

FILED FEB 26 1971

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Reprinted 4/14

SENATE FILE 297

By COMMITTEE ON LAW ENFORCEMENT

Passed Senate, Date 4-6-71 Passed House, Date _____

Vote: Ayes 37 Nays 11 Vote: Ayes _____ Nays _____

Approved _____

Motion to reconsider filed 4/7, Prevailed 4/14

*Passed Senate 4-14-71
ayes 39 nays 8*

A BILL FOR

1 An Act relating to motor vehicle inspection and safety and
2 providing penalties for violation of the Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 Section 1. Section three hundred twenty-one point three
2 hundred seventy-four (321.374), Code 1971, is amended as
3 follows:

4 321.374 INSPECTION--SEAL OF APPROVAL. No vehicle shall
5 be put into service as a school bus until it is given an
6 original inspection to determine if it meets all legal and
7 established uniform standards of construction for the pro-
8 tection of the health and safety of children to be trans-
9 ported and inspected for vehicle safety under the provisions
10 of this chapter. Vehicles which are approved shall be issued
11 a seal of approval by the superintendent of public instruction.
12 All vehicles used as school buses shall be given a safety
13 inspection at least once a year.--Buses passing the inspection
14 shall be issued an inspection seal of approval by the
15 superintendent of public instruction.--The seal of original
16 inspection and the annual seal of inspection shall be affixed
17 to the lower right hand corner of the windshield.

18 Sec. 2. Chapter three hundred twenty-one (321), Code 1971,
19 is amended by adding the following new sections:

20 1. "No person shall drive or move on any highway any motor
21 vehicle, mobile home, trailer, or semitrailer, or any
22 combination thereof, unless the equipment on the vehicle is
23 in good working order and the vehicle is in such safe
24 mechanical condition as not to endanger the driver or other
25 occupant or any person upon the highway."

26 2. "The commissioner may grant permits for the operation
27 of vehicle inspection stations authorized to issue official
28 certificates of inspection of vehicles."

29 3. "Application for an authorized inspection station per-
30 mit shall be made upon forms provided by the commissioner.
31 The biennial fee for an inspection station permit shall be
32 five dollars. The fee shall be submitted with the applica-
33 tion for the permit."

34 4. "Upon determining that the inspection station of an
35 applicant for an authorized inspection station permit is

1 properly equipped, has competent personnel to conduct vehi-
2 cle inspections, and can properly conduct such inspections,
3 the commissioner shall grant such permit."

4 5. "The commissioner shall:

5 1. Supervise and cause inspections to be made of each
6 vehicle inspection station issued a permit and if he finds
7 that any station is not properly equipped or that inspections
8 are not being properly conducted shall revoke and require
9 the surrender of the permit issued to the station. Notice
10 of revocation shall be by regular United States mail addressed
11 to the address for which the permit was granted. Revocation
12 shall be effective ten days after the date of mailing of such
13 notice unless the permit holder shall request a hearing be-
14 fore the commissioner on the order revoking the permit. If
15 upon hearing the commissioner does not reverse the order of
16 revocation the revocation shall be immediately effective un-
17 less revocation is enjoined by court action.

18 2. Provide instructions and all necessary forms to autho-
19 rized inspection stations for the inspection of vehicles and
20 the issuance of official certificates of inspection.

21 3. Maintain and post at the office of the department lists
22 of all stations holding permits and of stations whose permits
23 have been revoked."

24 6. "No permit for an official inspection station shall
25 be assigned or transferred or used at any location other than
26 the location designated in the permit and each authorized
27 inspection station shall post its permit in a conspicuous
28 place at the designated location of the station."

29 7. "Official certificates of inspection shall be purchased
30 by inspection stations from the department at a cost of twenty-
31 five cents per certificate. A permit holder shall receive
32 a credit or a refund, to be paid from the motor vehicle
33 inspection fund, created by this Act, in the amount of twenty-
34 five cents for each unused certificate returned to the
35 department."

1 8. "No person shall make, issue, or knowingly use any
2 imitation or counterfeit of an official certificate of in-
3 spection. No person shall display or cause or permit to be
4 displayed upon any vehicle any certificate of inspection
5 knowing the certificate to be fictitious, or issued for an-
6 other vehicle, or issued without an inspection having been
7 made. No person shall issue an official certificate of in-
8 spection who does not hold a valid permit for the issuance
9 of such certificate."

10 9. "The fee for inspection, including the issuance of
11 the certificate of inspection, shall be uniform and shall
12 be established by the commissioner. The fee shall be a
13 reasonable and just charge based upon the average cost and
14 time necessary to perform the inspection, and shall be retained
15 by the inspection station. No inspection station shall absorb
16 the inspection fee, or advertise or represent in any manner
17 that the fee or any part of the fee is directly or indirectly
18 absorbed by the station, nor shall any inspection station
19 charge a fee for inspection services under this Act in an
20 amount other than the fees herein provided."

21 10. "All fees collected by the department under the pro-
22 visions of this Act shall be remitted monthly to the treasurer
23 of state. The moneys remitted shall be placed by the trea-
24 surer of state in a special fund to be known as the motor
25 vehicle inspection fund and shall be used to defray the cost
26 of administering the provisions of this Act. Any balance
27 remaining in the motor vehicle inspection fund at the end
28 of each fiscal year shall revert to the general fund of the
29 state on the thirtieth day of September following the end
30 of the fiscal year."

31 11. "In making a vehicle inspection, the inspection sta-
32 tion shall inspect such of the following equipment as is ap-
33 plicable to the vehicle: brakes, lights, turning signals,
34 steering, sound devices, glass, mirrors, exhaust system,
35 windshield wipers, seat belts, tires and such other safety

1 equipment as may be prescribed for inspection under rules
2 and regulations adopted by the commissioner.

3 Upon completion of inspection of a vehicle and determina-
4 tion that its equipment is in adequate condition and proper
5 adjustment to warrant issuance of a certificate of inspec-
6 tion, the inspection station which has made the inspection
7 shall affix an official certificate of inspection to such
8 vehicle in the manner specified by the commissioner. Except
9 as otherwise provided, the certificate shall be valid for
10 the period commencing with the calendar month of issue and
11 ending at midnight on the last day of the twelfth calendar
12 month following the month of issue and shall not be valid
13 thereafter."

14 12. "If an inspection discloses the necessity for re-
15 pairs, the owner of the vehicle or person having custody
16 thereof shall be so notified. Repairs and adjustments need
17 not be made at the inspection station which has made the
18 inspection and if the owner or person having custody of the
19 vehicle elects not to have the repairs or adjustments made
20 at that time a certificate of rejection shall be affixed to
21 the vehicle. If an official certificate of inspection has
22 been affixed to the vehicle which is valid on the date of
23 rejection, the certificate of inspection shall no longer be
24 valid even though the period for which it was issued has not
25 expired and the inspection station shall remove the certifi-
26 cate. After correction of the stated defects, the inspec-
27 tion station which made the inspection shall reinspect the
28 vehicle once without additional charge if requested so to
29 do within fifteen days after its issuance of the rejection
30 certificate.

31 The owner or other person having custody of the vehicle
32 shall have such repairs made or defects corrected as are re-
33 quired by the rejection certificate within fifteen days from
34 the date of the rejection certificate. A vehicle for which
35 the repairs are not made or defects not corrected, shall

1 not thereafter be operated on the streets or highways until
2 a valid certificate of inspection has been obtained and affixed
3 to the vehicle."

4 13. "After December 31, 1971, every motor vehicle sub-
5 ject to registration under the laws of this state, except
6 motor vehicles registered under section three hundred twenty-
7 one point one hundred fifteen (321.115) of the Code, when
8 first registered in this state or when sold at retail within
9 or without this state, shall be inspected at an authorized
10 inspection station unless there is affixed to the motor vehi-
11 cle a valid certificate of inspection which was issued for
12 such motor vehicle not more than thirty days prior to the
13 date on which such vehicle was sold. If the motor vehicle
14 is subject to inspection, the authorized inspection station
15 shall issue and affix a valid certificate of inspection or
16 certificate of rejection, as the case may be, in accordance
17 with the results of the inspection. The applicant shall file
18 with an application for title to the vehicle or for
19 registration thereof under the provisions of subsection two
20 (2) or three (3) of section three hundred twenty-one point
21 twenty-three (321.23) of the Code, with the county treasurer
22 of the county of his residence, a statement on a form pro-
23 vided by the commissioner, signed by an authorized inspec-
24 tion station certifying the date that a certificate of in-
25 spection was issued for and affixed to the vehicle. The
26 county treasurer shall not issue a title to the vehicle to
27 the applicant or register the vehicle unless such statement
28 is filed with the application showing that the inspection
29 of the vehicle was made not more than thirty days prior to
30 the date of sale. The county treasurer shall mail the state-
31 ment of inspection to the department at the time of mailing
32 copies of the registration receipt."

33 14. "After December 31, 1971, any peace officer who makes
34 an investigation of an accident may direct that any vehicle
35 involved in the accident shall be inspected at an official

1 inspection station within the time fixed by such peace of-
2 ficer."

3 15. "The commissioner may authorize the acceptance in
4 this state of a certificate of inspection issued in another
5 state having an inspection law substantially similar to the
6 provisions of this chapter pertaining to vehicle inspection."

7 16. "Any holder of or an applicant for a permit for an
8 authorized vehicle inspection station, if aggrieved by the
9 ruling of the commissioner revoking a permit or denying an
10 application for a permit may, within ten days of such rul-
11 ing, take an appeal to the district court for the county in
12 which the inspection station is located or to the district
13 court for Polk county."

14 17. "The inspection of any vehicle and issuance of a
15 certificate of inspection shall not be construed in any court
16 as a warranty of the mechanical condition of the vehicle,
17 and the failure to discover any defect in any vehicle in the
18 course of an inspection under the provisions of this Act shall
19 not be made the basis of an action for damages in any court."

20 18. "It is a misdemeanor for any owner or operator of
21 any vehicle required to be inspected to fail to comply with
22 the provisions of this Act."

23 19. "A person shall not sell any motor vehicle, other
24 than transfers to a dealer licensed under chapter three hun-
25 dred twenty-two (322) of the Code, unless there is a valid
26 official certificate of inspection affixed to such vehicle
27 at the time of sale. Any person violating the provisions
28 of this section shall be subject to a fine of one hundred
29 dollars and shall be liable to the purchaser in damages for
30 all costs involved in obtaining a valid certificate of
31 inspection for such vehicle."

32 Sec. 3. Sections three hundred twenty-one point two hun-
33 dred thirty-eight (321.238) through three hundred twenty-one
34 point two hundred forty-six (321.246), inclusive, Code 1971,
35 are repealed.

EXPLANATION

1
2 This bill provides for the compulsory inspection of speci-
3 fied safety equipment of vehicles subject to registration
4 by inspection stations licensed and supervised by the Depart-
5 ment of Public Safety as follows:

6 After December 31, 1971:

- 7 (a) Within 30 days prior to every retail sale;
8 (b) Prior to an initial registration in Iowa; and
9 (c) In the event of vehicle damage in an accident if the
10 investigating officer directs an inspection to be made.

11 The inspection fee is to be established by the Commissioner
12 of Public Safety, and 25 cents of each fee is remitted to the
13 Department of Public Safety for cost of administration and
14 supervision.

15 The bill retains the present safety spot inspection
16 authority of the state.

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April 14, 1971

SENATE FILE 297

Senate Amendments

Are Shown in

BOLD FACE TYPE

By COMMITTEE ON LAW ENFORCEMENT

(AS PASSED BY THE SENATE)

The Law Enforcement 4/15
Transfer of Transportation 4/16

Passed Senate, Date *6-4-71* Passed House, Date *5-27-71*

Vote: Ayes *35* Nays *4* Vote: Ayes *64* Nays *29*

Approved *June 19, 1971*

A BILL FOR

1 An Act relating to motor vehicle inspection and safety and
2 providing penalties for violation of the Act.

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

4 Section 1. Chapter three hundred twenty-one (321), Code 1971,

5 is amended by adding the following new sections:

6 1. "The commissioner may grant permits for the operation
7 of vehicle inspection stations authorized to issue official
8 certificates of inspection of vehicles."

9 2. "Application for an authorized inspection station per-
10 mit shall be made upon forms provided by the commissioner.

11 The biennial fee for an inspection station permit shall be
12 five dollars. The fee shall be submitted with the applica-
13 tion for the permit."

14 3. "Upon determining that the inspection station of an
15 applicant for an authorized inspection station permit is

1 properly equipped, has competent personnel to conduct vehi-
2 cle inspections, and can properly conduct such inspections,
3 the commissioner shall grant such permit."

4 4. "The commissioner shall:

5 1. Supervise and cause inspections to be made of each
6 vehicle inspection station issued a permit and if he finds
7 that any station is not properly equipped or that inspections
8 are not being properly conducted shall revoke and require
9 the surrender of the permit issued to the station. Notice
10 of revocation shall be by regular United States mail addressed
11 to the address for which the permit was granted. Revocation
12 shall be effective ten days after the date of mailing of such
13 notice unless the permit holder shall request a hearing be-
14 fore the commissioner on the order revoking the permit. If
15 upon hearing the commissioner does not reverse the order of
16 revocation the revocation shall be immediately effective un-
17 less revocation is enjoined by court action.

18 2. Provide instructions and all necessary forms to autho-
19 rized inspection stations for the inspection of vehicles and
20 the issuance of official certificates of inspection.

21 3. Maintain and post at the office of the department lists
22 of all stations holding permits and of stations whose permits
23 have been revoked."

24 5. "No permit for an official inspection station shall
25 be assigned or transferred or used at any location other than
26 the location designated in the permit and each authorized
27 inspection station shall post its permit in a conspicuous
28 place at the designated location of the station."

29 6. "Official certificates of inspection shall be purchased
30 by inspection stations from the department at a cost of twenty-
31 five cents per certificate. A permit holder shall receive
32 a credit or a refund, to be paid from the motor vehicle
33 inspection fund, created by this Act, in the amount of twenty-
34 five cents for each unused certificate returned to the
35 department."

1 7. "No person shall make, issue, or knowingly use any
2 imitation or counterfeit of an official certificate of in-
3 spection. No person shall display or cause or permit to be
4 displayed upon any vehicle any certificate of inspection
5 knowing the certificate to be fictitious, or issued for an-
6 other vehicle, or issued without an inspection having been
7 made. No person shall issue an official certificate of in-
8 spection who does not hold a valid permit for the issuance
9 of such certificate."

10 8. "The fee for inspection, including the issuance of
11 the certificate of inspection, shall be uniform and shall
12 be established by the commissioner. The fee shall be a
13 reasonable and just charge based upon the average cost and
14 time necessary to perform the inspection, and shall be retained
15 by the inspection station. No inspection station shall absorb
16 the inspection fee, or advertise or represent in any manner
17 that the fee or any part of the fee is directly or indirectly
18 absorbed by the station, nor shall any inspection station
19 charge a fee for inspection services under this Act in an
20 amount other than the fees herein provided."

21 9. "All fees collected by the department under the pro-
22 visions of this Act shall be remitted monthly to the treasurer
23 of state. The moneys remitted shall be placed by the trea-
24 surer of state in a special fund to be known as the motor
25 vehicle inspection fund and shall be used to defray the cost
26 of administering the provisions of this Act. Any balance
27 remaining in the motor vehicle inspection fund at the end
28 of each fiscal year shall revert to the general fund of the
29 state on the thirtieth day of September following the end
30 of the fiscal year."

31 10. "In making a vehicle inspection, the inspection sta-
32 tion shall inspect such of the following equipment as is ap-
33 plicable to the vehicle: brakes, lights, turning signals,
34 steering, sound devices, glass, mirrors, exhaust system,
35 windshield wipers, seat belts, tires and such other safety

1 equipment as may be prescribed for inspection under rules
2 and regulations adopted by the commissioner. The inspection
3 station shall also inspect each motor vehicle to ascertain that
4 none of the factory installed emission control devices have
5 been removed or rendered inoperable.

6 Upon completion of inspection of a vehicle and determina-
7 tion that its equipment is in adequate condition and proper
8 adjustment to warrant issuance of a certificate of inspec-
9 tion, the inspection station which has made the inspection
10 shall affix an official certificate of inspection to such
11 vehicle in the manner specified by the commissioner. Except
12 as otherwise provided, the certificate shall be valid for
13 the period commencing with the calendar month of issue and
14 ending at midnight on the last day of the twelfth calendar
15 month following the month of issue and shall not be valid
16 thereafter."

17 11. "If an inspection discloses the necessity for re-
18 pairs, the owner of the vehicle or person having custody
19 thereof shall be so notified. Repairs and adjustments need
20 not be made at the inspection station which has made the
21 inspection and if the owner or person having custody of the
22 vehicle elects not to have the repairs or adjustments made
23 at that time a certificate of rejection shall be affixed to
24 the vehicle. If an official certificate of inspection has
25 been affixed to the vehicle which is valid on the date of
26 rejection, the certificate of inspection shall no longer be
27 valid even though the period for which it was issued has not
28 expired and the inspection station shall remove the certifi-
29 cate. After correction of the stated defects, the inspec-
30 tion station which made the inspection shall reinspect the
31 vehicle once without additional charge if requested so to
32 do within fifteen days after its issuance of the rejection
33 certificate.

34 The owner or other person having custody of the vehicle
35 shall have such repairs made or defects corrected as are re-

36 quired by the rejection certificate within fifteen days from
37 the date of the rejection certificate. A vehicle for which
38 the repairs are not made or defects not corrected, shall

1 not thereafter be operated on the streets or highways until
2 a valid certificate of inspection has been obtained and affixed
3 to the vehicle."

4 12. "After December 31, 1971, every motor vehicle sub-
5 ject to registration under the laws of this state, except
6 motor vehicles registered under section three hundred twenty-
7 one point one hundred fifteen (321.115) of the Code, when
8 first registered in this state or when sold at retail within
9 or without this state, shall be inspected at an authorized
10 inspection station unless there is affixed to the motor vehi-
11 cle a valid certificate of inspection which was issued for
12 such motor vehicle not more than thirty days prior to the
13 date on which such vehicle was sold. If the motor vehicle
14 is subject to inspection, the authorized inspection station
15 shall issue and affix a valid certificate of inspection or
16 certificate of rejection, as the case may be, in accordance
17 with the results of the inspection. The applicant shall file
18 with an application for title to the vehicle or for
19 registration thereof under the provisions of subsection two
20 (2) or three (3) of section three hundred twenty-one point
21 twenty-three (321.23) of the Code, with the county treasurer
22 of the county of his residence, a statement on a form pro-
23 vided by the commissioner, signed by an authorized inspec-
24 tion station certifying the date that a certificate of in-
25 spection was issued for and affixed to the vehicle. The
26 county treasurer shall not issue a title to the vehicle to
27 the applicant or register the vehicle unless such statement
28 is filed with the application showing that the inspection
29 of the vehicle was made not more than thirty days prior to
30 the date of sale. The county treasurer shall mail the state-
31 ment of inspection to the department at the time of mailing
32 copies of the registration receipt."

33 13. "After December 31, 1971, any peace officer who makes
34 an investigation of an accident may direct that any motor vehicle
35 involved in the accident shall be inspected at an official

1 inspection station within the time fixed by such peace of-
2 ficer."

3 14. "The commissioner may authorize the acceptance in
4 this state of a certificate of inspection issued in another
5 state having an inspection law substantially similar to the
6 provisions of this chapter pertaining to vehicle inspection."

7 15. "Any holder of or an applicant for a permit for an
8 authorized vehicle inspection station, if aggrieved by the
9 ruling of the commissioner revoking a permit or denying an
10 application for a permit may, within ten days of such rul-
11 ing, take an appeal to the district court for the county in
12 which the inspection station is located or to the district
13 court for Polk county."

14 16. "The inspection of any vehicle and issuance of a
15 certificate of inspection shall not be construed in any court
16 as a warranty of the mechanical condition of the vehicle,
17 and the failure to discover any defect in any vehicle in the
18 course of an inspection under the provisions of this Act shall
19 not be made the basis of an action for damages in any court."

20 17. "It is a misdemeanor for any owner or operator of
21 any vehicle required to be inspected to fail to comply with
22 the provisions of this Act."

23 18. "A person shall not sell any motor vehicle, other
24 than transfers to a dealer licensed under chapter three hun-
25 dred twenty-two (322) of the Code, unless there is a valid
26 official certificate of inspection affixed to such vehicle
27 at the time of sale. Any person violating the provisions
28 of this section shall be subject to a fine of one hundred
29 dollars and shall be liable to the purchaser in damages for
30 all costs involved in obtaining a valid certificate of
31 inspection for such vehicle."

1 Sec. 2. Section three hundred twenty-one point three
2 hundred eighty-one (321.381), Code 1971, is amended as follows:

3 321.381 Scope and effect of regulations. It is a mis-
4 demeanor, punishable as provided in section 321.482, for any
5 person to drive or more or for the owner to cause or knowingly
6 permit to be driven or moved on any highway any vehicle or
7 combination of vehicles which is in such unsafe condition as to
8 endanger any person, or which does not contain those parts or is
9 not at all times equipped with such lamps and other equipment in
10 proper condition and adjustment as required in this chapter,
11 *or which is equipped with one or more unsafe tires, or which is*
12 *equipped in any manner in violation of this chapter.*

13 Sec. 3. Section three hundred twenty-one point four hundred
14 forty (321.440), Code 1971, is amended as follows:

15 321.440 Restrictions as to tire equipment. Every solid
16 rubber tire on a vehicle shall have rubber on its entire traction
17 surface at least one inch thick above the edge of the flange of
18 the entire periphery. [No pneumatic tire shall be used on a motor
19 vehicle when such tire is worn to the extent that more than two
20 layers of fabric or cords are exposed on the entire traction surface.]
21 *Any pneumatic tire on a vehicle shall be considered unsafe if it*
22 *has:*

- 23 1. *Any part of the ply or cord exposed;*
- 24 2. *Any bump, bulge or separation;*
- 25 3. *A tread design depth of less than one-sixteenth (1/16th)*

1 of an inch measured in any two or more adjacent tread grooves,
2 exclusive of tie bars or, for those tires with tread wear
3 indicators, worn to the level of the tread wear indicators in
4 any two tread grooves;

5 4. A marking 'not for highway use', 'for racing purposes
6 only', 'unsafe for highway use';

7 5. Tread or sidewall cracks, cuts or snags deep enough to
8 expose the body cord;

9 6. Such other conditions as may be reasonably demonstrated
10 to render it unsafe;

11 7. Been regrooved or recut below the original tread design
12 depth, excepting special taxi tires which have extra undertread
13 rubber and are identified as such; or

14 8. If a pneumatic tire was originally designed without
15 grooves or tread, the safety standards therefor shall be
16 established by the commissioner.

17 Sec. 4. Section three hundred twenty-one point four hundred
18 ninety-two (321.492), Code 1971, is amended as follows:

19 321.492 Peace officers' authority. Any peace officer is
20 authorized to stop any vehicle to require exhibition of the driver's
21 operator or chauffeur license, to serve a summons or memorandum
22 of traffic violation, to inspect the condition of the vehicle, to
23 inspect the vehicle with reference to size, weight, cargo, bills
24 of lading or other manifest of employment, tires and safety equip-
25 ment, or to inspect the registration certificate, the compensation

1 certificate, travel order, or permit of such vehicle.

2 Sec. 5. Section three hundred twenty-one point eighty-
3 eight (321.88), Code 1971, is hereby amended as follows:

4 321.88 Advertisement. If the owner does not appear
5 within that time, the officer having possession of same shall
6 make a determination based upon the condition of the motor
7 vehicle whether such motor vehicle should be sold as a motor
8 vehicle for use upon the highways or sold as junk and shall
9 advertise said motor vehicle for sale in a newspaper published
10 within the county at least once each week for two consecutive
11 weeks specifying whether it is to be sold as a motor vehicle
12 for use upon the highways or as junk. If it is to be sold as
13 a motor vehicle for use upon the highways it shall first be
14 inspected as provided in this Act and have a valid certificate
15 of inspection affixed.

16 If such vehicle is sold as junk and not sold to a dealer
17 licensed under chapter three hundred twenty-two (322) of the
18 Code such officer shall detach the registration plates and
19 registration card, if any, and deliver them to the department
20 and certify to the department that such motor vehicle was sold
21 for junk. Upon receipt of such certification the department
22 shall: if the vehicle is of record in the department, cancel
23 the registration and certificate of title for such vehicle on
24 its records; notify the county treasurer of the county where
25 such vehicle was registered and, if different the county

1 *treasurer of the title issuing county, that the registration*
2 *and certificate of title to such vehicle have been cancelled;*
3 *authorize the county treasurers to cancel all records pertain-*
4 *ing to such vehicles; and, if the owner of such motor vehicle*
5 *appears of record in the department, notify the owner that*
6 *the certificate of title to such vehicle has been cancelled*
7 *and to deliver such certificate of title to the department.*
8 *No refund of license fees for such vehicle shall be made.*

9 **Sec. 6.** Section three hundred twenty-one point
10 thirty-two (321.32), Code 1971, is amended as follows:

11 **321.32 REGISTRATION CARD SIGNED, CARRIED, AND**
12 **EXHIBITED.** Every owner upon receipt of a registration card
13 shall write his signature thereon with pen and ink in the
14 space provided. Every such registration card shall at all
15 times be carried in the vehicle to which it refers and
16 *shall be shown to any peace officer upon his request* [shall be
17 displayed in the container furnished or approved by the
18 department. Such certificate container shall be attached
19 to the vehicle in the driver's compartment so that same may
20 be plainly seen without entering the car].

21 **Sec. 7.** Sections three hundred twenty-one point two hun-
22 dred thirty-eight (321.238) through three hundred twenty-one
23 point two hundred forty-six (321.246), inclusive, Code 1971,
24 are repealed.



SENATE CLIP SHEET
Thursday, March 11, 1971

SENATE FILE 297

1 Amend Senate File 297 by adding the following new
2 section thereto:

3 Sec. ____ . Section three hundred twenty-one point
4 eighty-eight (321.88), Code 1971, is hereby amended as
5 follows:

6 "321.88 Advertisement. If the owner does not appear
7 within that time, the officer having possession of same
8 shall make a determination based upon the condition of the
9 motor vehicle whether such motor vehicle should be sold as
10 a motor vehicle for use upon the highways or sold as junk and
11 shall advertise said motor vehicle for sale in a newspaper
12 published within the county at least once each week for
13 two consecutive weeks specifying whether it is to be sold as
14 a motor vehicle for use upon the highways or as junk. If
15 it is to be sold a motor vehicle for use upon the high-
16 ways it shall first be inspected as provided in this Act and
17 have a valid certificate of inspection affixed.

18 If such vehicle is sold as junk and not sold to a
19 dealer licensed under chapter three hundred twenty-two (322)
20 of the Code such officer shall detach the registration plates
21 and registration card, if any, and deliver them to the depart-
22 ment and certify to the department that such motor vehicle
23 was sold for junk. Upon receipt of such certification the
24 department shall: if the vehicle is of record in the depart-
25 ment, cancel the registration and certificate of title for

Page 2

1 such vehicle on its records; notify the county treasurer of
2 the county where such vehicle was registered and, if differ-
3 ent the county treasurer of the title issuing county, that
4 the registration and certificate of title to such vehicle
5 have been cancelled; authorize the county treasurers to
6 cancel all records pertaining to such vehicle; and, if the
7 owner of such motor vehicle appears of record in the de-
8 partment, notify the owner that the certificate of title to
9 such vehicle has been cancelled and to deliver such certi-
10 ficat of title to the department. No refund of license
11 fees for such vehicle shall be made."

Filed - *Adopted 4/6*
March 10, 1971

By GAUDINEER, KYHL and THORSEN

Senate 2
April 7, 1971

SENATE FILE 297

1 Amend Senate File 297, page 6, by adding the following
2 new paragraph after line 32:
3 "After November 1, 1972 every motor vehicle subject
4 to registration under the laws of this state except
5 motor vehicles registered under section three hundred
6 twenty-one point one hundred fifteen (321.115) of the
7 Code, shall be annually inspected at an authorized
8 inspection station not more than sixty days prior to the
9 date of application for registration.
10 No registration of a motor vehicle shall be renewed for
11 the year 1973 or any year thereafter unless the application
12 for renewal is accompanied by a completed inspection
13 certificate."

Filed and Lost
April 6, 1971

By DODERER

SENATE FILE 297

1 Amend the Erskine amendment filed March 29, 1971 to Senate
2 File 297 as follows:
3 1. Page 6, line 13 by striking the words "and shall be
4 in the" and inserting in lieu thereof "and shall be displayed
5 ~~displayed-in-the~~".
6 2. Page 6 by striking lines 14, 15, 16 and inserting in lieu
7 thereof "~~container-furnished-or-approved-by-the-department. Such~~
8 ~~certificate-container-shall-be-attached-to-the-vehicle-in-the~~
9 ~~driver's-compartment-so-that-same-may~~".
10 3. Page 6, line 17 by striking the words "be plainly seen
11 without entering the car." and inserting in lieu thereof "be
12 ~~plainly-seen-without-entering-the-car~~".

Filed and Adopted *March 29* By COLEMAN
April 6, 1971 *Amended Filed 11/7*

1 Amend the Erskine amendment filed March 29,
2 1971, to Senate File 297, page 2, by adding the following
3 new paragraph after line 23:
4 "k. The Service Agent shall also inspect each motor
5 vehicle to ascertain that none of the factory installed
6 emission control devices have been removed or rendered
7 inoperable."

Filed and Adopted
April 6, 1971

By LAVERTY

SENATE FILE 297

1 Amend Senate File 297 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. As used in this Act, unless the context
5 otherwise requires:

6 1. 'Inspection certificate' means a motor vehicle
7 inspection certificate, in the form prescribed pursuant
8 to section two (2) of this Act.

9 2. 'Service agency' means any establishment
10 regularly engaged in the repair or maintenance of
11 motor vehicles, and may include the repair or
12 maintenance department of any firm, corporation, or
13 association which owns and operates, or leases to
14 other operators, two or more motor vehicles.

15 3. 'Service agent' means the owner, manager
16 service manager, or other person having immediate
17 supervisory responsibility for performance of repair
18 and maintenance services upon motor vehicles in any
19 service agency, or a competent mechanic or other
20 employee of a service agency who is qualified to per-
21 form and is regularly engaged in the performance of
22 repair and maintenance services upon motor vehicles.

23 Sec. 2. The department of public safety shall
24 prepare and distribute to all service agencies so
25 requesting, blank motor vehicle inspection certificate

Page 2

1 forms. The forms shall provide for:

2 1. The name of the owner of the motor vehicle
3 inspected.

4 2. A brief description of the motor vehicle
5 inspected, which shall include the vehicle
6 identification number or motor number.

7 3. The name of the service agency where the
8 inspection is made.

9 4. Indication by the service agent completing
10 the form of the date on which inspection is performed,
11 the repairs necessary, if any, and the date such
12 repairs are made, upon each of the following components
13 of the motor vehicle inspected:

14 a. Tires.

15 b. Brakes, including the parking or emergency brakes.

16 c. Steering.

17 d. Exhaust system.

18 e. Windshield, all other window glass, and mirrors.

19 f. Windshield wipers.

20 g. Lights, including directional signals.

- 21 h. Horn.
- 22 i. Engine.
- 23 j. Fuel system.
- 24 5. The service agent's opinion as to the motor
- 25 vehicle's general condition.

Page 3

- 1 6. The service agent's signature and the date
- 2 of inspection, which shall be directly preceded by
- 3 a statement substantially to the effect that, to the
- 4 best of the service agent's knowledge, the motor
- 5 vehicle described in the certificate is in safe
- 6 operating condition as of the date of the inspection.
- 7 7. The signature of the owner of the motor vehicle
- 8 described in the certificate or, in the case of a
- 9 motor vehicle owned by a corporation or which is a
- 10 part of a fleet, the signature of the assigned operator
- 11 or of the person directly responsible for assigning
- 12 the motor vehicle to an operator or operators.
- 13 Sec. 3. When the owner or operator of any motor
- 14 vehicle requests a service agency to complete an
- 15 inspection certificate for the motor vehicle, it shall
- 16 be the responsibility of the service agent who signs
- 17 the certificate to make actual inspection, or ascertain
- 18 that actual inspection has been made by an employee
- 19 under his supervision, of each of the components
- 20 specified in section two (2) of this Act of the motor
- 21 vehicle, and that any needed repairs have been noted
- 22 on the certificate. If the needed repairs are made
- 23 by the service agent or under his supervision, the
- 24 date the repairs are made shall also be entered on
- 25 the inspection certificate. The service agent shall

Page 4

- 1 not sign and date the inspection certificate unless
- 2 he is satisfied that the motor vehicle is in safe
- 3 operating condition.
- 4 Sec. 4. When applying for registration or renewal
- 5 of registration of any motor vehicle, the applicant
- 6 shall present to the county treasurer, in duplicate,
- 7 a completed inspection certificate for the motor
- 8 vehicle being registered. The county treasurer shall
- 9 not register the motor vehicle unless the inspection
- 10 certificate shows that all the components required
- 11 by section two (2) of this Act have been inspected
- 12 not more than sixty days prior to the date of applica-
- 13 tion for registration or renewal of registration and
- 14 that needed repairs, if any, have been made, and the
- 15 inspection certificate is signed and dated by a service
- 16 agent. The county treasurer shall retain the original
- 17 inspection certificate on file with other registration

18 data respecting the motor vehicle, and shall return
19 the duplicate to the applicant with the registration
20 certificate.

21 Sec. 5. Any applicant for registration of a motor
22 vehicle who falsely signs the name of a service agent
23 or purported service agent to an inspection
24 certificate, or who presents to the county treasurer
25 an inspection certificate knowing any fact stated

Page 5

1 thereon to be false or knowing that the person who
2 signed the inspection certificate as service agent
3 is not in fact a service agent as defined in section
4 one (1) of this Act, is guilty of a fraudulent
5 application for registration of a motor vehicle.
6 Any service agent who signs an inspection certificate
7 knowing any fact stated thereon at be false, or any
8 person signing an inspection certificate as a service
9 agent who is not in fact a service agent as defined
10 in section one (1) of this Act, is guilty of being
11 an accessory to a fraudulent application for
12 registration of a motor vehicle. Any person convicted
13 of making, or being an accessory to such fraudulent
14 application shall be punished as provided by section
15 three hundred twenty-one point ninety-seven (321.97)
16 of the Code.

17 Sec. 6. No person shall have a cause of action
18 against any service agent who has signed an inspection
19 certificate by reason of the motor vehicle described
20 in the inspection certificate being found in any way
21 unsafe for operation at any time after the date the
22 service agent signed the inspection certificate,
23 unless it is shown that the service agent signed the
24 inspection certificate in bad faith.

25 Sec. 7. Section three hundred twenty-one point
Page 6

1 twenty (321.20), Code 1971, is amended by adding the
2 following new subsection:

3 'The application shall be accompanied by a complete
4 inspection certificate, in duplicate, as required
5 by section four (4) of this Act.'

6 Sec. 8. Section three hundred twenty-one point
7 thirty-two (321.32), Code 1971, is amended as follows:

8 321.32 REGISTRATION CARD SIGNED, CARRIED, AND
9 EXHIBITED. Every owner upon receipt of a registration
10 card shall write his signature thereon with pen and
11 ink in the space provided. Every such registration
12 card shall at all times be carried in the vehicle
13 to which it refers and shall be displayed in the
14 container furnished or approved by the department.
15 Such certificate container shall be attached to the

Senate 10
March 30, 1971

16 vehicle in the driver's compartment so that same may
17 be plainly seen without entering the car. The
18 duplicate inspection certificate, returned by the
19 county treasurer with the registration certificate,
20 shall at all times be carried in the vehicle to which
21 it refers and shall upon request be surrendered to
22 any law enforcement officer for his examination.
23 The law enforcement officer shall immediately return
24 the inspection certificate to the owner or operator
25 of the motor vehicle after the examination.

Page 7

1 Sec. 9. Section three hundred twenty-one point
2 forty (321.40), Code 1971, is amended by adding the
3 following new subsection:
4 'No registration of a vehicle shall be renewed
5 for the year 1972 or any year thereafter unless the
6 application for renewal is accompanied by a completed
7 inspection certificate, as required by section four
8 (4) of this Act.'

Filed - *Leah 4/6*
March 29, 1971

By ERSKINE

1 Amend Senate File 297 as follows:
2 1. Page 3, line 3, by adding the following new sentence:
3 "However, the granting of such permit shall not authorize the
4 permit holder to effect any repairs or affix any parts or equip-
5 ment on a vehicle initially inspected at that vehicle inspection
6 station."
7 2. Page 3, line 7, by adding after the word "equipped"
8 the words "or that repairs are being made or equipment or parts
9 affixed on vehicles initially inspected at that inspection
10 station".
11 3. Page 5, by striking all after the word "notified." on
12 line 16 and by striking lines 17, 18, 19, 20, and in line 21
13 by striking the words "the vehicle" and inserting the following:
14 "Repairs and adjustments shall not be made at the inspection
15 station which has made the inspection, and a certificate of
16 rejection shall be affixed to the vehicle."

Filed - *withdrawn 4/2*
March 29, 1971

By POTGETER

SENATE CLIP SHEET
Wednesday, March 31, 1971

SENATE FILE 297

1 Amend Senate File 297 by adding thereto the following new
2 sections, and renumbering the remaining section:

3 Sec. 3. Section three hundred twenty-one point three hundred
4 eighty-one (321.381), Code 1971, is amended as follows:

5 321.381 Scope and effect of regulations. It is a misdemeanor,
6 punishable as provided in section 321.482, for any person to drive
7 or move or for the owner to cause or knowingly permit to be driven
8 or moved on any highway any vehicle or combination of vehicles

9 is in such unsafe condition as to endanger any person, or which
10 not contain those parts or is not at all times equipped with such
11 lamps and other equipment in proper condition and adjustment as
12 required in this chapter, or which is equipped with one or more
13 unsafe tires, or which is equipped in any manner in violation of
14 this chapter.

15 Sec. 4. Section three hundred twenty-one point four hundred
16 forty (321.440), Code 1971, is amended as follows:

17 321.440 Restrictions as to tire equipment. Every solid rubber
18 tire on a vehicle shall have rubber on its entire traction surface
19 at least on inch thick above the edge of the flange of the entire
20 periphery. ~~No-pneumatic-tire-shall-be-used-on-a-motor-vehicle~~
21 ~~when-such-tire-is-worn-to-the-extent-that-more-than-two-layers-of~~
22 ~~fabric-or-cords-are-exposed-on-the-entire-traction-surface.~~ Any
23 pneumatic tire on a vehicle shall be considered unsafe if it has:

Page 2

- 1 1. Any part of the ply or cord exposed:
- 2 2. Any bump, bulge or separation:
- 3 3. A tread design depth of less than two thirty-seconds
4 (2/32nds) one-sixteenth (1/16th) of an inch measured in any
5 two or more adjacent tread grooves, exclusive of tie bars or
6 for those tires with tread wear indicators; been worn to the
7 level of the tread wear indicators in any two tread grooves:
- 8 4. A marking 'not for highway use', 'for racing purposes
9 only', 'unsafe for highway use':
- 10 5. Tread or sidewall cracks, cuts or snags deep enough to
11 expose the body cord:
- 12 6. Such other conditions as may be reasonably demonstrated
13 to render it unsafe; or

Senate 2
March 31, 1971

14 7. Been regrooved or re-cut below the original tread design
15 depth, excepting special taxi tires which have extra undertread
16 rubber and are identified as such.
17 Sec. 5. Section three hundred twenty-one point four hundred
18 ninety-two (321.492), Code 1971, is amended as follows:
19 321.492 Peace officers' authority. Any peace officer is
20 authorized to stop any vehicle to require exhibition of the
drivers'
21 operator or chauffeur license, to serve a summons or memorandum of
22 traffic violation, to inspect the condition of the vehicle, to
23 inspect the vehicle with reference to size, weight, cargo, bills
24 of lading or other manifest of employment, tires and safety equip-
25 ment, or to inspect the registration certificate, the compensation
Page 3
1 certificate, travel order, or permit of such vehicle.

Filed - *Adopted 4/6*
March 30, 1971

By RABEDEAUX, THORSEN and KYHL

1 Amend the Rabedeaux, et al, amendment filed March 30, 1971,
2 to Senate File 297 as follows:
3 1. Page two, line three, by striking the words, and figures
4 "two thirty-seconds (2/32nds)".
5 2. Page two, line five, by adding a "comma (,)" after the
6 second word "or".
7 3. Page two, line six by striking the word "; been", and in-
8 sserting in lieu thereof a "comma (,)"

Filed - *Adopted 4/6*
March 30, 1971

By RABEDEAUX

1 Amend the Rabedeaux, et. al, amendment to Senate File
2 297, page 2, line 16, by inserting thereafter the follow-
3 ing new subsection:
4 "8. If a pneumatic tire was originally designed
5 without grooves or tread, the safety standards therefor
6 shall be established by the commissioner."

Filed and Adopted
April 6, 1971

By GAUDINEER

HOUSE AMENDMENT TO SENATE FILE 297

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, line 8, by adding after the period the
4 following:

5 "The commissioner may adopt such rules and regulations,
6 subject to the provisions of chapter seventeen A (17A) of
7 the Code, as shall be necessary for the efficient operation
8 and maintenance of vehicle inspection stations.

9 2. Page 2, line 10, by striking the words "regular
10 United States mail" and inserting in lieu thereof the
11 words "certified mail, return receipt requested,".

12 3. By adding the following new sections:

13 1. Section three hundred twenty-one point one
14 hundred sixty-seven (321.167), Code 1971, is hereby
15 amended as follows:

16 321.167 DELIVERY OF PLATES OR EMBLEMS. On or before
17 the first day of December of each year, the department shall
18 deliver or cause to be delivered to the county treasurer
19 of each county, approximately as many duplicate number plates
20 and certificate containers as there are motor vehicles
21 registered in such county during the preceding year, the
22 plates so delivered to each county treasurer to be in
23 numerical sequence.

24 In lieu of plates, the department may furnish the county
25 treasurers appropriate distinguishing emblems as provided

PAGE 2

1 in section 321.34.

2 2. Section three hundred twenty-one point one
3 hundred sixty-eight (321.168), Code 1971, is hereby
4 amended as follows:

5 321.168 ADDITIONAL DELVIERIES. Thereafter, during
6 the year, the department, upon requisition of the
7 county treasurer, shall deliver additional number plates
8 ~~and-certificate-containers-~~

9 4. Amend the title, line 1, by inserting after the
10 word "safety" the following: "and relating to
11 registration certificates and containers,".

Received from the House
May 27, 1971

Senate concurred 6/4

- 1 Amend Senate File 297 as follows:
- 2 1. Page 2, by striking lines 1 through 17 inclusive.
- 3 2. Page 2, by striking lines 20 through 25 inclusive.
- 4 3. Page 6, line 34, by inserting before the word
- 5 "vehicle" the word "motor".
- 6 4. By renumbering remaining sections consecutively.

Filed - *adopted 4/6*
March 9, 1971

By KYHL

Senate

- 1 Amend Senate File 297, on page 5, line 2, by insert-
- 2 ing after the period the following:
- 3 "The inspection station shall also inspect each motor
- 4 vehicle to ascertain that none of the factory installed
- 5 emission control devices have been removed or rendered
- 6 inoperable."

Filed - *adopted 4/6*
March 31, 1971

By LAVERTY

Senate

- 1 Amend Senate File 297 as follows:
- 2 Page 7, by adding after line 35 the following new sec-
- 3 tion:
- 4 "Sec. 4. Section three hundred twenty-one point
- 5 thirty-two (321.32), Code 1971, is amended as follows:
- 6 321.32 REGISTRATION CARD SIGNED, CARRIED, AND EX-
- 7 HIBITED. Every owner upon receipt of a registration card
- 8 shall write his signature thereon with pen and ink in the
- 9 space provided. Every such registration card shall at all
- 10 times be carried in the vehicle to which it refers and
- 11 ~~shall be displayed in the container furnished or approved~~
- 12 ~~by the department. -- Such certificate container shall be~~
- 13 ~~attached to the vehicle in the driver's compartment so~~
- 14 ~~that same may be plainly seen without entering the car."~~

Filed and Adopted, *Revised* By COLEMAN
April 6, 1971 *and adopted as amended 4/14*

Senate

- 1 Amend the Coleman amendment to Senate File 297, filed
- 2 April 6, 1971, line 10, by inserting after the word, "and"
- 3 the words, "shall be shown to any peace officer upon his
- 4 request".

Filed - *adopted 4/14*
April 13, 1971

By GAUDINEER

Senate

1 Amend Senate File 297, as amended and passed by the
2 Senate and reprinted, as follows:

3 1. Page 5, by striking lines 33, 34 and 35 and
4 lines 1 and 2 of page 6, and inserting in lieu thereof
5 the following:

6 "After October 31, 1972, every motor vehicle
7 presented for registration or renewal of registration
8 under the laws of this state, except motor vehicles
9 registered under section three hundred twenty-one
10 point one hundred fifteen (321.115), Code 1971, shall
11 be inspected not more than sixty days prior to the
12 date of application for registration or renewal of
13 registration."

14 2. By adding thereto the following new sections:

15 (1). Section three hundred twenty-one point forty
16 (321.40), Code 1971, is amended by adding thereto the
17 following paragraph:

18 "The county treasurer shall not register a motor
19 vehicle unless the application for registration or
20 renewal of registration is accompanied by evidence that
21 a valid inspection has been completed."

22 (2). "The commissioner shall promulgate such
23 rules and regulations as are necessary to carry
24 out the provisions of this Act."

Filed - w. o. 5/27
April 22, 1971

By KRUSE of O'Brien, District 4

1 Amend Senate File 297, as amended, passed and re-
2 printed by the Senate, by adding the following new sec-
3 tion:

4 "Any motor vehicle twenty-five years old or older,
5 whose owner desires to use the motor vehicle exclusively
6 for exhibition or educational purposes at state or
7 county fairs, or other places where the motor vehicle may
8 be exhibited for entertainment or educational purposes,
9 and registered pursuant to section three hundred twenty-
10 one point one hundred fifteen (321.115) of the Code,
11 shall be exempt from vehicle inspection provided in this
12 Act."

FILED w. o. 5/27
May 3, 1971

By PRIEBE of Kossuth
District 6

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, page 1, line 8, by adding after
3 the period the following:

4 "The commissioner may adopt such rules and regulations,
5 subject to the provisions of chapter seventeen A (17A) of
6 the Code, as shall be necessary for the efficient operation
7 and maintenance of vehicle inspection stations."

Filed - Adopted 5/27
May 26, 1971

By SCHROEDER of Pottawattamie
District 54

1 Amend Senate File 297, as amended, passed and re-
2 printed by the Senate, by adding the following new
3 sections:

4 1. Section three hundred twenty-one point one
5 hundred sixty-seven (321.67, Code 1971, is hereby
6 amended as follows:

7 321.167 DELIVERY OF PLATES OR EMBLEMS. On or
8 before the first day of December of each year, the
9 department shall deliver or cause to be delivered to
10 the county treasurer of each county, approximately as
11 many duplicate number plates ~~and-certificate-containers~~
12 as there are motor vehicles registered in such county
13 during the preceding year, the plates so delivered to
14 each county treasurer to be in numerical sequence.

15 In lieu of plates, the department may furnish
16 the county treasurers appropriate distinguishing
17 emblems as provided in section 321.34.

18 2. Section three hundred twenty-one point
19 one hundred sixty-eight (321.168), Code 1971, is
20 hereby amended as follows:

21 321.168 ADDITIONAL DELIVERIES. Thereafter,
22 during the year, the department, upon requisition of
23 the county treasurer, shall deliver additional number
24 plates ~~and-certificate-containers~~.

Filed - *Adopted 5/27*
May 24, 1971

By KREAMER of Polk
District 63
MILLEN of Floyd
District 99
STANLEY of Linn
District 45
GRASSLEY of Butler
District 10
WELDEN of Hardin
District 32

1 Amend Senate File 297, as amended, passed, and reprinted
2 by the Senate, page 2, line 10, by striking the words
3 "regular United States mail" and inserting in lieu thereof
4 the words "certified mail, return receipt requested,".

Filed - *Adopted 5/27*
May 26, 1971

By SCHROEDER of Pottawattamie
District 54

1 Amend Sentat File 297, as amended, passed and reprinted
2 by the Senate as follows:
3 Amend the title, line 1, by inserting after the word
4 "safety" the following: "and relating to registration
5 certificates and containers,".

Offered from the Floor
and Adopted
May 27, 1971

By DRAKE of Muscatine
District 71