

FEB 27 1976

HOUSE FILE 1432

Place On Calendar

House File 1432
Transportation
Staff, Chairperson
Miller of Marshall
Norpel

4/8, Pass 4/2, fee 5548

By COMMITTEE ON TRANSPORTATION

Passed House, Date 4-6-76 (1653) Passed Senate, Date 5-13-76 (p. 1954)

Vote: Ayes 87 Nays 0 Vote: Ayes 44 Nays 2

Approved June 29, 1976

*Repassed House as amended by Senate
5-14-76 (p. 2784)
90-0*

A BILL FOR

1 An Act relating to vehicle transportation by providing for the
 2 use of credit cards for posting bond and payment of certain
 3 fines, by providing for the movement of certain oversized
 4 construction equipment, by providing for the movement of
 5 oversized vehicles on holidays, by revising the hearing
 6 procedures on applications for certificates of public
 7 convenience and necessity by motor vehicle certificated
 8 carriers, by providing for fees collected by the transporta-
 9 tion regulation board, by specifying additional scheduled
 10 violations, and providing penalties for violations.

11 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 four
2 hundred eighty-six (321.486), Code 1975, is amended by strik-
3 ing unnumbered paragraph two (2) and inserting in lieu there-
4 of the following:

5 When bail is required to guarantee appearance for any
6 offense charged under this chapter, the following nonexclu-
7 sive forms shall be permitted subject to the following limi-
8 tations:

9 1. A current guaranteed arrest bond certificate as de-
10 fined in section three hundred twenty-one point one (321.1),
11 subsection seventy-one (71) of the Code shall be considered
12 sufficient surety if the defendant is charged with an offense
13 where the penalty does not exceed two hundred dollars.

14 2. A valid credit card, as defined in section five hun-
15 dred thirty-seven point one thousand three hundred one
16 (537.1301), subsection seventeen (17) of the Code may be used
17 and shall be sufficient surety when the defendant is charged
18 with any scheduled offense under section seven hundred fifty-
19 three point fifteen (753.15) of the Code. The defendant may
20 use a credit card for bail purposes only in accordance with
21 rules of the department of public safety adopted pursuant
22 to chapter seventeen A (17A) of the Code.

23 Sec. 2. Chapter three hundred twenty-one (321), Code 1975,
24 is amended by adding the following new section:

25 NEW SECTION. Fines for scheduled traffic violations
26 enumerated in section seven hundred fifty-three point fif-
27 teen (753.15) of the Code may be paid by credit cards, as
28 defined in section five hundred thirty-seven point one thou-
29 sand three hundred one (537.1301), subsection seventeen (17)
30 of the Code, approved for that purpose by the commissioner
31 of public safety. The commissioner shall enter agreements
32 with financial institutions extending credit through the use
33 of credit cards to insure reimbursement of the amount of the
34 fine plus appropriate costs to the proper traffic violations
35 office in the state. The commissioner shall adopt rules pur-

1 suant to chapter seventeen A (17A) of the Code to implement
2 the provisions of this section.

3 Sec. 3. Section three hundred twenty-one E point three
4 (321E.3), unnumbered paragraph one (1), Code 1975, is amended
5 to read as follows:

6 All movements of mobile homes and other vehicles the width
7 of which, including any load, exceeds the roadway lane width
8 of the highway or street being traversed, shall be under
9 escort. Permits for the movement of indivisible loads and
10 single-trip permits for construction equipment being moved
11 temporarily on highways and streets exceeding ~~thirteen~~ fourteen
12 feet in width or mobile homes of widths including appurtenances
13 exceeding twelve feet, five inches shall be restricted to
14 maximum trip distances in accordance with the following
15 schedule:

16 Sec. 4. Section three hundred twenty-one E point nine
17 (321E.9), subsection seven (7), Code 1975, is amended to read
18 as follows:

19 7. Vehicles or combinations of vehicles consisting of
20 construction machinery being temporarily moved on streets,
21 roads, and highways with a maximum total gross weight
22 limitation and a single axle weight limitation prescribed
23 in section 321E.7, an overall width not to exceed ~~thirteen~~
24 fourteen feet, an overall length not to exceed eighty feet,
25 may be moved for unlimited distances over specified routes
26 when accompanied by official escort approved by the issuing
27 authority. The height of the vehicle or combination of
28 vehicles shall be limited only to the height limitations of
29 underpasses, bridges, power lines, and other established
30 height restrictions on the specified route.

31 Sec. 5. Section three hundred twenty-one E point ele-
32 ven (321E.11), Code 1975, is amended to read as follows:

33 321E.11 DAYLIGHT MOVEMENT ONLY--HOLIDAYS. Movements by
34 permit in accordance with this chapter shall be permitted
35 only during the hours from sunrise to sunset unless it is

1 established by the issuing authority that the movement can
2 be better accomplished at another period of time because
3 of traffic volume conditions.

4 Except as provided in section 321.457, no movement by
5 permit shall be permitted on ~~Sunday~~, holidays, ~~after-twelve~~
6 ~~o'clock-noon-on-Saturdays~~, ~~or~~ after twelve o'clock noon on
7 days preceding holidays and holiday weekends, or special
8 events when abnormally high traffic volumes can be expected.
9 Such restrictions shall not be applicable to urban transit
10 systems as defined in section 321.19, subsection 2. For the
11 purposes of this chapter, holidays shall include ~~New-Year's~~
12 ~~Day~~, Memorial Day, Independence Day, ~~Veterans-Day~~, and Labor
13 ~~Day~~, ~~Thanksgiving-Day~~, ~~and-Christmas-Day~~.

14 Sec. 6. Section three hundred twenty-one E point six-
15 teen (321E.16), Code 1975, is amended by adding the follow-
16 ing new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. Any person violating any other
18 provision of this chapter for which a penalty is not provided
19 shall, upon conviction, be subject to a fine of not more than
20 one hundred dollars or by imprisonment in the county jail
21 for a period not to exceed thirty days or be subject to both
22 such fine and imprisonment.

23 Sec. 7. Section three hundred twenty-five point thirteen
24 (325.13), Code 1975, is amended by striking the section and
25 inserting in lieu thereof the following:

26 325.13 PROTESTS AGAINST APPLICATIONS.

27 1. Upon the filing of the application, the board shall
28 publish a notice to the citizens of each county in which the
29 proposed service will be rendered. The notice shall be
30 published once in a newspaper of general circulation in each
31 county.

32 2. Any person, firm, corporation, city, or county whose
33 rights or interests may be affected may file written objec-
34 tions with the board.

35 3. A protest against the granting of the application shall

1 state specifically the grounds upon which it is made and
2 contain a concise statement of the interest of the person
3 filing a protest in the proceeding.

4 4. A protest shall be filed with the board not later than
5 thirty days from the date of the publication of notice.

6 5. Upon receipt of any protests complying with subsection
7 three (3) of this section, the board shall set the matter
8 for hearing not less than ten days following the expiration
9 of the time in which protests may be made and shall give
10 notice to all persons who have filed protests of the time
11 and place of the hearing.

12 Sec. 8. Section three hundred twenty-five point seventeen
13 (325.17), Code 1975, is amended to read as follows:

14 325.17 TESTIMONY RECEIVABLE. ~~It~~ The board shall con-
15 sider the application and any objections filed thereto and
16 may hear testimony to aid it in determining the propriety
17 of granting the application.

18 Sec. 9. Section three hundred twenty-five point nine-
19 teen (325.19), Code 1975, is amended to read as follows:

20 325.19 EXPENSE OF HEARING. The applicant shall pay all
21 the costs and expenses of the hearing and necessary prelimi-
22 nary investigation in connection therewith before his appli-
23 cation shall be granted. The board shall establish appro-
24 priate fees which shall be paid to the board at the time the
25 application is filed.

26 Sec. 10. Section three hundred twenty-six point ten
27 (326.10), Code 1975, is amended to read as follows:

28 326.10 MINIMUM FEE. The minimum fee for each vehicle
29 registered with this state under an apportionment agreement
30 shall not be less than ten dollars for each truck or truck
31 tractor and two dollars for each trailer. If the department
32 enters into an apportionment agreement where minimum fees
33 are not permitted, the provisions of this section shall not
34 apply. In addition to proportional registration fees, the
35 department shall collect the amounts of fees due as hereinafter

1 provided for the issuance of plates, stickers or other
2 identification of all vehicles subject to proportional
3 registration.

4 Sec. 11. Section seven hundred fifty-three point thir-
5 teen (753.13), unnumbered paragraph one (1), Code 1975, is
6 amended to read as follows:

7 The commissioner of public safety shall adopt a uniform,
8 combined traffic citation and complaint, which shall be used
9 for charging all traffic violations in Iowa under state law
10 or municipal ordinance, unless the defendant is charged by
11 information or section 321.236, subsection 1, is applicable.
12 Each citation and complaint shall be serially numbered and
13 shall be in quadruplicate, and the officer shall deliver the
14 original and a copy to the court where the defendant is to
15 appear, a copy to the defendant, and a copy to the law
16 enforcement agency of the officer. Effective July 1, 1977,
17 each citation and complaint shall be serially numbered and
18 shall be in quintuplicate, and the officer shall deliver the
19 original and a copy to the court where the defendant is to
20 appear, two copies to the defendant, and a copy to the law
21 enforcement agency of the officer. The court shall forward
22 the copy of the citation and complaint in accordance with
23 section 321.207. The citation and complaint shall contain,
24 among other things, spaces for the parties' names and for
25 the information required by section 321.485, subsection 2;
26 a place where the defendant may sign the promise to appear
27 referred to in section 321.486; a list of the minimum fines
28 prescribed by section 753.15, either separately or by groups;
29 a brief explanation of sections 753.16 and 753.17; and a space
30 where the defendant may sign an admission of the violation
31 when such section 753.16 is applicable. The citation and
32 complaint may contain a space for the imprint of a credit
33 card. Every citation and complaint shall require the defendant
34 to appear before a court at a specified time and place.
35 Notwithstanding section 321.485, subsection 2, the officer

1 may arrest the defendant although a citation and complaint
2 is used to charge the violation, if authorized by section
3 755.4.

4 Sec. 12. Section seven hundred fifty-three point fifteen
5 (753.15), Code 1975, is amended by adding the following new
6 subsections:

7 NEW SUBSECTION. No evidence or improper evidence of intra-
8 state authority carried or displayed, fifty dollars.

9 NEW SUBSECTION. No evidence or improper evidence of inter-
10 state authority carried or displayed, one hundred dollars.

11 NEW SUBSECTION. No or improper carrier identification
12 markings, fifteen dollars.

13 NEW SUBSECTION. Operation of vehicle by unqualified driver,
14 twenty-five dollars.

15 NEW SUBSECTION. Operating a vehicle in violation of maximum
16 hours of service or failure to maintain and display evidence
17 of hours of service, twenty-five dollars.

18 Sec. 13. Section seven hundred fifty-three point six-
19 teen (753.16), subsection three (3), paragraph a, Code 1975,
20 is amended to read as follows:

21 a. If the defendant wishes to admit the violation, the
22 officer may release the defendant upon observing him mail
23 the citation and complaint, admission, and minimum fine,
24 together with five dollars costs, to a traffic violations
25 office in the county, in an envelope furnished by the of-
26 ficer. The officer may allow the defendant to use a credit
27 card pursuant to rules adopted pursuant to section two (2)
28 of this Act by the department of public safety or to mail
29 a check in the proper amount in lieu of cash. If the check
30 is not paid by the drawee for any reason, the defendant may
31 be held in contempt of court. The officer shall advise the
32 defendant of the penalty for nonpayment of the check.

33 Sec. 14. Sections three hundred twenty-five point four-
34 teen (325.14), three hundred twenty-five point fifteen
35 (325.15), three hundred twenty-five point sixteen (325.16)

1 and three hundred twenty-five point twenty (325.20), Code
2 1975, are repealed.

3 EXPLANATION

4 Sections 1, 2, 11, and 13 permit the use of credit cards
5 for posting bond and payment of fines for scheduled violations.

6 Sections 3 and 4 allows the movement of construction
7 equipment not exceeding fourteen feet in width for unlimited
8 distances under escort.

9 Section 5 removes certain restrictions on movement of
10 oversize vehicles on Sundays and holidays.

11 Section 6 provides for a penalty for violations of chap-
12 ter 321E of the Code where no penalties are specifically
13 provided for violations of that chapter.

14 Sections 7 and 8 revise hearing procedures on applica-
15 tions for a certificate of public convenience and necessity
16 by motor vehicle certificated carriers.

17 Section 9 permits the Transportation Regulation Board to
18 establish fees for motor vehicle certificated carrier to pay
19 at the time the application for a certificate of public
20 convenience and necessity is filed.

21 Section 10 provides authority for the State Department
22 of Transportation to waive minimum fees under reciprocity
23 to enter apportionment agreements.

24 Section 12 specified certain commerce and safety viola-
25 tions as scheduled violations so a court appearance is not
26 necessary.

27 Section 14 repeals four sections of the Code.

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LSB 4056
bk/rh/31

FISCAL NOTE
HOUSE FILE 1432

Date Prepared February 19, 1976

Requested by Representative Krause
Prepared in regard to H.F. 1432, An Act to eliminate the minimum registration fee for vehicles registered under an apportionment. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

The fiscal impact of the International Registration Plan (I.R.P.) is manifold. The specific impact of amending the minimum fee requirements is but one element.

Delete minimum fee for IRP jurisdictions	- \$345,000
Decals not required for IRP jurisdictions	- \$205,000
IRP Fleet Definition and New Trip Permit Rules	+ \$250,000
New Revenue from Seven (7) Additional States	+ \$400,000
	<u> </u>
	+ \$100,000

Source: Department of Transportation

FILED GERRY D. RANKIN
MARCH 18, 1976 Legislative Fiscal Director

FISCAL NOTE
HOUSE FILE 1432

Date Prepared March 16, 1976

Requested by Representative Drake
Prepared in regard to H.F. 1432, to the Drake Amendment, An Act to eliminate the minimum registration fee for vehicles registered under an apportionment. Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16:

This amendment would close a loophole and save a potential \$50,000 loss to the Road Use Tax fund.
The fiscal effect is a gain of \$50,000.

Source: Department of Transportation

FILED GERRY D. RANKIN
MARCH 18, 1976 Legislative Fiscal Director

H-5545

1 Amend House File 1432, page 2, by adding
2 after line 2, the following new section:

3 "sec. _____ Section three hundred twenty-one
4 point one hundred thirty-four (321.134), unnumbered
5 paragraph one (1), Code 1975, is amended to read
6 as follows:

7 On February 1 of each year, a penalty of
8 five percent of the annual registration fee shall
9 be added to all fees not paid by that date, and
10 five percent of the annual registration fee shall
11 be added to such fees on the first of each month
12 thereafter that the same remains unpaid, until
13 paid, provided that said penalty in no case shall
14 be less than one dollar, and provided that the
15 owner of a vehicle who, before February 1 of any
16 year, surrenders all registration plates for said
17 vehicle to the county treasurer of the county in
18 which said plates are of record, shall have the
19 right to register said vehicle at any later period
20 of said year by paying the full yearly registration
21 fee without said penalty. Provided, however,
22 that the annual registration fee for trucks,
23 truck tractors, road tractors, trailers and
24 semitrailers, as provided in sections 321.120
25 to 321.123, when said annual registration fee
26 is in excess of seventy dollars, may be payable
27 in two equal semiannual installments, except
28 that semiannual installments shall not apply to
29 commercial vehicles subject to proportional
30 registration with a base state other than the state
31 of Iowa as defined in section three hundred twenty-
32 six point two (326.2), subsection six (6), of the
33 Code.
34

H-5545 FILED
MARCH 4, 1976

Withdrawn 4/6 (1653)

BY DRAKE of Muscatine
KRAUSE of Palo Alto
BRUNOW of Appanoose
SCHROEDER of Pottawattamie
DOYLE of Woodbury

H-6675

1 Amend House File 1432, as amended and passed by
2 the House, as follows:

3 1. Page 1, by striking lines 1 through 10.

4 2. Page 3, by adding after line 23 the following:

5 "Sec. ____ . Section three hundred twenty-one E
6 point sixteen (321E.16), Code 1975, is amended to
7 read as follows:

8 321E.16 VIOLATIONS--PENALTIES. A person shall
9 not commit any act forbidden or fail to perform any
10 act required by the provisions of this chapter or
11 any provision of rules adopted pursuant to section
12 three hundred twenty-one E point fifteen (321E.15)
13 of the Code. Any person who is convicted of a
14 violation of any provision other than length, height,
15 width, or weight of any permit issued under this
16 chapter shall be punished by a fine of not less than
17 one hundred dollars, nor more than five hundred
18 dollars. The fine for violation of the length, height,
19 width, and weight allowed by permit shall be based
20 upon the difference between the actual length, height,
21 width, and weight of the vehicle and load and the
22 maximum allowable by permit and in accordance with
23 section 321.482 for violations of length, height,
24 or width limitations and sections 321.482 and 321.463
25 for violation of weight limitations. If a vehicle
26 with indivisible load traveling under permit is found
27 to be in violaton of weight limitations, the vehicle
28 operator shall be allowed a reasonable amount of time
29 to remove any ice, mud, snow, and other weight
30 attributable to climatic conditions accumulated along
31 the route prior to application of the penalties
32 prescribed in sections 321.463 and 321.482."

33 3. Page 3, by striking lines 24 through 32.

34 4. Page 5, lines 26 through 31, by striking the
35 words "Effective July 1, 1977, each citation and
36 complaint shall be serially numbered and shall be
37 in quintuplicate, and the officer shall deliver the
38 original and a copy to the court where the defendant
39 is to appear, two copies to the defendant, and a copy
40 to the law enforcement agency of the officer."

41 5. Page 6, by inserting after line 13 the
42 following:

43 "Sec. ____ . Section seven hundred fifty-three point
44 fifteen (753.15), subsection six (6), Code 1975, is
45 amended to read as follows:

46 6. Excess speed up to ten miles per hour over
47 the legal limit, twenty ten dollars."

48 6. Page 6, line 18, by striking the word "fifty"
49 and inserting in lieu thereof the word "twenty-five".

50 7. By renumbering the sections in accordance with

Page 2

1 this amendment.

H-6675 FILED, RECEIVED FROM SENATE

Have concurred 5/4

HOUSE FILE 1432

H-5820

- 1 Amend House File 1432 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section three hundred twenty-one
5 point one hundred thirty-four (321.134), Code
6 1975, is amended by adding the following new
7 unnumbered paragraph after unnumbered paragraph
8 one:
9 NEW UNNUMBERED PARAGRAPH. However, commercial
10 vehicles may not pay semiannual installments if
11 such vehicles are subject to proportional regis-
12 tration with a base state other than the state of
13 Iowa as defined in section three hundred twenty-
14 six point two (326.2), subsection six (6), of
15 the Code."

H-5820 FILED BY DRAKE of Muscatine
MARCH 16, 1976 KRAUSE of Palo Alto
Adopted 4/6 (1652) BRUNOW of Appanoose
SCHROEDER of Pottawattamie

HOUSE FILE 1432

H-5990

- 1 Amend House File 1432 as follows:
2 1. Page 4, line 24, by striking the word
3 "board" and inserting in lieu thereof the word
4 "department".

H-5990 FILED - *Adopted* BY DRAKE of Muscatine
MARCH 25, 1976 *4/6* KRAUSE of Palo Alto
DOYLE of Woodbury
VARLEY of Adair

HOUSE FILE 1432

S-5548

- 1 Amend House File 1432 as amended and passed by the A
2 House as follows:
3 1. Page 1, by striking lines 1 through 10.
4 2. Page 3, by striking lines 24 through 32.
5 3. Page 6, line 18, by striking the word "fifty" and B
6 inserting in lieu thereof the word "twenty-five".

S-5548 FILED - *Adopted 5/13 (p. 1951)*
APRIL 21, 1976

BY COMMITTEE ON TRANSPORTATION
C. JOSEPH COLEMAN, CHAIRPERSON

S-5562

1 Amend House File 1432, as amended and passed by
2 the House, as follows:

3 1. Page 3, by adding after line 23 the following:

4 "Sec. ____ . Section three hundred twenty-one E
5 point sixteen (321E.16), Code 1975, is amended to
6 read as follows:

7 321E.16 VIOLATIONS--PENALTIES. A person shall not
8 commit any act forbidden or fail to perform any act
9 required by the provisions of this chapter or any
10 provision of rules adopted pursuant to section three
11 hundred twenty-one E point fifteen (321E.15) of the
12 Code. Any person who is convicted of a violation
13 of any provision other than length, height, width,
14 or weight of any permit issued under this chapter
15 shall be punished by a fine of not less than one
16 hundred dollars, nor more than five hundred dollars.
17 The fine for violation of the length, height, width,
18 and weight allowed by permit shall be based upon the
19 difference between the actual length, height, width,
20 and weight of the vehicle and load and the maximum
21 allowable by permit and in accordance with section
22 321.482 for violations of length, height, or width
23 limitations and sections 321.482 and 321.463 for
24 violation of weight limitations. If a vehicle with
25 indivisible load traveling under permit is found to
26 be in violation of weight limitations, the vehicle
27 operator shall be allowed a reasonable amount of time
28 to remove any ice, mud, snow, and other weight
29 attributable to climatic conditions accumulated along
30 the route prior to application of the penalties
31 prescribed in sections 321.463 and 321.482."

32 2. By renumbering the sections in accordance with
33 this amendment.

S-5562 FILED - *Adopted 5/13 (1952)*
APRIL 22, 1976

BY C. JOSEPH COLEMAN
ROGER J. SHAFF
W. R. RABEDEAUX

S-5778

1 Amend House File 1432 as amended and passed
2 by the House as follows:

3 1. Page 5, lines 26 through 31, by striking
4 the words "Effective July 1, 1977, each citation and
5 complaint shall be serially numbered and shall be in
6 quintuplicate, and the officer shall deliver the
7 original and a copy to the court where the defendant
8 is to appear, two copies to the defendant, and a copy
9 to the law enforcement agency of the officer."

S-5778 FILED & ADOPTED (1954)
MAY 13, 1976

BY PHILIP B. HILL

S-5777

1 Amend House File 1432, as amended and passed by
2 the House as follows:
3 1. Page 6, by inserting after line 13 the follow-
4 ing:
5 "Sec. ____ . Section seven hundred fifty-three point
6 fifteen (753.15), subsection six (6), Code 1975, is
7 amended by striking the subsection and inserting in
8 lieu thereof the following:
9 6. For speed in excess of the posted speed limit,
10 ten dollars, which violation shall not be noted on a
11 person's operator or chauffeur license and shall not
12 be recorded in the records maintained by the depart-
13 ment of public safety or the state department of trans-
14 portation."

BY RICHARD J. NORPEL, SR.
JAMES V. GALLAGHER
DALE TIEDEN

S-5777 FILED & WITHDRAWN (1953)
MAY 13, 1976

HOUSE FILE 1432

S-5782

1 Amend the Norpel et al. amendment, S-5777, to
2 House File 1432 as amended and passed by the House
3 as follows:
4 1. Page 1, line 9, by inserting after the
5 word "limit," the words "up to and including ten miles
6 per hour over that limit,".

BY ROBERT M. CARR

S-5782 FILED & LOST (1953)
MAY 13, 1976

HOUSE FILE 1432

S-5785

1 Amend House File 1432 as amended and passed
2 by the House as follows:
3 1. Page 6, by inserting after line 13 the
4 following:
5 "Sec. ____ . Section seven hundred fifty-three
6 point fifteen (753.15), subsection six (6), Code 1975
7 is amended to read as follows:
8 6. Excess speed up to ten miles per hour over
9 the legal limit, ~~twenty ten~~ dollars."

BY WILLIAM PLYMAT

S-5785 FILED & ADOPTED (p. 1954)
MAY 13, 1976

HOUSE FILE 1432

AN ACT

RELATING TO VEHICLE TRANSPORTATION BY PROVIDING FOR THE USE OF CREDIT CARDS FOR POSTING BOND AND PAYMENT OF CERTAIN FINES, BY PROVIDING FOR THE MOVEMENT OF CERTAIN OVERSIZED CONSTRUCTION EQUIPMENT, BY PROVIDING FOR THE MOVEMENT OF OVERSIZED VEHICLES ON HOLIDAYS, BY REVISING THE HEARING PROCEDURES ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY BY MOTOR VEHICLE CERTIFICATED CARRIERS, BY PROVIDING FOR FEES COLLECTED BY THE TRANSPORTATION REGULATION BOARD, BY SPECIFYING ADDITIONAL SCHEDULED VIOLATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS.

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

Section 1. Section three hundred twenty-one point four hundred eighty-six (321.486), Code 1975, is amended by striking unnumbered paragraph two (2) and inserting in lieu thereof of the following:

When bail is required to guarantee appearance for any offense charged under this chapter, the following nonexclusive forms shall be permitted subject to the following limitations:

1. A current guaranteed arrest bond certificate as defined in section three hundred twenty-one point one (321.1), subsection seventy-one (71) of the Code shall be considered sufficient surety if the defendant is charged with an offense where the penalty does not exceed two hundred dollars.

2. A valid credit card, as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection seventeen (17) of the Code may be used and shall be sufficient surety when the defendant is charged with any scheduled offense under section seven hundred fifty-

three point fifteen (753.15) of the Code. The defendant may use a credit card for bail purposes only in accordance with rules of the department of public safety adopted pursuant to chapter seventeen A (17A) of the Code.

Sec. 2. Chapter three hundred twenty-one (321), Code 1975, is amended by adding the following new section:

NEW SECTION. Fines for scheduled traffic violations enumerated in section seven hundred fifty-three point fifteen (753.15) of the Code may be paid by credit cards, as defined in section five hundred thirty-seven point one thousand three hundred one (537.1301), subsection seventeen (17) of the Code, approved for that purpose by the commissioner of public safety. The commissioner shall enter agreements with financial institutions extending credit through the use of credit cards to insure reimbursement of the amount of the fine plus appropriate costs to the proper traffic violations office in the state. The commissioner shall adopt rules pursuant to chapter seventeen A (17A) of the Code to implement the provisions of this section.

Sec. 3. Section three hundred twenty-one E point three (321E.3), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

All movements of mobile homes and other vehicles the width of which, including any load, exceeds the roadway lane width of the highway or street being traversed, shall be under escort. Permits for the movement of indivisible loads and single-trip permits for construction equipment being moved temporarily on highways and streets exceeding ~~thirteen~~ fourteen feet in width or mobile homes of widths including appurtenances exceeding twelve feet, five inches shall be restricted to maximum trip distances in accordance with the following schedule:

Sec. 4. Section three hundred twenty-one E point nine (321E.9), subsection seven (7), Code 1975, is amended to read

as follows:

7. Vehicles or combinations of vehicles consisting of construction machinery being temporarily moved on streets, roads, and highways with a maximum total gross weight limitation and a single axle weight limitation prescribed in section 321E.7, an overall width not to exceed thirteen fourteen feet, an overall length not to exceed eighty feet, may be moved for unlimited distances over specified routes when accompanied by official escort approved by the issuing authority. The height of the vehicle or combination of vehicles shall be limited only to the height limitations of underpasses, bridges, power lines, and other established height restrictions on the specified route.

Sec. 5. Section three hundred twenty-one E point eleven (321E.11), Code 1975, is amended to read as follows:

321E.11 DAYLIGHT MOVEMENT ONLY--HOLIDAYS. Movements by permit in accordance with this chapter shall be permitted only during the hours from sunrise to sunset unless it is established by the issuing authority that the movement can be better accomplished at another period of time because of traffic volume conditions.

Except as provided in section 321.457, no movement by permit shall be permitted on ~~Sunday~~ holidays, ~~after-twelve o'clock-noon-on-Saturdays~~, or after twelve o'clock noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section 321.19, subsection 2. For the purposes of this chapter, holidays shall include ~~New-Year's Day~~, Memorial Day, Independence Day, ~~Veterans-Day~~, and Labor Day, ~~Thanksgiving-Day~~, and ~~Christmas-Day~~.

Sec. 6. Section three hundred twenty-one E point sixteen (321E.16), Code 1975, is amended to read as follows:

321E.16 VIOLATIONS--PENALTIES. A person shall not commit

any act forbidden or fail to perform any act required by the provisions of this chapter or any provision of rules adopted pursuant to section three hundred twenty-one E point fifteen (321E.15) of the Code. Any person who is convicted of a violation of any provision other than length, height, width, or weight of any permit issued under this chapter shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars. The fine for violation of the length, height, width, and weight allowed by permit shall be based upon the difference between the actual length, height, width, and weight of the vehicle and load and the maximum allowable by permit and in accordance with section 321.482 for violations of length, height, or width limitations and sections 321.482 and 321.463 for violation of weight limitations. If a vehicle with indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in sections 321.463 and 321.482.

Sec. 7. Section three hundred twenty-five point thirteen (325.13), Code 1975, is amended by striking the section and inserting in lieu thereof the following:

325.13 PROTESTS AGAINST APPLICATIONS.

1. Upon the filing of the application, the board shall publish a notice to the citizens of each county in which the proposed service will be rendered. The notice shall be published once in a newspaper of general circulation in each county.

2. Any person, firm, corporation, city, or county whose rights or interests may be affected may file written objections with the board.

3. A protest against the granting of the application shall

state specifically the grounds upon which it is made and contain a concise statement of the interest of the person filing a protest in the proceeding.

4. A protest shall be filed with the board not later than thirty days from the date of the publication of notice.

5. Upon receipt of any protests complying with subsection three (3) of this section, the board shall set the matter for hearing not less than ten days following the expiration of the time in which protests may be made and shall give notice to all persons who have filed protests of the time and place of the hearing.

Sec. 8. Section three hundred twenty-five point seventeen (325.17), Code 1975, is amended to read as follows:

325.17 TESTIMONY RECEIVABLE. ~~It~~ The board shall consider the application and any objections filed thereto and may hear testimony to aid it in determining the propriety of granting the application.

Sec. 9. Section three hundred twenty-five point nineteen (325.19), Code 1975, is amended to read as follows:

325.19 EXPENSE OF HEARING. The applicant shall pay all the costs and expenses of the hearing and necessary preliminary investigation in connection therewith before his application shall be granted. The board shall establish appropriate fees which shall be paid to the department at the time the application is filed.

Sec. 10. Section three hundred twenty-six point ten (326.10), Code 1975, is amended to read as follows:

326.10 MINIMUM FEE. The minimum fee for each vehicle registered with this state under an apportionment agreement shall not be less than ten dollars for each truck or truck tractor and two dollars for each trailer. If the department enters into an apportionment agreement where minimum fees are not permitted, the provisions of this section shall not apply. In addition to proportional registration fees, the

department shall collect the amounts of fees due as hereinafter provided for the issuance of plates, stickers or other identification of all vehicles subject to proportional registration.

Sec. 11. Section seven hundred fifty-three point thirteen (753.13), unnumbered paragraph one (1), Code 1975, is amended to read as follows:

The commissioner of public safety shall adopt a uniform, combined traffic citation and complaint, which shall be used for charging all traffic violations in Iowa under state law or municipal ordinance, unless the defendant is charged by information or section 321.236, subsection 1, is applicable. Each citation and complaint shall be serially numbered and shall be in quadruplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, a copy to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the citation and complaint in accordance with section 321.207. The citation and complaint shall contain, among other things, spaces for the parties' names and for the information required by section 321.485, subsection 2; a place where the defendant may sign the promise to appear referred to in section 321.486; a list of the minimum fines prescribed by section 753.15, either separately or by groups; a brief explanation of sections 753.16 and 753.17; and a space where the defendant may sign an admission of the violation when such section 753.16 is applicable. The citation and complaint may contain a space for the imprint of a credit card. Every citation and complaint shall require the defendant to appear before a court at a specified time and place. Notwithstanding section 321.485, subsection 2, the officer may arrest the defendant although a citation and complaint is used to charge the violation, if authorized by section 755.4.

Sec. 12. Section seven hundred fifty-three point fifteen (753.15), subsection six (6), Code 1975, is amended to read as follows:

6. Excess speed up to ten miles per hour over the legal limit, ~~twenty~~ ten dollars.

Sec. 13. Section seven hundred fifty-three point fifteen (753.15), Code 1975, is amended by adding the following new subsections:

NEW SUBSECTION. No evidence or improper evidence of intrastate authority carried or displayed, twenty-five dollars.

NEW SUBSECTION. No evidence or improper evidence of interstate authority carried or displayed, one hundred dollars.

NEW SUBSECTION. No or improper carrier identification markings, fifteen dollars.

NEW SUBSECTION. Operation of vehicle by unqualified driver, twenty-five dollars.

NEW SUBSECTION. Operating a vehicle in violation of maximum hours of service or failure to maintain and display evidence of hours of service, twenty-five dollars.

Sec. 14. Section seven hundred fifty-three point sixteen (753.16), subsection three (3), paragraph a, Code 1975, is amended to read as follows:

a. If the defendant wishes to admit the violation, the officer may release the defendant upon observing him mail the citation and complaint, admission, and minimum fine, together with five dollars costs, to a traffic violations office in the county, in an envelope furnished by the officer. The officer may allow the defendant to use a credit card pursuant to rules adopted pursuant to section two (2) of this Act by the department of public safety or to mail a check in the proper amount in lieu of cash. If the check is not paid by the drawee for any reason, the defendant may be held in contempt of court. The officer shall advise the defendant of the penalty for nonpayment of the check.

Sec. 15. Sections three hundred twenty-five point fourteen (325.14), three hundred twenty-five point fifteen (325.15), three hundred twenty-five point sixteen (325.16) and three hundred twenty-five point twenty (325.20), Code 1975, are repealed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1432, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 28, 1976

ROBERT D. RAY