

FILED APR 5 1973

SENATE FILE 481

By COMMITTEE ON STATE GOVERNMENT
(Committee on Transportation)

Passed Senate, Date 5-18-73 (1327) Passed House, Date 6-7-73 (1787)

Vote: Ayes 34 Nays 4 Vote: Ayes 96 Nays 1

Approved 7-20-73

*Passed Senate as amended by House
6-15-73 (1795)
39-G*

A BILL FOR

1 An Act relating to motor vehicle inspection and safety.
2 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 two
2 hundred thirty-eight (321.238), subsection four (4), para-
3 graph a, Code 1973, is amended to read as follows:

4 a. Supervise and cause inspections to be made of each
5 vehicle inspection station issued a permit ~~and if he finds~~
6 ~~that any station is not properly equipped or that inspec-~~
7 ~~tions are not being properly conducted shall revoke and re-~~
8 ~~quire the surrender of the permit issued to the station.~~
9 ~~Notice of revocation shall be by certified mail, return re-~~
10 ~~ceipt requested, addressed to the address for which the per-~~
11 ~~mit was granted. -- Revocation shall be effective ten days after~~
12 ~~the date of mailing of such notice unless the permit holder~~
13 ~~shall request a hearing before the commissioner on the order~~
14 ~~revoking the permit. -- If upon hearing the commissioner does~~
15 ~~not reverse the order of revocation the revocation shall be~~
16 ~~immediately effective unless revocation is enjoined by court~~
17 ~~action.~~

18 Sec. 2. Section three hundred twenty-one point two hun-
19 dred thirty-eight (321.238), subsection twelve (12), Code
20 1973, is amended to read as follows:

21 12. Every motor vehicle subject to registration under
22 the laws of this state, except motor vehicles registered un-
23 der section 321.115, when first registered in this state ~~or~~
24 and each time when sold at retail or otherwise transferred
25 for use within or without this state, or otherwise trans-
26 ferred, except transfers by operation of law as set out in
27 section 321.47, shall be inspected at an authorized inspec-
28 tion station unless there is affixed to the motor vehicle
29 a valid certificate of inspection which was issued for such
30 motor vehicle not more than sixty days prior to the date on
31 which such vehicle was sold. However, the certificate of
32 inspection for a new motor vehicle which has not previously
33 been sold at retail and which is not sold within sixty days
34 after the date the inspection was performed may be revali-
35 dated by the inspection station without another inspection

1 provided the motor vehicle has not been driven more than one
2 hundred miles since the inspection was performed. If the
3 motor vehicle is subject to inspection, the authorized in-
4 spection station shall issue and affix a valid certificate
5 of inspection or certificate of rejection, as the case may
6 be, in accordance with the results of the inspection. The
7 applicant shall file with an application for title to the
8 vehicle or for registration thereof under the provisions of
9 section 321.23, subsection 2 or 3, with the county treasurer
10 of the county of his residence, a statement on a form pro-
11 vided by the commissioner, signed by an authorized inspec-
12 tion station certifying the date that a certificate of in-
13 spection was issued for and affixed to the vehicle. The
14 county treasurer shall not issue a title to the vehicle to
15 the applicant or register the vehicle unless such statement
16 is filed with the application showing that the inspection
17 of the vehicle was made not more than sixty days prior to
18 the date of sale or transfer, or unless the vehicle was
19 purchased out of this state by a resident of this state who
20 resides outside of this state, but desires to maintain his
21 Iowa residency and he executes a statement to that effect
22 in form and content as prescribed by the commissioner. The
23 county treasurer shall stamp the registration card for such
24 vehicle with the words "NOT INSPECTED". A vehicle so regis-
25 tered shall be inspected at an authorized inspection station
26 within fifteen days after being brought into this state.
27 The county treasurer shall mail the statement of inspection
28 or statement of out-of-state residency to the department at
29 the time of mailing copies of the registration receipt.

30 Sec. 3. Section three hundred twenty-one point two hun-
31 dred thirty-eight (321.238), Code 1973, is amended by adding
32 the following new subsections:

33 NEW SUBSECTION. As used in this section, "sale" means
34 the delivery of possession of a vehicle to a person who has
35 purchased or contracted to purchase the vehicle.

1 NEW SUBSECTION. After an investigation and hearing con-
2 ducted by a hearing officer designated by the commissioner
3 of public safety held in the county in which the inspection
4 station is located, the commissioner may, if the hearing offi-
5 cer finds that the inspection station is not properly equipped
6 or it is not properly conducting inspections, issue a warning,
7 suspend the vehicle inspection station's permit for a period
8 not to exceed ninety days, or revoke the vehicle inspection
9 station's permit and require the operator of the vehicle in-
10 spection station to surrender the permit issued to the oper-
11 ator.

12 NEW SUBSECTION. Notice of the suspension or revocation
13 shall be by certified mail, return receipt requested, ad-
14 dressed to the operator of the vehicle inspection station
15 for which the permit was issued. The suspension or revoca-
16 tion shall become effective ten days from the date of the
17 mailing of the notice unless the permit holder files a writ-
18 ten request for a review hearing of the suspension or revo-
19 cation order. The review hearing shall be de novo and shall
20 be conducted at the seat of government by a review board com-
21 posed of the following persons:

- 22 a. A senior officer of the Iowa highway safety patrol
23 designated by the commissioner.
24 b. The state car dispatcher or his designee.
25 c. An employee of the state highway commission experi-
26 enced in automotive mechanics designated by the director of
27 highways.

28 After the hearing, the review board may sustain, modify,
29 or reverse the commissioner's order of suspension or revo-
30 cation. A suspension or revocation sustained or modified
31 by the review board shall take effect ten days from the date
32 of the decision, unless the permit holder files an appeal
33 in the district court of the county in which the vehicle in-
34 spection station is located within ten days from the date
35 of the decision of the review board. The order of suspen-

1 sion or revocation sustained or modified and appealed to the
2 district court shall become effective ten days from the date
3 the appeal is filed unless the suspension or revocation is
4 stayed by the court.

5 NEW SUBSECTION. Any person who believes that an inspec-
6 tion was not properly conducted on a motor vehicle owned by
7 him shall notify the operator of the vehicle inspection sta-
8 tion which inspected the vehicle, in writing, within ten
9 calendar days from the date of the inspection, or if the
10 vehicle inspection station sold the motor vehicle to him,
11 within ten calendar days from the date he originally acquired
12 possession of the vehicle, specifying the complaint or the
13 complaint shall not be considered in any proceedings to suspend
14 or revoke the vehicle inspection station's permit.

15 NEW SUBSECTION. No person shall knowingly deliver pos-
16 session of a motor vehicle, trailer or semitrailer to a per-
17 son who has purchased or contracted to purchase at retail
18 such motor vehicle, trailer, or semitrailer which does not
19 contain those parts or is not equipped with such lamps and
20 brakes and other equipment in proper condition and adjust-
21 ment as required by this chapter or which is equipped in any
22 manner in violation of the chapter, except when such sale
23 is made in accordance with the provisions of section three
24 hundred twenty-one point fifty-one (321.51) of the Code.

25 Sec. 4. Section three hundred twenty-two point twenty-
26 five (322.25), Code 1973, is repealed.

27 EXPLANATION

28 This bill provides for due process hearings procedures
29 to suspend or revoke a permit held by the operator of a mo-
30 tor vehicle inspection station. It also makes several tech-
31 nical changes and corrects a present problem by providing
32 that the inspection must be made before delivery of the ve-
33 hicle rather than at the time of transfer of title which is
34 technically the "sale". It also conforms the provisions of
35 Section 322.25, which requires vehicles to be equipped prop-

1 erly, to the inspection law and the "restricted title" law
2 and applies its provisions to all persons by moving the con-
3 tent of the section to the inspection law. The bill also
4 permits Iowa residents who are residing outside the state
5 to register their cars in Iowa without inspection but pro-
6 vides they must have their cars inspected within fifteen days
7 after they return to Iowa.

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FISCAL NOTE
SENATE FILE 481

Date prepared June 4, 1973

Requested by Representative Krause.

Prepared in regard to Amendment H-671, to Senate File
481 - An Act relating to motor vehicle inspection and safety.
Following is the fiscal effect in dollars of the legislative
proposal as required by House Rule 48.

Amendment H-671 changes the fees charged for vehicle
inspection according to class of vehicle. Presently the
inspection station remits 25¢ to the state for each vehicle
inspected.

There is no fiscal effect of this amendment since the
amount of the remittance is not being changed.

Filed
June 5, 1973

GERRY D. RANKIN
Legislative Fiscal Director

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HOUSE AMENDMENT TO SENATE FILE 481

1 Amend Senate File 481, as amended and passed by
2 the Senate, by striking everything after the enacting
3 clause and inserting in lieu thereof the follow-
4 ing:
5 Section 1. Section three hundred twenty-one point
6 fourteen (321.14), Code 1973, is amended to read
7 as follows:
8 321.14 SEIZURE OF DOCUMENTS AND PLATES. The
9 department is hereby authorized to take possession
10 of any registration card, certificate of title,
11 permit, or registration plate, certificate of
12 inspection or any inspection document or form, upon
13 expiration, revocation, cancellation, or suspension
14 thereof, or which is fictitious, or which has been
15 unlawfully or erroneously issued.
16 Sec. 2. Section three hundred twenty-one point
17 fifty-one (321.51), subsections four (4) and six
18 (6), Code 1973, are amended to read as follows:
19 4. The county treasurer of the county of residence
20 of the transferee upon receipt of the application
21 for a new certificate of title, fee therefor, and
22 the affidavit as provided in subsection 2 of this
23 section, and when satisfied as to the genuineness
24 and regularity thereof, shall issue a restricted
25 certificate of title to the applicant but shall not

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1 issue registration plates or a registration card.
2 A restricted certificate of title shall be red in
3 color and shall have conspicuously imprinted thereon
4 in bold print, in a manner prescribed by the
5 department, the words "RESTRICTED CERTIFICATE OF
6 TITLE--CANNOT BE REGISTERED AND OPERATED ON THE
7 HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF
8 INSPECTION EXCEPT AS PROVIDED IN SECTION THREE HUNDRED
9 TWENTY-ONE POINT NINETY-EIGHT (321.98) OF THE CODE."
10 At such time as the transferee surrenders a valid
11 approved certificate of inspection and the restricted
12 certificate of title to the county treasurer of the
13 county of his residence, the county treasurer, upon
14 payment of the appropriate fees, shall issue a
15 certificate of title that is not restricted for the
16 vehicle and shall also issue a registration card
17 and registration plates for the vehicle to the
18 applicant, however, if the registration fee for the
19 vehicle has been paid for the current year, the
20 county treasurer shall issue a registration card
21 and registration plates for the vehicle to the
22 applicant upon payment of an additional registration
23 fee of five dollars.
24 6. No vehicle sold or otherwise transferred
25 pursuant to the provisions of this section shall

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1 be driven upon the highway until a valid official
2 certificate of inspection has been affixed thereto
3 and an unrestricted certificate of title, a
4 registration card, and registration plates for the
5 vehicle have been issued to the purchaser or
6 transferee except as set out in section three hundred
7 twenty-one point ninety-eight (321.98) of the Code.

8 Sec. 3. Section three hundred twenty-one point
9 two hundred thirty-eight (321.238), subsection four
10 (4), paragraphs a and b, Code 1973, are amended to
11 read as follows:

12 a. Supervise and cause inspections to be made
13 of each vehicle inspection station issued a permit
14 ~~and if he finds that any station is not properly~~
15 ~~equipped or that inspections are not being properly~~
16 ~~conducted shall revoke and require the surrender~~
17 ~~of the permit issued to the station. -- Notice of~~
18 ~~revocation shall be by certified mail, return re-~~
19 ~~ceipt requested, addressed to the address for which~~
20 ~~the permit was granted. -- Revocation shall be effective~~
21 ~~ten days after the date of mailing of such notice~~
22 ~~unless the permit holder shall request a hearing~~
23 ~~before the commissioner on the order revoking the~~
24 ~~permit. -- If upon hearing the commissioner does not~~
25 ~~reverse the order of revocation the revocation shall~~

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1 ~~be immediately effective unless revocation is enjoined~~
2 ~~by court action.~~

3 b. Provide instructions and all necessary forms
4 to authorized inspection stations for the inspec-
5 tion of vehicles and the issuance of official
6 certificates of inspection. The copy of the
7 certificate of inspection to be delivered by the
8 inspection station to the owner of the vehicle
9 inspected shall state the name and address of the
10 inspection station and shall contain a conspicuous
11 notice in substance as follows: "NOTICE: You should
12 immediately notify the inspection station of any
13 complaint about the inspection of this vehicle.
14 If possible, your notice should be given within
15 fifteen days after the date of inspection or before
16 this vehicle has been driven five hundred miles after
17 the inspection, whichever occurs first, or, if the
18 inspection station sold the vehicle to you, within
19 fifteen days after the sale or before this vehicle
20 has been driven five hundred miles after the sale,
21 whichever occurs first. Your notice should be in
22 writing, specifying the complaint. Notice forms
23 are available at any inspection station. You also
24 have the right to make a complaint about the
25 inspection to the commissioner of public safety,

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1 state house, Des Moines, Iowa."
2 Forms for notice of complaint shall be provided
3 by the department to all authorized inspection sta-
4 tions, who shall provide them to any person upon
5 request. The copy of the certificate of inspection
6 to be delivered by the inspection station to the
7 owner of the vehicle inspected shall also contain
8 a notice, which shall be printed on the face of the
9 certificate of inspection in eight-point bold faced
10 type, which contains the words "THE SAFETY INSPECTION
11 IS APPLICABLE ONLY TO THE ITEMS CHECKED AND DOES
12 NOT GUARANTEE OR WARRANT THE CONDITION OF THESE ITEMS
13 OR THE OVERALL CONDITION OF THE VEHICLE".
14 Sec. 4. Section three hundred twenty-one point
15 two hundred thirty-eight (321.238), subsection seven
16 (7), Code 1973, is amended to read as follows:
17 7. No person shall make, possess, issue, or know-
18 ingly use any imitation or counterfeit of an official
19 certificate of inspection. No person shall display
20 or cause or permit to be displayed upon any vehicle
21 any certificate of inspection knowing the certificate
22 to be fictitious, or issued for another vehicle,
23 or issued without an inspection having been made.
24 No person shall possess a blank certificate of
25 inspection nor shall any person issue an official

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1 certificate of inspection who does not hold a valid
2 permit for the issuance of such certificate.
3 Sec. 5. Section three hundred twenty-one point
4 two hundred thirty-eight (321.238), subsection eight
5 (8), Code 1973, is amended to read as follows:
6 8. The fee for inspection, including the issuance
7 of the certificate of inspection, shall be uniform
8 according to class of vehicle and shall be estab-
9 lished by the commissioner. The fee shall be a
10 reasonable and just charge based upon the average
11 cost and time necessary to perform the inspection,
12 and shall be retained by the inspection station.
13 No inspection station shall absorb the inspection
14 fee, or advertise or represent in any manner that
15 the fee or any part of the fee is directly or
16 indirectly absorbed by the station, nor shall any
17 inspection station charge a fee for inspection
18 services under this section in an amount other than
19 the fees herein provided.
20 Sec. 6. Section three hundred twenty-one point
21 two hundred thirty-eight (321.238), subsection twelve
22 (12), Code 1973, is amended to read as follows:
23 12. Every motor vehicle subject to registration
24 under the laws of this state, except motor vehicles
25 registered under section 321.115, when first

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1 registered in this state or and each time when sold
2 at retail or otherwise transferred for use within
3 or without this state, or otherwise-transferred when
4 registration is changed from a registration as
5 provided in section three hundred twenty-one point
6 one hundred fifteen (321.115) of the Code to a regular
7 registration, except transfers by operation of law
8 as set out in section 321.47, shall be inspected
9 at an authorized inspection station unless there
10 is affixed to the motor vehicle a valid certificate
11 of inspection which was issued for such motor vehicle
12 not more than sixty days prior to the date on which
13 such vehicle was sold. However, the certificate
14 of inspection for a new motor vehicle which has not
15 previously been sold at retail and which is not sold
16 within sixty days after the date the inspection was
17 performed may be revalidated by the inspection station
18 without another inspection provided the motor vehicle
19 has not been driven more than one hundred miles since
20 the inspection was performed. If the motor vehicle
21 is subject to inspection, the authorized inspection
22 station shall issue and affix a valid certificate
23 of inspection or certificate of rejection, as the
24 case may be, in accordance with the results of the
25 inspection. The applicant shall file with an

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1 application for title to the vehicle or for
2 registration thereof under the provisions of section
3 321.23, subsection 2 or 3, with the county treasurer
4 of the county of his residence, a statement on a
5 form provided by the commissioner, signed by an
6 authorized inspection station certifying the date
7 that a certificate of inspection was issued for and
8 affixed to the vehicle. The county treasurer shall
9 not issue a title to the vehicle to the applicant
10 or register the vehicle unless such statement is
11 filed with the application showing that the inspection
12 of the vehicle was made not more than sixty days
13 prior to the date of sale or transfer, or unless
14 the vehicle was purchased out of this state by a
15 resident of this state who resides outside of this
16 state, but desires to maintain his Iowa residency
17 and he executes a statement to that effect in form
18 and content as prescribed by the commissioner. The
19 county treasurer shall stamp the registration card
20 for such vehicle with the words "NOT INSPECTED".
21 A vehicle so registered shall be inspected at an
22 authorized inspection station within fifteen days
23 after being brought into this state. The county
24 treasurer shall mail the statement of inspection
25 or statement of out-of-state residency to the

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1 department at the time of mailing copies of the
2 registration receipt. The department may destroy
3 any forms, certificates or statements after one year
4 from the date they are filed unless they relate to
5 pending appeals.

6 Sec. 7. Section three hundred twenty-one point
7 two hundred thirty-eight (321.238), Code 1973, is
8 amended by adding the following new subsections:

9 NEW SUBSECTION. As used in this section, "sale"
10 means the delivery of possession of a vehicle to
11 a person who has purchased or contracted to purchase
12 the vehicle.

13 NEW SUBSECTION. After an investigation and hearing
14 conducted by a hearing officer designated by the
15 commissioner of public safety held in the county
16 in which the inspection station is located, the
17 commissioner may, if the hearing officer finds that
18 the inspection station is not properly equipped or
19 it is not properly conducting inspections, issue
20 a warning, suspend the vehicle inspection station's
21 permit for a period not to exceed ninety days, or
22 revoke the vehicle inspection station's permit and
23 require the operator of the vehicle inspection station
24 to surrender the permit issued to the operator.

25 NEW SUBSECTION. Notice of the suspension or

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1 revocation shall be by certified mail, return receipt
2 requested, addressed to the operator of the vehicle
3 inspection station for which the permit was issued.
4 The suspension or revocation shall become effective
5 ten days from the date of the mailing of the notice
6 unless the permit holder files a written request
7 for a review hearing of the suspension or revocation
8 order. The review hearing shall be de novo and shall
9 be conducted at the seat of government by a review
10 board composed of the following persons:

11 a. A senior officer of the Iowa highway safety
12 patrol designated by the commissioner.

13 b. The state car dispatcher or his designee.

14 c. An employee of the state highway commission
15 experienced in automotive mechanics designated by
16 the director of highways.

17 Notwithstanding any other rule or statute to the
18 contrary, the deposition of any witness taken in
19 the manner prescribed by the rules of civil procedure
20 shall be admissible at any hearing conducted by the
21 review board in lieu of the witness appearing in
22 person. Costs of depositions shall be paid from
23 the motor vehicle inspection fund.

24 After the hearing, the review board may sustain,
25 modify, or reverse the commissioner's order of

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1 suspension or revocation. A suspension or revocation
2 sustained or modified by the review board shall take
3 effect ten days from the date of the decision, unless
4 the permit holder files an appeal in the district
5 court of the county in which the vehicle inspection
6 station is located within ten days from the date
7 of the decision of the review board. The order of
8 suspension or revocation sustained or modified and
9 appealed to the district court shall become effective
10 ten days from the date the appeal is filed unless
11 the suspension or revocation is stayed by the court.

12 The review board shall have the power to issue
13 subpoenas to compel the attendance of witnesses and
14 the production of documents, papers, books, records
15 and other evidence before it in any hearing conducted
16 by it under this section.

17 If any person shall refuse to obey any such sub-
18 poena, or to give testimony, or to produce evidence
19 as required thereby, any judge of the district court
20 of the state in and for Polk County may, upon
21 application and proof of such refusal, make an order
22 awarding process of subpoena, or subpoena duces
23 tecum, out of the said court, for the witness to
24 appear before the review board and to give testimony,
25 and to produce evidence as required thereby. Upon

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1 filing such order in the office of the clerk of said
2 court, the clerk shall issue process of subpoena,
3 as directed under the seal of said court, requiring
4 the person to whom it is directed to appear at the
5 time and place therein designated.

6 Witnesses shall receive three dollars for each
7 day's attendance and ten cents per mile for each
8 mile actually travelled. Witnesses shall be
9 compensated from the motor vehicle inspection fund.
10 The treasurer of state may make rules setting forth
11 the procedure for such reimbursement.

12 NEW SUBSECTION. In any proceedings to suspend
13 or revoke a vehicle inspection station's permit,
14 there shall be a presumption that the inspection
15 of a motor vehicle was properly conducted unless
16 a written notice specifying the complaint is given
17 to the operator or an employee of the vehicle
18 inspection station which inspected the vehicle within
19 fifteen calendar days after the date of the inspection
20 or before the vehicle has been driven five hundred
21 miles after the inspection, whichever occurs first,
22 or if the vehicle inspection station sold the motor
23 vehicle, within fifteen calendar days after the date
24 of the sale or before the vehicle has been driven
25 five hundred miles after the sale, whichever occurs

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1 first. The written notice may be informal. This
2 presumption may be overcome only by clear and
3 convincing evidence.

4 NEW SUBSECTION. No person shall knowingly deliver
5 possession of a motor vehicle, trailer or semitrailer
6 to a person who has purchased or contracted to
7 purchase at retail such motor vehicle, trailer, or
8 semitrailer which does not contain those parts or
9 is not equipped with such lamps and brakes and other
10 equipment in proper condition and adjustment as
11 required by this chapter or which is equipped in
12 any manner in violation of the chapter, except when
13 such sale is made in accordance with the provisions
14 of section three hundred twenty-one point fifty-one
15 (321.51) of the Code.

16 Sec. 8. Chapter three hundred twenty-one (321),
17 Code 1973, is amended by adding the following new
18 section:

19 NEW SECTION. No person shall knowingly permit
20 a prospective purchaser to test drive a motor vehicle
21 on the highways of this state unless the vehicle
22 is mechanically safe for the purposes and conditions
23 of the test drive.

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1 Sec. 4. Section three hundred twenty-two point
2 twenty-five (322.25), Code 1973, is repealed.

Received from the House
June 11, 1973

Senate concurred 6/15

1 Amend Senate File 481, as amended and passed by
2 the Senate, by striking everything after the enacting
3 clause and inserting in lieu thereof the follow-
4 ing:

5 Section 1. Section three hundred twenty-one point
6 fourteen (321.14), Code 1973, is amended to read
7 as follows:

8 321.14 SEIZURE OF DOCUMENTS AND PLATES. The
9 department is hereby authorized to take possession
10 of any registration card, certificate of title,
11 permit, or registration plate, certificate of
12 inspection or any inspection document or form, upon
13 expiration, revocation, cancellation, or suspension
14 thereof, or which is fictitious, or which has been
15 unlawfully or erroneously issued.

16 Sec. 2. Section three hundred twenty-one point
17 fifty-one (321.51), subsections four (4) and six
18 (6), Code 1973, are amended to read as follows:

19 4. The county treasurer of the county of residence
20 of the transferee upon receipt of the application
21 for a new certificate of title, fee therefor, and
22 the affidavit as provided in subsection 2 of this
23 section, and when satisfied as to the genuineness
24 and regularity thereof, shall issue a restricted
25 certificate of title to the applicant but shall not
26 issue registration plates or a registration card.
27 A restricted certificate of title shall be red in
28 color and shall have conspicuously imprinted thereon
29 in bold print, in a manner prescribed by the
30 department, the words "RESTRICTED CERTIFICATE OF
31 TITLE--CANNOT BE REGISTERED AND OPERATED ON THE
32 HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF
33 INSPECTION EXCEPT AS PROVIDED IN SECTION THREE HUNDRED
34 TWENTY-ONE POINT NINETY-EIGHT (321.98) OF THE CODE."

35 At such time as the transferee surrenders a valid
36 approved certificate of inspection and the restricted
37 certificate of title to the county treasurer of the
38 county of his residence, the county treasurer, upon
39 payment of the appropriate fees, shall issue a
40 certificate of title that is not restricted for the
41 vehicle and shall also issue a registration card
42 and registration plates for the vehicle to the
43 applicant, however, if the registration fee for the
44 vehicle has been paid for the current year, the
45 county treasurer shall issue a registration card
46 and registration plates for the vehicle to the
47 applicant upon payment of an additional registration
48 fee of five dollars.

49 6. No vehicle sold or otherwise transferred
50 pursuant to the provisions of this section shall

51 be driven upon the highway until a valid official
52 certificate of inspection has been affixed thereto
53 and an unrestricted certificate of title, a
54 registration card, and registration plates for the
55 vehicle have been issued to the purchaser or
56 transferee except as set out in section three hundred
57 twenty-one point ninety-eight (321.98) of the Code.

58 Sec. 3. Section three hundred twenty-one point
59 two hundred thirty-eight (321.238), subsection four
60 (4), paragraphs a and b, Code 1973, are amended to
61 read as follows:

52 a. Supervise and cause inspections to be made
63 of each vehicle inspection station issued a permit
64 ~~and if he finds that any station is not properly~~
65 ~~equipped or that inspections are not being properly~~
66 ~~conducted shall revoke and require the surrender~~
67 ~~of the permit issued to the station. Notice of~~
68 ~~revocation shall be by certified mail, return re-~~
69 ~~ceipt requested, addressed to the address for which~~
70 ~~the permit was granted. Revocation shall be effective~~
71 ~~ten days after the date of mailing of such notice~~
72 ~~unless the permit holder shall request a hearing~~
73 ~~before the commissioner on the order revoking the~~
74 ~~permit. If upon hearing the commissioner does not~~
75 ~~reverse the order of revocation the revocation shall~~
76 ~~be immediately effective unless revocation is enjoined~~
77 ~~by court action.~~

78 b. Provide instructions and all necessary forms
79 to authorized inspection stations for the inspec-
80 tion of vehicles and the issuance of official
81 certificates of inspection. The copy of the
82 certificate of inspection to be delivered by the
83 inspection station to the owner of the vehicle
84 inspected shall state the name and address of the
85 inspection station and shall contain a conspicuous
86 notice in substance as follows: "NOTICE: You should
87 immediately notify the inspection station of any
88 complaint about the inspection of this vehicle.
89 If possible, your notice should be given within
90 fifteen days after the date of inspection or before
91 this vehicle has been driven five hundred miles after
92 the inspection, whichever occurs first, or, if the
93 inspection station sold the vehicle to you, within
94 fifteen days after the sale or before this vehicle
95 has been driven five hundred miles after the sale,
96 whichever occurs first. Your notice should be in
97 writing, specifying the complaint. Notice forms
98 are available at any inspection station. You also
99 have the right to make a complaint about the
100 inspection to the commissioner of public safety,
101 state house, Des Moines, Iowa."

102 Forms for notice of complaint shall be provided
103 by the department to all authorized inspection sta-
104 tions, who shall provide them to any person upon
105 request. The copy of the certificate of inspection

106 to be delivered by the inspection station to the
107 owner of the vehicle inspected shall also contain
108 a notice, which shall be printed on the face of the
109 certificate of inspection in eight-point bold faced
110 type, which contains the words "THE SAFETY INSPECTION
111 IS APPLICABLE ONLY TO THE ITEMS CHECKED AND DOES
112 NOT GUARANTEE OR WARRANT THE CONDITION OF THESE ITEMS
113 OR THE OVERALL CONDITION OF THE VEHICLE".

114 Sec. 4. Section three hundred twenty-one point
115 two hundred thirty-eight (321.238), subsection seven
116 (7), Code 1973, is amended to read as follows:

117 7. No person shall make, possess, issue, or know-
118 ingly use any imitation or counterfeit of an official
119 certificate of inspection. No person shall display
120 or cause or permit to be displayed upon any vehicle
121 any certificate of inspection knowing the certificate
122 to be fictitious, or issued for another vehicle,
123 or issued without an inspection having been made.
124 No person shall possess a blank certificate of
125 inspection nor shall any person issue an official
126 certificate of inspection who does not hold a valid
127 permit for the issuance of such certificate.

128 Sec. 5. Section three hundred twenty-one point
129 two hundred thirty-eight (321.238), subsection eight
130 (8), Code 1973, is amended to read as follows:

131 8. The fee for inspection, including the issuance
132 of the certificate of inspection, shall be uniform
133 according to class of vehicle and shall be estab-
134 lished by the commissioner. The fee shall be a
135 reasonable and just charge based upon the average
136 cost and time necessary to perform the inspection,
137 and shall be retained by the inspection station.
138 No inspection station shall absorb the inspection
139 fee, or advertise or represent in any manner that
140 the fee or any part of the fee is directly or
141 indirectly absorbed by the station, nor shall any
142 inspection station charge a fee for inspection
143 services under this section in an amount other than
144 the fees herein provided.

145 Sec. 6. Section three hundred twenty-one point
146 two hundred thirty-eight (321.238), subsection twelve
147 (12), Code 1973, is amended to read as follows:

148 12. Every motor vehicle subject to registration
149 under the laws of this state, except motor vehicles
150 registered under section 321.115, when first
151 registered in this state or and each time when sold
152 at retail or otherwise transferred for use within
153 or-without this state, or otherwise transferred when
154 registration is changed from a registration as
155 provided in section three hundred twenty-one point
156 one hundred fifteen (321.115) of the Code to a regular
157 registration, except transfers by operation of law
158 as set out in section 321.47, shall be inspected
159 at an authorized inspection station unless there
160 is affixed to the motor vehicle a valid certificate

161 of inspection which was issued for such motor vehicle
162 not more than sixty days prior to the date on which
163 such vehicle was sold. However, the certificate
164 of inspection for a new motor vehicle which has not
165 previously been sold at retail and which is not sold
166 within sixty days after the date the inspection was
167 performed may be revalidated by the inspection station
168 without another inspection provided the motor vehicle
169 has not been driven more than one hundred miles since
170 the inspection was performed. If the motor vehicle
171 is subject to inspection, the authorized inspection
172 station shall issue and affix a valid certificate
173 of inspection or certificate of rejection, as the
174 case may be, in accordance with the results of the
175 inspection. The applicant shall file with an
176 application for title to the vehicle or for
177 registration thereof under the provisions of section
178 321.23, subsection 2 or 3, with the county treasurer
179 of the county of his residence, a statement on a
180 form provided by the commissioner, signed by an
181 authorized inspection station certifying the date
182 that a certificate of inspection was issued for an
183 affixed to the vehicle. The county treasurer shall
184 not issue a title to the vehicle to the applicant
185 or register the vehicle unless such statement is
186 filed with the application showing that the inspection
187 of the vehicle was made not more than sixty days
188 prior to the date of sale or transfer, or unless
189 the vehicle was purchased out of this state by a
190 resident of this state who resides outside of this
191 state, but desires to maintain his Iowa residency
192 and he executes a statement to that effect in form
193 and content as prescribed by the commissioner. The
194 county treasurer shall stamp the registration card
195 for such vehicle with the words "NOT INSPECTED".
196 A vehicle so registered shall be inspected at an
197 authorized inspection station within fifteen days
198 after being brought into this state. The county
199 treasurer shall mail the statement of inspection
200 or statement of out-of-state residency to the
201 department at the time of mailing copies of the
202 registration receipt. The department may destroy
203 any forms, certificates or statements after one year
204 from the date they are filed unless they relate to
205 pending appeals.

206 Sec. 7. Section three hundred twenty-one point
207 two hundred thirty-eight (321.238), Code 1973, is
208 amended by adding the following new subsections:

209 NEW SUBSECTION. As used in this section, "sale"
210 means the delivery of possession of a vehicle to
211 a person who has purchased or contracted to purchase
212 the vehicle.

213 NEW SUBSECTION. After an investigation and hearing
214 conducted by a hearing officer designated by the
215 commissioner of public safety held in the county

216 in which the inspection station is located, the
217 commissioner may, if the hearing officer finds that
218 the inspection station is not properly equipped or
219 it is not properly conducting inspections, issue
220 a warning, suspend the vehicle inspection station's
221 permit for a period not to exceed ninety days, or
222 revoke the vehicle inspection station's permit and
223 require the operator of the vehicle inspection station
224 to surrender the permit issued to the operator.

225 NEW SUBSECTION. Notice of the suspension or
226 revocation shall be by certified mail, return receipt
227 requested, addressed to the operator of the vehicle
228 inspection station for which the permit was issued.
229 The suspension or revocation shall become effective
230 ten days from the date of the mailing of the notice
231 unless the permit holder files a written request
232 for a review ~~hearing of the suspension or revocation~~
233 order. The review hearing shall be ~~de novo and shall~~
234 be conducted at the seat of government by a review
235 board composed of the following persons:

- 236 a. A senior officer of the Iowa highway safety
237 patrol designated by the commissioner.
238 b. The state car dispatcher or his designee.
239 c. An employee of the state highway commission
240 experienced in automotive mechanics designated by
241 the director of highways.

242 Notwithstanding any other rule or statute to the
243 contrary, the deposition of any witness taken in
244 the manner prescribed by the rules of civil procedure
245 shall be admissible at any hearing conducted by the
246 review board in lieu of the witness appearing in
247 person. Costs of depositions shall be paid from
248 the motor vehicle inspection fund.

249 After the hearing, the review board may sustain,
250 modify, or reverse the commissioner's order of
251 suspension or revocation. A suspension or revocation
252 sustained or modified by the review board shall take
253 effect ten days from the date of the decision, unless
254 the permit holder files an appeal in the district
255 court of the county in which the vehicle inspection
256 station is located within ten days from the date
257 of the decision of the review board. The order of
258 suspension or revocation sustained or modified and
259 appealed to the district court shall become effective
260 ten days from the date the appeal is filed unless
261 the suspension or revocation is stayed by the court.

262 The review board shall have the power to issue
263 subpoenas to compel the attendance of witnesses and
264 the production of documents, papers, books, records
265 and other evidence before it in any hearing conducted
266 by it under this section.

267 If any person shall refuse to obey any such sub-
268 poena, or to give testimony, or to produce evidence
269 as required thereby, any judge of the district court
270 of the state in and for Polk County may, upon

271 application and proof of such refusal, make an order
272 awarding process of subpoena, or subpoena duces
273 tecum, out of the said court, for the witness to
274 appear before the review board and to give testimony,
275 and to produce evidence as required thereby. Upon
276 filing such order in the office of the clerk of said
277 court, the clerk shall issue process of subpoena,
278 as directed, under the seal of said court, requiring
279 the person to whom it is directed to appear at the
280 time and place therein designated.

281 Witnesses shall receive three dollars for each
282 day's attendance and ten cents per mile for each
283 mile actually travelled. Witnesses shall be
284 compensated from the motor vehicle inspection fund.
285 The treasurer of state may make rules setting forth
286 the procedure for such reimbursement.

287 NEW SUBSECTION. In any proceedings to suspend
288 or revoke a vehicle inspection station's permit,
289 there shall be a presumption that the inspection
290 of a motor vehicle was properly conducted unless
291 a written notice specifying the complaint is given
292 to the operator or an employee of the vehicle
293 inspection station which inspected the vehicle within
294 fifteen calendar days after the date of the inspection
295 or before the vehicle has been driven five hundred
296 miles after the inspection, whichever occurs first,
297 or if the vehicle inspection station sold the motor
298 vehicle, within fifteen calendar days after the date
299 of the sale or before the vehicle has been driven
300 five hundred miles after the sale, whichever occurs
301 first. The written notice may be informal. This
302 presumption may be overcome only by clear and
303 convincing evidence.

304 NEW SUBSECTION. No person shall knowingly deliver
305 possession of a motor vehicle, trailer or semitrailer
306 to a person who has purchased or contracted to
307 purchase at retail such motor vehicle, trailer, or
308 semitrailer which does not contain those parts or
309 is not equipped with such lamps and brakes and other
310 equipment in proper condition and adjustment as
311 required by this chapter or which is equipped in
312 any manner in violation of the chapter, except when
313 such sale is made in accordance with the provisions
314 of section three hundred twenty-one point fifty-one
315 (321.51) of the Code.

316 Sec. 8. Chapter three hundred twenty-one (321),
317 Code 1973, is amended by adding the following new
318 section:

319 NEW SECTION. No person shall knowingly permit
320 a prospective purchaser to test drive a motor vehicle
321 on the highways of this state unless the vehicle
322 is mechanically safe for the purposes and conditions
323 of the test drive.

324 Sec. 4. Section three hundred twenty-two point
325 twenty-five (322.25), Code 1973, is repealed.

H-710 Filed - *Adopted 6/7*
June 6, 1973

By KRAUSE of Palo Alto
STANLEY of Muscatine
MONROE of Des Moines
READINGER of Polk
DUNLAP of Story
HIGGINS of Scott
SMALL of Johnson

SENATE FILE 481

H--709

1 Amend Senate File 481 as follows:

2 1. By striking everything after the enacting clause
3 and inserting in lieu thereof the following:

4 Section 1. Section three hundred twenty-one point
5 two hundred thirty-eight (321.238), Code 1973, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 321.238 MOTOR VEHICLE INSPECTION.

9 1. As used in this section, "sale" means the delivery
10 of possession of a motor vehicle to a person who has
11 purchased or contracted to purchase the vehicle.

12 2. The commissioner shall designate one or more
13 state highway commission maintenance garages in each
14 county as state vehicle inspection stations. If there
15 are several such maintenance garages in a county, the
16 commissioner shall select maintenance garages which
17 are the most centrally located, both in terms of county
18 population centers and population distribution, for use
19 as a state vehicle inspection station. Maintenance
20 garages shall also be selected on the basis of their
21 adaptability into inspection stations.

22 3. The state highway commission shall supply each
23 state vehicle inspection station with the necessary
24 personnel and equipment to conduct vehicle inspections
25 as prescribed under this section.

26 4. The commissioner may adopt such rules and regula-
27 tions, subject to the provisions of chapter seventeen A
28 (17A), as shall be necessary for the efficient operation
29 and maintenance of the state vehicle inspection stations.
30 The commissioner shall also supervise and inspect the
31 operation of each state vehicle inspection station.

32 5. The fee for inspection, including the issuance
33 of the certificate of inspection, shall be uniform and
34 shall be established by the commissioner. The fee shall
35 be a reasonable and just charge based upon the average
36 cost and time necessary to perform the inspection, and
37 shall be forwarded to the department of public safety.
38 All fees collected by the department under the provisions
39 of this section shall be remitted monthly to the treasurer
40 of state. The moneys remitted shall be placed by the
41 treasurer of state in a special fund to be known as the
42 "motor vehicle inspection fund" and shall be used to
43 defray the cost of administering the provisions of this
44 section, including the payment of state highway com-
45 mission expenses under subsection three (3) of this
46 section. Any balance remaining in the motor vehicle
47 inspection fund at the end of each fiscal year shall
48 revert to the general fund of the state on the thirtieth
49 day of September following the end of the fiscal year.

50 6. In making a vehicle inspection, the state inspection

51 station shall inspect such of the following equipment
52 as is applicable to the vehicle: Brakes, lights, turning
53 signals, steering, sound devices, glass, mirrors, exhaust
54 system, windshield wipers, seat belts, tires and such
55 other safety equipment as may be prescribed for inspec-
56 tion under rules and regulations adopted by the commis-
57 sioner. The inspection station shall also inspect each
58 motor vehicle to ascertain that none of the factory
59 installed emission control devices have been removed
60 or rendered inoperable.

61 Upon completion of inspection of a vehicle and deter-
62 mination that its equipment is in adequate condition
63 and proper adjustment to warrant issuance of a certificate
64 of inspection, the state inspection station which has
65 made the inspection shall affix an official certificate
66 of inspection to such vehicle in the manner specified
67 by the commissioner. Except as otherwise provided, the
68 certificate shall be valid for the period commencing
69 with the calendar month of issue and ending at midnight
70 on the last day of the twelfth calendar month following
71 the month of issue and shall not be valid thereafter.

72 7. If an inspection discloses the necessity for
73 repairs, the owner of the vehicle or person having custody
74 thereof shall be so notified and a certificate of rejec-
75 tion shall be affixed to the vehicle. If an official
76 certificate of inspection has been affixed to the vehicle
77 which is valid on the date of rejection, the certificate
78 of inspection shall no longer be valid even though the
79 period for which it was issued has not expired and the
80 inspection station shall remove the certificate. After
81 correction of the stated defects, the state inspection
82 station which made the inspection shall reinspect the
83 vehicle once without additional charge if requested so
84 to do within thirty days after its issuance of the
85 rejection certificate.

86 The owner or other person having custody of the
87 vehicle shall have such repairs made or defects corrected
88 as are required by the rejection certificate within thirty
89 days from the date of the rejection certificate. A
90 vehicle for which the repairs are not made or defects
91 not corrected, shall not thereafter be operated on the
92 streets or highways until a valid certificate of inspec-
93 tion has been obtained and affixed to the vehicle.

94 The owner or person having custody of the vehicle
95 to which a certificate of rejection has been affixed
96 may appeal the rejection to the department of public
97 safety. The appeal shall be in writing and shall be
98 filed with the department of public safety within ten
99 days of the rejection. The department of public safety
100 shall hold a hearing on the appeal within ten days of
101 receipt of the appeal and shall issue a decision affirm-
102 ing the rejection or disallowing the rejection, in
103 whole or in part, within seven days of the hearing.

104 8. Every motor vehicle subject to registration under
105 the laws of this state, except motor vehicles registered

106 under section three hundred twenty-one point one hundred
107 fifteen (321.115), when first registered in this state
108 and each time when sold at retail or otherwise trans-
109 ferred for use within this state, except transfers by
110 operation of law as set out in section three hundred
111 twenty-one point forty-seven (321.47), shall be inspected
112 at a state inspection station unless there is affixed
113 to the motor vehicle a valid certificate of inspection
114 which was issued for such motor vehicle not more than
115 sixty days prior to the date on which such vehicle was
116 sold. However, the certificate of inspection for a
117 new motor vehicle which has not previously been sold
118 at retail and which is not sold within sixty days after
119 the date the inspection was performed may be revalidated
120 by the state inspection station without another inspec-
121 tion provided the motor vehicle has not been driven more
122 than twenty miles since the inspection was performed.
123 If the motor vehicle is subject to inspection,
124 the state inspection station shall issue and affix a
125 valid certificate of inspection or certificate of
126 rejection, as the case may be, in accordance with the
127 results of the inspection. The applicant shall file
128 with an application for title to the vehicle or for
129 registration thereof under the provisions of section
130 three hundred twenty-one point twenty-three (321.23),
131 subsection two (2) or three (3), with the county
132 treasurer of the county of his residence, a statement
133 on a form provided by the commissioner, signed by a
134 state inspection station certifying the date that a
135 certificate of inspection was issued for and affixed
136 to the vehicle. The county treasurer shall not issue
137 a title to the vehicle to the applicant or register the
138 vehicle unless such statement is filed with the applica-
139 tion showing that the inspection of the vehicle was
140 made not more than sixty days prior to the date of sale
141 or transfer, or unless the vehicle was purchased out
142 of this state by a resident of this state who resides
143 outside of this state, but desires to maintain his Iowa
144 residency and he executes a statement to that effect
145 in form and content as prescribed by the commissioner.
146 The county treasurer shall stamp the registration card
147 for such vehicle with the words "NOT INSPECTED". A
148 vehicle so registered shall be inspected at a state
149 inspection station within fifteen days after being
150 brought into this state. The county treasurer shall
151 mail the statement of inspection or statement of out-
152 of-state residency to the department at the time of
153 mailing copies of the registration receipt.

154 9. No person shall make, issue, or knowingly use
155 any imitation or counterfeit of an official certificate
156 of inspection. No person shall display or cause or
157 permit to be displayed upon any vehicle any certificate
158 of inspection knowing the certificate to be fictitious,
159 or issued for another vehicle, or issued without an in-
160 spection having been made. No person shall issue an

161 official certificate of inspection who does not hold a
162 valid permit for the issuance of such certificate.

163 10. Any peace officer who makes an investigation
164 of an accident may direct that any motor vehicle in-
165 volved in the accident shall be inspected at a state
166 inspection station within the time fixed by such peace
167 officer.

168 11. The commissioner may authorize the acceptance
169 in this state of a certificate of inspection issued in
170 another state having an inspection law substantially
171 similar to the provisions of this chapter pertaining
172 to vehicle inspection.

173 12. The inspection of any vehicle and issuance of a
174 certificate of inspection shall not be construed in any
175 court as a warranty of the mechanical condition of the
176 vehicle, and the failure to discover any defect in any
177 vehicle in the course of an inspection under the pro-
178 visions of this section shall not be made the basis of
179 an action for damages in any court.

180 13. It is a misdemeanor for any owner or operator
181 of any vehicle required to be inspected to fail to
182 comply with the provisions of this section.

183 14. A person shall not sell or transfer any motor
184 vehicle, other than transfers to a dealer licensed under
185 chapter three hundred twenty-two (322), and other than
186 transfers by operation of law as set out in section
187 three hundred twenty-one point forty-seven (321.47)
188 unless there is a valid official certificate of inspec-
189 tion affixed to such vehicle at the time of sale. Any
190 person violating the provisions of this section shall
191 be subject to a fine of one hundred dollars and shall
192 be liable to the purchaser in damages for all costs
193 involved in obtaining a valid certificate of inspection
194 for such vehicle.

195 15. Any person who believes that an inspection was
196 not properly conducted on a motor vehicle owned by
197 him shall notify the state vehicle inspection station
198 which inspected the vehicle, in writing, within fifteen
199 calendar days from the date of the inspection, or prior
200 to such vehicle having been driven five hundred miles
201 after the inspection, whichever occurs first.

202 16. No person shall knowingly deliver possession
203 of a motor vehicle, trailer or semitrailer to a person
204 who has purchased or contracted to purchase at retail
205 such motor vehicle, trailer, or semitrailer which does
206 not contain those parts or is not equipped with such
207 lamps and brakes and other equipment in proper condition
208 and adjustment as required by this chapter or which is
209 equipped in any manner in violation of the chapter, ex-
210 cept when such sale is made in accordance with the
211 provisions of section three hundred twenty-one point
212 fifty-one (321.51) of the Code.

213 Sec. 2. Section three hundred twenty-two point
214 twenty-five (322.25), Code 1973, is repealed.

House 18
June 7, 1973

215 Sec. 3. The provisions of this Act shall become
216 effective July 1, 1975.

H-709 Filed *Withdrawn 6/7*
June 6, 1973

By MONROE of Des Moines
PATCHETT of Johnson
NEWHARD of Jones
CARR of Dubuque
HARGRAVE of Johnson
RAPP of Black Hawk
JUNKER of Woodbury

EXPLANATION TO THE AMENDMENT

This amendment provides for the operation of state vehicle inspection stations instead of issuing permits to individuals for the operation of vehicle inspection stations.

H-693

1 Amend Senate File 481, as amended and passed by
2 the Senate, page 5, by inserting after line 4 the
3 following unnumbered paragraphs:

4 "The review board shall have the power to issue
5 subpoenas to compel the attendance of witnesses and
6 the production of documents, papers, books, records
7 and other evidence before it in any hearing conducted
8 by it under this section.

9 If any person shall refuse to obey any such sub-
10 poena, or to give testimony, or to produce evidence
11 as required thereby, any judge of the district court
12 of the state in and for Polk County may, upon
13 application and proof of such refusal, make an order
14 awarding process of subpoena, or subpoena duces tecum,
15 out of the said court, for the witness to appear
16 before the review board and to give testimony, and to
17 produce evidence as required thereby. Upon filing
18 such order in the office of the clerk of said court,
19 the clerk shall issue process of subpoena, as direct-
20 ed, under the seal of said court, requiring the person
21 to whom it is directed to appear at the time and place
22 therein designated.

23 Witnesses shall receive three dollars for each
24 day's attendance and ten cents per mile for each mile
25 actually travelled. Witnesses shall be compensated
26 from the motor vehicle inspection fund. The treasurer
27 of state may make rules setting forth the procedure
28 for such reimbursement."

H-693 Filed *w.d. 6/7*
June 5, 1973

By KRAUSE of Palo Alto

H-694

1 Amend Senate File 481, as amended by the Senate,
2 as follows:

3 1. Page 4, by inserting after line 27 the follow-
4 ing new paragraph:

5 Notwithstanding any other rule or statute to the
6 contrary, the deposition of any witness taken in the
7 manner prescribed by the rules of civil procedure shall
8 be admissible at any hearing conducted by the review
9 board in lieu of the witness appearing in person.
10 Costs of depositions shall be paid from the motor
11 vehicle inspection fund.

12 2. Page 5, by striking lines 5 through 19 and
13 inserting in lieu thereof the following:

14 NEW SUBSECTION. In any proceedings to suspend
15 or revoke a vehicle inspection station's permit, there
16 shall be a presumption that the inspection of a motor
17 vehicle was properly conducted unless a written notice
18 specifying the complaint is given to the operator or
19 an employee of the vehicle inspection station which
20 inspected the vehicle within fifteen calendar days
21 after the date of the inspection or before the vehicle
22 has been driven five hundred miles after the inspection,
23 whichever occurs first, or if the vehicle inspection
24 station sold the motor vehicle, within fifteen calendar
25 days after the date of the sale or before the vehicle
26 has been driven five hundred miles after the sale,
27 whichever occurs first. The written notice may be
28 informal. This presumption may be overcome only by
29 clear and convincing evidence.

30 3. Page 5, by adding the following new section:

31 Sec. _____. Chapter three hundred twenty-one (321),
32 Code 1973, is amended by adding the following new
33 section:

34 NEW SECTION. No person shall knowingly permit
35 a prospective purchaser to test drive a motor vehicle
36 on the highways of this state unless the vehicle is
37 mechanically safe for the purposes and conditions of
38 the test drive.

H-694 Filed *w.d. 6/7*
June 5, 1973

By STANLEY of Muscatine
DUNLAP of Story
READINGER of Polk
SMALL of Johnson

H-692

1 Amend Senate File 481, as amended and passed by the
2 Senate, as follows:

3 1. Page 5, line 9, by striking the word "fifteen"
4 and inserting in lieu thereof the word "thirty".

5 2. Page 5, line 13, by striking the word "fifteen"
6 and inserting in lieu thereof the word "thirty".

H-692 Filed *w.d. 6/7*
June 5, 1973

By HIGGINS of Scott
NIELSEN of Polk

H-691

1 Amend Senate File 481, as amended and passed by the
2 Senate, page 5, by adding after line 29 the following
3 new subsection:
4 NEW SUBSECTION. Any person holding a valid inspec-
5 tion station permit shall not inspect any vehicle
6 which he owns.

H-691 Filed *u.d. 6/7*
June 5, 1973

By HIGGINS of Scott
NIELSEN of Polk

H-688

1 Amend Senate File 481 as amended and passed
2 by the Senate as follows:
3 1. Page 3, line 1, by striking the word "one".
4 2. Page 3, line 2, by striking the word "hundred"
5 and inserting in lieu thereof the word "twenty".
6 3. Page 3, after line 29, by adding the following
7 bill section:
8 "Sec. _____. Section three hundred twenty-one point
9 two hundred thirty-eight (321.238), subsection six-
10 teen (16), Code 1973, is amended by striking the sub-
11 section."
12 3. Page 5, after line 19, by inserting the follow-
13 ing:
14 "In addition to notifying the operator of his belief
15 that the inspection was not properly conducted, this
16 person may also have his motor vehicle inspected by
17 another vehicle inspection station. If any part on
18 the motor vehicle which was certified to be in proper
19 working order by the original vehicle inspection
20 station is found by the second vehicle inspection
21 station to be below the standards established under
22 this section by the commissioner of public safety,
23 the original vehicle inspection station shall be
24 liable to this person for the cost of replacing the
25 substandard part."

H-688 Filed *u.d. 6/7*
June 5, 1973

By MONROE of Des Moines

H-686

1 Amend Senate File 481, as amended and passed by
2 the Senate, as follows:
3 1. Page 2, by inserting after line 17 the follow-
4 ing new section:
5 "Sec. _____. Section three hundred twenty-one
6 point two hundred thirty-eight (321.238), subsection
7 nine (9), Code 1973, is amended to read as follows:
8 9. All fees collected by the department under the
9 provisions of this section shall be remitted monthly
10 to the treasurer of state. The moneys remitted shall
11 be placed by the treasurer of state in a special fund
12 to be known as the "motor vehicle inspection fund" and
13 shall be used to defray the cost of administering the
14 provisions of this section. Any unencumbered balance
15 remaining above twenty-five thousand dollars in the
16 motor vehicle inspection fund at the end of each fiscal
17 year shall revert to the general fund of the state on
18 the thirtieth day of September following the end of
19 the fiscal year."
20 2. By renumbering the subsequent sections.

H-686 Filed *u.d. 6/7*
June 5, 1973

By KRAUSE of Palo Alto

1 Amend Senate File 481, as amended and passed by the
2 Senate, as follows:

3 1. Page 2, by inserting before line 1 the follow-
4 ing new sections:

5 Sec. _____. Section three hundred twenty-one point
6 fourteen (321.14), Code 1973, is amended to read as
7 follows:

8 321.14 SEIZURE OF DOCUMENTS AND PLATES. The de-
9 partment is hereby authorized to take possession of
10 any registration card, certificate of title, permit,
11 or registration plate, certificate of inspection or
12 any inspection document or form, upon expiration,
13 revocation, cancellation, or suspension thereof, or
14 which is fictitious, or which has been unlawfully or
15 erroneously issued.

16 Sec. _____. Section three hundred twenty-one point
17 fifty-one (321.51), subsections four (4) and six (6),
18 Code 1973, are amended to read as follows:

19 4. The county treasurer of the county of residence
20 of the transferee upon receipt of the application for
21 a new certificate of title, fee therefor, and the
22 affidavit as provided in subsection 2 of this section,
23 and when satisfied as to the genuineness and regu-
24 larity thereof, shall issue a restricted certificate
25 of title to the applicant but shall not issue registra-
26 tion plates or a registration card. A restricted
27 certificate of title shall be red in color and shall
28 have conspicuously imprinted thereon in bold print,
29 in a manner prescribed by the department, the words
30 "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED
31 AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED
32 CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SEC-
33 TION THREE HUNDRED TWENTY-ONE POINT NINETY-EIGHT
34 (321.98) OF THE CODE." At such time as the transferee
35 surrenders a valid approved certificate of inspection
36 and the restricted certificate of title to the county
37 treasurer of the county of his residence, the county
38 treasurer, upon payment of the appropriate fees, shall
39 issue a certificate of title that is not restricted
40 for the vehicle and shall also issue a registration
41 card and registration plates for the vehicle to the
42 applicant, however, if the registration fee for the
43 vehicle has been paid for the current year, the county
44 treasurer shall issue a registration card and registra-
45 tion plates for the vehicle to the applicant upon
46 payment of an additional registration fee of five
47 dollars.

48 6. No vehicle sold or otherwise transferred pur-
49 suant to the provisions of this section shall be driven
50 upon the highway until a valid official certificate
51 of inspection has been affixed thereto and an unre-
52 stricted certificate of title, a registration card,
53 and registration plates for the vehicle have been
54 issued to the purchaser or transferee except as set
55 out in section three hundred twenty-one point ninety-
56 eight (321.98) of the Code.

57 2. By renumbering the subsequent sections.

H-668

1 Amend Senate File 481, as passed by the Senate,
2 page 5, by inserting after line 29 the following new
3 subsections:

4 NEW SUBSECTION. The commissioner of public
5 safety shall have the power to issue subpoenas to
6 compel the attendance of witnesses and the production
7 of documents, papers, books, records and other evidence
8 before him in any matter over which he has jurisdiction,
9 control or supervision pertaining to this chapter.

10 If any person shall refuse to obey any such sub-
11 poena, or to give testimony, or to produce evidence
12 as required thereby, any judge of the district court
13 of the state of Iowa in and for Polk county may, upon
14 application and proof of such refusal, make an order
15 awarding process of subpoena, or subpoena duces tecum,
16 out of the said court, for the witness to appear before
17 the commissioner and to give testimony, and to produce
18 evidence as required thereby. Upon filing such order
19 in the office of the clerk of said court, the clerk
20 shall issue process of subpoena, as directed, under
21 the seal of said court, requiring the person to whom
22 it is directed to appear at the time and place therein
23 designated.

24 NEW SUBSECTION. Witnesses shall receive three
25 dollars for each day's attendance and ten cents per
26 mile for each mile actually travelled.

27 NEW SUBSECTION. Witnesses shall be compensated
28 from the general fund. The treasurer of state may make
29 rules setting forth the procedure for such reimbur-
30 sement.

H-668 Filed - *w.d. 6/7*
June 4, 1973

By KRAUSE of Palo Alto

H-671

1 Amend Senate File 481, as passed by the Senate,
2 as follows:

3 1. Page 2, by inserting after line 17 the
4 following new section

5 Sec. ____ . Section three hundred twenty-one
6 point two hundred thirty-eight, (321.238) subsection
7 eight (8), Code 1973, is amended to read as follows:

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

21 2. By renumbering the subsequent sections.

H-671 Filed - *w.d. 6/7*
June 4, 1973

By KRAUSE of Palo Alto

1 Amend Senate File 481, as passed by the Senate,
2 as follows:

3 1. Page 2, by inserting after line 17 the
4 following new section;

5 Sec. _____. Section three hundred twenty-one point
6 two hundred thirty-eight (321.238), subsection eleven
7 (11), Code 1973, is amended to read as follows:

8 11. If an inspection discloses the necessity for
9 repairs, the owner of the vehicle or person having
10 custody thereof shall be so notified. Repairs and
11 adjustments need not be made at the inspection station
12 which has made the inspection and if the owner or per-
13 son having custody of the vehicle elects not to have
14 the repairs or adjustments made at that time a certif-
15 icate of rejection shall be affixed to the vehicle. If
16 the vehicle is rejected because it fails to meet any of
17 the requirements of section three hundred twenty-
18 one point three hundred eighty-one (321.381) of the
19 Code, it shall not be operated upon the streets or
20 highways except to move the vehicle to a place of
21 repair within a reasonable distance and return, if
22 the vehicle copy of the inspection certificate accom-
23 panies the rejected vehicle. If an official certifi-
24 cate of inspection has been affixed to the vehicle
25 which is valid on the date of rejection, the certifi-
26 cate of inspection shall no longer be valid even though
27 the period for which it was issued has not expired and
28 the inspection station shall remove the certificate.
29 After correction of the stated defects, the inspection
30 station which made the inspection shall reinspect the
31 vehicle once without additional charge if requested so
32 to do within thirty days after its issuance of the
33 rejection certificate.

34 The owner or other person having custody of the
35 vehicle shall have such repairs made or defects cor-
36 rected as are required by the rejection certificate
37 within thirty days from the date of the rejection
38 certificate unless the vehicle is acquired by a motor
39 vehicle dealer licensed under chapter three hundred
40 twenty-two (322) of the Code. A vehicle for which
41 the repairs are not made or defects not corrected,
42 shall not thereafter be operated on the streets or
43 highways until a valid certificate of inspection has
44 been obtained and affixed to the vehicle.

45 The owner or person having custody of the vehicle
46 to which a certificate of rejection has been affixed
47 may appeal the rejection to the department of public
48 safety. The appeal shall be in writing and shall be
49 filed with the department of public safety within ten
50 days of the rejection. The department of public
51 safety shall hold a hearing on the appeal within ten
52 days of receipt of the appeal and shall issue a
53 decision affirming the rejection or disallowing the
54 rejection, in whole or in part, within seven days
55 of the hearing.

56 2. By renumbering the subsequent sections.

H-678

1 Amend Senate File 481, as passed by the Senate,
2 as follows:
3 3. Page 2, by inserting after line 17 the follow-
4 ing new section:
5 Sec. _____. Section three hundred twenty-one point
6 two hundred thirty-eight (321.238), subsection seven
7 (7), Code 1973, is amended to read as follows:
8 7. No person shall make, issue, or knowingly use
9 any imitation or counterfeit of an official certificate
10 of inspection. No person shall display or cause or
11 permit to be displayed upon any vehicle any certificate
12 of inspection knowing the certificate to be fictitious,
13 or issued for another vehicle, or issued without an
14 inspection having been made. No person shall possess
15 or issue an official certificate of inspection who does
16 not hold a valid permit for the issuance of such cer-
17 tificate.
18 2. By renumbering the subsequent sections.

H-678 Filed *w.d. 6/7*
June 4, 1973

By KRAUSE of Palo Alto

H-669

1 Amend Senate File 481, as passed by the Senate,
2 page 3, by inserting after the period in line 29 the
3 following: "The department may destroy any forms,
4 certificates or statements after one year from the
5 date they are filed."

H-669 Filed *w.d. 6/7*
June 4, 1973

By KRAUSE of Palo Alto

H-672

1 Amend Senate File 481, as amended and passed by the
2 Senate, as follows:
3 4. Page 2, line 24, by inserting after the word
4 "retail" the words "when registration is changed from
5 a registration as provided in section three hundred
6 twenty-one point one hundred fifteen (321.115) of the
7 Code to a regular registration,".

H-672 Filed *w.d. 6/7*
June 4, 1973

By KRAUSE of Palo Alto

S-522

1 Amend Senate File 481, page 5, by striking lines 5 through
2 14 and substituting in lieu thereof the following:
3 NEW SUBSECTION. Any person who believes that an inspection
4 was not properly conducted on a motor vehicle owned by him shall
5 notify the operator of the vehicle inspection station which
6 inspected the vehicle, in writing, within fifteen calendar days
7 from the date of the inspection, or prior to such vehicle having
8 been driven five hundred miles after the inspection, whichever
9 occurs first, or if the vehicle inspection station sold the
10 motor vehicle to him, within fifteen calendar days from the
11 date of the sale of such vehicle to him, or prior to such
12 vehicle having been driven five hundred miles after the sale of
13 such vehicle to him, whichever occurs first, specifying the
14 complaint or the complaint shall not be considered in any pro-
15 ceedings to suspend or revoke the vehicle inspection station's
16 permit.

S-522 Filed *Sept 5/73*
May 7, 1973

By NYSTROM and HULTMAN

S--625

- 1 Amend Senate File 481, page 5, by inserting after line 24
- 2 the following new subsection:
- 3 NEW SUBSECTION. Before a vehicle can be driven by a
- 4 prospective buyer, it must be in proper repair as to pass
- 5 inspection.

S--625 Filed and lost
May 18, 1973

By NYSTROM and DODERER

S--623

- 1 Amend Senate File 481, page 5, by ~~striking~~ lines 25 and 26.

S--623 Filed and lost
May 18, 1973

By PALMER and DODERER