

MAR 26 1975

Place On Calendar

House File 502
Transportation
Gallagher, Chairman
Nolin
Norpel

6p, Page 6/12

HOUSE FILE 502

BY COMMITTEE ON TRANSPORTATION

Failed to

Passed House, Date 4-17-75 (1170) Passed Senate, Date 6-14-75 (2118)

Vote: Ayes 43 Nays 49 Vote: Ayes 36 Nays 18

Approved 7-17-75

Motion to reconsider filed 4-17 (1180) passed 5-29

Passed House 5-29-75 (2031)

A BILL FOR

Motion to reconsider, lost 5-29 (2032)

1 An Act relating to vehicle inspection and issuing inspection
2 orders by authorized employees.

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

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1 Section 1. Section three hundred twenty-one point two
2 hundred thirty-eight (321.238), Code 1975, is amended by
3 adding the following new numbered subsections:

4 NEW SUBSECTION. 25. As used in this section:

5 a. "Authorized officer" means an officer of the Iowa
6 highway safety patrol designated by the commissioner of public
7 safety to make a spot vehicle inspection or a state employee
8 of the transportation regulation and safety division, or its
9 successor, of the state department of transportation designated
10 by the director to make a spot vehicle inspection.

11 b. "Spot vehicle inspection" means an equipment safety
12 inspection of a vehicle conducted by an authorized officer
13 to determine if the vehicle should be inspected at an
14 inspection station.

15 c. "Inspection order" means the form established by the
16 department to be given to the operator of a vehicle by an
17 authorized officer following a spot vehicle inspection when
18 the vehicle requires further inspection at an inspection
19 station.

20 NEW SUBSECTION. 26. An authorized officer may stop and
21 inspect a vehicle being operated upon the highways for a spot
22 vehicle inspection when the authorized officer has reasonable
23 cause to believe that the vehicle lacks required equipment
24 in adequate condition or proper adjustment or is otherwise
25 in an unsafe condition so as to create a danger to the safety
26 of other motorists. If the authorized officer after performing
27 the spot vehicle inspection has reasonable cause to believe
28 that the vehicle does not conform to the vehicle safety
29 requirements of this section, the authorized employee shall
30 issue an inspection order to the operator and forward two
31 copies to the department. The inspection order shall direct
32 that the vehicle be inspected at an inspection station within
33 fourteen days. If the authorized officer determines that
34 the operator of the vehicle is not the owner or custodian
35 of the vehicle, this fact shall be indicated on the inspection

1 order. The department, upon receipt of an inspection order
2 with an indication the operator is not the owner or custodian,
3 shall forward one copy by certified mail to the owner or
4 custodian and the fourteen-day period to obtain a vehicle
5 inspection shall begin on the date of certified receipt.
6 If the vehicle is not inspected within the fourteen-day period
7 it shall be deemed that the vehicle has not passed the
8 inspection and the provisions of subsection eleven (11) of
9 this section apply.

10 Sec. 2. Section three hundred twenty-one point two hundred
11 thirty-eight (321.238), subsection four (4), Code 1975, is
12 amended by adding the following new lettered paragraphs:

13 NEW LETTERED PARAGRAPH. Provide instruction and all neces-
14 sary forms for inspection orders. The inspection order shall
15 direct the owner or custodian of the vehicle to present the
16 inspection order to the inspection station for endorsement
17 that the vehicle has been inspected and passed and an official
18 certificate of inspection has been affixed. The inspection
19 order shall direct that the vehicle be inspected at an
20 inspection station within fourteen days.

21 NEW LETTERED PARAGRAPH. Designate employees of the trans-
22 portation regulation and safety division, or its successor,
23 of the state department of transportation to conduct spot
24 inspections.

25 Sec. 3. Section three hundred twenty-one point two hundred
26 thirty-eight (321.238), subsection ten (10), unnumbered para-
27 graph two (2), Code 1975, is amended to read as follows:

28 Upon completion of inspection of a vehicle and determina-
29 tion that its equipment is in adequate condition and proper
30 adjustment to warrant issuance of a certificate of inspection,
31 the inspection station which has made the inspection shall
32 affix an official certificate of inspection to such vehicle
33 in the manner specified by the director and endorse on any
34 inspection order presented that the certificate of inspec-
35 tion has been issued and forward the inspection order to the

1 department. Except as otherwise provided, the certificate
 2 shall be valid for the period commencing with the calendar
 3 month of issue and ending at midnight on the last day of the
 4 twelfth calendar month following the month of issue and shall
 5 not be valid thereafter. The certificate shall cease to be
 6 valid if the vehicle is sold at retail during the twelve-month
 7 period.

8 Sec. 4. Section three hundred twenty-one point two hundred
 9 thirty-eight (321.238), subsection thirteen (13), Code 1975,
 10 is amended to read as follows:

11 13. Any peace officer who makes an investigation of an
 12 accident may direct that any motor vehicle involved in the
 13 accident shall be inspected at an official inspection station
 14 within the time fixed by such peace officer but in all cases
 15 within a period no longer than fourteen days.

16 The peace officer shall include in the report required
 17 by section three hundred twenty-one point two hundred sixty-
 18 six (321.266) of the Code the date by which the inspection
 19 must be performed.

20 EXPLANATION

21 This bill establishes a procedure for designated employees
 22 of the Iowa highway safety patrol and the state department
 23 of transportation to conduct spot inspections of vehicles
 24 for compliance with the safety equipment requirements and
 25 issue inspection orders directing that an inspection at an
 26 inspection station be conducted within fourteen days.

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H-3356

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Amend House File 502, page 2, line 5, by striking the words "certified receipt" and inserting in lieu thereof the word "dispatch".

H-3356 FILED - w.o. 4/17 (1170)
MARCH 27, 1975

BY KRAUSE OF Palo Alto

H-3373

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Amend House File 502 as follows:
1. Page 2, line 4, by inserting after the word "custodian" the words "with return receipt requested by a date certain as fixed by the department pursuant to rules".
2. Page 2, line 5, by striking the words "certified receipt" and inserting in lieu thereof the words "returned receipt or return of the notice".

H-3373 FILED - *Adopted 4/17 (1170)*
MARCH 31, 1975

BY KRAUSE of Palo Alto

H-3568

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Amend House File 502, page 3, line 15, by inserting the following after the period (.)
"If the vehicle is undergoing repairs or parts necessary to make repairs are on order, the motor vehicle need not be inspected until such repairs are completed; provided, however, the motor vehicle shall not be driven upon the highways until the repairs have been completed and the vehicle has passed inspection, except to move it to and from an inspection station."

H-3568 FILED - *Adopted 4/17 (1170)*
APRIL 15, 1975

BY KRAUSE of Palo Alto

House File 502

H-3963

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Amend House File 502, page 1, line 14, by inserting after the word "station" the following:
"and shall not include inspection of the "glove compartment" or "trunk" or any other area that is not essential to the performance of an equipment safety inspection".

H-3963 FILED - *Adopted 5/29 (2030)*
MAY 28, 1975

BY KRAUSE of Palo Alto
BINA of Scott

H-3983

1 Amend House File 502 as follows:

2 1. Page 1, by striking lines 20 through 30 and
3 inserting in lieu thereof the following:
4 "NEW SUBSECTION. 26. An authorized officer may
5 stop and inspect a vehicle being operated on the high-
6 ways for a spot vehicle inspection when the authorized
7 officer observes that the vehicle is being operated in
8 a peculiar, erratic, or unsafe manner that would give
9 the authorized officer reason to believe that a
10 mechanical defect exists in the vehicle that would
11 create a hazard to the safety of other persons. An
12 authorized officer may also stop a vehicle and conduct
13 a spot vehicle inspection if upon visual inspection of
14 the vehicle, the authorized officer determines that the
15 head lamps, rear lamps or any other equipment required
16 by chapter three hundred twenty-one (321) of the Code
17 is not in adequate condition or proper adjustment and
18 would create a hazard to the safety of other persons.
19 The authorized officer shall indicate on any inspection
20 order issued the reasons for which the vehicle is
21 stopped in addition to any safety equipment deficiencies
22 found to exist during the spot vehicle inspection. If
23 after performing the spot vehicle inspection, the
24 authorized officer determines to the best of his or her
25 ability that operation of the vehicle does in fact create
26 a hazard to the safety of other persons, the authorized
27 officer may issue an inspection order to the operator
28 and forward two".

29 2. Page 2, line 9, by inserting after the period
30 the following:

31 "Nothing in this subsection shall be construed
32 to limit the applicability of sections three hundred
33 twenty-one point three hundred eighty-one (321.381)
34 and three hundred twenty-one point four hundred
35 ninety-two (321.492), of the Code."

H-3983 FILED - *Adopted 5/29 (2031)*
MAY 29, 1975

BY KRAUSE of Palo Alto
DRAKE of Muscatine

1 Amend House File 502 as follows:

2 1. Page 1, by striking lines 20 through 30 and
3 inserting in lieu thereof the following:

4 "NEW SUBSECTION. 26. An authorized officer may
5 stop and inspect a vehicle being operated on the high-
6 ways for a spot vehicle inspection when the authorized
7 officer observes that the vehicle is being operated in
8 a peculiar, erratic, or unsafe manner that would give
9 the authorized officer reason to believe that a
10 mechanical defect exists in the vehicle that would
11 create a hazard to the safety of other persons. An
12 authorized officer may also conduct a spot vehicle
13 inspection if upon visual inspection of the vehicle,
14 the authorized officer determines that the head lamps,
15 rear lamps or any other equipment required by chapter
16 three hundred twenty-one (321) of the Code is not in
17 adequate condition or proper adjustment and would
18 create a hazard to the safety of other persons. If,
19 after performing the spot vehicle inspection, the
20 authorized officer determines to the best of his or
21 her ability that operation of the vehicle does in
22 fact create a hazard to the safety of other persons,
23 the authorized officer may issue an inspection order
24 to the operator and forward two".

25 2. Page 2, line 9, by inserting after the period
26 the following:

27 "Nothing in this subsection shall be construed
28 to limit the applicability of sections three hundred
29 twenty-one point three hundred eighty-one (321.381)
30 and three hundred twenty-one point four hundred
31 ninety-two (321.492), of the Code."

HOUSE FILE 502

AN ACT

RELATING TO VEHICLE INSPECTION AND ISSUING INSPECTION ORDERS
BY AUTHORIZED EMPLOYEES.

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

Section 1. Section three hundred twenty-one point two hundred thirty-eight (321.238), Code 1975, is amended by adding the following new numbered subsections:

NEW SUBSECTION. 25. As used in this section:

a. "Authorized officer" means an officer of the Iowa highway safety patrol designated by the commissioner of public safety to make a spot vehicle inspection or a state employee of the transportation regulation and safety division, or its successor, of the state department of transportation designated by the director to make a spot vehicle inspection.

b. "Spot vehicle inspection" means an equipment safety inspection of a vehicle conducted by an authorized officer to determine if the vehicle should be inspected at an inspection station and shall not include inspection of the "glove compartment" or "trunk" or any other area that is not essential to the performance of an equipment safety inspection.

c. "Inspection order" means the form established by the department to be given to the operator of a vehicle by an authorized officer following a spot vehicle inspection when the vehicle requires further inspection at an inspection station.

NEW SUBSECTION. 26. An authorized officer may stop and inspect a vehicle being operated on the highways for a spot vehicle inspection when the authorized officer observes that the vehicle is being operated in a peculiar, erratic, or unsafe manner that would give the authorized officer reason to believe that a mechanical defect exists in the vehicle that would create a hazard to the safety of other persons. An authorized officer may also stop a vehicle and conduct

a spot vehicle inspection if upon visual inspection of the vehicle, the authorized officer determines that the head lamps, rear lamps or any other equipment required by chapter three hundred twenty-one (321) of the Code is not in adequate condition or proper adjustment and would create a hazard to the safety of other persons. The authorized officer shall indicate on any inspection order issued the reasons for which the vehicle is stopped in addition to any safety equipment deficiencies found to exist during the spot vehicle inspection. If after performing the spot vehicle inspection, the authorized officer determines to the best of his or her ability that operation of the vehicle does in fact create a hazard to the safety of other persons, the authorized officer may issue an inspection order to the operator and forward two copies to the department. The inspection order shall direct that the vehicle be inspected at an inspection station within fourteen days. If the authorized officer determines that the operator of the vehicle is not the owner or custodian of the vehicle, this fact shall be indicated on the inspection order. The department, upon receipt of an inspection order with an indication the operator is not the owner or custodian, shall forward one copy by certified mail to the owner or custodian with return receipt requested by a date certain as fixed by the department pursuant to rules and the fourteen-day period to obtain a vehicle inspection shall begin on the date of return receipt or return of the notice. If the vehicle is not inspected within the fourteen-day period it shall be deemed that the vehicle has not passed the inspection and the provisions of subsection eleven (11) of this section apply. Nothing in this subsection shall be construed to limit the applicability of sections three hundred twenty-one point three hundred eighty-one (321.381) and three hundred twenty-one point four hundred ninety-two (321.492), of the Code.

Sec. 2. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection four (4), Code 1975, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. Provide instruction and all neces-

sary forms for inspection orders. The inspection order shall direct the owner or custodian of the vehicle to present the inspection order to the inspection station for endorsement that the vehicle has been inspected and passed and an official certificate of inspection has been affixed. The inspection order shall direct that the vehicle be inspected at an inspection station within fourteen days.

NEW LETTERED PARAGRAPH. Designate employees of the transportation regulation and safety division, or its successor, of the state department of transportation to conduct spot inspections.

Sec. 3. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection ten (10), unnumbered paragraph two (2), Code 1975, is amended to read as follows:

Upon completion of inspection of a vehicle and determination that its equipment is in adequate condition and proper adjustment to warrant issuance of a certificate of inspection, the inspection station which has made the inspection shall affix an official certificate of inspection to such vehicle in the manner specified by the director and endorse on any inspection order presented that the certificate of inspection has been issued and forward the inspection order to the department. Except as otherwise provided, the certificate shall be valid for the period commencing with the calendar month of issue and ending at midnight on the last day of the twelfth calendar month following the month of issue and shall not be valid thereafter. The certificate shall cease to be valid if the vehicle is sold at retail during the twelve-month period.

Sec. 4. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection thirteen (13), Code 1975, is amended to read as follows:

13. Any peace officer who makes an investigation of an accident may direct that any motor vehicle involved in the accident shall be inspected at an official inspection station within the time fixed by such peace officer but in all cases within a period no longer than fourteen days. If the vehicle

is undergoing repairs or parts necessary to make repairs are on order, the motor vehicle need not be inspected until such repairs are completed; provided, however, the motor vehicle shall not be driven upon the highways until the repairs have been completed and the vehicle has passed inspection, except to move it to and from an inspection station.

The peace officer shall include in the report required by section three hundred twenty-one point two hundred sixty-six (321.266) of the Code the date by which the inspection must be performed.

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 502, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 7/17, 1975

ROBERT D. RAY
Governor