



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 6, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 591, an Act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, and providing an effective date.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 591

AN ACT

RELATING TO STATE DEPARTMENT OF TRANSPORTATION DUTIES
CONCERNING ITS BUDGET, DISTRIBUTION OF STATE INSTITUTIONAL
ROAD FUNDS, VEHICLE WEIGHT AND LENGTH RESTRICTIONS,
ALL-TERRAIN VEHICLE USE, EVIDENCE OF INTERSTATE AUTHORITY
AND PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 307.10, subsection 5, Code 2005, is amended by striking the subsection.

Sec. 2. Section 307.22, subsection 5, Code 2005, is amended by striking the subsection.

Sec. 3. Section 307A.2, subsection 11, Code 2005, is amended to read as follows:

11. Construct, reconstruct, improve, and maintain state institutional roads and state park roads, which are part of the state park, state institution, and other state land road system as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as defined in chapter 173, and the roads and bridges located on community college property as defined in chapter 260C, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate

points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use tax fund for the purposes of this subsection shall be apportioned in the ~~ratio that the needs of the state institutional roads and bridges, park roads and bridges, or community college roads and bridges bear to the total needs of these facilities based upon the most recent quadrennial park and institution need study.~~ following manner and amounts:

a. For department of natural resources facility roads, forty-five and one-half percent.

b. For department of human services facility roads, six and one-half percent.

c. For department of corrections facility roads, five and one-half percent.

d. For national guard facility roads, four percent.

e. For state board of regents facility roads, thirty percent.

f. For state fair board facility roads, two percent.

g. For department of administrative services facility roads, one-half percent.

h. For department of education facility roads, six percent.

Sec. 4. Section 321.1, subsection 88, Code 2005, is amended to read as follows:

88. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. However, a truck tractor may have a box, deck, or plate for carrying freight, mounted on the frame behind the cab, and forward of the fifth-wheel connection point.

Sec. 5. Section 321.463, subsection 5, paragraph a, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The maximum gross weight allowed to be carried on a vehicle or combination of vehicles on highways which are part of the interstate primary system is as follows:

Sec. 6. Section 321.463, subsection 5, paragraph b, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The maximum gross weight allowed to be carried on a vehicle or combination of vehicles on noninterstate nonprimary highways is as follows:

Sec. 7. Section 321.463, subsection 8, Code 2005, is amended to read as follows:

8. A vehicle or combination of vehicles transporting materials or equipment on nonprimary highways to or from a construction project or commercial plant site may operate under the maximum gross weight table for interstate primary highways in subsection 5, paragraph "a", if the route is approved by the ~~department~~ or appropriate local authority. Route approval is not required if the vehicle or combination of vehicles transporting materials or equipment to or from a construction project or commercial plant site complies with the maximum gross weight table for noninterstate highways in subsection 5, paragraph "c".

Sec. 8. Section 321I.2, unnumbered paragraph 2, Code 2005, is amended by striking the unnumbered paragraph.

Sec. 9. Section 321I.10, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. The department of transportation may issue a permit to a state agency, a county, or a city to allow an all-terrain vehicle trail to cross a primary highway. The trail crossing shall be part of an all-terrain vehicle trail designated by the state agency, county, or city. A permit shall be issued only if the crossing can be accomplished in a safe manner and allows for adequate sight distance for both motorists and all-terrain vehicle operators. The department may adopt rules to administer this subsection.

Sec. 10. Section 327B.1, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 6. A motor carrier owner or driver shall carry proper evidence of interstate authority in the motor carrier and shall make such evidence available to a peace officer upon request.

NEW SUBSECTION. 7. If a motor carrier owner or driver is cited for failure to have proper evidence of interstate authority, the owner or driver may produce such evidence to the clerk of court prior to the date of such person's court appearance as indicated on the citation, and the owner or driver shall not be convicted of such violation and the citation issued shall be dismissed.

Sec. 11. Section 327B.5, Code 2005, is amended to read as follows:

327B.5 PENALTY.

Any person violating the provisions of this chapter shall, upon conviction, be subject to a scheduled fine of not more than one hundred dollars or imprisonment in the county jail for not more than thirty days as provided in section 805.8A, subsection 13, paragraphs "f" and "g".

Sec. 12. CODE EDITOR DIRECTIVE. The Code editor shall correct the titles of the charts in section 321.463, subsection 5, paragraphs "a" and "b", to conform with the amendments to those provisions of section 321.463 as contained in this Act.

Sec. 13. EFFECTIVE DATE. The sections of this Act amending section 321.463, being deemed of immediate importance, take effect upon enactment.



CHRISTOPHER C. RANTS
Speaker of the House



JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 591, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 6, 2005



THOMAS J. VILSACK
Governor