

March 29, 1965.

Place on Calendar.

House File 606

By TRANSPORTATION COMMITTEE.

Passed House, Date.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Vote: Ayes..... Nays.....

Approved.....

referred 5/6 5/7

5/28

*passed on file 5/10
transportation 5/11
pass 5/30*

A BILL FOR

An Act to enable Iowa to enter into the vehicle equipment safety compact with other states and to designate a commissioner to administer the compact.

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

1 Section 1. The state of Iowa hereby ratifies and adopts
 2 by reference the interstate vehicle equipment safety compact
 3 consisting of ten (10) articles approved by the committee of
 4 state officials on suggested state legislation of the council
 5 of state governments published in the program of suggested state
 6 legislation, 1963.

1 Sec. 2. The commissioner of public safety shall be the com-
 2 pact commissioner for the state of Iowa. The compact commis-
 3 sioner shall be authorized to appoint an alternate to act with
 4 full powers, authority, and responsibility as commissioner.

EXPLANATION OF HOUSE FILE 606

The vehicle equipment safety compact which this bill proposes to adopt, is designed to do the following three things:

1. To create uniformity among state laws regulating vehicle equipment, e.g., sealed beam headlights, safety belts, turn signals.
2. To establish procedures which will reduce the time lapse between the development of new or improved safety equipment and the legal use of such equipment in or on vehicles. This element is very important in view of the tremendous growth in numbers and use of automobiles today.
3. To retain in the state's hands, the jurisdiction over the regulation of highway traffic safety matters, because they can be most effectively and efficiently administered by the state.

The high number of faulty equipment-caused accidents in Iowa last year points out the need for effective equipment performance standards if the traffic safety problem is to be improved.

1 Amend House File 606 by striking all after the enacting
2 clause and inserting in lieu thereof the following:

3 Section 1. The commissioner of public safety is hereby au-
4 thorized to enter into vehicle equipment safety compacts with
5 other jurisdictions legally joining therein in substantially
6 the following form.

7 The contracting states agree:

8 ARTICLE I—Findings and purposes

9 a. The party states find that:

10 1. Accidents and deaths on their streets and highways
11 prevent a very serious human and economic problem with a major
12 deleterious effect on the public welfare.

13 2. There is a vital need for the development of greater
14 interjurisdictional co-operation to achieve the necessary uni-
15 formity in the laws, rules, regulations and codes relating to
16 vehicle equipment, and to accomplish this by such means as will
17 minimize the time between the development of demonstrably and
18 scientifically sound safety features and their incorporation
19 into vehicles.

20 b. The purposes of this compact are to:

21 1. Promote uniformity in regulation of and standards for
22 equipment.

23 2. Secure uniformity of law and administrative practice
24 in vehicular regulation and related safety standards to permit
25 incorporation of desirable equipment changes in vehicles in the
26 interest of greater traffic safety.

27 3. To provide means for the encouragement and utilization
28 of research which will facilitate the achievement of the fore-
29 going purposes, with due regard for the findings set forth in
30 subdivision "a" of this article.

31 c. It is the intent of this compact to emphasize performance
32 requirements and not to determine the specific detail of engi-
33 neering in the manufacture of vehicles or equipment except to
34 the extent necessary for the meeting of such performance require-
35 ments.

36 ARTICLE II—Definitions

37 As used in this compact:

38 a. "Vehicle" means every device in, upon or by which any
39 person or property is or may be transported or drawn upon a
40 highway, excepting devices moved by human power or used exclu-
41 sively upon stationary rails or tracks.

42 b. "State" means a state, territory or possession of the
43 United States, the District of Columbia, or the Commonwealth of
44 Puerto Rico.

45 c. "Equipment" means any part of a vehicle or any accessory
46 for use thereon which affects the safety of operation of such
47 vehicle or the safety of the occupants.

48 ARTICLE III—The commission

49 a. There is hereby created an agency of the party states to
50 be known as the "Vehicle Equipment Safety Commission" hereinafter
51 called the commission. The commission shall be composed of one
52 commissioner from each party state who shall be appointed, serve
53 and be subject to removal in accordance with the laws of the
54 state which he represents. If authorized by the laws of his
55 party state, a commissioner may provide for the discharge of
56 his duties and the performance of his functions on the commis-
57 sion, either for the duration of his membership or for any lesser
58 period of time, by an alternate. No such alternate shall be
59 entitled to serve unless notification of his identity and ap-
60 pointment shall have been given to the commission in such form
61 as the commission may require. Each commissioner, and each
62 alternate, when serving in the place and stead of a commissioner,
63 shall be entitled to be reimbursed by the commission for expenses
64 actually incurred in attending commission meetings or while en-
65 gaged in the business of the commission.

66 b. The commissioners shall be entitled to one vote each on
67 the commission. No action of the commission shall be binding
68 unless taken at a meeting at which a majority of the total number
69 of votes on the commission are cast in favor thereof. Action
70 of the commission shall be only at a meeting at which a majority
71 of the commissioners, or their alternates, are present.

72 c. The commission shall have a seal.

73 d. The commission shall elect annually, from among its mem-
74 bers, a chairman, a vice-chairman and a treasurer. The commis-
75 sion may appoint an executive director and fix his duties and
76 compensation. Such executive director shall serve at the pleasure
77 of the commission, and together with the treasurer shall be bond-
78 ed in such amount as the commission shall determine. The executive
79 director also shall serve as secretary. If there be no executive
80 director, the commission shall elect a secretary in addition to
81 the other officers provided by this subdivision.

82 e. Irrespective of the civil services, personnel or other
83 merit system laws of any of the party states, the executive
84 director with the approval of the commission, or the commission
85 if there be no executive director, shall appoint, remove or
86 discharge such personnel as may be necessary for the performance
87 of the commission's functions, and shall fix the duties and
88 compensation of such personnel.
89 f. The commission may establish and maintain independently
90 or in conjunction with any one or more of the party states, a
91 suitable retirement system for its full time employees. Employees
92 of the commission shall be eligible for social security coverage
93 in respect of old age and survivor's insurance provided that
94 the commission takes such steps as may be necessary pursuant to
95 the laws of the United States, to participate in such program of
96 insurance as a governmental agency or unit. The commission may
97 establish and maintain or participate in such additional programs
98 of employee benefits as may be appropriate.
99 g. The commission may borrow, accept or contract for the
100 services of personnel from any party state, the United States,
101 or any subdivision or agency of the aforementioned governments,
102 or from any agency of two or more of the party states or their
103 subdivisions.
104 h. The commission may accept for any of its purposes and
105 functions under this compact any and all donations, and grants
106 of money, equipment, supplies, materials, and services, condi-
107 tional or otherwise, from any state, the United States, or any
108 other governmental agency and may receive, utilize and dispose
109 of the same.
110 i. The commission may establish and maintain such facilities
111 as may be necessary for the transacting of its business. The
112 commission may acquire, hold, and convey real and personal prop-
113 erty and any interest therein.
114 j. The commission shall adopt bylaws for the conduct of its
115 business and shall have the power to amend and rescind these
116 bylaws. The commission shall publish its bylaws in convenient
117 form and shall file a copy thereof and a copy of any amendment
118 thereto, with the appropriate agency or officer in each of the
119 party states. The bylaws shall provide for appropriate notice
120 to the commissioners of all commission meetings and hearings
121 and the business to be transacted at such meetings or hearings.
122 Such notice shall also be given to such agencies or officers of
123 each party state as the laws of such party state may provide.
124 k. The commission annually shall make to the governor and
125 legislature of each party state a report covering the activities
126 of the commission for the preceding year, and embodying such
127 recommendations as may have been issued by the commission. The
128 commission may make such additional reports as it may deem
129 desirable.

130 ARTICLE IV—Research and testing

131 The commission shall have power to:
132 a. Collect, correlate, analyze and evaluate information
133 resulting or derivable from research and testing activities in
134 equipment and related fields.
135 b. Recommend and encourage the undertaking of research and
136 testing in any aspect of equipment or related matters when, in
137 its judgment, appropriate or sufficient research or testing has
138 not been undertaken.
139 c. Contract for such equipment research and testing as one
140 or more governmental agencies may agree to have contracted for
141 by the commission, provided that such governmental agency or
142 agencies shall make available the funds necessary for such
143 research and testing.
144 d. Recommend to the party states changes in law or policy
145 with emphasis on uniformity of laws and administrative rules,
146 regulations or codes which would promote effective governmental
147 action or co-ordination in the prevention of equipment-related
148 highway accidents or the mitigation of equipment-related high-
149 way safety problems.

50 ARTICLE V—Vehicular equipment

51 a. In the interest of vehicular and public safety, the com-
52 mission may study the need for or desirability of the establish-
53 ment of or changes in performance requirements or restrictions
54 for any item of equipment. As a result of such study, the com-
55 mission may publish a report relating to any item or items of
156 equipment, and the issuance of such a report shall be a condition
157 precedent to any proceedings or other action provided or author-
158 ized by this article. No less than sixty days after the publica-
159 tion of a report containing the results of such study, the com-
160 mission upon due notice shall hold a hearing or hearings at such
161 place or places as it may determine.

162 b. Following the hearing or hearings provided for in subdi-
163 vision "a" of this article, and with due regard for standards
164 recommended by appropriate professional and technical associations
165 and agencies, the commission may issue rules, regulations or
166 codes embodying performance requirements or restrictions for any
167 item or items of equipment covered in the report, which in the
168 opinion of the commission will be fair and equitable and effec-
169 tuate the purposes of this compact.

170 c. Each party state obligates itself to give due considera-
171 tion to any and all rules, regulations and codes issued by the
172 commission and hereby declares its policy and intent to be the
173 promotion of uniformity in the laws of the several party states
174 relating to equipment.

175 d. The commission shall send prompt notice of its action
176 in issuing any rule, regulation or code pursuant to this article
177 to the appropriate motor vehicle agency of each party state
178 and such notice shall contain the complete text of the rule,
179 regulation or code.

180 e. If the constitution of a party state requires, or if its
181 statutes provide, the approval of the legislature by appropriate
182 resolution or act may be made a condition precedent to the taking
183 effect in such party state of any rule, regulation or code. In
184 such event, the commissioner of such party state shall submit
185 any commission rule, regulation or code to the legislature as
186 promptly as may be in lieu of administrative acceptance or re-
187 jection thereof by the party state.

188 b. Except as otherwise specifically provided in or pursuant
189 to subdivisions "e" and "g" of this article, the appropriate
190 motor vehicle agency of a party state shall in accordance with
191 its constitution or procedural laws adopt the rule, regulation
192 or code within six months of the sending of the notice, and,
193 upon such adoption, the rule, regulation or code shall have the
194 force and effect of law therein.

195 g. The appropriate motor vehicle agency of a party state
196 may decline to adopt a rule, regulation or code issued by the
197 commission pursuant to this article if such agency specifically
198 finds, after public hearing on due notice, that a variation
199 from the commission's rule, regulation or code is necessary to
200 the public safety, and incorporate in such finding the reasons
201 upon which it is based. Any such finding shall be subject to
202 review by such procedure for review of administrative determina-
203 tions as may be applicable pursuant to the laws of the party
204 state. Upon request, the commission shall be furnished with a
205 copy of the transcript of any hearings held pursuant to this
206 subdivision.

207 ARTICLE VI—Finance

208 a. The commission shall submit to the executive head or
209 designated officer or officers of each party state a budget of
210 its estimated expenditures for such period as may be required
211 by the laws of that party state for presentation to the legis-
212 lature thereof.

213 b. Each of the commission's budgets of estimated expenditures
214 shall contain specific recommendations of the amount or amounts
215 to be appropriated by each of the party states. The total amount
216 of appropriations under any such budget shall be apportioned
217 among the party states as follows: one-third in equal shares;
218 and the remainder in proportion to the number of motor vehicles
219 registered in each party state. In determining the number of
220 such registrations, the commission may employ such source or
221 sources of information as in its judgment present the most
222 equitable and accurate comparisons among the party states. Each
223 of the commission's budgets of estimated expenditures and re-
224 quests for appropriations shall indicate the source or sources
225 used in obtaining information concerning vehicular registrations.

226 c. The commission shall not pledge the credit of any party
227 state. The commission may meet any of its obligations in whole
228 or in part with funds available to it under Article III "h" of
229 this compact, provided that the commission takes specific action
230 setting aside such funds prior to incurring any obligation to be
231 met in whole or in part in such manner. Except where the com-
232 mission makes use of funds available to it under Article III "h"
233 hereof, the commission shall not incur any obligation prior to
234 the allotment of funds by the party states adequate to meet the
235 same.

236 d. The commission shall keep accurate accounts of all receipts
237 and disbursements. The receipts and disbursements of the commis-
238 sion shall be subject to the audit and accounting procedures
239 established under its rules. However, all receipts and disburse-
240 ments of funds handled by the commission shall be audited yearly
241 by a qualified public accountant and the report of the audit
242 shall be included in and become part of the annual reports of
243 the commission.

244 e. The accounts of the commission shall be open at any rea-
245 sonable time for inspection by duly constituted officers of the
246 party states and by any persons authorized by the commission.
247 f. Nothing contained herein shall be construed to prevent
248 commission compliance with laws relating to audit or inspection
249 of accounts by or on behalf of any government contributing to
250 the support of the commission.

251 ARTICLE VII—Conflict of interest

252 a. The commission shall adopt rules and regulations with re-
253 spect to conflict of interest for the commissioners of the party
254 states, and their alternates, if any, and for the staff of the
255 commission and contractors with the commission to the end that
256 no member or employee or contractor shall have a pecuniary or
257 other incompatible interest in the manufacture, sale or distribu-
258 tion of motor vehicles or vehicular equipment or in any facility
259 or enterprise employed by the commission or on its behalf for
260 testing, conduct of investigations or research. In addition to
261 any penalty for violation of such rules and regulations as may
262 be applicable under the laws of the violator's jurisdiction of
263 residence, employment or business, any violation of a commission
264 rule or regulation adopted pursuant to this article shall require
265 the immediate discharge of any violating employee and the imme-
266 diate vacating of the membership, or relinquishing of status as a
267 member on the commission by any commissioner or alternate. In
268 the case of a contractor, any violation of any such rule or reg-
269 ulation shall make any contract of the violator with the commis-
270 sion subject to cancellation by the commission.

271 b. Nothing contained in this article shall be deemed to
272 prevent a contractor for the commission from using any facilities
273 subject to his control in the performance of the contract even
274 through such facilities are not devoted solely to work of or done
275 on behalf of the commission; nor to prevent such a contractor
276 from receiving remuneration or profit from the use of such
277 facilities.

278 ARTICLE VIII—Advisory and technical committees

279 The commission may establish such advisory and technical com-
280 mittees as it may deem necessary, membership on which may include
281 private citizens and public officials, and may co-operate with
282 and use the services of any such committees and the organizations
283 which the members represent in furthering any of its activities.

284 ARTICLE IX—Entry into force and withdrawal

285 a. This compact shall enter into force when enacted into law
286 by any six or more states. Thereafter, this compact shall become
287 effective as to any other state upon its enactment thereof.

288 b. Any party state may withdraw from this compact by enact-
289 ing a statute repealing the same, but no such withdrawal shall
290 take effect until one year after the executive head of the
291 withdrawing state has given notice in writing of the withdrawal
292 to the executive heads of all other party states. No withdrawal
293 shall affect any liability already incurred by or chargeable to
294 a party state prior to the time of such withdrawal.

295 Sec. 2. The agencies and officers of this state and its
296 subdivisions and municipalities shall enforce this compact and
297 do all things appropriate to effect its purpose and intent which
298 may be within their respective jurisdictions.

Filed *adopted 5/7*
May 6, 1965.

By TRANSPORTATION COMMITTEE,
KEITH H. DUNTON, *Chairman.*