or property, real or personal, or other thing of value for the benefit of said funds. All rewards in moneys, fees, gifts, or emoluments of every kind or nature that may be paid or given to any police or fire department or to any member thereof, except when allowed to be retained or given to endow a medal or other permanent or competitive reward on account of extraordinary services rendered by said departments or any member thereof, and all fines and penalties imposed upon members, shall be paid into the said pension fund and become a part thereof.

[S13, §932-d,-m; C24, 27, 31, 35, 39, §**6313;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.4]

410.5 Membership fee — assessments.

Every member of said departments shall be required to pay to the treasurer of said funds a membership fee to be fixed by the board of trustees, not exceeding five dollars, and shall also be assessed and required to pay annually an amount equal to one percent per annum upon the amount of the annual salary paid to the member, which assessment shall be deducted and retained in equal monthly installments out of such salary.

[S13, §932-d,-m; C24, 27, 31, 35, 39, §**6314;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.5]

Referred to in §410.1

410.6 Who entitled to pension — conditions.

1. Any member of said departments who shall have served twenty-two years or more in such department, and shall have reached the age of fifty years; or who shall while a member

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of such department become mentally or physically permanently disabled from discharging the member's duties, shall be entitled to be retired, and upon retirement shall be paid out of the pension fund of such department a monthly pension equal to one-half the amount of salary received by the member monthly at the date the member actually retires from said department. If any member shall have served twenty-two years in said department, but shall not have reached the age of fifty years, the member shall be entitled to retirement, but no pension shall be paid while the member lives until the member reaches the age of fifty years.

2. Upon the adoption of any increase in pension benefits effective subsequent to the date of a member's retirement, the amount payable to each member as regular pension shall be increased by an amount equal to sixty percent of any increase in the pension benefits for the rank at which the member retired.

3. Pensions payable under this chapter shall be adjusted as follows:

a. On each July 1 and January 1, the monthly pension authorized in this chapter payable to each retired member and to each beneficiary, except children, of a deceased member shall be recomputed. The applicable formulas authorized in this chapter which were used to compute the retired member's or beneficiary's pension at the time of retirement or death shall be used in the recomputation except the earnable compensation payable on each July 1 or January 1 to an active member having the same or equivalent rank or position as was held by such retired or deceased member at the time of retirement or death, shall be used in lieu of the final compensation which the retired or deceased member was receiving at the time of retirement or death. At no time shall the monthly pension or payment to the beneficiary be less than the amount which was paid at the time of such member's retirement or death.

b. All monthly pensions adjusted as provided in this section shall be payable beginning on July 1 or January 1 of the year which the adjustment is made and shall continue in effect until the next adjustment at which time the monthly pension shall again be recomputed and all monthly pensions adjusted in accordance with the computations.

c. The adjustment of pensions required by this section shall recognize the retired or deceased member's position on the salary scale within the member's rank at the time of retirement or death. In the event that the rank or position held by the retired or deceased member at the time of retirement or death is subsequently abolished, adjustments in the pensions of the member or of the member's spouse or children shall be computed by the board of trustees as though such rank or position had not been abolished and salary increases had been granted to such rank or position on the same basis as that granted to other ranks and positions in the department.

4. At no time shall the monthly pension or payment to the member be less than one hundred fifty dollars.

[S13, §932-e,-n; C24, 27, 31, 35, 39, §**6315;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.6]

86 Acts, ch 1243, §26; 90 Acts, ch 1240, §47; 2010 Acts, ch 1069, §135

Referred to in §410.10

410.7 Soldiers and sailors.

Any member of the fire or police department, who resigned or obtained leave of absence therefrom to serve in the United States air force or air force reserve, army, navy or marine reserve, or marine corps, of the United States, or as a member of the United States army and navy reserve, the Spanish-American War, in the World War 1917-1918, or in World War II from December 7, 1941, to December 31, 1946, both dates inclusive, or in the Korean Conflict at any time between June 25, 1950, and January 31, 1955, both dates inclusive, or in the Vietnam Conflict at any time between August 5, 1964, and ending on the date the armed forces of the United States are directed by formal order of the government of the United States to cease hostilities, both dates inclusive, and has returned with an honorable discharge from such service, to the fire or police department, shall have the period of such service included as part of the member's period of service in the department.

[C27, 31, 35, §6315-b1; C39, §**6315.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.7]

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410.8 Disability — how contracted.

No member who has not served five years or more in said department shall be entitled to be retired and paid a pension under the provisions of this chapter, unless such disability was contracted while engaged in the performance of the member's duties, or by reason of following such occupation. The question of disability shall be determined by the trustees upon the concurring report of at least two out of three physicians designated by the board of trustees to make a complete physical examination of the member. After any member shall become entitled to be retired, such right shall not be lost or forfeited by discharge or for any other reason except conviction for felony.

[S13, §932-e,-n; C24, 27, 31, 35, 39, §**6316;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.8]

Referred to in §410.18

410.9 Retired members assigned for light duty.

The chief of the police department and the chief of the fire department of such city may assign any member of such departments, respectively, retired by reason of mental or physical disability under the provisions of this chapter, to the performance of light duties in such department.

[S13, §932-e,-n; C24, 27, 31, 35, 39, §**6317;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.9]

410.10 Pensions — surviving spouse — children — dependents.

1. Upon the death of any acting or retired member of such departments, leaving a spouse or minor children, or dependent father or mother surviving, there shall be paid out of said fund as follows:

a. To the surviving spouse, a sum equal to one-half of the deceased member's total adjusted pension as provided for in section 410.6, but in no event less than seventy-five dollars per month.

b. If there be no surviving spouse, or upon the death of such spouse, then to the dependent father and mother, if both survive, or to either dependent parent, if one survives, thirty dollars per month.

c. To the guardian of each surviving child under eighteen years of age, twenty dollars per month.

2. Effective July 1, 1991, the remarriage of a surviving spouse does not make the spouse ineligible to receive benefits under this section, and for a surviving spouse who remarried prior to July 1, 1991, the remarriage does not make the spouse ineligible to receive benefits under this section.

3. However, the benefits provided by this section are subject to the following definitions:

a. *"Child"* and *"children"* mean only the surviving issue of a deceased active or retired member, or the child or children legally adopted by a deceased member prior to the member's retirement from active service.

b. *"Spouse"* means a surviving spouse of a marriage contracted prior to retirement of a deceased member from active service, or of a marriage of a retired member contracted prior to March 2, 1934.

c. *"Surviving spouse"* includes a former spouse only if the division of assets in the dissolution of marriage decree pursuant to section 598.17 grants the former spouse rights of a spouse under this chapter. If there is no surviving spouse of a marriage contracted prior to retirement of a deceased member, or of a marriage of a retired member contracted prior to March 2, 1934, *"surviving spouse"* includes a surviving spouse of a marriage of two years or more duration contracted subsequent to retirement of the member.

4. This section and its provisions shall be interpreted for all purposes as including all surviving spouses.

[S13, §932-e,-n; C24, 27, 31, 35, 39, §**6318;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.10; 82 Acts, ch 1142, §1 – 3]

91 Acts, ch 41, §2; 2010 Acts, ch 1069, §136

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410.11 Exemption.

All pensions paid under the provisions of this chapter shall be exempt from liability for debts of the person to or on account of whom the same is paid, and shall not be subject to seizure upon execution or other process.

[S13, §932-e,-n; C24, 27, 31, 35, 39, §**6319;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.11]

410.12 Volunteer or call fire fighters.

The provisions of this chapter shall apply to volunteer or call members of a paid fire department, but the amount of pension to be paid to such members shall be determined by the board of trustees.

[S13, §932-e; C24, 27, 31, 35, 39, §**6320;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.12]

410.13 Reexamination of retired members.

The board of trustees of each department shall have power, at any time, to cause any member of such department retired by reason of physical or mental disability to be brought before it and again examined by three competent physicians appointed by the board of trustees to discover whether such disability yet continues and can be improved and whether such retired member should be continued on the pension roll, and shall have power to examine witnesses for the same purpose. The question of continued disability or ability to perform regular or light duty in the police or fire department shall be determined by the concurring report of at least two of the three examining physicians. Such member shall be entitled to reasonable notice that such examination will be made, and to be present at the time of the taking of any testimony, shall have the right to examine the witnesses brought before the board and to introduce evidence in the member's own behalf. All witnesses shall be examined under oath, which may be administered by any member of such board.

[S13, §932-g,-p; C24, 27, 31, 35, 39, §**6321;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.13]

410.14 Decision of board.

The decision of the board upon such matters shall be final and conclusive, in the absence of fraud, and no appeal shall be allowed therefrom. The member with a disability shall remain upon the pension roll unless and until reinstated in the department by reason of such examination.

[S13, §932-g,-p; C24, 27, 31, 35, 39, §**6322;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.14]

96 Acts, ch 1129, §89

410.15 Guarantee of pension benefits.

Each city, in which contributory fire or police retirement systems based upon actuarial tables, shall be established by this Act* for the benefit of fire fighters or police officers appointed to either force after the establishment of the same, is hereby bound and obligated to carry out, and authorized to enter into a written agreement evidencing the same, with each person, on retired or active service, who has heretofore contributed, or, at the time of the taking effect of this Act, is contributing to the pension system now in effect in said city, in consideration of past and future payments to the pension fund of the system to which the police officer or fire fighter is, or has been contributing, the present and prospective benefits provided by the pension system to which the police officer or fire fighter is or has been contributing, guaranteeing that the present rate of payment by such person to said pension fund shall not be increased, also guaranteeing that the present and prospective rights and benefits provided for by said systems shall not be abridged nor lessened, and guaranteeing to all such persons so contributing all of the rights and benefits present and

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prospective provided in such pension system. The obligation of each such city for said rights and benefits shall be a direct charge on said city.

[S13, §932-h,-q; C24, 27, 31, 35, 39, §**6323;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.15]

*See 34 Acts, 1st Ex, ch 75, effective date March 2, 1934

410.16 Moneys drawn — how paid — report.

All pensions paid and all moneys drawn from the pension fund under the provisions of this chapter shall be upon warrants signed by the appropriate board of trustees, which warrants shall designate the name of the person and the purpose for which payment is made. The treasurer's annual report shall show the receipts and expenditures of each fund for the preceding fiscal year, the money on hand, and how invested.

[S13, §932-i,-r; C24, 27, 31, 35, 39, §**6324;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.16]

410.17 City marshal.

Service by any member of the police department as city marshal shall not deprive the member of any rights under this chapter. In any matter in which said city marshal shall be individually interested and which requires the action of the board of trustees of the police officers' pension fund, the city marshal shall not act as a member of said board, but the mayor of the city shall act with the other two trustees of the board with respect thereto. Upon the termination of the term as city marshal, the member shall regain the rank held in the police department at the time of the member's appointment as city marshal.

[C24, 27, 31, 35, 39, §**6325;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.17]

410.18 Hospital expense.

Cities shall provide hospital, nursing, and medical attention for the members of the police and fire departments of the cities, when injured while in the performance of their duties as members of such department, and shall continue to provide hospital, nursing, and medical attention for injuries or diseases incurred while in the performance of their duties for members being paid a pension by the city under section 410.8, and the cost of such hospital, nursing, and medical attention shall be paid out of the appropriation for the department to which the injured person belongs or belonged; provided that any amounts received by the injured person under the workers' compensation law of the state, or from any other source for such specific purposes, shall be deducted from the amount paid by the city under the provisions of this section.

[C24, 27, 31, 35, 39, §**6326;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.18]

[A portion of this section was inadvertently omitted in the 1993 Code]

HOURS OF SERVICE

410.19 Hours on duty limited.

Fire fighters employed in the fire department of cities of ten thousand population or more, or under civil service, shall not be required to remain on duty for periods of time which will aggregate in each month more than an average of fifty-six hours per week and no single period of time, or shift, shall exceed twenty-four hours in length, provided that in cases of serious emergencies such fire fighters may be required to remain on duty until such emergency has passed, when so ordered by the chief of the department or person acting in the chief's place. Fire fighters called back to duty under this provision shall be duly compensated in accordance with their regular hourly wage.

[C27, 31, 35, §6326-a1; C39, §**6326.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.19]

Referred to in §410.20

See also §411.16

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410.20 Exceptions.

The provisions of section 410.19 shall not apply to the chief, or other persons when in command of the fire department, nor to fire fighters who are employed subject to call only.

[C27, 31, 35, §6326-a2; C39, §**6326.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §410.20]

CHAPTER 411

RETIREMENT SYSTEM FOR POLICE OFFICERS AND FIRE FIGHTERS

Referred to in §8F.2, 12B.10, 12B.10A, 12B.10B, 12B.10C, 12F.2, 12H.2, 12J.2, 12K.1, 25B.2, 28E.26, 28J.7, 28J.18, 29C.8, 85.1, 97A.10, 97A.17, 97B.49B, 97D.1, 97D.2, 97D.5, 321.178, 364.16, 384.6, 400.13, 422.7(19)(c), 686D.8

Applicable to all cities creating retirement systems for police officers and fire fighters appointed after March 2, 1934
Participation of port authority peace officers, §28J.7

411.1	Definitions.	411.17	Provisions not applicable.
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411.12	City obligations.		
411.13	Exemption from execution and other process or assignment — exceptions.	411.36	Board of trustees for statewide system.
		411.37	Board responsible for transition.
411.14	Fraudulent practice — correction of errors.	411.38	Obligations of participating cities.
411.15	Hospitalization and medical attention.	411.39	Benefits for employees of the board of trustees for the statewide system.
411.16	Hours of service.	411.40	Voluntary benefit programs.

411.1 Definitions.

The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

1. *"Actuarial equivalent"* means a benefit of equal value, when computed upon the basis of mortality tables adopted by the system, and interest computed at the rate established by the actuary.

2. *"Amount earned"* shall mean the amount of money actually earned by a beneficiary in some definite period of time.

3. *"Average final compensation"* means the average earnable compensation of the member during the three years of service the member earned the member's highest salary as a police officer or fire fighter, or if the member has had less than three years of service, then the average earnable compensation of the member's entire period of service.

4. *"Beneficiary"* shall mean any person receiving a retirement allowance or other benefit as provided by this chapter.

5. *"Board of trustees"* means the board created by section 411.36 to direct the establishment and administration of the retirement system.

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6. *"Cancer"* means a group of diseases involving abnormal cell growth with the potential to invade or spread to other parts of the body.

7. *"Child"* means only surviving issue of a deceased active or retired member, or a child legally adopted by a deceased member prior to the member's retirement. *"Child"* includes only an individual who is under the age of eighteen years, an individual who is under the age of twenty-two years and is a full-time student, or an individual who is disabled at the time under the definitions used in section 202 of the Social Security Act as amended if the disability occurred to the individual during the time the individual was under the age of eighteen years and the parent of the individual was an active member of the system.

8. *"City"* or *"cities"* means any city or cities participating in the statewide fire and police retirement system as required by this chapter.

9. *"Cost-sharing"* means any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket cost obligation related to an injury or disease incurred while in the performance of duties.

10. *"Earnable compensation"* or *"compensation earnable"* shall mean the annual compensation which a member receives for services rendered as a police officer or fire fighter in the course of employment with a participating city. However, the term *"earnable compensation"* or *"compensation earnable"* shall not include amounts received for overtime compensation, meal or travel expenses, uniform allowances, fringe benefits, severance pay, or any amount received upon termination or retirement in payment for accumulated sick leave or vacation. Contributions made by a member from the member's earnable compensation to a plan of deferred compensation shall be included in earnable compensation. Other contributions made to a plan of deferred compensation shall not be included except to the extent provided in rules adopted by the board of trustees pursuant to section 411.5, subsection 3.

11. *"Fire fighter"* or *"fire fighters"* shall mean only the members of a fire department who have passed a regular mental and physical civil service examination for fire fighters and who shall have been duly appointed to such position. Such members shall include fire fighters, probationary fire fighters, lieutenants, captains, and other senior officers who have been so employed for the duty of fighting fires.

12. *"Infectious disease"* means HIV or AIDS as defined in section 141A.1, all strains of hepatitis, meningococcal meningitis, and mycobacterium tuberculosis.

13. *"Medical board"* shall mean the single medical provider network designated by the system as the medical board as provided for in section 411.5.

14. *"Member"* means a member of the retirement system as defined by section 411.3.

15. *"Member in good standing"* means any member in service who has not been terminated by the employing city of the member pursuant to section 400.18 or 400.19. Termination procedures initiated by the chief of police or chief of the fire department pursuant to section 400.19 shall not become final or adversely impact a member's status as a member in good standing until all appeals provided by an applicable collective bargaining agreement or by law have been exhausted. Disciplinary action other than discharge shall not adversely affect a member's status as a member in good standing.

16. *"Membership service"* shall mean service as a police officer or a fire fighter rendered for a city which is credited as service pursuant to section 411.4.

17. *"Ordinary disability beneficiary"* means a member retired on an ordinary disability retirement benefit pursuant to section 411.6, subsection 3, for three years or less.

18. *"Pension reserve"* means the present value of all payments to be made on account of any pension, or benefit in lieu of a pension, granted under the provisions of this chapter, upon the basis of mortality tables adopted by the system, and interest computed at the rate established by the actuary.

19. *"Pensions"* means annual payments for life derived from appropriations provided by the participating cities and the state and from contributions of the members which are deposited in the fire and police retirement fund. All pensions shall be paid in equal monthly installments.

20. *"Police officer"* or *"police officers"* shall mean only the members of a police department who have passed a regular mental and physical civil service examination for police officers,

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and who shall have been duly appointed to such positions. Such members shall include patrol officers, probationary patrol officers, matrons, sergeants, lieutenants, captains, detectives, and other senior officers who are so employed for police duty.

21. *"Retirement allowance"* shall mean the pension, or any benefits in lieu thereof, granted to a member upon retirement.

22. *"Retirement system"* or *"system"* means the statewide fire and police retirement system established by this chapter for the fire fighters and police officers of the cities described in section 411.2, its board of trustees, and its appointed representatives.

23. *"Superintendent of public safety"* shall mean any elected city official who has direct jurisdiction over the fire or police department, or the city manager in cities under the city manager form of government.

24. *"Surviving spouse"* shall mean the surviving spouse of a deceased member. Surviving spouse shall include a former spouse only if the division of assets in the dissolution of marriage decree pursuant to section 598.17 grants the former spouse rights of a spouse under this chapter.

25. *"Vested member"* means a member who has become eligible to receive monthly retirement benefits upon the member's retirement as the result of either completing at least four years of service or of attaining the age of fifty-five while performing membership service.

[C35, §6326-f1, f6(8,d); C39, §**6326.03, 6326.08(8,d);** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.1, 411.6(8); 82 Acts, ch 1261, §26, 27]

84 Acts, ch 1285, §22; 90 Acts, ch 1240, §48; 92 Acts, ch 1201, §62; 2000 Acts, ch 1077, §86 – 89, 110, 111; 2001 Acts, ch 176, §17, 18; 2002 Acts, ch 1135, §41; 2006 Acts, ch 1092, §9; 2009 Acts, ch 99, §1; 2010 Acts, ch 1167, §43; 2013 Acts, ch 20, §2, 3; 2024 Acts, ch 1138, §2 – 4; 2025 Acts, ch 146, §5

Referred to in §97A.6, 97B.50A, 256.212, 400.11, 411.6, 411.15, 724.6

411.1A Purpose of chapter.

The purpose of this chapter is to promote economy and efficiency in the municipal public safety service by doing the following:

1. Provide an orderly means for police officers and fire fighters to have a retirement system which will provide for the payment of pensions to retired members and members incurring disabilities, and to the surviving spouses and dependents of deceased members.

2. Provide a comprehensive disability program for police officers and fire fighters to include standards for entrance physical examinations, guidelines for ongoing fitness and wellness, disability pensions, and postdisability retirement compliance requirements.

93 Acts, ch 44, §15; 96 Acts, ch 1129, §90; 2000 Acts, ch 1077, §90

Referred to in §411.5

411.2 Participation in retirement system.

1. Except as provided in subsections 2 through 5, each city in which the fire fighters or police officers are appointed under the civil service law of this state, shall participate in the retirement system established by this chapter for the purpose of providing retirement allowances only for fire fighters or police officers, or both, of the cities who are so appointed after the date the city comes under the retirement system, or benefits to their dependents.

2. A city whose population was under eight thousand prior to the results of the federal census conducted in 1990 is not required to come under the retirement system established by this chapter upon attaining a population of eight thousand or more.

3. A city which did not have a paid fire department on May 3, 1990, is not required to come under the retirement system established by this chapter upon establishing a paid fire department.

4. A city which did not have a paid police department on May 3, 1990, is not required to come under the retirement system established by this chapter upon establishing a paid police department.

5. If a city's fire fighters or police officers, or both, are appointed under the civil service law of this state but the city is not operating a city fire or police retirement system, or both,

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under this chapter on May 3, 1990, the city is not required to come under the statewide fire and police retirement system established by this chapter.

[C35, §6326-f2; C39, §**6326.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.2]

90 Acts, ch 1240, §49

Referred to in §411.1

411.3 Membership — reemployment.

1. All persons who become police officers or fire fighters after the date the city is required to come under the retirement system, shall become members of the retirement system as a condition of their employment, except that a police chief or a fire chief who would not complete twenty-two years of service under this chapter by the time the chief attains fifty-five years of age shall, upon written request to the system, be exempt from this chapter, and except as otherwise provided in subsection 3. Notwithstanding section 97B.1A, a police chief or fire chief who is exempt from this chapter is exempt from chapter 97B. Members of the system established in this chapter shall not be required to make contributions under any other pension or retirement system of a city, county, or the state of Iowa, anything to the contrary notwithstanding.

2. Should any member cease to be employed as a police officer or fire fighter by a city, or should the member become a beneficiary or die, the member shall thereupon cease to be a member of the system.

3. *a.* As used in this section, unless the context otherwise requires, *"reemployed"* or *"reemployment"* means the employment of a person as a police officer or fire fighter by any participating city after the person has commenced receiving a service retirement allowance under section 411.6.

b. If a person is reemployed, the person shall not become an active member of the system upon reemployment, and the person so reemployed and the participating city shall not make contributions to the system based upon the person's compensation for reemployment. A person who is so reemployed shall not be eligible to receive a service retirement allowance for the period of reemployment. The service retirement allowance shall be reinstated upon termination of the reemployment, but the service retirement allowance shall not be recalculated based upon the person's reemployment. Notwithstanding section 97B.1A or any other provision of law to the contrary, a person reemployed as provided in this subsection shall be exempt from chapter 97B.

[C35, §6326-f3; C39, §**6326.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.3]

90 Acts, ch 1240, §50; 94 Acts, ch 1183, §66; 98 Acts, ch 1183, §82; 2000 Acts, ch 1077, §91, 110; 2006 Acts, ch 1092, §10

Referred to in §384.6, 411.1, 411.6

411.4 Service creditable.

1. Service for fewer than six months of a year is not creditable as service. Service of six months or more of a year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the system allow credit as service for any period of more than one month duration during which the member was absent without pay.

2. The system shall credit as service for a member of the system a previous period of service only under any of the following circumstances:

a. The member had withdrawn the member's accumulated contributions, as defined in section 411.21, for the previous period of service.

b. The member returned to service after an absence of service of a period of less than four years from the last day of the prior period of service.

c. The member returned to service after an absence of service of a period of four or more years from the last day of the prior period of service and the member had sufficient service as of the last day of the prior period of service to have been entitled to a retirement allowance on that date under section 411.6, subsection 1, paragraph *"b"*.

[C35, §6326-f4; C39, §**6326.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.4]

90 Acts, ch 1240, §51; 2000 Acts, ch 1077, §92, 110

Referred to in §411.1, 411.21

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411.5 Administration.

1. *Board.* The general responsibility for the establishment and proper operation of the retirement system is vested in the board of trustees created by section 411.36. The system shall be administered under the direction of the board.

2. *Compensation.* The trustees, other than the secretary, shall serve without compensation, but they shall be reimbursed from the fire and police retirement fund for all necessary expenses which they may incur through service on the board, as provided pursuant to section 411.36.

3. *Rules.* Subject to the limitations of this chapter, the board of trustees shall adopt rules for the establishment and administration of the system and the fire and police retirement fund created by this chapter, and for the transaction of its business.

4. *Organization — employees.* The board of trustees shall elect from its membership a chairperson, and shall, by majority vote of its members, appoint a secretary who may, but need not, be one of its members. The system shall engage such actuarial and other services as are required to transact the business of the retirement system. The compensation of all persons engaged by the system and all other expenses of the board of trustees necessary for the operation of the retirement system shall be paid at such rates and in such amounts as the board of trustees approves.

5. *Data.* The system shall keep in convenient form such data as is necessary for actuarial valuation of the fire and police retirement fund and for checking the experience of the retirement system.

6. *Records — reports.*

a. The board of trustees shall keep a record of all its proceedings, which record shall be open to public inspection. It shall submit an annual report to the governor, the general assembly, and the city council of each participating city concerning the financial condition of the retirement system, its current and future liabilities, and the actuarial valuation of the system. The board of trustees shall submit a certified audit report prepared by a certified public accountant to the auditor of state annually. The system shall comply with the filing fee requirement of section 11.6, subsection 10.

b. (1) The system shall maintain records, including but not limited to names, addresses, ages, and lengths of service, salaries and wages, contributions, designated beneficiaries, benefit amounts, if applicable, and other information pertaining to members as necessary in the administration of this chapter, as well as the names, addresses, and benefit amounts of beneficiaries. For the purpose of obtaining these facts, the system shall have access to the records of the participating cities and the cities shall provide such information upon request.

(2) The following records maintained under this chapter are not public records for the purposes of chapter 22:

(a) Records containing social security numbers.

(b) Records specifying amounts accumulated in members' accounts and supplemental accounts.

(c) Records containing names or addresses of members or their beneficiaries.

(d) Records containing amounts of payments to members or their beneficiaries.

(e) Records containing financial or commercial information that relates to the investment of retirement system funds if the disclosure of such information could result in a loss to the retirement system or to the provider of the information.

(3) Summary information concerning the demographics of the members and general statistical information concerning the system is subject to chapter 22, as well as aggregate information by category.

c. Notwithstanding any provision of chapter 22 to the contrary, the system's records may be released to any political subdivision, instrumentality, or agency of the state solely for use in a civil or criminal law enforcement activity pursuant to the requirements of this paragraph. To obtain the records, the political subdivision, instrumentality, or agency of the state shall, in writing, certify to the system that the activity is authorized by law, provide a written description of the information desired, and describe the law enforcement activity for which the information is sought. The system shall not be civilly or criminally liable for the release of records in accordance with the requirements of this paragraph.

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d. The system may release the legal name and city of last known address of a member or beneficiary to the treasurer of state for purposes of assisting the system in locating the member or beneficiary.

7. *Legal advisor.* The system may employ or retain an attorney to serve as the system's legal advisor and to represent the system. The costs of an attorney employed or retained by the system shall be paid from the fire and police retirement fund created in section 411.8.

8. *Medical board.* The board of trustees shall designate a single medical provider network as the medical board for the system. The medical board shall arrange for and pass upon all medical examinations required under the provisions of chapter 400 and this chapter and shall assist the system in all aspects of the comprehensive disability program described in section 411.1A. For examinations required because of disability, a physician from the medical board specializing in occupational medicine, and a second physician specializing in an appropriate field of medicine as determined by the occupational medicine physician, shall pass upon the medical examinations required for disability retirements and shall report to the system in writing their conclusions and recommendations upon all matters referred to the medical board. Each report of a medical examination under section 411.6, subsections 3 and 5, shall include the medical board's findings in accordance with section 411.6 as to the extent of the member's physical impairment.

9. *Duties of actuary.*

a. The actuary shall be the technical advisor of the system on matters regarding the operation of the fire and police retirement fund and shall perform such other duties as are required in connection with the operation of the system.

b. The actuary shall make such investigation of anticipated interest earnings and of the mortality, service, and compensation experience of the members of the system as the actuary recommends, and on the basis of the investigation the system shall adopt such tables and such rates as are required in subsection 11.

10. *Actuarial investigation — tables — rates.* At least once in each five-year period, the actuary shall make an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the retirement system, and the interest and other earnings on the moneys and other assets of the retirement system, and shall make a valuation of the assets and liabilities of the fire and police retirement fund, and on the basis of the results of the investigation and valuation, the system shall adopt for the retirement system such actuarial methods and assumptions, interest rate, and mortality and other tables as are deemed necessary to conduct the annual actuarial valuation of the system.

11. *Annual actuarial valuation.*

a. On the basis of the actuarial methods and assumptions, rate of interest and tables adopted, the actuary shall make an annual valuation of the assets and liabilities of the fire and police retirement fund created by this chapter. As a result of the annual actuarial valuation, the system shall do all of the following:

(1) Certify the rates of contribution payable by the cities in accordance with section 411.8.

(2) Certify the rates of contributions payable by the members in accordance with section 411.8.

b. Effective with the fiscal year beginning July 1, 2008, the annual actuarial valuation required to be conducted shall include information as required by section 97D.5.

12. *Requirements related to the Internal Revenue Code.*

a. As used in this subsection, unless the context otherwise requires, *"Internal Revenue Code"* means the federal Internal Revenue Code as defined in section 422.3.

b. The fund established in section 411.8 shall be held in trust for the benefit of the members of the system and the members' beneficiaries. No part of the corpus or income of the fund shall be used for, or diverted to, purposes other than for the exclusive benefit of the members or the members' beneficiaries or for expenses incurred in the operation of the fund. A person shall not have any interest in, or right to, any part of the corpus or income of the fund except as otherwise expressly provided.

c. Notwithstanding any provision of this chapter to the contrary, in the event of a complete discontinuance of contributions, for reasons other than achieving fully funded status upon an actuarially determined basis, or upon termination of the fund established in section 411.8, a

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member shall be vested, to the extent then funded, in the benefits which the member has accrued at the date of the discontinuance or termination.

d. Benefits payable from the fund established in section 411.8 to members and members' beneficiaries shall not be increased due to forfeitures from other members. Forfeitures shall be used as soon as possible to reduce future contributions by the cities to the fund, except that the rate shall not be less than the minimum rate established in section 411.8.

e. Notwithstanding any provision of this chapter to the contrary, all benefits under this chapter shall commence no later than the required beginning date specified under section 401(a)(9) of the federal Internal Revenue Code and shall comply with the required minimum distribution provisions of that section.

f. The maximum annual benefit payable to a member by the system shall be subject to the limitations set forth in section 415 of the federal Internal Revenue Code, and any regulations promulgated pursuant to that section.

g. The annual compensation of a member taken in account for any purpose under this chapter shall not exceed the applicable amount set forth in section 401(a)(17) of the federal Internal Revenue Code, and any regulations promulgated pursuant to that section.

13. *Voluntary benefit programs.* The board of trustees shall be responsible for the administration of the voluntary benefit programs established under section 411.40. The board may take any necessary action, including the adoption of rules, for purposes of administering the programs.

14. *Medical records.* A physician or surgeon, physician associate, advanced registered nurse practitioner, or mental health professional who provides records to the system in connection with the application by a member for disability retirement under this chapter shall be entitled to charge a fee for production of the records. The fee for copies of any records shall not exceed the reasonable cost of production.

15. *Closed sessions.* In addition to the reasons provided in section 21.5, subsection 1, the board may hold a closed session pursuant to the requirements of section 21.5 of that portion of a board meeting in which financial or commercial information is provided to or discussed by the board if the board determines that disclosure of such information could result in a loss to the retirement system or to the provider of the information.

16. *Benefits and financing review.* At least every two years, the board shall review the benefits and finances provided under this chapter. The board shall make recommendations to the general assembly concerning this review, which shall include recommendations concerning the long-term financing and benefits policy of the system.

[C35, §6326-f5; C39, §**6326.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.5; 82 Acts, ch 1261, §28, 29]

83 Acts, ch 101, §84; 86 Acts, ch 1203, §1, 2; 90 Acts, ch 1240, §52; 92 Acts, ch 1201, §63; 93 Acts, ch 44, §16, 17; 94 Acts, ch 1183, §67, 68; 96 Acts, ch 1187, §100; 2000 Acts, ch 1077, §93, 94, 111; 2001 Acts, ch 176, §17, 18; 2004 Acts, ch 1103, §64; 2006 Acts, ch 1092, §11, 12; 2008 Acts, ch 1171, §50; 2010 Acts, ch 1061, §160; 2010 Acts, ch 1167, §44; 2013 Acts, ch 20, §4; 2022 Acts, ch 1046, §1, 2; 2026 Acts, ch 1008, §3; 2026 Acts, ch 1039, §4, 5

Referred to in §400.8, 400.8A, 411.1, 411.6A, 411.8, 411.22, 411.30
Code editor directive applied
Subsection 6, NEW paragraph d

411.6 Benefits.

1. *Service retirement benefit.* Retirement of a member on a service retirement allowance shall be made by the system as follows:

a. Any member in service may retire upon written application to the system, setting forth at what time, not less than thirty nor more than ninety days subsequent to the execution and filing of the application, the member desires to be retired. However, the member at the time specified for retirement shall have attained the age of fifty-five and shall have served twenty-two years or more, and notwithstanding that, during the period of notification, the member may have separated from the service.

b. Any vested member in service whose employment is terminated, other than by death or disability, prior to the member being credited with twenty-two years of service shall, upon attaining retirement age for a vested member with four or more years of service or upon

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application to the system for a vested member with less than four years of service, receive a service retirement allowance as calculated in the manner provided in this paragraph *"b"*. A vested member receiving a retirement allowance pursuant to this paragraph shall receive a service retirement allowance equal to one twenty-seconds of the retirement allowance the member would receive based on twenty-two years of service, multiplied by the number of years of service credited to the member. The amount of the retirement allowance shall be calculated in the manner provided in this paragraph using the average final compensation at the time of termination of employment.

c. Once a person commences receiving a service retirement allowance pursuant to this section, if the person is reemployed, as defined in section 411.3, the service retirement allowance shall not be recalculated based upon the person's reemployment.

2. *Allowance on service retirement.*

a. The service retirement allowance for a member who terminates service, other than by death or disability, prior to July 1, 1990, shall consist of a pension which equals fifty percent of the member's average final compensation.

b. The service retirement allowance for a member who terminates service, other than by death or disability, on or after July 1, 1990, but before July 1, 1992, shall consist of a pension which equals fifty-four percent of the member's average final compensation.

c. Commencing July 1, 1992, for members who terminate service, other than by death or disability, on or after that date, but before July 1, 2000, the system shall increase the percentage multiplier of the member's average final compensation by an additional two percent each July 1 until reaching sixty percent of the member's average final compensation. The applicable percentage multiplier shall be the rate in effect on the date of the member's termination from service.

d. Upon retirement from service on or after July 1, 2000, a member shall receive a service retirement allowance which shall consist of a pension which equals sixty-six percent of the member's average final compensation.

e. Commencing July 1, 1990, if the member has completed more than twenty-two years of creditable service, the service retirement allowance shall consist of a pension which equals the amount provided in paragraph *"b"*, *"c"*, or *"d"*, plus an additional percentage as set forth below:

(1) For a member who terminates service, other than by death or disability, on or after July 1, 1990, but before July 1, 1991, and who does not withdraw the member's contributions pursuant to section 411.23, upon the member's retirement there shall be added three-tenths percent of the member's average final compensation for each year of service over twenty-two years, excluding years of service after the member's fifty-fifth birthday. However, this subparagraph does not apply to more than eight additional years of service.

(2) For a member who terminates service, other than by death or disability, on or after July 1, 1991, but before October 16, 1992, and who does not withdraw the member's contributions pursuant to section 411.23, upon the member's retirement there shall be added six-tenths percent of the member's average final compensation for each year of service over twenty-two years, excluding years of service after the member's fifty-fifth birthday. However, this subparagraph does not apply to more than eight additional years of service.

(3) For a member who terminates service, other than by death or disability, on or after October 16, 1992, but before July 1, 1998, and who does not withdraw the member's contributions pursuant to section 411.23, upon the member's retirement there shall be added six-tenths percent of the member's average final compensation for each year of service over twenty-two years. However, this subparagraph does not apply to more than eight additional years of service.

(4) For a member who terminates service, other than by death or disability, on or after July 1, 1998, but before July 1, 2000, and who does not withdraw the member's contributions pursuant to section 411.23, upon the member's retirement there shall be added one and one-half percent of the member's average final compensation for each year of service over twenty-two years. However, this subparagraph does not apply to more than eight additional years of service.

(5) For a member who terminates service, other than by death or disability, on or after July

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1, 2000, and who does not withdraw the member's contributions pursuant to section 411.23, upon the member's retirement there shall be added two percent of the member's average final compensation for each year of service over twenty-two years. However, this subparagraph does not apply to more than eight additional years of service.

3. *Ordinary disability retirement benefit.* Upon application to the system, of a member in good standing or of the chief of the police or fire departments, respectively, any member in good standing shall be retired by the system, not less than thirty and not more than ninety days next following the date of filing the application, on an ordinary disability retirement allowance, if the medical board after a medical examination of the member certifies that the member is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired. However, if a person's membership in the system first commenced on or after July 1, 1992, the member shall not be eligible for benefits with respect to a disability which would not exist, but for a medical condition that was known to exist on the date that membership commenced. A medical condition shall be deemed to have been known to exist on the date that membership commenced if the medical condition is reflected in any record or document completed or obtained in accordance with the system's medical protocols pursuant to section 400.8, or in any other record or document obtained pursuant to an application for disability benefits from the system, if such record or document existed prior to the date membership commenced. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically incapacitated for the further performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits. The member-in-good-standing requirement of this subsection may be waived for good cause as determined by the board. The burden of establishing good cause is on the member.

4. *Allowance on ordinary disability retirement.*

a. Upon retirement for ordinary disability prior to July 1, 1998, a member shall receive an ordinary disability retirement allowance which shall consist of a pension which shall equal fifty percent of the member's average final compensation unless either of the following conditions exist:

(1) If the member has not had five or more years of membership service, the member shall receive a pension equal to one-fourth of the member's average final compensation.

(2) If the member has had twenty-two or more years of membership service, the member shall receive a disability retirement allowance that is equal to the greater of the benefit that the member would receive under subsection 2 if the member were fifty-five years of age or the disability pension otherwise calculated under this subsection.

b. Upon retirement for ordinary disability on or after July 1, 1998, a member who has five or more years of membership service shall receive a disability retirement allowance in an amount equal to the greater of fifty percent of the member's average final compensation or the retirement allowance that the member would receive under subsection 2 if the member had attained fifty-five years of age. A member who has less than five years of membership service shall receive a pension equal to one-fourth of the member's average final compensation.

5. *Accidental disability benefit.*

a. Upon application to the system of a member in good standing, of an ordinary disability beneficiary, or of the chief of the police or fire departments, respectively, any member in good standing or ordinary disability beneficiary who has become totally and permanently incapacitated for duty as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty or arising out of and in the course of employment, or while acting, pursuant to order, outside of the city by which the member is regularly employed, shall be retired by the system, or may have a retirement for an ordinary disability converted to a retirement for an accidental disability, if the medical board certifies that the member or ordinary disability beneficiary is mentally or physically incapacitated for further performance of duty, that the incapacity is likely to be permanent, and that the member should be retired or should have a retirement for an ordinary disability converted to a retirement for an accidental disability. However, if a person's membership in the system first commenced on or after July 1, 1992, the member or ordinary disability beneficiary

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shall not be eligible for benefits with respect to a disability which would not exist, but for a medical condition that was known to exist on the date that membership commenced. A medical condition shall be deemed to have been known to exist on the date that membership commenced if the medical condition is reflected in any record or document completed or obtained in accordance with the system's medical protocols pursuant to section 400.8, or in any other record or document obtained pursuant to an application for disability benefits from the system, if such record or document existed prior to the date membership commenced. A member who is denied a benefit under this subsection, by reason of a finding by the medical board that the member is not mentally or physically incapacitated for the further performance of duty, shall be entitled to be restored to active service in the same position held immediately prior to the application for disability benefits.

b. If a member in service or the chief of the police or fire departments becomes incapacitated for duty as a natural or proximate result of an injury or disease incurred in or aggravated by the actual performance of duty or arising out of or in the course of the employment, or while acting, pursuant to order, outside the city by which the member is regularly employed, the member, upon being found to be temporarily incapacitated following a medical examination as directed by the city, is entitled to receive the member's full pay and allowances from the city's general fund or trust and agency fund until reexamined as directed by the city and found to be fully recovered or until the city determines that the member is likely to be permanently disabled. If the temporary incapacity of a member continues more than sixty days, or if the city expects the incapacity to continue more than sixty days, the city shall notify the system of the temporary incapacity. Upon notification by a city, the system may refer the matter to the medical board for review and consultation with the member's treating physician during the temporary incapacity. Except as provided by this paragraph, the board of trustees of the statewide system has no jurisdiction over these matters until the city determines that the disability is likely to be permanent.

c. (1) Disease under this subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

(2) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

(3) However, if a person's membership in the system first commenced on or after July 1, 1992, and the heart disease, disease of the lungs or respiratory tract, cancer, or infectious disease would not exist, but for a medical condition that was known to exist on the date that membership commenced, the presumption established in this paragraph "*c*" shall not apply.

d. To establish that a mental incapacity occurred as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty or arising out of and in the course of the employment, or while acting, pursuant to order, outside of the city by which the member is regularly employed, the member must demonstrate that the mental incapacity is traceable to a readily identifiable work event constituting a manifest happening of a sudden traumatic nature from an unexpected cause or unusual strain in the workplace. Whether an incident is traumatic, unexpected, or unusual is determined by comparing the incident, and not the effect on the member, to the experiences of other police officers or fire fighters in Iowa. A member must be able to trace the member's mental injury to a specific event or events in the workplace to be eligible for accidental disability benefits.

e. The requirement that a member be in good standing to apply for and receive a benefit under this subsection may be waived for good cause as determined by the board. The burden of establishing good cause is on the member.

6. *Retirement after accident.*

a. Upon retirement for accidental disability prior to July 1, 1990, a member shall receive an accidental disability retirement allowance which shall consist of a pension equal to sixty-six and two-thirds percent of the member's average final compensation.

b. Upon retirement for accidental disability on or after July 1, 1990, but before July 1, 1998, a member shall receive an accidental disability retirement allowance which shall consist of a pension equal to sixty percent of the member's average final compensation. However, if the member has had twenty-two or more years of membership service, the member shall receive

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a disability retirement allowance that is equal to the greater of the retirement allowance that the member would receive under subsection 2 if the member was fifty-five years of age or the disability retirement allowance calculated under this paragraph.

c. Upon retirement for accidental disability on or after July 1, 1998, a member shall receive an accidental disability retirement allowance which shall consist of a pension in an amount equal to the greater of sixty percent of the member's average final compensation or the retirement allowance that the member would receive under subsection 2 if the member had attained fifty-five years of age.

d. (1) Upon a determination on or after July 1, 2024, that an ordinary disability beneficiary is entitled to a retirement for accidental disability, the beneficiary shall receive an accidental disability retirement allowance which shall consist of a pension in an amount that is equal to the greater of sixty percent of the member's average final compensation or the retirement allowance that the member would receive under subsection 2 if the member had attained fifty-five years of age, or an amount equal to the ordinary disability retirement allowance previously received by the beneficiary, whichever is greater.

(2) An accidental disability allowance under this paragraph shall commence effective the first day of the first month following the determination that the ordinary disability beneficiary is entitled to a retirement for accidental disability.

7. *Reexamination of beneficiaries retired on account of disability.* The system may, and upon the member's application shall, require any disability beneficiary who has not yet attained age fifty-five to undergo a medical examination at a place designated by the medical board. The examination shall be made by the medical board or, in special cases, by an additional physician or physicians designated by such board. If any disability beneficiary who has not attained the age of fifty-five refuses to submit to the medical examination, the member's allowance may be discontinued until withdrawal of such refusal, and if the refusal continues for one year all rights in and to the member's pension may be revoked by the system. For a disability beneficiary who has not attained the age of fifty-five and whose entitlement to a disability retirement commenced on or after July 1, 2000, the medical board may, as part of the examination required by this subsection, suggest appropriate medical treatment or rehabilitation if, in the opinion of the medical board, the recommended treatment or rehabilitation would likely restore the disability beneficiary to duty.

a. (1) Should any beneficiary for either ordinary or accidental disability, except a beneficiary who is fifty-five years of age or over, be engaged in a gainful occupation paying more than the difference between the member's net retirement allowance and one and one-half times the earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement, then the amount of the member's retirement allowance shall be reduced to an amount such that the member's net retirement allowance plus the amount earned by the member shall equal one and one-half times the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. Should the member's earnings be later changed, the amount of the member's retirement allowance may be further modified, provided that the new retirement allowance shall not exceed the amount of the retirement allowance adjusted by annual readjustments of pensions pursuant to subsection 12 of this section nor an amount which would cause the member's net retirement allowance, when added to the amount earned by the beneficiary, to equal one and one-half times the amount of the earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which the member was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have the member's retirement allowance suspended while in active service. If the rank or position held by the retired member is subsequently abolished, adjustments to the allowable limit on the amount of income which can be earned in a gainful occupation shall be computed by the board of trustees as though such rank or position had not been abolished and salary increases had been granted to such rank or position on the same basis as increases granted to other ranks and positions in the department. For purposes of this paragraph,

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"*net retirement allowance*" means the amount determined by subtracting the amount paid during the previous calendar year by the beneficiary for health insurance or similar health care coverage for the beneficiary and the beneficiary's dependents from the amount of the member's retirement allowance paid for that year pursuant to this chapter. The beneficiary shall submit sufficient documentation to the system to permit the system to determine the member's net retirement allowance for the applicable year.

(2) A beneficiary retired under this lettered paragraph, in order to be eligible for continued receipt of retirement benefits, shall no later than May 15 of each year submit to the system a copy of the beneficiary's federal individual income tax return for the preceding year. The beneficiary shall also submit, within a reasonable period of time, any documentation requested by the system that is determined to be necessary by the system to determine the beneficiary's gross wages.

(3) Retroactive to July 1, 1976, the limitations on pay of a member engaged in a gainful occupation who is retired under accidental disability prescribed in this paragraph shall not apply to a member who retired before July 1, 1976.

b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than the disability beneficiary's average final compensation, the disability beneficiary's retirement allowance shall cease, the disability beneficiary shall again become a member and shall contribute thereafter at the rate established in section 411.8, and former service on the basis of which the disability beneficiary's service was computed at the time of retirement shall be restored to full force and effect and upon subsequent retirement the disability beneficiary shall be credited with all service as a member and also with the period of disability retirement.

c. Should a disability beneficiary under age fifty-five be employed in a public safety occupation, the disability beneficiary's retirement allowance shall cease. Notwithstanding any provision of this chapter to the contrary, if a disability beneficiary is employed in a public safety occupation that would otherwise constitute membership service, the disability beneficiary shall not become a member of the system. For purposes of this paragraph, "*public safety occupation*" means a peace officer, as defined in section 97A.1; a protection occupation, as defined in section 97B.49B; a sheriff or deputy sheriff as defined in section 97B.49C; and a police officer or fire fighter as defined in section 411.1, who was not restored to active service as provided by this subsection.

8. *Ordinary death benefit.*

a. Upon the receipt of proof of the death of a member in service, or a member not in service who has completed four or more years of service as provided in subsection 1, paragraph "*b*", there shall be paid to the person designated by the member to the system as the member's beneficiary, if the member has had one or more years of membership service and no pension is payable under subsection 9, the greater of the following:

(1) An amount equal to fifty percent of the compensation earnable by the member during the year immediately preceding the member's death if the member is in service, or an amount equal to fifty percent of the compensation earned by the member during the member's last year of service if the member is not in service.

(2) An amount the member would have been entitled to withdraw pursuant to section 411.23 if the member had terminated service on the date of the member's death.

b. (1) In lieu of the payment specified in paragraph "*a*", a beneficiary meeting the qualifications of paragraph "*c*" may elect to receive a monthly pension equal to one-twelfth of forty percent of the average final compensation of the member, but not less than twenty percent of the average monthly earnable compensation paid to an active member of the system, as reported by the actuary. For a member not in service at the time of death, the pension shall be reduced as provided in subsection 1, paragraph "*b*".

(2) For a member not in service at the time of death, the pension shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member, the pension shall be paid commencing with the member's death until the child of the member no longer meets the definition of child as provided in section 411.1. The pension shall resume when the member would have attained the age of fifty-five.

(3) For a member in service at the time of death, the pension shall be paid commencing

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with the member's death. In addition to the pension, there shall also be paid for each child of a member, a monthly pension equal to six percent of the average monthly earnable compensation paid to an active member of the system, as reported by the actuary.

(4) Notwithstanding section 411.6, subsection 8, Code 1985, effective July 1, 1990, for a member's surviving spouse who, prior to July 1, 1986, elected to receive pension benefits under this paragraph, the monthly pension benefit shall be equal to the higher of one-twelfth of forty percent of the average final compensation of the member, or the amount the surviving spouse was receiving on July 1, 1990.

c. The pension under paragraph *"b"* may be selected only by the following beneficiaries:

(1) The spouse, regardless of whether the spouse was designated by the member to the system as the member's beneficiary.

(2) If there is no spouse, or if the spouse dies and there is a child of a member, then the member's child or children, in equal shares. The pension to each child shall terminate when the child no longer meets the definition of child in section 411.1.

d. If the member failed to designate a beneficiary, or if the beneficiary designated by the member predeceases the member, the benefits provided in paragraph *"a"* of this subsection shall be paid as follows in the following order of priority:

(1) To the member's surviving spouse, unless the surviving spouse selected the pension under paragraph *"b"*.

(2) To the member's surviving children, including any adult children, in equal shares.

(3) To the member's surviving parents, in equal shares.

(4) To the member's estate.

(5) To the member's heirs if the estate is not probated.

9. *Accidental death benefit.*

a. (1) If, upon the receipt of evidence and proof from the chief of the police or fire department that the death of a member in service was the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place or arising out of and in the course of the employment, or while acting, pursuant to order, outside of the city by which the member is regularly employed, the system decides that death was so caused in the performance of duty, there shall be paid, in lieu of the ordinary death benefit provided in subsection 8, an accidental death benefit as set forth in this subsection.

(2) (a) Disease under this subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases.

(b) Disease under this subsection shall also mean cancer or infectious disease and shall be presumed to have been contracted while on active duty as a result of that duty.

b. (1) If the member's designated beneficiary is the member's spouse, child, or parent, an accidental death benefit pension equal to one-half of the average final compensation of the member shall be paid as follows:

(a) If the member's designated beneficiary is the member's spouse, then to the member's spouse.

(b) If the member's designated beneficiary is the member's child or children, then to the child or children in equal shares. The pension to each child shall terminate when the child no longer meets the definition of child in section 411.1.

(c) If the member's designated beneficiary is the member's dependent father or mother, or both, then to the father or mother, or both, in equal shares, to continue until death.

(2) If the member failed to designate a beneficiary, or if the beneficiary designated by the member predeceases the member, then an accidental death benefit pension equal to one-half of the average final compensation of the member shall be paid as follows:

(a) To the member's spouse.

(b) If there is no spouse, or if the spouse dies and there is a child of the member, then to the member's child or children in equal shares. The pension to each child shall terminate when the child no longer meets the definition of child in section 411.1.

(c) If there is no surviving spouse or child, then to the member's dependent father or mother, or both, in equal shares, to continue until death.

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c. In addition to the accidental death benefit pension provided in paragraph "*b*", there shall also be paid for each child of a member a monthly pension equal to six percent of the average monthly earnable compensation paid to an active member of the system, as reported by the actuary.

d. A person eligible to receive the pension payable under paragraph "*b*" of this subsection may elect to receive the benefit payable under subsection 8, paragraph "*a*", in lieu of the pension provided in paragraph "*b*" of this subsection.

e. If there is no person entitled to the pension payable under paragraph "*b*" of this subsection, the death shall be treated as an ordinary death case and the benefit payable under subsection 8, paragraph "*a*", in lieu of the pension provided in paragraph "*a*" of this subsection, shall be paid as provided by that subsection.

10. *Pensions offset by compensation benefits.* Any amounts which may be paid or payable by the said cities under the provisions of any workers' compensation or similar law to a member or to the dependents of a member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable under the provisions of this chapter on account of the same disability or death. In addition, any amounts payable to a member as unemployment compensation under the provisions of chapter 96 based on unemployment from membership service for a member receiving an ordinary disability benefit or an accidental disability benefit pursuant to this chapter shall be offset against and payable in lieu of any benefits payable under the provisions of this chapter for an ordinary disability or an accidental disability.

11. *Pension to spouse and children of deceased pensioned member.* In the event of the death of any member receiving a retirement allowance under the provisions of subsection 2, 4, or 6 of this section there shall be paid a pension:

a. To the spouse, equal to one-half the amount received by the deceased beneficiary, but in no instance less than twenty percent of the average monthly earnable compensation paid to an active member of the system, as determined by the actuary, and in addition a monthly pension equal to the monthly pension payable under subsection 9 of this section for each child; or

b. If the spouse dies either prior or subsequent to the death of the member, to the guardian of each surviving child, a monthly pension equal to the monthly pension payable under subsection 9 of this section for the support of the child.

12. *Annual readjustment of pensions.* Pensions payable under this section shall be adjusted as follows:

a. On each July 1, the monthly pensions authorized in this section payable to members retired prior to that date and to beneficiaries entitled to a monthly pension prior to that date shall be adjusted as provided in this subsection. An amount equal to the sum of one and one-half percent of the monthly pension of each retired member and beneficiary and the applicable incremental amount shall be added to the monthly pension of each retired member and beneficiary. The board of trustees may report to the general assembly, at the board's discretion, on whether the provisions of this subsection continue to provide an equitable method for the annual readjustment of pensions payable under this chapter.

b. For purposes of this subsection, "*applicable incremental amount*" means the following amount for members receiving a pension under subsection 2, 4 or 6, and for beneficiaries receiving a pension under subsection 11:

(1) Fifteen dollars where the member's retirement date was less than five years prior to the effective date of the increase.

(2) Twenty dollars where the member's retirement date was at least five years, but less than ten years, prior to the effective date of the increase.

(3) Twenty-five dollars where the member's retirement date was at least ten years, but less than fifteen years, prior to the effective date of the increase.

(4) Thirty dollars where the member's retirement date was at least fifteen years, but less than twenty years, prior to the effective date of the increase.

(5) Thirty-five dollars where the member's retirement date was at least twenty years prior to the effective date of the increase.

c. For beneficiaries receiving a pension under subsection 8 or 9, the applicable

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incremental amount shall be determined as set forth in paragraph *"b"*, except that the date of the member's death shall be substituted for the member's retirement date.

d. A retired member eligible for benefits under subsection 1 of this section is not eligible for the readjustment of pensions provided in this subsection unless the member served twenty-two years and attained the age of fifty-five years prior to the member's termination of employment.

e. A retired member eligible for benefits under this section and otherwise eligible for the readjustment of benefits provided in this subsection is not eligible for the readjustment unless the member was retired on or before the effective date of the readjustment.

13. *a. Remarriage of surviving spouse.* Effective July 1, 1990, for a member who died prior to July 1, 1988, if the member's surviving spouse remarried prior to July 1, 1988, the remarriage does not make the spouse ineligible under subsection 8, paragraph *"c"*, subparagraphs (1) and (2), to receive benefits under subsections 8, 9, 11, and 12.

b. Recomputation of benefit — surviving spouse. A benefit payable under this chapter to a surviving spouse and to any surviving spouse who receives a division of the surviving spouse benefit pursuant to a marriage decree or marital property order under section 411.13 shall not be recomputed upon the death of any surviving spouse.

14. *Beneficiary designation.* A member may designate, in writing on a form prescribed by the system, any person or persons to whom the system will pay a death benefit under this section in the event of the member's death. If the member is married at the time a designation is signed, a designation of a beneficiary other than the member's spouse shall not be valid unless the member's spouse consents in writing to the designation. A designation filed with the system shall be deemed revoked if, subsequent to the designation, a new designation is filed with the system, the member marries, or the member divorces the individual who was the member's named beneficiary.

15. *Line of duty death benefit.*

a. If, upon the receipt of evidence and proof from the chief of the police or fire department that the death of a member in service was the direct and proximate result of a traumatic personal injury incurred in the line of duty, the system decides that death was so caused, there shall be paid, to a person authorized to receive an accidental death benefit as provided in subsection 9, paragraph *"b"*, the amount of one hundred thousand dollars, which shall be payable in a lump sum. However, for purposes of this subsection, a child who no longer meets the definition of child in section 411.1 shall be eligible to receive a line of duty death benefit pursuant to this subsection.

b. A line of duty death benefit shall not be payable under this subsection if any of the following applies:

(1) The death resulted from stress, strain, occupational illness, or a chronic, progressive, or congenital illness, including but not limited to a disease of the heart, lungs, or respiratory system, unless a traumatic personal injury was a substantial contributing factor to the member's death.

(2) The death was caused by the intentional misconduct of the member or by the member's intent to cause the member's own death.

(3) The member was voluntarily intoxicated at the time of death.

(4) The member was performing the member's duties in a grossly negligent manner at the time of death.

(5) An individual who would otherwise be entitled to a benefit under this subsection was, through the individual's actions, a substantial contributing factor to the member's death.

(6) The death qualifies for a volunteer emergency services provider death benefit pursuant to section 100B.31.

16. *Ineligibility for disability benefits.*

a. A member otherwise eligible to receive a disability retirement benefit under this chapter shall not be eligible to receive such a benefit if the system determines that any of the following conditions for ineligibility applies:

(1) The disability would not exist but for the member's chemical dependency on a schedule I controlled substance, as defined in section 124.204, or the member's chemical dependency on a schedule II controlled substance, as defined in section 124.206, resulting

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from the inappropriate use of the schedule II controlled substance. For purposes of this subparagraph, *"chemical dependency"* means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.

(2) The disability is a mental disability proximately caused by appropriate disciplinary actions taken against the member, or by conflicts with a superior or coworker if the superior or coworker was acting legally and appropriately toward the member when the conflicts occurred.

b. A member otherwise eligible to receive a disability retirement benefit under this chapter, or who is receiving such a benefit, shall not be eligible to receive such a benefit beginning with the month following the determination by the system that the disability would not exist but for the action of the member for which the member has been convicted of a felony.

c. A member eligible to commence receiving a disability benefit on or after July 1, 2000, may be ineligible to receive a disability retirement benefit if the system determines that the member's alcoholism or drug addiction was a contributing factor material to the determination of the member's disability. Upon a determination that the member's alcoholism or drug addiction was a contributing factor in the member's disability, the system shall direct the member to undergo substance use disorder treatment that the medical board determines is appropriate to treat the member's alcoholism or drug addiction. After the end of a twenty-four-month period following the member's first month of entitlement to a disability benefit, the system shall reevaluate the member's disability. If the system determines that the member failed to comply with the treatment program prescribed by this paragraph and that the member would not be disabled but for the member's alcoholism or drug addiction, the member's entitlement to a disability benefit under this chapter shall terminate effective the first day of the first month following the month the member is notified of the system's determination.

d. A person otherwise eligible to receive an ordinary or accidental disability retirement benefit under this chapter shall not be eligible to receive such a benefit if the person is subsequently removed, discharged, demoted, or suspended pursuant to section 400.18 or 400.19, or other comparable process. Upon determination of ineligibility pursuant to this paragraph, the person's entitlement to a disability benefit under this chapter shall terminate and any disability retirement allowance received by such a person must be returned to the system together with interest earned on the disability retirement allowance calculated at a rate determined by the system. However, the determination of ineligibility as provided under this paragraph may be waived for good cause as determined by the board. The burden of establishing good cause is on the person who received the disability retirement allowance.

17. *Limitations on benefits — prisoners.*

a. An individual who is otherwise entitled to a retirement allowance under this chapter shall not receive a retirement allowance for any month during which both of the following conditions exist:

(1) The individual is confined in a jail, prison, or correctional facility pursuant to the individual's conviction of a felony.

(2) The individual has a spouse, or a child or children, as defined in section 411.1.

b. The amount of the retirement allowance not paid to the individual under paragraph *"a"* shall be paid in the following order of priority:

(1) To the individual's spouse, if any.

(2) If there is no spouse, then to the individual's child or children, as defined in section 411.1.

c. This subsection shall not be construed in a manner that impairs the rights of any individual under a marital property, spousal support, or child support order. In addition, this subsection shall not be construed to impair the statutory rights of a governmental entity,

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including but not limited to the right of a governmental entity to collect an amount for deposit in the victim compensation fund established in chapter 915.

[C35, §6326-f6; C39, §**6326.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.6; 82 Acts, ch 1261, §30 – 39, 47]

84 Acts, ch 1285, §23; 86 Acts, ch 1203, §3; 86 Acts, ch 1243, §27, 28; 88 Acts, ch 1242, §55 – 59; 90 Acts, ch 1240, §53 – 66; 91 Acts, ch 41, §3; 92 Acts, ch 1201, §64 – 68; 94 Acts, ch 1183, §69 – 72; 96 Acts, ch 1178, §3, 4; 96 Acts, ch 1187, §101 – 103, 110; 98 Acts, ch 1183, §86 – 92, 99; 2000 Acts, ch 1077, §95 – 107, 110; 2002 Acts, ch 1135, §42 – 51; 2004 Acts, ch 1103, §57, 65, 66; 2006 Acts, ch 1092, §13 – 17; 2006 Acts, ch 1103, §4; 2009 Acts, ch 71, §1, 2; 2009 Acts, ch 99, §2, 3; 2010 Acts, ch 1167, §45 – 47; 2013 Acts, ch 20, §5, 6; 2013 Acts, ch 90, §98; 2023 Acts, ch 19, §1116; 2024 Acts, ch 1138, §5 – 9; 2025 Acts, ch 30, §69

Referred to in §256.212, 411.1, 411.3, 411.4, 411.5, 411.6A, 411.6C, 411.9, 411.15, 411.21, 411.22, 509A.13C
Workers' compensation, chapter 85

411.6A Optional retirement benefits.

1. In lieu of the payment of a service retirement allowance under section 411.6, subsection 2, and the payment of a pension to the spouse of a deceased pensioned member under section 411.6, subsection 11, a member may select an option provided under this section. The board of trustees shall adopt rules under section 411.5, subsection 3, providing the optional forms of payment that may be selected by the member. The optional forms of payment may provide adjustments to the amount of the retirement allowance paid to the member, may alter the pension amount and period of payment to the member's spouse after the death of the member, and may provide for payments to a designated recipient other than the member's spouse for a designated period of time or an unlimited period of time.

2. Prior to the member's retirement and as a part of the application for a service retirement allowance, the member shall elect, in writing, either the benefits provided under section 411.6, subsections 2 and 11, or one of the optional forms adopted by the board of trustees. If the member is married at the time of application and the member elects an optional form, the member's spouse must consent in writing to the optional form selected and to the receipt of payments to a designated recipient, if applicable. Upon acceptance by a member of an initial retirement benefit paid in accordance with the election under this section, the election of the member is irrevocable.

3. The optional forms of payment determined by the board of trustees under this section, shall be the actuarial equivalent of the amount of retirement benefits payable to the member and the member's spouse pursuant to section 411.6, subsections 2 and 11. The actuarial equivalent shall be based upon the actuarial assumptions adopted for this purpose pursuant to section 411.5. Election of an optional form adopted by the board of trustees shall not affect the benefits, if any, payable to the member's child or children pursuant to section 411.6, subsection 11.

4. Optional benefits shall be adjusted annually in a manner consistent with that provided in section 411.6, subsection 12. However, if the member has selected a designated recipient other than the member's spouse, the designated recipient shall be deemed to be the member's surviving spouse for the purpose of calculating the annual adjustment in the manner provided in section 411.6, subsection 12.

90 Acts, ch 1240, §67; 92 Acts, ch 1201, §69; 93 Acts, ch 44, §18

Referred to in §411.6C

411.6B Rollovers of members' accounts.

1. As used in this section, unless the context otherwise requires, and to the extent permitted by the internal revenue service:

a. "*Direct rollover*" means a payment by the system to the eligible retirement plan specified by the member or the member's surviving spouse, or the member's alternate payee under a marital property order who is the member's spouse or former spouse.

b. (1) "*Eligible retirement plan*" means any of the following that accepts an eligible rollover distribution from a member, a member's surviving spouse, or a member's alternate payee:

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(a) An individual retirement account in accordance with section 408(a) of the federal Internal Revenue Code.

(b) An individual retirement annuity in accordance with section 408(b) of the federal Internal Revenue Code.

(2) In addition, an *"eligible retirement plan"* includes an annuity plan in accordance with section 403(a) of the federal Internal Revenue Code, or a qualified trust in accordance with section 401(a) of the federal Internal Revenue Code, that accepts an eligible rollover distribution from a member. Effective January 1, 2002, the term *"eligible retirement plan"* also includes an annuity contract described in section 403(b) of the federal Internal Revenue Code, and an eligible plan under section 457(b) of the federal Internal Revenue Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state that chooses to separately account for amounts rolled over into such eligible retirement plan from the system.

c. *"Eligible rollover distribution"* means all or any portion of a member's account, except that an eligible rollover distribution does not include any of the following:

(1) A distribution that is one of a series of substantially equal periodic payments, which occur annually or more frequently, made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or made for a specified period of ten years or more.

(2) A distribution to the extent that the distribution is required pursuant to section 401(a)(9) of the federal Internal Revenue Code.

(3) The portion of any distribution that is not includible in the gross income of the distributee, determined without regard to the exclusion for net unrealized appreciation with respect to employer securities. Provided, however, that effective January 1, 2002, such distributions may be directly rolled over to an individual retirement account described in federal Internal Revenue Code section 408(a) or 408(b), a qualified defined contribution plan described in federal Internal Revenue Code section 401(a), or a qualified annuity plan described in federal Internal Revenue Code section 403(a), if such plan agrees to separately account for the after-tax amount so rolled over.

(4) A distribution of less than two hundred dollars of taxable income.

2. Effective January 1, 1993, a member or a member's surviving spouse may elect, at the time and in the manner prescribed in rules adopted by the board of trustees, to have the system pay all or a portion of an eligible rollover distribution directly to an eligible retirement plan, specified by the member or the member's surviving spouse, in a direct rollover. If a member or a member's surviving spouse elects a partial direct rollover, the amount of funds elected for the partial direct rollover must equal or exceed five hundred dollars.

3. *a.* For distributions after December 31, 2009, a nonspouse beneficiary who is a designated beneficiary may roll over all or any portion of the beneficiary's distribution to an individual retirement account the beneficiary establishes for purposes of receiving the distribution by means of a direct rollover. In order to qualify for a rollover under this subsection, the distribution must otherwise satisfy the definition of an eligible rollover distribution. If a nonspouse beneficiary receives a distribution from the system, the distribution is not eligible for a sixty-day rollover.

b. If the member's named beneficiary is a trust, the system may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Internal Revenue Code section 401(a)(9)(E).

c. A nonspouse beneficiary may not roll over an amount which is a required minimum distribution, as determined under applicable United States treasury regulations and other federal Internal Revenue Service guidance. If the participant dies before the participant's required beginning date and the nonspouse beneficiary rolls over to an individual retirement account the maximum amount eligible for rollover, the beneficiary may elect to use either the five-year rule or the life expectancy rule, pursuant to applicable United States treasury regulations as provided in 26 C.F.R. §1.401(a)(9)-3, in determining the required minimum

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distributions from the individual retirement account that receives the nonspouse beneficiary's distribution.

94 Acts, ch 1183, §73; 2004 Acts, ch 1103, §67, 73; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1167, §48

Referred to in §411.6C, 411.23

411.6C Deferred retirement option plan.

1. For purposes of this section, unless the context otherwise requires:

a. "Applicable percentage" means that percentage, not greater than one hundred percentage points, equal to fifty-two percentage points plus two percentage points for each month for the period between the eligible member's plan eligibility month and the month the eligible member commences membership in the plan.

b. "Drop benefit" means, for a participant, an amount credited to the participant's account each applicable month equal to the member's applicable percentage multiplied by the member's participant retirement amount.

c. "Eligible member" means a member who has attained fifty-five years of age with at least twenty-two years of membership service.

d. "Participant account" means an administrative record maintained by the system reflecting the participant's accumulated drop benefit.

e. "Participant retirement amount" means the amount equal to the monthly retirement allowance the eligible member would have received under section 411.6 if the member retired on the date the eligible member commenced participation in the plan, based on earnings through the previous full quarter of earnable compensation earned by the member.

f. "Plan" means the deferred retirement option plan established by this section.

g. "Plan eligibility month" means the first full calendar month in which the participant is an eligible member.

2. *a.* An eligible member may elect to participate in the deferred retirement option plan as provided in this section. A decision by an eligible member to participate in the plan is irrevocable. Upon commencing membership in the plan, the member shall remain an active member of the system and shall have credited to a participant account on behalf of the member from the fire and police retirement fund for each month the member participates in the plan the member's drop benefit. The amounts credited shall be invested by the system in risk-free assets of a short-term nature and interest and earnings shall not be credited to the member's participant account but shall remain with the fire and police retirement fund established in section 411.8. In addition, the annual readjustment of pensions under section 411.6, subsection 12, shall not apply to a participant's drop benefit or to amounts credited to the member's participant account.

b. Upon termination of an eligible member's participation in the plan, the eligible member shall be deemed to be retired under the system as of that date for purposes of the system and shall begin receiving a retirement allowance equal to the member's participant retirement amount or such optional retirement benefits, based upon that amount, pursuant to section 411.6A. In addition, the eligible member shall receive the moneys credited to the member's participant account while participating in the plan. The eligible member shall select, upon written application to the system, whether to receive the amount in the member's participant account in the form of a lump sum distribution or as a rollover to an eligible retirement plan as defined in section 411.6B.

c. If an eligible member terminates participation in the plan prior to the date selected by the member upon commencing membership in the plan and the termination is not due to the death or disability of the member under this chapter, then the system shall assess a twenty-five percent penalty on the amount credited to the member's participant account prior to distributing the amount to the member. The penalty amount shall be transferred to and remain with the fire and police retirement fund.

3. To participate in the plan, an eligible member shall make written application to the system. The application shall include the following:

a. The month the eligible member intends to commence participation in the plan.

b. The eligible member's selection of a plan termination date. The plan termination

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date shall be either three, four, or five years after the date the eligible member commences membership in the plan. However, for the two-year period beginning April 1, 2007, an eligible member between sixty-two and sixty-four years of age may also select a plan termination date that is one or two years after the date the eligible member commences membership in the plan.

4. Participation in the plan by an eligible member does not guarantee continued employment. Contributions required from members and participating cities shall continue based on the earnable compensation of an eligible member participating in the plan. However, contributions made while an eligible member participates in the plan shall remain with the retirement fund and shall not be subject to a withdrawal of contributions under section 411.23.

5. The system's actuary, while making the annual valuation of the assets and liabilities of the fire and police retirement fund, shall determine whether establishment and operation of the plan created in this section has resulted in an increased actuarial cost to the system. If the actuary determines that the plan has resulted in an increased actuarial cost to the system, then, notwithstanding any provision of section 411.8 to the contrary, the system shall increase the members' contribution rate as necessary to cover the increased cost of the plan created in this section.

6. This section shall not be implemented until the system has received a favorable ruling from the internal revenue service regarding the plan as provided in this section. Upon receiving the favorable ruling, the board shall establish the implementation date of the plan.

2006 Acts, ch 1073, §1; 2018 Acts, ch 1026, §127

411.7 Management of fund.

1. The board of trustees is the trustee of the fire and police retirement fund created in section 411.8 and shall annually establish an investment policy to govern the investment and reinvestment of the moneys in the fund, subject to the terms, conditions, limitations, and restrictions imposed by subsection 2 and chapters 12F, 12H, 12J, and 12K. Subject to like terms, conditions, limitations, and restrictions the system has full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities and investments in which the fund has been invested, as well as of the proceeds of the investments and any moneys belonging to the fund.

2. The secretary of the board of trustees shall invest, in accordance with the investment policy established by the board of trustees, the portion of the fund established in section 411.8 which in the judgment of the board is not needed for current payment of benefits under this chapter in investments authorized in section 97B.7A for moneys in the Iowa public employees' retirement fund.

3. The secretary of the board of trustees is the custodian of the fire and police retirement fund. All payments from the fund shall be made by the secretary only upon vouchers signed by two persons designated by the board of trustees. The system may select master custodian banks to provide custody of the assets of the retirement system.

4. A member or employee of the board of trustees shall not have any direct interest in the gains or profits of any investment made by the board of trustees, other than as a member of the system. A trustee shall not receive any pay or emolument for the trustee's services except as secretary. A member or employee of the board of trustees shall not directly or indirectly for the trustee or employee or as an agent in any manner use the assets of the retirement system except to make current and necessary payments as authorized by the board of trustees, nor shall any trustee or employee of the system become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the system.

5. Except as otherwise provided in section 411.36, a member, employee, and the secretary of the board of trustees shall not be personally liable for a loss to the fire and police retirement

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fund, the loss shall be assessed against the fire and police retirement fund, and moneys are hereby appropriated from the fund in an amount sufficient to cover the losses.

[C35, §6326-f7; C39, §**6326.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.7; 82 Acts, ch 1261, §40]

86 Acts, ch 1203, §4; 90 Acts, ch 1240, §68; 91 Acts, ch 52, §1; 2001 Acts, ch 68, §17, 24; 2007 Acts, ch 39, §12; 2011 Acts, ch 82, §12; 2017 Acts, ch 29, §118; 2023 Acts, ch 58, §13

Referred to in §411.36

411.8 Method of financing.

All the assets of the retirement system created and established by this chapter shall be credited to the fire and police retirement fund, which is hereby created. As used in this section, *"fund"* means the fire and police retirement fund.

1. All moneys for the payment of all pensions and other benefits payable from contributions made by the participating cities, the state, and the members shall be accumulated in the fund. The refunds and benefits for all members and beneficiaries shall be payable from the fund. Contributions to and payments from the fund shall be as follows:

a. On account of each member there shall be paid annually into the fund by the participating cities an amount equal to a certain percentage of the earnable compensation of the member to be known as the "normal contribution". The rate percent of such contribution shall be fixed on the basis of the liabilities of the retirement system as shown by annual actuarial valuations.

b. (1) On the basis of the actuarial methods and assumptions, rate of interest, and of the mortality, interest and other tables adopted by the system, the actuary engaged by the system to make each valuation required by this chapter pursuant to the requirements of section 411.5, shall immediately after making such valuation, determine the normal contribution rate. Except as otherwise provided in this lettered paragraph, the *"normal contribution rate"* shall be the rate percent of the earnable compensation of all members equal to the rate required by the system to discharge its liabilities, stated as a percentage of the earnable compensation of all members, and reduced by the employee contribution rate provided in paragraph *"f"* of this subsection and the contribution rate representing any state appropriation made. However, the normal contribution rate shall not be less than seventeen percent.

(2) The normal contribution rate shall be determined by the actuary after each valuation.

c. The total amount payable in each year to the fund shall be not less than the rate percent known as the normal contribution rate of the total compensation earnable by all members during the year, but the aggregate payment by the participating cities must be sufficient when combined with the amount in the fund to provide the pensions and other benefits payable out of the fund during the then current year.

d. All lump-sum death benefits on account of death in active service payable from contributions of the said cities shall be paid from the fund.

e. Reserved.

f. Except as otherwise provided in paragraph *"h"*:

(1) An amount equal to three and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal year beginning July 1, 1989.

(2) An amount equal to four and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal year beginning July 1, 1990.

(3) An amount equal to five and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal year beginning July 1, 1991.

(4) An amount equal to six and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal year beginning July 1, 1992.

(5) An amount equal to seven and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal year beginning July 1, 1993.

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(6) An amount equal to eight and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal period beginning July 1, 1994, through December 31, 1994, and an amount equal to eight and thirty-five hundredths percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal period beginning January 1, 1995, through June 30, 1995.

(7) An amount equal to nine and thirty-five hundredths percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal year beginning July 1, 1995.

(8) Beginning July 1, 1996, and each fiscal year thereafter, an amount equal to the member's contribution rate times each member's compensation shall be paid to the fund from the earnable compensation of the member. For the purposes of this subparagraph, the member's contribution rate shall be nine and thirty-five hundredths percent until June 30, 2009, nine and four-tenths percent until June 30, 2024, nine and fifty-five hundredths percent until June 30, 2025, and, beginning July 1, 2025, nine and six hundred seventy-five thousandths percent. However, the system shall increase the member's contribution rate as necessary to cover any increase in cost to the system resulting from statutory changes which are enacted by any session of the general assembly meeting after January 1, 1991, if the increase cannot be absorbed within the contribution rates otherwise established pursuant to this paragraph, but subject to a maximum employee contribution rate of eleven and three-tenths percent until June 30, 2009, eleven and thirty-five hundredths percent until June 30, 2025, and, beginning July 1, 2025, eleven and four hundred seventy-five thousandths percent. The contribution rate increases specified in 1994 Iowa Acts, ch. 1183, pursuant to this chapter and chapter 97A shall be the only member contribution rate increases for these systems resulting from the statutory changes enacted in 1994 Iowa Acts, ch. 1183, and shall apply only to the fiscal periods specified in 1994 Iowa Acts, ch. 1183. After the employee contribution reaches the applicable maximum employee contribution rate, sixty percent of the additional cost of such statutory changes shall be paid by employers under paragraph "*c*" and forty percent of the additional cost shall be paid by employees under this paragraph.

g. (1) The system shall certify to the superintendent of public safety as defined in this chapter and the superintendent of public safety as defined in this chapter shall cause to be deducted from the earnable compensation of each member the contribution required under this subsection and shall forward the contributions to the system for recording and for deposit in the fund.

(2) The deductions provided for under this paragraph shall be made notwithstanding that the minimum compensation provided by law for any member is reduced. Every member is deemed to consent to the deductions made under this paragraph.

h. Notwithstanding the provisions of paragraph "*f*", the following transition percentages apply to members' contributions as specified:

(1) For members who on July 1, 1990, have attained the age of forty-nine years or more, an amount equal to nine and one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the fund for the fiscal period beginning July 1, 1990, through October 15, 1992, and commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph "*f*", subparagraphs (4) through (8), shall apply.

(2) For members who on July 1, 1990, have attained the age of forty-eight years but have not attained the age of forty-nine years, an amount equal to eight and one-tenth percent shall be paid for the fiscal year beginning July 1, 1990, and an amount equal to nine and one-tenth percent shall be paid for the fiscal period beginning July 1, 1991, through October 15, 1992, and commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph "*f*", subparagraphs (4) through (8), shall apply.

(3) For members who on July 1, 1990, have attained the age of forty-seven years but have not attained the age of forty-eight years, an amount equal to seven and one-tenth percent shall be paid for the fiscal year beginning July 1, 1990, an amount equal to eight and one-tenth percent shall be paid for the fiscal year beginning July 1, 1991, and an amount equal to nine and one-tenth percent shall be paid for the fiscal period beginning July 1, 1992, through

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October 15, 1992, and commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph *"f"*, subparagraphs (4) through (8), shall apply.

(4) For members who on July 1, 1990, have attained the age of forty-six years but have not attained the age of forty-seven years, an amount equal to six and one-tenth percent shall be paid for the fiscal year beginning July 1, 1990, an amount equal to seven and one-tenth percent shall be paid for the fiscal year beginning July 1, 1991, an amount equal to eight and one-tenth percent shall be paid for the fiscal period beginning July 1, 1992, through October 15, 1992, and commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph *"f"*, subparagraphs (4) through (8), shall apply.

(5) For members who on July 1, 1990, have attained the age of forty-five years but have not attained the age of forty-six years, an amount equal to five and one-tenth percent shall be paid for the fiscal year beginning July 1, 1990, an amount equal to six and one-tenth percent shall be paid for the fiscal year beginning July 1, 1991, and an amount equal to seven and one-tenth percent shall be paid for the fiscal period beginning July 1, 1992, through October 15, 1992. Commencing October 16, 1992, and for each subsequent fiscal period, the rates specified in paragraph *"f"*, subparagraphs (4) through (8), shall apply.

i. (1) Notwithstanding paragraph *"g"* or other provisions of this chapter, beginning January 1, 1995, for federal income tax purposes, and beginning January 1, 1999, for state income tax purposes, member contributions required under paragraph *"f"* or *"h"* which are picked up by the city shall be considered employer contributions for federal and state income tax purposes, and each city shall pick up the member contributions to be made under paragraph *"f"* or *"h"* by its employees. Each city shall pick up these contributions by reducing the salary of each of its employees covered by this chapter by the amount which each employee is required to contribute under paragraph *"f"* or *"h"* and shall pay the amount picked up in lieu of the member contributions to the board of trustees for recording and deposit in the fund.

(2) Member contributions picked up by each city under subparagraph (1) shall be treated as employer contributions for federal and state income tax purposes only and for all other purposes of this chapter shall be treated as employee contributions and deemed part of the employee's earnable compensation or salary.

2. Annually the board of trustees shall budget the amount of money necessary during the ensuing year to provide for the expense of operation of the retirement system. The operating expenses shall be financed from the income derived from the system's investments. Investment management expenses shall be charged directly to the investment income of the system.

[C35, §6326-f8; C39, §**6326.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.8; 82 Acts, ch 1261, §41]

90 Acts, ch 1240, §69 – 77; 92 Acts, ch 1201, §70; 94 Acts, ch 1183, §74 – 76; 98 Acts, ch 1174, §4, 6; 2008 Acts, ch 1171, §51; 2009 Acts, ch 41, §122; 2009 Acts, ch 99, §4; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1167, §49; 2024 Acts, ch 1138, §10; 2025 Acts, ch 146, §6

Referred to in §384.6, 411.5, 411.6, 411.6C, 411.7, 411.9, 411.11, 411.23, 411.30, 411.36, 411.38, 411.40

411.9 Military service exceptions.

1. A member who is absent while serving in the armed services of the United States or its allies and is discharged or separated from the armed services under honorable conditions shall have the period or periods of absence while serving in the armed services, not in excess of four years unless any period in excess of four years is at the request and for the convenience of the federal government, included as part of the member's period of service in the department. The member shall not continue the contributions required of the member under section 411.8 during the period of military service, if the member, within one year after the member has been discharged or separated under honorable conditions from military service, returns and resumes duties in the department, and if the member is declared physically capable of resuming duties upon examination by the medical board. A period of absence may exceed four years at the request and for the convenience of the federal government.

2. In the case of a member's death occurring on or after January 1, 2007, if the member

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dies while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the survivors of the member are entitled to any additional benefits provided by the system as if the member had resumed membership service and had died as the natural and proximate result of an injury or disease incurred in or aggravated by the actual performance of duty at some definite time and place.

3. In the case of a member's disability incurred while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member shall be treated as a member in good standing, whether or not the member returns to membership service, and shall be permitted to file an application for an ordinary disability retirement benefit as provided in section 411.6.

4. In the case of a member's death or disability occurring on or after January 1, 2007, if the member is unable to resume membership service as a result of death or disability incurred while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member shall be treated as if the member had returned to membership service and the period of military service shall be treated as membership service.

5. For years beginning after December 31, 2008, if a member who is absent while serving in the armed services of the United States is receiving a differential wage payment, as defined in section 3401(h)(2) of the Internal Revenue Code, from a participating city, all of the following shall apply:

a. The member is treated as an employee of the employer making the payment and as an active member of the system.

b. The differential wage payment is treated as earnable compensation of the member.

c. The system is not treated as failing to meet the requirements of any provision described in section 414(u)(1)(C) of the Internal Revenue Code by reason of any contribution or benefit which is based on the differential wage payment.

6. Notwithstanding any provisions of this chapter to the contrary, contributions, benefits, and service credit with respect to qualified military service shall be provided in accordance with section 414(u) of the federal Internal Revenue Code.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.9]

86 Acts, ch 1243, §29; 88 Acts, ch 1242, §60; 98 Acts, ch 1183, §93; 2010 Acts, ch 1167, §50, 51, 56, 57; 2013 Acts, ch 20, §7 – 9, 12, 13

411.10 Purchase of service credit for military service.

1. An active member of the system who has been a member of the retirement system five or more years may elect to purchase up to five years of service credit for military service, other than military service required to be recognized under Internal Revenue Code §414(u) or under the federal Uniformed Services Employment and Reemployment Rights Act, that will be recognized by the retirement system for purposes of calculating a member's benefit, pursuant to Internal Revenue Code §415(n) and the requirements of this section.

2. *a.* A member seeking to purchase service credit pursuant to this section shall file a written application with the system requesting an actuarial determination of the cost of a purchase of service credit. Upon receipt of the cost estimate for the purchase of service from the system, the member may make contributions to the system in an amount equal to the actuarial cost of the service credit purchase.

b. For purposes of this subsection, the actuarial cost of the service credit purchase is an amount determined by the system in accordance with actuarial tables, as reported to the system by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement allowance resulting from the purchase of service credit.

3. The system shall ensure that the member, in exercising an option provided in this section, does not exceed the amount of annual additions to a member's account permitted pursuant to §415 of the federal Internal Revenue Code.

4. The board of trustees shall adopt rules providing for the implementation and administration of this section.

2008 Acts, ch 1171, §52

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411.10A Purchase of service credit for prior service.

1. An active member of the system who has been a member of the retirement system five or more years and who received a refund of the member's contributions for a prior period of service under the system may elect to purchase up to five years of service credit for that prior period of service, that will be recognized by the retirement system for purposes of calculating a member's benefit, pursuant to Internal Revenue Code section 415(n) and the requirements of this section.

2. *a.* A member seeking to purchase service credit pursuant to this section shall file a written application with the system requesting an actuarial determination of the cost of a purchase of service credit. Upon receipt of the cost estimate for the purchase of service from the system, the member may make contributions to the system in an amount equal to the actuarial cost of the service credit purchase.

b. For purposes of this subsection, the actuarial cost of the service credit purchase is an amount determined by the system in accordance with actuarial tables, as reported to the system by the system's actuary, which reflects the actuarial cost necessary to fund an increased retirement allowance resulting from the purchase of service credit.

3. The system shall ensure that the member, in exercising an option provided in this section, does not exceed the amount of annual additions to a member's account permitted pursuant to section 415 of the federal Internal Revenue Code.

4. The board of trustees shall adopt rules providing for the implementation and administration of this section.

2009 Acts, ch 59, §1

411.11 Contributions by the city.

1. On or before January 1 of each year the system shall certify to the superintendent of public safety of each participating city the amounts which will become due and payable during the year next following to the fire and police retirement fund. The amounts so certified shall be included by the superintendent of public safety in the annual budget estimate. The amounts so certified shall be appropriated by the respective cities and transferred to the retirement system for the ensuing year. The cities shall annually levy a tax sufficient in amount to cover the appropriations.

2. Amounts paid by a city to a member as back pay that would have constituted earnable compensation if paid when earned shall be allocated by the system as earnable compensation to the period or periods for which paid and employer and employee contributions shall be paid to the system for the amounts. The contribution rate to be applied to such amounts shall be determined pursuant to section 411.8 based on the rates in effect for the period or periods to which the amounts are allocated. Interest on the contributions required to be paid shall be calculated pursuant to this section as if the contributions were unpaid as of the date the contributions would have been due if the back pay had been paid to the member during the period in which it was due. The requirements of this subsection apply regardless of whether the back pay is made under a covenant not to sue, compromise settlement, denial of liability, or other agreement between the member and the employer.

3. Contributions unpaid on the date on which they are due and payable as prescribed by the system shall bear interest at the greater of the interest rate assumption adopted by the board of trustees or the rate of interest on the short-term investment fund account of the system's custodial bank for the period the contributions remain unpaid. Interest due pursuant to this section may be waived by the system pursuant to rules adopted by the board. Interest collected pursuant to this section shall be paid into the retirement fund created in section 411.8.

4. If an employer fails to pay contributions or interest as required by this chapter after receiving thirty days' notice of the employer's obligation, the system may maintain a civil action to collect the unpaid contributions and interest from the employer, which action shall be heard as expeditiously as possible. If the system prevails in the civil action to recover

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unpaid contributions and interest, the court shall require the employer to pay the costs of the action.

[C35, §6326-f9; C39, §**6326.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.11; 82 Acts, ch 1261, §42]

90 Acts, ch 1240, §78; 2000 Acts, ch 1077, §108, 110

411.12 City obligations.

The creation and maintenance of moneys in the fire and police retirement fund as provided for the payment of all pensions and other benefits granted under the provisions of this chapter and all expenses in connection with the administration and operation of the retirement system are hereby made direct liability obligations of the cities participating in the retirement system.

[C35, §6326-f10; C39, §**6326.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.12]

90 Acts, ch 1240, §79

411.13 Exemption from execution and other process or assignment — exceptions.

The right of any person to a pension, annuity, or retirement allowance, to the return of contributions, the pension, annuity, or retirement allowance itself, any optional benefit or death benefit, any other right accrued or accruing to any person under this chapter, and the moneys in the fire and police retirement fund created under this chapter, are not subject to execution, garnishment, attachment, or any other process whatsoever, and are unassignable except for the purposes of enforcing child, spousal, or medical support obligations or marital property orders, or as otherwise specifically provided in this chapter. For the purposes of enforcing child, spousal, or medical support obligations, the garnishment or attachment of or the execution against compensation due a person under this chapter shall not exceed the amount specified in 15 U.S.C. §1673(b).

[C35, §6326-f11; C39, §**6326.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.13]

89 Acts, ch 228, §3; 90 Acts, ch 1240, §80; 96 Acts, ch 1187, §104

Referred to in §411.6

411.14 Fraudulent practice — correction of errors.

A person who knowingly makes a false statement or falsifies or permits to be falsified any record or records of the retirement system in an attempt to defraud the system as a result of such act, is guilty of a fraudulent practice. If any change or error in records results in a member or beneficiary receiving from the retirement system more or less than the member or beneficiary would have been entitled to receive had the records been correct, the system shall correct the error, and, as far as practicable, shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which the member or beneficiary was correctly entitled, shall be paid.

[C35, §6326-f12; C39, §**6326.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §411.14]

90 Acts, ch 1240, §81

Fraudulent practices; see §714.8

411.15 Hospitalization and medical attention.

1. *a.* Cities shall provide hospital, nursing, and physical or mental medical attention for the members of the police and fire departments of the cities, when injured while in the performance of their duties as members of such department or for injuries and diseases arising out of and in the course of the employment.

b. Cities shall continue to provide hospital, nursing, and physical or mental medical attention for injuries or diseases incurred while in the performance of their duties or arising out of and in the course of the employment for members or beneficiaries receiving a retirement allowance under section 411.6.

c. Disease under this subsection shall mean heart disease or any disease of the lungs or respiratory tract and shall be presumed to have been contracted while on active duty as a result of strain or the inhalation of noxious fumes, poison, or gases. Disease under this subsection shall also mean cancer or infectious disease, both as defined in section 411.1, and shall be presumed to have been contracted while on active duty as a result of that duty.

2. *a.* Cities may fund the cost of the hospital, nursing, and physical or mental medical

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attention required by this section through the purchase of insurance, including by processing claims concerning cancer, heart, and lung or respiratory issues described in section 411.6, subsection 5, paragraph *"c"*, through their group health insurance plan as long as the member is not responsible for any cost-sharing; by self-insuring the obligation; or through payment of moneys into a local government risk pool established for the purpose of covering the costs associated with the requirements of this section. However, the cost of the hospital, nursing, and physical or mental medical attention required by this section shall not be funded through an employee-paid health insurance policy, except as otherwise specified in this subsection. Cancers, heart disease, and lung or respiratory diseases described in section 411.6, subsection 5, paragraph *"c"*, shall not be deemed work-related for purposes of coverage through the employer's group health insurance plan.

b. A member or beneficiary shall not be required to pay the cost of the hospital, nursing, and physical or mental medical attention required by this section, including but not limited to any costs or premiums associated with any insurance policy providing coverage for the hospital, nursing, and physical or mental medical attention.

c. The cost of the hospital, nursing, and physical or mental medical attention required by this section shall be paid from moneys held in a trust and agency fund established pursuant to section 384.6, or out of the appropriation for the department to which the injured person belongs or belonged; provided that any amounts received by the injured person from any other source for such specific purposes, shall be deducted from the amount paid by the city under the provisions of this section.

3. *a.* For purposes of this subsection, *"date of the occurrence of the injury or disease"* means the date that the member or beneficiary knew or should have known that the injury or disease was work-related.

b. To be provided the cost of the hospital, nursing, and physical or mental medical attention required by this section, the city or the city's representative shall have actual knowledge of the occurrence of an injury or disease or be provided notice of the occurrence of an injury or disease on behalf of a member or beneficiary within ninety days from the date of the occurrence of the injury or disease.

c. (1) Except as provided in subparagraph (2), an action to require the city to provide the cost of hospital, nursing, and physical or mental medical attention required by this section shall not be maintained unless the action is commenced before the later of any of the following:

(a) Two years from the date of the occurrence of the injury or disease.

(b) Two years from the date the city denies a claim to provide hospital, nursing, and physical or mental medical attention required by this section.

(2) A city shall not be responsible for any claim or action for a newly discovered work-related injury arising under this chapter which is filed after three years from the last date of employment of the member.

[C66, 71, 73, 75, 77, 79, 81, §411.15]

98 Acts, ch 1183, §94; 2008 Acts, ch 1171, §53; 2024 Acts, ch 1138, §11

Referred to in §411.22

411.16 Hours of service.

Fire fighters employed in the fire department of cities of ten thousand population or more, or under civil service, shall not be required to remain on duty for periods of time which will aggregate in each month more than an average of fifty-six hours per week and no single period of time, or shift, shall exceed twenty-four hours in length, provided that in cases of serious emergencies such fire fighters may be required to remain on duty until such emergency has passed, when so ordered by the chief of the department or person acting in the chief's place. Fire fighters called back to duty under this provision shall be duly compensated in accordance with their regular hourly wage.

[C66, 71, 73, 75, 77, 79, 81, §411.16]

Referred to in §411.17

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411.17 Provisions not applicable.
The provisions of section 411.16 shall not apply to the chief, or other persons when in command of a fire department, nor to fire fighters who are employed subject to call only.
[C66, 71, 73, 75, 77, 79, 81, §411.17]

411.18 and 411.19 Reserved.

411.20 State appropriation. Repealed by 2010 Acts, ch 1167, §53.

411.21 Vested and retired members before July 1, 1979 — annuity or withdrawal of contributions.
1. Members who became vested and terminated service prior to July 1, 1979, and members receiving an annuity from accumulated contributions made prior to July 1, 1979, shall continue to receive the benefits the member was entitled to under the provisions of this chapter, as it was effective on the date of the member's retirement or vested termination.
2. For the purposes of this section:
a. "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to the member's individual account in the annuity savings fund together with regular interest thereon as provided in this subsection. Accumulated contributions do not include any amount deducted from the compensation of a member and credited to the pension accumulation fund.
b. "Annuity" means annual payments for life derived from the accumulated contributions of a member. All annuities shall be payable in monthly installments.
c. "Annuity reserve" shall mean the present value of all payments to be made on account of an annuity, or benefit in lieu of an annuity, granted under the provisions of this chapter, upon the basis of such mortality tables as shall be adopted by the respective boards of trustees, and regular interest.
d. "Annuity savings fund" means the account maintained by the respective board of trustees in which the accumulated contributions of the members were deposited prior to July 1, 1979, to provide for their annuities.
e. "Annuity reserve fund" means the account maintained by the respective boards of trustees from which shall be paid all annuities and all benefits in lieu of annuities payable as provided in this chapter as this chapter was effective on June 30, 1979.
f. "Regular interest" means interest at the rate of four percent per annum, compounded annually and credited to the member's account as of the date of the member's retirement or termination from employment.
g. "Member who became vested" and *"vested member"* mean a member who has been a member of the retirement system four or more years and is entitled to benefits under this chapter.
3. Beginning July 1, 1979, the respective boards of trustees shall maintain and invest funds in the annuity reserve fund and the annuity savings fund contributed by members prior to July 1, 1979. Members receiving an annuity as a portion of their retirement or disability benefits on June 30, 1979, shall continue to receive such annuity from the annuity reserve fund maintained by the respective board of trustees. Members receiving an annuity, if reemployed under service covered by this chapter, shall cease to receive retirement benefits.
4. The accumulated contributions of a member withdrawn by the member or paid to the member's estate or designated beneficiary in the event of the member's death shall be paid from the annuity savings fund account. Upon the retirement of a member, the member's accumulated contributions shall be transferred from the annuity savings fund to the annuity reserve fund.
5. A member of the retirement system prior to July 1, 1979, with fifteen or more years of service whose employment was terminated prior to retirement, other than by death or disability, is entitled to receipt of the member's accumulated contributions upon retirement together with other retirement benefits provided in the law on the date of the member's retirement.
6. Any member in service prior to July 1, 1979, may at the time of the member's retirement

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withdraw the member's accumulated contributions made before July 1, 1979, or receive an annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of the member's retirement.

7. *a.* Notwithstanding subsections 1, 3, 4, 5, and 6 of this section, beginning January 1, 1981, an active or vested member may request in writing and receive from the board of trustees, the member's accumulated contributions from the annuity savings fund and remain eligible to receive benefits under section 411.6. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section 411.6 if the member withdrew the member's accumulated contributions from the annuity savings fund after July 1, 1972, but prior to July 1, 1979, except as provided in section 411.4. Accumulated contributions shall be paid according to the following schedule:

(1) During the period beginning January 1, 1981, and ending December 31, 1982, any member who has completed twenty or more years of service.

(2) During the period beginning January 1, 1983, and ending December 31, 1984, any member who has completed fifteen or more years of service.

(3) During the period beginning January 1, 1985, and ending December 31, 1986, any member who has completed ten or more years of service.

(4) During the period beginning January 1, 1987, and ending December 31, 1988, any member who has completed five or more years of service.

b. The board may return accumulated contributions from the annuity savings fund to an active or vested member prior to the dates listed in the schedule established in this subsection, except that the board shall not liquidate securities at a loss for the sole purpose of returning the accumulated contributions to the members at an earlier date.

8. The actuary shall annually determine the amount required in the annuity reserve fund. If the amount required is less than the amount in the annuity reserve fund, the respective board of trustees shall transfer the excess funds from the annuity reserve fund to the pension accumulation fund. If the amount required is more than the amount in the annuity reserve fund, the respective board of trustees shall transfer the amount prescribed by the actuary to the annuity reserve fund from the pension accumulation fund.

[C35, §6326-f1, 6326-f6, 6326-f8; C39, §**6326.03, 6326.08, 6326.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §411.1(12, 13, 17, 20), 411.6, 411.8(1, 2); C79, 81, §411.21; 82 Acts, ch 1261, §45, 46]

90 Acts, ch 1240, §83; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1023, §157; 2023 Acts, ch 64, §63, 64

Referred to in §411.4, 411.37

411.22 Liability of third parties — subrogation.

1. If a member receives an injury or dies for which benefits are payable under section 411.6, subsection 3, 5, 8, or 9, or section 411.15, and if the injury or death is caused under circumstances creating a legal liability for damages against a third party other than the retirement system, the retirement system is subrogated to the rights of the member or the member's beneficiary entitled to receive a death benefit and may maintain an action for damages against the third party for lost earnings and lost earnings capacity. If the retirement system recovers damages in the action, the court shall enter judgment for distribution of the recovery as follows:

a. A sum sufficient to repay the retirement system for the amount of such benefits actually paid by the retirement system up to the time of the entering of the judgment.

b. A sum sufficient to pay the retirement system the present worth, computed at the interest rate assumption adopted by the system pursuant to section 411.5, subsection 9, of the future payments of such benefits, for which the retirement system is liable, but the sum is not a final adjudication of the future payments which the member is entitled to receive.

c. A sum sufficient to repay the retirement system for the costs and expenses of maintaining the action.

d. Any balance remaining after the repayments provided by paragraphs "*a*" through "*c*" shall be paid to the injured member, or the beneficiary under section 411.6, subsection 8 or 9, whichever is applicable.

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2. If the system, after receiving written notice of the third-party liability, declines in writing to maintain an action against the third party or fails to maintain an action within one hundred eighty days of receiving written notice of the third-party liability, the member, the member's estate, or the legal representative of the member or the member's estate, may maintain an action for damages against the third party. If such an action is commenced, the plaintiff member, estate, or representative shall serve a copy of the original notice upon the retirement system not less than ten days before the trial of the action, but a failure to serve the notice does not prejudice the rights of the retirement system, and the following rights and duties ensue:

a. The retirement system shall be indemnified out of the recovery of damages to the extent of benefit payments paid or awarded by the retirement system, with legal interest, except that the plaintiff member's or estate's attorney fees may be first allowed by the district court. For purposes of this paragraph, *"benefit payments paid or awarded"* means the sum of the following amounts:

(1) The amount of benefits actually paid by the retirement system up to the time of the entering of the judgment.

(2) The present worth, computed at the interest rate provided in section 535.3 for court judgments and decrees, of the future payments of such benefits, for which the retirement system is liable, but the sum is not a final adjudication of the future payments which the member is entitled to receive.

b. The retirement system has a lien on the damage claim against the third party and on any judgment on the damage claim for benefits for which the retirement system is liable. In order to continue and preserve the lien, the retirement system shall file a notice of the lien within thirty days after receiving a copy of the original notice in the office of the clerk of the district court in which the action is filed.

3. Before a settlement is effective between the retirement system and a third party who is liable for an injury or death, the member or beneficiary must consent in writing to the settlement; and if the settlement is between the member or the member's estate and a third party, the retirement system must consent in writing to the settlement; or on refusal to consent, in either case, the district court in the county in which either the city or the retirement system is located must consent in writing to the settlement.

4. For purposes of subrogation under this section, a payment made to an injured member, a member's estate, or the legal representative of the member or member's estate, by or on behalf of a third party or the third party's principal or agent, who is liable for, connected with, or involved in causing the injury or death of the member, shall be considered paid as damages because the injury or death was caused under circumstances creating a legal liability against the third party, whether the payment is made under a covenant not to sue, compromise settlement, denial of liability, or is otherwise made.

86 Acts, ch 1203, §5; 88 Acts, ch 1158, §71; 98 Acts, ch 1183, §95, 96; 2000 Acts, ch 1077, §109; 2000 Acts, ch 1232, §69; 2004 Acts, ch 1103, §68

411.23 Withdrawal of contributions — repayment — automatic refund.

1. Commencing July 1, 1990, if an active member, in service on or after that date, terminates service, other than by death or disability, the member may elect to withdraw the member's contributions under section 411.8, subsection 1, paragraphs *"f"* and *"h"*, together with interest thereon at a rate determined by the board of trustees. If the member is married at the time of the application for withdrawal, the application is subject to the consent of the member's spouse unless the amount to be withdrawn does not exceed the amount that may be withdrawn without consent as established by section 401(a) of the federal Internal Revenue Code. If a member withdraws contributions as provided in this section, the member shall be deemed to have waived all claims for other benefits from the system for the period of membership service for which the contributions are withdrawn.

2. A layoff for an indefinite period of time shall be deemed to be a termination of service for the purposes of this section. A member who withdraws the member's contributions as provided in this section following a layoff for an indefinite period of time and who is subsequently recalled to service may repay the contributions. The contributions repaid by

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the member for such service shall be equal to the amount of contributions withdrawn, plus interest computed based upon the investment interest rate assumption established by the board of trustees as of the time the contributions are repaid. However, the member must make the contributions within two years of the date of the member's return to service. The period of membership service for which contributions are repaid shall be treated as though the contributions were never withdrawn.

3. *a.* Commencing July 1, 2006, a member's contributions shall be refunded to the member by the system if the following conditions are met:

(1) The member was a member of the system for less than four years.

(2) The member terminated service four or more years prior to the date of the refund.

(3) The amount to be refunded does not exceed five thousand dollars, or such other amount as may be established under section 401(a) of the Internal Revenue Code.

b. In the event a refund is made in accordance with this subsection without the member's consent, the system shall pay the distribution in a direct rollover to an individual retirement plan designated by the system unless the member elects to have such distribution paid directly to an eligible retirement plan specified by the member in a direct rollover in accordance with section 411.6B or elects to receive the distribution directly. The system may, by rule, implement a de minimis exception to the automatic rollover provision of this subsection, subject to the limitations of the Internal Revenue Code and any applicable internal revenue service regulations.

90 Acts, ch 1240, §84; 93 Acts, ch 44, §19; 2006 Acts, ch 1092, §18; 2013 Acts, ch 20, §10; 2020 Acts, ch 1062, §51

Referred to in §97A.17, 411.6, 411.6C, 411.38

411.24 Payment to representative payee.

1. *Adults.* When it appears to the system that the interest of an applicant entitled to a payment would be served, certification of payment may be made, regardless of the legal competence or incompetence of the individual entitled to the payment, either for direct payment to the applicant, or for the applicant's use and benefit to a representative of an applicant. Payments under this section shall be made in accordance with rules adopted by the board.

2. *Minors.* Payments on behalf of minors shall be made in accordance with rules adopted by the board.

3. *Finality.* Any payments made under the provisions of this section shall be a complete settlement and satisfaction of any claim, right, or interest in and to such payment.

98 Acts, ch 1183, §97

411.25 through 411.29 Reserved.

411.30 Transfer of membership.

1. Upon the written approval of the applicable county board of supervisors and city council, to the Iowa public employees' retirement system, a vested member of the Iowa public employees' retirement system on June 30, 1986, who meets all of the following requirements shall become a member of a retirement system under this chapter on July 1, 1986:

a. Was a vested member of the retirement system established in this chapter on June 30, 1973.

b. Was an elected bailiff of a municipal court on June 30, 1973.

c. Became a deputy sheriff on July 1, 1973, and pursuant to 1972 Iowa Acts, ch. 1124, §43, continued coverage under a retirement system under this chapter.

d. Upon election as a county sheriff, was transferred from membership under this chapter to membership in a retirement system established in chapter 97B.

2. The Iowa public employees' retirement system shall transfer to the board of trustees of the applicable retirement system under this chapter an amount equal to the total of the accumulated contributions of the member as defined in section 97B.1A, subsection 2, together with the employer contribution for that period of service plus the interest that accrued on the

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contributions for that period equal to two percent plus the interest dividend rate applicable for each year. The board of trustees of the applicable retirement system under this chapter shall credit the member whose contributions are transferred under this section with membership service under this chapter for the period for which the member was covered under the Iowa public employees' retirement system. If the amount of the accumulated contributions as defined in section 97B.1A, subsection 2, transferred is less than the amount that would have been contributed under section 411.8, subsection 1, paragraph *"f"*, at the rates in effect for the period for which contributions were made plus the interest that would have accrued on the amount, the member shall pay the difference together with interest that would have accrued on the amount.

3. *a.* If the amount of the employer contributions transferred is less than the amount that would have been contributed by the employer under section 411.5, subsection 12, paragraph *"b"*, plus the interest that would have accrued on the contributions, the board of trustees of the applicable retirement system under this chapter shall determine the remaining contribution amount due. The board of trustees shall notify the county board of supervisors of the county in which the sheriff was elected of the remaining amount to be paid to the retirement system under this chapter.

b. The county board of supervisors shall forthwith pay to the board of trustees of the applicable retirement system the remaining amount to be paid from moneys in the county general fund.

4. From July 1, 1986, the county board of supervisors of the county in which the sheriff was elected shall deduct the contribution required of the member under section 411.8, subsection 1, paragraph *"f"*, from the member's earnable compensation and the county shall pay from the county general fund an amount equal to the normal rate of contribution multiplied by the member's earnable compensation to the applicable retirement system for the period in which the member remains sheriff or deputy sheriff of that county.

86 Acts, ch 1243, §30; 98 Acts, ch 1183, §82; 2010 Acts, ch 1061, §161; 2014 Acts, ch 1026, §143

Referred to in §411.37

411.31 Optional transfers with chapter 97A.

1. For purposes of this section, unless the context otherwise requires:

a. "Average accrued benefit" means the average of the amounts representing the present value of the accrued benefit earned by the member determined by the former system and the present value of the accrued benefit earned by the member determined by the current system.

b. "Current system" means the eligible retirement system in which a person has commenced employment covered by the system after having terminated employment covered by the former system.

c. "Eligible retirement system" means the system created under this chapter and the Iowa department of public safety peace officers' retirement, accident, and disability system established in chapter 97A.

d. "Former system" means the eligible retirement system in which a person has terminated employment covered by the system prior to commencing employment covered by the current system.

e. "Refund liability" means the amount the member may elect to withdraw from the former system under section 97A.16.

2. Commencing July 1, 1996, a vested member of an eligible retirement system who terminates employment covered by one eligible retirement system and, within one year, commences employment covered by the other eligible retirement system may elect to transfer the greater of the average accrued benefit or refund liability earned from the former system to the current system. The member shall file an application with the current system for transfer of the greater of the average accrued benefit or refund liability within ninety days of the commencement of employment with the current system.

3. Notwithstanding subsection 2, a vested member whose employment with the current system commenced prior to July 1, 1996, may elect to transfer the average accrued benefit

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earned under the former system to the current system by filing an application with the current system for transfer of the average accrued benefit on or before July 1, 1997.

4. Upon receipt of an application for transfer as provided in this section, the current system shall calculate the average accrued benefit and the refund liability and the former system shall transfer to the current system assets in an amount equal to the greater of the average accrued benefit or refund liability. Once the transfer is completed, the member's service under the former system shall be treated as membership service under the current system for purposes of this chapter and chapter 97A.

96 Acts, ch 1187, §105; 2002 Acts, ch 1135, §52, 53; 2004 Acts, ch 1103, §69 – 71

411.32 through 411.34 Reserved.

411.35 Statewide system established — city systems terminated.

1. Effective January 1, 1992, a single statewide fire and police retirement system is established to replace the individual city fire retirement systems and police retirement systems operating under this chapter prior to that date. Each city fire retirement system and police retirement system operating under this chapter prior to May 3, 1990, shall participate in the statewide system.

2. Effective January 1, 1992, each city fire retirement system and police retirement system operating under this chapter prior to that date is terminated, and all membership, benefit rights, and financial obligations under the terminating systems shall be assumed by the statewide fire and police retirement system.

90 Acts, ch 1240, §85; 91 Acts, ch 52, §4

411.36 Board of trustees for statewide system.

1. *a.* A board of trustees for the statewide fire and police retirement system is created. The board shall consist of thirteen members, including nine voting members and four nonvoting members. The voting members shall be as follows:

(1) Two fire fighters from different participating cities, one of whom is an active member of the retirement system and one of whom is a retired member. The fire fighters shall be appointed by the governing body of the Iowa professional fire fighters.

(2) Two police officers from different participating cities, one of whom is an active member of the retirement system and one of whom is a retired member. The police officers shall be appointed by the governing body of the Iowa state police association.

(3) A city treasurer, city financial officer, city clerk, or other city officer involved with the management of the financial matters of the city from four participating cities, one of whom is from a city having a population of less than thirty thousand, and three of whom are from cities having a population of thirty thousand or more. The members authorized pursuant to this paragraph shall be appointed by the governing body of the Iowa league of cities.

(4) One citizen who does not hold another public office. The citizen shall be appointed by the other members of the board.

b. The nonvoting members of the board shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

2. Except as otherwise provided for the initial appointments, the voting members shall be appointed for four-year terms, and the nonvoting members shall be appointed for terms as provided in section 4A.13. Terms of voting members begin on May 1 in the year of appointment and expire on April 30 in the year of expiration.

3. Vacancies shall be filled in the same manner as original appointments. A vacancy shall be filled for the unexpired term.

4. The board shall elect a chairperson from among its own members.

5. *a.* The voting members of the board shall be paid their actual and necessary expenses incurred in the performance of their duties and shall receive a per diem as specified in section 7E.6 for each day of service. Per diem and expenses shall be paid to voting members from the fire and police retirement fund created in section 411.8.

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b. A participating city shall allow an employee who is a member of the board to attend all meetings of the board. In their capacity as members of the board, which is an instrumentality of political subdivisions of the state, members of the board shall be deemed to be jointly serving the members of the system and the participating cities. The members of the board shall perform their duties in the best interest of the system. Board members who are employees of participating cities shall be allowed to attend board meetings without being required to use paid leave. Costs incurred by a board member which are associated with having a replacement perform the member's other duties for the participating city while serving in the capacity of a member of the board may be considered a necessary expense of the system.

c. Per diem and expenses of the legislative members shall be paid from the funds appropriated under section 2.12. However, legislative members shall not be paid pursuant to this section when the general assembly is actually in session at the seat of government.

6. A member, employee, and the secretary of the board of trustees are not personally liable for claims based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional misconduct, or for a transaction from which the person derives an improper personal benefit, even if the acts or omissions violate the standards established in section 411.7, subsection 2.

90 Acts, ch 1240, §86; 91 Acts, ch 52, §2; 93 Acts, ch 44, §20; 95 Acts, ch 3, §5; 98 Acts, ch 1183, §98; 2004 Acts, ch 1103, §72; 2009 Acts, ch 106, §11, 12, 14; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1023, §48; 2013 Acts, ch 20, §11, 12, 14

Referred to in §97B.1A, 411.1, 411.5, 411.7

411.37 Board responsible for transition.

1. The board of trustees for the statewide system is responsible for effecting the transition from the city fire and police retirement systems to the statewide fire and police retirement system. The board shall adopt a transition plan and other appropriate transition documents it deems necessary to accomplish the transition in accordance with the requirements of this chapter. The city fire and police retirement systems shall comply with orders of the board issued pursuant to the transition plan or other transition documents.

2. The board shall include in the transition plan or other transition documents, provisions to facilitate continuity under sections 411.21 and 411.30, and any appropriations to the system from the state.

3. For each of the fiscal years beginning July 1, 1990, and July 1, 1991, ten percent of the amount appropriated by the state for distribution to cities shall be made available to the board of trustees for the statewide system to cover the administrative costs of the transition. The amount distributed to each city shall be reduced accordingly. The moneys remaining unencumbered or unexpended at the end of the fiscal year beginning July 1, 1990, and the moneys remaining unencumbered or unexpended on January 1, 1992, shall be credited to the cities in the same proportion as the reduction.

90 Acts, ch 1240, §87; 91 Acts, ch 52, §3; 96 Acts, ch 1187, §106; 2010 Acts, ch 1167, §52

411.38 Obligations of participating cities.

1. Upon the establishment of the statewide system, each city participating in the statewide fire and police retirement system shall do all of the following:

a. Pay to the statewide system the normal contribution rate provided pursuant to section 411.8.

b. (1) Transfer from each terminated city fire or police retirement system to the statewide system amounts sufficient to cover the accrued liabilities of that terminated system as determined by the actuary of the statewide system. The actuary of the statewide system shall redetermine the accrued liabilities of the terminated systems as necessary to take into account additional amounts payable by the city which are attributable to errors or omissions which occurred prior to January 1, 1992, or to matters pending as of January 1, 1992. If the actuary of the statewide system determines that the assets transferred by a terminated system are insufficient to fully fund the accrued liabilities of the terminated system as determined by the actuary as of January 1, 1992, the participating city shall pay to the statewide system an

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amount equal to the unfunded liability plus interest for the period beginning January 1, 1992, and ending with the date of payment or the date of entry into an amortization agreement pursuant to this section. Interest on the unfunded liability shall be computed at a rate equal to the greater of the actuarial interest rate assumption on investments of the moneys in the fund or the actual investment earnings of the fund for the applicable calendar year. The participating city may enter into an agreement with the statewide system to make additional annual contributions sufficient to amortize the unfunded accrued liability of the terminated system. The terms of an amortization agreement shall be based upon the recommendation of the actuary of the statewide system, and the agreement shall do each of the following:

(a) Allow the city to make additional annual contributions over a period not to exceed thirty years from January 1, 1992.

(b) Provide that the city shall pay a rate of return on the amortized amount that is at least equal to the estimated rate of return on the investments of the statewide system for the years covered by the amortization agreement.

(c) Contain other terms and conditions as are approved by the board of trustees for the statewide system.

(2) In the alternative, a city may treat the city's accrued unfunded liability for the terminated system as legal indebtedness to the statewide system for the purposes of section 384.24, subsection 3, paragraph *"f"*.

c. Contribute additional amounts necessary to ensure sufficient financial support for the statewide fire and police retirement system, as determined by the board of trustees based on information provided by the actuary of the statewide system.

2. It is the intent of the general assembly that a terminated city fire or police retirement system shall not subsidize any portion of any other system's unfunded liabilities in connection with the transition to the statewide system. The actuary of the statewide system shall determine if the assets of a terminated city fire or police retirement system would exceed the amount sufficient to cover the accrued liabilities of that terminated system as of January 1, 1992, using the alternative assumptions and the proposed assumptions.

3. As used in this section, unless the context otherwise requires, *"alternative assumptions"* means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven percent and that the state would not contribute to the fund under section 411.8 and section 411.20, Code 2009, after January 1, 1992, and *"proposed assumptions"* means that the interest rate earned on investments of moneys in the fire and police retirement fund would be seven and one-half percent and the state will pay contributions as provided pursuant to section 411.8 and section 411.20, Code 2009, after January 1, 1992. These assumptions are to be used solely for the purposes of this section, and shall not impact upon decisions of the board of trustees concerning the assumption of the interest rate earned on investments, or the contributions by the state as provided for in section 411.8 and section 411.20, Code 2009.

4. If the determination by the actuary using the alternative assumptions reflects that the assets of the terminated system exceed the amount sufficient to cover the accrued liabilities as of January 1, 1992, all excess funds as determined utilizing the alternative assumptions and the interest and earnings from those excess funds shall be used only as approved by the city council of the participating city. The city council may approve use of the excess funds to reduce only the city's contribution to the statewide system, or the city council may approve use of the excess funds to reduce the city's contribution and the members' contributions to the statewide system. If the city council approves use of the excess funds to reduce both the city's and the members' contributions, the members shall not withdraw the portion of the members' contributions paid from excess funds, as would otherwise be authorized in accordance with section 411.23.

5. If the determination by the actuary using the alternative assumptions reflects that the assets of the terminated system do not exceed the amount sufficient to cover the accrued liabilities as of January 1, 1992, but a determination by the actuary using the proposed assumptions reflects that the assets of the terminated system do exceed the amount sufficient to cover the accrued liabilities as of January 1, 1992, all excess funds as determined utilizing the proposed assumptions and the interest and earnings from those excess funds shall be

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used only to reduce the city's contribution rate to the statewide system. The participating city shall determine what portion of the excess funds shall be applied to reduce the city's contribution rate for a given year.

90 Acts, ch 1240, §88; 92 Acts, ch 1197, §1, 2, 4; 92 Acts, ch 1201, §71; 96 Acts, ch 1187, §107; 2010 Acts, ch 1069, §137; 2011 Acts, ch 34, §93

411.39 Benefits for employees of the board of trustees for the statewide system.

1. As used in this section, unless the context otherwise requires:

a. "Benefit programs" mean the state life insurance program, the state health or medical insurance program, and the state employees disability program administered by the department of administrative services.

b. "Employees" mean the secretary and other employees of the board of trustees for the statewide fire and police retirement system.

2. Employees are eligible to participate in the benefit programs for state employees. Participation in the benefit programs is optional, and an employee may participate by filing an election, in writing, with the board of trustees for the statewide system. The board of trustees shall file these elections with the department of administrative services.

3. The board of trustees shall determine what, if any, amount of the costs or premiums of the benefit programs shall be paid by the participating employees, and shall deduct the amount from the wages of the participating employees. The board of trustees shall pay the remaining costs or premiums of the benefit programs from the fire and police retirement fund, including any portion to be attributed to an employer, and shall forward all amounts paid by participating employees and the board to the department of administrative services.

4. Participating employees shall be exempted from preexisting medical condition waiting periods. Participating employees may change programs or coverage under the state health or medical service group insurance plan subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20. A participating employee or the participating employee's surviving spouse shall have the same rights upon final termination of employment or death as are afforded full-time state employees and the employees' surviving spouses excluded from collective bargaining as provided in chapter 20.

92 Acts, ch 1197, §3; 2003 Acts, ch 145, §286

411.40 Voluntary benefit programs.

The board of trustees may establish voluntary benefit programs for members subject to the following conditions:

1. The voluntary benefit programs may provide benefits including, but not limited to, retiree health benefits, long-term care, and life insurance.

2. Participation in the voluntary benefit programs by members shall be voluntary.

3. Contributions to the voluntary benefit programs shall be paid entirely by each participating member by means of payroll deduction. Cities employing members participating in voluntary benefit programs shall forward the amounts deducted to the board of trustees for deposit in the voluntary benefit fund.

4. The voluntary benefit programs and the voluntary benefit fund shall be administered under the direction of the board of trustees for the exclusive benefit of members paying contributions as provided in subsection 3.

5. The assets of the voluntary benefit programs shall be credited to the voluntary benefit fund, which is hereby created. The voluntary benefit fund shall include contributions deposited in accordance with subsection 3, and any interest and earnings on the contributions. The board of trustees shall annually establish an investment policy to govern the investment and reinvestment of the assets in the voluntary benefit fund. The voluntary benefit fund created under this section and the fire and police retirement fund created under section 411.8 shall not be used to subsidize any portion of the liabilities of the other fund.

6. The board of trustees shall include in its annual budget the amount of money necessary during the following year to provide for the expense of operation of the voluntary benefit

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programs. The operating expenses shall be paid from the voluntary benefit fund under the direction of the board of trustees.

96 Acts, ch 1187, §108
Referred to in §411.5

CHAPTER 412

MUNICIPAL UTILITY RETIREMENT SYSTEM

Referred to in §12B.10, 12B.10B, 12B.10C, 97B.1A, 97B.42A, 97B.42C

412.1 Authority to establish system.
412.2 Source of funds.
412.3 Rules.
412.4 Payments and investments.
412.5 Public utility defined.

412.1 Authority to establish system.

The council, board of waterworks trustees, or other board or commission, whichever is authorized by law to manage and operate any municipally owned waterworks system, or other municipally owned and operated public utility, may establish a pension and annuity retirement system for the employees of any such waterworks system, or other municipally owned and operated public utility.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §412.1]

412.2 Source of funds.

The fund for such pension and annuity retirement system shall be created from any or all of the following sources:

1. From the proceeds of the assessments on the wages and salaries of employees, of any such waterworks system, or other municipally owned and operated public utility, eligible to receive the benefits thereof.
2. From the interest on any permanent fund which may be created by gift, bequest, or otherwise.
3. From moneys derived from the operation of such waterworks, or other municipally owned and operated public utility, available and appropriated therefor by the council, board of waterworks trustees, or other board or commission, whichever is authorized by law to manage and operate such waterworks or other municipally owned and operated public utility. Such money so expended shall constitute an operating expense of such utility.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §412.2]
2009 Acts, ch 179, §129; 2017 Acts, ch 2, §23, 26, 27
Referred to in §412.3, 412.4

412.3 Rules.

The council, board of waterworks trustees, or other board or commission, whichever is authorized by law to manage and operate such waterworks, or other municipally owned and operated public utility, may formulate and establish such pension and annuity retirement system, and may make and establish such rules for the operation thereof as may be deemed necessary or appropriate, subject to the provision of section 412.2, subsection 1.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §412.3]
2009 Acts, ch 179, §130

412.4 Payments and investments.

The council, board of waterworks trustees, or other board or commission, whichever is authorized by law to manage and operate any such waterworks, or other municipally owned and operated public utility, shall have the right and power to contract with any legal reserve insurance company authorized to conduct its business in the state, or any bank located in Iowa having trust powers for the investment of funds contributed to an annuity or pension system, for the payment of the pensions or annuities provided in such pension or annuity

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retirement system, and may pay the premiums or make the contribution of such contract out of the fund provided in section 412.2. Funds shall be invested in accordance with the investment policy for the retirement fund, as established by the governing body of the public utility. In establishing the investment policy, the council, board, or commission shall be governed by the standards set forth in section 97B.7A.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §412.4]

96 Acts, ch 1008, §1; 99 Acts, ch 125, §104, 109; 2001 Acts, ch 102, §4; 2005 Acts, ch 38, §55; 2018 Acts, ch 1100, §4

412.5 Public utility defined.

Public utility as that term is used in this chapter shall be limited to any waterworks, sewage works, gas, or electric plants and systems managed, operated, and owned by a municipality.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §412.5]

Referred to in §97B.1A

CHAPTER 413

RESERVED

CHAPTER 414

CITY ZONING

Referred to in §15.459, 18B.2, 306B.2, 329.7, 354.1, 476A.5

414.1 Building restrictions — powers granted — rental properties — consumer fireworks.
414.2 Districts.
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414.1 Building restrictions — powers granted — rental properties — consumer fireworks.

1. *a.* For the purpose of promoting the health, safety, morals, or the general welfare of the community or for the purpose of preserving historically significant areas of the community, any city is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of

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yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

b. A city shall not, after January 1, 2018, adopt or enforce any regulation or restriction related to the occupancy of residential rental property that is based upon the existence of familial or nonfamilial relationships between the occupants of such rental property.

c. (1) Except as provided in subparagraph (2), when there is a replacement of a preexisting manufactured, modular, or mobile home with any other manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the city shall not adopt or enforce any ordinance, regulation, or restriction, or impose any conditions on the replacement home, home site upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home, home site upon which the home sat, or the owner's property.

(2) Subparagraph (1) does not apply if any of the following conditions exist:

(a) The replacement of the preexisting home with the replacement home would substantially increase the risk to the safety of life or property.

(b) The property owner has discontinued and abandoned the nonconforming use for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year. For purposes of this subparagraph division, circumstances outside the control of the property owner include floods, fires, destructive thunderstorm events such as derechos and tornadoes, and similar catastrophic events causing widespread or localized severe property damage. For purposes of this subparagraph division, a property owner shall not be considered to have discontinued and abandoned the nonconforming use if the property owner demonstrates that the applicable home site continues to be available for use as a home site for a replacement home.

(c) The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.

(d) The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

d. A city shall not adopt or enforce any regulation, restriction, or other ordinance related to residential property rental permit caps on single-family homes or duplexes.

e. (1) For purposes of this paragraph, *"short-term rental property"* means any individually or collectively owned single-family house or dwelling unit; any unit or group of units in a condominium, cooperative, or timeshare; or an owner-occupied residential home that is offered for a fee for thirty days or less. *"Short-term rental property"* does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use.

(2) A city shall not adopt or enforce any regulation, restriction, or other ordinance, including a conditional use permit requirement, relating to short-term rental properties within the city. A short-term rental property shall be classified as a residential land use for zoning purposes.

(3) Notwithstanding subparagraph (2), a city may enact or enforce an ordinance that regulates, prohibits, or otherwise limits short-term rental properties for the following primary purposes if enforcement is performed in the same manner as enforcement applicable to similar properties that are not short-term rental properties:

(a) Protection of public health and safety related to fire and building safety, sanitation, or traffic control.

(b) Residential use and zoning purposes related to noise, property maintenance, or nuisance issues.

(c) Limitation or prohibition of use of property to house sex offenders; to manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or to operate an

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adult-oriented entertainment establishment as described in section 239B.5, subsection 4, paragraph *"a"*.

(d) To provide the city with an emergency contact for a short-term rental property.

(4) A city shall not require a license or permit fee for a short-term rental property in the city.

f. A city shall not adopt or enforce any regulation or restriction under this chapter to regulate, restrict, or prohibit the location of permanent buildings or temporary structures used for the sale of consumer fireworks pursuant to section 10A.519, in any location zoned for commercial or industrial purposes.

g. For purposes of this paragraph, *"energy benchmarking"* means requiring a decrease in the average energy use of a property or requiring the average energy use of a property to be less than the average energy use of a similarly situated property. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment to require energy benchmarking requirements for a private property.

h. (1) A city shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or building code that prohibits or limits, either directly or indirectly, the use of a specific style of exterior cladding or finish materials for residential buildings in a manner that is more restrictive than the state building code as adopted pursuant to section 103A.7. This subsection does not prohibit a city from regulating the use of a specific style of exterior cladding or finish materials for a residential building that meets any of the following conditions:

(a) The building is located in an area designated and declared as a state or local historic district under applicable law.

(b) The building is designated as a local, state, or national historic landmark.

(c) The building is in a common interest community as defined in chapter 499C.

(d) The building is located on a property that is governed by a policy of regulation of an overlay or special purpose zoning district that is adopted pursuant to applicable law.

(2) For purposes of this paragraph, *"residential building"* means any single or multifamily residential dwelling and includes single-family and two-family dwellings and townhouses, condominiums and apartments with a maximum of twelve units per building, and all secondary structures to such a single or multifamily residential dwelling.

2. The city of Des Moines may, for the purpose of preserving the dominance of the dome of the state capitol building and the view of the state capitol building from prominent public viewing points, regulate and restrict the height and size of buildings and other structures in the city of Des Moines. Any regulations pertaining to such matters shall be made in accordance with a comprehensive plan and in consultation with the capitol planning commission.

[C24, 27, 31, 35, 39, §**6452;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.1]

99 Acts, ch 204, §36; 2017 Acts, ch 94, §1; 2019 Acts, ch 43, §2; 2019 Acts, ch 68, §1, 2; 2020 Acts, ch 1118, §148; 2022 Acts, ch 1019, §2, 4; 2022 Acts, ch 1070, §18; 2023 Acts, ch 66, §95; 2023 Acts, ch 147, §3; 2024 Acts, ch 1174, §2

Referred to in §364.3

Similar provision on consumer fireworks, see §335.2A

414.2 Districts.

For any or all of the purposes of this chapter, the local legislative body, referred to as the council, may divide the city into districts, including historical preservation districts but only as provided in section 15.459, of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts the council may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

[C24, 27, 31, 35, 39, §**6453;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.2]

2021 Acts, ch 80, §244

Referred to in §414.4

Certification of zoning district ordinance, §380.11

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414.3 Regulations and comprehensive plan — considerations and objectives — notice, adoption, distribution.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy do not void any zoning regulation existing on July 1, 1981, or require zoning in a city that did not have zoning prior to July 1, 1981.

2. The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under section 18B.1 and may include the information specified in section 18B.2, subsection 2.

4. *a.* A comprehensive plan recommended for adoption by the zoning commission established under section 414.6, may be adopted by the council. The council may amend the proposed comprehensive plan prior to adoption. The council shall publish notice of the meeting at which the comprehensive plan will be considered for adoption. The notice shall be published as provided in section 362.3.

b. Following its adoption, copies of the comprehensive plan shall be sent or made available to the county in which the city is located, neighboring counties and cities, the council of governments or regional planning commission where the city is located, and public libraries within the city.

c. Following its adoption, a comprehensive plan may be amended by the council at any time.

[C24, 27, 31, 35, 39, §**6454;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.3; 81 Acts, ch 125, §2; 82 Acts, ch 1245, §18]

2010 Acts, ch 1184, §23

Referred to in §414.6

414.4 Zoning regulations, district boundaries, amendments.

1. The council of the city shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced, and from time to time amended, supplemented, changed, modified, or repealed. However, the regulation, restriction, or boundary shall not become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in section 362.3.

2. Notwithstanding section 414.2, as part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a council may impose conditions on a property owner that are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change.

[C24, 27, 31, 35, 39, §**6455;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.4]

84 Acts, ch 1018, §1; 2025 Acts, ch 130, §12; 2026 Acts, ch 1158, §1

Referred to in §329.9, 414.24

Section amended

414.5 Changes — protest. Repealed by 2026 Acts, ch 1158, §4.

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414.6 Zoning commission — powers and duties.

1. In order to avail itself of the powers conferred by this chapter, the council shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein. Where a city plan commission already exists, it may be appointed as the zoning commission. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the council amendments, supplements, changes, or modifications.

2. The zoning commission may recommend to the council for adoption a comprehensive plan pursuant to section 414.3, or amendments thereto.

[C24, 27, 31, 35, 39, §**6457;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.6]
2010 Acts, ch 1184, §24
Referred to in §329.9, 414.3, 657.9

414.7 Board of adjustment — review by council.

1. The council shall provide for the appointment of a board of adjustment. In the regulations and restrictions adopted pursuant to the authority of this chapter, the council shall provide that the board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with the general purpose and intent of the ordinances and in accordance with general or specific rules contained in the ordinances and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may directly petition the board of adjustment to modify regulations and restrictions as applied to such property owners.

2. The council may provide for review of variances granted by the board of adjustment by the council before the effective date of the variances. Any individual affected by the variance may appeal the decision of the board of adjustment to the city council within sixty days and the effective date of the variance shall be stayed until after the council has reviewed the appeal. The council may remand a decision to grant a variance to the board of adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand. The city council may also overturn the decision of the board of adjustment by a vote of at least two-thirds of all members of the council, regardless of whether an appeal has been brought.

[C24, 27, 31, 35, 39, §**6458;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.7]
86 Acts, ch 1098, §1; 2019 Acts, ch 59, §118; 2021 Acts, ch 80, §245; 2026 Acts, ch 1158, §2
Referred to in §329.12
Subsection 2 amended

414.8 Membership.

The board of adjustment shall consist of five, seven, or nine members as determined by the council. Members of a five-member board shall be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members of a seven-member board shall be appointed for a term of five years, except when the board shall first be created two members shall be appointed for a term of five years, two members for a term of four years, one for a term of three years, one for a term of two years, and one for a one-year term. Members of a nine-member board shall be appointed for a term of five years, except when the board shall first be created three members shall be appointed for a term of five years, two members for a term of four years, two for a term of three years, one for a term of two years, and one for a one-year term. A five-member board shall not carry out its business without having three members present, a seven-member board shall not carry out its business without having four members present, and a nine-member board shall not carry out its business without having five members present. A majority of the members of the board of adjustment shall be persons

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representing the public at large and shall not be involved in the business of purchasing or selling real estate. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

[C24, 27, 31, 35, 39, §**6459;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.8]
2005 Acts, ch 66, §1
Terms for additional members, see §414.25

414.9 Rules — meetings — general procedure.

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this chapter. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

[C24, 27, 31, 35, 39, §**6460;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.9]
Referred to in §329.12

414.10 Appeals.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

[C24, 27, 31, 35, 39, §**6461;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.10]
Referred to in §8C.7A, 329.12

414.11 Effect of appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with the officer that by reason of facts stated in the certificate a stay would in the officer's opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

[C24, 27, 31, 35, 39, §**6462;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.11]
Referred to in §329.12

414.12 Powers.

The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement

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of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

[C24, 27, 31, 35, 39, §**6463;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.12]
2025 Acts, ch 33, §2
Referred to in §329.12, 414.13

414.13 Decision on appeal.

In exercising the powers enumerated in section 414.12, the board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

[C24, 27, 31, 35, 39, §**6464;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.13]
2020 Acts, ch 1063, §214
Referred to in §329.12

414.14 Vote required.

The concurring vote of three members of the board in the case of a five-member board, four members in the case of a seven-member board, and five members in the case of a nine-member board, shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

[C24, 27, 31, 35, 39, §**6465;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.14]
2005 Acts, ch 66, §2; 2006 Acts, ch 1010, §98
Referred to in §329.12

414.15 Petition for certiorari.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment under the provisions of this chapter, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

[C24, 27, 31, 35, 39, §**6466;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.15]
Referred to in §329.12, 414.19

414.16 Writ — restraining order.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

[C24, 27, 31, 35, 39, §**6467;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.16]
Referred to in §329.12, 414.19

414.17 Return.

The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof

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as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

[C24, 27, 31, 35, 39, §**6468;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.17]
Referred to in §329.12, 414.19

414.18 Trial — judgment — costs.

1. If upon the hearing, which shall be tried de novo, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take such evidence as it may direct. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

2. Costs shall not be allowed against the board, unless it shall appear to the court that the board acted with gross negligence or in bad faith or with malice in making the decision appealed from.

[C24, 27, 31, 35, 39, §**6469;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.18]
2019 Acts, ch 59, §119
Referred to in §329.12, 414.19

414.19 Preference in trial.

All issues in any proceedings under sections 414.15 through 414.18 shall have preference over all other civil actions and proceedings.

[C24, 27, 31, 35, 39, §**6470;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.19]
2009 Acts, ch 133, §133

414.20 Actions to correct violations.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this chapter or of any ordinance or other regulation made under authority conferred thereby, the council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

[C24, 27, 31, 35, 39, §**6471;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.20]

414.21 Conflicting rules, ordinances, and statutes.

If the regulations made under this chapter require a greater width or size of yards, courts or other open spaces, or a lower height of building or less number of stories, or a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under this chapter govern. If any other statute or local ordinance or regulation requires a greater width or size of yards, courts or other open spaces, or a lower height of building or a less number of stories, or a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under this chapter, the other statute or local ordinance or regulation governs. If a regulation proposed or made under this chapter relates to any structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of any river or stream, prior approval of the department of natural resources is required to establish, amend, supplement, change, or modify the regulation or to grant any variation or exception from the regulation.

[C24, 27, 31, 35, 39, §**6472;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.21; 82 Acts, ch 1199, §68, 96]

2019 Acts, ch 24, §104

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414.22 Zoning for family homes.

1. It is the intent of this section to assist in improving the quality of life of persons with a developmental disability or brain injury by integrating them into the mainstream of society by making available to them community residential opportunities in the residential areas of this state. In order to implement this intent, this section shall be liberally construed.

2. For purposes of this section:

a. *"Brain injury"* means brain injury as defined in section 135.22.

b. *"Developmental disability"* means a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:

(1) Attributable to an intellectual disability, cerebral palsy, epilepsy, or autism.

(2) Attributable to any other condition found to be closely related to an intellectual disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with an intellectual disability or requires treatment and services similar to those required for the persons.

(3) Attributable to dyslexia resulting from a disability described in either subparagraph (1) or (2).

(4) Attributable to a mental or nervous disorder.

c. *"Family home"* means a community-based residential home which is licensed as a residential care facility under chapter 135C or as a child foster care facility under chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean a foster family home under chapter 237.

d. *"Permitted use"* means a use by right which is authorized in all residential zoning districts.

e. *"Residential"* means regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

3. Notwithstanding any provision of this chapter to the contrary, a city, city council, or city zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the city. A city, city council, or city zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, new family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. Section 135C.23, subsection 2, shall apply to all residents of a family home.

4. Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property in a city which permits residential use of property but prohibits the use of property as a family home for persons with a developmental disability or brain injury, to the extent of the prohibition, is void as against the public policy of this state and shall not be given legal or equitable effect.

83 Acts, ch 11, §2; 93 Acts, ch 90, §4; 94 Acts, ch 1023, §110; 94 Acts, ch 1170, §9; 96 Acts, ch 1129, §113; 2012 Acts, ch 1019, §128; 2025 Acts, ch 30, §70; 2025 Acts, ch 135, §34

Referred to in §135C.9, 414.27, 414.30, 414.31, 504C.1

Similar provision, see §335.25

414.23 Extending beyond city limits.

1. The powers granted by this chapter may be extended by ordinance by any city to the unincorporated area up to two miles beyond the limits of such city, except for those areas within a county where a county zoning ordinance exists. The ordinance shall describe in general terms the area to be included. The exemption from regulation granted by section 335.2 to property used for agricultural purposes shall apply to such unincorporated area. If the limits of any such city are at any place less than four miles distant from the limits of any other city which has extended or thereafter extends its zoning jurisdiction under this section,

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then at such time the powers herein granted shall extend to a line equidistant between the limits of said cities.

2. A municipality, during the time its zoning jurisdiction is extended under this section, shall increase the size of its planning and zoning commission and its board of adjustment each by two members. The planning and zoning commission shall include a member of the board of supervisors of the affected county, or the board's designee, and a resident of the area outside the city limits over which the zoning jurisdiction is extended. The member of the board of supervisors or the board's designee, if any, shall also be a resident of the area outside the city limits over which the zoning jurisdiction is extended. The additional members of the board of adjustment shall be residents of the area outside the city limits over which the zoning jurisdiction is extended. At least one of the additional members of the planning and zoning commission and at least one of the additional members of the board of adjustment shall own land that is actively used for an agricultural purpose as defined in section 570A.1, except when such requirement prevents the identification of an eligible and willing appointee for the planning and zoning commission or board of adjustment for at least six months from the effective date of the extension of zoning jurisdiction. The failure to identify an eligible and willing appointee who owns land that is actively used for an agricultural purpose shall be determined independently for the planning and zoning commission and the board of adjustment. The county supervisor, or the board's designee, and the residents shall be appointed by the board of supervisors of the county in which such extended area is located. The county supervisor, or the board's designee, and the residents shall serve for the same terms of office and have the same rights, privileges, and duties as other members of each of the bodies. However, if the extended zoning jurisdiction of a municipality extends into an adjacent county without a county zoning ordinance, the boards of supervisors of the affected counties, jointly, shall appoint one of their members, or a designee, to the planning and zoning commission.

3. Property owners affected by zoning regulations pursuant to this section shall have the same rights of hearing, protest, and appeal as those property owners residing within the municipality exercising this power. A city may request, but shall not require, from a property owner affected by zoning regulations pursuant to this section the consent to annexation under chapter 368 as a condition of receiving approval for a zoning classification, special or conditional use, variance, permit, or division of land into two or more tracts.

4. Whenever a county in which this power is being exercised by a municipality adopts a county zoning ordinance, the power exercised by the municipality and the specific regulations and districts thereunder shall be terminated within three months of the establishment of the administrative authority for county zoning, or at such date as mutually agreed upon by the municipality and county.

[C71, 73, 75, 77, 79, 81, §414.23]

2002 Acts, ch 1078, §1; 2004 Acts, ch 1074, §1; 2017 Acts, ch 54, §76; 2022 Acts, ch 1019, §3

Referred to in §331.304, 331.321, 427B.2

414.24 Restricted residence districts.

1. A city may, and upon petition of sixty percent of the owners of the real estate in the district sought to be affected who are residents of the city shall, designate and establish, after notice and hearing as provided in section 414.4, restricted residence districts within the city limits.

2. In the ordinance designating and establishing a restricted residence district, the city may establish reasonable rules for the use and occupancy of buildings of all kinds within the district, and provide that no building or other structure, except residences, schoolhouses, churches and other similar structures, shall be erected, altered, repaired or occupied without first securing from the city council a permit to be issued under reasonable rules as may be provided in the ordinance. An ordinance and rules passed under this section shall not conflict with applicable building and housing codes.

3. A building or structure erected, altered, repaired, or used in violation of an ordinance passed under this section shall be deemed a nuisance.

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4. When a city has proceeded under the other provisions of this chapter, this section shall no longer be in effect for the city.

[C24, 27, 31, 35, 39, §**6473, 6474, 6475, 6476;** C46, 50, 54, 58, 62, 66, 71, 73, §414.22, 415.1, 415.2, 415.3; C77, 79, 81, §414.24]

84 Acts, ch 1018, §2; 2017 Acts, ch 54, §76

Nuisances in general, chapter 657

414.25 Transitional provisions.

1. Of the two additional members which may be appointed to increase a five-member board of adjustment to a seven-member board after January 1, 1980, one member shall be appointed to an initial term of five years and one member shall be appointed to an initial term of four years. The terms of office of members of a board of adjustment serving unexpired terms of office on or after January 1, 1980, shall expire according to their original appointments.

2. Of the four additional members which may be appointed to increase a five-member board of adjustment to a nine-member board on or after July 1, 2005, one member shall be appointed to an initial term of five years, one member to an initial term of four years, one to an initial term of three years, and one to an initial term of two years. The terms of office of members of a board of adjustment serving unexpired terms of office on or after July 1, 2005, shall expire according to their original appointments.

3. Of the two additional members which may be appointed to increase a seven-member board of adjustment to a nine-member board on or after July 1, 2005, one member shall be appointed to an initial term of five years and one member shall be appointed to an initial term of four years. The terms of office of members of a board of adjustment serving unexpired terms of office on or after July 1, 2005, shall expire according to their original appointments.

[C81, §414.25]

2005 Acts, ch 66, §3, 4; 2017 Acts, ch 54, §76

414.26 Shooting ranges.

In approving the improvement of property acquired to establish, use, and maintain a new shooting range or in approving a substantial change to an existing shooting range pursuant to section 657.9, subsection 1, the city zoning commission, or if there is not a city zoning commission, the city council, shall apply and enforce zoning regulations and restrictions established for each zoning district adopted pursuant to this chapter but shall not otherwise require a person seeking approval to comply with any conditions relating to the establishment, use, or maintenance of the shooting range that are more stringent than those imposed by state law.

2020 Acts, ch 1099, §2

Similar provision, see §335.26

414.27 Zoning for maternity group homes.

1. It is the intent of this section to assist in improving the quality of life of new and expecting mothers by making available to them community residential opportunities in the residential areas of this state. In order to implement this intent, this section shall be liberally construed.

2. For purposes of this section:

a. "Maternity group home" means a community-based residential home that provides room and board, personal care, supervision, training, support, and education in a family environment for women who are either pregnant or who have given birth within the preceding twenty-four months and live with their children, and includes overnight room accommodations and administrative and office space for those persons who provide such services.

b. "Permitted use" means the same as defined in section 414.22.

c. "Residential" means the same as defined in section 414.22.

3. Notwithstanding any provision of this chapter to the contrary, a city, city council, or city zoning commission shall consider a maternity group home a residential use of property for the purpose of zoning and shall treat a maternity group home as a permitted use in all

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residential zones or districts, including all single-family residential zones or districts, of the city. A city, city council, or city zoning commission shall not require that a maternity group home, its owner, or its operator obtain a conditional use permit, special use permit, special exception, or variance. However, new maternity group homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas.

4. Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property in a city that permits residential use of property but prohibits the use of property as a maternity group home for new and expecting mothers, to the extent of the prohibition, is void as against the public policy of this state and shall not be given legal or equitable effect.

2024 Acts, ch 1106, §1; 2025 Acts, ch 30, §71

414.28 Manufactured home.

1. As used in this section, *"manufactured home"* means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

2. A city shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A city shall not require more than one permanent foundation system for a manufactured home. For purposes of this section, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a manufactured home community or mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures.

3. A city shall not adopt or enforce construction, building, or design ordinances, regulations, requirements, or restrictions which would mandate width standards greater than twenty-four feet, roof pitch, or other design standards for manufactured housing if the housing otherwise complies with 42 U.S.C. §5403. However, this subsection shall not prohibit a city from adopting and enforcing zoning regulations related to transportation, water, sewerage, or other land development.

4. A city shall not require an inspection of a manufactured home that has been inspected according to requirements of the United States department of housing and urban development and constructed in conformance with the federal manufactured home construction and safety standards provided in 24 C.F.R. pt. 3280.

5. This section shall not be construed as abrogating a recorded restrictive covenant.

84 Acts, ch 1238, §2; 93 Acts, ch 154, §4; 94 Acts, ch 1110, §2; 97 Acts, ch 86, §3; 2001 Acts, ch 153, §16; 2018 Acts, ch 1041, §89; 2022 Acts, ch 1134, §2

414.28A Land-leased communities.

1. *"Land-leased community"* means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term *"land-leased community"* shall not be construed to include homes, buildings, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

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2. A city shall not adopt or enforce zoning or subdivision regulations or other ordinances which disallow or make infeasible the plans and specifications of land-leased communities because the housing within the land-leased community will be manufactured housing.

3. A manufactured home located in a land-leased community shall be taxed under section 435.22 as if the manufactured home were located in a mobile home park.

97 Acts, ch 86, §4; 98 Acts, ch 1107, §16, 33; 2018 Acts, ch 1041, §90
Referred to in §331.301, 364.3, 435.1, 441.21, 562B.7

414.29 Elder family homes. Repealed by 2004 Acts, ch 1101, §95.

414.30 Homes for persons with disabilities.

A city council or city zoning commission shall consider a home for persons with disabilities a family home, as defined in section 414.22, for purposes of zoning in accordance with chapter 504C.

93 Acts, ch 90, §5; 94 Acts, ch 1023, §111; 2010 Acts, ch 1079, §17
Similar provision, see §335.32

414.31 Elder group homes.

A city council or city zoning commission shall consider an elder group home a family home, as defined in section 414.22, for purposes of zoning, in accordance with section 231B.4, and may establish limitations regarding the proximity of one proposed elder group home to another.

93 Acts, ch 72, §8; 2005 Acts, ch 62, §23
Similar provision, see §335.33

414.32 Home and community-based services waiver recipient residence.

1. A city, city council, or city zoning commission shall consider the residence of the recipient of services under a home and community-based services waiver as a residential use of property for the purposes of zoning and shall treat the use of the residence as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the city.

2. A city, city council, or city zoning commission shall not require that the recipient, or owner of such residence if other than the recipient, obtain a conditional use permit, special use permit, special exception, or variance. A city, city council, or city zoning commission shall not establish limitations regarding the proximity of one such residence to another.

3. A city, city council, or city zoning commission shall not classify such a residence as a residential group R-3 occupancy or as a care facility within a dwelling for the purposes of enforcement of compliance with the sprinkler systems provisions specified in section 903.3.1.3 of the international building code or section P2904 of the international residential code, if adopted, or if such residence is inspected by the city.

4. This section applies to the residence of a recipient of services under a home and community-based services waiver if the residence meets any of the following conditions:

a. The residence is a single-family dwelling owned or rented by the recipient.

b. The residence is a multifamily dwelling which does not hold itself out to the public as a community-based residential provider otherwise regulated by law, including but not limited to a residential care facility, and which provides dwelling units to no more than four recipients of services under a home and community-based services waiver at any one time.

5. For the purposes of this section, *"home and community-based services waiver"* means *"waiver"* as defined in section 249A.29.

2007 Acts, ch 218, §131, 132; 2023 Acts, ch 112, §65, 66
Similar provision, see §335.34

414.33 Home-based businesses.

1. For purposes of this section:

a. "Goods" means any merchandise, equipment, products, supplies, or materials.

b. "Home-based business" means any business for the manufacture, provision, or sale

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of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.

c. *"No-impact home-based business"* means a home-based business for which all of the following apply:

(1) The total number of on-site employees and clients does not exceed the city occupancy limit for the residential property.

(2) The business activities are characterized by all of the following:

(a) The activities are limited to the sale of lawful goods and services.

(b) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.

(c) The activities occur inside the residential dwelling or in the yard of the residential property.

(d) The activities are not visible from an adjacent property or street.

2. The use of a residential property for a home-based business is a permitted use. However, this subsection does not supersede any of the following:

a. A deed restriction, covenant, or agreement restricting the use of land.

b. A master deed, bylaw, or other document applicable to a common interest ownership community.

3. A city shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the city to operate a no-impact home-based business.

4. A city may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for any of the following purposes:

a. The protection of the public health and safety, including rules and regulations related to fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.

b. Ensuring that the business is all of the following:

(1) Compatible with residential use of the property and surrounding residential use.

(2) Secondary to the use of the property as a residence.

(3) Complying with state and federal laws and paying applicable taxes.

c. Limiting or prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

5. A city shall not require as a condition of operating a home-based business that the property be rezoned for commercial use or that the business owner install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units.

6. In any proceeding alleging that a city regulation does not comply with this section, the city that enacted the regulation must establish by clear and convincing evidence that the regulation complies with this section.

2022 Acts, ch 1129, §13

Similar provisions, see §335.35

414.34 Social districts.

1. As used in this section:

a. *"Marked container"* means a nonglass container that identifies the retail alcohol licensee providing the alcoholic liquor, beer, or wine in the container to the consumer within the social district.

b. *"Retail alcohol licensee"* means the holder of a class "C" or special class "C" license issued under section 123.30.

c. *"Social district"* means a defined area in which the possession and consumption of alcoholic liquor, wine, and beer is allowed on public streets, sidewalks, and other public spaces within the boundaries of the district that are consistent with this section.

2. A city may define an area by ordinance that designates a social district for use by retail alcohol licensees.

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3. An ordinance adopted pursuant to this section must include all of the following:

a. A legal description or map of the district.

b. The days and hours the possession and consumption of alcoholic liquor, wine, and beer are permitted on public streets, sidewalks, and other public places within the district.

c. Requirements for marked container use and identification.

d. Participation requirements for retail alcohol licensees within the district.

e. Enforcement provisions and penalties for violations.

f. Procedures for the revocation or suspension of all of the following:

(1) The participation of retail alcohol licensees for violations.

(2) The social district itself for public safety concerns or other matters.

4. An ordinance adopted by a city shall not be construed to authorize any of the following:

a. Consumption of an alcoholic beverage in a motor vehicle or on the public streets, sidewalks, and other public spaces during the times when the ordinance is not in effect.

b. Possession or consumption of an alcoholic beverage in a manner contrary to the provisions of chapter 123 except as otherwise provided by an ordinance adopted pursuant to this section.

c. A prohibition on any participating retail alcohol licensee or other establishment located within the social district from denying entry to the premises of the licensee or establishment to persons who possess alcoholic beverages from other participating retail alcohol licensees.

2026 Acts, ch 1114, §13
Referred to in §123.30, 123.46
NEW section

CHAPTERS 415 to 417

RESERVED

CHAPTER 418

FLOOD MITIGATION PROGRAM

Referred to in §28F.12, 29C.8, 76.1, 421.17, 423.2A

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418.1 Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Base year"* means the fiscal year ending during the calendar year in which the governmental entity's project is approved by the board under section 418.9.

2. *"Board"* means the flood mitigation board as created in section 418.5.

3. *"Department"* means the department of homeland security and emergency management.

4. *"Governmental entity"* means any of the following:

a. A county.

b. A city.

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c. A joint board or other legal or administrative entity established or designated in an agreement pursuant to chapter 28E or 28F between any of the following:

(1) Two or more cities located in whole or in part within the same county.

(2) A county and one or more cities that are located in whole or in part within the county.

(3) A county, one or more cities that are located in whole or in part within the county, and a drainage district formed by mutual agreement under section 468.142 located in whole or in part within the county.

(4) One or more counties, one or more cities that are located in whole or in part within those counties, and one or more sanitary districts established under chapter 358 or a combined water and sanitary district as provided for in sections 357.1B and 358.1B, located in whole or in part within those counties.

5. *"Project"* means the construction and reconstruction of levees, embankments, impounding reservoirs, or conduits that are necessary for the protection of property from the effects of floodwaters and may include the deepening, widening, alteration, change, diversion, or other improvement of watercourses if necessary for the protection of such property from the effects of floodwaters. A project may consist of one or more phases of construction or reconstruction that are contracted for separately if the larger project, of which the project is a part, otherwise meets the requirements of this subsection.

6. *"Retail establishment"* means a business operated by a retailer as defined in section 423.1.

7. *"Sales tax"* means the sales and services tax imposed pursuant to section 423.2.

2012 Acts, ch 1094, §4, 18; 2013 Acts, ch 29, §50; 2015 Acts, ch 120, §13, 14, 24, 25
Referred to in §418.4, 418.11, 418.14, 418.15

418.2 and 418.3 Reserved.

418.4 Projects.

1. *a.* A governmental entity may use the moneys in its flood project fund established pursuant to section 418.13 to fund projects that meet the requirements of this section.

b. A governmental entity as defined in section 418.1, subsection 4, paragraph *"c"*, shall have the power to construct, acquire, own, repair, improve, operate, and maintain a project, may sue and be sued, contract, and acquire and hold real and personal property, subject to the limitation in paragraph *"c"*, and shall have such other powers as may be included in the chapter 28E or 28F agreement. Such a governmental entity may contract with a city or the county participating in the agreement to perform any governmental service, activity, or undertaking that the city or county is authorized by law to perform, including but not limited to contracts for administrative services.

c. A governmental entity's authority, established under paragraph *"b"* or other provision of law, to acquire or hold real and personal property shall for the purposes of undertaking a project under this chapter be limited to acquiring and holding that portion of such property which is necessary for infrastructure related to flood mitigation.

2. Prior to undertaking a project, the governmental entity shall adopt a project plan. The project plan shall include a detailed description of the project, including all phases of construction or reconstruction included in the project, state the estimated cost of the project and the maximum amount of debt to be incurred for purposes of funding the project, and include a detailed description of all anticipated funding sources for the project, including information relating to either the proposed use of financial assistance from the flood mitigation fund under section 418.10 or the proposed use of sales tax increment revenues received under section 418.12. The project plan shall also include information related to the approval criteria in section 418.9, subsection 2.

3. A governmental entity shall not award a contract for the construction or reconstruction of or otherwise undertake construction or reconstruction of a project under this chapter unless all of the following conditions are met:

a. Bidding for the project has been completed. A governmental entity shall comply with the competitive bid procedures in chapter 26 for the bidding and construction of the project and shall comply with the provisions of chapter 573.

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b. For projects proposing to use sales tax increment revenues or approved by the board to use sales tax increment revenues, the project, or an earlier phase of the project, has been approved to receive financial assistance in an amount equal to at least twenty percent of the total project cost or thirty million dollars, whichever is less, under a financial assistance program administered by the United States environmental protection agency, the federal Water Resources Development Act, the federal Clean Water Act as defined in section 455B.291, or other federal program providing assistance specifically for hazard mitigation.

c. The project plan has been approved by the board under section 418.9.

d. Following approval of the project plan by the board, the governmental entity has adopted a resolution authorizing the use of sales tax increment revenue from the governmental entity's flood project fund, if sales tax increment revenue was approved by the board as a funding source for the project. Within ten days of adoption, the governmental entity shall provide a copy of the resolution to the department of revenue.

4. A governmental entity shall not seek approval from the board for a project if the governmental entity previously had a project approved pursuant to section 418.9 or if the governmental entity previously was part of a governmental entity as defined in section 418.1, subsection 4, paragraph "*c*", that had a project approved pursuant to section 418.9.

5. If a project is eligible for state financial assistance under section 29C.6, subsection 17, such project is ineligible for approval by the board under this chapter.

6. Following approval of a project under section 418.9, the governmental entity shall on or before December 15 of each year submit a report to the board detailing all of the following:

a. The current status of the project.

b. Total expenditures and the types of expenditures that have been made related to the project.

c. The amount of the total project cost remaining as of the date the report is submitted.

d. The amounts, types, and sources of funding being used.

e. The amount of bonds issued or other indebtedness incurred for the project, including information related to the rate of interest, length of term, costs of issuance, and net proceeds. The report shall also include the amounts and types of moneys used for payment of such bonds or indebtedness.

7. A governmental entity may contract with a council of governments to perform any duty or power authorized under this chapter or for the completion of a project.

2012 Acts, ch 1094, §5, 18; 2012 Acts, ch 1138, §30, 42, 44, 68, 84, 85; 2015 Acts, ch 120, §15, 24, 25

Referred to in §418.8, 418.9, 418.12, 418.14, 423.2A

418.5 Flood mitigation board.

1. The flood mitigation board is established consisting of nine voting members and five ex officio, nonvoting members, and is located for administrative purposes within the department. The director of the department shall provide office space, staff assistance, and necessary supplies and equipment for the board. The director shall budget funds to pay the necessary expenses of the board. In performing its functions, the board is performing a public function on behalf of the state and is a public instrumentality of the state.

2. The voting membership of the board shall include all of the following:

a. Four members of the general public. Two general public members shall have demonstrable experience or expertise in the field of natural disaster recovery and two general public members shall have demonstrable experience or expertise in the field of flood mitigation.

b. The director of the department of natural resources or the director's designee.

c. The secretary of agriculture or the secretary's designee.

d. The treasurer of state or the treasurer's designee.

e. The director of the department or the director's designee.

f. The director of the Iowa finance authority or the director's designee.

3. The general public members shall be appointed by the governor, subject to confirmation by the senate. The appointments shall comply with section 4A.12.

4. The chairperson and vice chairperson of the board shall be designated by the governor

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from the board members listed in subsection 2. In case of the absence or disability of the chairperson and vice chairperson, the members of the board shall elect a temporary chairperson by a majority vote of those members who are present and voting.

5. The members appointed under subsection 2, paragraph *"a"*, shall be appointed to three-year staggered terms and the terms shall commence and end as provided by section 69.19. If a vacancy occurs, a successor shall be appointed to serve the unexpired term. A successor shall be appointed in the same manner and subject to the same qualifications as the original appointment.

6. The board's ex officio membership shall be comprised of the following:

a. Four members of the general assembly with one each appointed by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives. A legislative member serves for a term as provided in section 4A.13 in an ex officio, nonvoting capacity and is eligible for per diem and expenses as provided in section 2.10.

b. The director of revenue or the director's designee.

7. A majority of the voting members constitutes a quorum.

2012 Acts, ch 1094, §6, 18; 2012 Acts, ch 1138, §69, 84, 85; 2013 Acts, ch 29, §51, 52; 2013 Acts, ch 140, §65; 2015 Acts, ch 116, §26; 2023 Acts, ch 19, §2150; 2024 Acts, ch 1004, §42
Referred to in §418.1, 418A.1

418.6 Expenses of board members.

The voting members of the board are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. A member of the board is not eligible to receive the additional expense allowance provided in section 7E.6, subsection 2.

2012 Acts, ch 1094, §7, 18
Referred to in §418.16

418.7 Department duties.

The department, subject to approval by the board, shall adopt administrative rules pursuant to chapter 17A necessary to administer the flood mitigation program. The department shall provide the board with assistance in implementing administrative functions and providing technical assistance and application assistance to applicants under the program.

2012 Acts, ch 1094, §8, 18; 2013 Acts, ch 29, §53
Referred to in §418.8, 418.16

418.8 Flood mitigation program.

1. The board shall establish and the department, subject to direction and approval by the board, shall administer a flood mitigation program to assist governmental entities in undertaking projects approved under this chapter. The flood mitigation program shall include projects approved by the board to utilize either financial assistance from the flood mitigation fund created under section 418.10 or sales tax revenues remitted to the governmental entity under section 418.12. A governmental entity shall not be approved by the board to utilize both financial assistance from the flood mitigation fund and sales tax revenues remitted to the governmental entity.

2. The board shall, by rules adopted under section 418.7, prescribe application instructions, forms, and other requirements deemed necessary to operate the flood mitigation program.

3. The board may contract with or otherwise consult with the Iowa flood center, established under section 466C.1, to assist the board in administering the flood mitigation program.

4. The board shall submit a written report to the governor and the general assembly on or before January 15 of each year. The report shall include information relating to all projects approved by the board for inclusion in the flood mitigation program, the status of such projects, summaries of each report submitted to the board under section 418.4, subsection 6, information relating to the types of funding being used for each approved

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project, including all indebtedness incurred by the applicable governmental entities, and any recommendations for legislative action to modify the provisions of this chapter.

2012 Acts, ch 1094, §9, 18; 2013 Acts, ch 29, §54

418.9 Project application review.

1. *a.* A governmental entity shall submit an application to the board for approval of a project plan. The board shall not approve a project for inclusion in the program if the application is submitted after January 1, 2016.

b. The application shall specify whether the governmental entity is requesting financial assistance from the flood mitigation fund or approval for the use of sales tax revenues. Applications for financial assistance from the flood mitigation fund shall describe the type and amount of assistance requested. Applications for the use of sales tax revenues shall state the amount of sales tax revenues necessary for completion of the project.

2. Each application shall include or have attached to the application, the governmental entity's project plan adopted under section 418.4, subsection 2. When reviewing applications, in addition to the project plan, the board shall consider, at a minimum, all of the following:

a. Whether the project is designed to mitigate future flooding of property that has sustained significant flood damage and is likely to sustain significant flood damage in the future.

b. Whether the project plan addresses the impact of flooding both upstream and downstream from the area where the project is to be undertaken and whether the project conforms to any applicable floodplain ordinance.

c. Whether the area that would benefit from the project's flood mitigation efforts is sufficiently valuable to the economic viability of the state or is of sufficient historic value to the state to justify the cost of the project.

d. The extent to which the project would utilize local matching funds. The board shall not approve a project unless at least fifty percent of the total cost of the project, less any federal financial assistance for the project, is funded using local matching funds, and unless the project will result in nonpublic investment in the governmental entity's area as defined in section 418.11, subsection 3, of an amount equal to fifty percent of the total cost of the project. For purposes of this paragraph, *"nonpublic investment"* means investment by nonpublic entities consisting of capital investment or infrastructure improvements occurring in anticipation of or as a result of the project during the period of time between July 1, 2008, and ten years after the board approved the project.

e. The extent of nonfinancial support committed to the project from public and nonpublic sources.

f. Whether the project is designed in coordination with other watershed management measures adopted by the governmental entity or adopted by the participating jurisdictions of the governmental entity, as applicable.

g. Whether the project plan is consistent with the applicable comprehensive emergency plan in effect and other applicable local hazard mitigation plans.

h. Whether financial assistance through the flood mitigation program is essential to meet the necessary expenses or serious needs of the governmental entity related to flood mitigation.

3. If requested by the board during consideration of an application, the governmental entity shall pay for an independent engineering review of the project to determine the technical feasibility, engineering standards, and total estimated cost of the project. An engineering review required by the board under this subsection may be completed by the United States army corps of engineers.

4. Upon review of the applications, the board, following consultation with the economic development authority, shall approve, defer, or deny the applications. If a project plan is denied, the board shall state the reasons for the denial and the governmental entity may resubmit the application so long as the application is filed on or before January 1, 2016. If a project plan application is approved, the board shall specify whether the governmental entity is approved for the use of sales tax revenues under section 418.12 or whether the governmental entity is approved to receive financial assistance from the flood mitigation fund

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under section 418.10. If the board approves a project plan application that includes financial assistance from the flood mitigation fund, the board shall negotiate and execute on behalf of the department all necessary agreements to provide such financial assistance. If the board approves a project plan application that includes the use of sales tax increment revenues, the board shall establish the annual maximum amount of such revenues that may be remitted to the governmental entity not to exceed the limitations in section 418.12, subsection 4. The board may, however, establish remittance limitations for the project lower than the individual project remittance limitations specified for projects under section 418.12, subsection 4.

5. The board shall not approve a project plan application that includes financial assistance from the flood mitigation fund or the use of sales tax revenue to pay principal and interest on or to refinance any debt or other obligation existing prior to the approval of the project.

6. The board shall not approve a project plan application for which the amount of sales tax increment revenue remitted to the governmental entity would exceed fifteen million dollars in any one fiscal year or if approval of the project would result in total remittances in any one fiscal year for all approved projects to exceed, in the aggregate, thirty million dollars.

7. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the department any time moneys are disbursed to a recipient of financial assistance under the program.

8. If, following approval of a project application under the program, it is determined that the amount of federal financial assistance exceeds the amount of federal financial assistance specified in the application, the board shall reduce the award of financial assistance from the flood mitigation fund or reduce the amount of sales tax revenue to be received for the project by a corresponding amount. However, in a county with a population of less than one hundred thousand but more than ninety-three thousand five hundred as determined by the 2010 federal decennial census and for projects that received bids during the 2015 calendar year, the amount of sales tax revenue to be received for the project shall not be reduced if the additional federal financial assistance does not reduce the need for sales tax revenue due to an increase in project costs incurred following the approval of the project application under the program.

2012 Acts, ch 1094, §10, 18; 2012 Acts, ch 1138, §70, 84, 85; 2013 Acts, ch 29, §55; 2015 Acts, ch 138, §17, 161, 162

Referred to in §418.1, 418.4, 418.12, 418.15

418.10 Flood mitigation fund.

1. A flood mitigation fund is created as a separate and distinct fund in the state treasury under the control of the board and consists of moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the board for placement in the fund. Moneys in the fund shall only be used for the purposes of this section.

2. Payments of interest, repayments of moneys loaned pursuant to this chapter, and recaptures of grants, if provided for in the financial assistance agreements, shall be deposited in the fund.

3. The moneys in the fund shall be used to provide assistance in the form of grants, loans, and forgivable loans. The board may only provide financial assistance from moneys in the fund.

4. Moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this chapter. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

5. If any portion of the moneys appropriated for deposit in the fund have not been awarded during the fiscal year for which the appropriation is made, the portion which has not been awarded may be utilized by the board to provide financial assistance under the program in subsequent fiscal years.

6. The board may make a multiyear commitment to a governmental entity of up to four million dollars in any one fiscal year.

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7. Moneys received by a governmental entity from the fund shall be deposited in the governmental entity's flood project fund under section 418.13.

8. The board is not required to award financial assistance pursuant to this section unless moneys are appropriated to and available from the fund.

9. Following completion of all projects approved to utilize financial assistance from the fund and upon a determination by the board that remaining moneys in the fund are no longer needed for the program, all moneys remaining in the fund or subsequently deposited in the fund shall be credited for deposit in the general fund of the state.

2012 Acts, ch 1094, §11, 18
Referred to in §321.34, 418.4, 418.8, 418.9, 418.13

418.11 Sales tax increment calculation.

1. The department of revenue shall calculate quarterly the amount of increased sales tax revenues for each governmental entity approved to use sales tax increment revenues and the amount of such revenues to be transferred to the sales tax increment fund pursuant to section 423.2A, subsection 2.

2. The department of revenue shall calculate the amount of the increase for purposes of subsection 1 as follows:

a. Determine the amount of sales subject to the tax under section 423.2 in each applicable area specified in subsection 3, during the corresponding quarter in the base year from retail establishments in such areas.

b. Determine the amount of sales subject to the tax under section 423.2 in each applicable area specified in subsection 3, during the corresponding quarter in each subsequent calendar year from retail establishments in such areas.

c. Subtract the base year quarterly amount determined under paragraph *"a"* from the subsequent calendar year quarterly amount in paragraph *"b"*.

d. If the amount determined under paragraph *"c"* is positive, the product of the amount determined under paragraph *"c"* times the tax rate imposed under section 423.2 shall constitute the amount of increased sales tax revenue pursuant to subsection 1.

3. *a.* For projects approved for a governmental entity as defined in section 418.1, subsection 4, paragraph *"a"*, the area used to determine the sales tax increment shall include only the unincorporated areas of the county.

b. For projects approved for a governmental entity as defined in section 418.1, subsection 4, paragraph *"b"*, the area used to determine the sales tax increment shall include only the incorporated areas of the city.

c. For projects approved for a governmental entity as defined in section 418.1, subsection 4, paragraph *"c"*, the area used to determine the sales tax increment shall include the incorporated areas of each participating city, the unincorporated areas of each participating county, the area of any participating drainage district not otherwise included in the areas of the participating cities or county, and the area served by any sanitary district or combined water and sanitary district and not otherwise included in the areas of the participating cities or counties, as applicable.

d. For all projects, the area used to determine the sales tax increment shall not include any parcels of real property that are included in a reinvestment district designated pursuant to chapter 15J.

4. Each governmental entity shall assist the department of revenue in identifying retail establishments in the governmental entity's applicable area that are collecting sales tax. This process shall be ongoing until the governmental entity ceases to utilize sales tax revenue under this chapter.

2012 Acts, ch 1094, §12, 18; 2015 Acts, ch 120, §16, 17, 24, 25; 2018 Acts, ch 1161, §152, 229
Referred to in §418.9, 418.12, 418.15, 423.2A

418.12 Sales tax increment fund.

1. A sales tax increment fund is established as a separate and distinct fund in the state treasury under the control of the department of revenue consisting of the amount of the increased state sales and services tax revenues collected by the department of revenue within

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each applicable area specified in section 418.11, subsection 3, and deposited in the fund pursuant to section 423.2A, subsection 2. Moneys deposited in the fund are appropriated to the department of revenue for the purposes of this section. Moneys in the fund shall only be used for the purposes of this section.

2. An account is created within the fund for each governmental entity that has adopted a resolution under section 418.4, subsection 3, paragraph *"d"*.

3. The department of revenue shall deposit in the fund the moneys described in subsection 1 beginning the first day of the quarter following receipt of a resolution under section 418.4, subsection 3, paragraph *"d"*. However, in no case shall a sales tax increment be calculated under section 418.11 or such moneys be deposited in the fund under this section prior to January 1, 2014.

4. *a.* Upon request of a governmental entity, the department of revenue shall remit the moneys in the governmental entity's account within the fund to the governmental entity for deposit in the governmental entity's flood project fund. Such requests shall be made not more than quarterly. Requests for remittance shall be submitted on forms prescribed by the department of revenue. In lieu of quarterly requests, a governmental entity may submit a certified schedule of principal and interest payments on bonds issued under section 418.14. If such a certified schedule is submitted, the department of revenue shall, subject to the remittance limitations of this chapter, remit from the governmental entity's account to the governmental entity for deposit in the governmental entity's flood project fund the amounts necessary for such principal and interest payments in accordance with the certified schedule. Requests for remittance shall be made for the amount of moneys in the governmental entity's account necessary to pay the governmental entity's costs or obligations related to the project, according to the sales tax revenue funding needs specified in the approved project plan. A governmental entity shall not, however, during any fiscal year receive remittances under this section exceeding fifteen million dollars or seventy percent of the total yearly amount of increased sales tax increment revenue in the governmental entity's applicable area and deposited in the governmental entity's account, whichever is less. The total amount of remittances during any fiscal year for all governmental entities approved to use sales tax revenues under this chapter shall not exceed, in the aggregate, thirty million dollars. Remittances from the department of revenue shall be deposited in the governmental entity's flood project fund under section 418.13.

b. The department of revenue shall adopt rules for the remittance of moneys to governmental entities.

5. If the department of revenue determines that the revenue accruing to the fund or accounts within the fund exceeds thirty million dollars for a fiscal year or exceeds the amount necessary for the purposes of this chapter if the amount necessary is less than thirty million dollars for a fiscal year, then those excess moneys shall be credited by the department of revenue for deposit in the general fund of the state.

6. *a.* Each governmental entity approved by the board to use sales tax increment revenues for a project under this chapter shall submit two reports to the board certifying the total amount of nonpublic investment, as defined in section 418.9, subsection 2, paragraph *"d"*, that has occurred in the governmental entity's area as defined in section 418.11, subsection 3. The first report shall be submitted not later than five years after the board approved the project. The second report shall be submitted to the board not later than ten years after the board approved the project.

b. If the nonpublic investment requirements of section 418.9, subsection 2, paragraph *"d"*, are not satisfied, the board shall reduce the governmental entity's amount of sales tax increment revenues eligible to be remitted during the remaining period of time for receiving remittances by an amount equal to the shortfall in nonpublic investment. However, such a reduction shall not be to an amount less than zero.

2012 Acts, ch 1094, §13, 18; 2016 Acts, ch 1138, §16; 2018 Acts, ch 1161, §153, 229
Referred to in §418.4, 418.8, 418.9, 418.13, 418.14, 418.15, 423.2A

418.13 Flood project fund.

1. Sales tax revenue remitted by the department of revenue to a governmental entity under

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section 418.12 or financial assistance received by a governmental entity pursuant to section 418.10 shall be deposited in the governmental entity's flood project fund created for purposes of this chapter and shall be used to fund the costs of the governmental entity's approved project, to reimburse the governmental entity for funds advanced internally or to help make payments on bonds incurred to pay for approved projects, and to pay principal and interest on bonds issued pursuant to section 418.14, if applicable.

2. In addition to the moneys received pursuant to section 418.10 or 418.12, a governmental entity may deposit in the flood project fund any other moneys lawfully received by the governmental entity, including but not limited to local sales and services tax receipts collected under chapter 423B.

2012 Acts, ch 1094, §14, 18; 2018 Acts, ch 1124, §1, 2
Referred to in §418.4, 418.10, 418.12, 418.14

418.14 Bond issuance.

1. *a.* A governmental entity receiving sales tax revenues pursuant to this chapter is authorized to issue bonds that are payable from revenues deposited in the governmental entity's flood project fund created pursuant to section 418.13 for the purpose of funding a project in the area from which sales tax revenues will be collected.

b. A governmental entity shall have the authority to pledge irrevocably to the payment of the bonds an amount of revenue derived from the sales tax revenue received by the governmental entity pursuant to section 418.12 for each of the years the bonds remain outstanding, together with other amounts held in the flood project fund of the governmental entity.

c. The costs of a project may include but are not limited to administrative expenses, construction and reconstruction costs, engineering, fiscal, financial and legal expenses, surveys, plans and specifications, interest during construction or reconstruction and for one year after completion of the project, initial reserve funds, acquisition of real or personal property necessary for the construction or reconstruction of the project, subject to the limitation in section 418.4, subsection 1, paragraph "*c*", and such other costs as are necessary and incidental to the construction or reconstruction of the project and the financing thereof. The governmental entity shall have the power to retain and enter into agreements with engineers, fiscal agents, financial advisers, attorneys, architects, and other consultants or advisers for planning, supervision, and financing of a project upon such terms and conditions as shall be deemed by the governing body of the governmental entity as advisable and in the best interest of the governmental entity. Bonds issued under the provisions of this chapter are declared to be investment securities under the laws of the state of Iowa.

2. *a.* If a governmental entity elects to authorize the issuance of bonds payable as provided in this section, the governmental entity shall follow the authorization procedures for cities set forth in section 384.83.

b. A governmental entity shall have the authority to issue bonds for the purpose of refunding outstanding bonds issued under this section without otherwise complying with the notice and hearing provisions of section 384.83.

3. *a.* Except as otherwise provided in this section, bonds issued pursuant to this section shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under this section shall not limit or restrict the authority of a governmental entity as defined in section 418.1, subsection 4, paragraphs "*a*" and "*b*", or a city, county, drainage district, sanitary district, or combined water and sanitary district participating in a governmental entity as defined in section 418.1, subsection 4, paragraph "*c*", to issue bonds for the project under other provisions of the Code.

b. The bonds may be issued in one or more series and shall comply with all of the following:

(1) The bonds shall bear the date of issuance.

(2) The bonds shall specify whether they are payable on demand or the time of maturity.

(3) The bonds shall bear interest at a rate not exceeding that permitted by chapter 74A.

(4) The bonds shall be in a denomination or denominations, be in the form, have the rank or priority, be executed in the manner, be payable in the medium of payment, at the

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place or places, be subject to the terms of redemption, with or without premium, be secured in the manner, and have the other characteristics, as may be provided by the resolution authorizing their issuance. The resolution authorizing the issuance of the bonds may also prescribe additional provisions, terms, conditions, and covenants which the governmental entity deems advisable, including provisions for creating and maintaining reserve funds and the issuance of additional bonds ranking on a parity with such bonds and additional bonds junior and subordinate to such bonds.

c. The bonds may be sold at public or private sale at a price as may be determined by the governmental entity.

d. The principal and interest on the bonds issued by a governmental entity under this section shall be payable solely and only from and secured by the revenue derived from the sales tax revenues received by the governmental entity pursuant to section 418.12 and from other funds of the governmental entity lawfully available from the governmental entity's flood project fund established under section 418.13.

4. *a.* Bonds, notes, or other obligations issued by a governmental entity for purposes of financing a project under this chapter are not an obligation of this state. Except to the extent a debt service levy is authorized for the payment of a governmental entity's costs related to bonds, notes, or other obligations as provided in paragraph "*b*", bonds, notes, or other obligations issued by a governmental entity for purposes of financing a project under this chapter are not an obligation of any political subdivision of this state other than the governmental entity, and such bonds, notes, or other obligations shall not constitute an indebtedness of any political subdivision of this state within the meaning of any constitutional or statutory debt limitation or restriction. A governmental entity shall not pledge the credit or taxing power of this state. Except as provided in paragraph "*b*", a governmental entity shall not pledge the credit or taxing power of any political subdivision of this state other than the governmental entity or make its bonds issued under this section payable out of any moneys except those in the governmental entity's flood project fund.

b. If the moneys in the governmental entity's flood project fund are insufficient to pay the governmental entity's costs related to bonds, notes, or other obligations issued under this chapter, the amounts necessary to pay such costs may be levied and transferred for deposit in the governmental entity's flood project fund from the debt service fund of the governmental entity or, if applicable, the debt service fund of a participating city or county for a governmental entity as defined in section 418.1, subsection 4, paragraph "*c*", but only if and to the extent provided in the resolution authorizing the issuance of bonds and, if applicable, the chapter 28E or 28F agreement.

c. The sole remedy for a breach or default of a term of a bond issued under this section is a proceeding in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this chapter and of the terms of the resolution authorizing the issuance of the bonds.

2012 Acts, ch 1094, §15, 18; 2015 Acts, ch 120, §18, 19, 24, 25
Referred to in §331.430, 384.4, 418.12, 418.13

418.15 Durational limitation on use of revenues — property disposition.

1. *a.* A governmental entity shall not receive remittances of sales tax revenue under this chapter after twenty years from the date the governmental entity's project was approved by the board or after expiration of the additional period of years if approved under paragraph "*b*" unless the remittance amount is calculated under section 418.11 based on sales subject to the tax under section 423.2 occurring before the expiration of the twenty-year period or expiration of the additional period of years if approved under paragraph "*b*".

b. The twenty-year period for receiving remittances of sales tax revenue under this chapter may be extended upon application by the governmental entity and approval by the board. An application for an extension of the twenty-year period must be filed by the governmental entity with the board prior to expiration of the twenty-year period. The board may approve the governmental entity to receive remittances of sales tax revenue under this chapter for an additional period of consecutive years beyond the twenty-year period if all of the following are satisfied:

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(1) The total amount of remittances actually received by the governmental entity during the twenty-year period are less than the total amount of remittances for which the governmental entity was approved to receive by the board at the time of the project's approval under section 418.9, subsection 4, and reduced under section 418.9, subsection 8, or section 418.12, subsection 6, paragraph *"b"*, if applicable.

(2) The amount of the remittances approved in each additional year does not exceed fifteen million dollars or seventy percent of the total yearly amount of increased sales tax increment revenue in the governmental entity's applicable area and deposited in the governmental entity's account, whichever is less.

(3) The total amount of remittances in any such additional fiscal year for all governmental entities approved to use sales tax revenues under this chapter does not exceed, in the aggregate, thirty million dollars.

(4) The total amount of remittances to the governmental entity approved by the board for all additional years does not exceed the difference between the total amount of remittances actually received by the governmental entity during the twenty-year period and the total amount of remittances for which the governmental entity was approved to receive by the board at the time of the project's approval under section 418.9, subsection 4, and reduced under section 418.9, subsection 8, or section 418.12, subsection 6, paragraph *"b"*, if applicable.

2. If the governmental entity ceases to need the sales tax revenues prior to the expiration of the limitation under subsection 1, the governmental entity shall notify the director of revenue.

3. Upon the receipt of a notification pursuant to subsection 2, or the expiration of the limitation under subsection 1, the department of revenue shall cease to deposit revenues into the governmental entity's account in the sales tax increment fund.

4. All property and improvements acquired by a governmental entity as defined in section 418.1, subsection 4, paragraph *"c"*, relating to a project shall be transferred to the county, city, drainage district, sanitary district, or combined water and sanitary district designated in the chapter 28E or 28F agreement to receive such property and improvements. The county, city, drainage district, sanitary district, or combined water and sanitary district to which such property or improvements are transferred shall, unless otherwise provided in the chapter 28E or 28F agreement, be solely responsible for the ongoing maintenance and support of such property and improvements.

2012 Acts, ch 1094, §16, 18; 2015 Acts, ch 120, §20, 24, 25; 2015 Acts, ch 138, §18, 161, 162; 2016 Acts, ch 1138, §36; 2017 Acts, ch 157, §2

418.16 Flood recovery fund.

1. A flood recovery fund is established in the state treasury under the control of the board. The fund shall consist of moneys appropriated to the fund by the general assembly and any other moneys available to, obtained by, or accepted by the board for deposit in the fund. Moneys in the fund are appropriated to the department and shall be used for the purposes designated in this section. Moneys in the fund shall not supplant any federal disaster recovery moneys.

2. The board may award moneys from the fund to eligible political subdivisions of the state. A political subdivision of the state is eligible to receive moneys from the fund if the political subdivision is located in a county designated under presidential disaster declaration DR-4421-IA and is also located in a county where the federal emergency management agency's individual assistance program has been activated.

3. In order to be awarded moneys from the fund, a political subdivision of the state shall submit a project application to the department for consideration by the board. The board shall prescribe application forms and application instructions. Project applications shall include all of the following:

a. A description of the project and the manner in which the project supports flood response, flood recovery, or flood mitigation activities.

b. A description of the financial assistance needed from the fund.

c. Details on any additional moneys to be applied to the project.

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4. *a.* The board shall review all project applications. During the review of a project application, the board shall consider, at a minimum, all of the following:

(1) Whether the project supports flood response, flood recovery, or flood mitigation activities.

(2) Whether moneys from the fund are essential to meet the necessary expenses or serious needs of the political subdivision related to flood response, flood recovery, or flood mitigation.

b. Upon review of a project application, the board shall approve, defer, or deny the application. If a project application is approved, the board shall specify the amount of moneys from the fund awarded to the political subdivision. The board shall negotiate and execute on behalf of the department all necessary agreements to provide the moneys. If a project application is deferred or denied, the board shall state the reasons for such deferral or denial.

5. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. The department may use the interest earned on moneys in the fund for reimbursement of actual expenses of voting board members under section 418.6 and for costs incurred by the department to administer the flood mitigation program and to provide assistance to the flood mitigation board and program applicants under section 418.7.

2019 Acts, ch 89, §27, 30; 2022 Acts, ch 1059, §1, 2

CHAPTER 418A

LEVEE IMPROVEMENT PROGRAM

Referred to in §8.57D, 456.15

418A.1	Definitions.	418A.5	Flood mitigation board — levee improvement program.
418A.2	Purpose.		
418A.3	Office of levee safety.	418A.6	Department — statewide levee improvement report.
418A.4	Statewide analysis.		

418A.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. *"Board"* means the flood mitigation board created in section 418.5.

2. *"Department"* means the department of homeland security and emergency management created in section 29C.5.

3. *"Hazardous event"* means an event caused by a levee's uncontrolled or controlled release of surface water in a manner that may injure humans and animals or damage real and personal property used for agricultural, commercial, industrial, residential, or public purposes.

4. *"Levee district"* means a levee district, including a subdistrict, established pursuant to chapter 468.

5. *"Office"* means the office of levee safety created in section 418A.3.

6. *"Program"* means the levee improvement program established pursuant to section 418A.5.

7. *"Survey"* means the Iowa geological survey created in section 456.1.

2023 Acts, ch 163, §3, 10

418A.2 Purpose.

The purpose of this chapter is to reduce and manage risks associated with a hazardous event caused by a levee's inadequate design, structural performance, or operational control.

2023 Acts, ch 163, §4, 10

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418A.3 Office of levee safety.

1. An office of levee safety is created within the department.

2. *a.* In administering this chapter, all of the following apply:

(1) The office shall cooperate with the flood mitigation board.

(2) The office and the board shall cooperate with the Iowa geological survey.

b. The office and board may cooperate with other state and federal agencies, including the United States army corps of engineers and the federal emergency management agency, administering the national levee safety program, as provided in 33 U.S.C. ch. 46.

3. The office, in cooperation with the board, shall assist communities benefiting from a levee, including levee districts. The office, in cooperation with the board, shall evaluate methods to best carry out the purpose of this chapter.

2023 Acts, ch 163, §5, 10
Referred to in §418A.1

418A.4 Statewide analysis.

1. The office of levee safety, in cooperation with the Iowa geological survey, shall conduct a statewide analysis of the condition of the state's levees. The office and survey shall identify each levee requiring repair or reconstruction based on a scale adopted by the office which assigns a number based on the levee's level of critical need. The office shall consider all of the following:

a. Deficiencies in the construction, maintenance, and operation of each levee in a levee district.

b. The amount of capital expenditures required for the repair or reconstruction for each levee in a levee district.

c. Payment obligations creating legal indebtedness incurred by the levee district, including those evidenced by bonds, warrants, certificates, contracts, or judgments.

d. The current total revenue collected by the levee district, and the budgeted revenue ceiling of the levee district based on a maximum assessment rate for classified lands used to maintain the levee as apportioned to each owner of such land.

2. The governing body of each levee district shall assist the office in conducting the analysis for the governing body's levee district.

3. This section is repealed July 1, 2028.

2023 Acts, ch 163, §6, 10
Referred to in §8.57D, 418A.5

418A.5 Flood mitigation board — levee improvement program.

1. A levee improvement program is established to provide for the repair or reconstruction of those levees requiring immediate capital expenditure in order to reduce and manage a hazardous event. The program shall be administered by the flood mitigation board acting in cooperation with the office of levee safety.

2. In administering the program, the board, acting in cooperation with the office, shall award moneys to levee districts applying for assistance on a cost-share basis. The amount of cost-share moneys contributed by the board shall not exceed fifty percent of the estimated cost or fifty percent of the actual cost of the improvement, whichever is less.

3. *a.* The department shall provide for the publication and submission of applications for an award of cost-share moneys under the program. The board, in cooperation with the office, shall approve or disapprove the applications based on criteria established by the board.

b. (1) The board shall consider the scale number assigned to the levee by the office as provided in section 418A.4.

(2) This paragraph is repealed July 1, 2028.

4. The department may enter into a chapter 28E agreement in order to administer the program on behalf of the board.

2023 Acts, ch 163, §7, 10
Referred to in §8.57D, 418A.1

418A.6 Department — statewide levee improvement report.

1. The department of homeland security and emergency management shall prepare and

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submit a statewide levee assessment report to the governor and general assembly not later than January 5 of each year.

2. *a.* (1) The statewide levee assessment report must include a summary of the condition of levees in each levee district.

(2) This paragraph is repealed July 1, 2028.

b. The statewide levee assessment report must identify those levees having the highest level of critical need of repair or reconstruction and the budget of a levee district to finance the repair or reconstruction.

3. The statewide levee assessment report must include the results of efforts to repair or reconstruct levees using cost-share moneys awarded to the governing bodies of levee districts under the levee improvement program.

4. The statewide levee assessment report must include a summary of future plans to administer the program. The statewide levee assessment report may include recommendations for additional funding and legislation necessary to carry out the purpose of this chapter.

2023 Acts, ch 163, §8, 10

CHAPTER 419

MUNICIPAL SUPPORT OF PROJECTS

Referred to in §26.2, 76.6, 390.6, 423.4, 554.9109, 573.28

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419.17 Revenue bonds issued.
419.18 Grain and soybean storage facilities — bonds issued.

419.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Beginning businessperson"* means an individual with an aggregate net worth of the individual and the individual's spouse and children of less than one hundred thousand dollars. Net worth means total assets minus total liabilities as determined in accordance with generally accepted accounting principles.

2. *"Bonds"* of a municipality includes bonds, notes or other securities.

3. *"Contracting party"* or *"other contracting party"* means any party to a sale contract or loan agreement except the municipality.

4. *"Corporation"* includes a corporation whether organized for profit or not for profit for which the secretary of state has issued a certificate of incorporation or a permit for the transaction of business within the state and further includes a cooperative association.

5. *"Equip"* means to install or place on or in any building or improvements or the site thereof equipment of any and every kind, including, without limiting the generality of the foregoing, machinery, utility service connections, building service equipment, fixtures, heating equipment, and air conditioning equipment and including, in the case of portable equipment used for pollution control, all such machinery and equipment which maintains a substantial connection with the building or improvement or the site thereof where installed, placed, or primarily based.

6. *"Governing body"* means the board, council or other body in which the legislative powers of the municipality are vested.

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7. *"Lease"* includes a lease containing an option to purchase the project for a nominal sum upon payment in full, or provision therefor, of all bonds issued in connection with the project and all interest thereon and all other expenses incurred in connection with the project, and a lease containing an option to purchase the project at any time, as provided therein, upon payment of the purchase price which shall be sufficient to pay all bonds issued in connection with the project and all interest thereon and all other expenses incurred in connection with the project, but which payment may be made in the form of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the lessee providing for timely payments, including without limitation, interest thereon sufficient for such purposes and delivered to the municipality or to the trustee under the indenture pursuant to which the bonds were issued. A single lease may contain both of the foregoing options.

8. *"Lessee"* includes a single person, firm or corporation or any two or more persons, firms or corporations which shall lease the project as tenants-in-common or otherwise and which shall undertake rental payments and other monetary obligations under the lease of the project sufficient in the aggregate to satisfy the rental and other monetary obligations required by this chapter to be undertaken by the lessee of a project.

9. *"Loan agreement"* means an agreement providing for a municipality to loan the proceeds derived from the issuance of bonds pursuant to this chapter to one or more contracting parties to be used to pay the cost of one or more projects and providing for the repayment of such loan by the other contracting party or parties, and which may provide for such loans to be secured or evidenced by one or more notes, debentures, bonds or other secured or unsecured debt obligations of the contracting party or parties, delivered to the municipality or to the trustee under the indenture pursuant to which the bonds were issued.

10. *"Mortgage"* shall include a deed of trust.

11. *"Municipality"* means any county, or any incorporated city in this state.

12. *"Project"* means all or any part of, or any interest in:

a. Land, buildings, or improvements, whether or not in existence at the time of issuance of the bonds issued under this chapter, which are suitable for the use of any of the following:

(1) A voluntary nonprofit hospital, clinic, or health care facility as defined in section 135C.1, subsection 8.

(2) One or more physicians for an office building to be used exclusively by professional health care providers, including appropriate ancillary facilities.

(3) A private college or university or a state institution governed under chapter 262 whether for the establishment or maintenance of the college or university or state institution.

(4) An industry or industries for the manufacturing, processing, or assembling of agricultural or manufactured products, even though the processed products may require further treatment before delivery to the ultimate consumer.

(5) A commercial enterprise engaged in storing, warehousing, or distributing products of agriculture, mining, or industry including but not limited to barge facilities and riverfront improvements useful and convenient for the handling and storage of goods and products.

(6) A facility for the generation of electrical energy through the use of a renewable energy source including but not limited to hydroelectric and wind generation facilities.

(7) A facility engaged in research and development activities.

(8) A national, regional, or divisional headquarters facility of a company that does multistate business.

(9) A museum, library, or tourist information center.

(10) A telephone company.

(11) A beginning businessperson for any purpose.

(12) A commercial amusement or theme park.

(13) A housing unit or complex for persons who are elderly or persons with disabilities.

(14) A fair or exposition held in the state, other than the Iowa state fair, which is a member of the association of Iowa fairs.

(15) A sports facility.

(16) A facility for an organization described in section 501(c)(3) of the Internal Revenue Code which is exempt from federal income tax under section 501(a) of the Internal Revenue Code.

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b. Pollution control facilities which are suitable for use by any industry, commercial enterprise or utility. *"Pollution control facilities"* means any land, buildings, structures, equipment, including portable equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility or for the disposal, including without limitation recycling, of solid waste. *"Improve", "improving"* and *"improvements"* include any real property, personal property or mixed property of any and every kind that can be used or that will be useful in connection with a project, including but not limited to rights-of-way, roads, streets, sidings, trackage, foundations, tanks, structures, pipes, pipelines, reservoirs, utilities, materials, equipment, fixtures, machinery, furniture, furnishings, improvements, instrumentalities and other real, personal, or mixed property of every kind, whether above or below ground level.

c. Purposes that are eligible for financing from qualified midwestern disaster area bonds authorized under the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. 110-343, together with any other financing necessary or desirable in connection with such purposes.

d. Purposes for which tax-exempt financing is authorized by the Internal Revenue Code, together with any other financing necessary or desirable in connection with such purposes.

13. *"Revenues"* of a project, or derived from a project, include payments under a lease or sale contract and repayments under a loan agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of a lessee or contracting party delivered as herein provided.

14. *"Sale contract"* means a contract providing for the sale of one or more projects to one or more contracting parties and includes a contract providing for payment of the purchase price in one or more installments. If the sale contract permits title to the project to pass to the other contracting party or parties prior to payment in full of the entire purchase price, it shall also provide for the other contracting party or parties to deliver to the municipality or to the trustee under the indenture pursuant to which the bonds were issued one or more notes, debentures, bonds or other secured or unsecured debt obligations of such contracting party or parties providing for timely payments, including without limitation, interest thereon for the balance of the purchase price at or prior to the passage of such title.

[C66, 71, 73, 75, 77, 79, 81, §419.1; 81 Acts, ch 130, §1; 82 Acts, ch 1001, §1, ch 1049, §1, 2, ch 1132, §1]

83 Acts, ch 47, §1; 83 Acts, ch 182, §1; 84 Acts, ch 1266, §22; 94 Acts, ch 1162, §1; 96 Acts, ch 1129, §91; 2009 Acts, ch 100, §17, 21; 2012 Acts, ch 1023, §157; 2013 Acts, ch 90, §99

Referred to in §419.17, 419.18

419.2 Powers.

A municipality shall not have the power to operate any project financed under this chapter, as a business or in any manner except as specifically provided in this chapter. In addition to any other powers which it may now have, each municipality shall have the following powers:

1. To acquire, whether by construction, purchase, gift or lease, and to improve and equip, one or more projects. The projects shall be located within this state, may be located within or near the municipality, but shall not be located more than eight miles outside the corporate limits of the municipality, provided that ancillary improvements necessary or useful in connection with the main project may be located more than eight miles outside the corporate limits of the municipality or, in the case of a project which includes portable equipment for pollution control, that the situs of the principal place of business of the owner of such portable equipment is located within the municipality or not more than eight miles outside of the corporate limits of the municipality.

2. To lease to others one or more projects for such rentals and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter, but in no case shall the rentals be less than the average rental cost for like or similar facilities within the competitive commercial area.

3. To sell to others one or more projects for such payments and upon such terms and

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conditions as the governing body may deem advisable in accordance with the provisions of this chapter.

4. To enter into loan agreements with others with respect to one or more projects for such payments and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter.

5. To issue revenue bonds for the purpose of defraying the cost of any project and to secure payment of such bonds as provided in this chapter. However, in the case of a project suitable for the use of a beginning businessperson, the bonds may not exceed the aggregate principal amount of five hundred thousand dollars.

6. To grant easements for roads, streets, water mains and pipes, sewers, power lines, telephone lines, all pipelines, and to all utilities.

7. To issue revenue bonds for the purpose of retiring existing indebtedness of any private or state of Iowa college or university or of any person who incurred the indebtedness to finance a project for any private or state of Iowa college or university, to secure payment of the bonds as provided in this chapter, and to enter into agreements with others with respect to these bonds for such payments and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter. The retiring of any existing indebtedness of a private or state of Iowa college or university or of any person who incurred the indebtedness to finance a project for a private or state of Iowa college or university shall be deemed a *"project"* for the purposes of this chapter.

8. To issue revenue bonds for the purpose of retiring any existing indebtedness of a health care facility, clinic, or voluntary nonprofit hospital, to secure payment of the bonds as provided in this chapter, and to enter into agreements with others with respect to these bonds for such payments and upon such terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter. The retiring of any existing indebtedness of a health care facility, clinic, or voluntary nonprofit hospital shall be deemed a *"project"* for the purposes of this chapter.

9. To issue revenue bonds for the purpose of retiring any existing indebtedness on a facility for an organization described in section 501(c)(3) of the Internal Revenue Code which is exempt from federal income tax under section 501(a) of the Internal Revenue Code, to secure payment of the bonds as provided in this chapter, and to enter into agreements with others with respect to these bonds for the payments and upon the terms and conditions as the governing body may deem advisable in accordance with the provisions of this chapter. The retiring of any existing indebtedness on a facility for an organization described in section 501(c)(3) of the Internal Revenue Code is a *"project"* for the purposes of this chapter.

[C66, 71, 73, 75, §419.2; C77, 79, §419.2, 419.7; C81, §419.2; 82 Acts, ch 1049, §3]
94 Acts, ch 1162, §2; 2010 Acts, ch 1069, §138, 139; 2023 Acts, ch 64, §65

419.3 Bonds as limited obligations.

1. All bonds issued by a municipality, under the authority of this chapter, shall be limited obligations of the municipality. The principal of and interest on such bonds shall be payable solely out of the revenues derived from the project to be financed by the bonds so issued under the provisions of this chapter including debt obligations of the lessee or contracting party obtained from or in connection with the financing of a project. Bonds and interest coupons issued under authority of this chapter shall never constitute an indebtedness of the municipality, within the meaning of any state constitutional provision or statutory limitation, and shall not constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers. Such limitation shall be plainly stated on the face of each such bond.

2. The bonds referred to in subsection 1 of this section may be executed and delivered at any time and from time to time; be in such form and denominations; without limitation as to the denomination of any bond, any other law to the contrary notwithstanding; be of such tenor; be fully registered, registrable as to principal or in bearer form; be transferable; be payable in such installments and at such time or times, not exceeding thirty years from their date; be payable at such place or places in or out of the state of Iowa; bear interest at such rate or rates, payable at such place or places in or out of the state of Iowa; be evidenced

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in such manner and may contain other provisions not inconsistent with this chapter; all as shall be provided in the proceedings of the governing body where the bonds are authorized to be issued. The governing body may provide for the exchange of coupon bonds for fully registered bonds and of fully registered bonds for coupon bonds and for the exchange of any such bonds after issuance for bonds of larger or smaller denominations, all in the manner as may be provided in the proceedings authorizing their issuance, provided the bonds in changed form or denominations shall be exchanged for the surrendered bonds in the same aggregate principal amounts and in such manner that no overlapping interest is paid, and the bonds in changed form or denominations shall bear interest at the same rate or rates and shall mature on the same date or dates as the bonds for which they are exchanged. If an exchange is made under this section, the bonds surrendered by the holders at the time of the exchange shall be canceled or held by a trustee for subsequent exchanges in accordance with this section. The exchange shall be made only at the request of the holders of the bonds to be surrendered, and the governing body may require all expenses incurred in connection with the exchange to be paid by the holders. If any of the officers whose signatures appear on the bonds or coupons cease to be officers before the delivery of the bonds, such signatures are, nevertheless, valid and sufficient for all purposes, the same as if the officers had remained in office until delivery.

3. Unless otherwise provided in the proceedings of the governing body whereunder the bonds are authorized to be issued, bonds issued under the provisions of this chapter shall be subject to the general provisions of law, presently existing or that may hereafter be enacted, respecting the execution and delivery of the bonds of a municipality and respecting the retaining of options of redemption in proceedings authorizing the issuance of municipal securities.

4. Any bonds, issued under the authority of this chapter, may be sold at public sale in such manner, at such price and at such time or times as may be determined by the governing body to be most advantageous. The municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof.

5. All bonds, issued under the authority of this chapter and all interest coupons applicable thereto, shall be construed to be negotiable instruments, even though they are payable solely from a specified source.

[C66, 71, 73, 75, 77, 79, 81, §419.3]
83 Acts, ch 90, §28
Referred to in §419.6

419.4 Pledge of revenues.

1. The principal of and interest on any bonds, issued under authority of this chapter, shall be secured by a pledge of the revenues out of which such bonds shall be made payable. They may be secured by a mortgage covering all or any part of the project from which the revenues so pledged may be derived or by a pledge of the lease, sale contract or loan agreement with respect to such project or by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the lessee or contracting party.

2. *a.* The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any mortgage given to secure the same, may contain any agreements and provisions customarily contained in instruments securing bonds, including but not limited to:

(1) Provisions respecting custody of the proceeds from the sale of the bonds including their investment and reinvestment until used to defray the cost of the project.

(2) Provisions respecting the fixing and collection of rents or payment with respect to any project covered by such proceedings or mortgage.

(3) The terms to be incorporated in the lease, sale contract, or loan agreement with respect to such project.

(4) The maintenance and insurance of such project.

(5) The creation, maintenance, custody, investment and reinvestment and use of special funds from the revenues of such project.

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(6) The rights and remedies available in case of a default to the bond holders or to any trustee under the lease, sale contract, loan agreement or mortgage.

b. (1) A municipality shall have the power to provide that proceeds from the sale of bonds and special funds from the revenues of the project shall be invested and reinvested in such securities and other investments as shall be provided in the proceedings under which the bonds are authorized to be issued including:

(a) Obligations issued or guaranteed by the United States.

(b) Obligations issued or guaranteed by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States.

(c) Obligations issued or guaranteed by any state of the United States, or the District of Columbia, or any political subdivision of any such state or district.

(d) Prime commercial paper.

(e) Prime finance company paper.

(f) Bankers' acceptances drawn on and accepted by banks organized under the laws of any state or of the United States.

(g) Repurchase agreements fully secured by obligations issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States.

(h) Certificates of deposit issued by banks organized under the laws of any state or of the United States; whether or not such investment or reinvestment is authorized under any other law of this state. The municipality shall also have the power to provide that such proceeds or funds or investments and the amounts payable under the lease, sale contract, or loan agreement shall be received, held and disbursed by one or more banks or trust companies located in or out of the state of Iowa.

(2) A municipality shall also have the power to provide that the project and improvements shall be constructed by the municipality, the lessee, the lessee's designee, the contracting party, or the contracting party's designee, or any one or more of them on real estate owned by the municipality, the lessee, the lessee's designee, the contracting party, or the contracting party's designee, as the case may be, and that the bond proceeds shall be disbursed by the trustee bank or banks, trust company or trust companies, during construction upon the estimate, order or certificate of the lessee, the lessee's designee, the contracting party, or the contracting party's designee.

c. In making such agreements or provisions as provided in this subsection, a municipality shall not have the power to obligate itself, except with respect to the project and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

3. The proceedings authorizing any bonds under the provisions of this chapter, or any mortgage securing such bonds, may provide that if there is a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and payments and to apply the revenues from the project in accordance with such proceedings or the provisions of such mortgage.

4. Any mortgage, made under the provisions of this chapter, to secure bonds issued thereunder, may also provide that if there is a default in the payment thereof or a violation of any agreement contained in the mortgage, it may be foreclosed and sold under proceedings in equity or in any other manner permitted by law. Such mortgage may also provide that any trustee under such mortgage or the holder of any bonds secured thereby may become the purchaser at any foreclosure sale if the trustee or holder is the highest bidder therefor.

[C66, 71, 73, 75, 77, 79, 81, §419.4]

2012 Acts, ch 1021, §71; 2013 Acts, ch 30, §83, 84; 2014 Acts, ch 1026, §84

Referred to in §419.6

419.5 Determination of rent.

1. Prior to entering into a lease, sale contract or loan agreement with respect to any

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project, the governing body must determine the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve funds which the governing body may deem advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project; and unless the terms of the lease, sale contract or loan agreement provide that the lessee or contracting party shall maintain the project and carry all proper insurance with respect thereto, the estimated cost of maintaining the project in good repair and keeping it properly insured.

2. The determination and findings of the governing body, required to be made by subsection 1 of this section, shall be set forth in the proceedings under which the proposed bonds are to be issued; provided, however, that the foregoing amounts need not be expressed in dollars and cents in the lease, sale contract or loan agreement or in the proceedings under which the bonds are authorized to be issued, but may be set forth in the form of a formula or formulas. Prior to the issuance of the bonds authorized by this chapter the municipality shall enter into a lease, sale contract or loan agreement with respect to the project which shall require the lessee or contracting party to complete the project and which shall provide for payment to the municipality of such rentals or payments as, upon the basis of such determinations and findings, will be sufficient to pay the principal of and interest on the bonds issued to finance the project; to build up and maintain any reserves deemed advisable, by the governing body, in connection therewith and unless the lease, sale contract or loan agreement obligates the lessee or contracting party to pay for the maintenance and insurance on the project, to pay the costs of maintaining the project in good repair and keeping it properly insured.

[C66, 71, 73, 75, 77, 79, 81, §419.5]
Referred to in §419.11

419.6 Refunding bonds.

Any bonds, issued under the provisions of this chapter and at any time outstanding, may at any time and from time to time be refunded by a municipality by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby, but the holders of any bonds to be so refunded shall not be compelled, without their consent, to surrender their bonds for payment or exchange prior to the date on which they are payable by maturity date, option to redeem or otherwise, or if they are called for redemption, prior to the date on which they are by their terms subject to redemption by option or otherwise. All refunding bonds, issued under authority of this chapter, shall be payable solely from the revenues out of which the bonds to be refunded thereby are payable and shall be subject to the provisions contained in section 419.3 and may be secured in accordance with the provisions of section 419.4.

[C66, 71, 73, 75, 77, 79, 81, §419.6]

419.7 Application of proceeds limited.

The proceeds from the sale of any bonds, issued under authority of this chapter, shall be applied only for the purpose for which the bonds were issued and if, for any reason, any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, such unneeded portion of said proceeds shall be applied to the payment of the principal or the interest on said bonds. The cost of any project shall be deemed to include the actual cost of acquiring a site or the cost of the construction of any part of a project which may be constructed including architects' and engineers' fees, the purchase price of any part of a project that may be acquired by purchase, all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition, an amount to be held as a bond

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reserve fund, and the interest on such bonds for a reasonable time prior to construction, during construction and for not exceeding six months after completion of construction.

[C66, 71, 73, 75, 77, 79, 81, §419.7]

419.8 No payment by municipality. Repealed by 2009 Acts, ch 100, §20, 21.

419.9 Public hearing.

Prior to the issuance of any bonds under authority of this chapter, the municipality shall conduct a public hearing on the proposal to issue said bonds. Notice of intention to issue the bonds, specifying the amount and purpose thereof and the time and place of hearing, shall be published at least once not less than fifteen days prior to the date fixed for the hearing in a newspaper published and having a general circulation within the municipality. If there is no newspaper published therein, the notice shall be published in a newspaper published in the county and having a general circulation in the municipality. At the time and place fixed for the public hearing the governing body of the municipality shall give all local residents who appear at the hearing an opportunity to express their views for or against the proposal to issue the bonds and at the hearing, or any adjournment thereof, shall adopt a resolution determining whether or not to proceed with the issuance of the bonds.

[C66, 71, 73, 75, 77, 79, 81, §419.9]

419.10 Default.

In case of a default in the payment of any revenue bonds, issued pursuant to the provisions of this chapter, the municipality which defaulted in such payment shall be precluded from entering into any activity of its own except to release the property for some industrial activity.

[C66, 71, 73, 75, 77, 79, 81, §419.10]

419.11 Tax equivalent to be paid — assessment procedure — appeal.

1. *a.* Any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any industrial buildings, buildings used as headquarters facilities or pollution control facilities, as provided in this chapter, shall annually pay out of the revenue from such industrial buildings, buildings used as headquarters facilities or pollution control facilities to the state of Iowa and to the city, school district, and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the tax rate of the taxing district to the assessed value of the property, which the state, county, city, school district, or other political subdivision would receive if the property were owned by any private person or corporation, any other statute to the contrary notwithstanding.

b. For purposes of arriving at such tax equivalent, the property shall be valued and assessed by the assessor in whose jurisdiction the property is located, in accordance with chapter 441, but the municipality, the lessee on behalf of the municipality, and such other persons as are authorized by chapter 441 shall be entitled to protest any assessment and take appeals in the same manner as any taxpayer. Such valuations shall be included in any summation of valuations in the taxing district for all purposes known to the law. Income from this source shall be considered under the provisions of section 384.16, subsection 1, paragraph "*a*", subparagraph (2).

2. If and to the extent the proceedings under which the bonds authorized to be issued under the provisions of this chapter so provide, the municipality may agree to cooperate with the lessee of a project in connection with any administrative or judicial proceedings for determining the validity or amount of any such payments and may agree to appoint or designate and reserve the right in and for such lessee to take all action which the municipality may lawfully take in respect of such payments and all matters relating thereto, provided, however, that such lessee shall bear and pay all costs and expenses of the municipality thereby incurred at the request of such lessee or by reason of any such action taken by such lessee in behalf of the municipality. Any lessee of a project which has paid, as rentals additional to those required to be paid pursuant to section 419.5, the amounts required by subsection 1, paragraph "*a*", to be paid by the municipality shall not be required to pay any such taxes to the state or to any such county, city, school district or other political subdivision, any other

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statute to the contrary notwithstanding. To the extent that any lessee or contracting party pays taxes on a project or part thereof, the municipality shall not be required to pay the tax equivalent herein provided, and to such extent the lessee or contracting party shall not be required to pay amounts to the municipality for such purpose.

3. This section shall not be applicable to any municipality acquiring, purchasing, constructing, reconstructing, improving, or extending any buildings for the purpose of establishing, maintaining, or assisting any private or state of Iowa college or university, nor to any municipality in connection with any project for the benefit of a voluntary nonprofit hospital, clinic, or health care facility, the property of which is otherwise exempt under the provisions of chapter 427. The payment, collection, and apportionment of the tax equivalent shall be subject to the provisions of chapters 445, 446 and 447.

[C66, 71, 73, 75, 77, 79, 81, §419.11]

2010 Acts, ch 1069, §145; 2011 Acts, ch 34, §94

419.12 Purchase.

The municipality may accept any bona fide offer to purchase which is sufficient to pay all the outstanding bonds, interest, taxes, special levies, and other costs that have been incurred.

[C66, 71, 73, 75, 77, 79, 81, §419.12]

419.13 Exception to budget law and certain bond provisions.

The provisions of sections 73A.12 through 73A.16 shall not apply to bonds issued under the provisions of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §419.13]

2021 Acts, ch 80, §246

419.14 Eminent domain not available.

No land acquired by a municipality by the exercise of condemnation through eminent domain can be used to effectuate the purposes of this chapter.

[C66, 71, 73, 75, 77, 79, 81, §419.14]

Referred to in §419.17

419.15 Limitation of actions.

No action shall be brought questioning the legality of any contract, lease, mortgage, proceedings or bonds executed in connection with any project or improvements authorized by this chapter from and after three months from the time the bonds are ordered issued by the proper authority.

[C66, 71, 73, 75, 77, 79, 81, §419.15]

419.16 Intent of law.

In order to provide available alternatives to enable municipalities to accomplish the purposes of this chapter in the manner deemed most advisable by their governing bodies, it is the intent of this chapter that a lessee or contracting party under a sale contract or loan agreement is not required to be the eventual user of a project, provided that the use of the project is consistent with the purposes of this chapter.

[C75, 77, 79, 81, §419.16]

83 Acts, ch 90, §29

419.17 Revenue bonds issued.

1. Cities may also issue revenue bonds for projects located within a qualified urban renewal area or an area designated a revitalization area pursuant to sections 404.1 through 404.7. The revenue bonds shall be issued pursuant to the provisions of this chapter and all provisions of this chapter shall apply, except that:

a. The term *"project"* as defined in section 419.1 includes land, buildings, or improvements which are suitable for use as residential property or for the use of a commercial enterprise or nonprofit organization which the governing body finds is consistent with the urban renewal plan for a qualified urban renewal area or the revitalization plan, as the case may be.

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b. The provisions of section 419.14 shall not apply to projects within a qualified urban renewal area.

2. The power to issue revenue bonds pursuant to this section is in addition to other powers granted cities to aid qualified urban renewal areas and revitalization areas.

3. The term *"qualified urban renewal area"* means an urban renewal area designated as such pursuant to chapter 403 before July 1, 1979.

[C81, §419.17]

2009 Acts, ch 100, §18, 21; 2021 Acts, ch 80, §247

Referred to in §404.3

Chapter 404 applies to all cities including special charter cities; 79 Acts, ch 84, §12

419.18 Grain and soybean storage facilities — bonds issued.

In order to provide greater sources of financing and to encourage an increase in the capacity of grain and soybean storage facilities within the state, cities and counties may issue revenue bonds, to be originally purchased by financial institutions or other bond purchasers which are located within the city or county issuing the bonds, to finance the acquisition of grain and soybean storage facilities which may be located anywhere within the state. The revenue bonds shall be issued pursuant to this chapter and all provisions of this chapter shall apply except that the term *"project"* as defined in section 419.1 includes on-farm grain and soybean storage facilities, which facilities may include the grain or soybean drying and aerating equipment, and the project need not be located within the city or county issuing the revenue bonds.

[82 Acts, ch 1208, §1]

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CHAPTER 420

SPECIAL CHARTER CITIES

Referred to in §97B.1A, 372.12

Chapter 404 applies to all cities including special charter cities; 79 Acts, ch 84, §12

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SUBCHAPTER I

GENERAL PROVISIONS AND POWERS

420.1 through 420.40 Reserved.

420.41 Applicability of provisions.

1. No state law shall be deemed to impair, alter or affect the provisions of any such special charter or any existing amendment thereto in any of the following respects:

a. As an act of incorporation or as evidence thereof.

b. In respect of authority to license, tax and regulate various persons, occupations, amusements, places and objects, as said general subjects of licensing, taxing and regulation are more specifically set forth in the respective charters of such cities.

c. In respect of the levy and collection of taxes for city purposes, in accordance with provisions of the respective charters of such cities and other provisions of law relating to such levy and collections including, but without limitation, provisions relating to liens, distraint, tax sales, redemptions, tax deeds and other provisions incident to the levy and collection of taxes; provided that this paragraph shall apply only with respect to cities which prior to and currently with the taking effect of this subsection collect general city taxes directly or by or through their own officers, rather than indirectly and by or through any other public body or officer thereof.

d. In respect of the election or appointment of a clerk, treasurer, police magistrate and marshal or in respect of the authority, functions, duties or compensation of any of these except that section 372.13, subsection 2, applies in respect to a vacancy in any of these elective offices and to a vacancy in any other city elective office.

e. In respect of the power or authority of any such city to borrow and expend money and issue bonds or other evidences of indebtedness therefor.

f. In respect of the appropriation, condemning or taking of lands and property by any such city for public purposes and in respect of procedure and appeals in connection with any such taking.

g. In respect of the power to enact, make, adopt, amend and repeal ordinances necessary or proper in connection with any provisions referred to in paragraphs *"a"* through *"f"* of this subsection.

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2. The fiscal year for special charter cities, which prior to and concurrently with the taking effect of this subsection collect general city taxes directly through their own officers, and for all departments, boards and commissions thereof, shall be as established by city ordinance.

3. Special charter cities which prior to and concurrently with the taking effect of this subsection collect general city taxes directly through their own officers, shall, within the applicable provisions of chapter 384, subchapter I, make the appropriations for the necessary expenditures for the next ensuing fiscal year by ordinance. The proposed ordinance shall, upon first reading, be placed on file with the clerk for public inspection, and, upon second reading, if and as amended, forthwith be published in a newspaper of general circulation, together with the time and place for a public hearing on said proposed ordinance, which hearing shall be not less than ten days prior to the council meeting at which it shall be placed upon its passage.

[C97, §933; C24, §6730; C27, 31, 35, §4755-f35, 6730; C39, §**4755.32, 6730;** C46, 50, §313.41, 420.41, 420.62 – 420.117; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.41; 81 Acts, ch 34, §47]

2018 Acts, ch 1041, §127; 2021 Acts, ch 80, §248

420.42 Reserved.

420.43 Application of certain terms.

1. *a.* Whenever the words "boards of supervisors", "county auditor or recorder of deeds", and "county treasurer" are used in any section made applicable by this chapter to special charter cities, the words "city council", "city clerk" or "city recorder", and "city collector or treasurer" shall be respectively substituted.

b. As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. This section shall not be construed as depriving boards of supervisors, county auditors, and county treasurers of their powers to spread tax levies and collect taxes certified by cities acting under special charter as provided in section 420.206 and other state law. Nothing contained in this section shall be deemed to affect the procedure for the assessment of property by the city or county assessor.

[C97, §958, 1024; S13, §958; C24, 27, 31, 35, 39, §**6732;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.43]

2000 Acts, ch 1148, §1; 2010 Acts, ch 1061, §180; 2020 Acts, ch 1063, §215

420.44 Unliquidated claim — limitation of action.

An action shall be brought against any such city for any unliquidated claim or demand within two years after the alleged injury or damage.

[C97, §1050; C24, 27, 31, 35, 39, §**6733;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.44]

2009 Acts, ch 46, §1

420.45 Claims for personal injury — limitation.

In all cases of personal injury or damage to property resulting from defective streets or sidewalks, or from any cause originating in the neglect or failure of any municipal corporation or its officers to perform their duties, an action shall be brought against any such city within two years after the alleged injury or damage.

[C97, §1051; C24, 27, 31, 35, 39, §**6734;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.45]

2009 Acts, ch 46, §2

420.46 through 420.125 Reserved.

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SUBCHAPTER II

POLITICAL PARTIES IN CERTAIN CITIES

420.126 City convention.

Political parties in special charter cities having a population of fifty thousand or more shall hold a city convention within the city on the second Friday following the primary election. The city central committee shall set the time and place of the convention and shall file the same in the office of the city clerk at least ten days prior to the convention.

[C66, 71, 73, 75, 77, 79, 81, §420.126]

Referred to in §376.3

420.127 Delegates elected.

Delegates to city conventions of their respective political parties shall be elected at precinct caucuses held at 8:00 p.m. on the third Monday in August of the same year in which the city general election is conducted. The precinct caucuses shall be convened within the boundaries of each precinct at places designated by the city central committee. The chairperson of the city central committee shall file with the city clerk a certified list of places where the precinct caucuses will be held not later than ten days prior to the date of the caucus and shall cause the time and place of said caucus to be published in two newspapers within the city not later than ten days prior to the convening of the precinct caucus.

[C66, 71, 73, 75, 77, 79, 81, §420.127]

Referred to in §376.3

420.128 Chairperson and secretary.

The precinct caucus shall elect, by a majority vote of those present, a chairperson and secretary who shall certify to the city central committee and city clerk the names and addresses of those elected as delegates to the city convention. The number of delegates from each voting precinct shall be determined by a ratio adopted by the respective political party's city central committee, and the chairperson of the city central committee shall file with the city clerk a statement designating the number of delegates for each voting precinct in the city not less than twenty-five days before the date of the precinct caucuses. If the chairperson of the city central committee fails to so act, the county chairperson shall designate the number of delegates to be elected from each voting precinct and shall cause such information to be published in two newspapers within the city at least ten days prior to holding the precinct caucuses.

[C66, 71, 73, 75, 77, 79, 81, §420.128]

Referred to in §376.3

420.129 Term.

The delegates shall hold office from the day following the election for a period of two years.

[C66, 71, 73, 75, 77, 79, 81, §420.129]

Referred to in §376.3

420.130 Affidavit of candidacy.

Candidates for city precinct committee member shall cause their names to be printed on the primary ballot by filing an affidavit as provided for in section 43.18 with the county commissioner of elections at least forty days prior to the day fixed for conducting the primary election.

[C66, 71, 73, 75, 77, 79, 81, §420.130]

88 Acts, ch 1119, §43

Referred to in §43.115, 376.3

420.131 Members from each precinct.

Two persons for each political party shall be elected from each precinct to the city central committee at the primary election. They shall hold office for a period of two years immediately following the adjournment of the city convention, or until their successors are duly elected and qualified, unless sooner removed by the city central committee for failing

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to perform the duties of committee members, incompetency, or failing to support the ticket nominated by their respective party.

[C66, 71, 73, 75, 77, 79, 81, §420.131]

Referred to in §376.3

420.132 Committee meetings — vacancies.

The city central committee shall commence performing their duties on the day of the city convention and vacancies occurring therein may be filled by the city chairperson subject to confirmation of the central committee.

[C66, 71, 73, 75, 77, 79, 81, §420.132]

Referred to in §376.3

420.133 Returns of election.

Election judges shall make returns of the election of members of the city central committee in the same manner as returns are conducted for other officers except that the election judges shall canvass the returns as to members of the city central committee, and certify the results thereof to the county commissioner of elections with the returns.

[C66, 71, 73, 75, 77, 79, 81, §420.133]

Referred to in §376.3

420.134 Certified list of those elected.

After the canvass of votes by the county board of supervisors, the county commissioner of elections shall notify the members of the central committee who have been elected of the time and place of holding the city convention, and shall deliver a certified list of those elected to the chairperson of their respective political party's central committee in the city on or before the second Thursday following the primary election.

[C66, 71, 73, 75, 77, 79, 81, §420.134]

Referred to in §376.3

420.135 Elected delegates.

The city convention shall be composed of the delegates elected at the last preceding city precinct caucus, and the city clerk shall forward a certified list of said elected delegates at least ten days prior to the city convention to the chairperson of the city central committee.

[C66, 71, 73, 75, 77, 79, 81, §420.135]

Referred to in §376.3

420.136 Duties of city clerk.

The city clerk shall keep a certified list of delegates to the city convention elected at the precinct caucuses and a record of the precinct committee members elected at the primary election. The city clerk shall maintain a current list of all members of the city central committee. The certified list and records shall be maintained by the city clerk for at least two years subsequent to the election of the delegates and precinct committee members and shall be available for public inspection.

[C66, 71, 73, 75, 77, 79, 81, §420.136]

Referred to in §376.3

420.137 Applicable laws.

All laws governing political parties and the nomination of candidates in elections shall, as far as applicable, govern the political parties and nomination and election of candidates in cities acting under a special charter in 1973 and having a population of fifty thousand or more, except where such a city by election chooses to conduct city elections under chapter 44, 45, or 376.

[C66, 71, 73, 75, 77, 79, 81, §420.137; 82 Acts, ch 1097, §3]

Referred to in §376.3

420.138 through 420.154 Reserved.

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SUBCHAPTER III

RIVERFRONT AND LEVEE IMPROVEMENTS

420.155 Waterfront improvement — fund.

Any city acting under special charter, which is bounded in part or divided by a river, may improve said waterfront by constructing retaining walls, filling, grading, paving, macadamizing, or riprapping the same and may improve and beautify its waterfront and the river bank and nearby uplands and made and reclaimed lands in such city; and to pay for such improvements the council of such city is empowered to levy a tax of not exceeding six and three-fourths cents per thousand dollars of assessed value per annum on the taxable property thereof, the same when collected to be known as the levee improvement fund. The proceeds of such fund shall be used exclusively for said purposes.

[S13, §1056-a6a; C24, 27, 31, 35, 39, §**6823;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.155]

420.156 Reserved.

420.157 Bonds.

In the event that the proceeds of such tax in any one year shall be insufficient to pay for the improvements of that year, or if the city council shall deem best to extend the payment over a number of years, then upon a majority vote of said council approving the same, said cities may borrow the money to make such improvements and issue the negotiable interest-bearing bonds of said city to evidence said debt; provided that the total bond that may be issued under this chapter by any one city shall not exceed twenty-seven hundredths of one percent of the assessed value of said city.

[S13, §1056-a6b; C24, 27, 31, 35, 39, §**6824;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.157]

420.158 through 420.164 Reserved.

420.165 Grants of state lands — erection of structures.

With respect to any lands title to which has been or may be granted by the state to any municipal corporation of the state, acting under special charter, sections 327F.4 and 327F.5 shall not, after the occurrence of such grant, continue to apply, excepting only that permanent structures erected prior to such grant under authority of said section 327F.4 may continue to be used, occupied, and maintained thereunder, and excepting further only that such lands may continue to be used and occupied thereunder, to the extent only that use and occupancy of such lands shall be necessary to the use and occupancy of such structures for like purposes and in like manner as before such grant; provided that nothing herein contained shall be deemed to affect riparian rights at common law.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.165]

420.166 through 420.189 Reserved.

SUBCHAPTER IV

GENERAL TAXATION

420.190 Garbage can tax — assessment against property.

Special chartered cities which collect both rubbish and garbage by a monthly can tax shall have the power by ordinance to declare the service a benefit to the property so served and in case of failure to pay said monthly charge to assess the actual cost thereof against the property benefited.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.190]

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420.191 through 420.205 Reserved.

420.206 Levy and collection.

The council shall have power to levy and collect taxes for all general and special purposes in this chapter authorized, upon all property within the city not exempted from taxation by the general law of the state, and to fix the amount to be levied on the value thereof, which shall be ascertained by the assessor of said city.

[C97, §1010; C24, 27, 31, 35, 39, §**6867;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.206]

Referred to in §420.43

420.207 Taxation in general.

Sections 426A.11 through 426A.15, 427.1, 427.8 through 427.11, 428.4, 428.20, 428.22, 428.23, 437.1, 437.3, 441.21, 443.1 through 443.3, 444.2 through 444.4, and 447.9 through 447.13, so far as applicable, apply to cities acting under special charters.

[S13, §1322-3a; C24, 27, 31, 35, §7007; C39, §**6867.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §420.207; 81 Acts, ch 117, §1082]

89 Acts, ch 296, §40; 99 Acts, ch 114, §24; 2002 Acts, ch 1150, §3; 2011 Acts, ch 34, §95; 2018 Acts, ch 1026, §128

420.208 through 420.212 Reserved.

420.213 Collection procedure.

Such cities shall have power and shall provide by ordinance when general or special taxes and assessments shall become delinquent, and the rate of interest which they shall thereafter bear, not exceeding ten percent per annum on the whole amount thereof, including penalty, and for the sale of both real and personal property for the collection of general and special delinquent taxes and assessments, on such terms as the council may determine.

[C97, §1012; C24, 27, 31, 35, 39, §**6872;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.213]

420.214 Sale of real estate — notice.

In the sale of real property for taxes and assessments, the notice of the time and place of such sale shall be given by the treasurer or the collector, and shall contain the description of each separate tract to be sold, as taken from the tax list; the amount of taxes for which it is liable, delinquent for each year, and the amount of penalty, interest, and cost thereon; the name of the owner, if known, or the person, if any, to whom it is taxable; by publication in some newspaper in the city once each week for two consecutive weeks, the last of which shall be not more than two weeks before the date of such sale, and by posting a copy thereof at the door of the office of the collector or treasurer one week before the day of such sale.

[C97, §1012; C24, 27, 31, 35, 39, §**6873;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.214]

420.215 Cost of publication.

The compensation for such publication shall not exceed thirty cents for each description, and shall be paid by the city. The amount paid therefor shall be collected as a part of the costs of sale and paid into the treasury.

[C97, §1012; C24, 27, 31, 35, 39, §**6874;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.215]

420.216 Sufficiency of notice.

In all cases such advertisement shall be sufficient notice to the owners and persons having an interest in or claiming title to any lot or parcel of real estate, of the sale of their property for delinquent taxes.

[C97, §1012; C24, 27, 31, 35, 39, §**6875;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.216]

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420.217 Irregularities disregarded.

No irregularity or informality in the advertisement shall affect the legality of any sale or the title of any property conveyed, if it shall appear that said property was subject to taxation for the year or years for which the same was sold, and that the tax was due and unpaid at the time of sale.

[C97, §1012; C24, 27, 31, 35, 39, §**6876;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.217]

420.218 Demand unnecessary.

A failure of the collector to make personal demand of taxes shall not affect the validity of any sale or the title of any property acquired under such sale.

[C97, §1012; C24, 27, 31, 35, 39, §**6877;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.218]

420.219 Adjournment of sale.

Section 446.25 is made applicable to cities acting under special charters.

[C97, §1013; C24, 27, 31, 35, 39, §**6878;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.219]

420.220 City tax sale after public bidder sale.

1. Property located in a city acting under special charter which collects its own taxes, shall not, after sale of such property to the county for taxes, be offered or sold at any sale for taxes or special assessments collectible by any such city except in the following events:

a. In the event of redemption from sale to the county or transfer by the county of the certificate of purchase then sale may be made by the city as freely as if this section and sections 420.221 through 420.229 had never become law.

b. In the event that any special assessment or installment thereof levied by any such city, prior to April 22, 1941, shall be or become delinquent, then the property against which the same was levied may be sold therefor only at the first regular tax sale of such city occurring within such a period of time after delinquency that sale for such assessment or installment might lawfully be made at such first regular tax sale.

c. In the event of sale or conveyance of the property by the county after issuance of tax deed to it then sale may be made for general city taxes levied after such sale or conveyance by the county.

d. In the event of levy of any special assessment against the property after purchase thereof at tax sale by the county, then sale may be made for any such special assessment or installment thereof, then delinquent.

2. The county auditor shall, promptly after the purchase of any real estate by the county at tax sale, certify to the city treasurer of any such city, a statement showing the tracts or parcels so purchased and the dates of purchase thereof respectively. In the event either of redemption from any such sale or transfer of the certificate of purchase, the county auditor shall promptly certify to the city treasurer a statement showing such redemption or transfer. The city treasurer shall make appropriate entries in the treasurer's tax books of the facts so certified by the county auditor as well as of the matters certified by such treasurer to said auditor under the provisions of section 420.222.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.220]

2010 Acts, ch 1061, §55

Referred to in §331.512, 420.224, 420.229

420.221 Tax deed to county — city's option to purchase — city tax levies.

In the event that there shall be issued to a county a tax deed for any real estate located in a special charter city which collects its own taxes, the county auditor of any such county shall promptly certify to the city treasurer of such city a statement showing each tract or parcel of real estate conveyed by any such deed, the date of conveyance thereof and the total amount which, immediately prior to the issuance of such deed, would have been required to be paid to make redemption from the sale to the county of each such tract or parcel as well as to pay

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all subsequent taxes due the county thereon. If any special assessment levied against any such parcel by any such city shall then remain uncollected in whole or part such city shall, at any time during three months next ensuing such certification, have the exclusive option to purchase from the county all its right, title, and interest in and to any such tract by paying to the county auditor the amount so certified in respect to such tract. Payment in any such case shall be made from the improvement fund of such city which fund it is hereby authorized to expend for the purposes stated. No general taxes shall be levied by any such city against real estate conveyed to the county by tax deed until the same shall have been sold or conveyed by the county.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.221]
Referred to in §331.512, 420.220, 420.224, 420.229

420.222 Unpaid city taxes certified to county auditor.

The city treasurer shall, promptly after the certification to the treasurer by the county auditor of the fact of issuance to the county of a tax deed for any real estate, certify to such auditor a statement showing all unpaid general taxes, with interest, penalties, and costs to date, due said city and levied against the tracts or parcels of real estate so conveyed by tax deed to the county and also showing whether or not there are any unpaid special assessments against such respective tracts or parcels. After such certification (and, in respect to the tracts or parcels against which there shall so be shown to be any unpaid special assessments, after expiration of the optional right of purchase thereof by the city), the management and sale of any real estate acquired by the county under any such tax deed, as well as distribution of proceeds of sale and other incidents and proceedings consequential to the issuance of such deed, shall occur and be had in like manner and with like effect as if the general taxes, penalties, and costs so certified by such city treasurer had originally been collectible by the county treasurer for the account of the city as general taxes collectible with other general taxes for the respective corresponding years.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.222]
Referred to in §331.512, 420.220, 420.224, 420.229

420.223 Purchase by city at tax sale.

In the event that any general tax or special assessment levied by any special charter city which collects its own taxes, or any installment of any such assessment, shall remain unpaid for two years or more after any delinquency in payment thereof, then such city may, at any regular sale for taxes thereafter, purchase any such real estate for the full amount of the general taxes, with interest, penalties and costs of advertising, for which the same shall be offered and for such further amount, if any as such city may elect, not to exceed the amount of the special assessments or installments thereof, with interest and penalties, for which the same may be offered. Payment to the extent of the amount of such general taxes, with interest, penalties, and costs of advertising, shall be made, without any necessity or prerequisite of appropriation therefor, by charging the respective funds to which such general taxes, interest, penalties, and costs shall be payable, in the amounts so payable, and, to the extent of any further amount, shall be made from the improvement fund of said city, which funds it is hereby authorized to expend for the purposes stated.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.223]
Referred to in §331.512, 420.220, 420.224, 420.229

420.224 Limitation on resale by city.

Property which may be sold at tax sale to any such city shall not be offered at any sale for taxes or special assessments, collectible by such city, while it holds the certificate of purchase thereof or tax deed thereon. Nothing in sections 420.220 through 420.223, this section, or sections 420.225 through 420.229 shall prevent the sale of property for any unpaid taxes collectible by the county.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.224]
2013 Acts, ch 90, §100; 2020 Acts, ch 1063, §216
Referred to in §331.512, 420.220, 420.229

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420.225 City subrogated to county's rights — payment procedure.

Any such city, holding a certificate of purchase at tax sale, may, at its option, pay any unpaid taxes due the county and purchase from the county any tax sale certificate held by the county on the same real estate, making payment in the event of such purchase of the amount which would then be required to redeem from sale to the county or any lesser amount which the county may be lawfully enabled to accept. All amounts so paid shall be entered in the tax sale records of such city and added to the amount required to redeem from sale. All amounts so paid shall be payable out of the general fund.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.225]

Referred to in §331.512, 420.220, 420.224, 420.229

420.226 City clerk makes purchases.

The city clerk shall act on behalf of the city under general or specific resolutions of its city council in making the purchases at tax sale authorized under this subchapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.226]

2020 Acts, ch 1063, §217

Referred to in §331.512, 420.220, 420.224, 420.229

420.227 Notice of expiration of redemption period.

After nine months from the date of such purchase at tax sale by the city and as soon as permitted by law with respect to any tax sale certificate held by such city, the city clerk shall, on behalf of the city, cause notice to be served of the expiration of the right of redemption from such sale on persons of the same description and in like manner as in general provided by law with respect to tax sales by such city and, on expiration of ninety days from completed service of such notice, tax deed shall be issued in like manner and with like effect as provided by law with respect to such other sales.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.227]

Referred to in §331.512, 420.220, 420.224, 420.229

420.228 City may compromise tax — effect.

For the purpose of collecting and realizing on account of delinquent taxes and special assessments collectible by a city as fully and expeditiously as deemed possible in the judgment of its city council, any such city is hereby authorized to settle, compromise, and adjust any general tax, then having been delinquent for a period of two years or more and any special assessment then having been delinquent in whole or as to any installment thereof for a period of two years or more. In connection with any such settlement, compromise, or adjustment, the city is also authorized to accept a conveyance of real property and extend the time for payment of any installment of any special assessment. If any special assessment is reduced in amount in connection with any such settlement, compromise, or adjustment, the full amount of the reduction shall thereby become an obligation of the city to the special assessment fund into which such assessment was payable. The lien or charge created by law for the payment of any special assessment certificates or bonds against any special assessment so reduced in amount or against the proceeds thereof shall remain in effect against the balance of such special assessment and the proceeds of such balance. All such settlements, compromises, and adjustments heretofore effected are hereby ratified and validated.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.228]

2020 Acts, ch 1063, §218

Referred to in §331.512, 420.220, 420.224, 420.229

420.229 Delinquent city taxes — exclusive collection procedure.

All general city taxes and special assessments which, under the provisions of sections 420.220 through 420.228, are not collectible by sale or are collectible by sale only in events or in a manner prescribed in this chapter shall respectively be deemed barred or barred as to collection in any other event or any other manner than so prescribed.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.229]

2021 Acts, ch 80, §249

Referred to in §331.512, 420.220, 420.224

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420.230 Tax list.

All assessments and taxes levied by the council, except as otherwise provided by law, shall be placed by the auditor, clerk, or recorder, as provided by ordinance, upon the proper tax book, to be known as the "tax list", properly ruled and headed with distinct columns to correspond with the assessment books, with a column for polls and one for payments, and the appropriate officer shall complete the same by carrying out the consolidated tax and all other taxes levied, and at the end of the list shall make an abstract thereof and apportion the consolidated tax among the respective funds to which it belongs, according to the amount levied for each, and certify the same to the collector or treasurer at or before the regular time for the collection and payment of taxes.

[R60, §1123, 1126; C73, §495, 498; C97, §1014; C24, 27, 31, 35, 39, §**6879;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.230]

420.231 Lien on real estate.

Taxes upon real estate shall be a lien thereon against all persons except the state. Taxes due from any person upon personal property shall be a lien upon any and all real estate owned by such person or to which the person may acquire title, which lien shall attach to real estate owned by such person on the date when such personal property taxes become delinquent and shall continue for a period of ten years only thereafter.

[C97, §1015; C24, 27, 31, 35, 39, §**6880;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.231]

Referred to in §420.234

420.232 Lien between vendor and vendee.

As between vendor and vendee, such lien shall attach to real estate on the thirty-first day of December following the levy, unless otherwise provided in this chapter.

[C97, §1015; C24, 27, 31, 35, 39, §**6881;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.232]

420.233 Stocks of goods.

Taxes upon stocks of goods and merchandise shall be a lien thereon, and shall continue a lien thereon when sold in bulk, and may be collected from the owner, purchaser, or vendee, but the property of the seller thereof shall be first exhausted for the payment.

[C97, §1015; C24, 27, 31, 35, 39, §**6882;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.233]

420.234 When lien attaches.

All of such taxes shall remain a lien on the property aforesaid from and after the date of the levy in each year, except as provided in section 420.231, with respect to the lien of personal property taxes on real estate.

[C97, §1015; C24, 27, 31, 35, 39, §**6883;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.234]

420.235 Tax receipt.

1. The collector or treasurer shall in all cases make out and deliver to the taxpayer a receipt, which receipt shall contain the description and the assessed value of each lot and parcel of real estate, and the assessed value of personal property, and in case the property has been sold for taxes and not redeemed, the date of such sale and to whom sold, also the amount of taxes, interest, and costs paid.

2. The collector or treasurer shall give separate receipts for each year and shall make proper entries of such payments on the books of the collector's or treasurer's office.

[C97, §1016; C24, 27, 31, 35, 39, §**6884;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.235]

2020 Acts, ch 1063, §219

Referred to in §420.236

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420.236 Payment refused — receipt made conclusive.

The council may provide by ordinance:

1. That a person shall not be permitted to pay taxes of any one year until the taxes for the previous years are first paid.

2. That the receipt contemplated in section 420.235 shall be conclusive evidence that all taxes and the costs of every kind against the property described in such receipt are paid to the date of such receipt.

3. That for any failure or neglect on the part of the collector, or on the part of anyone acting as collector, the collector or the collector's surety shall be liable to an action on the collector's official bond for damages sustained by any person or the city for such neglect.

[C97, §1016; C24, 27, 31, 35, 39, §**6885;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.236]

2021 Acts, ch 76, §65

420.237 Certificate of purchase.

The treasurer or collector of taxes, or person authorized to act as collector, shall make, sign, and deliver to the purchaser of any real property sold for the payment of any taxes or special assessments authorized by the provisions of this chapter, or by any law applicable to such cities, a certificate of purchase, which shall have the same force and effect as certificates issued by county treasurers for the sale of property for delinquent county taxes.

[C97, §1017; C24, 27, 31, 35, 39, §**6886;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.237]

County treasurer's certificate, §446.29

420.238 Redemption — terms.

Real property sold under the provisions of this chapter, or by virtue of any other power given, may be redeemed before the time of redemption expires, as provided in this chapter, by payment to the treasurer, collector, or person authorized to receive the payment. The payment shall be held by the treasurer, collector, or other authorized person subject to the order of the purchaser on surrender of the certificate, or if the certificate is lost or destroyed, on the purchaser's making affidavit of such fact, and of the further fact that the certificate was not assigned, of the amount for which the real property was sold, and ten percent of such amount immediately added as a penalty, with eight percent per annum on the whole amount thus made from the day of sale, and the amount of all taxes, either general or special, with interest and costs, paid at any time by the purchaser or the purchaser's assignee subsequent to the sale, and a similar penalty of ten percent added as before on the amount of the payment made at any subsequent time, with eight percent interest per annum on the whole of such amount or amounts from the day or days of payment; provided that such penalty for the nonpayment of the taxes at any subsequent time or times shall not attach, unless such subsequent tax or taxes shall have remained unpaid for thirty days after they became delinquent.

[C97, §1018; C24, 27, 31, 35, 39, §**6887;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.238]

2020 Acts, ch 1063, §220

420.239 Certificate of redemption.

The treasurer, collector, or person authorized to receive the same, upon application of any party to redeem real property sold as aforesaid, and being satisfied that such person has a right to redeem the same, and on payment of the proper amount, shall issue to such party a certificate of redemption, in substance and form as provided for the redemption of property sold for state and county taxes, which redemption shall thereupon be deemed complete without further proceedings.

[C97, §1018; C24, 27, 31, 35, 39, §**6888;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.239]

95 Acts, ch 91, §1

Tax redemption, chapter 447

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420.240 Redemption statutes applicable.

The provisions of sections 447.7 through 447.13 shall, so far as those sections shall be applicable, and are not changed or modified in this chapter, apply to sales of real estate for delinquent taxes contemplated in this chapter; but where the words "auditor of the county" or "treasurer" are used in those sections the words "city clerk", "recorder", "auditor", or "person authorized to make out the tax list" and "city collector" or "city treasurer or officer authorized to receive same" shall be substituted.

[C97, §1018; C24, 27, 31, 35, 39, §**6889;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.240]

2021 Acts, ch 80, §250

420.241 Deed — when executed.

Immediately after the expiration of ninety days from the date of service of the notice, as prescribed by sections 447.9 through 447.14 and section 448.1, the treasurer, collector, or person authorized to act as collector of taxes, shall make out a deed for each lot or parcel of land sold and remaining unredeemed and deliver the same to the purchaser upon the return of the certificate of purchase.

[C97, §1019; C24, 27, 31, 35, 39, §**6890;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.241]

2011 Acts, ch 34, §96

420.242 Different parcels.

Any number of parcels of real estate bought by one person may be included in one deed, if required by the purchaser.

[C97, §1019; C24, 27, 31, 35, 39, §**6891;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.242]

420.243 Formal execution.

Deeds executed by the city treasurer, collector, or person authorized to act as collector, may be in form substantially as provided by section 448.2, and shall be signed and acknowledged by the treasurer, collector, or other authorized person in the person's official capacity.

[C97, §1019; C24, 27, 31, 35, 39, §**6892;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.243]

420.244 Force and effect.

All deeds and conveyances made and executed on account of any general or special tax sale shall be of the same force and effect as deeds made by the county treasurer as provided in sections 448.3 through 448.5 for delinquent county taxes.

[C97, §1019; C24, 27, 31, 35, 39, §**6893;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.244]

2021 Acts, ch 80, §251

420.245 Rights and remedies.

The purchaser as well as the owner of any real property sold on account of such general or special delinquent taxes or assessments shall be entitled to all the rights and remedies which are granted and prescribed by sections 446.35, 446.36, and 448.6 through 448.14, but wherever the words "county and county treasurer and auditor" are used, the words "city, city treasurer, city clerk, recorder, auditor, or collector or officer authorized to act as collector", shall be substituted.

[C97, §1019; C24, 27, 31, 35, 39, §**6894;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.245]

2021 Acts, ch 80, §252

420.246 Tax and deed statutes applicable.

Sections 446.16, 446.32, and 448.10 through 448.12 are applicable to cities acting under special charters, except that, where the word "treasurer" is used, there shall be substituted

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the words "city collector or treasurer or deputy treasurer or deputy or officer authorized to collect city taxes"; and where the word "auditor" is used, there shall be substituted the words "city clerk or recorder".

[C97, §1020; S13, §1020; C24, 27, 31, 35, 39, §**6895;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.246]

83 Acts, ch 101, §85; 91 Acts, ch 191, §17; 2021 Acts, ch 80, §253

420.247 Failure to obtain deed — cancellation of sale.

After July 4, 1942, section 446.37 shall apply to cities acting under special charter which collect their own taxes, except that the terms "county auditor" and "county treasurer" in section 446.37 shall be taken, for the purposes of this section, to refer to the persons performing their respective functions in relation to tax sales by such cities.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.247]

2021 Acts, ch 80, §254

420.248 Penalty or interest on unpaid taxes.

Cities which act under special charters and which levy and collect their own taxes shall not collect any further penalty or interest on general taxes remaining unpaid four years or more after March 31 of the year for which such general taxes are levied.

[S13, §1056-a4; C24, 27, 31, 35, 39, §**6896;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.248]

420.249 through 420.285 Reserved.

SUBCHAPTER V

AMENDMENT OF CHARTER

420.286 Procedure.

On the presentation of a petition signed by one-fourth of the electors, as shown by the vote at the next preceding city election, of any city acting under a special charter or act of incorporation, to the governing body of the city, asking that the question of the amendment of the special charter or act of incorporation be submitted to the electors of such city, the governing body shall immediately propose sections to amend the charter or act of incorporation, and shall submit the amendment, as requested, at the first ensuing city election. At least ten days before the election, the mayor of the city shall issue a proclamation setting forth the nature and character of the amendment, and shall cause the proclamation to be published in a newspaper published in the city, or, if there be none, the mayor shall cause the amendment to be posted in five public places in the city. On the day specified, the proposition to adopt the amendment shall be submitted to the electors of the city for adoption or rejection, in the manner provided by the general election laws.

[R60, §1141; C73, §548; C97, §1047; C24, 27, 31, 35, 39, §**6933;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.286]

2019 Acts, ch 59, §120

Public measure submitted to voters, §49.43 et seq.

420.287 Proclamation of result.

If a majority of the votes cast be in favor of adopting said amendment, the mayor shall issue a proclamation accordingly; and the amendment shall thereafter constitute a part of said charter.

[R60, §1142; C73, §549; C97, §1048; C24, 27, 31, 35, 39, §**6934;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.287]

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420.288 Submission at special election.

The legislative body of the city may submit any amendment to the vote of the people at any special election, provided one-half of the electors petition for that purpose, and the proceedings shall be the same as at the general election.

[R60, §1143; C73, §550; C97, §1049; C24, 27, 31, 35, 39, §**6935;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §420.288]

2019 Acts, ch 59, §121

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