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SENATE FILE 2187

By COMMITTEE ON TRANSPORTATION

Passed Senate, Date 3-30-78 (p. 686) Passed House, Date _____

Vote: Ayes 31 Nays 7 Vote: Ayes _____ Nays _____

Approved 6-23-78

Motion to reconsider 4/3 (p. 713)

A BILL FOR

1 An Act relating to transportation providing for licensing
 2 authorized vehicle recyclers, modification of temporary
 3 drivers permit provisions, the issuance of restricted
 4 certificate of title, junking certificate and salvage
 5 certificate of title, the inspections of vehicles and
 6 component parts, requirements for perfecting state liens
 7 on motor vehicles, elimination of the listing of "occupation"
 8 on motor vehicle licenses, the prohibition of eluding or
 9 attempting to elude a marked police vehicle, appropriations
 10 for notice of suspensions and revocations, the elimination
 11 of inspection requirements for pollution control equipment
 12 and for vehicles for which the certificate of title must be
 13 surrendered, definitions for illuminated signals on official
 14 traffic control signals and the duties for stopping before
 15 yield signs, stop signs and railroad crossings, the reporting
 16 of property damage accidents, the placement of stop signs on
 17 highways, the promulgation of motor vehicle noise and exhaust
 18 requirements, the prohibitions of removing certain motor
 19 vehicle identification numbers, elimination of certain
 20 financial responsibility requirements, the movement of
 21 oversized loads of hay, straw or stover, a ten dollar fee
 22 for car lots and repeal of certain sections.

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

24
25

1 Section 1. The Code editor, in codifying the provisions
2 of this Act, is directed to codify sections two (2) through
3 eight (8) of this Act as a new chapter.

4 Sec. 2. NEW SECTION. ADMINISTRATION. The administra-
5 tion of this chapter shall be vested in the director of the
6 state department of transportation. The department may employ
7 such employees as are necessary for the administration of
8 this chapter, within applicable budget limitations.

9 Sec. 3. NEW SECTION. DEFINITIONS. As used in this chapter
10 and unless a different meaning appears from the context:

11 1. "Person" includes any individual, firm, corporation,
12 copartnership, joint adventure, or association, and the plural
13 as well as the singular number.

14 2. "Department" means the state department of trans-
15 portation.

16 3. "Selling" includes bartering, exchanging, or other-
17 wise dealing in.

18 4. "Vehicle" means any vehicle as defined in chapter three
19 hundred twenty-one (321) of the Code.

20 5. "Vehicle rebuilder" means a person engaged in the
21 business of rebuilding or restoring to operating condition
22 vehicles subject to registration under chapter three hun-
23 dred twenty-one (321) of the Code, which have been damaged
24 or wrecked.

25 6. "Vehicle scrap processor" means a person engaged in
26 the business of scrapping vehicles or parts of vehicles which
27 are subject to registration under chapter three hundred twenty-
28 one (321) of the Code.

29 7. "Used vehicle parts dealer" means a person engaged
30 in the business of selling bodies, parts of bodies, frames
31 or component parts of used vehicles subject to registration
32 under chapter three hundred twenty-one (321) of the Code.

33 8. "Vehicle salvager" means a person engaged in the
34 business of dismantling wrecked or damaged vehicles or selling
35 usable parts of vehicles which are subject to registration

1 under chapter three hundred twenty-one (321) of the Code.

2 9. "Authorized vehicle recycler" means a person licensed
3 to operate as a vehicle rebuilder, a vehicle scrap processor,
4 used vehicle parts dealer or vehicle salvager.

5 10. "Wrecked or salvage vehicle" means a damaged vehicle
6 for which the cost of repair exceeds fifty percent of the
7 fair market value of the vehicle before it became damaged.

8 11. "Extension" means a place of business of an authorized
9 vehicle recycler other than the principal place of business
10 within the county of the principal place of business.

11 Sec. 4. NEW SECTION. PROHIBITIONS. Except for educational
12 institutions, people licensed as new or used vehicle dealers
13 under chapter three hundred twenty-two (322) of the Code,
14 people servicing motor vehicles or a person licensed under
15 the provisions of this chapter as an authorized vehicle
16 recycler, a person in this state shall not engage in the
17 business of:

18 1. Selling used bodies, parts of bodies, frames or
19 component parts of more than six vehicles subject to
20 registration under chapter three hundred twenty-one (321)
21 of the Code in a calendar year; or

22 2. Wrecking or dismantling in a calendar year more than
23 six vehicles or the parts of more than six vehicles subject
24 to registration under chapter three hundred twenty-one (321)
25 of the Code for resale; or

26 3. Rebuilding or restoring six or more wrecked or salvage
27 vehicles subject to registration under chapter three hundred
28 twenty-one (321) of the Code in a calendar year; or

29 4. Storing vehicles not currently registered or storing
30 damaged vehicles, disposing, salvaging or recycling more than
31 six vehicles or parts of more than six vehicles subject to
32 registration under chapter three hundred twenty-one (321)
33 of the Code in a calendar year.

34 Sec. 5. NEW SECTION. LICENSE APPLICATION AND FEES.

35 1. Upon application and payment of a thirty-five dol-

1 lar fee, a person may apply for a license to operate as an
2 authorized vehicle recycler to engage in the business as one
3 or more of the following:

- 4 a. A vehicle rebuilder; or
- 5 b. A vehicle scrap processor; or
- 6 c. A used vehicle parts dealer; or
- 7 d. A vehicle salvager.

8 2. Application for a license as an authorized vehicle
9 recycler shall be made to the department on forms provided
10 by the department. The application shall be accompanied by
11 the fee. The license shall be approved or disapproved within
12 thirty days after application for the license. Each license
13 shall expire, unless revoked or suspended by the department,
14 on December thirty-first of the calendar year for which the
15 license was granted. A separate license shall be obtained
16 for each county in which an applicant conducts operations.

17 3. Each licensee shall file with the department a sup-
18 plemental statement form when the licensee's principal place
19 of business, an extension or the operation of business in
20 the county is changed to differ from the information contained
21 on the initial license application form within fifteen days
22 after each operational change. The department shall notify
23 each licensee of the approval of a change in license status.
24 If a change in license status is approved by the department
25 the licensee shall surrender the old license to the department
26 together with a thirty-five dollar fee. The department shall
27 issue a new license modified to reflect the principal place
28 of business, each extension and the operations of the licensee.

29 Sec. 6. NEW SECTION. DISPLAY OF LICENSE. A license
30 issued under the provisions of this chapter shall specify
31 the location of the principal place of business, each extension
32 within the county of the principal place of business and the
33 license shall be conspicuously displayed at the principal
34 place of business.

35 Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR REVOCATION

1 OF LICENSE. The license of a person issued under the
2 provisions of this chapter may be denied, revoked or suspended
3 if the department finds that the licensee has:

- 4 1. Violated any provisions of this chapter; or
- 5 2. Made any material misrepresentation to the depart-
6 ment in connection with an application for a license, junking
7 certificate, salvage certificate, certificate of title or
8 registration of a vehicle; or
- 9 3. Been convicted of a fraudulent practice in connec-
10 tion with selling or offering for sale vehicles or parts of
11 vehicles subject to registration under chapter three hundred
12 twenty-one (321) of the Code; or
- 13 4. Failed to maintain an established principal place of
14 business in the county without notification to the department;
15 or
- 16 5. Had a license issued under the provisions of this
17 chapter denied, suspended or revoked within the previous three
18 years; or
- 19 6. Been convicted of violation of any of sections three
20 hundred twenty-one point fifty-two (321.52), three hundred
21 twenty-one point seventy-one (321.71), three hundred twenty-
22 one point seventy-eight (321.78), three hundred twenty-one
23 point ninety-two (321.92), three hundred twenty-one point
24 ninety-seven (321.97), three hundred twenty-one point ninety-
25 eight (321.98), three hundred twenty-one point ninety-nine
26 (321.99), three hundred twenty-one point one hundred (321.100),
27 or seven hundred thirteen point twenty-four (713.24) of the
28 Code.

29 Sec. 8. NEW SECTION. FEES. All fees of whatever character
30 accruing from the administration of this chapter shall be
31 accounted for and paid by the department into the state
32 treasury monthly and shall be credited to the road use tax
33 fund.

34 Sec. 9. Section three hundred twenty-one point one (321.1),
35 Code 1977 Supplement, is amended by adding the following new

1 subsections:

2 NEW SUBSECTION. "Vehicle rebuilder" means a person engaged
3 in the business of rebuilding or restoring to operating condi-
4 tion vehicles subject to registration under chapter three
5 hundred twenty-one (321) of the Code, which have been damaged
6 or wrecked.

7 NEW SUBSECTION. "Vehicle scrap processor" means a person
8 engaged in the business of scrapping vehicles or parts of
9 vehicles which are subject to registration under chapter three
10 hundred twenty-one (321) of the Code.

11 NEW SUBSECTION. "Used vehicle parts dealer" means a per-
12 son engaged in the business of selling bodies, parts of bodies,
13 frames or component parts of used vehicles subject to
14 registration under chapter three hundred twenty-one (321)
15 of the Code.

16 NEW SUBSECTION. "Vehicle salvager" means a person engaged
17 in the business of dismantling wrecked or damaged vehicles
18 or selling usable parts of vehicles subject to registration
19 under chapter three hundred twenty-one (321) of the Code.

20 Sec. 10. Section three hundred twenty-one point fifty-
21 one (321.51), subsection four (4), Code 1977, as amended by
22 Acts of the Sixty-seventh General Assembly, 1977 Session,
23 chapter one hundred three (103), section twenty-two (22),
24 is amended to read as follows:

25 4. The Except as provided in section three hundred twenty-
26 one point fifty-two (321.52) of the Code, the county treasurer
27 of the county of residence of the transferee upon receipt
28 of the application for a new certificate of title, the
29 appropriate fee therefor, and the affidavit as provided in
30 subsection 2 of this section, and when satisfied as to the
31 genuineness and regularity thereof of the application, shall
32 issue a restricted certificate of title to the applicant but
33 shall not issue registration plates or a registration card.
34 A restricted certificate of title shall be red in color and
35 shall have conspicuously imprinted thereon in bold print,

1 in a manner prescribed by the department, the words "RESTRICTED
2 CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON
3 THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION
4 EXCEPT AS PROVIDED IN SECTION three hundred twenty-one point
5 fifty-one (321.51) of the Code." At such time as the trans-
6 feree surrenders a valid approved certificate of inspection
7 and the restricted certificate of title to the county treasurer
8 of the county of residence, the county treasurer, upon payment
9 of the appropriate fees, shall issue a certificate of title
10 that is not restricted for the vehicle and shall also issue
11 a registration card and registration plates to the applicant
12 if the applicant is not in possession of registration plates
13 which may be attached to the vehicle, however, if the
14 registration fee for the vehicle has been paid for the current
15 year, the county treasurer shall issue a registration card
16 and registration plates to the applicant if the applicant
17 is not in possession of registration plates which may be
18 attached to the vehicle upon payment of an additional
19 registration fee of five dollars. A vehicle with a restricted
20 certificate of title shall not have a registration plate
21 attached to the vehicle.

22 Sec. 11. Section three hundred twenty-one point fifty-
23 one (321.51), subsection seven (7), Code 1977, as amended
24 by Acts of the Sixty-seventh General Assembly, 1977 Session,
25 chapter one hundred three (103), section twenty-two (22),
26 is amended by striking the subsection.

27 Sec. 12. Section three hundred twenty-one point fifty-
28 two (321.52), subsection one (1), Code 1977, as amended by
29 Acts of the Sixty-seventh General Assembly, 1977 Session,
30 chapter one hundred three (103), section twenty-three (23),
31 is amended by striking the subsection.

32 Sec. 13. Section three hundred twenty-one point fifty-
33 two (321.52), Code 1977, as amended by Acts of the Sixty-
34 seventh General Assembly, 1977 Session, chapter one hundred
35 three (103), section twenty-three (23), is amended by adding

1 the following new subsections:

2 NEW SUBSECTION. The purchaser or transferee of a motor
3 vehicle for which a certificate of title is issued which is
4 sold for scrap or junk shall surrender the certificate of
5 title and registration receipt to the county treasurer of
6 the county of residence of the transferee within fifteen
7 days after assignment of the certificate of title. The county
8 treasurer shall issue to such person without fee a junking
9 certificate. A junking certificate shall authorize the holder
10 to possess, transport or transfer by endorsement the ownership
11 of the junked vehicle. A certificate of title shall not again
12 be issued for the vehicle subsequent to the issuance of a
13 junking certificate. The county treasurer shall cancel the
14 record of the vehicle and forward the certificate of title
15 to the department.

16 NEW SUBSECTION. When a vehicle for which a certificate
17 of title is issued is junked or dismantled by the owner, the
18 owner shall detach the registration plates and surrender the
19 plates to the county treasurer, unless the plates are properly
20 assigned to another vehicle. The owner shall also surrender
21 the registration receipt and certificate of title to the
22 county treasurer. Upon surrendering the certificate of title,
23 the county treasurer shall issue to such person, without fee,
24 a junking certificate, which shall authorize the holder to
25 possess, transport or transfer ownership of the junked vehicle
26 by endorsement of the junking certificate. A certificate
27 of title shall not again be issued for the junked vehicle
28 for which a junking certificate is issued. The county
29 treasurer shall cancel the record of the vehicle and forward
30 the certificate of title to the department.

31 NEW SUBSECTION. A vehicle rebuilder or a motor vehicle
32 dealer licensed under chapter three hundred twenty-two (322)
33 of the Code, upon acquisition of a wrecked or salvage vehicle,
34 shall surrender the certificate of title and registration
35 receipt or manufacturer's or importer's statement of origin

1 properly assigned, together with an application for a salvage
2 certificate of title to the county treasurer of the county
3 of residence of the purchaser or transferee within seven days
4 after the date of assignment of the certificate of title for
5 the wrecked or salvage motor vehicle. The provisions of this
6 subsection shall apply only to vehicles with a fair market
7 value of five hundred dollars or more, based on the value
8 before the vehicle became wrecked or salvage. Upon payment
9 of a fee of two dollars, the county treasurer shall issue
10 a salvage certificate of title which shall be of a distinctive
11 color and bear the words "SALVAGE CERTIFICATE OF TITLE".
12 A salvage certificate of title may be assigned to any person.
13 Notwithstanding any other provisions in this section a vehicle
14 on which ownership has transferred to an insurer of such
15 vehicle, as a result of a settlement with the owner of the
16 vehicle arising out of damage to, or unrecovered theft of
17 the vehicle, shall be deemed to be a wrecked or salvage vehicle
18 and the insurer shall comply with the provisions of this
19 subsection to obtain a salvage certificate of title within
20 seven days after the date of assignment of the certificate
21 of title of the vehicle. Any owner, except an insurer of
22 vehicles, who transfers a wrecked or salvage vehicle with
23 a fair market value less than five hundred dollars, based
24 on the value before it became wrecked or salvage, shall comply
25 with the provisions of section three hundred twenty-one point
26 fifty-one (321.51) of the Code.

27 When a wrecked or salvage vehicle has been repaired or
28 rebuilt, that person shall make application for a certificate
29 of title to the county treasurer of the county of residence
30 of the owner, and shall surrender the salvage certificate
31 of title issued for the vehicle. A verification of the vehicle
32 identification number of the vehicle shall be made by a peace
33 officer of the state department of transportation, the
34 department of public safety, county sheriff or police
35 department of cities with a population exceeding five thousand

1 persons or a person designated by the commissioner of public
2 safety, the director, the county sheriff or the chief of
3 police in cities with a population exceeding five thousand
4 persons. The verification shall be made on forms provided
5 by the department and signed by the peace officer or the
6 appropriately designated person and the verification form
7 shall be surrendered by the owner to the county treasurer
8 at the time application is made for a certificate of title.
9 Upon payment of the appropriate fees and surrender of the
10 appropriate documents the county treasurer shall issue a
11 certificate of title to the person making application.

12 For purposes of this subsection a "wrecked or salvage
13 vehicle" means a damaged vehicle for which the cost of repair
14 exceeds fifty percent of the fair market value of the vehicle
15 before it became damaged.

16 Sec. 14. Section three hundred twenty-one point ninety-
17 five (321.95), Code 1977, is amended to read as follows:

18 321.95 RIGHT OF INSPECTION. Peace officers ~~or-examiners~~
19 ~~employed-in-the-department~~ shall have the authority to inspect
20 any vehicle or component part in possession of a ~~demolisher~~
21 vehicle rebuilder, vehicle scrap processor, vehicle salvager,
22 used vehicle parts dealer or any person licensed under chapter
23 three hundred twenty-two (322) of the Code, or found upon
24 the public highway or in any public garage ~~or,~~ enclosure or
25 property in which vehicles or component parts are kept for
26 sale, storage, hire or repair and for that purpose may enter
27 any such public garage ~~or,~~ enclosure or property. Every
28 ~~person-doing-business-as-a-demolisher~~ vehicle rebuilder,
29 vehicle scrap processor, vehicle salvager, used vehicle parts
30 dealer, or any person licensed under chapter three hundred
31 twenty-two (322) of the Code, or a person having used engines
32 or transmissions which are component parts for sale shall
33 keep an accurate and complete record of all vehicles demolished
34 and of such component parts purchased or received in the
35 course of business. These records shall contain the name

1 and address of the person from whom each such vehicle or
2 component part was purchased or received and the date when
3 the purchase or receipt occurred. These records shall be
4 open for inspection by any ~~police-authority~~ peace officer
5 at any time during normal business hours. Records required
6 by this section shall be kept for at least three years after
7 the transaction which they record.

8 Sec. 15. Section three hundred twenty-one point one hundred
9 (321.100), Code 1977 Supplement, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. To transfer in any manner or to offer
12 to transfer in any manner a certificate of title,
13 manufacturer's or importer's certificate to any vehicle on
14 which a salvage certificate of title or junking certificate
15 is required under section three hundred twenty-one point
16 fifty-two (321.52) of the Code, with knowledge or reason to
17 believe that the certificate will be used for a vehicle other
18 than the vehicle for which the certificate is issued.
19 "Transfer" for the purposes of this subsection means to sell,
20 exchange, change possession or ownership or convey in any
21 manner.

22 Sec. 16. Section three hundred twenty-one point one hundred
23 thirty-one (321.131), Code 1977, is amended to read as follows:

24 321.131 LIEN OF FEE. All registration or other fees
25 provided for in this chapter shall be and continue a lien
26 against the vehicle for which said fees are payable unless
27 otherwise provided in this section until such time as they
28 are paid as provided by law, with any accrued penalties.
29 The county treasurer may perfect a security interest in a
30 vehicle for the amount of such fees by noting the lien upon
31 the certificate of title for the vehicle as provided in sec-
32 tion three hundred twenty-one point fifty (321.50) of the
33 Code, or, if the certificate of title is not available,
34 notation of such lien on the county records of the certificate
35 of title shall perfect the security interest. If the lien

1 is not perfected as provided in this section within sixty
2 days after the lien attaches to the vehicle, the lien shall
3 not be valid against a bona fide purchaser of the vehicle
4 without actual notice to the purchaser.

5 Sec. 17. Section three hundred twenty-one point one hundred
6 eighty-one (321.181), Code 1977, is amended by striking
7 unnumbered paragraphs two (2), three (3), four (4), and five
8 (5).

9 Sec. 18. Section three hundred twenty-one point one hun-
10 dred eighty-three (321.183), Code 1977, is amended to read
11 as follows:

12 321.183 CONTENTS OF APPLICATION. Every said application
13 shall state the full name, date of birth, ~~occupation~~, sex,
14 and residence address of the applicant, and briefly describe
15 the applicant, and shall state whether the applicant has
16 theretofore been licensed as an operator or chauffeur, and,
17 if so, when and by what state or country, and whether any
18 such license has ever been suspended or revoked, or whether
19 an application has ever been refused, and, if so, the date
20 of and reason for such suspension, revocation, or refusal.

21 Sec. 19. Section three hundred twenty-one point one hundred
22 eighty-nine (321.189), subsection one (1), Code 1977, as
23 amended by Acts of the Sixty-seventh General Assembly, 1977
24 Session, chapter one hundred three (103), section forty-one
25 (41), is amended to read as follows:

26 1. MOTOR VEHICLE LICENSE. Upon the payment of the re-
27 quired fee, the department shall issue to every qualifying
28 applicant an operator's license, motorized bicycle license,
29 or chauffeur's license, as applied for. Appearing on this
30 license shall be a distinguishing number assigned to the
31 licensee; the licensee's full name, date of birth, ~~occupation~~,
32 sex, residence address; a colored photograph; a brief
33 description of the licensee; and the usual signature of the
34 licensee. If prior to the renewal date, a person desires
35 to obtain an operator's or chauffeur's license in the form

1 authorized by this section, such license may be issued as
2 a voluntary replacement upon payment of the required fee.
3 The number of places where licenses are available shall not
4 be reduced because of procedures or equipment required in
5 placing colored photographs on licenses or permits. The
6 department shall provide a space on every license where the
7 licensee may affix a decal or sticker indicating that the
8 licensee is a donor under the Uniform Anatomical Gift Act
9 and shall provide a space where the licensee may affix a
10 symbol indicating the presence of a medical condition. The
11 license may contain such other information as the department
12 may by rule require. No license shall be valid unless it
13 bears the usual signature of the licensee. The department
14 shall advise an applicant that he or she may request a number
15 other than a social security number as the motor vehicle li-
16 cense number. The department shall not retain a positive
17 or negative photograph of the licensee. The licensee may
18 affix a decal or sticker on the license in the space provided
19 which indicates that the licensee is a donor under the Uniform
20 Anatomical Gift Act. The decal shall not be larger than one-
21 half inch in diameter. The use of the decal or sticker on
22 the license shall be authorized only if the licensee has
23 complied with the provisions for making a gift under the
24 Uniform Anatomical Gift Act and shall be effective only if
25 the licensee carries on or about the licensee's person a duly
26 signed and executed donor card as authorized by the Uniform
27 Anatomical Gift Act.

28 Sec. 20. Section three hundred twenty-one point two hundred
29 ten (321.210), Code 1977, is amended by adding the following
30 new subsection:

31 NEW SUBSECTION. 8. Has eluded or attempted to elude a
32 pursuing police vehicle pursuant to section thirty-two (32)
33 of this Act.

34 Sec. 21. Section three hundred twenty-one point two hundred
35 eleven (321.211), Code 1977, is amended to read as follows:

1 321.211 NOTICE AND HEARING. Upon suspending or revoking
2 the license of any person as hereinbefore authorized the de-
3 partment shall immediately notify the licensee in writing
4 and upon his or her request shall afford him or her an
5 opportunity for a hearing before the director or his or her
6 duly authorized agent as early as practical within not to
7 exceed thirty days after receipt of such request in the county
8 wherein the licensee resides unless the department and the
9 licensee agree that such hearing may be held in some other
10 county. Upon such hearing the director or his or her duly
11 authorized agent may administer oaths and may issue subpoenas
12 for the attendance of witnesses and the production of relevant
13 books and papers and may require a re-examination of the
14 licensee. Upon such hearing the department shall either
15 rescind its order of suspension or for good cause may ex-
16 tend the suspension of such license or revoke such license.
17 There is hereby appropriated each year from the general fund
18 of the state to the department an amount necessary to pay
19 the cost of notice and personal delivery of service if
20 necessary to meet the notice requirement of this section as
21 provided by rule. The reinstatement fees collected under
22 section three hundred twenty-one point one hundred ninety-
23 one (321.191) of the Code shall revert to the general fund
24 of the state as reimbursement for the costs of notice under
25 this section.

26 A peace officer stopping a person for whom a notice of
27 a suspension or revocation has been issued or to whom a notice
28 of a hearing has been sent under the provisions of this section
29 may personally serve such notice upon forms approved by the
30 department to satisfy the notice requirements of this section.
31 The peace officer may confiscate the motor vehicle license
32 of such person if the license has been suspended or revoked
33 subsequent to a hearing and the person has not forwarded the
34 motor vehicle license to the department as required.

35 Sec. 22. Section three hundred twenty-one point two hundred

1 thirty-eight (321.238), subsection ten (10), unnumbered
2 paragraph one (1), Code 1977, is amended to read as follows:

3 In making a vehicle inspection, the inspection station
4 shall inspect such of the following equipment as is applicable
5 to the vehicle: Brakes, lights, turning signals, steering,
6 sound devices, glass, mirrors, exhaust system, windshield
7 wipers, seat belts, tires and such other safety equipment
8 as may be prescribed for inspection under rules adopted by
9 the director. ~~The inspection station shall also inspect each~~
10 ~~motor vehicle to ascertain that none of the factory-installed~~
11 ~~emission-control devices have been removed or rendered inopera-~~
12 ~~ble-~~

13 Sec. 23. Section three hundred twenty-one point two hundred
14 thirty-eight (321.238), subsection twelve (12), Code 1977,
15 is amended to read as follows:

16 12. Every motor vehicle subject to registration under
17 the laws of this state, except motor vehicles registered under
18 section 321.115, and motorized bicycles, motor vehicles
19 transferred under the provisions of sections three hundred
20 twenty-one point fifty-one (321.51) and three hundred twenty-
21 one point fifty-two (321.52) of the Code when first registered
22 in this state, other than a registration to a dealer licensed
23 under chapter 322, and each time when transferred for use
24 within this state or when registration is changed from a
25 registration as provided in section 321.115 to a regular
26 registration, other than transfers to a dealer licensed under
27 chapter 322, shall be inspected at an authorized inspection
28 station, unless there is affixed to the motor vehicle a valid
29 certificate of inspection which was issued for the motor
30 vehicle not more than sixty days prior to the date on which
31 the vehicle was transferred and the vehicle has not been
32 transferred during the sixty-day period, provided that during
33 a one-year period the vehicle may be transferred between
34 parents and their children ~~or between spouses~~ without another
35 inspection. A vehicle inspection is not required when the

1 transfer of the vehicle or an interest in the vehicle is
2 between spouses or when required pursuant to a decree for
3 dissolution of marriage between former spouses. However,
4 the certificate of inspection for a new motor vehicle which
5 has not previously been sold at retail and which is not sold
6 within sixty days after the date the inspection was performed
7 may be revalidated by the inspection station without another
8 inspection provided the motor vehicle has not been driven
9 more than one hundred miles since the inspection was performed.
10 If the motor vehicle is subject to inspection, the authorized
11 inspection station shall issue and affix a valid certificate
12 of inspection or certificate of rejection, as the case may
13 be, in accordance with the results of the inspection. If
14 an inspection is required, an applicant shall file with an
15 application for title to the vehicle or for registration
16 thereof under the provisions of section 321.23, subsection
17 2 or 3, with the county treasurer of the county of his or
18 her residence, a statement on a form provided by the director,
19 signed by an authorized inspection station certifying the
20 date that a certificate of inspection was issued for and
21 affixed to the vehicle. If an inspection is required the
22 county treasurer shall not issue a title to the vehicle to
23 the applicant or register the vehicle unless such statement
24 is filed with the application showing that the inspection
25 of the vehicle was made not more than sixty days prior to
26 the date of sale or transfer, or unless the vehicle was
27 purchased out of this state by a resident of this state who
28 resides outside of this state, but desires to maintain his
29 or her Iowa residency and he or she executes a statement to
30 that effect in form and content as prescribed by the director.
31 The county treasurer shall stamp the registration card for
32 such vehicle with the words "NOT INSPECTED." A vehicle so
33 registered shall be inspected at an authorized inspection
34 station within fifteen days after being brought into this
35 state. The county treasurer shall mail the statement of

1 inspection or statement of out-of-state residency to the
 2 department at the time of mailing copies of the registration
 3 receipt. The department may destroy any forms, certificates
 4 or statements after one year from the date they are filed
 5 unless they relate to pending appeals. ~~The provisions of~~
 6 ~~this subsection shall not be applicable to the transfer of~~
 7 ~~a motor vehicle to the insurer of such vehicle who obtains~~
 8 ~~ownership of such vehicle as a result of a settlement with~~
 9 ~~the owner thereof arising out of damage to such vehicle and~~
 10 ~~written proof thereof is submitted to the county treasurer~~
 11 ~~on forms prescribed by the department.~~

12 Sec. 24. Section three hundred twenty-one point two hundred
 13 fifty-six (321.256), Code 1977, is amended to read as follows:

14 321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.

15 No driver of a vehicle ~~or motorman of a streetcar~~ shall disobey
 16 the instructions of any official traffic-control device placed
 17 in accordance with the provisions of this chapter, unless
 18 at the time otherwise directed by a ~~police~~ peace officer
 19 subject to the exceptions granted the driver of an authorized
 20 emergency vehicle.

21 Sec. 25. Section three hundred twenty-one point two hundred
 22 fifty-seven (321.257), Code 1977, is amended by striking the
 23 section and inserting in lieu thereof the following:

24 321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.

25 1. For the purposes of this section "stop at the official
 26 traffic control signal" means stopping at the first opportunity
 27 at either the clearly marked stop line or before entering
 28 the crosswalk or before entering the intersection.

29 2. Official traffic control signals consisting of colored
 30 lights or colored lighted arrows shall regulate vehicle and
 31 pedestrian traffic in the following manner:

32 a. A "steady circular red" light means vehicular traffic
 33 shall stop. Vehicular traffic shall remain standing until
 34 a signal to proceed is shown or vehicular traffic, unless
 35 prohibited by a sign, may cautiously enter the intersection

1 to make a right turn from the right lane of traffic or a left
2 turn from a one-way street to a one-way street from the left
3 lane of traffic on a one-way street onto the left most lane
4 of traffic on a one-way street. Turns made under this
5 paragraph shall be made in a manner that does not interfere
6 with other vehicular or pedestrian traffic lawfully using
7 the intersection. Pedestrian traffic facing a steady circular
8 red light shall not enter the roadway unless otherwise allowed
9 by a pedestrian signal.

10 b. A "steady circular yellow" or a "steady yellow arrow"
11 light means vehicular traffic is warned that the related green
12 movement is being terminated and vehicular traffic shall no
13 longer proceed into the intersection and shall stop. If the
14 stop cannot be made in safety, a vehicle may be driven
15 cautiously through the intersection. Pedestrian traffic is
16 warned that there is insufficient time to cross the
17 intersection and, unless otherwise directed by a pedestrian
18 signal, pedestrian traffic shall not proceed through the
19 intersection.

20 c. A "steady circular green" light means vehicular traffic
21 may proceed straight, turn right or turn left through the
22 intersection unless otherwise specifically prohibited.
23 Vehicular traffic shall yield the right-of-way to other
24 vehicular and pedestrian traffic lawfully within the
25 intersection. Pedestrian traffic, unless otherwise directed
26 by a pedestrian signal, may proceed across the roadway in
27 the crosswalk.

28 d. A "steady green arrow" light shown alone or with another
29 official traffic control signal means vehicular traffic may
30 cautiously enter the intersection and proceed in the direction
31 indicated by the arrow. Vehicular traffic shall yield the
32 right-of-way to other vehicles and pedestrians lawfully within
33 the intersection. Pedestrian traffic shall not proceed across
34 a roadway unless otherwise directed by a pedestrian signal.

35 e. A "flashing circular red" light means vehicular traffic

1 shall stop and after stopping may proceed cautiously through
2 the intersection yielding to all vehicles not required to
3 stop or yield which are within the intersection or approaching
4 so closely as to constitute a hazard, but then may proceed.

5 f. A "flashing yellow" light means vehicular traffic shall
6 proceed through the intersection or past such signal with
7 caution.

8 g. A "don't walk" light is a pedestrian signal which means
9 that pedestrian traffic facing the illuminated pedestrian
10 signal shall not start to cross the roadway in the direction
11 of the pedestrian signal, and pedestrian traffic in the
12 crossing shall proceed to a safety zone.

13 h. A "walk" light is a pedestrian signal which means that
14 pedestrian traffic facing the illuminated pedestrian signal
15 may proceed to cross the roadway in the direction of the
16 pedestrian signal and shall be given the right-of-way by
17 drivers of all vehicles.

18 Sec. 26. Section three hundred twenty-one point two hun-
19 dred fifty-eight (321.258), Code 1977, is amended by striking
20 the section and inserting in lieu thereof the following:

21 321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC CONTROL
22 SIGNALS.

23 1. Colored lights placed on a vertical official traffic
24 control signal face shall be arranged from the top to the
25 bottom in the following order when used: Circular red,
26 circular yellow, circular green, straight through yellow
27 arrow, straight through green arrow, left turn yellow arrow,
28 left turn green arrow, right turn yellow arrow, and right
29 turn green arrow.

30 2. Colored lights placed on a horizontal official traffic
31 control signal face shall be arranged from the left to the
32 right in the following order when used: Circular red, cir-
33 cular yellow, left turn yellow arrow, left turn green arrow,
34 circular green, straight through yellow arrow, straight through
35 green arrow, right turn yellow arrow, and right turn green

1 arrow.

2 Sec. 27. Section three hundred twenty-one point two hun-
3 dred sixty-five (321.265), Code 1977, is amended to read as
4 follows:

5 321.265 STRIKING FIXTURES UPON A HIGHWAY. The driver of
6 any vehicle involved in an accident resulting ~~only~~ in damage
7 to property legally upon or adjacent to a highway shall take
8 reasonable steps to locate and notify the owner or person
9 in charge of such property of such fact and of his or her
10 name and address and of the registration number of the vehicle
11 ~~he-is-driving~~ causing the damage and shall upon request and
12 if available exhibit his or her operator's or chauffeur's
13 license and shall make report of such accident when and as
14 required in section 321.266.

15 Sec. 28. Section three hundred twenty-one point three
16 hundred twenty-two (321.322), Code 1977, is amended by striking
17 the section and inserting in lieu thereof the following:

18 321.322 VEHICLES ENTERING STOP OR YIELD INTERSECTION.

19 1. The driver of a vehicle approaching a stop intersection
20 indicated by a stop sign shall stop at the first opportunity
21 at either the clearly marked stop line or before entering
22 the crosswalk or before entering the intersection or at the
23 point nearest the intersecting roadway where the driver has
24 a view of approaching traffic on the intersecting roadway
25 before entering the intersection. Before proceeding, the
26 driver shall yield the right-of-way to any vehicle on the
27 intersecting roadway which has entered the intersection or
28 which is approaching so closely as to constitute an immediate
29 hazard during the time the driver is moving across or within
30 the intersection.

31 2. The driver of a vehicle approaching a yield sign shall
32 slow to a speed reasonable for the existing conditions and,
33 if required for safety, shall stop at the first opportunity
34 at either the clearly marked stop line or before entering
35 the crosswalk or before entering the intersection or at the

1 point nearest the intersecting roadway where the driver has
2 a view of approaching traffic on the intersecting roadway.
3 After slowing or stopping, the driver shall yield the right-
4 of-way to any vehicle on the intersecting roadway which has
5 entered the intersection or which is approaching so closely
6 as to constitute an immediate hazard during the time the
7 driver is moving across or within the intersection.

8 Sec. 29. Section three hundred twenty-one point three
9 hundred forty-two (321.342), unnumbered paragraph one (1),
10 Code 1977, as amended by Acts of the Sixty-seventh General
11 Assembly, 1977 Session, chapter one hundred three (103),
12 section forty-seven (47), is amended by striking the para-
13 graph and inserting in lieu thereof the following:

14 The driver of any vehicle approaching a railroad grade
15 crossing across which traffic is regulated by a stop sign,
16 a railroad sign directing traffic to stop or an official
17 traffic control signal displaying a flashing red or steady
18 circular red colored light shall stop prior to crossing the
19 railroad at the first opportunity at either the clearly marked
20 stop line or at a point near the crossing where the driver
21 has a clear view of the approaching railroad traffic.

22 Sec. 30. Section three hundred twenty-one point three
23 hundred forty-five (321.345), Code 1977, is amended to read
24 as follows:

25 321.345 STOP OR YIELD AT THROUGH HIGHWAYS. The department,
26 based on an engineering study, with reference to primary
27 highways, and local authorities with reference to other
28 highways under their jurisdiction may designate through
29 highways and erect stop signs or yield signs, in accordance
30 with specifications established by the department at specified
31 entrances ~~thereto~~ to the highway or may designate any
32 intersection as a stop intersection or as a yield intersection
33 and erect like signs at one or more entrances to such
34 intersection.

35 ~~Every-said-sign-shall-bear-the-word-"Stop"-or-"Yield"-in~~

1 letters-not-less-than-six-inches-in-height---Every-stop-or
2 yield-sign-shall-be-located-as-near-as-practical-at-the
3 property-line-of-the-highway-at-the-entrance-to-which-the
4 stop-or-yield-must-be-made,-or-at-the-nearest-line-of-the
5 crosswalk-thereat,-or,-if-none,-at-the-nearest-line-of-the
6 roadway-

7 Every-driver-of-a-vehicle-and-every-motorman-of-a-streetcar
8 shall-stop-or-yield-at-such-sign-or-at-a-clearly-marked-stop
9 line-before-entering-an-intersection-except-when-directed
10 to-proceed-by-a-police-officer-or-traffic-control-signal-

11 Sec. 31. Section three hundred twenty-one point four
12 hundred thirty-six (321.436), Code 1977, is amended by striking
13 the section and inserting in lieu thereof the following:

14 321.436 VEHICLE NOISE AND EXHAUST LIMITATIONS.

15 1. Every motor vehicle shall at all times be equipped
16 with a muffler in good working order and in constant opera-
17 tion to prevent noise in excess of the noise limitation
18 standards established by the department pursuant to rule,
19 and no person shall use a muffler cut-out, bypass or similar
20 device upon a vehicle on a highway.

21 2. The engine and power mechanism of every motor vehicle
22 shall be so equipped and adjusted as to prevent the escape
23 of fumes or smoke in excess of the exhaust limitation standards
24 for motor vehicles established by the department of
25 environmental quality pursuant to rule.

26 Sec. 32. Chapter three hundred twenty-one (321), Code
27 1977, is amended by adding the following new section:

28 NEW SECTION. ELUDING OR ATTEMPTING TO ELUDE A PURSUING
29 POLICE VEHICLE. The driver of a motor vehicle commits a seri-
30 ous misdemeanor if the driver willfully fails to bring his
31 or her vehicle to a stop or otherwise eludes or attempts to
32 elude a pursuing police vehicle by exceeding the posted speed
33 limit by an amount in excess of twenty miles per hour after
34 being given a signal by red light and siren to bring the
35 vehicle to a stop. The peace officer giving the signal shall

1 be in a vehicle which shall be marked showing it to be an
2 official police vehicle.

3 Sec. 33. Chapter three hundred twenty-one (321), Code
4 1977, is amended by adding the following new section:

5 NEW SECTION. VEHICLES WITHOUT IDENTIFICATION NUMBERS.

6 Any person who knowingly buys, receives, disposes of, sells,
7 offers for sale, or has in his or her possession any vehicle,
8 or any component part of a vehicle, from which the vehicle
9 identification number or component part number has been
10 removed, defaced, covered, altered, or destroyed for the
11 purpose of concealing or misrepresenting the identity of the
12 vehicle or component part is guilty of a simple misdemeanor.

13 Sec. 34. Section three hundred twenty-one A point seventeen
14 (321A.17), Code 1977, is amended by adding the following new
15 subsection:

16 NEW SUBSECTION. An individual applying for a motor ve-
17 hicle license following a period of suspension or revocation
18 under the provisions of section three hundred twenty-one point
19 two hundred sixteen (321.216) of the Code Supplement shall
20 not be required to maintain proof of financial responsibility
21 under the provisions of this section.

22 Sec. 35. Acts of the Sixty-seventh General Assembly, 1977
23 Session, chapter one hundred three (103), section fifty-four
24 (54), the first new section added to chapter three hundred
25 twenty-one E (321E), Code 1977, is amended to read as follows:

26 NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS. Vehi-
27 cles or a combination of vehicles with divisible loads may
28 be moved on the highways of this state pursuant to a special
29 permit issued for special or emergency situations by the
30 department or local authorities subject to the discretion
31 and judgment provided for in section three hundred twenty-
32 one E point one (321E.1) of the Code. The combined gross
33 weight or gross weight on any one axle or group of axles may
34 exceed the limits established in section three hundred twenty-
35 one point four hundred sixty-three (321.463) of the Code,

1 subject to the limits and routes established by the issuing
2 authority. However movement of hay, straw or stover may be
3 allowed in the absence of special or emergency situations,
4 however such movement shall be consistent with the other
5 requirements for movement of oversize divisible loads.

6 Sec. 36. Section three hundred twenty-two point five
7 (322.5), Code 1977, is amended to read as follows:

8 322.5 LICENSE FEE. The license fee for a motor vehicle
9 dealer for each calendar year or part thereof shall be the
10 sum of thirty-five dollars for the licensee's principal place
11 of business in each city or township and an additional ~~five~~
12 ten dollars for each ~~used-car~~ car lot which is in the city
13 or township ~~wherein-said~~ in which the principal place of
14 business is located and which is not adjacent to such place,
15 to be paid to the department at the time a license is applied
16 for. In case the application is denied, the department shall
17 refund the amount of such fee to the applicant.

18 Sec. 37. Section seven hundred fourteen point eight
19 (714.8), subsection five (5), Code 1977 Supplement, is amended
20 to read as follows:

21 5. Removes, alters or defaces any serial or other
22 identification number, or any owners' identification mark,
23 from any property not his or her own unless such removal or
24 alteration is prohibited by the new section added to chapter
25 three hundred twenty-one (321) of the Code by section thirty-
26 three (33) of this Act.

27 Sec. 38. Sections three hundred twenty-one point one
28 hundred twenty-four (321.124) and three hundred twenty-one
29 point four hundred thirty-five (321.435), Code 1977, are
30 repealed.

31 Sec. 39. Sections one (1) through sixteen (16), twenty
32 (20), twenty-three (23), twenty-seven (27), thirty-one (31),
33 thirty-two (32), and thirty-six (36) of this Act shall become
34 effective January 1, 1979.

35 EXPLANATION

1 Sections 1 through 8 establish a new chapter providing
2 for the registration of authorized vehicle recyclers upon
3 payment of a fee of \$35.00. These sections prohibit the
4 selling, dismantling, restoring, storing, salvaging or
5 recycling of more than six vehicles per year without first
6 obtaining a license from the state department of transpor-
7 tation.

8 Section 9 defines "vehicle rebuilder", "vehicle scrap
9 processor", "used vehicle parts dealer" and "vehicle salvager".

10 Section 10 excepts the junking certificate and salvage
11 certificate of title provisions from the red title provisions.

12 Section 11 strikes the requirement that insurance companies
13 obtain a red title for unrecovered stolen vehicles which are
14 to be required to obtain a salvage certificate of title.

15 Section 12 repeals the certificate of title provisions
16 for junk vehicles which are replaced with the junking
17 certificate and salvage certificate of title provisions.

18 Section 13 provides for the issuance of a junking certifi-
19 cate for a vehicle junked or demolished and a salvage certifi-
20 cate of title for damaged vehicles which are to be rebuilt.

21 This section requires the surrender of the certificate of
22 title for such vehicles and this section provides for the
23 inspection by a peace officer or other designated employee
24 for which a salvage certificate of title is issued, prior
25 to reissuing a certificate of title.

26 Section 14 allows a peace officer to inspect vehicles or
27 component parts in possession of a car dealer or an authorized
28 vehicle recycler.

29 Section 15 provides that the transfer of a certificate
30 of title with knowledge that the title will not be used in
31 a manner provided by law is a fraudulent practice.

32 Section 16 requires the county treasurer, to perfect a
33 security interest in a vehicle, to either note the lien on
34 the original certificate of title or on the county records
35 of the certificate of title.

1 Section 17 strikes certain provisions relating to temporary
2 drivers permits.

3 Sections 18 and 19 strike the requirement that "occupation"
4 be designated on a motor vehicle license.

5 Sections 20 and 32 prohibit the attempt to elude a marked
6 police vehicle.

7 Section 21 provides an appropriation to fund the notice
8 provisions required for motor vehicle license suspensions
9 or revocations and provides for reimbursement through increased
10 reinstatement fees.

11 Section 22 strikes the requirement that motor vehicle
12 pollution control equipment must be inspected upon transfers.

13 Section 23 exempts transfers of damaged motor vehicles
14 from the motor vehicle inspection requirements if the vehicle
15 is transferred under a restricted certificate of title, a
16 junking certificate or a salvage certificate of title.

17 Sections 24, 25, 26, and 28 coordinate official traffic
18 control signal designations with those designations found
19 in the uniform vehicle code.

20 Section 27 requires the reporting of property damage
21 accidents.

22 Section 29 specifies the stopping requirement at railroad
23 crossings.

24 Section 30 allows the placement of stop signs pursuant
25 to an engineering study.

26 Section 31 requires the promulgation of noise and exhaust
27 minimum standards for motor vehicles.

28 Sections 33 and 37 prohibit the removal of identifica-
29 tion numbers from motor vehicles and component parts.

30 Section 34 eliminates the requirement for meeting the
31 financial responsibility requirements following a suspen-
32 sion of a motor vehicle license for nonmoving violations of
33 section 321.216 of the Code.

34 Section 35 allows the movement of certain oversize loads
35 of hay, straw or stover.

1 Section 36 provides for a ten dollar fee for each car lot
2 operated under chapter 322 of the Code.

3 Section 38 repeals certain provisions.

4 Section 39 is the effective date provision.

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LSB 3990S

tb/jw/5

SENATE FILE 2187
FISCAL NOTE

Date: March 28, 1978
Requested by: Senator Richard Drake

In compliance with a written request received March 13, 1978, there is hereby submitted a Fiscal Note for Senate File 2187 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

Senate File 2187 provides a transportation appropriation for notice of suspension and revocation of drivers licenses.

Revenue Increase

Sec. 5 200 - vehicle processors
150 - vehicle rebuilders
50 - parts dealers
400 X \$35 license fee = \$ 14,000

Sec.36 356 existing registered
used car lots
356 X \$5 = \$1,780

100 additional
new lots
100 X \$10 = 1,000

2,780

Sec.21 Approximately 7,000 suspen-
sion notices go unserved
each year. Revenue is based
on the assumption that all
7,000 suspensions would be
reinstated at a cost of \$20.
7,000 X \$20 = 140,000
TOTAL INCREASED REVENUE \$156,780

Effects of Revenue by Source:
(Sec. 5) Road Use Tax Fund \$ 14,000
(Sec. 36) Road Use Tax Fund 2,780
(Sec. 21) State General Fund 140,000
\$156,780

Net Increase in Revenue - \$69,780

Expense Increase

All administrative and enforce-
ment costs could be absorbed
without additional expense to
the Dept. of Transportation

All administrative expense
could be absorbed without
additional costs to the
Dept. of Transportation

Estimated cost to serve the
7,000 suspensions is based
on a cost of \$15 per notice.

7,000 X \$15 = \$105,000

The Dept. collected approx-
imately \$24,000 for FY'77
for 1,200 reinstatements.

1,200 X \$15 = 18,000

TOTAL EXPENSE INCREASE \$ 87,000

FILED
MARCH 28, 1978

DENNIS C. PROUTY
LEGISLATIVE FISCAL BUREAU

SENATE FILE 2187

S-5398

1 Amend Senate File 2187 as follows:

2 1. Page 13, by striking lines 17 through 25 and
3 inserting in lieu thereof the following: "There is
4 hereby appropriated each year from the general fund
5 of the state to the department one hundred five
6 thousand dollars or so much thereof as may be necessary
7 to be used to pay the cost of notice and personal
8 delivery of service, if necessary to meet the notice
9 requirement of this section. The department shall
10 promulgate rules governing the payment of the cost
11 of personal delivery of service. The reinstatement
12 fees collected under section three hundred twenty-
13 one point one hundred ninety-one (321.191) of the
14 Code shall be deposited in the general fund of the
15 state in a manner provided in section three hundred
16 twenty-one point one hundred ninety-two (321.192)
17 of the Code, as reimbursement for the costs of notice
18 under this section."

S-5398 FILED *Adopted 3/20 (p. 423)*

MARCH 23, 1978

BY COMMITTEE ON BUDGET

WILLIAM D. PALMER, Chairperson

SENATE FILE 2187

S-5383

1 Amend Senate File 2187 as follows:

2 1. Page 17, by striking lines 8 and 9 and in-
 3 sserting in lieu thereof the words "red light shall
 4 not enter the roadway unless such entry can be made
 5 safely and without interfering with any vehicular
 6 traffic."

7 2. Page 17, line 19, by inserting after the word
 8 "intersection" the words "unless the pedestrian can
 9 proceed safely and without interfering with any
 10 vehicular traffic".

11 3. Page 17, line 34, by inserting after the word
 12 "signal" the words "or unless the pedestrian can
 13 proceed safely and without interfering with any
 14 vehicular traffic".

15 4. Page 18, by striking lines 23 through 35 and
 16 inserting in lieu thereof the words "The department
 17 shall provide by rule for the arrangement of the
 18 colored lights on a traffic control signal face."

19 5. Page 19, by striking line 1.

S-5383 FILED - *Hand 3/30 (pp 685, 686)* BY LUCAS J. DE KOSTER
 MARCH 21, 1978

SENATE FILE 2187

S-5385

1 Amend Senate File 2187 as follows:

2 1. Page 13, by striking lines 17 through 25 and
 3 inserting in lieu thereof the following: "There is
 4 hereby appropriated each year from the general fund
 5 of the state to the department one hundred five
 6 thousand dollars or so much thereof as may be necessary
 7 to be used to pay the cost of notice and personal
 8 delivery of service, if necessary to meet the notice
 9 requirement of this section. The department shall
 10 promulgate rules governing the payment of the cost
 11 of personal delivery of service. The reinstatement
 12 fees collected under section three hundred twenty-
 13 one point one hundred ninety-one (321.191) of the
 14 Code shall be deposited in the general fund of the
 15 state in a manner provided in section three hundred
 16 twenty-one point one hundred ninety-two (321.192)
 17 of the Code, as reimbursement for the costs of notice
 18 under this section."

S-5385 FILED **D 3/30 (p. 683)*
 MARCH 21, 1978

BY RICHARD F. DRAKE
 WILLIAM D. PALMER

S-5399

1 Amend Senate File 2187 as follows:

2 1. Page 1, by striking lines 25 through 28.

3 2. Page 1, by striking lines 34 and 35 and insert-
4 ing in lieu thereof the following: "business of
5 scrapping vehicles, dismantling or storing wrecked
6 or damaged vehicles or selling reusable parts of
7 vehicles or storing vehicles not currently registered
8 which vehicles are subject to registration".

9 3. Page 2, line 3, by striking the words "a vehicle
10 scrap processor,".

11 4. Page 2, line 14, by striking the words "people
12 servicing motor vehicles" and inserting in lieu thereof
13 the following: "people engaged in the business of
14 purchasing bodies, parts of bodies, frames or component
15 parts of vehicles only for sale as scrap metal".

16 5. Page 2, line 19, by inserting after the word
17 "six" the word "used".

18 6. Page 2, line 26, by inserting after the word
19 "restoring" the words "for sale".

20 7. Page 2, line 30, by inserting after the word
21 "vehicles" the words "except where such storing of
22 damaged vehicles is incidental to the primary purpose
23 of the repair of motor vehicles for others, scrapping".

24 8. Page 3, by striking line 5.

25 9. Page 5, by striking lines 7 through 10.

26 10. Page 5, by striking lines 17 and 18 and
27 inserting in lieu thereof the following: "in the
28 business of scrapping vehicles, dismantling or storing
29 wrecked or damaged vehicles or selling reusable parts
30 of vehicles or storing vehicles not currently
31 registered which vehicles are subject to registration".

32 11. Page 5, by inserting after line 19 the
33 following:

34 "Sec. _____. Section three hundred twenty-one point
35 thirty (321.30), Code 1977, is amended by adding the
36 following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. The treasurer shall
38 also refuse registration of any vehicle if the
39 applicant for registration of such vehicle has failed
40 to pay the required registration fees of any vehicle
41 owned or previously owned when the registration fee
42 was required to be paid by the applicant and for which
43 vehicle the registration was suspended or revoked
44 under the provisions of section three hundred twenty-
45 one point one hundred one (321.101), subsection four
46 (4), of the Code, until such fees are paid together
47 with any accrued penalties."

48 12. Page 8, line 3, by striking the word "seven"
49 and inserting in lieu thereof the word "fourteen".

50 13. Page 8, line 20, by striking the word "seven"

- 1 and inserting in lieu thereof the word "fourteen".
- 2 14. Page 9, lines 2 through 4, by striking the
- 3 words ", the director, the county sheriff or the chief
- 4 of police in cities with a population exceeding five
- 5 thousand persons" and inserting in lieu thereof the
- 6 words "or the director".
- 7 15. Page 9, line 21, by striking the words "vehicle
- 8 scrap processor,".
- 9 16. Page 9, line 29, by striking the words "vehicle
- 10 scrap processor,".
- 11 17. Page 9, line 34, by inserting after the word
- 12 "received" the words "for resale as component parts".
- 13 18. Page 10, line 3, by inserting after the word
- 14 "occurred" the words "and the junking certificate
- 15 if required for the vehicle".
- 16 19. Page 10, by inserting after line 21 the
- 17 following:
- 18 "Sec. ____ . Section three hundred twenty-one point
- 19 one hundred one (321.101), Code 1977, is amended by
- 20 adding the following new unnumbered paragraph:
- 21 NEW UNNUMBERED PARAGRAPH. If a vehicle, for which
- 22 the registration has been suspended or revoked pursuant
- 23 to subsection four (4) of this section, is transferred
- 24 to a bona fide purchaser for value without actual
- 25 knowledge of such suspension or revocation then the
- 26 vehicle shall be deemed to be registered and the
- 27 provisions of sections three hundred twenty-one point
- 28 twenty-eight (321.28) and three hundred twenty-one
- 29 point thirty (321.30), subsections four (4) and five
- 30 (5), of the Code shall not be applicable to such
- 31 vehicle for the failure of the previous owner to pay
- 32 the required fees."
- 33 20. Page 10, by striking lines 33 through 35 and
- 34 inserting in lieu thereof the words "Code. If the
- 35 lien".
- 36 21. Page 11, lines 1 and 2, by striking the words
- 37 "within sixty days after the lien attaches to the
- 38 vehicle".
- 39 22. Page 13, line 1, by striking the words "or
- 40 revoking".
- 41 23. Page 13, line 32, by striking the words
- 42 "suspended or revoked" and inserting in lieu thereof
- 43 the words "revoked or has been suspended".
- 44 24. Page 21, by inserting after line 25 the
- 45 following:
- 46 "The standards established under this section shall
- 47 be those necessary to protect the public health and
- 48 welfare, taking into account the magnitude and the
- 49 conditions of use of such motor vehicle, the degree
- 50 of reductions reasonably available through the

- 1 application of the available technology, and the cost
- 2 of compliance. In establishing such standards, the
- 3 department and the department of environmental quality
- 4 shall give due consideration to standards under federal
- 5 laws and regulations designed to safeguard the public
- 6 health and welfare."

S-5416

Amend Senate File 2187 as follows:

1
2 1. Page 4, by inserting after line 33 the
3 following:
4 "Sec. _____. Chapter three hundred twenty-one (321),
5 Code 1977, is amended by adding the following new
6 section:
7 NEW SECTION. PROOF OF FINANCIAL RESPONSIBILITY.
8 1. Notwithstanding the provisions of chapter three
9 hundred twenty-one A (321A) of the Code, as it pertains
10 to who is required to maintain proof of financial
11 responsibility to operate a motor vehicle on the
12 highways of this state, a person shall not operate
13 a motor vehicle, which is required to be registered
14 in this state, on the highways of this state unless
15 the person has demonstrated proof of financial
16 responsibility as defined in section three hundred
17 twenty-one A point one (321A.1) of the Code.

18 2. The department shall not register a motor
19 vehicle in this state unless the applicant has
20 demonstrated proof of financial responsibility in
21 a manner provided in this section or such other manner
22 as prescribed by the department to substantiate that
23 a person has the ability to respond in damages for
24 liability in the amounts specified in section three
25 hundred twenty-one A point one (321A.1), subsection
26 ten (10), of the Code. A certificate of insurance
27 from an insurance company licensed to conduct business
28 in Iowa, an appropriate bond or a certificate from
29 the state treasurer shall be adequate evidence of
30 proof of financial responsibility.

31 3. An insurance company operating in the state
32 shall notify the state department of transportation
33 of a cancellation of an insurance policy issued to
34 a person to satisfy the requirements for proof of
35 financial responsibility in a manner prescribed by
36 the commissioner of insurance after consultation with
37 the state department of transportation. The department
38 shall revoke the motor vehicle license or permit of
39 a person who is unable to demonstrate proof of
40 financial responsibility.

41 4. The state department of transportation and
42 the insurance department shall promulgate rules to
43 implement the provisions of this Act.

44 This section is effective December 1, 1978."

45 2. Page 5, by inserting after line 19 the
46 following:

47 "Sec. _____. Section three hundred twenty-one point
48 twenty (321.20), Code 1977, is amended by adding the
49 following new subsection:

50 NEW SUBSECTION. 6. Evidence of proof of financial

S-5416

Page 2

1 responsibility of a type required by the new section
2 added to chapter three hundred twenty-one (321) of
3 the Code, by this amendment. This subsection is
4 effective December 1, 1978.
5 Sec. _____. Section three hundred twenty-one point
6 thirty (321.30), Code 1977, is amended by adding the
7 following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. The department shall
9 refuse to register a motor vehicle if the applicant
10 is unable to demonstrate proof of financial
11 responsibility in a manner provided in the new section
12 added to chapter three hundred twenty-one (321) of
13 the Code, by this amendment. This paragraph is
14 effective December 1, 1978."
15 #. Renumber the sections and correct internal
16 references as necessary in conformance with this
17 amendment.

S-5416 FILED
MARCH 28, 1978

Not germane
2/2. (p. 685)

BY EDGAR H. HOLDEN

SENATE FILE 2187

S-5445

1 Amend Senate File 2187 as follows:
2 1. Page 21, by striking lines 11 through 25.
3 2. Renumber sections and correct internal refer-
4 ences as may be necessary in accordance with this
5 amendment.

S-5445 FILED & ADOPTED
MARCH 30, 1978

(p. 685)

BY JAMES E. BRILES

S-5433

- 1 Amend Senate File 2187 as follows:
- 2 1. Page 1, by striking lines 25 through 28.
- 3 2. Page 1, by striking lines 34 and 35 and insert-
- 4 ing in lieu thereof the following: "business of
- 5 scrapping vehicles, dismantling or storing wrecked
- 6 or damaged vehicles or selling reusable parts of
- 7 vehicles or storing vehicles not currently registered
- 8 which vehicles are subject to registration".
- 9 3. Page 2, line 3, by striking the words "a vehicle
- 10 scrap processor,".
- 11 4. Page 2, line 14, by striking the words "people
- 12 servicing motor vehicles" and inserting in lieu thereof
- 13 the following: "people engaged in the business of
- 14 purchasing bodies, parts of bodies, frames or component
- 15 parts of vehicles only for sale as scrap metal".
- 16 5. Page 2, line 19, by inserting after the word
- 17 "six" the word "used".
- 18 6. Page 2, line 26, by inserting after the word
- 19 "restoring" the words "for sale".
- 20 7. Page 2, line 30, by inserting after the word
- 21 "vehicles" the words "except where such storing of
- 22 damaged vehicles is incidental to the primary purpose
- 23 of the repair of motor vehicles for others, scrapping".
- 24 8. Page 3, by striking line 5.
- 25 9. Page 5, by striking lines 7 through 10.
- 26 10. Page 5, by striking lines 17 and 18 and
- 27 inserting in lieu thereof the following: "in the
- 28 business of scrapping vehicles, dismantling or storing
- 29 wrecked or damaged vehicles or selling reusable parts
- 30 of vehicles or storing vehicles not currently
- 31 registered which vehicles are subject to registration".
- c 32 11. Page 5, by inserting after line 19 the
- 33 following:
- 34 "Sec. _____. Section three hundred twenty-one point
- 35 thirty (321.30), Code 1977, is amended by adding the
- 36 following new unnumbered paragraph:
- 37 NEW UNNUMBERED PARAGRAPH. The treasurer shall
- 38 also refuse registration of any vehicle if the
- 39 applicant for registration of such vehicle has failed
- 40 to pay the required registration fees of any vehicle
- 41 owned or previously owned when the registration fee
- 42 was required to be paid by the applicant and for which
- 43 vehicle the registration was suspended or revoked
- 44 under the provisions of section three hundred twenty-
- 45 one point one hundred one (321.101), subsection four
- 46 (4), of the Code, until such fees are paid together
- 47 with any accrued penalties.
- 48 Sec. _____. Section three hundred twenty-one point
- 49 forty-nine (321.49), subsection one (1), Code 1977,
- 50 as amended by Acts of the Sixty-seventh General

1 Assembly, 1977 Session, chapter one hundred three
2 (103), section nineteen (19), is amended to read as
3 follows:

4 1. If Except as provided in section three hundred
5 twenty-one point fifty-two (321.52) of the Code, if
6 an application for transfer of registration and
7 certificate of title is not submitted to the county
8 treasurer of the residence of the transferee within
9 seven days of the date of assignment or transfer of
10 title, a penalty of five dollars shall accrue against
11 said vehicle, and no registration card or certificate
12 of title shall thereafter be issued until penalty
13 is paid."

14 12. Page 7, line 15, by inserting after the period
15 the words "The junking certificate shall be of a form
16 to allow for the notation of component part numbers
17 of the component parts of the vehicle. The junking
18 certificate shall provide a space for the notation
19 of the transferee of the component parts of the vehicle
20 transferred by the owner of the vehicle."

21 13. Page 8, line 3, by striking the word "seven"
22 and inserting in lieu thereof the word "fourteen".

23 14. Page 8, line 20, by striking the word "seven"
24 and inserting in lieu thereof the word "fourteen".

25 15. Page 9, lines 2 through 4, by striking the
26 words ", the director, the county sheriff or the chief
27 of police in cities with a population exceeding five
28 thousand persons" and inserting in lieu thereof the
29 words "or the director".

30 16. Page 9, line 21, by striking the words "vehicle
31 scrap processor,".

32 17. Page 9, line 29, by striking the words "vehicle
33 scrap processor,".

34 18. Page 9, line 34, by inserting after the word
35 "received" the words "for resale as component parts".

36 19. Page 10, line 3, by inserting after the word
37 "occurred" the words "and the junking certificate
38 if required for the vehicle".

39 20. Page 10, by inserting after line 21 the
40 following:

41 "Sec. ____ . Section three hundred twenty-one point
42 one hundred one (321.101), Code 1977, is amended by
43 adding the following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. If a vehicle, for which
45 the registration has been suspended or revoked pursuant
46 to subsection four (4) of this section, is transferred
47 to a bona fide purchaser for value without actual
48 knowledge of such suspension or revocation then the
49 vehicle shall be deemed to be registered and the
50 provisions of sections three hundred twenty-one point

1 twenty-eight (321.28) and three hundred twenty-one
 2 point thirty (321.30), subsections four (4) and five
 3 (5), of the Code shall not be applicable to such
 4 vehicle for the failure of the previous owner to pay
 5 the required fees."

A 6 21. Page 10, by striking lines 33 through 35 and
 7 inserting in lieu thereof the words "Code. If the
 8 lien".

9 22. Page 11, lines 1 and 2, by striking the words
 10 "within sixty days after the lien attaches to the
 11 vehicle".

12 23. Page 13, line 1, by striking the words "or
 13 revoking".

14 24. Page 13, line 32, by striking the words
 15 "suspended or revoked" and inserting in lieu thereof
 16 the words "revoked or has been suspended".

B 17 25. Page 21, by inserting after line 25 the
 18 following:

19 "The standards established under this section shall
 20 be those necessary to protect the public health and
 21 welfare, taking into account the magnitude and the
 22 conditions of use of such motor vehicle, the degree
 23 of reductions reasonably available through the
 24 application of the available technology, and the cost
 25 of compliance. In establishing such standards, the
 26 department and the department of environmental quality
 27 shall give due consideration to standards under federal
 28 laws and regulations designed to safeguard the public
 29 health and welfare."

30 26. Amend the title, line 22, by inserting after
 31 the word "lots" the words ", providing for penalties".

S-5433 FILED
 MARCH 29, 1978

BY RICHARD F. DRAKE
 CLOYD E. ROBINSON

A. Adopted as amended by S-443 3/30 (p. 684)
 B. Withdrawn 3/30 (p. 685)
 C. Adopted 3/30 (p. 685)
 D. Adopted 3/30 (p. 685)

SENATE FILE 2187

S-5443

1 Amend the Drake amendment S-5433 to Senate
 2 File 2187 as follows:

3 1. Page 2, lines 16 and 17 by striking the
 4 words "notation of component part numbers of the
 5 component parts" and inserting in lieu thereof the
 6 following: "assignment of ownership".

7 2. Page 2, line 37 by striking the word "and"
 8 and inserting in lieu thereof the word "or".

S-5443 FILED & ADOPTED (p. 684)
 MARCH 30, 1978

BY CLOYD ROBINSON

See Transportation 4/10

Senate File 2187

Transportation: Brunow, Chair: Lazeschulte, Doyle, Davitt and Schroeder.

SENATE FILE 2187

By COMMITTEE ON TRANSPORTATION

(AS AMENDED AND PASSED BY THE SENATE MARCH 30, 1978)

Passed Senate, Date ^{*per 5935*} 5-13-78 (p. 1624) Passed House, Date 5-12-78 (p. 2728)
 Vote: Ayes 44 Nays 0 Vote: Ayes 78 Nays 13
 Approved 6-23-78

A BILL FOR

1 An Act relating to transportation providing for licensing
 2 authorized vehicle recyclers, modification of temporary
 3 drivers permit provisions, the issuance of restricted
 4 certificate of title, junking certificate and salvage
 5 certificate of title, the inspections of vehicles and
 6 component parts, requirements for perfecting state liens
 7 on motor vehicles, elimination of the listing of "occupation"
 8 on motor vehicle licenses, the prohibition of eluding or
 9 attempting to elude a marked police vehicle, appropriations
 10 for notice of suspensions and revocations, the elimination
 11 of inspection requirements for pollution control equipment
 12 and for vehicles for which the certificate of title must be
 13 surrendered, definitions for illuminated signals on official
 14 traffic control signals and the duties for stopping before
 15 yield signs, stop signs and railroad crossings, the reporting
 16 of property damage accidents, the placement of stop signs on
 17 highways, the promulgation of motor vehicle noise and exhaust
 18 requirements, the prohibitions of removing certain motor
 19 vehicle identification numbers, elimination of certain
 20 financial responsibility requirements, the movement of
 21 oversized loads of hay, straw or stover, a ten dollar fee
 22 for car lots, providing for penalties and repeal of certain
 23 sections.

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

25 = New Language * = Language Stricken
 by the Senate by the Senate

*6479 6237-22
6516 6525*

*6636 stricken all
6709 " " "*

1 Section 1. The Code editor, in codifying the provisions
2 of this Act, is directed to codify sections two (2) through
3 eight (8) of this Act as a new chapter.

4 Sec. 2. NEW SECTION. ADMINISTRATION. The administra-
5 tion of this chapter shall be vested in the director of the
6 state department of transportation. The department may employ
7 such employees as are necessary for the administration of
8 this chapter, within applicable budget limitations.

9 Sec. 3. NEW SECTION. DEFINITIONS. As used in this chapter
10 and unless a different meaning appears from the context:

11 1. "Person" includes any individual, firm, corporation,
12 copartnership, joint adventure, or association, and the plural
13 as well as the singular number.

14 2. "Department" means the state department of trans-
15 portation.

16 3. "Selling" includes bartering, exchanging, or other-
17 wise dealing in.

18 4. "Vehicle" means any vehicle as defined in chapter three
19 hundred twenty-one (321) of the Code.

20 5. "Vehicle rebuilder" means a person engaged in the
21 business of rebuilding or restoring to operating condition
22 vehicles subject to registration under chapter three hun-
23 dred twenty-one (321) of the Code, which have been damaged
24 or wrecked.

* 25 6. "Used vehicle parts dealer" means a person engaged
26 in the business of selling bodies, parts of bodies, frames
27 or component parts of used vehicles subject to registration
28 under chapter three hundred twenty-one (321) of the Code.

29 7. "Vehicle salvager" means a person engaged in the
30 business of scrapping vehicles, dismantling or storing wrecked
31 or damaged vehicles or selling reusable parts of vehicles
32 or storing vehicles not currently registered which vehicles
33 are subject to registration under chapter three hundred twenty-
34 one (321) of the Code.

35 8. "Authorized vehicle recycler" means a person licensed

* 1 to operate as a vehicle rebuilder, used vehicle parts dealer
2 or vehicle salvager.

3 9. "Wrecked or salvage vehicle" means a damaged vehicle
4 for which the cost of repair exceeds fifty percent of the
5 fair market value of the vehicle before it became damaged.

6 10. "Extension" means a place of business of an authorized
7 vehicle recycler other than the principal place of business
8 within the county of the principal place of business.

9 Sec. 4. NEW SECTION. PROHIBITIONS. Except for educational
10 institutions, people licensed as new or used vehicle dealers
11 under chapter three hundred twenty-two (322) of the Code,
12 people engaged in the business of purchasing bodies, parts
13 of bodies, frames or component parts of vehicles only for
14 sale as scrap metal or a person licensed under the provisions
15 of this chapter as an authorized vehicle recycler, a person
16 in this state shall not engage in the business of:

17 1. Selling used bodies, parts of bodies, frames or
18 component parts of more than six used vehicles subject to
19 registration under chapter three hundred twenty-one (321)
20 of the Code in a calendar year; or

21 2. Wrecking or dismantling in a calendar year more than
22 six vehicles or the parts of more than six vehicles subject
23 to registration under chapter three hundred twenty-one (321)
24 of the Code for resale; or

25 3. Rebuilding or restoring for sale six or more wrecked
26 or salvage vehicles subject to registration under chapter
27 three hundred twenty-one (321) of the Code in a calendar year;
28 or

29 4. Storing vehicles not currently registered or storing
30 damaged vehicles except where such storing of damaged vehicles
31 is incidental to the primary purpose of the repair of motor
32 vehicles for others, scrapping, disposing, salvaging or
33 recycling more than six vehicles or parts of more than six
34 vehicles subject to registration under chapter three hundred
35 twenty-one (321) of the Code in a calendar year.

1 Sec. 5. NEW SECTION. LICENSE APPLICATION AND FLES.

2 1. Upon application and payment of a thirty-five dol-
3 lar fee, a person may apply for a license to operate as an
4 authorized vehicle recycler to engage in the business as one
5 or more of the following:

- 6 a. A vehicle rebuilder; or
- * 7 b. A used vehicle parts dealer; or
- 8 c. A vehicle salvager.

9 2. Application for a license as an authorized vehicle
10 recycler shall be made to the department on forms provided
11 by the department. The application shall be accompanied by
12 the fee. The license shall be approved or disapproved within
13 thirty days after application for the license. Each license
14 shall expire, unless revoked or suspended by the department,
15 on December thirty-first of the calendar year for which the
16 license was granted. A separate license shall be obtained
17 for each county in which an applicant conducts operations.

18 3. Each licensee shall file with the department a sup-
19 plemental statement form when the licensee's principal place
20 of business, an extension or the operation of business in
21 the county is changed to differ from the information contained
22 on the initial license application form within fifteen days
23 after each operational change. The department shall notify
24 each licensee of the approval of a change in license status.
25 If a change in license status is approved by the department
26 the licensee shall surrender the old license to the department
27 together with a thirty-five dollar fee. The department shall
28 issue a new license modified to reflect the principal place
29 of business, each extension and the operations of the licensee.

30 Sec. 6. NEW SECTION. DISPLAY OF LICENSE. A license
31 issued under the provisions of this chapter shall specify
32 the location of the principal place of business, each extension
33 within the county of the principal place of business and the
34 license shall be conspicuously displayed at the principal
6490-35 place of business.

1 Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR REVOCATION
2 OF LICLNSL. The license of a person issued under the
3 provisions of this chapter may be denied, revoked or suspended
4 if the department finds that the licensee has:

5 1. Violated any provisions of this chapter; or

6 2. Made any material misrepresentation to the depart-
7 ment in connection with an application for a license, junking
8 certificate, salvage certificate, certificate of title or
9 registration of a vehicle; or

10 3. Been convicted of a fraudulent practice in connec-
11 tion with selling or offering for sale vehicles or parts of
12 vehicles subject to registration under chapter three hundred
13 twenty-one (321) of the Code; or

14 4. Failed to maintain an established principal place of
15 business in the county without notification to the department;
16 or

17 5. Had a license issued under the provisions of this
18 chapter denied, suspended or revoked within the previous three
19 years; or

20 6. Been convicted of violation of any of sections three
21 hundred twenty-one point fifty-two (321.52), three hundred
22 twenty-one point seventy-one (321.71), three hundred twenty-
23 one point seventy-eight (321.78), three hundred twenty-one
24 point ninety-two (321.92), three hundred twenty-one point
25 ninety-seven (321.97), three hundred twenty-one point ninety-
26 eight (321.98), three hundred twenty-one point ninety-nine
27 (321.99), three hundred twenty-one point one hundred (321.100),
28 or seven hundred thirteen point twenty-four (713.24) of the
29 Code.

30 Sec. 8. NEW SECTION. FEES. All fees of whatever character
31 accruing from the administration of this chapter shall be
32 accounted for and paid by the department into the state
33 treasury monthly and shall be credited to the road use tax
34 fund.

35 Sec. 9. Section three hundred twenty-one point one (321.1),

6474
6470
6514

1 Code 1977 Supplement, is amended by adding the following new
2 subsections:

3 NEW SUBSECTION. "Vehicle rebuilder" means a person engaged
4 in the business of rebuilding or restoring to operating condi-
5 tion vehicles subject to registration under chapter three
6 hundred twenty-one (321) of the Code, which have been damaged
7 or wrecked.

* 8 NEW SUBSECTION. "Used vehicle parts dealer" means a per-
9 son engaged in the business of selling bodies, parts of bodies,
10 frames or component parts of used vehicles subject to
11 registration under chapter three hundred twenty-one (321)
12 of the Code.

13 NEW SUBSECTION. "Vehicle salvager" means a person engaged
14 in the business of scrapping vehicles, dismantling or storing
15 wrecked or damaged vehicles or selling reusable parts of
16 vehicles or storing vehicles not currently registered which
17 vehicles are subject to registration under chapter three
18 hundred twenty-one (321) of the Code.

19 Sec. 10. Section three hundred twenty-one point thirty
20 (321.30), Code 1977, is amended by adding the following new
21 unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. The treasurer shall also refuse
23 registration of any vehicle if the applicant for registration
24 of such vehicle has failed to pay the required registration
25 fees of any vehicle owned or previously owned when the
26 registration fee was required to be paid by the applicant
27 and for which vehicle the registration was suspended or revoked
28 under the provisions of section three hundred twenty-one point
29 one hundred one (321.101), subsection four (4), of the Code,
30 until such fees are paid together with any accrued penalties.

31 Sec. 11. Section three hundred twenty-one point forty-
32 nine (321.49), subsection one (1), Code 1977, as amended by
33 Acts of the Sixty-seventh General Assembly, 1977 Session,
34 chapter one hundred three (103), section nineteen (19), is
35 amended to read as follows:

1 1. ¶ Except as provided in section three hundred twenty-
2 one point fifty-two (321.52) of the Code, if an application
3 for transfer of registration and certificate of title is not
4 submitted to the county treasurer of the residence of the
5 transferee within seven days of the date of assignment or
6 transfer of title, a penalty of five dollars shall accrue
7 against said vehicle, and no registration card or certificate
8 of title shall thereafter be issued until penalty is paid.

9 Sec. 12. Section three hundred twenty-one point fifty-
10 one (321.51), subsection four (4), Code 1977, as amended by
11 Acts of the Sixty-seventh General Assembly, 1977 Session,
12 chapter one hundred three (103), section twenty-two (22),
13 is amended to read as follows:

14 4. The Except as provided in section three hundred twenty-
15 one point fifty-two (321.52) of the Code, the county treasurer
16 of the county of residence of the transferee upon receipt
17 of the application for a new certificate of title, the
18 appropriate fee therefor, and the affidavit as provided in
19 subsection 2 of this section, and when satisfied as to the
20 genuineness and regularity thereof of the application, shall
21 issue a restricted certificate of title to the applicant but
22 shall not issue registration plates or a registration card.
23 A restricted certificate of title shall be red in color and
24 shall have conspicuously imprinted thereon in bold print,
25 in a manner prescribed by the department, the words "RESTRICTED
26 CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON
27 THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION
28 EXCEPT AS PROVIDED IN SECTION three hundred twenty-one point
29 fifty-one (321.51) of the Code." At such time as the trans-
30 feree surrenders a valid approved certificate of inspection
31 and the restricted certificate of title to the county treasurer
32 of the county of residence, the county treasurer, upon payment
33 of the appropriate fees, shall issue a certificate of title
34 that is not restricted for the vehicle and shall also issue
35 a registration card and registration plates to the applicant

1 if the applicant is not in possession of registration plates
2 which may be attached to the vehicle, however, if the
3 registration fee for the vehicle has been paid for the current
4 year, the county treasurer shall issue a registration card
5 and registration plates to the applicant if the applicant
6 is not in possession of registration plates which may be
7 attached to the vehicle upon payment of an additional
8 registration fee of five dollars. A vehicle with a restricted
9 certificate of title shall not have a registration plate
10 attached to the vehicle.

11 Sec. 13. Section three hundred twenty-one point fifty-
12 one (321.51), subsection seven (7), Code 1977, as amended
13 by Acts of the Sixty-seventh General Assembly, 1977 Session,
14 chapter one hundred three (103), section twenty-two (22),
15 is amended by striking the subsection.

16 Sec. 14. Section three hundred twenty-one point fifty-
17 two (321.52), subsection one (1), Code 1977, as amended by
18 Acts of the Sixty-seventh General Assembly, 1977 Session,
19 chapter one hundred three (103), section twenty-three (23),
20 is amended by striking the subsection.

21 Sec. 15. Section three hundred twenty-one point fifty-
22 two (321.52), Code 1977, as amended by Acts of the Sixty-
23 seventh General Assembly, 1977 Session, chapter one hundred
24 three (103), section twenty-three (23), is amended by adding
25 the following new subsections:

26 NEW SUBSECTION. The purchaser or transferee of a motor
27 vehicle for which a certificate of title is issued which is
28 sold for scrap or junk shall surrender the certificate of
29 title and registration receipt to the county treasurer of
30 the county of residence of the transferee within fifteen days
31 after assignment of the certificate of title. The county
32 treasurer shall issue to such person without fee a junking
33 certificate. A junking certificate shall authorize the holder
34 to possess, transport or transfer by endorsement the ownership
35 of the junked vehicle. A certificate of title shall not again

1 be issued for the vehicle subsequent to the issuance of a
2 junking certificate. The county treasurer shall cancel the
3 record of the vehicle and forward the certificate of title
4 to the department. The junking certificate shall be of a
5 form to allow for the assignment of ownership of the vehicle.
6 The junking certificate shall provide a space for the notation
7 of the transferee of the component parts of the vehicle
8 transferred by the owner of the vehicle.

9 NEW SUBSECTION. When a vehicle for which a certificate
10 of title is issued is junked or dismantled by the owner, the
11 owner shall detach the registration plates and surrender the
12 plates to the county treasurer, unless the plates are properly
13 assigned to another vehicle. The owner shall also surrender
14 the registration receipt and certificate of title to the
15 county treasurer. Upon surrendering the certificate of title,
16 the county treasurer shall issue to such person, without fee,
17 a junking certificate, which shall authorize the holder to
18 possess, transport or transfer ownership of the junked vehicle
19 by endorsement of the junking certificate. A certificate
20 of title shall not again be issued for the junked vehicle
21 for which a junking certificate is issued. The county
22 treasurer shall cancel the record of the vehicle and forward
23 the certificate of title to the department.

24 NEW SUBSECTION. A vehicle rebuilder or a motor vehicle
25 dealer licensed under chapter three hundred twenty-two (322)
26 of the Code, upon acquisition of a wrecked or salvage vehicle,
27 shall surrender the certificate of title and registration
28 receipt or manufacturer's or importer's statement of origin
29 properly assigned, together with an application for a salvage
30 certificate of title to the county treasurer of the county
31 of residence of the purchaser or transferee within fourteen
32 days after the date of assignment of the certificate of title
33 for the wrecked or salvage motor vehicle. The provisions
34 of this subsection shall apply only to vehicles with a fair
35 market value of five hundred dollars or more, based on the

1 value before the vehicle became wrecked or salvage. Upon
2 payment of a fee of two dollars, the county treasurer shall
3 issue a salvage certificate of title which shall be of a
4 distinctive color and bear the words "SALVAGE CERTIFICATE
5 OF TITLE". A salvage certificate of title may be assigned
6 to any person. Notwithstanding any other provisions in this
7 section a vehicle on which ownership has transferred to an
8 insurer of such vehicle, as a result of a settlement with
9 the owner of the vehicle arising out of damage to, or
10 unrecovered theft of the vehicle, shall be deemed to be a
11 wrecked or salvage vehicle and the insurer shall comply with
12 the provisions of this subsection to obtain a salvage
13 certificate of title within fourteen days after the date of
14 assignment of the certificate of title of the vehicle. Any
15 owner, except an insurer of vehicles, who transfers a wrecked
16 or salvage vehicle with a fair market value less than five
17 hundred dollars, based on the value before it became wrecked
18 or salvage, shall comply with the provisions of section three
19 hundred twenty-one point fifty-one (321.51) of the Code.

20 When a wrecked or salvage vehicle has been repaired or
21 rebuilt, that person shall make application for a certificate
22 of title to the county treasurer of the county of residence
23 of the owner, and shall surrender the salvage certificate
24 of title issued for the vehicle. A verification of the vehicle
25 identification number of the vehicle shall be made by a peace
26 officer of the state department of transportation, the
27 department of public safety, county sheriff or police
28 department of cities with a population exceeding five thousand
29 persons or a person designated by the commissioner of public
* 30 safety or the director. The verification shall be made on
31 forms provided by the department and signed by the peace
32 officer or the appropriately designated person and the
33 verification form shall be surrendered by the owner to the
34 county treasurer at the time application is made for a
35 certificate of title. Upon payment of the appropriate fees

1 and surrender of the appropriate documents the county treasurer
 2 shall issue a certificate of title to the person making
 3 application.

4 For purposes of this subsection a "wrecked or salvage
 5 vehicle" means a damaged vehicle for which the cost of repair
 6 exceeds fifty percent of the fair market value of the vehicle
 7 before it became damaged.

8 Sec. 16. Section three hundred twenty-one point ninety-
 9 five (321.95), Code 1977, is amended to read as follows:

10 321.95 RIGHT OF INSPECTION. Peace officers ~~or-examiners~~
 11 ~~employed-in-the-department~~ shall have the authority to inspect
 12 any vehicle or component part in possession of a ~~demolisher~~
 * 13 vehicle rebuilder, vehicle salvager, used vehicle parts dealer
 14 or any person licensed under chapter three hundred twenty-
 15 two (322) of the Code, or found upon the public highway or
 16 in any public garage or, enclosure or property in which
 17 vehicles or component parts are kept for sale, storage, hire
 18 or repair and for that purpose may enter any such public
 19 garage or, enclosure or property. Every person-doing-business
 20 as-a-demolisher vehicle rebuilder, vehicle salvager, used
 * 21 vehicle parts dealer, or any person licensed under chapter
 22 three hundred twenty-two (322) of the Code, or a person having
 23 used engines or transmissions which are component parts for
 24 sale shall keep an accurate and complete record of all vehicles
 25 demolished and of such component parts purchased or received
 26 for resale as component parts in the course of business.
 27 These records shall contain the name and address of the person
 28 from whom each such vehicle or component part was purchased
 29 or received and the date when the purchase or receipt occurred
 30 or the junking certificate if required for the vehicle. These
 31 records shall be open for inspection by any police-authority
 32 peace officer at any time during normal business hours.
 33 Records required by this section shall be kept for at least
 34 three years after the transaction which they record.

35 Sec. 17. Section three hundred twenty-one point one hundred

1 (321.100), Code 1977 Supplement, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. To transfer in any manner or to offer
4 to transfer in any manner a certificate of title,
5 manufacturer's or importer's certificate to any vehicle on
6 which a salvage certificate of title or junking certificate
7 is required under section three hundred twenty-one point
8 fifty-two (321.52) of the Code, with knowledge or reason to
9 believe that the certificate will be used for a vehicle other
10 than the vehicle for which the certificate is issued.

11 "Transfer" for the purposes of this subsection means to sell,
12 exchange, change possession or ownership or convey in any
13 manner.

14 Sec. 18. Section three hundred twenty-one point one hundred
15 one (321.101), Code 1977, is amended by adding the following
16 new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. If a vehicle, for which the
18 registration has been suspended or revoked pursuant to
19 subsection four (4) of this section, is transferred to a bona
20 fide purchaser for value without actual knowledge of such
21 suspension or revocation then the vehicle shall be deemed
22 to be registered and the provisions of sections three hundred
23 twenty-one point twenty-eight (321.28) and three hundred
24 twenty-one point thirty (321.30), subsections four (4) and
25 five (5), of the Code shall not be applicable to such vehicle
26 for the failure of the previous owner to pay the required
27 fees.

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28 Sec. 19. Section three hundred twenty-one point one hundred
29 thirty-one (321.131), Code 1977, is amended to read as follows:

30 321.131 LIEN OF FEE. All registration or other fees
31 provided for in this chapter shall be and continue a lien
32 against the vehicle for which said fees are payable unless
33 otherwise provided in this section until such time as they
34 are paid as provided by law, with any accrued penalties.
35 The county treasurer may perfect a security interest in a

1 vehicle for the amount of such fees by noting the lien upon
 2 the certificate of title for the vehicle as provided in sec-
 3 tion three hundred twenty-one point fifty (321.50) of the
 4 Code. If the lien is not perfected as provided in this section,
 5 the lien shall not be valid against a bona fide purchaser
 6 of the vehicle without actual notice to the purchaser.

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7 Sec. 20. Section three hundred twenty-one point one hundred
 8 eighty-one (321.181), Code 1977, is amended by striking
 9 unnumbered paragraphs two (2), three (3), four (4), and five
 10 (5).

11 Sec. 21. Section three hundred twenty-one point one hun-
 12 dred eighty-three (321.183), Code 1977, is amended to read
 13 as follows:

14 321.183 CONTENTS OF APPLICATION. Every said application
 15 shall state the full name, date of birth, occupation, sex,
 16 and residence address of the applicant, and briefly describe
 17 the applicant, and shall state whether the applicant has
 18 theretofore been licensed as an operator or chauffeur, and,
 19 if so, when and by what state or country, and whether any
 20 such license has ever been suspended or revoked, or whether
 21 an application has ever been refused, and, if so, the date
 22 of and reason for such suspension, revocation, or refusal.

23 Sec. 22. Section three hundred twenty-one point one hundred
 24 eighty-nine (321.189), subsection one (1), Code 1977, as
 25 amended by Acts of the Sixty-seventh General Assembly, 1977
 26 Session, chapter one hundred three (103), section forty-one
 27 (41), is amended to read as follows:

28 1. MOTOR VEHICLE LICENSE. Upon the payment of the re-
 29 quired fee, the department shall issue to every qualifying
 30 applicant an operator's license, motorized bicycle license,
 31 or chauffeur's license, as applied for. Appearing on this
 32 license shall be a distinguishing number assigned to the
 33 licensee; the licensee's full name, date of birth, occupation,
 34 sex, residence address; a colored photograph; a brief
 35 description of the licensee; and the usual signature of the

1 licensee. If prior to the renewal date, a person desires
2 to obtain an operator's or chauffeur's license in the form
3 authorized by this section, such license may be issued as
4 a voluntary replacement upon payment of the required fee.
5 The number of places where licenses are available shall not
6 be reduced because of procedures or equipment required in
7 placing colored photographs on licenses or permits. The
8 department shall provide a space on every license where the
9 licensee may affix a decal or sticker indicating that the
10 licensee is a donor under the Uniform Anatomical Gift Act
11 and shall provide a space where the licensee may affix a
12 symbol indicating the presence of a medical condition. The
13 license may contain such other information as the department
14 may by rule require. No license shall be valid unless it
15 bears the usual signature of the licensee. The department
16 shall advise an applicant that he or she may request a number
17 other than a social security number as the motor vehicle li-
18 cense number. The department shall not retain a positive
19 or negative photograph of the licensee. The licensee may
20 affix a decal or sticker on the license in the space provided
21 which indicates that the licensee is a donor under the Uniform
22 Anatomical Gift Act. The decal shall not be larger than one-
23 half inch in diameter. The use of the decal or sticker on
24 the license shall be authorized only if the licensee has
25 complied with the provisions for making a gift under the
26 Uniform Anatomical Gift Act and shall be effective only if
27 the licensee carries on or about the licensee's person a duly
28 signed and executed donor card as authorized by the Uniform
29 Anatomical Gift Act.

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6516 30 Sec. 23. Section three hundred twenty-one point two hundred
31 ten (321.210), Code 1977, is amended by adding the following
32 new subsection:

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6516 33 NEW SUBSECTION. 8. Has eluded or attempted to elude a
34 pursuing police vehicle pursuant to section thirty-four (34)
35 of this Act.

1 Sec. 24. Section three hundred twenty-one point two hundred
2 eleven (321.211), Code 1977, is amended to read as follows:

* 3 321.211 NOTICE AND HEARING. Upon suspending the license
4 of any person as hereinbefore authorized the department shall
5 immediately notify the licensee in writing and upon his or
6 her request shall afford him or her an opportunity for a
7 hearing before the director or his or her duly authorized
8 agent as early as practical within not to exceed thirty days
9 after receipt of such request in the county wherein the
10 licensee resides unless the department and the licensee agree
11 that such hearing may be held in some other county. Upon
12 such hearing the director or his or her duly authorized agent
13 may administer oaths and may issue subpoenas for the attendance
14 of witnesses and the production of relevant books and papers
15 and may require a re-examination of the licensee. Upon such
16 hearing the department shall either rescind its order of
17 suspension or for good cause may extend the suspension of
18 such license or revoke such license. There is hereby
19 appropriated each year from the general fund of the state
20 to the department one hundred five thousand dollars or so
21 much thereof as may be necessary to be used to pay the cost
22 of notice and personal delivery of service, if necessary to
23 meet the notice requirement of this section. The department
24 shall promulgate rules governing the payment of the cost of
25 personal delivery of service. The reinstatement fees collected
26 under section three hundred twenty-one point one hundred
27 ninety-one (321.191) of the Code shall be deposited in the
28 general fund of the state in a manner provided in section
29 three hundred twenty-one point one hundred ninety-two (321.192)
30 of the Code, as reimbursement for the costs of notice under
31 this section.

32 A peace officer stopping a person for whom a notice of
33 a suspension or revocation has been issued or to whom a notice
34 of a hearing has been sent under the provisions of this section
35 may personally serve such notice upon forms approved by the

1 department to satisfy the notice requirements of this section.
2 The peace officer may confiscate the motor vehicle license
3 of such person if the license has been revoked or has been
4 suspended subsequent to a hearing and the person has not
5 forwarded the motor vehicle license to the department as
6 required.

7 Sec. 25. Section three hundred twenty-one point two hundred
8 thirty-eight (321.238), subsection ten (10), unnumbered
9 paragraph one (1), Code 1977, is amended to read as follows:

10 In making a vehicle inspection, the inspection station
11 shall inspect such of the following equipment as is applicable
12 to the vehicle: Brakes, lights, turning signals, steering,
13 sound devices, glass, mirrors, exhaust system, windshield
14 wipers, seat belts, tires and such other safety equipment
15 as may be prescribed for inspection under rules adopted by
16 the director. ~~The inspection station shall also inspect each~~
17 ~~motor vehicle to ascertain that none of the factory installed~~
18 ~~emission control devices have been removed or rendered inopera-~~
19 ~~ble-~~

20 Sec. 26. Section three hundred twenty-one point two hundred
21 thirty-eight (321.238), subsection twelve (12), Code 1977,
22 is amended to read as follows:

23 12. Every motor vehicle subject to registration under
24 the laws of this state, except motor vehicles registered under
25 section 321.115, and motorized bicycles, motor vehicles
26 transferred under the provisions of sections three hundred
27 twenty-one point fifty-one (321.51) and three hundred twenty-
28 one point fifty-two (321.52) of the Code when first registered
29 in this state, other than a registration to a dealer licensed
30 under chapter 322, and each time when transferred for use
31 within this state or when registration is changed from a
32 registration as provided in section 321.115 to a regular
33 registration, other than transfers to a dealer licensed under
34 chapter 322, shall be inspected at an authorized inspection
35 station, unless there is affixed to the motor vehicle a valid

1 certificate of inspection which was issued for the motor
2 vehicle not more than sixty days prior to the date on which
3 the vehicle was transferred and the vehicle has not been
4 transferred during the sixty-day period, provided that during
5 a one-year period the vehicle may be transferred between
6 parents and their children ~~or-between-spouses~~ without another
7 inspection. A vehicle inspection is not required when the
8 transfer of the vehicle or an interest in the vehicle is
9 between spouses or when required pursuant to a decree for
10 dissolution of marriage between former spouses. However,
11 the certificate of inspection for a new motor vehicle which
12 has not previously been sold at retail and which is not sold
13 within sixty days after the date the inspection was performed
14 may be revalidated by the inspection station without another
15 inspection provided the motor vehicle has not been driven
16 more than one hundred miles since the inspection was performed.
17 If the motor vehicle is subject to inspection, the authorized
18 inspection station shall issue and affix a valid certificate
19 of inspection or certificate of rejection, as the case may
20 be, in accordance with the results of the inspection. If
21 an inspection is required, an applicant shall file with an
22 application for title to the vehicle or for registration
23 thereof under the provisions of section 321.23, subsection
24 2 or 3, with the county treasurer of the county of his or
25 her residence, a statement on a form provided by the director,
26 signed by an authorized inspection station certifying the
27 date that a certificate of inspection was issued for and
28 affixed to the vehicle. If an inspection is required the
29 county treasurer shall not issue a title to the vehicle to
30 the applicant or register the vehicle unless such statement
31 is filed with the application showing that the inspection
32 of the vehicle was made not more than sixty days prior to
33 the date of sale or transfer, or unless the vehicle was
34 purchased out of this state by a resident of this state who
35 resides outside of this state, but desires to maintain his

1 or her Iowa residency and he or she executes a statement to
2 that effect in form and content as prescribed by the director.
3 The county treasurer shall stamp the registration card for
4 such vehicle with the words "NOT INSPECTED." A vehicle so
5 registered shall be inspected at an authorized inspection
6 station within fifteen days after being brought into this
7 state. The county treasurer shall mail the statement of
8 inspection or statement of out-of-state residency to the
9 department at the time of mailing copies of the registration
10 receipt. The department may destroy any forms, certificates
11 or statements after one year from the date they are filed
12 unless they relate to pending appeals. ~~The provisions of~~
13 ~~this subsection shall not be applicable to the transfer of~~
14 ~~a motor vehicle to the insurer of such vehicle who obtains~~
15 ~~ownership of such vehicle as a result of a settlement with~~
16 ~~the owner thereof arising out of damage to such vehicle and~~
17 ~~written proof thereof is submitted to the county treasurer~~
18 ~~on forms prescribed by the department.~~

19 Sec. 27. Section three hundred twenty-one point two hundred
20 fifty-six (321.256), Code 1977, is amended to read as follows:

21 321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.
22 No driver of a vehicle ~~or motorman of a streetcar~~ shall disobey
23 the instructions of any official traffic-control device placed
24 in accordance with the provisions of this chapter, unless
25 at the time otherwise directed by a ~~police~~ peace officer
26 subject to the exceptions granted the driver of an authorized
27 emergency vehicle.

28 Sec. 28. Section three hundred twenty-one point two hundred
29 fifty-seven (321.257), Code 1977, is amended by striking the
30 section and inserting in lieu thereof the following:

31 321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.
32 1. For the purposes of this section "stop at the official
33 traffic control signal" means stopping at the first opportunity
34 at either the clearly marked stop line or before entering
35 the crosswalk or before entering the intersection.

1 2. Official traffic control signals consisting of colored
2 lights or colored lighted arrows shall regulate vehicle and
3 pedestrian traffic in the following manner:

4 a. A "steady circular red" light means vehicular traffic
5 shall stop. Vehicular traffic shall remain standing until
6 a signal to proceed is shown or vehicular traffic, unless
7 prohibited by a sign, may cautiously enter the intersection
8 to make a right turn from the right lane of traffic or a left
9 turn from a one-way street to a one-way street from the left
10 lane of traffic on a one-way street onto the left most lane
11 of traffic on a one-way street. Turns made under this
12 paragraph shall be made in a manner that does not interfere
13 with other vehicular or pedestrian traffic lawfully using
14 the intersection. Pedestrian traffic facing a steady circular
15 red light shall not enter the roadway unless otherwise allowed
16 by a pedestrian signal.

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17 b. A "steady circular yellow" or a "steady yellow arrow"
18 light means vehicular traffic is warned that the related green
19 movement is being terminated and vehicular traffic shall no
20 longer proceed into the intersection and shall stop. If the
21 stop cannot be made in safety, a vehicle may be driven
22 cautiously through the intersection. Pedestrian traffic is
23 warned that there is insufficient time to cross the
24 intersection and, unless otherwise directed by a pedestrian
25 signal, pedestrian traffic shall not proceed through the
26 intersection.

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27 c. A "steady circular green" light means vehicular traffic
28 may proceed straight, turn right or turn left through the
29 intersection unless otherwise specifically prohibited.
30 Vehicular traffic shall yield the right-of-way to other
31 vehicular and pedestrian traffic lawfully within the
32 intersection. Pedestrian traffic, unless otherwise directed
33 by a pedestrian signal, may proceed across the roadway in
34 the crosswalk.

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35 d. A "steady green arrow" light shown alone or with another

1 official traffic control signal means vehicular traffic may
2 cautiously enter the intersection and proceed in the direction
3 indicated by the arrow. Vehicular traffic shall yield the
4 right-of-way to other vehicles and pedestrians lawfully within
5 the intersection. Pedestrian traffic shall not proceed across
6 a roadway unless otherwise directed by a pedestrian signal.

7 e. A "flashing circular red" light means vehicular traffic
8 shall stop and after stopping may proceed cautiously through
9 the intersection yielding to all vehicles not required to
10 stop or yield which are within the intersection or approaching
11 so closely as to constitute a hazard, but then may proceed.

12 f. A "flashing yellow" light means vehicular traffic shall
13 proceed through the intersection or past such signal with
14 caution.

15 g. A "don't walk" light is a pedestrian signal which means
16 that pedestrian traffic facing the illuminated pedestrian
17 signal shall not start to cross the roadway in the direction
18 of the pedestrian signal, and pedestrian traffic in the
19 crossing shall proceed to a safety zone.

20 h. A "walk" light is a pedestrian signal which means that
21 pedestrian traffic facing the illuminated pedestrian signal
22 may proceed to cross the roadway in the direction of the
23 pedestrian signal and shall be given the right-of-way by
24 drivers of all vehicles.

25 Sec. 29. Section three hundred twenty-one point two hun-
26 dred fifty-eight (321.258), Code 1977, is amended by striking
27 the section and inserting in lieu thereof the following:

28 321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC CONTROL
29 SIGNALS.

30 1. Colored lights placed on a vertical official traffic
31 control signal face shall be arranged from the top to the
32 bottom in the following order when used: Circular red,
33 circular yellow, circular green, straight through yellow
34 arrow, straight through green arrow, left turn yellow arrow,
35 left turn green arrow, right turn yellow arrow, and right

1 turn green arrow.

2 2. Colored lights placed on a horizontal official traffic
3 control signal face shall be arranged from the left to the
4 right in the following order when used: Circular red, cir-
5 cular yellow, left turn yellow arrow, left turn green arrow,
6 circular green, straight through yellow arrow, straight through
7 green arrow, right turn yellow arrow, and right turn green
8 arrow.

9 Sec. 30. Section three hundred twenty-one point two hun-
10 dred sixty-five (321.265), Code 1977, is amended to read as
11 follows:

12 321.265 STRIKING FIXTURES UPON A HIGHWAY. The driver of
13 any vehicle involved in an accident resulting ~~only~~ in damage
14 to property legally upon or adjacent to a highway shall take
6490 - 15 reasonable steps to locate and notify the owner or person
16 in charge of such property of such fact and of his or her
17 name and address and of the registration number of the vehicle
18 ~~he-is-driving~~ causing the damage and shall upon request and
19 if available exhibit his or her operator's or chauffeur's
20 license and shall make report of such accident when and as
21 required in section 321.266.

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22 Sec. 31. Section three hundred twenty-one point three
23 hundred twenty-two (321.322), Code 1977, is amended by striking
24 the section and inserting in lieu thereof the following:

25 321.322 VEHICLES ENTERING STOP OR YIELD INTERSECTION.

26 1. The driver of a vehicle approaching a stop intersection
27 indicated by a stop sign shall stop at the first opportunity
28 at either the clearly marked stop line or before entering
29 the crosswalk or before entering the intersection or at the
30 point nearest the intersecting roadway where the driver has
31 a view of approaching traffic on the intersecting roadway
32 before entering the intersection. Before proceeding, the
33 driver shall yield the right-of-way to any vehicle on the
34 intersecting roadway which has entered the intersection or
35 which is approaching so closely as to constitute an immediate

1 hazard during the time the driver is moving across or within
2 the intersection.

3 2. The driver of a vehicle approaching a yield sign shall
4 slow to a speed reasonable for the existing conditions and,
5 if required for safety, shall stop at the first opportunity
6 at either the clearly marked stop line or before entering
7 the crosswalk or before entering the intersection or at the
8 point nearest the intersecting roadway where the driver has
9 a view of approaching traffic on the intersecting roadway.
10 After slowing or stopping, the driver shall yield the right-
11 of-way to any vehicle on the intersecting roadway which has
12 entered the intersection or which is approaching so closely
13 as to constitute an immediate hazard during the time the
14 driver is moving across or within the intersection.

15 Sec. 32. Section three hundred twenty-one point three
16 hundred forty-two (321.342), unnumbered paragraph one (1),
17 Code 1977, as amended by Acts of the Sixty-seventh General
18 Assembly, 1977 Session, chapter one hundred three (103),
19 section forty-seven (47), is amended by striking the para-
20 graph and inserting in lieu thereof the following:

21 The driver of any vehicle approaching a railroad grade
22 crossing across which traffic is regulated by a stop sign,
23 a railroad sign directing traffic to stop or an official
24 traffic control signal displaying a flashing red or steady
25 circular red colored light shall stop prior to crossing the
26 railroad at the first opportunity at either the clearly marked
27 stop line or at a point near the crossing where the driver
28 has a clear view of the approaching railroad traffic.

29 Sec. 33. Section three hundred twenty-one point three
30 hundred forty-five (321.345), Code 1977, is amended to read
31 as follows:

32 321.345 STOP OR YIELD AT THROUGH HIGHWAYS. The department,
33 based on an engineering study, with reference to primary
34 highways, and local authorities with reference to other
35 highways under their jurisdiction may designate through

1 highways and erect stop signs or yield signs, in accordance
2 with specifications established by the department at specified
3 entrances thereto to the highway or may designate any
4 intersection as a stop intersection or as a yield intersection
5 and erect like signs at one or more entrances to such
6 intersection.

7 ~~Every-said-sign-shall-bear-the-word-"Stop"-or-"Yield"-in~~
8 ~~letters-not-less-than-six-inches-in-height.--Every-stop-or~~
9 ~~yield-sign-shall-be-located-as-near-as-practical-at-the~~
10 ~~property-line-of-the-highway-at-the-entrance-to-which-the~~
11 ~~stop-or-yield-must-be-made,or-at-the-nearest-line-of-the~~
12 ~~crosswalk-thereat,or,if-none,at-the-nearest-line-of-the~~
13 ~~roadway-~~

14 ~~Every-driver-of-a-vehicle-and-every-motorman-of-a-streetcar~~
15 ~~shall-stop-or-yield-at-such-sign-or-at-a-clearly-marked-stop~~
16 ~~line-before-entering-an-intersection-except-when-directed~~
17 ~~to-proceed-by-a-police-officer-or-traffic-control-signal-~~

18 Sec. 34. Chapter three hundred twenty-one (321), Code
19 1977, is amended by adding the following new section:

20 NEW SECTION. ELUDING OR ATTEMPTING TO ELUDE A PURSUING
21 POLICE VEHICLE. The driver of a motor vehicle commits a seri-
22 ous misdemeanor if the driver willfully fails to bring his
23 or her vehicle to a stop or otherwise eludes or attempts to
24 elude a pursuing police vehicle by exceeding the posted speed
25 limit by an amount in excess of twenty miles per hour after
26 being given a signal by red light and siren to bring the
27 vehicle to a stop. The peace officer giving the signal shall
28 be in a vehicle which shall be marked showing it to be an
29 official police vehicle.

30 Sec. 35. Chapter three hundred twenty-one (321), Code
31 1977, is amended by adding the following new section:

32 NEW SECTION. VEHICLES WITHOUT IDENTIFICATION NUMBERS.
33 Any person who knowingly buys, receives, disposes of, sells,
34 offers for sale, or has in his or her possession any vehicle,
35 or any component part of a vehicle, from which the vehicle

1 identification number or component part number has been
2 removed, defaced, covered, altered, or destroyed for the
3 purpose of concealing or misrepresenting the identity of the
4 vehicle or component part is guilty of a simple misdemeanor.

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5 Sec. 36. Section three hundred twenty-one point seventeen
6 (321A.17), Code 1977, is amended by adding the following new
7 subsection:

8 NEW SUBSECTION. An individual applying for a motor ve-
9 hicle license following a period of suspension or revocation
10 under the provisions of section three hundred twenty-one point
11 two hundred sixteen (321.216) of the Code Supplement shall
12 not be required to maintain proof of financial responsibility
13 under the provisions of this section.

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14 Sec. 37. Acts of the Sixty-seventh General Assembly, 1977
15 Session, chapter one hundred three (103), section fifty-four
16 (54), the first new section added to chapter three hundred
17 twenty-one E (321E), Code 1977, is amended to read as follows:

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18 NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS. Vehi-
19 cles or a combination of vehicles with divisible loads may
20 be moved on the highways of this state pursuant to a special
21 permit issued for special or emergency situations by the
22 department or local authorities subject to the discretion
23 and judgment provided for in section three hundred twenty-
24 one E point one (321E.1) of the Code. The combined gross
25 weight or gross weight on any one axle or group of axles may
26 exceed the limits established in section three hundred twenty-
27 one point four hundred sixty-three (321.463) of the Code,
28 subject to the limits and routes established by the issuing
29 authority. However movement of hay, straw or stover may be
30 allowed in the absence of special or emergency situations,
31 however such movement shall be consistent with the other
32 requirements for movement of oversize divisible loads.

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33 Sec. 38. Section three hundred twenty-two point five
34 (322.5), Code 1977, is amended to read as follows:

35 322.5 LICENSE FEE. The license fee for a motor vehicle

1 dealer for each calendar year or part thereof shall be the
2 sum of thirty-five dollars for the licensee's principal place
3 of business in each city or township and an additional five
4 ten dollars for each used-car car lot which is in the city
5 or township wherein-said in which the principal place of
6 business is located and which is not adjacent to such place,
7 to be paid to the department at the time a license is applied
8 for. In case the application is denied, the department shall
9 refund the amount of such fee to the applicant.

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10 Sec. 39. Section seven hundred fourteen point eight
11 (714.8), subsection five (5), Code 1977 Supplement, is amended
12 to read as follows:

13 5. Removes, alters or defaces any serial or other
14 identification number, or any owners' identification mark,
15 from any property not his or her own unless such removal or
16 alteration is prohibited by the new section added to chapter
17 three hundred twenty-one (321) of the Code by section thirty-
18 five (35) of this Act.

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19 Sec. 40. Sections three hundred twenty-one point one
20 hundred twenty-four (321.124) and three hundred twenty-one
21 point four hundred thirty-five (321.435), Code 1977, are
22 repealed.

23 Sec. 41. Sections one (1) through nineteen (19), twenty-
24 three (23), twenty-six (26), thirty (30), thirty-four (34),
25 and thirty-eight (38) of this Act shall become effective
26 January 1, 1979.

27 EXPLANATION

28 Sections 1 through 8 establish a new chapter providing
29 for the registration of authorized vehicle recyclers upon
30 payment of a fee of \$35.00. These sections prohibit the
31 selling, dismantling, restoring, storing, salvaging or
32 recycling of more than six vehicles per year without first
33 obtaining a license from the state department of transpor-
34 tation.

35 Section 9 defines "vehicle rebuilder", "vehicle scrap

1 processor", "used vehicle parts dealer" and "vehicle salvager".

2 Section 10 excepts the junking certificate and salvage
3 certificate of title provisions from the red title provisions.

4 Section 11 strikes the requirement that insurance companies
5 obtain a red title for unrecovered stolen vehicles which are
6 to be required to obtain a salvage certificate of title.

7 Section 12 repeals the certificate of title provisions
8 for junk vehicles which are replaced with the junking
9 certificate and salvage certificate of title provisions.

10 Section 13 provides for the issuance of a junking certifi-
11 cate for a vehicle junked or demolished and a salvage certifi-
12 cate of title for damaged vehicles which are to be rebuilt.
13 This section requires the surrender of the certificate of
14 title for such vehicles and this section provides for the
15 inspection by a peace officer or other designated employee
16 for which a salvage certificate of title is issued, prior
17 to reissuing a certificate of title.

18 Section 14 allows a peace officer to inspect vehicles or
19 component parts in possession of a car dealer or an authorized
20 vehicle recycler.

21 Section 15 provides that the transfer of a certificate
22 of title with knowledge that the title will not be used in
23 a manner provided by law is a fraudulent practice.

24 Section 16 requires the county treasurer, to perfect a
25 security interest in a vehicle, to either note the lien on
26 the original certificate of title or on the county records
27 of the certificate of title.

28 Section 17 strikes certain provisions relating to temporary
29 drivers permits.

30 Sections 18 and 19 strike the requirement that "occupation"
31 be designated on a motor vehicle license.

32 Sections 20 and 32 prohibit the attempt to elude a marked
33 police vehicle.

34 Section 21 provides an appropriation to fund the notice
35 provisions required for motor vehicle license suspensions

1 or revocations and provides for reimbursement through increased
2 reinstatement fees.

3 Section 22 strikes the requirement that motor vehicle
4 pollution control equipment must be inspected upon transfers.

5 Section 23 exempts transfers of damaged motor vehicles
6 from the motor vehicle inspection requirements if the vehicle
7 is transferred under a restricted certificate of title, a
8 junking certificate or a salvage certificate of title.

9 Sections 24, 25, 26, and 28 coordinate official traffic
10 control signal designations with those designations found
11 in the uniform vehicle code.

12 Section 27 requires the reporting of property damage
13 accidents.

14 Section 29 specifies the stopping requirement at railroad
15 crossings.

16 Section 30 allows the placement of stop signs pursuant
17 to an engineering study.

18 Section 31 requires the promulgation of noise and exhaust
19 minimum standards for motor vehicles.

20 Sections 33 and 37 prohibit the removal of identifica-
21 tion numbers from motor vehicles and component parts.

22 Section 34 eliminates the requirement for meeting the
23 financial responsibility requirements following a suspen-
24 sion of a motor vehicle license for nonmoving violations of
25 section 321.216 of the Code.

26 Section 35 allows the movement of certain oversize loads
27 of hay, straw or stover.

28 Section 36 provides for a ten dollar fee for each car lot
29 operated under chapter 322 of the Code.

30 Section 38 repeals certain provisions.

31 Section 39 is the effective date provision.

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SF 2187
tb/slc/26c

H-5957

- 1 Amend Senate File 2187 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 23, by striking lines 16 and 17 and
 4 inserting in lieu thereof the following: "(5#), is
 5 amended to read as follows:
 6 SEC. 54. Chapter three hundred twenty-one E (321E),
 7 Code 1977, is amended by adding the following new
 8 sections:"
 9 2. Page 23, by inserting after line 32 the follow-
 10 ing:
 11 NEW SECTION. A copy of the permits issued by the
 12 state or county to move mobile homes shall be sent
 13 to the county treasurer of the county of final
 14 destination by the permit issuing officer. The permit
 15 issued shall indicate the route over which the mobile
 16 home will be moved and the final destination at which
 17 the mobile home will be relocated. A one dollar fee
 18 shall be added to the permit charge to cover the costs
 19 of this service."

H-5957 FILED *Order of order* BY MILLER of Buchanan
 APRIL 10, 1978 *5/12*

SENATE FILE 2187

H-5959

- 1 Amend Senate File 2187 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 24, by inserting after line 9 the follow-
 4 ing:
 5 "Dealers licensed with a principal place of busi-
 6 ness in the state may apply to the department for
 7 a temporary permit to operate a car lot in a place
 8 other than the city or township in which the principal
 9 place of business is located. Applications shall
 10 be made upon forms provided by the department and
 11 accompanied by a ten-dollar permit fee. Temporary
 12 permits shall be approved only for operations as a
 13 dealer at fairs, vehicle exhibitions and vehicle shows
 14 at which vehicles are displayed and offered for sale.
 15 Temporary permits shall be issued for periods not
 16 to exceed fourteen days."

H-5959 FILED *Order of order* BY MILLER of Buchanan
 APRIL 10, 1978 *5/12*

SENATE FILE 2187

H-5962

- 1 Amend Senate File 2187 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 23, by inserting after line 32 the follow-
 4 ing:
 5 "Sec. ____ . Section three hundred twenty-two point
 6 two (322.2), subsection seven (7), Code 1977, is
 7 amended to read as follows:
 8 7. "Motor vehicle" means any self-propelled vehicle
 9 subject to registration under the laws of this state."
 10 2. Renumber as necessary in conformance with this
 11 amendment.

H-5962 FILED *Order of order* BY BAKER of Buena Vista
 APRIL 10, 1978 *5/12*

H-6237

1 Amend Senate File 2187, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 24, by inserting after line 9 the follow-
4 ing new sections:

5 "Sec. _____. Chapter four hundred twenty-seven
6 (427), Code 1977, is amended by adding the following
7 new section:

8 NEW SECTION. All taxable property on the tax rolls
9 as of July first of each year shall be subject to
10 all property taxes levied and payable during the
11 fiscal year. If any property is acquired after July
12 first by any person or the state and any of its
13 political subdivisions which is exempt from taxation
14 and such person or the state and any of its political
15 subdivisions files for a tax exemption for the
16 property, the exemption shall be denied and the person
17 or the state and any of its political subdivisions
18 shall pay the property taxes levied against the
19 property, provided that the seller and the purchaser
20 may, by written agreement, designate the party respon-
21 sible for payment of the property taxes due.

22 Sec. _____. Section four hundred forty-five point
23 twenty-eight (445.28), Code 1977, is amended to read
24 as follows:

25 445.28 LIEN OF TAXES ON REAL ESTATE. Taxes upon
26 real estate shall be a lien thereon against all persons
27 except the state. However, taxes upon real estate
28 shall be a lien on the real estate against the state
29 and any political subdivision thereof which is liable
30 for payment of property taxes as a purchaser under
31 amendment one (1) of this amendment."

32 2. Renumber sections and correct internal refer-
33 ences as are necessary in accordance with this
34 amendment.

35 3. Amend the title, line 22, by inserting after
36 the word "lots," the words "property tax exemptions,".

H-6237 FILED *Order of* BY MILLER of Buchanan
APRIL 24, 1978 *order file* JUNKER of Woodbury
WYCKOFF of Benton
HARBOR of Mills
HUSAK of Tama

SENATE FILE 2187

H-6438

- 1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 5, by inserting after line 30 the
4 following:
5 "Sec. ____ . Section three hundred twenty-one point
6 thirty-four (321.34), subsection three (3), Code 1977,
7 is amended to read as follows:
8 3. VALIDATION STICKERS. In lieu of issuing new
9 registration plates each year for a vehicle renewing
10 registration, the department may reassign the
11 registration plates previously issued to such vehicle
12 and may adopt and prescribe an annual validation
13 sticker indicating payment of registration fee, which
14 annual validation sticker shall be attached on the
15 front and rear of the motor vehicle to said
16 registration plates bearing the numerals indicating
17 the year for which the original plates are validated."
18 2. Renumber the sections as necessary in
19 conformance with this amendment.

H-6438 FILED
MAY 1, 1978

Pl. 2 of order
5/1/78
BY KRAUSE of Kossuth
NEWHARD of Jones
BINNEBOESE of Plymouth
JESSE of Polk
HULLINGER of Decatur

SENATE FILE 2187

H-6410

1 Amend Senate File 2187, as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 12, by inserting after line 6 the follow-
4 ing:
5 "Sec. ____ . Section three hundred twenty-one point
6 one hundred sixty-six (321.166), Code 1977, as amended
7 by Acts of the Sixty-seventh General Assembly, 1977
8 Session, chapter one hundred three (103), section
9 thirty-four (34), is amended by adding the following
10 new subsection:
11 NEW SUBSECTION. 6. Registration plates issued
12 a disabled veteran under the provisions of section
13 three hundred twenty-one point one hundred five
14 (321.105) of the Code, shall display the word
15 "DISABLED VET" and shall display the alphabetical
16 characters "DV", which shall be of the same size as
17 the characters in the registration plate number and
18 shall precede the registration plate number."
19 2. Renumber as necessary in conformance with this
20 amendment.

H-6410 FILED *House of* BY HUSAK of Tama
APRIL 28, 1978 *Senate 5/12* WYCKOFF of Benton
HARBOR of Mills
CRABB of Crawford
HANSEN of O'Brien
HINKHOUSE of Cedar
WEST of Marshall

SENATE FILE 2187

H-6434

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 24, by inserting after line 18 the
4 following new section:
5 "Sec. ____ . House File 2289, as enacted by the
6 Sixty-seventh General Assembly, 1978 Session, section
7 26 (twenty-six) is amended by striking subsection 2
8 (two) and inserting in lieu thereof the following:
9 2. Any employee of the department of revenue
10 whose duty assignments will be affected by
11 this Act shall be transferred to the state department
12 of transportation. The Iowa merit employment com-
13 mission shall arbitrate and decide any written appeal
14 made by any employee concerning any transfer, reassign-
15 ment or reclassification made necessary by this Act.

H-6434 FILED *House of* BY KRAUSE of Kossuth
MAY 1, 1978 *Senate 5/12* RINAS of Linn
ANDERSON of Jasper
BRUNOW of Appanoose

SENATE FILE 2187

H-6489

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 11, by inserting after line 27 the follow-
4 ing:

5 "Sec. 19. Section three hundred twenty-one point
6 one hundred twenty-two (321.122), subsection one (1),
7 Code 1977, as amended by Acts of the Sixty-seventh
8 General Assembly, 1977 Session, chapter one hundred
9 four (104), section five (5), is amended by striking
10 the subsection and inserting in lieu thereof the
11 following:

12 1. The annual registration fee for motor trucks,
13 except special trucks, truck tractors, or road
14 tractors, shall be based on the combined gross weight
15 of the vehicle or combination of vehicles. All trucks,
16 truck tractors, semitrailers, or road tractors shall
17 be registered for a gross weight equal to or in excess
18 of the unladen weight of the vehicle or combination
19 of vehicles. The annual registration fee for such
20 vehicles or combination of vehicles shall be:

21 a. For a combined gross weight of four tons or
22 less forty-five dollars and after ten registrations
23 thirty-five dollars.

24 b. For a combined gross weight exceeding four
25 tons, the annual registration fee shall be as set
26 forth in the following schedule:

27 For a combined gross weight exceeding: And not exceeding: The annual registration fee shall be:

| | | | |
|----|--------------------------|-------------------|-------------------|
| 28 | <u>weight exceeding:</u> | <u>And not</u> | <u>The annual</u> |
| 29 | 4 Tons | 5 Tons | \$ 60 |
| 30 | 5 Tons | 6 Tons | \$ 75 |
| 31 | 6 Tons | 7 Tons | \$ 100 |
| 32 | 7 Tons | 8 Tons | \$ 135 |
| 33 | 8 Tons | 9 Tons | \$ 170 |
| 34 | 9 Tons | 10 Tons | \$ 205 |
| 35 | 10 Tons | 11 Tons | \$ 240 |
| 36 | 11 Tons | 12 Tons | \$ 275 |
| 37 | 12 Tons | 13 Tons | \$ 310 |
| 38 | 13 Tons | 14 Tons | \$ 335 |
| 39 | 14 Tons | 15 Tons | \$ 380 |
| 40 | 15 Tons | 16 Tons | \$ 415 |
| 41 | 16 Tons | 17 Tons | \$ 450 |
| 42 | 17 Tons | 18 Tons | \$ 485 |
| 43 | 18 Tons | 19 Tons | \$ 520 |
| 44 | 19 Tons | 20 Tons | \$ 580 |
| 45 | 20 Tons | 21 Tons | \$ 622 |
| 46 | 21 Tons | 22 Tons | \$ 671 |
| 47 | 22 Tons | 23 Tons | \$ 720 |
| 48 | 23 Tons | 24 Tons | \$ 772 |
| 49 | 24 Tons | 25 Tons | \$ 907 |
| 50 | 25 Tons | 26 Tons | \$ 968 |

| | | | | |
|--------|----|-------------------|-------------------|---------|
| H-6489 | 1 | 26 Tons | 27 Tons | \$1,030 |
| Page 2 | 2 | 27 Tons | 28 Tons | \$1,095 |
| | 3 | 28 Tons | 29 Tons | \$1,161 |
| | 4 | 29 Tons | 30 Tons | \$1,228 |
| | 5 | 30 Tons | 31 Tons | \$1,297 |
| | 6 | 31 Tons | 32 Tons | \$1,368 |
| | 7 | 32 Tons | 33 Tons | \$1,440 |
| | 8 | 33 Tons | 34 Tons | \$1,513 |
| | 9 | 34 Tons | 35 Tons | \$1,621 |
| | 10 | 35 Tons | 36 Tons | \$1,699 |
| | 11 | 36 Tons | 37 Tons | \$1,778 |
| | 12 | 37 Tons | 38 Tons | \$1,858 |
| | 13 | 38 Tons | 39 Tons | \$1,940 |
| | 14 | 39 Tons | 40 Tons | \$2,024 |

15 c. For a combined gross weight exceeding forty
16 tons, the annual registration fee shall be two thousand
17 twenty-four dollars plus eighty-five dollars for each
18 ton over forty tons.

19 Where an auxiliary axle has been registered under
20 the provisions of this chapter, the registered gross
21 weight of the vehicle or combination of vehicles shall
22 be the sum of the registered gross weight of such
23 auxiliary axle or axles added to the registered gross
24 weight of the truck, truck tractor, or road tractor."

25 2. Page 22, by inserting after line 17 the follow-
26 ing:

27 "Sec. _____. Section three hundred twenty-one point
28 four hundred fifty-seven (321.457), subsection three
29 (3), Code 1977, is amended by striking the subsection
30 and inserting in lieu thereof the following:

31 3. No combination of vehicles coupled together,
32 unladen or with load, shall have an overall length,
33 inclusive of front and rear bumpers, in excess of
34 sixty feet.

35 Sec. _____. Section three hundred twenty-one point
36 four hundred fifty-seven (321.457), subsection five
37 (5), Code 1977, is amended by striking the subsection
38 and inserting in lieu thereof the following:

39 5. Passenger vehicles, light delivery trucks,
40 panel delivery trucks, pickup trucks and boats being
41 transported on a combination of vehicles used
42 exclusively for the transportation of such vehicles
43 and boats may extend up to three feet beyond the front
44 and rear bumpers of the transporting vehicles when
45 the overall length of the vehicle with load does not
46 exceed sixty-five feet.

47 Sec. _____. Section three hundred twenty-one point
48 four hundred fifty-nine (321.459), Code 1977, is
49 amended by striking the section and inserting in lieu
50 thereof the following:

1 321.459 DUAL AXLE REQUIREMENT. Axles of a motor
2 vehicle, trailer, or semitrailer which are less than
3 forty inches apart center to center shall be considered
4 as one axle for the purpose of determining permissible
5 weight under section three hundred twenty-one point
6 four hundred sixty-three (321.463) of the Code.

7 Sec. ____ . Section three hundred twenty-one point
8 four hundred sixty-three (321.463), Code 1977, is
9 amended by striking the section and inserting in lieu
10 thereof the following:

11 321.463 MAXIMUM GROSS WEIGHT. An axle may be
12 divided into two or more parts, except that all parts
13 in the same vertical transverse plane shall be
14 considered as one axle.

15 The gross weight on any one axle of a vehicle,
16 or of a combination of vehicles, operated on the
17 highways of this state, shall not exceed twenty
18 thousand pounds on an axle equipped with pneumatic
19 tires, and shall not exceed fourteen thousand pounds
20 on an axle equipped with solid rubber tires. The
21 gross weight on any tandem axle of a vehicle, or any
22 combination of vehicles, shall not exceed thirty-four
23 thousand pounds on an axle equipped with pneumatic
24 tires.

25 A group of two or more consecutive axles of any
26 vehicle or combination of vehicles, shall not carry
27 a load in pounds in excess of the overall gross weight
28 determined by application of the following formula:
29 W equals $500(LN/N-1 + 12N + 36)$ where W equals the
30 overall gross weight on any group of two or more
31 consecutive axles to the nearest five hundred pounds,
32 L equals the distance in feet between the extreme
33 of any group of two or more consecutive axles, and
34 N equals the number of axles in group under
35 consideration, except that two consecutive sets of
36 tandem axles may carry a gross load of thirty-four
37 thousand pounds each providing the overall distance
38 between the first and last axles of such consecu-
39 tive sets of tandem axles is thirty-six feet or more.

40 In no event shall the maximum gross weight, includ-
41 ing the enforcement tolerances, exceed eighty thousand
42 pounds.

43 A tolerance above the maximum legal weight of any
44 axle or vehicle or combination of vehicles may be
45 allowed as follows:

46 Three percent on any axle, including tandem axles,
47 of any vehicle or combination of vehicles operated
48 on highways not part of the interstate system.

49 Eight percent of the gross weight on any particular
50 group of axles.

Page 4 1 Eight percent on the total gross weight of a vehicle
 2 or combination of vehicles.
 3 The weight on any one axle, including a tandem
 4 axle, of a vehicle which is transporting livestock
 5 on highways not part of the interstate system may
 6 exceed the legal maximum weight given in this chapter
 7 providing that the gross weight on any particular
 8 group of axles on such vehicle does not exceed the
 9 gross weight allowable under this chapter for such
 10 group of axles.

11 Any person who operates any vehicle in violation
 12 of the provisions of this section, and any owner,
 13 or any other person, employing or otherwise directing
 14 the operator of any vehicle who requires or knowingly
 15 permits the operation of any vehicle in violation
 16 of the provisions of this section shall upon conviction
 17 or a plea of guilty be punished in accordance with
 18 the following schedule:

19 AXLE, TANDEM AXLE, GROUP OF AXLES, AND
 20 GROSS WEIGHT VIOLATIONS

| 21 Percentage of | Amount of Fine |
|--|--------------------|
| 22 Overload | Per Hundred Pounds |
| 23 Up to and including 8% | \$1.00 |
| 24 Over 8% to and including 10% | \$1.25 |
| 25 Over 10% to and including 12% | \$1.50 |
| 26 Over 12% to and including 14% | \$2.00 |
| 27 Over 14% to and including 16% | \$3.00 |
| 28 Over 16% to and including 18% | \$4.00 |
| 29 Over 18% to and including 20% | \$5.00 |
| 30 Over 20% | \$6.00 |

31 A fine shall not be assessed if the overload does
 32 not exceed the tolerance specified in this section.
 33 If the overload does exceed the tolerance specified
 34 in this section, the amount of the fine to be assessed
 35 shall be computed on the difference between the actual
 36 weight and the maximum legal weight specified in this
 37 section without allowance of any tolerance, by applying
 38 the appropriate rate in the preceding schedule for
 39 the total percentage of overload. The total percentage
 40 of overload shall be determined by dividing the
 41 appropriate maximum legal weight as specified in this
 42 section without allowance for any tolerance into the
 43 amount of pounds overloaded.

44 Overloads on axles and tandem axles and overloads
 45 on groups of axles or on an entire vehicle or
 46 combination of vehicles shall be considered as separate
 47 violations of the provisions of this section.

48 The penalties provided in this section shall not
 49 be construed to be in lieu of any other penalties
 50 provided for violations of other provisions of this

1 chapter.

2 Any person who issues or executes, or causes to
3 be issued or executed, any bill of lading, manifest,
4 or shipping document of any kind which states the
5 false weight of the cargo set forth on such bill,
6 manifest, or document, to be less than the actual
7 weight of such cargo, shall be punished by a fine
8 of not more than one hundred dollars or by imprisonment
9 for not more than thirty days."

10 3. Renumber as necessary in conformance with this
11 amendment.

H-6489 FILED *Dist. of Polk* BY NIELSEN of Polk
MAY 3, 1978 *Sen. Sch.* SCHROEDER of Pottawattamie
(p. 211) SCHEELHAASE of Woodbury
WYCKOFF of Benton

SENATE FILE 2187

H-6487

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 18, by striking lines 15 and 16 and
4 inserting in lieu thereof the words "red light shall
5 not enter the roadway unless such entry can be made
6 safely and without interfering with any vehicular
7 traffic."

8 2. Page 18, line 26, by inserting after the word
9 "intersection" the words "unless the pedestrian can
10 proceed safely and without interfering with any
11 vehicular traffic".

12 3. Page 19, line 6, by inserting after the word
13 "signal" the words "or unless the pedestrian can
14 proceed safely and without interfering with any
15 vehicular traffic".

H-6487 FILED *Dist. of Linn* BY HORN of Linn
MAY 3, 1978 *Sen. S/p*

SENATE FILE 2187

H-6488

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 22, by inserting after line 29 the follow-
4 ing:

5 "Sec. _____. Chapter three hundred twenty-one (321),
6 Code 1977, is amended by adding the following new
7 section:

8 NEW SECTION. A person shall not drive or operate
9 a new car, used car, light delivery truck, panel
10 delivery truck, or pickup upon a public highway which
11 has had the road clearance or center of gravity altered
12 or modified in any manner which is prohibited by rules
13 adopted by the director. The rules shall be based
14 upon original automobile manufacturer specifications."

15 2. Renumber as necessary in conformance with this
16 amendment.

H-6488 FILED *Dist. of Buchanan* BY MILLER of Buchanan
MAY 3, 1978 *Sen.* KRAUSE of Kossuth
LAGESCHULTE of Bremer
PELLETT of Cass
WYCKOFF of Benton
HARBOR of Mills
HUSAK of Tama
CRABB of Crawford

SENATE FILE 2187

H-6479

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 34 the follow-
4 ing:

5 "Sec. ____ Chapter two hundred fourteen (214),
6 Code 1977, is amended by adding the following new
7 section:

8 "NEW SECTION. Self-service gasoline pumps and
9 self-service special fuel pumps at service stations
10 may be equipped with latch-open devices on the fuel
11 dispensing hose nozzle valves rather than the automatic
12 closing type."

13 2. Renumber as necessary in conformance with this
14 amendment.

15 3. Amend the title, line 22, by inserting after
16 the word "lots," the words "latch-open devices on
17 fuel hose nozzle valves,".

H-6479 FILED *Ch. of* BY HORN of Linn
MAY 3, 1978 *Section 2*

THURSDAY, MAY 4, 1978

SENATE FILE 2187

6490

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 3, line 35, by inserting after the word
4 "business" the words "except during periods when the
5 license is surrendered for modifications".

6 2. Page 4, by inserting after line 34 the fol-
7 lowing:

8 "Sec. 9. The Code editor, in codifying the pro-
9 visions of this Act, is directed to codify sections
10 ten (10) through twenty-one (22) of this Act as a
11 new chapter.

12 Sec. 10. NEW SECTION. DEFINITIONS. For the
13 purposes of sections ten (10) through twenty-one (22)
14 of this Act:

15 1. "Commission" means the state conservation com-
16 mission.

17 2. "Dealer" means every person engaged in the
18 business of buying, selling, or exchanging off-road
19 motorcycles who has an established place of business.

20 3. "Established place of business" means a location
21 in this state actually occupied either continuously
22 or at regular periods by a dealer where books and
23 records are kept and a large share of the business
24 is transacted.

25 4. "Off-road motorcycle" means every motorcycle
26 as defined in section three hundred twenty-one point
27 one (321.1) of the Code, being used for off-road or
28 nonstreet riding and with an engine displacement of
29 seventy cubic centimeters or more.

30 5. "Nonresident" means every person who is not
31 a resident of this state.

32 6. "Operator" means any person who is in actual
33 physical control of an off-road motorcycle.

34 7. "Owner" means a person who holds the legal
35 title of an off-road motorcycle, or in the event an
36 off-road motorcycle is the subject of a security
37 agreement with an immediate right of possession vested
38 in the debtor, then such debtor shall be deemed the
39 owner for the purpose of this chapter.

40 8. "Off-road motorcycle permit" means the permit
41 issued under the provisions of this Act to operate
42 an off-road motorcycle in this state on designated
43 public land and on designated private lands.

44 9. "Special event" means an organized race, exhibi-
45 tion, or demonstration of limited duration which is
46 conducted according to a prearranged schedule and
47 in which general public interest is manifested.

48 10. "Writing fee" means the amount paid by the
49 off-road motorcycle owner to the county treasurer
50 for handling the permit transaction.

1 11. "Designated public lands" means lands owned
2 by the state designated by the commission as lands
3 upon which off-road motorcycles may be used, but not
4 including public highways.

5 12. "Designated private lands" means lands owned
6 and operated by private persons but for which funds
7 from the off-road motorcycle fund are received for
8 maintenance or construction of off-road motorcycle
9 facilities.

10 Sec. 11. NEW SECTION. POWERS AND DUTIES OF THE
11 COMMISSION. The commission shall administer and
12 enforce the provisions of sections ten (10) through
13 twenty-one (22) of this Act. The commission shall
14 promulgate rules necessary to implement the provisions
15 of sections ten (10) through twenty-one (22) of this
16 Act.

17 Sec. 12. NEW SECTION. OFF-ROAD MOTORCYCLE PERMIT
18 REQUIRED.

19 1. The owner of an off-road motorcycle shall
20 obtain an annual off-road motorcycle permit from the
21 county treasurer of the county of residence of the
22 owner unless:

23 a. The off-road motorcycle is owned and operated
24 by the United States, another state, this state or
25 a political subdivision of this state.

26 b. The off-road motorcycle is owned by a
27 nonresident and is used in this state only at special
28 events for a total period of less than fourteen days
29 in the calendar year.

30 2. The nonresident owner operating an off-road
31 motorcycle in this state on designated public lands
32 or designated private lands or a nonresident owner
33 operating an off-road motorcycle at special events
34 in this state for more than fourteen days in a calendar
35 year shall obtain an off-road motorcycle permit from
36 the county treasurer in which the off-road motorcycle
37 is primarily used.

38 Sec. 13. NEW SECTION. OFF-ROAD MOTORCYCLE PERMIT
39 ISSUANCE. On or after September first and prior to
40 January first in each year an owner required to obtain
41 an off-road motorcycle permit shall apply to the
42 appropriate county treasurer for an off-road motorcycle
43 permit. An off-road motorcycle permit shall be valid
44 for a one-year period from January first to December
45 thirty-first of each calendar year. Beginning January
46 1, 1979, the owner of any new off-road motorcycle
47 placed in service or any used off-road motorcycle
48 brought into Iowa from another state shall obtain
49 an off-road motorcycle permit, without penalty. The
50 owner of any off-road motorcycle in service in Iowa

1 on December 31, 1978 who fails to comply with the
2 provisions of this Act, in addition to any other
3 penalties provided, shall be subject to a penalty
4 of one dollar for each two months of delinquency,
5 or any portion of a two-month delinquency period,
6 from January 1, 1979 to the date of application for
7 the off-road motorcycle permit. Any motorcycle
8 registered under the provisions of chapter three
9 hundred twenty-one (321) of the Code, may be permitted
10 as an off-road motorcycle in addition to the
11 registration or in lieu of the registration, by paying
12 the required fee for the current registration period
13 without any penalty.

14 Sec. 14. NEW SECTION. COUNTY TREASURER DUTIES.
15 The owner of each off-road motorcycle required to
16 obtain an off-road motorcycle permit shall make an
17 annual application for an off-road motorcycle permit
18 to the appropriate county treasurer on forms provided
19 by the commission. The application shall be
20 accompanied by a fee of six dollars and a writing
21 fee of fifty cents, which writing fee shall not be
22 reduced, prorated or refunded. The county treasurer
23 shall issue to the applicant a pocket-size off-road
24 motorcycle permit and an off-road motorcycle plate
25 or decal. The off-road motorcycle permit shall be
26 signed by the owner, executed in triplicate with one
27 copy to the owner, one copy to the commission and
28 one copy to be retained by the county treasurer.
29 The off-road motorcycle permit and off-road motorcycle
30 plate or decal shall bear the identification num-
31 ber assigned to the off-road motorcycle. The off-
32 road motorcycle permit shall bear the name and address
33 of the owner, the vehicle identification number, if
34 available, of the off-road motorcycle and such other
35 information required by the commission.

36 Sec. 15. NEW SECTION. OFF-ROAD MOTORCYCLE PLATE
37 OR DECAL DISPLAYED AND OFF-ROAD MOTORCYCLE PERMIT
38 EXHIBITED. The off-road motorcycle plate or decal
39 shall be affixed to the off-road motorcycle for which
40 it was issued in the manner prescribed by the
41 commission. The owner shall exhibit the off-road
42 motorcycle permit issued for an off-road motorcycle
43 upon the request of any peace officer, or a park
44 manager or his or her designee.

45 Sec. 16. NEW SECTION. OFF-ROAD MOTORCYCLE PERMIT
46 EXPIRATION, PENALTY AND REPLACEMENT. If application
47 for the annual renewal of the off-road motorcycle
48 permit for the subsequent year is not made before
49 January first of each year, the applicant shall be
50 charged a penalty of one dollar for each two-month

MAY 4, 1978

PAGE 4

H-6490

Page 4

1 period of delinquency, or any portion of such two-
2 month period, in addition to the off-road motorcycle
3 permit fee.

4 In the event any off-road motorcycle permit or
5 off-road motorcycle plate or decal becomes lost,
6 mutilated or illegible, a replacement may be issued
7 upon application and payment of a fee of one dollar
8 plus a writing fee of fifty cents.

9 Sec. 17. NEW SECTION. OPERATION PENDING PERMIT.

10 The commission shall furnish off-road motorcycle
11 dealers issued a special dealer permit, upon request,
12 free of charge, cards bearing the legend, "permit
13 applied for". For any off-road motorcycle sold by
14 a dealer, display by the operator of one of the cards
15 furnished by the commission shall entitle the pur-
16 chaser to operate the off-road motorcycle for twenty
17 days after the date of delivery without displaying
18 an off-road motorcycle plate or decal. The card shall
19 display the special dealer permit number from whom
20 the off-road motorcycle was purchased and the date
21 of delivery of the vehicle.

22 Sec. 18. NEW SECTION. TRANSFER OF OWNERSHIP.

23 Upon transfer of ownership of any off-road motorcycle,
24 the owner shall complete the "notice of transfer"
25 section of the off-road motorcycle permit and deliver
26 the permit to the purchaser or transferee at the time
27 of delivery of the off-road motorcycle together with
28 the certificate of title for the vehicle. The
29 purchaser or transferee, within seven calendar days
30 after the date of transfer, shall make an application
31 to the county treasurer for a transfer of off-road
32 motorcycle permit and apply for a certificate of title,
33 unless otherwise acquired and transferred, in the
34 manner and in the form provided in sections three
35 hundred twenty-one point twenty (321.20) and three
36 hundred twenty-one point forty-six (321.46) through
37 three hundred twenty-one point forty-eight (321.48)
38 of the Code. The transfer of the off-road motorcycle
39 permit shall be accomplished in the manner provided
40 for issuance of the off-road motorcycle permit and
41 shall be accompanied by a fee of one dollar and a
42 writing fee of fifty cents.

43 Upon transfer from a dealer of an off-road
44 motorcycle, the dealer shall provide the transferee
45 with a manufacturer's or importer's certificate which
46 shall be surrendered to the county treasurer upon
47 application for a certificate of title for the off-
48 road motorcycle.

49 Sec. 19. NEW SECTION. SPECIAL DEALER PERMITS.

50 A dealer, upon application to the commission

MAY 4, 1978

PAGE 5

H-6490

Page 5

1 accompanied by a fee of fifteen dollars, may be issued
2 a "special dealer permit" which entitles the dealer
3 to transport, test or demonstrate an off-road
4 motorcycle without displaying an off-road motorcycle
5 plate or decal.

6 Special dealer permits shall expire December thirty-
7 first of each year and shall be renewed in the same
8 manner as the original issuance. The fee for special
9 dealer permits may not be reduced, prorated or
10 refunded. A dealer having an established place of
11 business in more than one location shall obtain a
12 special dealer permit for each established place of
13 business.

14 Sec. 20. NEW SECTION. FEES TO SPECIAL FUND.

15 All off-road motorcycle permit fees collected, except
16 writing fees, all gifts and other funds from the
17 state, a political subdivision or any federal aid
18 shall be credited to the "off-road motorcycle" fund.
19 The off-road motorcycle fund is hereby appropriated
20 for all salaries and expenses incurred by the
21 commission in administering sections ten (10) through
22 twenty-two (22) of this Act, the balance of this fund
23 shall be used for the planning, acquiring, developing,
24 constructing, improving, maintaining and administering
25 off-road motorcycle facilities approved by the
26 commission.

27 Sec. 21. NEW SECTION. NOTICE ON APPROVAL OF
28 SPECIAL EVENTS. Persons approved by the department
29 to hold special events at specific locations shall
30 provide the commission with notice of such special
31 event at least seven days prior to the event. Per-
32 sons not otherwise approved by the commission to
33 conduct special events at specific locations shall
34 apply to the commission at least thirty days prior
35 to the scheduled event, upon forms provided by the
36 commission, for approval to hold the special event.
37 A person shall not conduct a special event unless
38 approval or notice is given as provided in this
39 section.

40 Sec. 22. NEW SECTION. PROHIBITIONS.

41 1. Any dealer or any owner or operator violating
42 the provisions of sections ten (10) through twenty-
43 one (21) of this Act, shall be guilty of a schedule
44 violation as prescribed in section eight hundred five
45 point eight (805.8), subsection eight (8), of the
46 Code as amended by this Act. Notwithstanding the
47 provisions of section three hundred twenty-one point
48 two hundred (321.200) of the Code, convictions under
49 the provisions of sections ten (10) through twenty-
50 one (21) of this Act shall not be forwarded to or

MAY 4, 1978

PAGE 6

H-6490

Page 6

1 recorded by the state department of transportation.
2 In lieu of issuing a citation the individual may be
3 issued a warning for violations of sections ten (10)
4 through twenty-one (21) of this Act.

5 2. A person shall not operate an off-road
6 motorcycle upon public lands or private lands for
7 which state funds are received while under the
8 influence of an alcoholic beverage, a narcotic,
9 hypnotic or other drug, or any combination of such
10 substances. A violation of this subsection shall
11 be punishable in the manner provided in section three
12 hundred twenty-one point two hundred eighty-one
13 (321.281) of the Code, for each conviction.

14 Sec. 23. The commission is authorized to employ
15 if necessary two people in addition to the current
16 staff to administer the provisions of sections ten
17 (10) through twenty-two (22) of this Act."

18 3. Page 4, by inserting after line 34 the follow-
19 ing:

20 "Sec. ____ Chapter three hundred twenty-one (321),
21 Code 1977, is amended by adding the following new
22 section:

23 NEW SECTION.

24 1. Upon conviction and the suspension or revoca-
25 tion of a person's motor vehicle license under sections
26 three hundred twenty-one point two hundred nine
27 (321.209), subsections six (6) and seven (7), three
28 hundred twenty-one point two hundred ten (321.210)
29 or three hundred twenty-one point five hundred fifty-
30 five (321.555), subsection two (2), of the Code, and
31 upon the denial by the director of an application
32 for a temporary restricted license, a person may apply
33 to the district court having jurisdiction for the
34 residence of the person for a temporary restricted
35 permit to operate a motor vehicle to and from work.
36 The application may be granted only if all the
37 following criteria is satisfied:

38 a. The restricted temporary permit is requested
39 only for a case of extreme hardship where alternative
40 means of transportation does not exist.

41 b. The permit applicant has not made an application
42 for such a permit in any other district court in the
43 state which was denied or revoked.

44 c. The permit is restricted for travel to and
45 from work at times specified in the permit.

46 d. Proof of financial responsibility is established
47 as defined in chapter three hundred twenty-one A
48 (321A) of the Code.

49 2. The district court shall forward a record of
50 each application for such temporary restricted permit

MAY 4, 1978

PAGE 7

H-6490

Page 7

1 to the department, together with the results of the
2 disposition of the request by the court.
3 3. A temporary restricted permit shall be valid
4 only if the department is in receipt of records
5 required by this section. The permit shall be canceled
6 upon conviction of a moving traffic violation as
7 defined in section three hundred twenty-one point
8 one hundred eighty-one (321.181) of the Code, or upon
9 any violation of the terms of the permit."

10 4. Page 11, by inserting after line 27 the
11 following:

12 "Sec. _____. Chapter three hundred twenty-one (321),
13 Code 1977, is amended by adding the following new
14 section as section three hundred twenty-one point
15 one hundred nineteen (321.119) of the Code:
16 NEW SECTION. CHURCH BUS REGISTRATION FEES. A
17 motor vehicle designed to carry nine passengers or
18 more which is owned and used exclusively by a church
19 or religious organization to transport passengers
20 to and from activities of or sponsored by the church
21 or religious organization and which is not for rent
22 or hire for purposes which are unrelated to the
23 activities of the church or religious organization
24 shall be exempt from motor vehicle registration fees
25 except as provided in this section. Upon application
26 and payment of an annual fee of thirty-five dollars,
27 the department shall issue a registration certificate
28 and shall also issue registration plates. The plates
29 shall be attached to the front and rear of each vehicle
30 registered under this section. A registration under
31 the provisions of this section shall not be issued
32 unless the motor vehicle has been issued a certificate
33 of inspection under the provisions of section three
34 hundred twenty-one point two hundred thirty-eight
35 (321.238) of the Code, within the two-year period
36 prior to the effective date for the registration.
37 The provision of this section shall be effective
38 November 1, 1978 for registration fees payable on
39 or after November 1, 1978 for registration plates
40 issued for the calendar year 1979."

41 5. Page 12, by inserting after line 6 the
42 following:

43 "Sec. _____. Section three hundred twenty-one point
44 one hundred eighty (321.180), Code 1977, is amended
45 by adding the following new unnumbered paragraph:
46 NEW UNNUMBERED PARAGRAPH. A permittee shall not
47 be penalized for failing to have his or her permit
48 in immediate possession if the permittee produces
49 in court, within a reasonable time, an instruction
50 permit issued to him or her and valid at the time

1 of the permittee's arrest."
H-6490 2 6. Page 13, by inserting after line 29 the
Page 8 3 following:

4 "Sec. _____. Section three hundred twenty-one point
5 one hundred eighty-nine (321.189), subsection three
6 (3), Code 1977, is amended to read as follows:
7 3. CARRIED AND EXHIBITED. Every licensee shall
8 have his or her operator's or chauffeur's, or motorized
9 bicycle license or instruction permit in his immediate
10 possession at all times when operating a motor vehicle
11 and shall display the same, upon demand of a judicial
12 magistrate or district associate judge, a peace
13 officer, or a field deputy or examiner of the
14 department. However, no person charged with violating
15 this section shall be convicted if he or she produces
16 in court, within a reasonable time, an operator's
17 or chauffeur's or motorized bicycle license or
18 instruction permit issued to him or her and valid
19 at the time of his the person's arrest."

20 7. Page 13, by inserting after line 35 the follow-
21 ing:

22 "Sec. _____. Section three hundred twenty-one point
23 two hundred ten (321.210), unnumbered paragraph five
24 (5), Code 1977, is amended to read as follows:
25 If the department assesses any points against an
26 operator or chauffeur of a motor vehicle under any
27 point system devised by the department for the purpose
28 of suspending operators' or chauffeurs' licenses,
29 the department must notify the licensee by ordinary
30 mail that such points have been assessed and the
31 reason therefor. Such notice shall also contain a
32 reference to all code sections under which the person's
33 motor vehicle license may be suspended, revoked,
34 canceled or denied. Provided that no license shall
35 be suspended on the basis of any point system devised
36 by the department without notice of proposed suspension
37 to the licensee and a reasonable opportunity for a
38 preliminary hearing before a member of the department
39 who shall have authority in meritorious cases to
40 revoke the suspension."

41 8. Page 18, lines 15 and 16, by striking the words
42 "otherwise allowed by a pedestrian signal" and
43 inserting in lieu thereof the words "the pedestrian
44 can safety cross the roadway without interfering with
45 any vehicular traffic".

46 9. Page 18, by striking lines 24 through 26, and
47 inserting in lieu thereof the words "intersection
48 and any pedestrian starting to cross the roadway shall
49 yield the right of way to all vehicles."

50 10. Page 18, by striking lines 32 through 34 and

MAY 4, 1978

PAGE 9

H-6490

Page 9

1 inserting in lieu thereof the word "intersection."
2 11. Page 19, by striking lines 5 and 6 and
3 inserting in lieu thereof the words "the intersection."
4 12. Page 20, line 15, by inserting after the word
5 "owner" the words "a peace officer".
6 13. Page 22, by inserting after line 17 the
7 following:

8 "Sec. _____. Section three hundred twenty-one point
9 three hundred seventy-two (321.372), subsection one
10 (1), Code 1977, is amended to read as follows:

11 1. The driver of any school bus used to transport
12 ~~children~~ people to and from a public or private school
13 or other location shall, when stopping to receive
14 or discharge ~~pupils~~ a person, turn on flashing warning
15 lamps at a distance of not less than three hundred
16 feet nor more than five hundred feet from the point
17 where ~~said pupils~~ are the person is to be received
18 or discharged from the bus. At the point of receiving
19 or discharging ~~pupils~~ a person the driver of the bus
20 shall bring bus to a stop, turn off the amber flashing
21 warning lamps, turn on the red flashing warning lamps,
22 and extend the stop arm. After receiving or
23 discharging ~~pupils~~ a person, the bus driver shall
24 turn off all flashing warning lamps, retract the stop
25 arm and proceed on the route. No school bus shall
26 stop to load or unload ~~pupils~~ a person unless there
27 is at least three hundred feet of clear vision in
28 each direction.

29 A school bus, when operating on a highway with
30 four or more lanes shall not stop to load or unload
31 ~~pupils~~ a person who must cross the highway, except
32 at designated stops where ~~pupils~~ a person who must
33 cross the highway may do so at points where there
34 are official traffic control devices or ~~police~~ peace
35 officers.

36 A school bus shall, while carrying passengers,
37 have its headlights turned on.

38 Sec. _____. Section three hundred twenty-one point
39 three hundred ninety-three (321.393), unnumbered
40 paragraph one (1), Code 1977, is amended to read as
41 follows:

42 No lighting device or reflector, when mounted on
43 or near the front of any motor truck or trailer,
44 except school buses shall display any other color
45 than white, yellow, or amber; provided that
46 installations heretofore in place and otherwise
47 complying with the law may display a green light ~~until~~
48 ~~replacements-are-made~~, however, such green light shall
49 be replaced with the appropriate color when replacement
50 is made or prior to January 1, 1980, whichever is

MAY 4, 1978

PAGE 10 1 earlier.

2 Sec. _____. Section three hundred twenty-one point
H-6490 3 four hundred thirty-seven (321.437), Code 1977, is
Page 10 4 amended to read as follows:

5 321.437 MIRRORS. Every motor vehicle shall be
6 equipped with a mirror so located as to reflect to
7 the driver a view of the highway for a distance of
8 at least two hundred feet to the rear of such vehicle.
9 Any motor vehicle so loaded, or towing another vehicle
10 in such manner, as to obstruct the view in a rear
11 view mirror located in the driver's compartment shall
12 be equipped with a side mirror so located that the
13 view to the rear will not be obstructed however when
14 such vehicle is not loaded or towing another vehicle
15 the side mirrors shall be retracted or removed. All
16 van or van type motor vehicles shall be equipped with
17 outside mirrors of unit magnification, each with not
18 less than nineteen point five square inches of
19 reflective surface, installed with stable supports
20 on both sides of the vehicle, located so as to provide
21 the driver a view to the rear along both sides of
22 the vehicle, and adjustable in both the horizontal
23 and vertical directions to view the rearward scene.

24 Sec. _____. Section three hundred twenty-one point
25 four hundred ninety-four (321.494), Code 1977, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. However, the owner or operator
28 of a carpool or vanpool as defined in section three
29 hundred twenty-five point one (325.1) of the Code,
30 as amended by Acts of the Sixty-seventh General
31 Assembly, 1977 Session, chapter one hundred three
32 (103), section fifty-seven (57), shall not be liable
33 unless damage is caused as a result of the driver
34 of the carpool or vanpool being under the influence
35 of an alcoholic beverage, a narcotic, hypnotic or
36 other drug, or any combination of such substances,
37 or because of the reckless operation of the carpool
38 or vanpool vehicle by the operator. The legislature
39 finds that to preserve increasingly scarce natural
40 resources of petroleum products, and to encourage
41 a cooperative effort from the public to share the
42 costs incurred to transport individuals in shared
43 transportation facilities to and from work, it is
44 in the interest of the health, safety and welfare
45 of the state to adopt the provisions of this
46 paragraph."

47 14. Page 24, by inserting after line 9 the
48 following:

49 "A motor vehicle dealer may display new motor
50 vehicles at fairs, vehicle shows and vehicle

MAY 4, 1978

PAGE 11

H-6490

Page 11

11 exhibitions. Motor vehicle dealers, in addition to
12 selling vehicles at their principal place of business
13 and car lots, may, upon receipt of a temporary permit
14 approved by the department, display and offer new
15 motor vehicles for sale and negotiate sales of new
16 motor vehicles only at county fairs, as defined in
17 chapter one hundred seventy-four (174) of the Code,
18 vehicle shows and vehicle exhibitions which fairs,
19 shows and exhibitions are approved by the department
20 and are held in the county of the motor vehicle
21 dealer's principal place of business. Application
22 for temporary permits shall be made upon forms provided
23 by the department and shall be accompanied by a ten
24 dollar permit fee. Permits shall be issued for periods
25 of not to exceed fourteen days. No sale of a motor
26 vehicle by a motor vehicle dealer shall be completed
27 nor any sales agreement signed at any such fair, show
28 or exhibition. All such sales shall be consummated
29 at the motor vehicle dealer's principal place of
30 business."

31 15. Page 24, by inserting before line 10 the
32 following:

33 "Sec. ____ Chapter three hundred twenty-eight
34 (328), Code 1977, is amended by adding the following
35 new section:

36 NEW SECTION. The owner or operator of an aircraft
37 shall not be liable for any damages to any passenger
38 or person riding in the aircraft as a guest or by
39 invitation and not for hire unless damage is caused
40 as a result of the operator of the aircraft being
41 under the influence of an alcoholic beverage, a
42 narcotic, hypnotic or other drug, or any combination
43 of such substances, or because of the reckless
44 operation by the operator of the aircraft."

45 16. Page 24, by inserting after line 18 the follow-
46 ing:

47 "Sec. ____ Section seven hundred twenty-one point
48 eight (721.8), Code 1977 Supplement, is amended to
49 read as follows:

50 721.8 LABELING PUBLICLY OWNED MOTOR VEHICLES.
All publicly owned motor vehicles shall bear at least
two labels in a conspicuous place, one on each side
of said vehicle. This label shall be designed to
cover not less than one square foot of surface. This
section shall not apply to any motor vehicle which
shall be specifically assigned by the head of the
department or office owning or controlling it, to
enforcement of police regulations and shall not apply
to any motor vehicle exempted under the provisions
of section eighteen point one hundred fifteen (18.115).

MAY 4, 1978

PAGE 12

H-6490 1 subsection seven (7), of the Code.

Page 122 Sec. ____ . Section eight hundred five point eight
3 (805.8), Code 1977 Supplement, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 8. OFF-ROAD MOTORCYCLE VIOLATIONS.

6 a. For violations of the provisions of sections
7 ten (10) through twenty-one (21) of this Act by an
8 owner or operator of an off-road motorcycle, the
9 schedule fine is ten dollars.

10 b. For violations by a dealer of off-road
11 motorcycles under the provisions of sections ten (10)
12 through twenty-one (21) of this Act, the schedule
13 fine is twenty dollars.

14 Sec. ____ . Section eight hundred five point eight
15 (805.8), subsection two (2), paragraph b, Code 1977
16 Supplement, is amended to read as follows:

17 b. For registration violations under sections
18 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and
19 ~~321.190~~ section three hundred twenty-one point thirty-
20 two (321.32) and section three hundred twenty-one
21 point one hundred eighty-nine (321.189) of the Code,
22 the scheduled fine is five dollars. For violations
23 of sections ~~321.190~~ sections three hundred twenty-
24 one point thirty-two (321.32) and three hundred twenty-
25 one point one hundred eighty-nine (321.189), subsection
26 three (3), of the Code, the case shall be dismissed
27 without imposition of fine or costs if a license or
28 registration valid at the time of the issuance of
29 the citation is presented by the defendant to the
30 magistrate or scheduled violations office.

31 Sec. ____ . Section eight hundred five point eight
32 (805.8), subsection two (2), paragraph c, Code 1977
33 Supplement, is amended to read as follows:

34 c. For improperly used or nonused, or defective
35 or improper equipment, other than brakes, driving
36 lights and brakelights, under sections 321.317,
37 321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
38 three hundred twenty-one point three hundred ninety-
39 three (321.393) of the Code, 321.399, 321.422, 321.432,
40 321.435, 321.436, 321.437, 321.438, 321.439, 321.440,
41 321.441, 321.442, 321.444, 321.445, and 321.447 the
42 scheduled fine is ten dollars.

43 Sec. ____ . Section nine hundred seven point four
44 (907.4), Code 1977 Supplement, is amended to read
45 as follows:

46 907.4 DEFERRED JUDGMENT DOCKET. Any deferment
47 of judgment under section 907.3 shall be reported
48 promptly by the district clerk of court to the supreme
49 court administrator who shall maintain a permanent
50 record thereof including the name of the defendant,

H-6490
Page 13

1 the district court docket number, the nature of the
2 offense, and the date of the deferment. Before
3 granting deferment in any case, the court shall request
4 of the supreme court administrator a search of the
5 deferred judgment docket and shall consider any prior
6 record of a deferment of judgment against the de-
7 fendant. The permanent record provided for in this
8 section shall constitute a confidential record exempted
9 from public access under section 68A.7 and shall be
10 available only to justices of the supreme court,
11 judges of the court of appeals, district judges,
12 district associate judges, and judicial magistrates
13 requesting information pursuant to this section or
14 the designee of such judge or magistrate.

15 Sec. _____. The state department of transportation
16 is directed to promulgate rules to establish a maximum
17 brake horsepower rating for motorized bicycles and
18 such other motorized bicycle equipment requirements.
19 The state department of transportation shall promulgate
20 rules to provide for the placement of motor vehicle
21 registration validation stickers on all registration
22 plates issued for the motor vehicle when such valida-
23 tion stickers are issued in lieu of issuing new
24 registration plates under the provisions of section
25 three hundred twenty-one point thirty-four (321.34)
26 of the Code."

27 17. Renumber as necessary in conformance with
28 this amendment.

H-6490 FILED *Part of* BY BRUNOW of Appanoose
MAY 3, 1978 *order 5/12* KRAUSE of Kossuth
(p. 2726) DOYLE of Woodbury
LAGESCHULTE of Bremmer
DAVITT of Warren
SCHROEDER of Pottawattamie

SENATE FILE 2187

H-6500

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 11, by inserting after line 27 the follow-
4 ing:
5 "Sec. 19. Section three hundred twenty-one point
6 one hundred thirteen (321.113), Code 1977, is amended
7 by adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. A motor vehicle used
9 primarily by a person with a physical handicap which
10 substantially interferes with normal physical movement
11 and registered by such person and a motor vehicle
12 used primarily by a person over sixty-two years of
13 age and registered by such person shall have the
14 registration fee otherwise computed under the
15 provisions of section three hundred twenty-one point
16 one hundred nine (321.109) of the Code, reduced by
17 fifty percent if such person had a taxable income
18 as defined in section four hundred twenty-two point
19 nine (422.9) of the Code, of less than eight thousand
20 dollars for the year preceding the year for which
21 the registration will apply. Application for reduction
22 shall be made upon forms not exceeding one page in
23 length provided by the department. The reduction
24 provided under this paragraph shall be available only
25 for applications made after January first of the year
26 for which the registration will apply."
27 2. By renumbering the sections and cross-references
28 to conform with this amendment.

H-6500 FILED *Paul of* BY PELTON of Clinton
MAY 3, 1978 *order file*

SENATE FILE 2187

H-6502

1 Amend Senate File 2187, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 23, by inserting after line 4 the
4 following:
5 "Sec. ____ . Chapter three hundred twenty-one (321),
6 Code 1977, is amended by adding the following new
7 section:
8 NEW SECTION. OPERATING AN OFF-ROAD MOTORCYCLE.
9 A person shall not operate an off-road motorcycle on
10 any public lands or any private lands for which
11 state funds are received unless in possession of a
12 motor vehicle license valid for operation of
13 motorcycles or a safety certificate from a motorcycle
14 safety course approved by the commission."

H-6502 FILED *Paul of* BY WYCKOFF of Benton
MAY 3, 1978 *order file*

H-6514

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 20, by inserting after line 21 the follow-
4 ing:

5 "Sec. _____. Section three hundred twenty-one point
6 two hundred eighty-one (321.281), unnumbered paragraph
7 one (1), Code 1977 Supplement, is amended to read
8 as follows:

9 Whoever operates a motor vehicle upon the public
10 highways of this state having ten-hundredths of one
11 percentum or more by weight of alcohol in his or her
12 blood or while under the influence of an alcoholic
13 beverage, a narcotic, hypnotic or other drug, or any
14 combination of such substances shall, upon conviction
15 or a plea of guilty, be guilty of a serious misdemeanor
16 for the first offense and shall be imprisoned in the
17 county jail not less than two days; be guilty of an
18 aggravated misdemeanor for the second offense and
19 shall be imprisoned in the county jail not less than
20 seven days; and be guilty of a class "D" felony for
21 a third offense and each offense thereafter.

22 Sec. _____. Section three hundred twenty-one point
23 two hundred eighty-one (321.281), unnumbered paragraph
24 five (5), Code 1977 Supplement, is amended to read
25 as follows:

26 ~~For the purposes of this section, evidence that~~
27 ~~there was, at the time, more than ten-hundredths of~~
28 ~~one-per-centum-by-weight-of-alcohol-in-his-blood-shall~~
29 ~~be-admitted-as-presumptive-evidence-that-the-defendant~~
30 ~~was-under-the-influence-of-an-alcoholic-beverage.~~
31 No previous conviction for, or plea of guilty to,
32 an offense under this section occurring more than
33 six years prior to the date of the violation being
34 charged shall be used to determine that the violation
35 being charged is a second, third, or subsequent
36 offense."

37 2. Page 23, by inserting after line 13 the follow-
38 ing:

39 "Sec. _____. Section three hundred twenty-one B
40 point three (321B.3), Code 1977, is amended to read
41 as follows:

42 321B.3 IMPLIED CONSENT TO TEST. Any person who
43 operates a motor vehicle in this state upon a public
44 highway, under such circumstances as to give reasonable
45 grounds to believe the person to have been operating
46 a motor vehicle while under the influence of an
47 alcoholic beverage, shall be deemed to have given
48 consent to the withdrawal from his or her body of
49 specimens of his or her blood, breath, saliva, or
50 urine, and to a chemical test or tests thereof, for

1 the purpose of determining the alcoholic content of
2 his or her blood, subject to the provisions hereinafter
3 set out. The withdrawal of such body substances,
4 and the test or tests thereof, shall be administered
5 at the written request of a peace officer having
6 reasonable grounds to believe the person to have been
7 operating a motor vehicle upon a public highway of
8 this state while under the influence of an alcoholic
9 beverage, and only after the peace officer has placed
10 such person under arrest for the offense of operating
11 a motor vehicle while under the influence of an
12 alcoholic beverage. The peace officer shall determine
13 which of the four substances, breath, blood, saliva,
14 or urine, shall be tested. Refusal to submit to a
15 chemical test of urine, saliva or breath shall be
16 deemed a refusal to submit, and the provisions of
17 section 321B.7 shall apply. A refusal to submit to
18 a chemical test of blood shall not be deemed a refusal
19 to submit, but in that case, the peace officer shall
20 then determine which one of the other three substances
21 shall be tested, and shall offer such test. If such
22 peace officer fails to provide a test within two hours
23 after such arrest, no test shall be required, and
24 there shall be no revocation under the provisions
25 of section 321B.7.

26 Sec. _____. Section three hundred twenty-one B point
27 four (321B.4), Code 1977, is amended to read as
28 follows:

29 321B.4 TAKING SAMPLE FOR TEST. Only a licensed
30 physician, or a medical technologist or registered
31 nurse designated by a licensed physician as his or
32 her representative, acting at the written request
33 of a peace officer may withdraw such body substances
34 for the purpose of determining the alcoholic content
35 of the person's blood. However, any peace officer,
36 using devices and methods approved by the commissioner
37 of public safety, may take or request to be taken
38 a specimen of a person's breath or urine for the
39 purpose of determining the alcoholic content of the
40 person's blood. Only new, originally factory wrapped,
41 disposable syringes and needles, kept under strictly
42 sanitary and sterile conditions shall be used for
43 drawing blood. Such person may have an independent
44 chemical test or tests administered in addition to
45 any administered at the direction of a peace officer.
46 The failure or inability of the person to obtain an
47 independent chemical test or tests shall not preclude
48 the admission in evidence of the results of the test
49 or tests taken at the direction of the peace officer.
50 Upon the request of the person who is tested, the

H-6514
Page 3

1 results of the test or tests taken at the direction
2 of the peace officer shall be made available to him
3 that person.

4 Sec. . Section three hundred twenty-one B point
5 five (321B.5), Code 1975, is amended to read as
6 follows:

7 321B.5 DEAD OR UNCONSCIOUS PERSONS. Any person
8 who is dead, unconscious or who is otherwise in a
9 condition rendering him or her incapable of consent
10 or refusal shall be deemed not to have withdrawn the
11 consent provided by section 321B.3, and the test may
12 be given; provided that a licensed physician shall
13 certify in ~~advance-of-such-test~~ writing that such
14 person ~~is~~ was dead, unconscious or otherwise in a
15 condition rendering him that person incapable of
16 consent or refusal. In such case such condition shall
17 obviate the requirements of arrest and advice pursuant
18 to section 321B.6."

19 3. Renumber as necessary in conformance with this
20 amendment.

H-6514 FILED *Pl. of* BY LAGESCHULTE of Bremer
MAY 3, 1978 *order 5/3*

SENATE FILE 2187

H-6515

1 Amend amendment H-6490, to Senate File 2187 as
2 passed by the Senate and reprinted, as follows:

- 3 1. Page 10, by striking lines 49 and 50.
- 4 2. Page 11, by striking lines 1 through 20

5 and inserting in lieu thereof the following:

6 "Dealers licensed with a principal place of busi-
7 ness in the state may apply to the department for
8 a temporary permit to operate a car lot in a place
9 other than the city or township in which the principal
10 place of business is located. Applications shall
11 be made upon forms provided by the department and
12 accompanied by a ten-dollar permit fee. Temporary
13 permits shall be approved only for operations as a
14 dealer at fairs, vehicle exhibitions and vehicle shows
15 at which vehicles are displayed and offered for sale.
16 Temporary permits shall be issued for periods not
17 to exceed fourteen days."

H-6515 FILED *Pl. of* BY MILLER of Buchanan
MAY 3, 1978 *order 5/3* NORLAND of Worth

SENATE FILE 2187

H-6501

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 24, by inserting after line 18 the follow-
- 4 ing:
- 5 "Sec. ____ . Section three hundred six point eight
- 6 (306.8), Code 1977, is amended by adding the following
- 7 new unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. When agreements are
- 9 entered into between jurisdictions where moneys are
- 10 transferred for repair of roads, streets and structures
- 11 on the road, the moneys shall be used only on those
- 12 streets, roads and structures transferred."
- 13 2. Renumber as necessary in conformance with this
- 14 amendment.

H-6501 FILED *Part of order* BY MILLER of Buchanan
MAY 3, 1978 *5/12* RINAS of Linn
WYCKOFF of Benton
HARVEY of Scott
GETTINGS of Wapello
KRAUSE of Kossuth

SENATE FILE 2187

H-6503

- 1 Amend amendment H-6489, to Senate File 2187, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, line 22, by striking the word "forty-
- 4 five" and inserting in lieu thereof the word "forty".
- 5 2. Page 1, line 23, by striking the word "thirty-
- 6 five" and inserting in lieu thereof the word "thirty".

H-6503 FILED *Part of order* BY SCHNEKLOTH of Scott
MAY 3, 1978 *5/12*

SENATE FILE 2187

H-6504

- 1 Amend amendment H-6434 to Senate File 2187 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, line 10, by striking the words "affected
- 4 by" and inserting in lieu thereof the words "terminated
- 5 by".

H-6504 FILED *Part of order* BY KRAUSE of Kossuth
MAY 3, 1978 *order 5/12*

SENATE FILE 2187

H-6513

- 1 Amend Senate File 2187, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 2, by striking lines 29 through 35.

H-6513 FILED *Part of order* BY MONROE of Des Moines
MAY 3, 1978 *order 5/12*

1 Amend Senate File 2187 as amended, passed and re-
2 printed by the Senate as follows:

3 1. Page 4, by inserting after line 34 the following
4 new section:

5 "Sec. _____. Section sixty-eight A point seven
6 (68A.7), Code 1977, is amended by adding the following
7 new subsection:

8 NEW SUBSECTION. 12. Any reports, informations,
9 citations or warnings issued for traffic violations
10 for exceeding the posted speed limit by ten miles
11 per hour or less and any court reports of convictions
12 of a traffic violation for exceeding the posted speed
13 limit by ten miles per hour or less."

14 2. Page 13, by inserting after line 29 the
15 following new section:

16 "Sec. _____. Section three hundred twenty-one point
17 two hundred seven (321.207), Code 1977, is amended
18 to read as follows:

19 321.207 RECORD FORWARDED. Every court having
20 jurisdiction over offenses committed under this
21 chapter, or any other law of this state or any city
22 traffic ordinances, other than parking regulations,
23 regulating the operation of motor vehicles on highways,
24 shall forward to the department a record of the
25 conviction of any person in said court for a violation
26 of any said laws except violations of the posted speed
27 limit by ten miles per hour or less, and may recommend
28 the suspension of the operator's or chauffeur's license
29 of the person so convicted, and the department shall
30 thereupon consider and act upon such recommendation
31 in such manner as may seem to it best."

32 3. Page 13, by inserting after line 35 the
33 following:

34 "Sec. _____. Section three hundred twenty-one point
35 two hundred ten (321.210), unnumbered paragraph two
36 (2), Code 1977, is amended to read as follows:

37 For the purpose of determining when to suspend
38 a license under this section the director may, in
39 accordance with the provisions of chapter 17A,
40 promulgate a point system for the purpose of weighing
41 traffic convictions, or offenses by their seriousness
42 and may change such weighted scale from time to time
43 as experience or the accident frequency in the state
44 makes necessary or desirable. However, points shall
45 not be awarded for violations of the posted speed
46 limits by ten miles per hour or less."

47 4. Page 24, by inserting after line 18 the follow-
48 ing new section:

49 "Sec. _____. Section eight hundred five point eight
50 (805.8), subsection two (2), paragraph f, unnumbered

MAY 5, 1978

PAGE 11

H-6516

Page 2

1 paragraph one (1), Code 1977 Supplement, is amended
2 to read as follows:

3 For excessive speed violations when not more than
4 ten miles per hour in excess of the limit under
5 sections 111.36, 321.236, subsections 5 and 11,
6 321.285, 321.286 and 321.287, the scheduled fine is
7 ten twenty dollars."

8 5. Renumber sections and correct internal refer-
9 ences as are necessary in accordance with this
10 amendment.

11 6. Amend the title, line 22, by inserting after
12 the word "lots," the words "and the administration
13 of traffic offenses,".

H-6516 FILED *W. J. Horn* BY HORN OF Linn
MAY 4, 1978 *W. J. Horn*

SENATE FILE 2187

H-6525

1 Amend Senate File 2187, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 24, by inserting after line 9 the follow-
4 ing new section:

5 "Section 1. Section four hundred fifty-five point
6 one hundred eighteen (455.118), Code 1977, is amended
7 to read as follows:

8 455.118 BRIDGES. When such levee, ditch, drain,
9 or change of any natural watercourse crosses a public
10 highway, necessitating moving or building or rebuilding
11 any secondary road bridge upon, or ditch or drain
12 crossing such road, the board of supervisors shall
13 move, build, or rebuild the same, saying furnish
14 specifications for the work and pay the costs and
15 expenses thereof incurred in moving or building or
16 rebuilding the same, including construction,
17 maintenance, repair and improvement costs, from the
18 secondary road fund.

19 If the bridge or crossing be upon or across a
20 primary or interstate road, the ~~work aforesaid shall~~
21 ~~be done by the state department of transportation~~
22 ~~and paid for~~ shall furnish specifications for the
23 work and pay the cost incurred in performing the
24 aforesaid work out of the primary road fund."

25 2. Renumber sections and correct internal
26 references as are necessary in accordance with this
27 amendment.

28 3. Amend the title, line 22, by inserting after
29 the word "lots," the words "relating to the
30 responsibility for paying the cost of moving, building
31 or rebuilding certain facilities at points where a
32 drainage district improvement crosses a public road,".

H-6525 FILED *Part of* BY NORLAND of Worth
MAY 4, 1978 *5/12* WEST of Marshall

SENATE FILE 2187

H-6517

- 1 Amend Senate File 2187, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 11, by inserting after line 27 the
- 4 following:
- 5 "Sec. ____ . Section three hundred twenty-one point
- 6 one hundred twenty-two (321.122), Code 1977, is amended
- 7 by adding the following new subsection:
- 8 NEW SUBSECTION. 5. However, motor trucks or truck
- 9 tractors towing disabled motor vehicles shall be
- 10 registered for the gross weight of the motor truck
- 11 or truck tractor without consideration of the weight
- 12 of the vehicle being towed."
- 13 2. Renumber as necessary in conformance with this
- 14 amendment.

H-6517 FILED *Copy of order* BY HARVEY of Scott
MAY 4, 1978 *Shelton* SCHROEDER of Pottawattamie

SENATE FILE 2187

H-6524

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 24, by inserting after line 18 the
- 4 following:
- 5 "Sec. ____ . Section nine hundred seven point three
- 6 (907.3), subsection one (1), Code 1977 Supplement,
- 7 is amended by adding the following new paragraph:
- 8 NEW PARAGRAPH. e. The offense is a violation
- 9 of section three hundred twenty-one point two hundred
- 10 eighty-one (321.281) of the Code."
- 11 2. Renumber as necessary in conformance with this
- 12 amendment.

H-6524 FILED *Copy of order* BY KRAUSE & Kossuth
MAY 4, 1978 *Shelton* LAGESCHULTE of Bremer
MILLER of Buchanan
GILSON of Guthrie
BRANSTAD of Winnebago
PELLETT of Cass
MILLEN of Van Buren
KOOGLER of Mahaska
DAGGETT of Taylor
DUNTON of Keokuk
HANSEN of O'Brien
JUNKER of Woodbury
GETTINGS of Wapello
HARBOR of Mills
WYCKOFF of Benton
WELDEN of Hardin
STROMER of Hancock
SPENCER of Clay
SPEAR of Lee
HINKHOUSE of Cedar
CLARK of Cerro Gordo
DIELEMAN of Marion
EVANS of Grundy
WEST of Marshall
CHIODO of Polk
GRIFFEE of Chickasaw
BRUNOW of Appanoose

SENATE FILE 2187

H-6527

1 Amend Senate File 2187, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 22, by inserting after line 17 the follow-
4 ing:

5 "Sec. _____. Section three hundred twenty-one point
6 three hundred seventy-six (321.376), unnumbered
7 paragraph two (2), Code 1977, is amended by striking
8 the paragraph and inserting in lieu thereof the
9 following:

10 Each school bus driver who is applying for a school
11 bus driver's permit for the first time shall have
12 either completed the Iowa state school bus driver's
13 training course offered through a merged area school
14 corporation or shall complete the course during the
15 first six months of employment. A certificate showing
16 successful completion of the course shall be certified
17 by the area school and submitted to the department
18 of public instruction. Failure of the driver to
19 successfully complete the course shall be reported
20 by the area school to the department of public
21 instruction and to the school for which the bus driver
22 is employed. A beginning driver who fails to
23 successfully complete the course within the first
24 six months of employment shall not be issued a
25 subsequent permit until evidence is submitted to the
26 department certifying the driver has successfully
27 completed the course."

28 2. Renumber as necessary in conformance with this
29 amendment.

H-6527 FILED *Out of order* BY LIPSKY of Linn
MAY 4, 1978 *5/12*

SENATE FILE 2187

H-6526

1 Amend the amendment, H-6490, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 10, by striking lines 24 through 46 and
5 inserting in lieu thereof the following:

6 "Sec. ____ . Section three hundred twenty-one point
7 four hundred ninety-four (321.494), Code 1977, is
8 amended to read as follows:

9 321.494 ~~GOOD-STATUTES--The owner or operator of~~
10 ~~a motor vehicle shall not be liable for any damages~~
11 ~~to any passenger or person riding in said motor vehicle~~
12 ~~as a guest or by invitation and not for hire unless~~
13 ~~damage is caused as a result of the driver of said~~
14 ~~motor vehicle being under the influence of an alcoholic~~
15 ~~beverage, a narcotic, hypnotic or other drug, or any~~
16 ~~combination of such substances, or because of the~~
17 ~~reckless operation by him of such motor vehicle. The~~
18 owner or operator of a carpool or vanpool as defined
19 in section three hundred twenty-five point one (325.1)
20 of the Code, as amended by Acts of the Sixty-seventh
21 General Assembly, 1977 Session, chapter one hundred
22 three (103), section fifty-seven (57), shall not be
23 liable unless damage is caused as a result of the
24 driver of the carpool or vanpool being under the
25 influence of an alcoholic beverage, a narcotic,
26 hypnotic or other drug, or any combination of such
27 substances, or because of the reckless operation of
28 the carpool or vanpool vehicle by the operator. The
29 legislature finds that to preserve increasingly scarce
30 natural resources of petroleum products, and to
31 encourage a cooperative effort from the public to
32 share the costs incurred to transport individuals
33 in shared transportation facilities to and from work,
34 it is in the interest of the health, safety and welfare
35 of the state to adopt the provisions of this section."

H-6526 FILED *5/13* BY GENTLEMAN of Polk
MAY 4, 1978 BINA of Scott
KOOGLER of Mahaska

H-6538

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 11, by inserting after line 27 the follow-
4 ing:

5 "Sec. 19. Section three hundred twenty-one point
6 one hundred twenty-two (321.122), subsection one (1),
7 Code 1977, as amended by Acts of the Sixty-seventh
8 General Assembly, 1977 Session, chapter one hundred
9 four (104), section five (5), is amended by striking
10 the subsection and inserting in lieu thereof the
11 following:

12 1. The annual registration fee for motor trucks,
13 except special trucks, truck tractors, or road
14 tractors, shall be based on the combined gross weight
15 of the vehicle or combination of vehicles. All trucks,
16 truck tractors, semitrailers, or road tractors shall
17 be registered for a gross weight equal to or in excess
18 of the unladen weight of the vehicle or combination
19 of vehicles. The annual registration fee for such
20 vehicles or combination of vehicles shall be:

21 a. For a combined gross weight of four tons or
22 less forty-five dollars and after ten registrations
23 thirty-five dollars.

24 b. For a combined gross weight exceeding four
25 tons, the annual registration fee shall be as set
26 forth in the following schedule:

| 27 | For a combined gross | And not | The annual |
|----|----------------------|-------------------|----------------------------|
| 28 | weight exceeding: | exceeding: | registration fee shall be: |
| 29 | 4 Tons | 5 Tons | \$ 60 |
| 30 | 5 Tons | 6 Tons | \$ 75 |
| 31 | 6 Tons | 7 Tons | \$ 100 |
| 32 | 7 Tons | 8 Tons | \$ 135 |
| 33 | 8 Tons | 9 Tons | \$ 170 |
| 34 | 9 Tons | 10 Tons | \$ 205 |
| 35 | 10 Tons | 11 Tons | \$ 240 |
| 36 | 11 Tons | 12 Tons | \$ 275 |
| 37 | 12 Tons | 13 Tons | \$ 310 |
| 38 | 13 Tons | 14 Tons | \$ 335 |
| 39 | 14 Tons | 15 Tons | \$ 380 |
| 40 | 15 Tons | 16 Tons | \$ 415 |
| 41 | 16 Tons | 17 Tons | \$ 450 |
| 42 | 17 Tons | 18 Tons | \$ 485 |
| 43 | 18 Tons | 19 Tons | \$ 520 |
| 44 | 19 Tons | 20 Tons | \$ 578 |
| 45 | 20 Tons | 21 Tons | \$ 617 |
| 46 | 21 Tons | 22 Tons | \$ 660 |
| 47 | 22 Tons | 23 Tons | \$ 704 |
| 48 | 23 Tons | 24 Tons | \$ 749 |
| 49 | 24 Tons | 25 Tons | \$ 875 |
| 50 | 25 Tons | 26 Tons | \$ 927 |

H-6538
Page 2

| | | | |
|----|-------------------|-------------------|---------|
| 1 | 26 Tons | 27 Tons | \$ 981 |
| 2 | 27 Tons | 28 Tons | \$1,036 |
| 3 | 28 Tons | 29 Tons | \$1,091 |
| 4 | 29 Tons | 30 Tons | \$1,148 |
| 5 | 30 Tons | 31 Tons | \$1,206 |
| 6 | 31 Tons | 32 Tons | \$1,264 |
| 7 | 32 Tons | 33 Tons | \$1,324 |
| 8 | 33 Tons | 34 Tons | \$1,384 |
| 9 | 34 Tons | 35 Tons | \$1,475 |
| 10 | 35 Tons | 36 Tons | \$1,538 |
| 11 | 36 Tons | 37 Tons | \$1,601 |
| 12 | 37 Tons | 38 Tons | \$1,666 |
| 13 | 38 Tons | 39 Tons | \$1,731 |
| 14 | 39 Tons | 40 Tons | \$1,798 |

15 c. For a combined gross weight exceeding forty
16 tons, the annual registration fee shall be two thousand
17 twenty-four dollars plus eighty-five dollars for each
18 ton over forty tons.

19 Where an auxiliary axle has been registered under
20 the provisions of this chapter, the registered gross
21 weight of the vehicle or combination of vehicles shall
22 be the sum of the registered gross weight of such
23 auxiliary axle or axles added to the registered gross
24 weight of the truck, truck tractor, or road tractor."

25 2. Page 22, by inserting after line 17 the follow-
26 ing:

27 "Sec. 33. Section three hundred twenty-one point
28 four hundred fifty-seven (321.457), Code 1977, as
29 amended by Acts of the Sixty-seventh General Assembly,
30 1977 Session, chapter one hundred three (103), section
31 fifty-one (51), is amended by adding the following
32 new subsection:

33 NEW SUBSECTION. No semitrailer registered for
34 the first time for the calendar year beginning January
35 1, 1979, or for a subsequent period shall have an
36 overall length in excess of forty-five feet.

37 Sec. 34. Section three hundred twenty-one point
38 four hundred fifty-seven (321.457), subsection three
39 (3), Code 1977, is amended by striking the subsection
40 and inserting in lieu thereof the following:

41 3. No combination of vehicles coupled together,
42 unladen or with load, shall have an overall length,
43 inclusive of front and rear bumpers, in excess of
44 sixty feet.

45 Sec. 35. Section three hundred twenty-one point
46 four hundred fifty-seven (321.457), subsection five
47 (5), Code 1977, is amended by striking the subsection
48 and inserting in lieu thereof the following:

49 5. Passenger vehicles, light delivery trucks,
50 panel delivery trucks, pickup trucks and boats being

1 transported on a combination of vehicles used
2 exclusively for the transportation of such vehicles
3 and boats may extend up to three feet beyond the front
4 and rear bumpers of the transporting vehicles when
5 the overall length of the vehicle with load does not
6 exceed sixty-five feet.

7 Sec. 36. Section three hundred twenty-one point
8 four hundred fifty-nine (321.459), Code 1977, is
9 amended by striking the section and inserting in lieu
10 thereof the following:

11 321.459 DUAL AXLE REQUIREMENT. Axles of a motor
12 vehicle, trailer, or semitrailer which are less than
13 forty inches apart center to center shall be considered
14 as one axle for the purpose of determining permissible
15 weight under section three hundred twenty-one point
16 four hundred sixty-three (321.463) of the Code.

17 Sec. 37. Section three hundred twenty-one point
18 four hundred sixty-three (321.463), Code 1977, is
19 amended by striking the section and inserting in lieu
20 thereof the following:

21 321.463 MAXIMUM GROSS WEIGHT. An axle may be
22 divided into two or more parts, except that all parts
23 in the same vertical transverse plane shall be
24 considered as one axle.

25 The gross weight on any one axle of a vehicle,
26 or of a combination of vehicles, operated on the
27 highways of this state, shall not exceed twenty
28 thousand pounds on an axle equipped with pneumatic
29 tires, and shall not exceed fourteen thousand pounds
30 on an axle equipped with solid rubber tires. The
31 gross weight on any tandem axle of a vehicle, or any
32 combination of vehicles, shall not exceed thirty-four
33 thousand pounds on an axle equipped with pneumatic
34 tires.

35 A group of two or more consecutive axles of any
36 vehicle or combination of vehicles, shall not carry
37 a load in pounds in excess of the overall gross weight
38 determined by application of the following formula:
39 W equals 500 times $(LN/N-1 + 12N + 36)$ where W equals
40 the overall gross weight on any group of two or more
41 consecutive axles to the nearest five hundred pounds,
42 L equals the distance in feet between the extreme
43 of any group of two or more consecutive axles, and
44 N equals the number of axles in group under
45 consideration, except that two consecutive sets of
46 tandem axles may carry a gross load of thirty-four
47 thousand pounds each providing the overall distance
48 between the first and last axles of such consecu-
49 tive sets of tandem axles is thirty-six feet or more.

50 In no event shall the maximum gross weight, includ-

1 ing the enforcement tolerances, exceed eighty thousand
2 pounds.

3 A tolerance above the maximum legal weight of any
4 axle or vehicle or combination of vehicles may be
5 allowed as follows:

6 Three percent on any axle, including tandem axles,
7 of any vehicle or combination of vehicles operated
8 on highways not part of the interstate system.

9 Eight percent of the gross weight on any particular
10 group of axles.

11 Eight percent on the total gross weight of a vehicle
12 or combination of vehicles.

13 The weight on any one axle, including a tandem
14 axle, of a vehicle which is transporting livestock
15 on highways not part of the interstate system may
16 exceed the legal maximum weight given in this chapter
17 providing that the gross weight on any particular
18 group of axles on such vehicle does not exceed the
19 gross weight allowable under this chapter for such
20 group of axles.

21 Any person who operates any vehicle in violation
22 of the provisions of this section, and any owner,
23 or any other person, employing or otherwise directing
24 the operator of any vehicle who requires or knowingly
25 permits the operation of any vehicle in violation
26 of the provisions of this section shall upon conviction
27 or a plea of guilty be punished in accordance with
28 the following schedule:

29 AXLE, TANDEM AXLE, GROUP OF AXLES, AND
30 GROSS WEIGHT VIOLATIONS

| 31 Percentage of | 32 Amount of Fine |
|----------------------------------|-----------------------|
| 33 Overload | 34 Per Hundred Pounds |
| 35 Up to and including 8% | 36 \$1.00 |
| 37 Over 8% to and including 10% | 38 \$1.25 |
| 39 Over 10% to and including 12% | 40 \$1.50 |
| 41 Over 12% to and including 14% | 42 \$2.00 |
| 43 Over 14% to and including 16% | 44 \$3.00 |
| 45 Over 16% to and including 18% | 46 \$4.00 |
| 47 Over 18% to and including 20% | 48 \$5.00 |
| 49 Over 20% | 50 \$6.00 |

41 A fine shall not be assessed if the overload does
42 not exceed the tolerance specified in this section.
43 If the overload does exceed the tolerance specified
44 in this section, the amount of the fine to be assessed
45 shall be computed on the difference between the actual
46 weight and the maximum legal weight specified in this
47 section without allowance of any tolerance, by applying
48 the appropriate rate in the preceding schedule for
49 the total percentage of overload. The total percentage
50 of overload shall be determined by dividing the

1 appropriate maximum legal weight as specified in this
2 section without allowance for any tolerance into the
3 amount of pounds overloaded.
4 Overloads on axles and tandem axles and overloads
5 on groups of axles or on an entire vehicle or
6 combination of vehicles shall be considered as separate
7 violations of the provisions of this section.
8 The penalties provided in this section shall not
9 be construed to be in lieu of any other penalties
10 provided for violations of other provisions of this
11 chapter.
12 Any person who issues or executes, or causes to
13 be issued or executed, any bill of lading, manifest,
14 or shipping document of any kind which states the
15 false weight of the cargo set forth on such bill,
16 manifest, or document, to be less than the actual
17 weight of such cargo, shall be punished by a fine
18 of not more than one hundred dollars or by imprisonment
19 for not more than thirty days."
20 3. Page 24, by inserting after line 9 the follow-
21 ing:
22 "Sec. 39. Chapter three hundred twenty-four (324),
23 Code 1977, is amended by adding the following new
24 division:
25 DIVISION V
26 MOTOR FUEL AND SPECIAL FUEL USE TAX
27 FOR HEAVY MOTOR VEHICLE OPERATIONS
28 NEW SECTION. PURPOSE. The purpose of this division
29 is to provide a method of collecting additional fuel
30 taxes from interstate and intrastate operators of
31 motor vehicles registered at a gross weight of twenty
32 tons or more commensurate with their operations on
33 Iowa highways.
34 NEW SECTION. LEVY OF HEAVY VEHICLE FUEL TAX.
35 For the privilege of operating a motor vehicle
36 registered at a gross weight of twenty tons or more
37 in this state, an excise tax of two cents a gallon
38 is imposed upon the use of all motor fuel and special
39 fuel used in said vehicles. This excise tax is in
40 addition to those taxes provided for in Division I
41 and II of this chapter.
42 NEW SECTION. PERMIT--BOND. No person shall operate
43 a motor vehicle registered for a gross weight of
44 twenty tons or more on Iowa highways without a heavy
45 vehicle fuel tax permit. The department shall issue
46 a permit annually upon the posting of an indemnity
47 bond in a sum to be fixed by the department to assure
48 the required reporting, tax payments and record
49 keeping. The department may audit persons not holding
50 permits who are suspected of evading the heavy vehicle

H-6538
Page 6

1 fuel tax. Audits shall be conducted pursuant to
2 section three hundred twenty-four point fifty-five
3 (324.55). The annual permit fee shall be five dollars.
4 Each vehicle operated under the provisions of this
5 division shall carry a duplicate or evidence of the
6 permit. A fee of fifty cents shall be charged for
7 each duplicate issued. Any person holding a heavy
8 vehicle fuel tax permit shall not be required for
9 vehicles registered at twenty tons and over to hold
10 an Iowa interstate fuel permit issued under section
11 three hundred twenty-four point fifty-three (324.53)
12 of the Code.

13 NEW SECTION. FUEL TAX COMPUTATION--REPORTING AND
14 PAYMENT. To determine the amount of fuel taxes due
15 under this provision, a quarterly report shall be
16 filed not later than the last day of the month
17 following the quarter reported and each quarter
18 thereafter. Reports shall be on forms prescribed
19 by the department and be required of all persons who
20 have been issued a permit under this division. Reports
21 shall cover actual operation and fuel consumption
22 in Iowa. Taxes shall be based on the permittee's
23 average fuel consumption. Average fuel consumption
24 shall be determined by the total miles traveled and
25 the total fuel purchased and consumed for highway
26 use by the permittee's motor vehicle in its entire
27 operation in all states to establish an overall miles
28 per gallon ratio, which ratio shall be used to compute
29 the gallons used for the miles traveled in Iowa."

30 4. Renumber as necessary in conformance with this
31 amendment.

H-6538 FILED *Clifford* BY NIELSEN of Polk
MAY 4, 1978 *5/12* SCHROEDER of Pottawattamie
SCHEELHAASE of Woodbury
WYCKOFF of Benton

SENATE FILE 2187

H-6530

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 2, line 11, by inserting after the word
4 "Code," the words "people engaged in a hobby not for
5 profit,".

H-6530 FILED *Clifford* BY MONROE of Des Moines
MAY 4, 1978 *5/12* LIND of Black Hawk

SENATE FILE 2187

H-6528

1 Amend the amendment, H-6490, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 2, line 36, by inserting after the word
5 "treasurer" the words "of the county".

H-6528 FILED *Clifford* BY DOYLE of Woodbury
MAY 4, 1978 *5/12*

H-6542

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 22, line 19, by striking the word "section"
4 and inserting in lieu thereof the word "sections".

5 2. Page 22, by inserting after line 29 the
6 following:

7 "NEW SECTION. PROOF OF FINANCIAL RESPONSIBILITY .

8 1. Notwithstanding the provisions of chapter three
9 hundred twenty-one A (321A) of the Code, as it pertains
10 to who is required to maintain proof of financial
11 responsibility to operate a motor vehicle on the
12 highways of this state, a person shall not operate
13 a motor vehicle on the highways of this state unless
14 the person has demonstrated proof of financial
15 responsibility as defined in section three hundred
16 twenty-one A point one (321A.1) of the Code.

17 2. A county treasurer shall not issue vehicle
18 registration plates to the owner of a motor vehicle
19 in this state unless the applicant has demonstrated
20 proof of financial responsibility in a manner provided
21 in this section or such other manner as prescribed
22 by the department to substantiate that a person has
23 the ability to respond in damages for liability in
24 the amounts specified in section three hundred twenty-
25 one A point one (321A.1), subsection ten (10), of
26 the Code. A certificate of insurance from an insurance
27 company licensed to conduct business in Iowa, an
28 appropriate bond or a certificate from the state
29 treasurer shall be adequate evidence of proof of
30 financial responsibility.

31 3. An insurance company operating in the state
32 shall notify the state department of transportation
33 in a manner prescribed by the department pursuant
34 to rules of a cancellation of an insurance policy
35 issued to a person to satisfy the requirements for
36 proof of financial responsibility in a manner
37 prescribed by the commissioner of insurance. The
38 department shall notify the treasurer of the county
39 who issued the vehicle registration plates to the
40 owner who has cancelled the insurance coverage or
41 failed to maintain proof of financial responsibility
42 in a manner required in section three hundred twenty-
43 one A point eighteen (321A.18) of the Code. The
44 county treasurer shall notify the owner of the
45 revocation of the vehicle registration plates effective
46 thirty days from the date the notice is mailed and
47 that the owner of the vehicle shall surrender the
48 vehicle registration plates to the county treasurer.
49 If the owner provides proof of financial responsibility
50 as required by law, the vehicle registration plates

H-6542
Page 2

- 1 shall not be revoked or surrendered.
- 2 4. The state department of transportation and
- 3 the insurance department shall promulgate rules to
- 4 implement the provisions of this Act."
- 5 3. Renumber the sections and correct internal
- 6 references as necessary.

H-6542 FILED *Out of order* BY MILLER of Buchanan
MAY 5, 1978 *5/12 (p. 2727)*

SENATE FILE 2187

H-6545

- 1 Amend amendment H-6538, to Senate File 2187, as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 4, line 2, by inserting after the word
- 4 "pounds." the following: "A vehicle or a combination
- 5 of vehicles exceeding the gross weight, including
- 6 the enforcement tolerances, of seventy-three thousand
- 7 two hundred eighty (73,280) pounds shall be limited
- 8 to travel on the interstate system and no more than
- 9 five miles therefrom."

H-6545 FILED *Out of order* BY GARRISON of Black Hawk
MAY 5, 1978 *5/12* KOOGLER of Mahaska
MILLER of Buchanan
LIND of Black Hawk

SENATE FILE 2187

H-6546

- 1 Amend the amendment, H-6538, to Senate File 2187
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking lines 15 through 18 and
- 5 inserting in lieu thereof the following:
- 6 "c. For a combined gross weight exceeding forty
- 7 tons, the annual registration fee shall be one thousand
- 8 seven hundred ninety-eight dollars plus eighty-five
- 9 dollars for each ton over forty tons."
- 10 2. Page 2, by striking lines 27 through 36.
- 11 3. Renumber as necessary in conformance with this
- 12 amendment.

H-6546 FILED *Out of order* BY WYCKOFF of Benton
MAY 5, 1978 *5/12* SCHEELHAASE of Woodbury
HARBOR of Mills
SCHROEDER of Pottawattamie

SENATE FILE 2187

H-6550

- 1 Amend amendment H-6538 to Senate File 2187 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 4, line 6, by striking the word "Three"
- 5 and inserting in lieu thereof the word "One".

H-6550 FILED *Out of order* BY KRAUSE of Kossuth
MAY 5, 1978 *5/12*

SENATE FILE 2187

H-6543

1 Amend the amendment, H-6538, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 1, by inserting after line 2 the following:
5 " . Page 4, by inserting after line 34 the
6 following:

7 "Sec. 9. Chapter three hundred twelve (312), Code
8 1977, is amended by adding the following new sections:
9 NEW SECTION. PAVEMENT WEAR FUND. There is created
10 in the state treasury a pavement wear fund.

11 NEW SECTION. PAVEMENT WEAR FUND DISTRIBUTION.
12 The department shall recommend to the legislature
13 on or before February first of each year, a formula
14 distribution of the funds in the pavement wear fund.
15 The formula shall be based on studies of the relative
16 wear on routes designated by the functional
17 classification review board. Funds shall be dis-
18 tributed from the pavement wear fund pursuant to the
19 established formula beginning January 1, 1980 and
20 each subsequent year.

21 Sec. 10. Section three hundred twelve point two
22 (312.2), Code 1977, is amended by adding the following
23 new subsection:

24 NEW SUBSECTION. 8. Each month the treasurer of
25 the state, before making the allotments provided for
26 in this section, shall compute and credit to the
27 pavement wear fund the proceeds from the two cents
28 per gallon excise tax as set forth in the second new
29 section added by section thirty-nine (39) of this
30 amendment and the portion of the registration fees
31 collected under section nineteen (19) of this
32 amendment, according to the following schedule:

| 33 For a combined gross | And not | The portion to be |
|-----------------------------|-------------------|----------------------------|
| 34 <u>weight exceeding:</u> | <u>exceeding:</u> | <u>allocated shall be:</u> |
| 35 19 Tons | 20 Tons | \$ 3 |
| 36 20 Tons | 21 Tons | \$ 7 |
| 37 21 Tons | 22 Tons | \$ 15 |
| 38 22 Tons | 23 Tons | \$ 24 |
| 39 23 Tons | 24 Tons | \$ 34 |
| 40 24 Tons | 25 Tons | \$ 50 |
| 41 25 Tons | 26 Tons | \$ 62 |
| 42 26 Tons | 27 Tons | \$ 76 |
| 43 27 Tons | 28 Tons | \$ 91 |
| 44 28 Tons | 29 Tons | \$106 |
| 45 29 Tons | 30 Tons | \$123 |
| 46 30 Tons | 31 Tons | \$141 |
| 47 31 Tons | 32 Tons | \$159 |
| 48 32 Tons | 33 Tons | \$179 |
| 49 33 Tons | 34 Tons | \$199 |
| 50 34 Tons | 35 Tons | \$225 |

H-6543
Page 2

| | | | |
|---|-------------------|-------------------|-------|
| 1 | 35 Tons | 36 Tons | \$248 |
| 2 | 36 Tons | 37 Tons | \$271 |
| 3 | 37 Tons | 38 Tons | \$296 |
| 4 | 38 Tons | 39 Tons | \$321 |
| 5 | 39 Tons | 40 Tons | \$348 |

6 For a combined gross weight exceeding forty tons,
7 the portion to be allocated shall be three hundred
8 and forty-eight dollars and in addition thereto twenty-
9 seven dollars for each ton over forty tons."

10 2. Renumber the sections and correct internal
11 references as necessary in conformance with this
12 amendment.

H-6543 FILED *5/12* BY KRAUSE of Kossuth
MAY 5, 1978

SENATE FILE 2187

H-6544

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 5, by inserting after line 18 the
4 following:

5 "Sec. ____ . Section three hundred twenty-one point
6 one (321.1), subsection three (3), paragraph b, Code
7 1977 Supplement, is amended by striking the paragraph
8 and inserting in lieu thereof the following:

9 b. "Motorized bicycle" or "motor bicycle" means
10 a two or three wheeled vehicle with fully operative
11 pedals for propulsion by human power, an automatic
12 transmission, and a motor with a cylinder capacity
13 not exceeding fifty cubic centimeters, which produces
14 no more than one and one-half brake horsepower, and
15 is capable of propelling the vehicle at a maximum
16 design speed of not more than twenty-five miles per
17 hour on level ground."

18 2. Renumber as necessary in conformance with this
19 amendment.

H-6544 FILED *5/12* BY TOFTE of Winneshiek
MAY 5, 1978

SENATE FILE 2187

H-6571

- 1 Amend amendment H-6538 to Senate File 2187 as
- 2 amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, line 44 by striking "sixty" and
- 5 inserting "sixty-five".

H-6571 FILED
MAY 8, 1978

Chair of Senate
5/12

BY WOODS of Polk

SENATE FILE 2187

H-6573

- 1 Amend Senate File 2187 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 24, by inserting after line 18 the
- 4 following:
- 5 "Sec. _____. For new motor vehicles registered for
- 6 the first time for the calendar year beginning
- 7 January 1, 1980 and each subsequent year, the state
- 8 department of transportation shall promulgate rules
- 9 to establish a standard bumper height for all new
- 10 motor vehicles. The standard bumper height shall
- 11 provide that the front and rear bumpers of all motor
- 12 vehicles shall have the impact area of the bumper
- 13 equally distant from the road surface for all motor
- 14 vehicles. Operation of a motor vehicle other than
- 15 in conformance with this section and registered for
- 16 the first time for the calendar year beginning
- 17 January 1, 1980 or a subsequent calendar year shall
- 18 be a simple misdemeanor."
- 19 2. Renumber as necessary.

H-6573 FILED
MAY 8, 1978

Chair of Senate
5/12

BY MILLER of Buchanan

MAY 8, 1978

PAGE 9

SENATE FILE 2187

H-6547

1 Amend amendment H-6538 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 2, line 36 by striking the period and
5 inserting in lieu thereof the following: "except
6 semitrailers transporting livestock, semitrailers
7 transporting implements of husbandry, and those
8 semitrailers used exclusively for the transporta-
9 tion of passenger vehicles, light delivery trucks,
10 panel delivery trucks, pickup trucks and boats."

H-6547 FILED *John J. ...* BY KRAUSE of Kossuth
MAY 5, 1978

SENATE FILE 2187

H-6549

1 Amend Senate File 2187 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 5, by inserting after line 30 the follow-
4 ing:
5 "Sec. ____ . Section three hundred twenty-one point
6 thirty-eight (321.38), Code 1977, is amended to read
7 as follows:
8 321.38 PLATES, METHOD OF ATTACHING. Every
9 registration plate shall at all times be securely
10 fastened in a horizontal position to the vehicle for
11 which it is issued so as to prevent the plate from
12 swinging and at a height of not less than twelve
13 inches from the ground, measuring from the bottom
14 of such plate, in a place and position to be clearly
15 visible and shall be maintained free from foreign
16 materials or imitation plate or plates imitating or
17 purporting to imitate the official license plate of
18 any other state or territory of the United States
19 or of any foreign government and in a condition to
20 be clearly legible. Registration plates attached
21 to a motor vehicle shall not have the view of such
22 plates from the rear of the motor vehicle obstructed
23 by a trailer towing connection when a vehicle is not
24 being towed."
25 2. Renumber as necessary in conformance with this
26 amendment.

H-6549 FILED *John J. ...* BY DOYLE of Woodbury
MAY 5, 1978

SENATE FILE 2187

H-6548

1 Amend amendment H-6538 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 4, by striking lines 9 through 12.

H-6548 FILED *John J. ...* BY KRAUSE of Kossuth
MAY 5, 1978

MAY 10, 1978
PAGE 7

SENATE FILE 2187

H-6596

- 1 Amend the amendment, H-6490, to Senate File 2187
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 13, by striking lines 15 through 18 and
- 5 inserting in lieu thereof the following:
- 6 "Sec. ____."

H-6596 FILED *Order of order* BY DYRLAND of Clayton
MAY 9, 1978 *5/12/78*

SENATE FILE 2187

H-6598

- 1 Amend amendment H-6538, to Senate File 2187 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 21 through 23.

H-6598 FILED *Order of order* BY SCHNEKLOTH of Scott
MAY 9, 1978 *5/12/78*

SENATE FILE 2187

H-6600

- 1 Amend amendment H-6489, to Senate File 2187 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 21 through 23.

H-6600 FILED *Order of order* BY SCHNEKLOTH of Scott
MAY 9, 1978 *5/12/78*

SENATE FILE 2187

H-6601

- 1 Amend amendment H-6538, to Senate File 2187 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, line 22, by striking the word "forty-
- 4 five" and inserting in lieu thereof the word "forty".
- 5 2. Page 1, line 23, by striking the word "thirty-
- 6 five" and inserting in lieu thereof the word "thirty".

H-6601 FILED *Order of order* BY SCHNEKLOTH of Scott
MAY 9, 1978 *5/12/78*

SENATE FILE 2187

H-6594

- 1 Amend the amendment, H-6544, to Senate File 2187,
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 10 through 12 and
- 5 inserting in lieu thereof the following: "a two or
- 6 three wheeled vehicle with a motor with a cylinder
- 7 capacity".

H-6594 FILED *Order of order* BY DYRLAND of Clayton
MAY 9, 1978 *5/12/78*

HOUSE CLIP SHEET

FRIDAY, MAY 12, 1978

SENATE FILE 2187

H-6636

1 Amend Senate File 2187 as amended, passed and re-
2 printed by the Senate as follows:

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

5 "Section 1. The Code editor, in codifying the
6 provisions of this Act, is directed to codify sections
7 two (2) through eight (8) of this Act as a new chapter.

8 Sec. 2. NEW SECTION. ADMINISTRATION. The
9 administration of this chapter shall be vested in
10 the director of the state department of transportation.
11 The department may employ such employees as are
12 necessary for the administration of this chapter,
13 within applicable budget limitations.

14 Sec. 3. NEW SECTION. DEFINITIONS. As used in
15 this chapter and unless a different meaning appears
16 from the context:

17 1. "Person" includes any individual, firm,
18 corporation, copartnership, joint adventure, or
19 association, and the plural as well as the singular
20 number.

21 2. "Department" means the state department of
22 transportation.

23 3. "Selling" includes bartering, exchanging, or
24 otherwise dealing in.

25 4. "Vehicle" means any vehicle as defined in
26 chapter three hundred twenty-one (321) of the Code.

27 5. "Vehicle rebuilder" means a person engaged
28 in the business of rebuilding or restoring to operating
29 condition vehicles subject to registration under
30 chapter three hundred twenty-one (321) of the Code,
31 which have been damaged or wrecked.

32 6. "Used vehicle parts dealer" means a person
33 engaged in the business of selling bodies, parts of
34 bodies, frames or component parts of used vehicles
35 subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 7. "Vehicle salvager" means a person engaged in
38 the business of scrapping vehicles, dismantling or
39 storing wrecked or damaged vehicles or selling reusable
40 parts of vehicles or storing vehicles not currently
41 registered which vehicles are subject to registration
42 under chapter three hundred twenty-one (321) of the
43 Code.

44 8. "Authorized vehicle recycler" means a person
45 licensed to operate as a vehicle rebuilder, used
46 vehicle parts dealer or vehicle salvager.

47 9. "Wrecked or salvage vehicle" means a damaged
48 vehicle for which the cost of repair exceeds fifty
49 percent of the fair market value of the vehicle before
50 it became damaged.

1 10. "Extension" means a place of business of an
2 authorized vehicle recycler other than the principal
3 place of business within the county of the principal
4 place of business.

5 Sec. 4. NEW SECTION. PROHIBITIONS. Except for
6 educational institutions, people licensed as new or
7 used vehicle dealers under chapter three hundred
8 twenty-two (322) of the Code, people engaged in a
9 hobby not for profit, people engaged in the busi-
10 ness of purchasing bodies, parts of bodies, frames
11 or component parts of vehicles only for sale as scrap
12 metal or a person licensed under the provisions of
13 this chapter as an authorized vehicle recycler, a
14 person in this state shall not engage in the business
15 of:

16 1. Selling used bodies, parts of bodies, frames
17 or component parts of more than six used vehicles
18 subject to registration under chapter three hundred
19 twenty-one (321) of the Code in a calendar year; or

20 2. Wrecking or dismantling in a calendar year
21 more than six vehicles or the parts of more than six
22 vehicles subject to registration under chapter three
23 hundred twenty-one (321) of the Code for resale; or

24 3. Rebuilding or restoring for sale six or more
25 wrecked or salvage vehicles subject to registration
26 under chapter three hundred twenty-one (321) of the
27 Code in a calendar year; or

28 4. Storing vehicles not currently registered or
29 storing damaged vehicles except where such storing
30 or damaged vehicles is incidental to the primary
31 purpose of the repair of motor vehicles for others,
32 scrapping, disposing, salvaging or recycling more
33 than six vehicles or parts of more than six vehicles
34 subject to registration under chapter three hundred
35 twenty-one (321) of the Code in a calendar year.

36 Sec. 5. NEW SECTION. LICENSE APPLICATION AND
37 FEEES.

38 1. Upon application and payment of a thirty-five
39 dollar fee, a person may apply for a license to operate
40 as an authorized vehicle recycler to engage in the
41 business as one or more of the following:

- 42 a. A vehicle rebuilder; or
43 b. A used vehicle parts dealer; or
44 c. A vehicle salvager.

45 2. Application for a license as an authorized
46 vehicle recycler shall be made to the department on
47 forms provided by the department. The application
48 shall be accompanied by the fee. The license shall
49 be approved or disapproved within thirty days after
50 application for the license. Each license shall

H-66361 expire, unless revoked or suspended by the department,
2 on December thirty-first of the calendar year for
3 which the license was granted. A separate license
4 shall be obtained for each county in which an applicant
5 conducts operations.

6 3. Each licensee shall file with the department
7 a supplemental statement form when the licensee's
8 principal place of business, an extension or the
9 operation of business in the county is changed to
10 differ from the information contained on the initial
11 license application form within fifteen days after
12 each operational change. The department shall notify
13 each licensee of the approval of a change in license
14 status. If a change in license status is approved
15 by the department the licensee shall surrender the
16 old license to the department together with a thirty-
17 five dollar fee. The department shall issue a new
18 license modified to reflect the principal place of
19 business, each extension and the operations of the
20 licensee.

21 Sec. 6. NEW SECTION. DISPLAY OF LICENSE. A
22 license issued under the provisions of this chapter
23 shall specify the location of the principal place
24 of business, each extension within the county of the
25 principal place of business and the license shall
26 be conspicuously displayed at the principal place
27 of business except during periods when the license
28 is surrendered for modifications.

29 Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR
30 REVOCAION OF LICENSE. The license of a person issued
31 under the provisions of this chapter may be denied,
32 revoked or suspended if the department finds that
33 the licensee has:

34 1. Violated any provisions of this chapter; or

35 2. Made any material misrepresentation to the
36 department in connection with an application for a
37 license, junking certificate, salvage certificate,
38 certificate of title or registration of a vehicle;
39 or

40 3. Been convicted of a fraudulent practice in
41 connection with selling or offering for sale vehicles
42 or parts of vehicles subject to registration under
43 chapter three hundred twenty-one (321) of the Code;
44 or

45 4. Failed to maintain an established principal
46 place of business in the county without notification
47 to the department; or

48 5. Had a license issued under the provisions of
49 this chapter denied, suspended or revoked within the
50 previous three years; or

1 6. Been convicted of violation of any of sections
2 three hundred twenty-one point fifty-two (321.52),
3 three hundred twenty-one point seventy-one (321.71),
4 three hundred twenty-one point seventy-eight (321.78),
5 three hundred twenty-one point ninety-two (321.92),
6 three hundred twenty-one point ninety-seven (321.97),
7 three hundred twenty-one point ninety-eight (321.98),
8 three hundred twenty-one point ninety-nine (321.99),
9 three hundred twenty-one point one hundred (321.100),
10 or seven hundred thirteen point twenty-four (713.24)
11 of the Code.

12 Sec. 8. NEW SECTION. FEES. All fees of whatever
13 character accruing from the administration of this
14 chapter shall be accounted for and paid by the
15 department into the state treasury monthly and shall
16 be credited to the road use tax fund.

17 Sec. 9. Section three hundred twenty-one point
18 one (321.1), Code 1977 Supplement, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. "Vehicle rebuilder" means a person
21 engaged in the business of rebuilding or restoring
22 to operating condition vehicles subject to registration
23 under chapter three hundred twenty-one (321) of the
24 Code, which have been damaged or wrecked.

25 NEW SUBSECTION. "Used vehicle parts dealer" means
26 a person engaged in the business of selling bodies,
27 parts of bodies, frames or component parts of used
28 vehicles subject to registration under chapter three
29 hundred twenty-one (321) of the Code.

30 NEW SUBSECTION. "Vehicle salvager" means a person
31 engaged in the business of scrapping vehicles,
32 dismantling or storing wrecked or damaged vehicles
33 or selling reusable parts of vehicles or storing
34 vehicles not currently registered which vehicles
35 are subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 Sec. 10. Section three hundred twenty-one point
38 thirty (321.30), Code 1977, is amended by adding the
39 following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. The treasurer shall
41 also refuse registration of any vehicle if the
42 applicant for registration of such vehicle has failed
43 to pay the required registration fees of any vehicle
44 owned or previously owned when the registration fee
45 was required to be paid by the applicant and for which
46 vehicle the registration was suspended or revoked
47 under the provisions of section three hundred twenty-
48 one point one hundred one (321.101), subsection four
49 (4), of the Code, until such fees are paid together
50 with any accrued penalties.

2 Sec. 11. Section three hundred twenty-one point
3 thirty-eight (321.38), Code 1977, is amended to read
4 as follows:

5 321.38 PLATES, METHOD OF ATTACHING. Every
6 registration plate shall at all times be securely
7 fastened in a horizontal position to the vehicle for
8 which it is issued so as to prevent the plate from
9 swinging and at a height of not less than twelve
10 inches from the ground, measuring from the bottom
11 of such plate, in a place and position to be clearly
12 visible and shall be maintained free from foreign
13 materials or imitation plate or plates imitating or
14 purporting to imitate the official license plate of
15 any other state or territory of the United States
16 or of any foreign government and in a condition to
17 be clearly legible. Registration plates attached
18 to a motor vehicle shall not have the view of such
19 plates from the rear of the motor vehicle obstructed
20 by a trailer towing connection when a vehicle is not
21 being towed.

22 Sec. 12. Section three hundred twenty-one point
23 forty-nine (321.49), subsection one (1), Code 1977,
24 as amended by Acts of the Sixty-seventh General
25 Assembly, 1977 Session, chapter one hundred three
26 (103), section nineteen (19), is amended to read as
27 follows:

28 1. Except as provided in section three hundred
29 twenty-one point fifty-two (321.52) of the Code, if
30 an application for transfer of registration and
31 certificate of title is not submitted to the county
32 treasurer of the residence of the transferee within
33 seven days of the date of assignment or transfer of
34 title, a penalty of five dollars shall accrue against
35 said vehicle, and no registration card or certificate
36 of title shall thereafter be issued until penalty
37 is paid.

38 Sec. 13. Section three hundred twenty-one point
39 fifty-one (321.51), subsection four (4), Code 1977,
40 as amended by Acts of the Sixty-seventh General
41 Assembly, 1977 Session, chapter one hundred three
42 (103), section twenty-two (22) is amended to read
43 as follows:

44 4. The Except as provided in section three hundred
45 twenty-one point fifty-two (321.52) of the Code, the
46 county treasurer of the county of residence of the
47 transferee upon receipt of the application for a new
48 certificate of title, the appropriate fee therefor,
49 and the affidavit as provided in subsection 2 of this
50 section, and when satisfied as to the genuineness
and regularity thereof of the application, shall issue

1 a restricted certificate of title to the applicant
2 but shall not issue registration plates or a
3 registration card. A restricted certificate of title
4 shall be red in color and shall have conspicuously
5 imprinted thereon in bold print, in a manner prescribed
6 by the department, the words "RESTRICTED CERTIFICATE
7 OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE
8 HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF
9 INSPECTION EXCEPT AS PROVIDED IN SECTION three hundred
10 twenty-one point fifty-one (321.51) of the Code."

11 At such time as the transferee surrenders a valid
12 approved certificate of inspection and the restricted
13 certificate of title to the county treasurer of the
14 county of residence, the county treasurer, upon payment
15 of the appropriate fees, shall issue a certificate
16 of title that is not restricted for the vehicle and
17 shall also issue a registration card and registration
18 plates to the applicant if the applicant is not in
19 possession of registration plates which may be attached
20 to the vehicle, however, if the registration fee for
21 the vehicle has been paid for the current year, the
22 county treasurer shall issue a registration card and
23 registration plates to the applicant if the applicant
24 is not in possession of registration plates which
25 may be attached to the vehicle upon payment of an
26 additional registration fee of five dollars. A vehicle
27 with a restricted certificate of title shall not have
28 a registration plate attached to the vehicle.

29 Sec. 14. Section three hundred twenty-one point
30 fifty-one (321.51), subsection seven (7), Code 1977,
31 as amended by Acts of the Sixty-seventh General
32 Assembly, 1977 Session, chapter one hundred three
33 (103), section twenty-two (22), is amended by striking
34 the subsection.

35 Sec. 15. Section three hundred twenty-one point
36 fifty-two (321.52), subsection one (1), Code 1977,
37 as amended by Acts of the Sixty-seventh General
38 Assembly, 1977 Session, chapter one hundred three
39 (103), section twenty-three (23), is amended by
40 striking the subsection.

41 Sec. 16. Section three hundred twenty-one point
42 fifty-two (321.52), Code 1977, as amended by Acts
43 of the Sixty-seventh General Assembly, 1977 Session,
44 chapter one hundred three (103), section twenty-three
45 (23), is amended by adding the following new
46 subsections:

47 NEW SUBSECTION. The purchaser or transferee of
48 a motor vehicle for which a certificate of title is
49 issued which is sold for scrap or junk shall surrender
50 the certificate of title and registration receipt

1 to the county treasurer of the county of residence
2 of the transferee within fifteen days after assignment
3 of the certificate of title. The county treasurer
4 shall issue to such person without fee a junking
5 certificate. A junking certificate shall authorize
6 the holder to possess, transport or transfer by
7 endorsement the ownership of the junked vehicle.
8 A certificate of title shall not again be issued for
9 the vehicle subsequent to the issuance of a junking
10 certificate. The county treasurer shall cancel the
11 record of the vehicle and forward the certificate
12 of title to the department. The junking certificate
13 shall be of a form to allow for the assignment of
14 ownership of the vehicle. The junking certificate
15 shall provide a space for the notation of the
16 transferee of the component parts of the vehicle
17 transferred by the owner of the vehicle.

18 NEW SUBSECTION. When a vehicle for which a
19 certificate of title is issued is junked or dismantled
20 by the owner, the owner shall detach the registration
21 plates and surrender the plates to the county
22 treasurer, unless the plates are properly assigned
23 to another vehicle. The owner shall also surrender
24 the registration receipt and certificate of title
25 to the county treasurer. Upon surrendering the
26 certificate of title, the county treasurer shall issue
27 to such person, without fee, a junking certificate,
28 which shall authorize the holder to possess, transport
29 or transfer ownership of the junked vehicle by
30 endorsement of the junking certificate. A certificate
31 of title shall not again be issued for the junked
32 vehicle for which a junking certificate is issued.
33 The county treasurer shall cancel the record of the
34 vehicle and forward the certificate of title to the
35 department.

36 NEW SUBSECTION. A vehicle rebuilder or a motor
37 vehicle dealer licensed under chapter three hundred
38 twenty-two (322) of the Code, upon acquisition of
39 a wrecked or salvage vehicle, shall surrender the
40 certificate of title and registration receipt or
41 manufacturer's or importer's statement of origin
42 properly assigned, together with an application for
43 a salvage certificate of title to the county treasurer
44 of the county of residence of the purchaser or
45 transferee within fourteen days after the date of
46 assignment of the certificate of title for the wrecked
47 or salvage motor vehicle. The provisions of this
48 subsection shall apply only to vehicles with a fair
49 market value of five hundred dollars or more, based
50 on the value before the vehicle became wrecked or

1 salvage. Upon payment of a fee of two dollars, the
2 county treasurer shall issue a salvage certificate
3 of title which shall be of a distinctive color and
4 bear the words "SALVAGE CERTIFICATE OF TITLE". A
5 salvage certificate of title may be assigned to any
6 person. Notwithstanding any other provisions in this
7 section a vehicle on which ownership has transferred
8 to an insurer of such vehicle, as a result of a
9 settlement with the owner of the vehicle arising out
10 of damage to, or unrecovered theft of the vehicle,
11 shall be deemed to be a wrecked or salvage vehicle
12 and the insurer shall comply with the provisions of
13 this subsection to obtain a salvage certificate of
14 title within fourteen days after the date of assignment
15 of the certificate of title of the vehicle. Any
16 owner, except an insurer of vehicles, who transfers
17 a wrecked or salvage vehicle with a fair market value
18 less than five hundred dollars, based on the value
19 before it became wrecked or salvage, shall comply
20 with the provisions of section three hundred twenty-
21 one point fifty-one (321.51) of the Code.

22 When a wrecked or salvage vehicle has been repaired
23 or rebuilt, that person shall make application for
24 a certificate of title to the county treasurer of
25 the county of residence of the owner, and shall
26 surrender the salvage certificate of title issued
27 for the vehicle. A verification of the vehicle
28 identification number of the vehicle shall be made
29 by a peace officer of the state department of
30 transportation, the department of public safety,
31 county sheriff or police department of cities with
32 a population exceeding five thousand persons or a
33 person designated by the commissioner of public safety
34 or the director. The verification shall be made on
35 forms provided by the department and signed by the
36 peace officer or the appropriately designated person
37 and the verification form shall be surrendered by
38 the owner to the county treasurer at the time
39 application is made for a certificate of title. Upon
40 payment of the appropriate fees and surrender of the
41 appropriate documents the county treasurer shall issue
42 a certificate of title to the person making
43 application.

44 For purposes of this subsection a "wrecked or
45 salvage vehicle" means a damaged vehicle for which
46 the cost of repair exceeds fifty percent of the fair
47 market value of the vehicle before it became damaged.

48 Sec. 17. Section three hundred twenty-one point
49 ninety-five (321.95), Code 1977, is amended to read
50 as follows:

1 321.95 RIGHT OF INSPECTION. Peace officers or
2 ~~examiners-employed-in-the-department~~ shall have the
3 authority to inspect any vehicle or component part
4 in possession of a ~~demolisher~~ vehicle rebuilder,
5 vehicle salvager, used vehicle parts dealer or any
6 person licensed under chapter three hundred twenty-
7 two (322) of the Code, or found upon the public highway
8 or in any public garage or enclosure or property
9 in which vehicles or component parts are kept for
10 sale, storage, hire or repair and for that purpose
11 may enter any such public garage or enclosure or
12 property. Every ~~person-doing-business-as-a-demolisher~~
13 vehicle rebuilder, vehicle salvager, used vehicle
14 parts dealer, or any person licensed under chapter
15 three hundred twenty-two (322) of the Code, or a
16 person having used engines or transmissions which
17 are component parts for sale shall keep an accurate
18 and complete record of all vehicles demolished and
19 of such component parts purchased or received for
20 resale as component parts in the course of business.
21 These records shall contain the name and address
22 of the person from whom each such vehicle or component
23 part was purchased or received and the date when the
24 purchase or receipt occurred or the junking certificate
25 if required for the vehicle. These records shall
26 be open for inspection by any ~~police-authority~~ peace
27 officer at any time during normal business hours.
28 Records required by this section shall be kept for
29 at least three years after the transaction which they
30 record.

31 Sec. 18. Section three hundred twenty-one point
32 one hundred (321.100), Code 1977 Supplement, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. To transfer in any manner or to
35 offer to transfer in any manner a certificate of
36 title, manufacturer's or importer's certificate to
37 any vehicle on which a salvage certificate of title
38 or junking certificate is required under section three
39 hundred twenty-one point fifty-two (321.52) of the
40 Code, with knowledge or reason to believe that the
41 certificate will be used for a vehicle other than
42 the vehicle for which the certificate is issued.
43 "Transfer" for the purposes of this subsection means
44 to sell, exchange, change possession or ownership
45 or convey in any manner.

46 Sec. 19. Section three hundred twenty-one point
47 one hundred one (321.101), Code 1977, is amended by
48 adding the following new unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. If a vehicle, for which
50 the registration has been suspended or revoked pursuant

1 to subsection four (4) of this section, is transferred
2 to a bona fide purchaser for value without actual
3 knowledge of such suspension or revocation then the
4 vehicle shall be deemed to be registered and the
5 provisions of sections three hundred twenty-one point
6 twenty-eight (321.28) and three hundred twenty-one
7 point thirty (321.30), subsections four (4) and five
8 (5), of the Code shall not be applicable to such
9 vehicle for the failure of the previous owner to pay
10 the required fees.

11 Sec. 20. Chapter three hundred twenty-one (321),
12 Code 1977, is amended by adding the following new
13 section as section three hundred twenty-one point
14 one hundred nineteen (321.119) of the Code:

15 NEW SECTION. CHURCH BUS REGISTRATION FEES. A
16 motor vehicle designed to carry nine passengers or
17 more which is owned and used exclusively by a church
18 or religious organization to transport passengers
19 to and from activities of or sponsored by the church
20 or religious organization and which is not for rent
21 or hire for purposes which are unrelated to the
22 activities of the church or religious organization
23 shall be exempt from motor vehicle registration fees
24 except as provided in this section. Upon application
25 and payment of an annual fee of thirty-five dollars,
26 the department shall issue a registration certificate
27 and shall also issue registration plates. The plates
28 shall be attached to the front and rear of each vehicle
29 registered under this section. A registration under
30 the provisions of this section shall not be issued
31 unless the motor vehicle has been issued a certificate
32 of inspection under the provisions of section three
33 hundred twenty-one point two hundred thirty-eight
34 (321.238) of the Code, within the two-year period
35 prior to the effective date for the registration.
36 The provision of this section shall be effective
37 November 1, 1978 for registration fees payable on
38 or after November 1, 1978 for registration plates
39 issued for the calendar year 1979.

40 Sec. 21. Section three hundred twenty-one point
41 one hundred twenty-two (321.122), Code 1977, is amended
42 by adding the following new subsection:

43 NEW SUBSECTION. 5. However, motor trucks or truck
44 tractors towing disabled motor vehicles shall be
45 registered for the gross weight of the motor truck
46 or truck tractor without consideration of the weight
47 of the vehicle being towed.

48 Sec. 22. Section three hundred twenty-one point
49 one hundred thirty-one (321.131), Code 1977, is amended
50 to read as follows:

321.131 LIEN OF FEE. All registration or other fees provided for in this chapter shall be and continue a lien against the vehicle for which said fees are payable unless otherwise provided in this section until such time as they are paid as provided by law, with any accrued penalties. The county treasurer may perfect a security interest in a vehicle for the amount of such fees by noting the lien upon the certificate of title for the vehicle as provided in section three hundred twenty-one point fifty (321.50) of the Code. If the lien is not perfected as provided in this section, the lien shall not be valid against a bona fide purchaser of the vehicle without actual notice to the purchaser.

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Sec. 23. Section three hundred twenty-one point one hundred eighty (321.180), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A permittee shall not be penalized for failing to have his or her permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to him or her and valid at the time of the permittee's arrest.

Sec. 24. Section three hundred twenty-one point one hundred eighty-one (321.181), Code 1977, is amended by striking unnumbered paragraphs two (2), three (3), four (4), and five (5).

Sec. 25. Section three hundred twenty-one point one hundred eighty-three (321.183), Code 1977, is amended to read as follows:

321.183 CONTENTS OF APPLICATION. Every said application shall state the full name, date of birth, ~~occupation~~, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

Sec. 26. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section forty-one (41), is amended to read as follows:

1. MOTOR VEHICLE LICENSE. Upon the payment of the required fee, the department shall issue to every qualifying applicant an operator's license, motorized

1 bicycle license, or chauffeur's license, as applied
2 for. Appearing on this license shall be a
3 distinguishing number assigned to the licensee; the
4 licensee's full name, date of birth, occupation, sex,
5 residence address; a colored photograph; a brief
6 description of the licensee; and the usual signature
7 of the licensee. If prior to the renewal date, a
8 person desires to obtain an operator's or chauffeur's
9 license in the form authorized by this section, such
10 license may be issued as a voluntary replacement upon
11 payment of the required fee. The number of places
12 where licenses are available shall not be reduced
13 because of procedures or equipment required in placing
14 colored photographs on licenses or permits. The
15 department shall provide a space on every license
16 where the licensee may affix a decal or sticker
17 indicating that the licensee is a donor under the
18 Uniform Anatomical Gift Act and shall provide a space
19 where the licensee may affix a symbol indicating the
20 presence of a medical condition. The license may
21 contain such other information as the department may
22 by rule require. No license shall be valid unless
23 it bears the usual signature of the licensee. The
24 department shall advise an applicant that he or she
25 may request a number other than a social security
26 number as the motor vehicle license number. The
27 department shall not retain a positive or negative
28 photograph of the licensee. The licensee may affix
29 a decal or sticker on the license in the space provided
30 which indicates that the licensee in the space provided
31 which indicates that the licensee is a donor under
32 the Uniform Anatomical Gift Act. The decal shall
33 not be larger than one-half inch in diameter. The
34 use of the decal or sticker on the license shall be
35 authorized only if the licensee has complied with
36 the provisions for making a gift under the Uniform
37 Anatomical Gift Act and shall be effective only if
38 the licensee carries on or about the licensee's person
39 a duly signed and executed donor card as authorized
40 by the Uniform Anatomical Gift Act.

41 Sec. 27. Section three hundred twenty-one point
42 one hundred eighty-nine (321.189), subsection three
43 (3), Code 1977, is amended to read as follows:

44 3. CARRIED AND EXHIBITED. Every licensee shall
45 have his or her operator's or chauffeur's, or motorized
46 bicycle license or instruction permit in his immediate
47 possession at all times when operating a motor vehicle
48 and shall display the same, upon demand of a judicial
49 magistrate or district associate judge, a peace
50 officer, or a field deputy or examiner of the

1 department. However, no person charged with violating
2 this section shall be convicted if he or she produces
3 in court, within a reasonable time, an operator's
4 or chauffeur's or motorized bicycle license or
5 instruction permit issued to him or her and valid
6 at the time of his the person's arrest.

7 Sec. 28. Section three hundred twenty-one point
8 two hundred ten (321.210), unnumbered paragraph five
9 (5), Code 1977, is amended to read as follows:

10 If the department assesses any points against an
11 operator or chauffeur of a motor vehicle under any
12 point system devised by the department for the purpose
13 of suspending operators' or chauffeurs' licenses,
14 the department must notify the licensee by ordinary
15 mail that such points have been assessed and the
16 reason therefor. Such notice shall also contain a
17 reference to all code sections under which the person's
18 motor vehicle license may be suspended, revoked,
19 canceled or denied. Provided that no license shall
20 be suspended on the basis of any point system devised
21 by the department without notice of proposed suspension
22 to the licensee and a reasonable opportunity for a
23 preliminary hearing before a member of the department
24 who shall have authority in meritorious cases to
25 revoke the suspension.

26 Sec. 29. Section three hundred twenty-one point
27 two hundred ten (321.210), Code 1977, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 8. Has eluded or attempted to
30 elude a pursuing police vehicle pursuant to section
31 thirty-four (34) of this Act.

32 Sec. 30. Section three hundred twenty-one point
33 two hundred eleven (321.211), Code 1977, is amended
34 to read as follows:

35 321.211 NOTICE AND HEARING.. Upon suspending the
36 license of any person as hereinbefore authorized the
37 department shall immediately notify the licensee in
38 writing and upon his or her request shall afford him
39 or her an opportunity for a hearing before the director
40 of his or her duly authorized agent as early as
41 practical within not to exceed thirty days after
42 receipt of such request in the county wherein the
43 licensee resides unless the department and the licensee
44 agree that such hearing may be held in some other
45 county. Upon such hearing the director or his or
46 her duly authorized agent may administer oaths and
47 may issue subpoenas for the attendance of witnesses
48 and the production of relevant books and papers and
49 may require a re-examination of the licensee. Upon
50 such hearing the department shall either rescind its

1 order of suspension or for good cause may extend the
2 suspension of such license or revoke such license.
3 There is hereby appropriated each year from the general
4 fund of the state to the department one hundred five
5 thousand dollars or so much thereof as may be necessary
6 to be used to pay the cost of notice and personal
7 delivery of service, if necessary to meet the notice
8 requirement of this section. The department shall
9 promulgate rules governing the payment of the cost
10 of personal delivery of service. The reinstatement
11 fees collected under section three hundred twenty-
12 one point one hundred ninety-one (321.191) of the
13 Code shall be deposited in the general fund of the
14 state in a manner provided in section three hundred
15 twenty-one point one hundred ninety-two (321.192)
16 of the Code, as reimbursement for the costs of notice
17 under this section.

18 A peace officer stopping a person for whom a notice
19 of a suspension or revocation has been issued or to
20 whom a notice of a hearing has been sent under the
21 provisions of this section may personally serve such
22 notice upon forms approved by the department to satisfy
23 the notice requirements of this section. The peace
24 officer may confiscate the motor vehicle license of
25 such person if the license has been revoked or has
26 been suspended subsequent to a hearing and the person
27 has not forwarded the motor vehicle license to the
28 department as required.

29 Sec. 31. Section three hundred twenty-one point
30 two hundred thirty-eight (321.238), subsection ten
31 (10), unnumbered paragraph one (1), Code 1977, is
32 amended to read as follows:

33 In making a vehicle inspection, the inspection
34 station shall inspect such of the following equipment
35 as is applicable to the vehicle: Brakes, lights,
36 turning signals, steering, sound devices, glass,
37 mirrors, exhaust system, windshield wipers, seat
38 belts, tires and such other safety equipment as may
39 be prescribed for inspection under rules adopted by
40 the director. ~~The inspection station shall also~~
41 ~~inspect each motor vehicle to ascertain that none~~
42 ~~of the factory-installed emission control devices~~
43 ~~have been removed or rendered inoperable.~~

44 Sec. 32. Section three hundred twenty-one point
45 two hundred thirty-eight (321.238), subsection twelve
46 (12), Code 1977, is amended to read as follows:

47 12. Every motor vehicle subject to registration
48 under the laws of this state, except motor vehicles
49 registered under section 321.115, and motorized
50 bicycles, motor vehicles transferred under the

1 provisions of sections three hundred twenty-one point
2 fifty-one (321.51) and three hundred twenty-one point
3 fifty-two (321.52) of the Code when first registered
4 in this state, other than a registration to a dealer
5 licensed under chapter 322, and each time when
6 transferred for use within this state or when
7 registration is changed from a registration as provided
8 in section 321.115 to a regular registration, other
9 than transfers to a dealer licensed under chapter
10 322, shall be inspected at an authorized inspection
11 station, unless there is affixed to the motor vehicle
12 a valid certificate of inspection which was issued
13 for the motor vehicle not more than sixty days prior
14 to the date on which the vehicle was transferred and
15 the vehicle has not been transferred during the sixty-
16 day period, provided that during a one-year period
17 the vehicle may be transferred between parents and
18 their children ~~or-between-spouses~~ without another
19 inspection. A vehicle inspection is not required
20 when the transfer of a vehicle or an interest in the
21 vehicle is between spouses or when required pursuant
22 to a decree for dissolution of marriage between former
23 spouses. However, the certificate of inspection for
24 a new motor vehicle which has not previously been
25 sold at retail and which is not sold within sixty
26 days after the date the inspection was performed may
27 be revalidated by the inspection station without
28 another inspection provided the motor vehicle has
29 not been driven more than one hundred miles since
30 the inspection was performed. If the motor vehicle
31 is subject to inspection, the authorized inspection
32 station shall issue and affix a valid certificate
33 of inspection or certificate of rejection, as the
34 case may be, in accordance with the results of the
35 inspection. If an inspection is required, an applicant
36 shall file with an application for title to the vehicle
37 or for registration thereof under the provisions of
38 section 321.23, subsection 2 or 3, with the county
39 treasurer of the county of his or her residence, a
40 statement on a form provided by the director, signed
41 by an authorized inspection station certifying the
42 date that a certificate of inspection was issued for
43 and affixed to the vehicle. If an inspection is
44 required the county treasurer shall not issue a title
45 to the vehicle to the applicant or register the vehicle
46 unless such statement is filed with the application
47 showing that the inspection of the vehicle was made
48 not more than sixty days prior to the date of sale
49 or transfer, or unless the vehicle was purchased out
50 of this state by a resident of this state who resides

1 outside of this state, but desires to maintain his
2 or her Iowa residency and he or she executes a
3 statement to that effect in form and content as
4 prescribed by the director. The county treasurer
5 shall stamp the registration card for such vehicle
6 with the words "NOT INSPECTED." A vehicle so
7 registered shall be inspected at an authorized
8 inspection station within fifteen days after being
9 brought into this state. The county treasurer shall
10 mail the statement of inspection or statement of out-
11 of-state residence to the department at the time of
12 mailing copies of the registration receipt. The
13 department may destroy any forms, certificates or
14 statements after one year from the date they are filed
15 unless they relate to pending appeals. ~~The provisions~~
16 ~~of this subsection shall not be applicable to the~~
17 ~~transfer of a motor vehicle to the insurer of such~~
18 ~~vehicle who obtains ownership of such vehicle as a~~
19 ~~result of a settlement with the owner thereof arising~~
20 ~~out of damage to such vehicle and written proof thereof~~
21 ~~is submitted to the county treasurer on forms~~
22 ~~prescribed by the department.~~

23 Sec. 33. Section three hundred twenty-one point
24 two hundred fifty-six (321.256), Code 1977, is amended
25 to read as follows:

26 321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL
27 DEVICES. No driver of a vehicle ~~or policeman of a~~
28 ~~streetcar~~ shall disobey the instructions of any
29 official traffic-control device placed in accordance
30 with the provisions of this chapter, unless at the
31 time otherwise directed by a ~~police~~ peace officer
32 subject to the exceptions granted the driver of an
33 authorized emergency vehicle.

34 Sec. 34. Section three hundred twenty-one point
35 two hundred fifty-seven (321.257), Code 1977, is
36 amended by striking the section and inserting in lieu
37 thereof the following:

38 321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.

39 1. For the purposes of this section "stop at the
40 official traffic control signal" means stopping at
41 the first opportunity at either the clearly marked
42 stop line or before entering the crosswalk or before
43 entering the intersection.

44 2. Official traffic control signals consisting
45 of colored lights or colored lighted arrows shall
46 regulate vehicle and pedestrian traffic in the
47 following manner:

48 a. A "steady circular red" light means vehicular
49 traffic shall stop. Vehicular traffic shall remain
50 standing until a signal to proceed is shown or

1 vehicular traffic, unless prohibited by a sign, may
2 cautiously enter the intersection to make a right
3 turn from the right lane of traffic or a left turn
4 from a one-way street to a one-way street from the
5 left lane of traffic on a one-way street onto the
6 left most lane of traffic on a one-way street. Turns
7 made under this paragraph shall be made in a manner
8 that does not interfere with other vehicular or
9 pedestrian traffic lawfully using the intersection.
10 Pedestrian traffic facing a steady circular red light
11 shall not enter the roadway unless the pedestrian
12 can safely cross the roadway without interfering with
13 any vehicular traffic.

14 b. A "steady circular yellow" or a "steady yellow
15 arrow" light means vehicular traffic is warned that
16 the related green movement is being terminated and
17 vehicular traffic shall no longer proceed into the
18 intersection and shall stop. If the stop cannot be
19 made in safety, a vehicle may be driven cautiously
20 through the intersection. Pedestrian traffic is
21 warned that there is insufficient time to cross the
22 intersection and any pedestrian starting to cross
23 the roadway shall yield the right-of-way to all
24 vehicles.

25 c. A "steady circular green" light means vehicular
26 traffic may proceed straight, turn right or turn left
27 through the intersection unless otherwise specifically
28 prohibited. Vehicular traffic shall yield the right-
29 of-way to other vehicular and pedestrian traffic
30 lawfully within the intersection.

31 d. A "steady green arrow" light shown alone or
32 with another official traffic control signal means
33 vehicular traffic may cautiously enter the intersection
34 and proceed in the direction indicated by the arrow.
35 Vehicular traffic shall yield the right-of-way to
36 other vehicles and pedestrians lawfully within the
37 intersection.

38 e. A "flashing circular red" light means vehicular
39 traffic shall stop and after stopping may proceed
40 cautiously through the intersection yielding to all
41 vehicles not required to stop or yield which are
42 within the intersection or approaching so closely
43 as to constitute a hazard, but then may proceed.

44 f. A "flashing yellow" light means vehicular
45 traffic shall proceed through the intersection or
46 past such signal with caution.

47 g. A "don't walk" light is a pedestrian signal
48 which means that pedestrian traffic facing the
49 illuminated pedestrian signal shall not start to cross
50 the roadway in the direction of the pedestrian signal,

1 and pedestrian traffic in the crossing shall proceed
2 to a safety zone.

3 h. A "walk" light is a pedestrian signal which
4 means that pedestrian traffic facing the illuminated
5 pedestrian signal may proceed to cross the roadway
6 in the direction of the pedestrian signal and shall
7 be given the right-of-way by drivers of all vehicles.

8 Sec. 35. Section three hundred twenty-one point
9 two hundred fifty-eight (321.258), Code 1977, is
10 amended by striking the section and inserting in lieu
11 thereof the following:

12 321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC
13 CONTROL SIGNALS.

14 1. Colored lights placed on a vertical official
15 traffic control signal face shall be arranged from
16 the top to the bottom in the following order when
17 used: Circular red, circular yellow, circular green,
18 straight through yellow arrow, straight through green
19 arrow, left turn yellow arrow, left turn green arrow,
20 right turn yellow arrow, and right turn green arrow.

21 2. Colored lights placed on a horizontal official
22 traffic control signal face shall be arranged from
23 the left to the right in the following order when
24 used: Circular red, circular yellow, left turn yellow
25 arrow, left turn green arrow, circular green, straight
26 through yellow arrow, straight through green arrow,
27 right turn yellow arrow, and right turn green arrow.

28 Sec. 36. Section three hundred twenty-one point
29 two hundred sixty-five (321.265), Code 1977, is amended
30 to read as follows:

31 321.265 STRIKING FIXTURES UPON A HIGHWAY. The
32 driver of any vehicle involved in an accident resulting
33 ~~only~~ in damage to property legally upon or adjacent
34 to a highway shall take reasonable steps to locate
35 and notify the owner, a peace officer or person in
36 charge of such property of such fact and of his or
37 her name and address and of the registration number
38 of the vehicle he-is-driving causing the damage and
39 shall upon request and if available exhibit his or
40 her operator's or chauffeur's license and shall make
41 report of such accident when and as required in section
42 321.256.+

43 Sec. 37. Section three hundred twenty-one point
44 three hundred twenty-two (321.322), Code 1977, is
45 amended by striking the section and inserting in lieu
46 thereof the following:

47 321.322 VEHICLES ENTERING STOP OR YIELD
48 INTERSECTION.

49 1. The driver of a vehicle approaching a stop
50 intersection indicated by a stop sign shall stop at

1 the first opportunity at either the clearly marked
2 stop line or before entering the crosswalk or before
3 entering the intersection or at the point nearest
4 the intersecting roadway where the driver has a view
5 of approaching traffic on the intersecting roadway
6 before entering the intersection. Before proceeding,
7 the driver shall yield the right-of-way to any vehicle
8 on the intersecting roadway which has entered the
9 intersection or which is approaching so closely as
10 to constitute an immediate hazard during the time
11 the driver is moving across or within the intersection.

12 2. The driver of a vehicle approaching a yield
13 sign shall slow to a speed reasonable for the existing
14 conditions and, if required for safety, shall stop
15 at the first opportunity at either the clearly marked
16 stop line or before entering the crosswalk or before
17 entering the intersection or at the point nearest
18 the intersecting roadway where the driver has a view
19 of approaching traffic on the intersecting roadway.
20 After slowing or stopping, the driver shall yield
21 the right-of-way to any vehicle on the intersecting
22 roadway which has entered the intersection or which
23 is approaching so closely as to constitute an immediate
24 hazard during the time the driver is moving across
25 or within the intersection.

26 Sec. 38. Section three hundred twenty-one point
27 three hundred forty-two (321.342), unnumbered paragraph
28 one (1), Code 1977, as amended by Acts of the Sixty-
29 seventh General Assembly, 1977 Session, chapter one
30 hundred three (103), section forty-seven (47), is
31 amended by striking the paragraph and inserting in
32 lieu thereof the following:

33 The driver of any vehicle approaching a railroad
34 grade crossing across which traffic is regulated by
35 a stop sign, a railroad sign directing traffic to
36 stop or an official traffic control signal displaying
37 a flashing red or steady circular red colored light
38 shall stop prior to crossing the railroad at the first
39 opportunity at either the clearly marked stop line
40 or at a point near the crossing where the driver has
41 a clear view of the approaching railroad traffic.

42 Sec. 39. Section three hundred twenty-one point
43 three hundred forty-five (321.345), Code 1977, is
44 amended to read as follows:

45 321.345 STOP OR YIELD AT THROUGH HIGHWAYS. The
46 department, based on an engineering study, with
47 reference to primary highways, and local authorities
48 with reference to other highways under their
49 jurisdiction may designate through highways and erect
50 stop signs or yield signs, in accordance with

1 specifications established by the department at
 2 specified entrances ~~thereto~~ to the highway or may
 3 designate any intersection as a stop intersection
 4 or as a yield intersection and erect like signs at
 5 one or more entrances to such intersection.

6 ~~Every said sign shall bear the word "Stop" or~~
 7 ~~"yield" in letters not less than six inches in height.~~
 8 ~~Every stop or yield sign shall be located as near~~
 9 ~~as practical at the property line of the highway at~~
 10 ~~the entrance to which the stop or yield must be made,~~
 11 ~~or at the nearest line of the crosswalk thereat, or,~~
 12 ~~if none, at the nearest line of the roadway.~~

13 ~~Every driver of a vehicle and every motorman of~~
 14 ~~a streetcar shall stop or yield at such sign or at~~
 15 ~~a clearly marked stop line before entering an~~
 16 ~~intersection except when directed to proceed by a~~
 17 ~~police officer or traffic control signal.~~

18 Sec. 40. Section three hundred twenty-one point
 19 three hundred seventy-two (321.372), subsection one
 20 (1), Code 1977, is amended to read as follows:

21 1. The driver of any school bus used to transport
 22 children people to and from a public or private school
 23 or other location shall, when stopping to receive
 24 or discharge pupils a person, turn on flashing warning
 25 lamps at a distance of not less than three hundred
 26 feet nor more than five hundred feet from the point
 27 where said pupils are the person is to be received
 28 or discharged from the bus. At the point of receiving
 29 or discharging pupils a person the driver of the bus
 30 shall bring bus to a stop, turn off the amber flashing
 31 warning lamps, turn on the red flashing warning lamps,
 32 and extend the stop arm. After receiving or
 33 discharging pupils a person, the bus driver shall
 34 turn off all flashing warning lamps, retract the stop
 35 arm and proceed on the route. No school bus shall
 36 stop to load or unload pupils a person unless there
 37 is at least three hundred feet of clear vision in
 38 each direction.

39 A school bus, when operating on a highway with
 40 four or more lanes shall not stop to load or unload
 41 pupils a person who must cross the highway, except
 42 at designated stops where pupils a person who must
 43 cross the highway may do so at points where there
 44 are official traffic control devices or police peace
 45 officers.

46 A school bus shall, while carrying passengers,
 47 have its headlights turned on.

48 Sec. 41. Section three hundred twenty-one point
 49 three hundred ninety-three (321.393), unnumbered
 50 paragraph one (1), Code 1977, is amended to read as

1 follows:

2 No lighting device or reflector, when mounted on
3 or near the front of any motor truck or trailer,
4 except school buses shall display any other color
5 than white, yellow, or amber; provided that
6 installations heretofore in place and otherwise
7 complying with the law may display a green light until
8 replacements-are-made, however, such green light shall
9 be replaced with the appropriate color when replacement
10 is made or prior to January 1, 1980, whichever is
11 earlier.

12 Sec. 42. Section three hundred twenty-one point
13 four hundred thirty-seven (321.437), Code 1977, is
14 amended to read as follows:

15 321.437 MIRRORS. Every motor vehicle shall be
16 equipped with a mirror so located as to reflect to
17 the driver a view of the highway for a distance of
18 at least two hundred feet to the rear of such vehicle.
19 Any motor vehicle so loaded, or towing another vehicle
20 in such manner, as to obstruct the view in a rear
21 view mirror located in the driver's compartment shall
22 be equipped with a side mirror so located that the
23 view to the rear will not be obstructed however when
24 such vehicle is not loaded or towing another vehicle
25 the side mirrors shall be retracted or removed. All
26 van or van type motor vehicles shall be equipped with
27 outside mirrors of unit magnification, each with not
28 less than nineteen point five square inches of
29 reflective surface, installed with stable supports
30 on both sides of the vehicle, located so as to provide
31 the driver a view to the rear along both sides of
32 the vehicle, and adjustable in both the horizontal
33 and vertical directions to view the rearward scene.

34 Sec. 43. Section three hundred twenty-one point
35 four hundred ninety-four (321.494), Code 1977, is
36 amended by adding the following new paragraph:

37 NEW PARAGRAPH. However, the owner or operator
38 of a carpool or vanpool as defined in section three
39 hundred twenty-five point one (325.1) of the Code,
40 as amended by Acts of the Sixty-seventh General
41 Assembly, 1977 Session, chapter one hundred three
42 (103), section fifty-seven (57), shall not be liable
43 unless damage is caused as a result of the driver
44 of the carpool or vanpool being under the influence
45 of an alcoholic beverage, a narcotic, hypnotic or
46 other drug, or any combination of such substances,
47 or because of the reckless operation of the carpool
48 or vanpool vehicle by the operator. The legislature
49 finds that to preserve increasingly scarce natural
50 resources of petroleum products, and to encourage

1 a cooperative effort from the public to share the
2 costs incurred to transport individuals in shared
3 transportation facilities to and from work, it is
4 in the interest of the health, safety and welfare
5 of the state to adopt the provisions of this paragraph.

6 Sec. 44. Chapter three hundred twenty-one (321),
7 Code 1977, is amended by adding the following new
8 section:

9 NEW SECTION. ELUDING OR ATTEMPTING TO ELUDE A
10 PURSUIING POLICE VEHICLE. The driver of a motor vehicle
11 commits a serious misdemeanor if the driver willfully
12 fails to bring his or her vehicle to a stop or
13 otherwise eludes or attempts to elude a pursuing
14 police vehicle by exceeding the posted speed limit
15 by an amount in excess of twenty miles per hour after
16 being given a signal by red light and siren to bring
17 the vehicle to a stop. The peace officer giving the
18 signal shall be in a vehicle which shall be marked
19 showing it to be an official police vehicle.

20 Sec. 45. Chapter three hundred twenty-one (321),
21 Code 1977, is amended by adding the following new
22 section:

23 NEW SECTION. VEHICLES WITHOUT IDENTIFICATION
24 NUMBERS. Any person who knowingly buys, receives,
25 disposes of, sells, offers for sale, or has in his
26 or her possession any vehicle, or any component part
27 of a vehicle, from which the vehicle identification
28 number or component part number has been removed,
29 defaced, covered, altered, or destroyed for the pur-
30 pose of concealing or misrepresenting the identity
31 of the vehicle or component part is guilty of a simple
32 misdemeanor.

33 Sec. 46. Chapter three hundred twenty-one (321),
34 Code 1977, is amended by adding the following new
35 section:

36 NEW SECTION.

37 1. Upon conviction and the suspension or revoca-
38 tion of a person's motor vehicle license under sections
39 three hundred twenty-one point two hundred nine
40 (321.209), subsections six (6) and seven (7), three
41 hundred twenty-one point two hundred ten (321.210)
42 or three hundred twenty-one point five hundred fifty-
43 five (321.555), subsection two (2), of the Code, and
44 upon the denial by the director of an application
45 for a temporary restricted license, a person may apply
46 to the district court having jurisdiction for the
47 residence of the person for a temporary restricted
48 permit to operate a motor vehicle to and from work.
49 The application may be granted only if all the
50 following criteria is satisfied:

- 1 a. The restricted temporary permit is requested
- 2 only for a case of extreme hardship where alternative
- 3 means of transportation does not exist.
- 4 b. The permit applicant has not made an application
- 5 for such a permit in any other district court in the
- 6 state which was denied or revoked.
- 7 c. The permit is restricted for travel to and
- 8 from work at times specified in the permit.
- 9 d. Proof of financial responsibility is established
- 10 as defined in chapter three hundred twenty-one A
- 11 (321A) of the Code.

12 2. The district court shall forward a record of

13 each application for such temporary restricted permit

14 to the department, together with the results of the

15 disposition of the request by the court.

16 3. A temporary restricted permit shall be valid

17 only if the department is in receipt of records

18 required by this section. The permit shall be canceled

19 upon conviction of a moving traffic violation as

20 defined in section three hundred twenty-one point

21 one hundred eighty-one (321.181) of the Code, or upon

22 any violation of the terms of the permit.

23 Sec. 47. Section three hundred twenty-one A point

24 seventeen (321A.17), Code 1977, is amended by adding

25 the following new subsection:

26 NEW SUBSECTION. An individual applying for a motor

27 vehicle license following a period of suspension or

28 revocation under the provisions of section three

29 hundred twenty-one point two hundred sixteen (321.216)

30 of the Code Supplement shall not be required to

31 maintain proof of financial responsibility under the

32 provisions of this section.

33 Sec. 48. Acts of the Sixty-seventh General

34 Assembly, 1977 Session, chapter one hundred three

35 (103), section fifty-four (54), the first new section

36 added to chapter three hundred twenty-one E (321E),

37 Code 1977, is amended to read as follows:

38 NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS.

39 Vehicles or a combination of vehicles with divisible

40 loads may be moved on the highways of this state

41 pursuant to a special permit issued for special or

42 emergency situations by the department or local

43 authorities subject to the discretion and judgment

44 provided for in section three hundred twenty-one E

45 point one (321E.1) of the Code. The combined gross

46 weight or gross weight on any one axle or group of

47 axles may exceed the limits established in section

48 three hundred twenty-one point four hundred sixty-

49 three (321.463) of the Code, subject to the limits

50 and routes established by the issuing authority.

1 However movement of hay, straw or stover may be allowed
2 in the absence of special or emergency situations,
3 however such movement shall be consistent with the
4 other requirements for movement of oversize divisible
5 loads.

6 Sec. 49. Section three hundred twenty-two point
7 two (322.2), subsection seven (7), Code 1977, is
8 amended to read as follows:

9 7. "Motor vehicle" means any self-propelled vehicle
10 subject to registration under the laws of this state.

11 Sec. 50. Section three hundred twenty-two point
12 five (322.5), Code 1977, is amended to read as follows:

13 322.5 LICENSE FEE. The license fee for a motor
14 vehicle dealer for each calendar year or part thereof
15 shall be the sum of thirty-five dollars for the
16 licensee's principal place of business in each city
17 or township and an additional five ten dollars for
18 each used-car car lot which is in the city or township
19 wherein-said in which the principal place of business
20 is located and which is not adjacent to such place,
21 to be paid to the department at the time a license
22 is applied for. In case the application is denied,
23 the department shall refund the amount of such fee
24 to the applicant.

25 A motor vehicle dealer may display new motor
26 vehicles at fairs, vehicle shows and vehicle
27 exhibitions. Motor vehicle dealers, in addition to
28 selling vehicles at their principal place of business
29 and car lots, may, upon receipt of a temporary permit
30 approved by the department, display and offer new
31 motor vehicles for sale and negotiate sales of new
32 motor vehicles only at count, fairs, as defined in
33 chapter one hundred seventy-four (174) of the Code,
34 vehicle shows and vehicle exhibitions which fairs,
35 shows and exhibitions are approved by the department
36 and are held in the county of the motor vehicle
37 dealer's principal place of business. Application
38 for temporary permits shall be made upon forms provided
39 by the department and shall be accompanied by a ten
40 dollar permit fee. Permits shall be issued for periods
41 of not to exceed fourteen days. No sale of a motor
42 vehicle by a motor vehicle dealer shall be completed
43 nor any sales agreement signed at any such fair, show
44 or exhibition. All such sales shall be consummated
45 at the motor vehicle dealer's principal place of
46 business.

47 Sec. 51. Section seven hundred fourteen point
48 eight (714.8), subsection five (5), Code 1977
49 Supplement, is amended to read as follows:

50 5. Removes, alters or defaces any serial or other

1 identification number, or any owners' identification
2 mark, from any property not his or her own unless
3 such removal or alteration is prohibited by the new
4 section added to chapter three hundred twenty-one
5 (321) of the Code by section thirty-five (35) of this
6 Act.

7 Sec. 52. Section eight hundred five point eight
8 (805.8), subsection two (2), paragraph b, Code 1977
9 Supplement, is amended to read as follows:

10 b. For registration violations under sections
11 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and
12 ~~321.199~~ section three hundred twenty-one point thirty-
13 two (321.32) and section three hundred twenty-one
14 point one hundred eighty-nine (321.189) of the Code,
15 the scheduled fine is five dollars. For violations
16 of sections ~~321.199~~ sections three hundred twenty-
17 one point thirty-two (321.32) and three hundred twenty-
18 one point one hundred eighty-nine (321.189), subsection
19 three (3), of the Code, the case shall be dismissed
20 without imposition of fine or costs if a license or
21 registration valid at the time of the issuance of
22 the citation is presented by the defendant to the
23 magistrate or scheduled violations office.

24 Sec. 53. Section eight hundred five point eight
25 (805.8), subsection two (2), paragraph c, Code 1977
26 Supplement, is amended to read as follows:

27 c. For improperly used or nonused, or defective
28 or improper equipment, other than brakes, driving
29 lights and brakelights, under sections 321.317,
30 321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
31 three hundred twenty-one point three hundred ninety-
32 three (321.393) of the Code, 321.399, 321.422, 321.432,
33 321.435, 321.436, 321.437, 321.438, 321.439, 321.440,
34 321.441, 321.442, 321.444, 321.445, and 321.447 the
35 scheduled fine is ten dollars.

36 Sec. 54. Section nine hundred seven point three
37 (907.3), subsection one (1), Code 1977 Supplement,
38 is amended by adding the following new paragraph:

39 NEW PARAGRAPH. e. The offense is a violation
40 of section three hundred twenty-one point two hundred
41 eighty-one (321.281) of the Code.

42 Sec. 55. Section nine hundred seven point four
43 (907.4), Code 1977 Supplement, is amended to read
44 as follows:

45 907.4 DEFERRED JUDGMENT DOCKET. Any deferment
46 of judgment under section 907.3 shall be reported,
47 promptly by the district clerk of court to the supreme
48 court administrator who shall maintain a permanent
49 record thereof including the name of the defendant,
50 the district court docket number, the nature of the

1 offense, and the date of the deferment. Before
2 granting deferment in any case, the court shall request
3 of the supreme court administrator a search of the
4 deferred judgment docket and shall consider any prior
5 record of a deferment of judgment against the de-
6 fendant. The permanent record provided for in this
7 section shall constitute a confidential record exempted
8 from public access under section 68A.7 and shall be
9 available only to justices of the supreme court,
10 judges of the court of appeals, district judges,
11 district associate judges, and judicial magistrates
12 requesting information pursuant to this section or
13 the designee of such judge or magistrate.

14 Sec. 56. The state department of transportation
15 is directed to promulgate rules to establish a maximum
16 brake horsepower rating for motorized bicycles and
17 such other motorized bicycle equipment requirements.
18 The state department of transportation shall promulgate
19 rules to provide for the placement of motor vehicle
20 registration validation stickers on all registration
21 plates issued for the motor vehicle when such valida-
22 tion stickers are issued in lieu of issuing new
23 registration plates under the provisions of section
24 three hundred twenty-one point thirty-four (321.34)
25 of the Code.

26 Sec. 57. House File 2289, as enacted by the Sixty-
27 seventh General Assembly, 1978 Session, section twenty-
28 six (26) is amended by striking subsection two (2)
29 and inserting in lieu thereof the following:

30 2. Any employee of the department of revenue whose
31 duty assignments will be terminated by this Act shall
32 be transferred to the state department of
33 transportation. The Iowa merit employment commission
34 shall arbitrate and decide any written appeal made
35 by any employee concerning any transfer, reassignment
36 or reclassification made necessary by this Act.

37 Sec. 58. Sections three hundred twenty-one point
38 one hundred twenty-four (321.124) and three hundred
39 twenty-one point four hundred thirty-five (321.435),
40 Code 1977, are repealed.

41 Sec. 59. Sections one (1) through nineteen (19),
42 twenty-three (23), twenty-six (26), thirty (30),
43 thirty-four (34), and thirty-eight (38) of this Act
44 shall become effective January 1, 1979."

45 2. Renumber as necessary in conformance with this
46 amendment.

47 3. Amend the title by striking lines 1 through
48 23 and inserting in lieu thereof the following "An
49 Act relating to transportation providing for a tax
50 and making an appropriation."

H-6636 FILED *Revised* BY BRUNOW of Appanoose
MAY 11, 1978 *Yerger* KRAUSE of Kossuth
Amended by 5543 5/12/78 DAVITT of Warren
SCHROEDER of Pottawattamie
LAGESCHULTE of Bremer
DOYLE of Woodbury

H-6637

1 Amend the amendment, H-6636, to Senate File 2187
 2 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 4, by inserting after line 16 the
 5 following:
 6 "Sec. 9. Chapter three hundred twelve (312), Code
 7 1977, is amended by adding the following new sections:
 8 NEW SECTION. PAVEMENT WEAR FUND. There is created
 9 in the state treasury a pavement wear fund.

10 NEW SECTION. PAVEMENT WEAR FUND DISTRIBUTION.
 11 The department shall recommend to the legislature
 12 on or before February first of each year, a formula
 13 distribution of the funds in the pavement wear fund.
 14 The formula shall be based on studies of the relative
 15 wear on routes designated by the functional
 16 classification review board. Funds shall be dis-
 17 tributed from the pavement wear fund pursuant to the
 18 established formula beginning January 1, 1980 and
 19 each subsequent year.

20 Sec. 10. Section three hundred twelve point two
 21 (312.2), Code 1977, is amended by adding the following
 22 new subsection:

23 NEW SUBSECTION. 8. Each month the treasurer of
 24 the state, before making the allotments provided for
 25 in this section, shall compute and credit to the
 26 pavement wear fund the proceeds from the two cents
 27 per gallon excise tax as set forth in the second new
 28 section added by section fifty-one (51) of this
 29 amendment and the portion of the registration fees
 30 collected under section twenty-one (21) of this
 31 amendment, according to the following schedule:

| 32 For a combined gross | And not | The portion to be |
|-----------------------------|-------------------|----------------------------|
| 33 <u>weight exceeding:</u> | <u>exceeding:</u> | <u>allocated shall be:</u> |
| 34 19 Tons | 20 Tons | \$ 3 |
| 35 20 Tons | 21 Tons | \$ 7 |
| 36 21 Tons | 22 Tons | \$ 15 |
| 37 22 Tons | 23 Tons | \$ 24 |
| 38 23 Tons | 24 Tons | \$ 34 |
| 39 24 Tons | 25 Tons | \$ 50 |
| 40 25 Tons | 26 Tons | \$ 62 |
| 41 26 Tons | 27 Tons | \$ 76 |
| 42 27 Tons | 28 Tons | \$ 91 |
| 43 28 Tons | 29 Tons | \$106 |
| 44 29 Tons | 30 Tons | \$123 |
| 45 30 Tons | 31 Tons | \$141 |
| 46 31 Tons | 32 Tons | \$159 |
| 47 32 Tons | 33 Tons | \$179 |
| 48 33 Tons | 34 Tons | \$199 |
| 49 34 Tons | 35 Tons | \$225 |
| 50 35 Tons | 36 Tons | \$248 |

| | | | |
|---------|-------------------|-------------------|-------|
| Page 21 | 36 Tons | 37 Tons | \$271 |
| 2 | 37 Tons | 38 Tons | \$296 |
| 3 | 38 Tons | 39 Tons | \$321 |
| 4 | 39 Tons | 40 Tons | \$348 |

5 For a combined gross weight exceeding forty tons,
6 the portion to be allocated shall be three hundred
7 and forty-eight dollars and in addition thereto twenty-
8 seven dollars for each ton over forty tons."

9 2. Page 10, by inserting after line 39 the
10 following:

11 "Sec. 21. Section three hundred twenty-one point
12 one hundred twenty-two (321.122), subsection one (1),
13 Code 1977, as amended by Acts of the Sixty-seventh
14 General Assembly, 1977 Session, chapter one hundred
15 four (104), section five (5), is amended by striking
16 the subsection and inserting in lieu thereof the
17 following:

18 1. The annual registration fee for motor trucks,
19 except special trucks, truck tractors, or road
20 tractors, shall be based on the combined gross weight
21 of the vehicle or combination of vehicles. All trucks,
22 truck tractors, semitrailers, or road tractors shall
23 be registered for a gross weight equal to or in excess
24 of the unladen weight of the vehicle or combination
25 of vehicles. The annual registration fee for such
26 vehicles or combination of vehicles shall be:

27 a. For a combined gross weight of three tons or
28 less forty dollars and after ten registrations thirty
29 dollars.

30 b. For a combined gross weight exceeding three
31 tons, the annual registration fee shall be as set
32 forth in the following schedule:

| 33 For a combined gross | And not | The annual |
|-----------------------------|-------------------|-----------------------------------|
| 34 <u>weight exceeding:</u> | <u>exceeding:</u> | <u>registration fee shall be:</u> |
| 35 3 Tons | 4 Tons | \$ 45 |
| 36 4 Tons | 5 Tons | \$ 60 |
| 37 5 Tons | 6 Tons | \$ 75 |
| 38 6 Tons | 7 Tons | \$ 100 |
| 39 7 Tons | 8 Tons | \$ 135 |
| 40 8 Tons | 9 Tons | \$ 170 |
| 41 9 Tons | 10 Tons | \$ 205 |
| 42 10 Tons | 11 Tons | \$ 240 |
| 43 11 Tons | 12 Tons | \$ 275 |
| 44 12 Tons | 13 Tons | \$ 310 |
| 45 13 Tons | 14 Tons | \$ 335 |
| 46 14 Tons | 15 Tons | \$ 380 |
| 47 15 Tons | 16 Tons | \$ 415 |
| 48 16 Tons | 17 Tons | \$ 450 |
| 49 17 Tons | 18 Tons | \$ 485 |
| 50 18 Tons | 19 Tons | \$ 520 |

| | | | |
|----|-------------------|-------------------|---------|
| 2 | 19 Tons | 20 Tons | \$ 578 |
| 3 | 20 Tons | 21 Tons | \$ 617 |
| 4 | 21 Tons | 22 Tons | \$ 660 |
| 5 | 22 Tons | 23 Tons | \$ 704 |
| 6 | 23 Tons | 24 Tons | \$ 749 |
| 7 | 24 Tons | 25 Tons | \$ 875 |
| 8 | 25 Tons | 26 Tons | \$ 927 |
| 9 | 26 Tons | 27 Tons | \$ 981 |
| 10 | 27 Tons | 28 Tons | \$1,036 |
| 11 | 28 Tons | 29 Tons | \$1,091 |
| 12 | 29 Tons | 30 Tons | \$1,148 |
| 13 | 30 Tons | 31 Tons | \$1,206 |
| 14 | 31 Tons | 32 Tons | \$1,264 |
| 15 | 32 Tons | 33 Tons | \$1,324 |
| 16 | 33 Tons | 34 Tons | \$1,384 |
| 17 | 34 Tons | 35 Tons | \$1,475 |
| 18 | 35 Tons | 36 Tons | \$1,538 |
| 19 | 36 Tons | 37 Tons | \$1,601 |
| 20 | 37 Tons | 38 Tons | \$1,666 |
| 21 | 38 Tons | 39 Tons | \$1,731 |
| 22 | 39 Tons | 40 Tons | \$1,798 |

22 c. For a combined gross weight exceeding forty
 23 tons, the annual registration fee shall be one thousand
 24 seven hundred ninety-eight dollars plus eighty-five
 25 dollars for each ton over forty tons.

26 Where an auxiliary axle has been registered under
 27 the provisions of this chapter, the registered gross
 28 weight of the vehicle or combination of vehicles shall
 29 be the sum of the registered gross weight of such
 30 auxiliary axle or axles added to the registered gross
 31 weight of the truck, truck tractor, or road tractor."

32 3. Page 21, by inserting after line 33 the
 33 following:

34 "Sec. 43. Section three hundred twenty-one point
 35 four hundred fifty-seven (321.457), Code 1977, as
 36 amended by Acts of the Sixty-seventh General Assembly,
 37 1977 Session, chapter one hundred three (103), section
 38 fifty-one (51), is amended by adding the following
 39 new subsection:

40 NEW SUBSECTION. No semitrailer registered for
 41 the first time for the calendar year beginning January
 42 1, 1979, or for a subsequent period shall have an
 43 overall length in excess of forty-five feet except
 44 semitrailers transporting livestock, semitrailers
 45 transporting implements of husbandry, and those
 46 semitrailers used exclusively for the transportation
 47 of passenger vehicles, light delivery trucks, panel
 48 delivery trucks, pickup trucks and boats. The
 49 department may issue permits to operate such
 50 semitrailers in excess of forty-five feet but not

Page 41 exceeding forty-seven and one-half feet, pursuant
2 to rules adopted by the department.

3 Sec. 44. Section three hundred twenty-one point
4 four hundred fifty-seven (321.457), subsection three
5 (3), Code 1977, is amended by striking the subsection
6 and inserting in lieu thereof the following:

7 3. No combination of vehicles coupled together,
8 unladen or with load, shall have an overall length,
9 inclusive of front and rear bumpers, in excess of
10 sixty feet.

11 Sec. 45. Section three hundred twenty-one point
12 four hundred fifty-seven (321.457), subsection five
13 (5), Code 1977, is amended by striking the subsection
14 and inserting in lieu thereof the following:

15 5. Passenger vehicles, light delivery trucks,
16 panel delivery trucks, pickup trucks and boats being
17 transported on a combination of vehicles used
18 exclusively for the transportation of such vehicles
19 and boats may extend up to three feet beyond the front
20 and rear bumpers of the transporting vehicles when
21 the overall length of the vehicle with load does not
22 exceed sixty-five feet.

23 Sec. 46. Section three hundred twenty-one point
24 four hundred fifty-nine (321.459), Code 1977, is
25 amended by striking the section and inserting in lieu
26 thereof the following:

27 321.459 DUAL AXLE REQUIREMENT. Axles of a motor
28 vehicle, trailer, or semitrailer which are less than
29 forty inches apart center to center shall be considered
30 as one axle for the purpose of determining permissible
31 weight under section three hundred twenty-one point
32 four hundred sixty-three (321.463) of the Code.

33 Sec. 47. Section three hundred twenty-one point
34 four hundred sixty-three (321.463), Code 1977, is
35 amended by striking the section and inserting in lieu
36 thereof the following:

37 321.463 MAXIMUM GROSS WEIGHT. An axle may be
38 divided into two or more parts, except that all parts
39 in the same vertical transverse plane shall be
40 considered as one axle.

41 The gross weight on any one axle of a vehicle,
42 or of a combination of vehicles, operated on the
43 highways of this state, shall not exceed twenty
44 thousand pounds on an axle equipped with pneumatic
45 tires, and shall not exceed fourteen thousand pounds
46 on an axle equipped with solid rubber tires. The
47 gross weight on any tandem axle of a vehicle, or any
48 combination of vehicles, shall not exceed thirty-four
49 thousand pounds on an axle equipped with pneumatic
50 tires.

1 A group of two or more consecutive axles of any
 2 vehicle or combination of vehicles, shall not carry
 3 a load in pounds in excess of the overall gross weight
 4 determined by application of the following formula:
 5 W equals 500 times $(LN/N-1 + 12N + 36)$ where W equals
 6 the overall gross weight on any group of two or more
 7 consecutive axles to the nearest five hundred pounds,
 8 L equals the distance in feet between the extreme
 9 of any group of two or more consecutive axles, and
 10 N equals the number of axles in group under
 11 consideration, except that two consecutive sets of
 12 tandem axles may carry a gross load of thirty-four
 13 thousand pounds each providing the overall distance
 14 between the first and last axles of such consecu-
 15 tive sets of tandem axles is thirty-six feet or more.

16 In no event shall the maximum gross weight, includ-
 17 ing the enforcement tolerances, exceed eighty thousand
 18 pounds.

19 A tolerance above the maximum legal weight of any
 20 axle or vehicle or combination of vehicles may be
 21 allowed as follows:

22 Three percent on any axle, including tandem axles,
 23 of any vehicle or combination of vehicles operated
 24 on highways not part of the interstate system.

25 Eight percent of the gross weight on any particular
 26 group of axles.

27 Eight percent on the total gross weight of a vehicle
 28 or combination of vehicles.

29 The weight on any one axle, including a tandem
 30 axle, of a vehicle which is transporting livestock
 31 on highways not part of the interstate system may
 32 exceed the legal maximum weight given in this chapter
 33 providing that the gross weight on any particular
 34 group of axles on such vehicle does not exceed the
 35 gross weight allowable under this chapter for such
 36 group of axles.

37 Any person who operates any vehicle in violation
 38 of the provisions of this section, and any owner,
 39 or any other person, employing or otherwise directing
 40 the operator of any vehicle who requires or knowingly
 41 permits the operation of any vehicle in violation
 42 of the provisions of this section shall upon conviction
 43 or a plea of guilty be punished in accordance with
 44 the following schedule:

45 AXLE, TANDEM AXLE, GROUP OF AXLES, AND
 46 GROSS WEIGHT VIOLATIONS

| 47 Percentage of | Amount of Fine |
|---|--------------------|
| 48 Overload | Per Hundred Pounds |
| 49 Up to and including 8% | \$1.00 |
| 50 Over 8% to and including 10% | \$1.25 |

Page 61

| | |
|---------------------------------|--------|
| Over 10% to and including 12% | \$1.50 |
| 2 Over 12% to and including 14% | \$2.00 |
| 3 Over 14% to and including 16% | \$3.00 |
| 4 Over 16% to and including 18% | \$4.00 |
| 5 Over 18% to and including 20% | \$5.00 |
| 6 Over 20% | \$6.00 |

7 A fine shall not be assessed if the overload does
8 not exceed the tolerance specified in this section.
9 If the overload does exceed the tolerance specified
10 in this section, the amount of the fine to be assessed
11 shall be computed on the difference between the actual
12 weight and the maximum legal weight specified in this
13 section without allowance of any tolerance, by applying
14 the appropriate rate in the preceding schedule for
15 the total percentage of overload. The total percentage
16 of overload shall be determined by dividing the
17 appropriate maximum legal weight as specified in this
18 section without allowance for any tolerance into the
19 amount of pounds overloaded.

20 Overloads on axles and tandem axles and overloads
21 on groups of axles or on an entire vehicle or
22 combination of vehicles shall be considered as separate
23 violations of the provisions of this section.

24 The penalties provided in this section shall not
25 be construed to be in lieu of any other penalties
26 provided for violations of other provisions of this
27 chapter.

28 Any person who issues or executes, or causes to
29 be issued or executed, any bill of lading, manifest,
30 or shipping document of any kind which states the
31 false weight of the cargo set forth on such bill,
32 manifest, or document, to be less than the actual
33 weight of such cargo, shall be punished by a fine
34 of not more than one hundred dollars or by imprisonment
35 for not more than thirty days."

36 4. Page 24, by inserting after line 46 the
37 following:

38 "Sec. 51. Chapter three hundred twenty-four (324),
39 Code 1977, is amended by adding the following new
40 division:

41 DIVISION V
42 MOTOR FUEL AND SPECIAL FUEL USE TAX
43 FOR HEAVY MOTOR VEHICLE OPERATIONS
44 NEW SECTION. PURPOSE. The purpose of this division
45 is to provide a method of collecting additional fuel
46 taxes from interstate and intrastate operators of
47 motor vehicles registered at a gross weight of twenty
48 tons or more commensurate with their operations on
49 Iowa highways. This division shall be administered
50 by the state department of transportation, referred

Page 1 to as the department in this division.

2 NEW SECTION. LEVY OF HEAVY VEHICLE FUEL TAX.

3 For the privilege of operating a motor vehicle
4 registered at a gross weight of twenty tons or more
5 in this state, an excise tax of two cents a gallon
6 is imposed upon the use of all motor fuel and special
7 fuel used in said vehicles. This excise tax is in
8 addition to those taxes provided for in Division I
9 and II of this chapter.

10 NEW SECTION. PERMIT--BOND. No person shall operate

11 a motor vehicle registered for a gross weight of
12 twenty tons or more on Iowa highways without a heavy
13 vehicle fuel tax permit. The department shall issue
14 a permit annually upon the posting of an indemnity
15 bond in a sum to be fixed by the department to assure
16 the required reporting, tax payments and record
17 keeping. The department may audit persons not holding
18 permits who are suspected of evading the heavy vehicle
19 fuel tax. Audits shall be conducted pursuant to
20 section three hundred twenty-four point fifty-five
21 (324.55). The annual permit fee shall be five dollars.
22 Each vehicle operated under the provisions of this
23 division shall carry a duplicate or evidence of the
24 permit. A fee of fifty cents shall be charged for
25 each duplicate issued. Any person holding a heavy
26 vehicle fuel tax permit shall not be required for
27 vehicles registered at twenty tons and over to hold
28 an Iowa interstate fuel permit issued under section
29 three hundred twenty-four point fifty-three (324.53)
30 of the Code.

31 NEW SECTION. FUEL TAX COMPUTATION--REPORTING AND

32 PAYMENT. To determine the amount of fuel taxes due
33 under this provision, a quarterly report shall be
34 filed not later than the last day of the month
35 following the quarter reported and each quarter
36 thereafter. Reports shall be on forms prescribed
37 by the department and be required of all persons who
38 have been issued a permit under this division. Reports
39 shall cover actual operation and fuel consumption
40 in Iowa. Taxes shall be based on the permittee's
41 average fuel consumption. Average fuel consumption
42 shall be determined by the total miles traveled and
43 the total fuel purchased and consumed for highway
44 use by the permittee's motor vehicle in its entire
45 operation in all states to establish an overall miles
46 per gallon ratio, which ratio shall be used to compute
47 the gallons used for the miles traveled in Iowa."

48 5. Page 26, by inserting after line 44 the
49 following:

50 "Sec. 60. The provisions of sections nine (9),

Page 8

1 ten (10), twenty-one (21), forty-three (43), forty-
2 four (44), forty-five (45), forty-six (46), forty-
3 seven (47), and fifty-one (51), of this Act shall
4 apply to registrations to be issued for the calendar
5 year beginning January 1, 1979."

6 6. Renumber as necessary.

SENATE FILE 2187

H-6644

1 Amend the amendment, H-6636, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 10, by inserting after line 10 the follow-
5 ing:
6 "Sec. 16. Section three hundred twenty-one point
7 one hundred thirteen (321.113), Code 1977, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. A motor vehicle used
10 primarily by a person with a physical handicap which
11 substantially interferes with normal physical movement
12 and registered by such person and a motor vehicle
13 used primarily by a person over sixty-two years of
14 age and registered by such person shall have the
15 registration fee otherwise computed under the
16 provisions of section three hundred twenty-one point
17 one hundred nine (321.109) of the Code, reduced by
18 fifty percent if such person had a taxable income
19 as defined in section four hundred twenty-two point
20 nine (422.9) of the Code, of less than eight thousand
21 dollars for the year preceding the year for which
22 the registration will apply. Application for reduction
23 shall be made upon forms not exceeding one page in
24 length provided by the department. The reduction
25 provided under this paragraph shall be available only
26 for applications made after January first of the year
27 for which the registration will apply."
28 2. By renumbering the sections and cross-references
29 to conform with this amendment.

H-6644 FILED *7/1/78* BY PELTON of Clinton
MAY 11, 1978 *5/5/78 2023*

SENATE FILE 2187

H-6648

1 Amend amendment H6636 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 26, by inserting after line 40
5 the following section:
6 Sec. . It is the intent of the General
7 Assembly that the department study mechanisms of
8 increasing the truck registration fee schedule on
9 an annualized basis in order to maintain an
10 equitable relationship between those fees and
11 registration fees for passenger class motor vehicles.
12 Such study shall be presented to the
13 Sixty-eighth session of the General Assembly no
14 later than January 15, 1979.

H-6648 FILED *Out of order 5/12* BY SMALL of Johnson
MAY 11, 1978

H-6649

1 Amend the amendment, H-6636, to Senate File 2187,
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 20, by inserting after line 47 the follow-
5 ing:

6 "Sec. ____ . Section three hundred twenty-one point
7 three hundred seventy-six (321.376), unnumbered
8 paragraph two (2), Code 1977, is amended by striking
9 the paragraph and inserting in lieu thereof the
10 following:

11 Each school bus driver who is applying for a school
12 bus driver's permit for the first time shall have
13 either completed the Iowa state school bus driver's
14 training course offered through a merged area school
15 corporation or shall complete the course during the
16 first six months of employment. A certificate showing
17 successful completion of the course shall be certified
18 by the area school and submitted to the department
19 of public instruction. Failure of the driver to
20 successfully complete the course shall be reported
21 by the area school to the department of public
22 instruction and to the school for which the bus driver
23 is employed. A beginning driver who fails to
24 successfully complete the course within the first
25 six months of employment shall not be issued a
26 subsequent permit until evidence is submitted to the
27 department certifying the driver has successfully
28 completed the course."

29 2. Renumber as necessary in conformance with this
30 amendment.

H-6649 FILED *W. J. L.* BY LIPSKY of Linn
MAY 11, 1978 *W. J. L.*

SENATE FILE 2187

H-6667

1 Amend amendment H-6637 to Senate File 2187 as
2 amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 4, line 10 by striking "sixty" and
5 inserting "sixty-five".

H-6667 FILED *W. J. L.* BY WOODS of Polk
MAY 11, 1978 *W. J. L.*

SENATE FILE 2187

H-6672

1 Amend amendment H-6637, to amendment H-6636, to
2 Senate File 2187, as passed by the Senate and re-
3 printed, as follows:

4 1. Page 2, line 28 by striking the word "forty"
5 and inserting in lieu thereof the word "thirty-five".

6 2. Page 2, line 28 by striking the word "thirty"
7 and inserting in lieu thereof the word "twenty-five".

H-6672 FILED *W. J. L.* BY SCHNKELOTH of Scott
MAY 11, 1978 *W. J. L.*

1 Amend amendment H-6636, to Senate File 2187, as
2 passed by the Senate and reprinted, as follows:

3 1. Page 11, by inserting after line 14 the
4 following section:

5 "Sec. _____. Section three hundred twenty-one
6 point one hundred sixty-six (321.166), Code 1977, as
7 amended by Acts of the Sixty-seventh General Assembly,
8 1977 Session, chapter one hundred three (103), section
9 thirty-four (34), is amended by adding the following
10 new subsection:

11 NEW SUBSECTION. 6. Registration plates issued
12 a disabled veteran under the provisions of section
13 three hundred twenty-one point one hundred five
14 (321.105) of the Code, shall display the word
15 "DISABLED VET" and shall display the alphabetical
16 characters "DV", which shall be of the same size as
17 the characters in the registration plate number and
18 shall precede the registration plate number."

H-6643 FILED *Adopted* BY HUSAK of Tama
MAY 11, 1978 *5/12 (p. 26-27)* WYCKOFF of Benton
HARBOR of Mills
CRABB of Crawford
HANSEN of O'Brien
HINKHOUSE of Cedar
WEST of Marshall
BAKER of Buena Vista

SENATE FILE 2187

1 Amend the amendment, H-6636, to Senate File 2187
2 as amended, passed and reprinted by the Senate as
3 follows:

4 1. Page 22, by inserting after line 19 the follow-
5 ing:

6 "Sec. _____. Chapter three hundred twenty-one (321),
7 Code 1977, is amended by adding the following new
8 section:

9 NEW SECTION. RADAR DETECTION DEVICES--PENALTY.

10 1. A person shall not operate or possess a radar
11 detection device, except as otherwise provided in
12 this section, when the device is used in a vehicle
13 operated on the highways of this state.

14 2. The provisions of this section shall not apply
15 to any receiver of radio waves of any frequency
16 lawfully licensed by any state or federal agency.
17 This section shall not apply to radar detection devices
18 purchased by, held for purchase for or operated by
19 peace officers using such devices in their official
20 duties.

21 3. Any person convicted of violating this section
22 shall be guilty of a simple misdemeanor. Possession
23 of a radar detection device in a privately owned motor
24 vehicle shall be prima-facie evidence of a violation
25 of this section.

26 4. For the purposes of this section "radar
27 detection device" means any mechanism used to detect
28 the emission of radio microwaves in the electromagnetic
29 spectrum, which are emitted from a device used by
30 peace officers of this state to measure the speed
31 of motor vehicles on the highways of this state."

32 2. Renumber as necessary.

H-6645 FILED *See of* BY PELTON of Clinton
MAY 11, 1978 *5/12*

SENATE FILE 2187

H-6709

1 Amend Senate File 2187 as amended, passed and re-
2 printed by the Senate as follows:

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

5 "Section 1. The Code editor, in codifying the
6 provisions of this Act, is directed to codify sections
7 two (2) through eight (8) of this Act as a new chapter.

8 Sec. 2. NEW SECTION. ADMINISTRATION. The
9 administration of this chapter shall be vested in
10 the director of the state department of transportation.
11 The department may employ such employees as are
12 necessary for the administration of this chapter,
13 within applicable budget limitations.

14 Sec. 3. NEW SECTION. DEFINITIONS. As used in
15 this chapter and unless a different meaning appears
16 from the context:

17 1. "Person" includes any individual, firm,
18 corporation, copartnership, joint adventure, or
19 association, and the plural as well as the singular
20 number.

21 2. "Department" means the state department of
22 transportation.

23 3. "Selling" includes bartering, exchanging, or
24 otherwise dealing in.

25 4. "Vehicle" means any vehicle as defined in
26 chapter three hundred twenty-one (321) of the Code.

27 5. "Vehicle rebuilder" means a person engaged
28 in the business of rebuilding or restoring to operating
29 condition vehicles subject to registration under
30 chapter three hundred twenty-one (321) of the Code,
31 which have been damaged or wrecked.

32 6. "Used vehicle parts dealer" means a person
33 engaged in the business of selling bodies, parts of
34 bodies, frames or component parts of used vehicles
35 subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 7. "Vehicle salvager" means a person engaged in
38 the business of scrapping vehicles, dismantling or
39 storing wrecked or damaged vehicles or selling reusable
40 parts of vehicles or storing vehicles not currently
41 registered which vehicles are subject to registration
42 under chapter three hundred twenty-one (321) of the
43 Code.

44 8. "Authorized vehicle recycler" means a person
45 licensed to operate as a vehicle rebuilder, used
46 vehicle parts dealer or vehicle salvager.

47 9. "Wrecked or salvage vehicle" means a damaged
48 vehicle for which the cost of repair exceeds fifty
49 percent of the fair market value of the vehicle before
50 it became damaged.

Page 2 10. "Extension" means a place of business of an
2 authorized vehicle recycler other than the principal
3 place of business within the county of the principal
4 place of business.

5 Sec. 4. NEW SECTION. PROHIBITIONS. Except for
6 educational institutions, people licensed as new or
7 used vehicle dealers under chapter three hundred
8 twenty-two (322) of the Code, people engaged in a
9 hobby not for profit, people engaged in the busi-
10 ness of purchasing bodies, parts of bodies, frames
11 or component parts of vehicles only for sale as scrap
12 metal or a person licensed under the provisions of
13 this chapter as an authorized vehicle recycler, a
14 person in this state shall not engage in the business
15 of:

16 1. Selling used bodies, parts of bodies, frames
17 or component parts of more than six used vehicles
18 subject to registration under chapter three hundred
19 twenty-one (321) of the Code in a calendar year; or

20 2. Wrecking or dismantling in a calendar year
21 more than six vehicles or the parts of more than six
22 vehicles subject to registration under chapter three
23 hundred twenty-one (321) of the Code for resale; or

24 3. Rebuilding or restoring for sale six or more
25 wrecked or salvage vehicles subject to registration
26 under chapter three hundred twenty-one (321) of the
27 Code in a calendar year; or

28 4. Storing vehicles not currently registered or
29 storing damaged vehicles except where such storing
30 or damaged vehicles is incidental to the primary
31 purpose of the repair of motor vehicles for others,
32 scrapping, disposing, salvaging or recycling more
33 than six vehicles or parts of more than six vehicles
34 subject to registration under chapter three hundred
35 twenty-one (321) of the Code in a calendar year.

36 Sec. 5. NEW SECTION. LICENSE APPLICATION AND
37 FEES.

38 1. Upon application and payment of a thirty-five
39 dollar fee, a person may apply for a license to operate
40 as an authorized vehicle recycler to engage in the
41 business as one or more of the following:

- 42 a. A vehicle rebuilder; or
- 43 b. A used vehicle parts dealer; or
- 44 c. A vehicle salvager.

45 2. Application for a license as an authorized
46 vehicle recycler shall be made to the department on
47 forms provided by the department. The application
48 shall be accompanied by the fee. The license shall
49 be approved or disapproved within thirty days after
50 application for the license. Each license shall

1 expire, unless revoked or suspended by the department,
2 on December thirty-first of the calendar year for
3 which the license was granted. A separate license
4 shall be obtained for each county in which an applicant
5 conducts operations.

6 3. Each licensee shall file with the department
7 a supplemental statement form when the licensee's
8 principal place of business, an extension or the
9 operation of business in the county is changed to
10 differ from the information contained on the initial
11 license application form within fifteen days after
12 each operational change. The department shall notify
13 each licensee of the approval of a change in license
14 status. If a change in license status is approved
15 by the department the licensee shall surrender the
16 old license to the department together with a thirty-
17 five dollar fee. The department shall issue a new
18 license modified to reflect the principal place of
19 business, each extension and the operations of the
20 licensee.

21 Sec. 6. NEW SECTION. DISPLAY OF LICENSE. A
22 license issued under the provisions of this chapter
23 shall specify the location of the principal place
24 of business, each extension within the county of the
25 principal place of business and the license shall
26 be conspicuously displayed at the principal place
27 of business except during periods when the license
28 is surrendered for modifications.

29 Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR
30 REVOCATION OF LICENSE. The license of a person issued
31 under the provisions of this chapter may be denied,
32 revoked or suspended if the department finds that
33 the licensee has:

34 1. Violated any provisions of this chapter; or

35 2. Made any material misrepresentation to the
36 department in connection with an application for a
37 license, junking certificate, salvage certificate,
38 certificate of title or registration of a vehicle;
39 or

40 3. Been convicted of a fraudulent practice in
41 connection with selling or offering for sale vehicles
42 or parts of vehicles subject to registration under
43 chapter three hundred twenty-one (321) of the Code;
44 or

45 4. Failed to maintain an established principal
46 place of business in the county without notification
47 to the department; or

48 5. Had a license issued under the provisions of
49 this chapter denied, suspended or revoked within the
50 previous three years; or

6. Been convicted of violation of any of sections
2 three hundred twenty-one point fifty-two (321.52),
3 three hundred twenty-one point seventy-one (321.71),
4 three hundred twenty-one point seventy-eight (321.78),
5 three hundred twenty-one point ninety-two (321.92),
6 three hundred twenty-one point ninety-seven (321.97),
7 three hundred twenty-one point ninety-eight (321.98),
8 three hundred twenty-one point ninety-nine (321.99),
9 three hundred twenty-one point one hundred (321.100),
10 or seven hundred thirteen point twenty-four (713.24)
11 of the Code.

12 Sec. 8. NEW SECTION. FEES. All fees of whatever
13 character accruing from the administration of this
14 chapter shall be accounted for and paid by the
15 department into the state treasury monthly and shall
16 be credited to the road use tax fund.

17 Sec. 9. Section three hundred twenty-one point
18 one (321.1), Code 1977 Supplement, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. "Vehicle rebuilder" means a person
21 engaged in the business of rebuilding or restoring
22 to operating condition vehicles subject to registration
23 under chapter three hundred twenty-one (321) of the
24 Code, which have been damaged or wrecked.

25 NEW SUBSECTION. "Used vehicle parts dealer" means
26 a person engaged in the business of selling bodies,
27 parts of bodies, frames or component parts of used
28 vehicles subject to registration under chapter three
29 hundred twenty-one (321) of the Code.

30 NEW SUBSECTION. "Vehicle salvager" means a person
31 engaged in the business of scrapping vehicles,
32 dismantling or storing wrecked or damaged vehicles
33 or selling reusable parts of vehicles or storing
34 vehicles not currently registered which vehicles
35 are subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 Sec. 10. Section three hundred twenty-one point
38 thirty (321.30), Code 1977, is amended by adding the
39 following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. The treasurer shall
41 also refuse registration of any vehicle if the
42 applicant for registration of such vehicle has failed
43 to pay the required registration fees of any vehicle
44 owned or previously owned when the registration fee
45 was required to be paid by the applicant and for which
46 vehicle the registration was suspended or revoked
47 under the provisions of section three hundred twenty-
48 one point one hundred one (321.101), subsection four
49 (4), of the Code, until such fees are paid together
50 with any accrued penalties.

1. Sec. 11. Section three hundred twenty-one point forty-nine (321.49), subsection one (1), Code 1977, as amended by Acts of the sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section nineteen (19), is amended to read as follows:

1. ~~Except as provided in section three hundred twenty-one point fifty-two (321.52) of the Code, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within seven days of the date of assignment or transfer of title, a penalty of five dollars shall accrue against said vehicle, and no registration card or certificate of title shall thereafter be issued until penalty is paid.~~

2. Sec. 12. Section three hundred twenty-one point fifty-one (321.51), subsection four (4), Code 1977, as amended by Acts of the sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-two (22) is amended to read as follows:

4. ~~Except as provided in section three hundred twenty-one point fifty-two (321.52) of the Code, the county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, the appropriate fee hereafter, and the affidavit as provided in subsection 2 of this section, and when satisfied as to the genuineness and regularity thereof of the application, shall issue a restricted certificate of title to the applicant but shall not issue registration plates or a registration card. A restricted certificate of title shall be red in color and shall have conspicuously imprinted thereon in bold print, in a manner prescribed by the department, the words "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SECTION THREE HUNDRED TWENTY-ONE POINT FIFTY-ONE (321.51) OF THE CODE."~~

At such time as the transferee surrenders a valid approved certificate of inspection and the restricted certificate of title to the county treasurer of the county of residence, the county treasurer, upon payment of the appropriate fees, shall issue a certificate of title that is not restricted for the vehicle and shall also issue a registration card and registration plates to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle, however, if the registration fee for

H-6709

Page 61 the vehicle has been paid for the current year, the
 2 county treasurer shall issue a registration card and
 3 registration plates to the applicant if the applicant
 4 is not in possession of registration plates which
 5 may be attached to the vehicle upon payment of an
 6 additional registration fee of five dollars. A vehicle
 7 with a restricted certificate of title shall not have
 8 a registration plate attached to the vehicle.

9 Sec. 13. Section three hundred twenty-one point
 10 fifty-one (321.51), subsection seven (7), Code 1977,
 11 as amended by Acts of the Sixty-seventh General
 12 Assembly, 1977 Session, chapter one hundred three
 13 (103), section twenty-two (22), is amended by striking
 14 the subsection.

15 Sec. 14. Section three hundred twenty-one point
 16 fifty-two (321.52), subsection one (1), Code 1977,
 17 as amended by Acts of the Sixty-seventh General
 18 Assembly, 1977 Session, chapter one hundred three
 19 (103), section twenty-three (23), is amended by
 20 striking the subsection.

21 Sec. 15. Section three hundred twenty-one point
 22 fifty-two (321.52), Code 1977, as amended by Acts
 23 of the Sixty-seventh General Assembly, 1977 Session,
 24 chapter one hundred three (103), section twenty-three
 25 (23), is amended by adding the following new
 26 subsections:

27 NEW SUBSECTION. The purchaser or transferee of
 28 a motor vehicle for which a certificate of title is
 29 issued which is sold for scrap or junk shall surrender
 30 the certificate of title and registration receipt
 31 to the county treasurer of the county of residence
 32 of the transferee within fifteen days after assignment
 33 of the certificate of title. The county treasurer
 34 shall issue to such person without fee a junking
 35 certificate. A junking certificate shall authorize
 36 the holder to possess, transport or transfer by
 37 endorsement the ownership of the junked vehicle.
 38 A certificate of title shall not again be issued for
 39 the vehicle subsequent to the issuance of a junking
 40 certificate. The county treasurer shall cancel the
 41 record of the vehicle and forward the certificate
 42 of title to the department. The junking certificate
 43 shall be of a form to allow for the assignment of
 44 ownership of the vehicle. The junking certificate
 45 shall provide a space for the notation of the
 46 transferee of the component parts of the vehicle
 47 transferred by the owner of the vehicle.

48 NEW SUBSECTION. When a vehicle for which a
 49 certificate of title is issued is junked or dismantled
 50 by the owner, the owner shall detach the registration

1 plates and surrender the plates to the county
2 treasurer, unless the plates are properly assigned
3 to another vehicle. The owner shall also surrender
4 the registration receipt and certificate of title
5 to the county treasurer. Upon surrendering the
6 certificate of title, the county treasurer shall issue
7 to such person, without fee, a junking certificate,
8 which shall authorize the holder to access, transport
9 or transfer ownership of the junked vehicle by
10 endorsement of the junking certificate. A certificate
11 of title shall not again be issued for the junked
12 vehicle for which a junking certificate is issued.
13 The county treasurer shall cancel the record of the
14 vehicle and forward the certificate of title to the
15 department.

16 NEW SUBSECTION. A vehicle rebuilder or a motor
17 vehicle dealer licensed under chapter three hundred
18 twenty-two (322) of the Code, upon acquisition of
19 a wrecked or salvage vehicle, shall surrender the
20 certificate of title and registration receipt or
21 manufacturer's or importer's statement of origin
22 properly assigned, together with an application for
23 a salvage certificate of title to the county treasurer
24 of the county of residence of the purchaser or
25 transferee within fourteen days after the date of
26 assignment of the certificate of title for the wrecked
27 or salvage motor vehicle. The provisions of this
28 subsection shall apply only to vehicles with a fair
29 market value of five hundred dollars or more, based
30 on the value before the vehicle became wrecked or
31 salvage. Upon payment of a fee of two dollars, the
32 county treasurer shall issue a salvage certificate
33 of title which shall be of a distinctive color and
34 bear the words "SALVAGE CERTIFICATE OF TITLE". A
35 salvage certificate of title may be assigned to any
36 person. Notwithstanding any other provisions in this
37 section a vehicle on which ownership has transferred
38 to an insurer of such vehicle, as a result of a
39 settlement with the owner of the vehicle arising out
40 of damage to, or unrecovered theft of the vehicle,
41 shall be deemed to be a wrecked or salvage vehicle
42 and the insurer shall comply with the provisions of
43 this subsection to obtain a salvage certificate of
44 title within fourteen days after the date of assignment
45 of the certificate of title of the vehicle. Any
46 owner, except an insurer of vehicles, who transfers
47 a wrecked or salvage vehicle with a fair market value
48 less than five hundred dollars, based on the value
49 before it became wrecked or salvage, shall comply
50 with the provisions of section three hundred twenty-

1 one point fifty-one (321.51) of the Code.
2 When a wrecked or salvage vehicle has been repaired
3 or rebuilt, that person shall make application for
4 a certificate of title to the county treasurer of
5 the county of residence of the owner, and shall
6 surrender the salvage certificate of title issued
7 for the vehicle. A verification of the vehicle
8 identification number of the vehicle shall be made
9 by a peace officer of the state department of
10 transportation, the department of public safety,
11 county sheriff or police department of cities with
12 a population exceeding five thousand persons or a
13 person designated by the commissioner of public safety
14 or the director. The verification shall be made on
15 forms provided by the department and signed by the
16 peace officer or the appropriately designated person
17 and the verification form shall be surrendered by
18 the owner to the county treasurer at the time
19 application is made for a certificate of title. Upon
20 payment of the appropriate fees and surrender of the
21 appropriate documents the county treasurer shall issue
22 a certificate of title to the person making
23 application.

24 For purposes of this subsection a "wrecked or
25 salvage vehicle" means a damaged vehicle for which
26 the cost of repair exceeds fifty percent of the fair
27 market value of the vehicle before it became damaged.

28 Sec. 16. Section three hundred twenty-one point
29 ninety-five (321.95), Code 1977, is amended to read
30 as follows:

31 321.95 RIGHT OF INSPECTION. Peace officers ~~or~~
32 ~~examiners-employed-in-the-department~~ shall have the
33 authority to inspect any vehicle or component part
34 in possession of a ~~demolisher~~ vehicle rebuilder,
35 vehicle salvager, used vehicle parts dealer or any
36 person licensed under chapter three hundred twenty-
37 two (322) of the Code, or found upon the public highway
38 or in any public garage ~~or~~ enclosure or property
39 in which vehicles or component parts are kept for
40 sale, storage, hire or repair and for that purpose
41 may enter any such public garage ~~or~~ enclosure or
42 property. Every ~~person-doing-business-as-a-demolisher~~
43 vehicle rebuilder, vehicle salvager, used vehicle
44 parts dealer, or any person licensed under chapter
45 three hundred twenty-two (322) of the Code, or a
46 person having used engines or transmissions which
47 are component parts for sale shall keep an accurate
48 and complete record of all vehicles demolished and
49 of such component parts purchased or received for
50 resale as component parts in the course of business.

31 These records shall contain the name and address
 32 of the person from whom each such vehicle or component
 33 part was purchased or received and the date when the
 34 purchase or receipt occurred or the issuing certificate
 35 is required for the vehicle. These records shall
 36 be kept for the period of one year after the date
 37 of the purchase or receipt of the vehicle or component
 38 and shall be available for inspection by the public
 39 at any time during the period of one year after the
 40 date of the purchase or receipt of the vehicle or
 41 component.
 42 Sec. 17. Section three hundred twenty-one point
 43 one hundred (321.100), Code 1977 Supplement, is amended
 44 by adding the following new subsection:
 45 NEW SUBSECTION. To transfer in any manner or to
 46 offer to transfer in any manner a certificate of
 47 title, manufacturer's or importer's certificate to
 48 any vehicle on which a salvage certificate of title
 49 or junking certificate is required under section three
 50 hundred twenty-one point fifty-two (321.52) of the
 51 Code, with knowledge or reason to believe that the
 52 certificate will be used for a vehicle other than
 53 the vehicle for which the certificate is issued.
 54 "Transfer" for the purposes of this subsection means
 55 to sell, exchange, change possession or ownership
 56 or convey in any manner.
 57 Sec. 18. Section three hundred twenty-one point
 58 one hundred one (321.101), Code 1977, is amended by
 59 adding the following new unnumbered paragraph:
 60 NEW UNNUMBERED PARAGRAPH. If a vehicle, for which
 61 the registration has been suspended or revoked pursuant
 62 to subsection four (4) of this section, is transferred
 63 to a bona fide purchaser for value without actual
 64 knowledge of such suspension or revocation then the
 65 vehicle shall be deemed to be registered and the
 66 provisions of sections three hundred twenty-one point
 67 twenty-eight (321.28) and three hundred twenty-one
 68 point thirty (321.30), subsections four (4) and five
 69 (5), of the Code shall not be applicable to such
 70 vehicle for the failure of the previous owner to pay
 71 the required fees.
 72 Sec. 19. Section three hundred twenty-one point
 73 one hundred thirty-one (321.131), Code 1977, is amended
 74 to read as follows:
 75 321.131 LIEN OF FFE. All registration or other
 76 fees provided for in this chapter shall be and continue
 77 a lien against the vehicle for which said fees are
 78 payable unless otherwise provided in this section
 79 until such time as they are paid as provided by law,
 80 with any accrued penalties. The county treasurer
 81 may perfect a security interest in a vehicle for the

1 amount of such fees by noting the lien upon the
 2 certificate of title for the vehicle as provided in
 3 section three hundred twenty-one point fifty (321.50)
 4 of the Code. If the lien is not perfected as provided
 5 in this section, the lien shall not be valid against
 6 a bona fide purchaser of the vehicle without actual
 7 notice of the lien.

47/3

8 Sec. 19. Section three hundred twenty-one point
 9 one hundred eighty (321.180), Code 1977, is amended
 10 by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. A permittee shall not
 12 be penalized for failing to have his or her permit
 13 in immediate possession if the permittee produces
 14 in court, within a reasonable time, an instruction
 15 permit issued to him or her and valid at the time
 16 of the permittee's arrest.

17 Sec. 21. Section three hundred twenty-one point
 18 one hundred eighty-one (321.181), Code 1977, is amended
 19 by striking unnumbered paragraphs two (2), three (3),
 20 four (4), and five (5).

21 Sec. 22. Section three hundred twenty-one point
 22 one hundred eighty-three (321.183), Code 1977, is
 23 amended to read as follows:

24 321.183 CONTENTS OF APPLICATION. Every said
 25 application shall state the full name, date of birth,
 26 ~~occupation~~, sex, and residence address of the
 27 applicant, and briefly describe the applicant, and
 28 shall state whether the applicant has theretofore
 29 been licensed as an operator or chauffeur, and if
 30 so, when and by what state or country, and whether
 31 any such license has ever been suspended or revoked,
 32 or whether an application has been refused, and, if
 33 so, the date of and reason for such suspension,
 34 revocation, or refusal.

35 Sec. 23. Section three hundred twenty-one point
 36 one hundred eighty-nine (321.189), subsection one
 37 (1), Code 1977, as amended by Acts of the Sixty-seventh
 38 General Assembly, 1977 Session, chapter one hundred
 39 three (103), section forty-one (41), is amended to
 40 read as follows:

41 1. MOTOR VEHICLE LICENSE. Upon the payment of
 42 the required fee, the department shall issue to every
 43 qualifying applicant an operator's license, motorized
 44 bicycle license, or chauffeur's license, as applied
 45 for. Appearing on this license shall be a
 46 distinguishing number assigned to the licensee; the
 47 licensee's full name, date of birth, ~~occupation~~, sex,
 48 residence address; a colored photograph; a brief
 49 description of the licensee; and the usual signature
 50 of the licensee. If prior to the renewal date, a

1 person desires to obtain an operator's or chauffeur's
2 license in the form authorized by this section, such
3 license may be issued as a voluntary replacement upon
4 payment of the required fee. The number of places
5 where licenses are available shall not be reduced
6 because of procedures or equipment required in placing
7 motorist photographs on licenses or permits. The
8 department shall provide a space on every license
9 where the licensee may affix a decal or sticker
10 indicating that the licensee is a donor under the
11 Uniform Anatomical Gift Act and shall provide a space
12 where the licensee may affix a symbol indicating the
13 presence of a medical condition. The license may
14 contain such other information as the department may
15 by rule require. No license shall be valid unless
16 it bears the usual signature of the licensee. The
17 department shall advise an applicant that he or she
18 may request a number other than a social security
19 number as the motor vehicle license number. The
20 department shall not retain a positive or negative
21 photograph of the licensee. The licensee may affix
22 a decal or sticker on the license in the space provided
23 which indicates that the licensee in the space provided
24 which indicates that the licensee is a donor under
25 the Uniform Anatomical Gift Act. The decal shall
26 not be larger than one-half inch in diameter. The
27 use of the decal or sticker on the license shall be
28 authorized only if the licensee has complied with
29 the provisions for making a gift under the Uniform
30 Anatomical Gift Act and shall be effective only if
31 the licensee carries on or about the licensee's person
32 a duly signed and executed donor card as authorized
33 by the Uniform Anatomical Gift Act.

34 Sec. 24. Section three hundred twenty-one point
35 one hundred eighty-nine (321.189), subsection three
36 (3), Code 1977, is amended to read as follows:

37 3. CARRIED AND EXHIBITED. Every licensee shall
38 have his or her operator's or chauffeur's or motorized
39 bicycle license or instruction permit in his immediate
40 possession at all times when operating a motor vehicle
41 and shall display the same, upon demand of a judicial
42 magistrate or district associate judge, a peace
43 officer, or a field deputy or examiner of the
44 department. However, no person charged with violating
45 this section shall be convicted if he or she produces
46 in court, within a reasonable time, an operator's
47 or chauffeur's or motorized bicycle license or
48 instruction permit issued to him or her and valid
49 at the time of his the person's arrest.

50 Sec. 25. Section three hundred twenty-one point

H-6709

Page 1

1 two hundred ten (321.210), unnumbered paragraph five
2 (5), Code 1977, is amended to read as follows:

3 If the department assesses any points against an
4 operator or chauffeur of a motor vehicle under any
5 point system devised by the department for the purpose
6 of suspending operators' or chauffeurs' licenses,
7 the department must notify the licensee by ordinary
8 mail that such points have been assessed and the
9 reason therefor. Such notice shall also contain a
10 reference to all code sections under which the person's
11 motor vehicle license may be suspended, revoked,
12 cancelled or denied. Provided that no license shall
13 be suspended on the basis of any point system devised
14 by the department without notice of proposed suspension
15 to the licensee and a reasonable opportunity for a
16 preliminary hearing before a member of the department
17 who shall have authority in meritorious cases to
18 revoke the suspension.

19 Sec. 26. Section three hundred twenty-one point
20 two hundred ten (321.210), Code 1977, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 8. Has eluded or attempted to
23 elude a pursuing police vehicle pursuant to section
24 thirty-four (34) of this Act.

25 Sec. 27. Section three hundred twenty-one point
26 two hundred eleven (321.211), Code 1977, is amended
27 to read as follows:

28 321.211 NOTICE AND HEARING. Upon suspending the
29 license of any person as hereinbefore authorized the
30 department shall immediately notify the licensee in
31 writing and upon his or her request shall afford him
32 or her an opportunity for a hearing before the director
33 of his or her duly authorized agent as early as
34 practical within not to exceed thirty days after
35 receipt of such request in the county wherein the
36 licensee resides unless the department and the licensee
37 agree that such hearing may be held in some other
38 county. Upon such hearing the director or his or
39 her duly authorized agent may administer oaths and
40 may issue subpoenas for the attendance of witnesses
41 and the production of relevant books and papers and
42 may require a re-examination of the licensee. Upon
43 such hearing the department shall either rescind its
44 order of suspension or for good cause may extend the
45 suspension of such license or revoke such license.
46 There is hereby appropriated each year from the general
47 fund of the state to the department one hundred five
48 thousand dollars or so much thereof as may be necessary
49 to be used to pay the cost of notice and personal
50 delivery of service, if necessary to meet the notice

H-6709

Page 13

1 requirement of this section. The department shall
 2 promulgate rules governing the payment of the cost
 3 of personal delivery of service. The reinstatement
 4 fees collected under section three hundred twenty-
 5 one point one hundred ninety-one (321.191) of the
 6 Code shall be deposited in the general fund of the
 7 state in a manner provided in section three hundred
 8 twenty-one point one hundred ninety-two (321.192)
 9 of the Code, as reimbursement for the costs of notice
 10 under this section.

11 A peace officer stopping a person for whom a notice
 12 of a suspension or revocation has been issued or to
 13 whom a notice of a hearing has been sent under the
 14 provisions of this section may personally serve such
 15 notice upon forms approved by the department to satisfy
 16 the notice requirements of this section. The peace
 17 officer may confiscate the motor vehicle license of
 18 such person if the license has been revoked or has
 19 been suspended subsequent to a hearing and the person
 20 has not forwarded the motor vehicle license to the
 21 department as required.

22 Sec. 28. Section three hundred twenty-one point
 23 two hundred thirty-eight (321.238), subsection ten
 24 (10), unnumbered paragraph one (1), Code 1977, is
 25 amended to read as follows:

26 In making a vehicle inspection, the inspection
 27 station shall inspect such of the following equipment
 28 as is applicable to the vehicle: Brakes, lights,
 29 turning signals, steering, sound devices, glass,
 30 mirrors, exhaust system, windshield wipers, seat
 31 belts, tires and such other safety equipment as may
 32 be prescribed for inspection under rules adopted by
 33 the director. ~~The inspection station shall also~~
 34 ~~inspect each motor vehicle to ascertain that none~~
 35 ~~of the factory-installed emission control devices~~
 36 ~~have been removed or rendered inoperable.~~

37 Sec. 29. Section three hundred twenty-one point
 38 two hundred thirty-eight (321.238), subsection twelve
 39 (12), Code 1977, is amended to read as follows:

40 12. Every motor vehicle subject to registration
 41 under the laws of this state, except motor vehicles
 42 registered under section 321.115, and motorized
 43 bicycles, motor vehicles transferred under the
 44 provisions of sections three hundred twenty-one point
 45 fifty-one (321.51) and three hundred twenty-one point
 46 fifty-two (321.52) of the Code when first registered
 47 in this state, other than a registration to a dealer
 48 licensed under chapter 322, and each time when
 49 transferred for use within this state or when
 50 registration is changed from a registration as provided

H-6709

Page 14 in section 321.115 to a regular registration, other
2 than transfers to a dealer licensed under chapter
3 322, shall be inspected at an authorized inspection
4 station, unless there is affixed to the motor vehicle
5 a valid certificate of inspection which was issued
6 for the motor vehicle not more than sixty days prior
7 to the date on which the vehicle was transferred and
8 the vehicle has not been transferred during the sixty-
9 day period, provided that during a one-year period
10 the vehicle may be transferred between parents and
11 their children ~~or between spouses~~ without another
12 inspection. A vehicle inspection is not required
13 when the transfer of a vehicle or an interest in the
14 vehicle is between spouses or when required pursuant
15 to a decree for dissolution of marriage between former
16 spouses. However, the certificate of inspection for
17 a new motor vehicle which has not previously been
18 sold at retail and which is not sold within sixty
19 days after the date the inspection was performed may
20 be revalidated by the inspection station without
21 another inspection provided the motor vehicle has
22 not been driven more than one hundred miles since
23 the inspection was performed. If the motor vehicle
24 is subject to inspection, the authorized inspection
25 station shall issue and affix a valid certificate
26 of inspection or certificate of rejection, as the
27 case may be, in accordance with the results of the
28 inspection. If an inspection is required, an applicant
29 shall file with an application for title to the vehicle
30 or for registration thereof under the provisions of
31 section 321.23, subsection 2 or 3, with the county
32 treasurer of the county of his or her residence, a
33 statement on a form provided by the director, signed
34 by an authorized inspection station certifying the
35 date that a certificate of inspection was issued for
36 and affixed to the vehicle. If an inspection is
37 required the county treasurer shall not issue a title
38 to the vehicle to the applicant or register the vehicle
39 unless such statement is filed with the application
40 showing that the inspection of the vehicle was made
41 not more than sixty days prior to the date of sale
42 or transfer, or unless the vehicle was purchased out
43 of this state by a resident of this state who resides
44 outside of this state, but desires to maintain his
45 or her Iowa residency and he or she executes a
46 statement to that effect in form and content as
47 prescribed by the director. The county treasurer
48 shall stamp the registration card for such vehicle
49 with the words "NOT INSPECTED." A vehicle so
50 registered shall be inspected at an authorized

1 inspection station within fifteen days after being
 2 brought into this state. The county treasurer shall
 3 mail the statement of inspection or statement of out-
 4 of-state residence to the department at the care of
 5 mailing copies of the registration receipt. The
 6 department may destroy any forms, receipts, or
 7 statements after one year from the date that are filed
 8 unless they relate to pending appeals. ~~When a vehicle~~
 9 ~~is taken out of state for use in another state~~
 10 ~~the owner shall file a statement of out-of-state~~
 11 ~~residence with the department of such vehicle as a~~
 12 ~~condition of such vehicle and the owner thereof assisting~~
 13 ~~in submitting to the county treasurer of forms~~
 14 ~~prescribed by the department.~~

16 Sec. 30. Section three hundred twenty-one point
 17 two hundred fifty-six (321.256), Code 1977, is amended
 18 to read as follows:

19 321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL
 20 DEVICES. No driver of a vehicle ~~as required~~ ~~of a~~
 21 ~~vehicle~~ shall disobey the instructions of any
 22 official traffic-control device placed in accordance
 23 with the provisions of this chapter, unless at the
 24 time otherwise directed by a police peace officer
 25 subject to the exceptions granted the driver of an
 26 authorized emergency vehicle.

27 Sec. 31. Section three hundred twenty-one point
 28 two hundred fifty-seven (321.257), Code 1977, is
 29 amended by striking the section and inserting in lieu
 30 thereof the following:

31 321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.
 32 1. For the purposes of this section "stop at the
 33 official traffic control signal" means stopping at
 34 the first opportunity at either the clearly marked
 35 stop line or before entering the crosswalk or before
 36 entering the intersection.
 37 2. Official traffic control signals consisting
 38 of colored lights or colored lighted arrows shall
 39 regulate vehicle and pedestrian traffic in the
 40 following manner:
 41 a. A "steady circular red" light means vehicular
 42 traffic shall stop. Vehicular traffic shall remain
 43 standing until a signal to proceed is shown or
 44 vehicular traffic, unless prohibited by a sign, may
 45 cautiously enter the intersection to make a right
 46 turn from the right lane of traffic or a left turn
 47 from a one-way street to a one-way street from the
 48 left lane of traffic on a one-way street onto the
 49 left most lane of traffic on a one-way street. Turns
 50 made under this paragraph shall be made in a manner

H-6709

Page 16

1 that does not interfere with other vehicular or
2 pedestrian traffic lawfully using the intersection.
3 Pedestrian traffic facing a steady circular red light
4 shall not enter the roadway unless the pedestrian
5 can safely cross the roadway without interfering with
6 any vehicular traffic.

7 b. A "steady circular red" light shown alone or with a "red
8 arrow" light means that vehicular traffic is required to stop
9 at the related green arrow or flashing termination and
10 vehicular traffic shall not proceed into the
11 intersection and shall stop. If the stop cannot be
12 made in safety, a vehicle may be driven cautiously
13 through the intersection. Pedestrian traffic is
14 warned that there is insufficient time to cross the
15 intersection and any pedestrian starting to cross
16 the roadway shall yield the right-of-way to all
17 vehicles.

18 c. A "steady circular green" light means vehicular
19 traffic may proceed straight, turn right or turn left
20 through the intersection unless otherwise specifically
21 prohibited. Vehicular traffic shall yield the right-
22 of-way to other vehicular and pedestrian traffic
23 lawfully within the intersection.

24 d. A "steady green arrow" light shown alone or
25 with another official traffic control signal means
26 vehicular traffic may cautiously enter the intersection
27 and proceed in the direction indicated by the arrow.
28 Vehicular traffic shall yield the right-of-way to
29 other vehicles and pedestrians lawfully within the
30 intersection.

31 e. A "flashing circular red" light means vehicular
32 traffic shall stop and after stopping may proceed
33 cautiously through the intersection yielding to all
34 vehicles not required to stop or yield which are
35 within the intersection or approaching so closely
36 as to constitute a hazard, but then may proceed.

37 f. A "flashing yellow" light means vehicular
38 traffic shall proceed through the intersection or
39 past such signal with caution.

40 g. A "don't walk" light is a pedestrian signal
41 which means that pedestrian traffic facing the
42 illuminated pedestrian signal shall not start to cross
43 the roadway in the direction of the pedestrian signal,
44 and pedestrian traffic in the crossing shall proceed
45 to a safety zone.

46 h. A "walk" light is a pedestrian signal which
47 means that pedestrian traffic facing the illuminated
48 pedestrian signal may proceed to cross the roadway
49 in the direction of the pedestrian signal and shall
50 be given the right-of-way by drivers of all vehicles.

H-5709

Page 11

11 Sec. 32. Section three hundred twenty-one point
12 two hundred fifty-eight (321.258), Code 1977, is
13 amended by striking the section and inserting in lieu
14 thereof the following:

15 321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC
16 CONTROL SIGNAL.

17 1. Colored lights placed on a vertical official
18 traffic control signal face shall be arranged from
19 top to bottom in the following order when
20 used: Circular red, circular yellow, circular green,
21 straight through yellow arrow, straight through green
22 arrow, left turn yellow arrow, left turn green arrow,
23 right turn yellow arrow, and right turn green arrow.

24 2. Colored lights placed on a horizontal official
25 traffic control signal face shall be arranged from
26 the left to the right in the following order when
27 used: Circular red, circular yellow, left turn yellow
28 arrow, left turn green arrow, circular green, straight
29 through yellow arrow, straight through green arrow,
30 right turn yellow arrow, and right turn green arrow.

31 Sec. 33. Section three hundred twenty-one point
32 two hundred sixty-five (321.265), Code 1977, is amended
33 to read as follows:

34 321.265 STRIKING FIXTURES UPON A HIGHWAY. The
35 driver of any vehicle involved in an accident resulting
36 early in damage to property legally upon or adjacent
37 to a highway shall take reasonable steps to locate
38 and notify the owner, a peace officer or person in
39 charge of such property of such fact and of his or
40 her name and address and of the registration number
41 of the vehicle he-is-driving causing the damage and
42 shall upon request and if available exhibit his or
43 her operator's or chauffeur's license and shall make
44 report of such accident when and as required in section
45 321.266.

46 Sec. 34. Section three hundred twenty-one point
47 three hundred twenty-two (321.322), Code 1977, is
48 amended by striking the section and inserting in lieu
49 thereof the following:

50 321.322 VEHICLES ENTERING STOP OR YIELD
INTERSECTION.

1. The driver of a vehicle approaching a stop
intersection indicated by a stop sign shall stop at
the first opportunity at either the clearly marked
stop line or before entering the crosswalk or before
entering the intersection or at the point nearest
the intersecting roadway where the driver has a view
of approaching traffic on the intersecting roadway
before entering the intersection. Before proceeding,
the driver shall yield the right-of-way to any vehicle

1 on the intersecting roadway which has entered the
 2 intersection or which is approaching so closely as
 3 to constitute an immediate hazard during the time
 4 the driver is moving across or within the intersection.

5 2. The driver of a vehicle approaching a yield
 6 sign shall slow to a speed reasonable for the existing
 7 conditions and, if required for safety, shall stop
 8 at the first opportunity at either the clearly marked
 9 stop line or before entering the crosswalk or before
 10 entering the intersection or at the point nearest
 11 the intersecting roadway where the driver has a view
 12 of approaching traffic on the intersecting roadway.
 13 After slowing or stopping, the driver shall yield
 14 the right-of-way to any vehicle on the intersecting
 15 roadway which has entered the intersection or which
 16 is approaching so closely as to constitute an immediate
 17 hazard during the time the driver is moving across
 18 or within the intersection.

19 Sec. 35. Section three hundred twenty-one point
 20 three hundred forty-two (321.342), unnumbered paragraph
 21 one (1), Code 1977, as amended by Acts of the Sixty-
 22 seventh General Assembly, 1977 Session, chapter one
 23 hundred three (103), section forty-seven (47), is
 24 amended by striking the paragraph and inserting in
 25 lieu thereof the following:

26 The driver of any vehicle approaching a railroad
 27 grade crossing across which traffic is regulated by
 28 a stop sign, a railroad sign directing traffic to
 29 stop or an official traffic control signal displaying
 30 a flashing red or steady circular red colored light
 31 shall stop prior to crossing the railroad at the first
 32 opportunity at either the clearly marked stop line
 33 or at a point near the crossing where the driver has
 34 a clear view of the approaching railroad traffic.

35 Sec. 36. Section three hundred twenty-one point
 36 three hundred forty-five (321.345), Code 1977, is
 37 amended to read as follows:

38 321.345 STOP OR YIELD AT THROUGH HIGHWAYS. The
 39 department, based on an engineering study, with
 40 reference to primary highways, and local authorities
 41 with reference to other highways under their
 42 jurisdiction may designate through highways and erect
 43 stop signs or yield signs, in accordance with
 44 specifications established by the department at
 45 specified entrances ~~thereto~~ to the highway or may
 46 designate any intersection as a stop intersection
 47 or as a yield intersection and erect like signs at
 48 one or more entrances to such intersection.

49 Every-said-sign-shall-bear-the-word-"Stop"-or
 50 "Yield"-in-letters-not-less-than-six-inches-in-height-

1 Every stop sign shall be placed in rear
 2 of each vehicle on the highway at
 3 the intersection of the highway and
 4 a street or driveway.
 5 Every stop sign shall be placed
 6 in the rear of a vehicle on a
 7 highway at the intersection of the
 8 highway and a street or driveway
 9 at least two hundred twenty-one feet
 10 from the rear of the vehicle.
 11 Sec. 37. Section three hundred twenty-one point
 12 three hundred ninety-three (321.393), unnumbered
 13 paragraph one (1), Code 1977, is amended to read as
 14 follows:

15 No lighting device or reflector, when mounted on
 16 or near the front of any motor truck or trailer,
 17 except school buses shall display any other color
 18 than white, yellow, or amber; provided that

19 installations heretofore in place and otherwise
 20 complying with the law may display a green light which
 21 represents a red light, however, such green light shall
 22 be replaced with the appropriate color when replacement
 23 is made or prior to January 1, 1980, whichever is
 24 earlier.

25 Sec. 38. Section three hundred twenty-one point
 26 four hundred thirty-seven (321.437), Code 1977, is
 27 amended to read as follows:

28 321.437 MIRRORS. Every motor vehicle shall be
 29 equipped with a mirror so located as to reflect to
 30 the driver a view of the highway for a distance of
 31 at least two hundred feet to the rear of such vehicle.
 32 Any motor vehicle so loaded, or towing another vehicle
 33 in such manner, as to obstruct the view in a rear
 34 view mirror located in the driver's compartment shall
 35 be equipped with a side mirror so located that the
 36 view to the rear will not be obstructed however when
 37 such vehicle is not loaded or towing another vehicle
 38 the side mirrors shall be retracted or removed. All
 39 van or van type motor vehicles shall be equipped with
 40 outside mirrors of unit magnification, each with not
 41 less than nineteen point five square inches of
 42 reflective surface, installed with stable supports
 43 on both sides of the vehicle, located so as to provide
 44 the driver a view to the rear along both sides of
 45 the vehicle, and adjustable in both the horizontal
 46 and vertical directions to view the rearward scene.
 47 Sec. 39. Chapter three hundred twenty-one (321),
 48 Code 1977, is amended by adding the following new
 49 section:
 50 NEW SECTION. ELUDING OR ATTEMPTING TO ELUDE A

1 PURSUING POLICE VEHICLE. The driver of a motor vehicle
 2 commits a serious misdemeanor if the driver willfully
 3 fails to bring his or her vehicle to a stop or
 4 otherwise eludes or attempts to elude a pursuing
 5 police vehicle by exceeding the posted speed limit
 6 by an amount in excess of twenty miles per hour after
 7 being given a signal by red light and siren to bring
 8 the vehicle to a stop. The peace officer giving the
 9 signal shall be in a vehicle which shall be marked
 10 showing it to be an official police vehicle.

11 Sec. 40. Chapter three hundred twenty-one (321),
 12 Code 1977, is amended by adding the following new
 13 section:

14 NEW SECTION.

15 1. Upon conviction and the suspension or revoca-
 16 tion of a person's motor vehicle license under sections
 17 three hundred twenty-one point two hundred nine
 18 (321.209), subsections six (6) and seven (7), three
 19 hundred twenty-one point two hundred ten (321.210)
 20 or three hundred twenty-one point five hundred fifty-
 21 five (321.555), subsection two (2), of the Code, and
 22 upon the denial by the director of an application
 23 for a temporary restricted license, a person may apply
 24 to the district court having jurisdiction for the
 25 residence of the person for a temporary restricted
 26 permit to operate a motor vehicle to and from work.
 27 The application may be granted only if all the
 28 following criteria is satisfied:

29 a. The restricted temporary permit is requested
 30 only for a case of extreme hardship where alternative
 31 means of transportation does not exist.

32 b. The permit applicant has not made an application
 33 for such a permit in any other district court in the
 34 state which was denied or revoked.

35 c. The permit is restricted for travel to and
 36 from work at times specified in the permit.

37 d. Proof of financial responsibility is established
 38 as defined in chapter three hundred twenty-one A
 39 (321A) of the Code.

40 2. The district court shall forward a record of
 41 each application for such temporary restricted permit
 42 to the department, together with the results of the
 43 disposition of the request by the court.

44 3. A temporary restricted permit shall be valid
 45 only if the department is in receipt of records
 46 required by this section. The permit shall be canceled
 47 upon conviction of a moving traffic violation as
 48 defined in section three hundred twenty-one point
 49 one hundred eighty-one (321.181) of the Code, or upon
 50 any violation of the terms of the permit.

1 Sec. 41. Section three hundred twenty-one A point
2 seventeen (321A.17), Code 1977, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. An individual applying for a motor
5 vehicle license following a period of suspension or
6 revocation under the provisions of section three
7 hundred twenty-one point two hundred sixteen (321.216)
8 of the Code Supplement shall not be required to
9 maintain proof of financial responsibility under the
10 provisions of this section.

11 Sec. 42. Acts of the Sixty-seventh General
12 Assembly, 1977 Session, chapter one hundred three
13 (103), section fifty-four (54), the first new section
14 added to chapter three hundred twenty-one E (321E),
15 Code 1977, is amended to read as follows:

16 NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS.
17 Vehicles or a combination of vehicles with divisible
18 loads may be moved on the highways of this state
19 pursuant to a special permit issued for special or
20 emergency situations by the department or local
21 authorities subject to the discretion and judgment
22 provided for in section three hundred twenty-one E
23 point one (321E.1) of the Code. The combined gross
24 weight or gross weight on any one axle or group of
25 axles may exceed the limits established in section
26 three hundred twenty-one point four hundred sixty-
27 three (321.463) of the Code, subject to the limits
28 and routes established by the issuing authority.
29 However movement of hay, straw or stover may be allowed
30 in the absence of special or emergency situations,
31 however such movement shall be consistent with the
32 other requirements for movement of oversize divisible
33 loads.

34 Sec. 43. Section three hundred twenty-two point
35 two (322.2), subsection seven (7), Code 1977, is
36 amended to read as follows:

37 7. "Motor vehicle" means any self-propelled vehicle
38 subject to registration under the laws of this state.

39 Sec. 44. Section three hundred twenty-two point
40 five (322.5), Code 1977, is amended to read as follows:

41 322.5 LICENSE FEE. The license fee for a motor
42 vehicle dealer for each calendar year or part thereof
43 shall be the sum of thirty-five dollars for the
44 licensee's principal place of business in each city
45 or township and an additional five ten dollars for
46 each used-car car lot which is in the city or township
47 wherein-said in which the principal place of business
48 is located and which is not adjacent to such place,
49 to be paid to the department at the time a license
50 is applied for. In case the application is denied,

1 the department shall refund the amount of such fee
2 to the applicant.

3 A motor vehicle dealer may display new motor
4 vehicles at fairs, vehicle shows and vehicle
5 exhibitions. Motor vehicle dealers, in addition to
6 selling vehicles at their principal place of business
7 and car lots, may, upon receipt of a temporary permit
8 approved by the department, display and offer new
9 motor vehicles for sale and negotiate sales of new
10 motor vehicles only at county fairs, as defined in
11 chapter one hundred seventy-four (174) of the Code,
12 vehicle shows and vehicle exhibitions which fairs,
13 shows and exhibitions are approved by the department
14 and are held in the county of the motor vehicle
15 dealer's principal place of business. Application
16 for temporary permits shall be made upon forms provided
17 by the department and shall be accompanied by a ten
18 dollar permit fee. Permits shall be issued for periods
19 of not to exceed fourteen days. No sale of a motor
20 vehicle by a motor vehicle dealer shall be completed
21 nor any sales agreement signed at any such fair, show
22 or exhibition. All such sales shall be consummated
23 at the motor vehicle dealer's principal place of
24 business.

25 Sec. 45. Section eight hundred five point eight
26 (805.8), subsection two (2), paragraph b, Code 1977
27 Supplement, is amended to read as follows:

28 b. For registration violations under sections
29 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and
30 ~~321.190~~ section three hundred twenty-one point thirty-
31 two (321.32) and section three hundred twenty-one
32 point one hundred eighty-nine (321.189) of the Code,
33 the scheduled fine is five dollars. For violations
34 of ~~sections-321-190~~ sections three hundred twenty-
35 one point thirty-two (321.32) and three hundred twenty-
36 one point one hundred eighty-nine (321.189), subsection
37 three (3), of the Code, the case shall be dismissed
38 without imposition of fine or costs if a license or
39 registration valid at the time of the issuance of
40 the citation is presented by the defendant to the
41 magistrate or scheduled violations office.

42 Sec. 46. Section eight hundred five point eight
43 (805.8), subsection two (2), paragraph c, Code 1977
44 Supplement, is amended to read as follows:

45 c. For improperly used or nonused, or defective
46 or improper equipment, other than brakes, driving
47 lights and brakelights, under sections 321.317,
48 321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
49 three hundred twenty-one point three hundred ninety-
50 three (321.393) of the Code, 321.399, 321.422, 321.432,

1 321.435, 321.436, 321.437, 321.438, 321.439, 321.440,
2 321.441, 321.442, 321.444, 321.445, and 321.447 the
3 scheduled fine is ten dollars.

4 Sec. 47. The state department of transportation
5 shall promulgate rules to provide for the placement
6 of motor vehicle registration validation stickers
7 on all registration plates issued for the motor vehicle
8 when such validation stickers are issued in lieu of
9 issuing new registration plates under the provisions
10 of section three hundred twenty-one point thirty-four
11 (321.34) of the Code.

12 Sec. 48. Sections three hundred twenty-one point
13 one hundred twenty-four (321.124) and three hundred
14 twenty-one point four hundred thirty-five (321.435),
15 Code 1977, are repealed.

16 Sec. 49. Sections one (1) through eighteen (18),
17 twenty (20), twenty-three (23), twenty-seven (27),
18 thirty-one (31) and thirty-five (35) of this Act shall
19 become effective January 1, 1979."

20 2. Renumber as necessary in conformance with this
21 amendment.

H-6709 FILED *Adopted* BY BRUNOW of Appanoose
May 12, 1978 *as amended* KRAUSE of Kossuth
by 6712, 6713 DAVITT of Warren
5/12 (p.2726) SCHROEDER of Pottawattamie
DOYLE of Woodbury

SENATE FILE 2187

H-6713

1 Amend amendment H-6709, to Senate File 2187, as
 2 amended, passed and reprinted by the Senate as follows:
 3 1. Page 10, by inserting after line 7, the follow-
 4 ing:
 5 "Sec. _____. Section three hundred twenty-one point
 6 one hundred sixty-six (321.166), Code 1977, as amended
 7 by Acts of the Sixty-seventh General Assembly, 1977
 8 Session, chapter one hundred three (103), section
 9 thirty-four (34), is amended by adding the following
 10 new subsection:
 11 NEW SUBSECTION. 6. Registration plates issued
 12 a disabled veteran under the provisions of section
 13 three hundred twenty-one point one hundred five
 14 (321.105) of the Code, shall display the word
 15 "DISABLED VET" and shall display the alphabetical
 16 characters "DV", which shall be of the same size as
 17 the characters in the registration plate number and
 18 shall precede the registration plate number."
 19 2. Renumber as necessary in conformance with this
 20 amendment.

H-6713 FILED *adopted* BY HUSAK of Tama
 May 12, 1978 5/12 (p. 2726) WYCKOFF of Benton
 HARBOR of Mills
 CRABB of Crawford
 HANSEN of O'Brien
 HINKHOUSE of Cedar
 WEST of Marshall
 BAKER of Buena Vista

SENATE FILE 2187

H-6712

1 Amend amendment H-6709, to Senate File 2187 as
 2 passed by the Senate and reprinted, as follows:
 3 1. Page 12, by striking lines 19 through 24.
 4 2. Page 19, by striking lines 47 through 50.
 5 3. Page 20, by striking lines 1 through 10.

H-6712 FILED *adopted* BY BRUNOW of Appanoose
 May 12, 1978 5/12 (p. 2726)

HOUSE AMENDMENT TO SENATE FILE 2187

S-5935

1 Amend Senate File 2187 as amended, passed and re-
2 printed by the Senate as follows:

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

5 "Section 1. The Code editor, in codifying the
6 provisions of this Act, is directed to codify sections
7 two (2) through eight (8) of this Act as a new chapter.

8 Sec. 2. NEW SECTION. ADMINISTRATION. The
9 administration of this chapter shall be vested in
10 the director of the state department of transportation.
11 The department may employ such employees as are
12 necessary for the administration of this chapter,
13 within applicable budget limitations.

14 Sec. 3. NEW SECTION. DEFINITIONS. As used in
15 this chapter and unless a different meaning appears
16 from the context:

17 1. "Person" includes any individual, firm,
18 corporation, copartnership, joint adventure, or
19 association, and the plural as well as the singular
20 number.

21 2. "Department" means the state department of
22 transportation.

23 3. "Selling" includes bartering, exchanging, or
24 otherwise dealing in.

25 4. "Vehicle" means any vehicle as defined in
26 chapter three hundred twenty-one (321) of the Code.

27 5. "Vehicle rebuilder" means a person engaged
28 in the business of rebuilding or restoring to operating
29 condition vehicles subject to registration under
30 chapter three hundred twenty-one (321) of the Code,
31 which have been damaged or wrecked.

32 6. "Used vehicle parts dealer" means a person
33 engaged in the business of selling bodies, parts of
34 bodies, frames or component parts of used vehicles
35 subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 7. "Vehicle salvager" means a person engaged in
38 the business of scrapping vehicles, dismantling or
39 storing wrecked or damaged vehicles or selling reusable
40 parts of vehicles or storing vehicles not currently
41 registered which vehicles are subject to registration
42 under chapter three hundred twenty-one (321) of the
43 Code.

44 8. "Authorized vehicle recycler" means a person
45 licensed to operate as a vehicle rebuilder, used
46 vehicle parts dealer or vehicle salvager.

47 9. "Wrecked or salvage vehicle" means a damaged
48 vehicle for which the cost of repair exceeds fifty
49 percent of the fair market value of the vehicle before
50 it became damaged.

S-5935 Page 2

1 10. "Extension" means a place of business of an
2 authorized vehicle recycler other than the principal
3 place of business within the county of the principal
4 place of business.

5 Sec. 4. NEW SECTION. PROHIBITIONS. Except for
6 educational institutions, people licensed as new or
7 used vehicle dealers under chapter three hundred
8 twenty-two (322) of the Code, people engaged in a
9 hobby not for profit, people engaged in the busi-
10 ness of purchasing bodies, parts of bodies, frames
11 or component parts of vehicles only for sale as scrap
12 metal or a person licensed under the provisions of
13 this chapter as an authorized vehicle recycler, a
14 person in this state shall not engage in the business
15 of:

- 16 1. Selling used bodies, parts of bodies, frames
17 or component parts of more than six used vehicles
18 subject to registration under chapter three hundred
19 twenty-one (321) of the Code in a calendar year; or
- 20 2. Wrecking or dismantling in a calendar year
21 more than six vehicles or the parts of more than six
22 vehicles subject to registration under chapter three
23 hundred twenty-one (321) of the Code for resale; or
- 24 3. Rebuilding or restoring for sale six or more
25 wrecked or salvage vehicles subject to registration
26 under chapter three hundred twenty-one (321) of the
27 Code in a calendar year; or
- 28 4. Storing vehicles not currently registered or
29 storing damaged vehicles except where such storing
30 or damaged vehicles is incidental to the primary
31 purpose of the repair of motor vehicles for others,
32 scrapping, disposing, salvaging or recycling more
33 than six vehicles or parts of more than six vehicles
34 subject to registration under chapter three hundred
35 twenty-one (321) of the Code in a calendar year.

36 Sec. 5. NEW SECTION. LICENSE APPLICATION AND
37 FEES.

- 38 1. Upon application and payment of a thirty-five
39 dollar fee, a person may apply for a license to operate
40 as an authorized vehicle recycler to engage in the
41 business as one or more of the following:
 - 42 a. A vehicle rebuilder; or
 - 43 b. A used vehicle parts dealer; or
 - 44 c. A vehicle salvager.
- 45 2. Application for a license as an authorized
46 vehicle recycler shall be made to the department on
47 forms provided by the department. The application
48 shall be accompanied by the fee. The license shall
49 be approved or disapproved within thirty days after
50 application for the license. Each license shall

1 expire, unless revoked or suspended by the department,
2 on December thirty-first of the calendar year for
3 which the license was granted. A separate license
4 shall be obtained for each county in which an applicant
5 conducts operations.

6 3. Each licensee shall file with the department
7 a supplemental statement form when the licensee's
8 principal place of business, an extension or the
9 operation of business in the county is changed to
10 differ from the information contained on the initial
11 license application form within fifteen days after
12 each operational change. The department shall notify
13 each licensee of the approval of a change in license
14 status. If a change in license status is approved
15 by the department the licensee shall surrender the
16 old license to the department together with a thirty-
17 five dollar fee. The department shall issue a new
18 license modified to reflect the principal place of
19 business, each extension and the operations of the
20 licensee.

21 Sec. 6. NEW SECTION. DISPLAY OF LICENSE. A
22 license issued under the provisions of this chapter
23 shall specify the location of the principal place
24 of business, each extension within the county of the
25 principal place of business and the license shall
26 be conspicuously displayed at the principal place
27 of business except during periods when the license
28 is surrendered for modifications.

29 Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR
30 REVOCATION OF LICENSE. The license of a person issued
31 under the provisions of this chapter may be denied,
32 revoked or suspended if the department finds that
33 the licensee has:

34 1. Violated any provisions of this chapter; or

35 2. Made any material misrepresentation to the
36 department in connection with an application for a
37 license, junking certificate, salvage certificate,
38 certificate of title or registration of a vehicle;
39 or

40 3. Been convicted of a fraudulent practice in
41 connection with selling or offering for sale vehicles
42 or parts of vehicles subject to registration under
43 chapter three hundred twenty-one (321) of the Code;
44 or

45 4. Failed to maintain an established principal
46 place of business in the county without notification
47 to the department; or

48 5. Had a license issued under the provisions of
49 this chapter denied, suspended or revoked within the
50 previous three years; or

S-5935 Page 4

1 6. Been convicted of violation of any of sections
2 three hundred twenty-one point fifty-two (321.52),
3 three hundred twenty-one point seventy-one (321.71),
4 three hundred twenty-one point seventy-eight (321.78),
5 three hundred twenty-one point ninety-two (321.92),
6 three hundred twenty-one point ninety-seven (321.97),
7 three hundred twenty-one point ninety-eight (321.98),
8 three hundred twenty-one point ninety-nine (321.99),
9 three hundred twenty-one point one hundred (321.100),
10 or seven hundred thirteen point twenty-four (713.24)
11 of the Code.

12 Sec. 8. NEW SECTION. FEES. All fees of whatever
13 character accruing from the administration of this
14 chapter shall be accounted for and paid by the
15 department into the state treasury monthly and shall
16 be credited to the road use tax fund.

17 Sec. 9. Section three hundred twenty-one point
18 one (321.1), Code 1977 Supplement, is amended by
19 adding the following new subsections:

20 NEW SUBSECTION. "Vehicle rebuilder" means a person
21 engaged in the business of rebuilding or restoring
22 to operating condition vehicles subject to registration
23 under chapter three hundred twenty-one (321) of the
24 Code, which have been damaged or wrecked.

25 NEW SUBSECTION. "Used vehicle parts dealer" means
26 a person engaged in the business of selling bodies,
27 parts of bodies, frames or component parts of used
28 vehicles subject to registration under chapter three
29 hundred twenty-one (321) of the Code.

30 NEW SUBSECTION. "Vehicle salvager" means a person
31 engaged in the business of scrapping vehicles,
32 dismantling or storing wrecked or damaged vehicles
33 or selling reusable parts of vehicles or storing
34 vehicles not currently registered which vehicles
35 are subject to registration under chapter three hundred
36 twenty-one (321) of the Code.

37 Sec. 10. Section three hundred twenty-one point
38 thirty (321.30), Code 1977, is amended by adding the
39 following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. The treasurer shall
41 also refuse registration of any vehicle if the
42 applicant for registration of such vehicle has failed
43 to pay the required registration fees of any vehicle
44 owned or previously owned when the registration fee
45 was required to be paid by the applicant and for which
46 vehicle the registration was suspended or revoked
47 under the provisions of section three hundred twenty-
48 one point one hundred one (321.101), subsection four
49 (4), of the Code, until such fees are paid together
50 with any accrued penalties.

S-5935 Page 5

1 Sec. 11. Section three hundred twenty-one point
2 forty-nine (321.49), subsection one (1), Code 1977,
3 as amended by Acts of the Sixty-seventh General
4 Assembly, 1977 Session, chapter one hundred three
5 (103), section nineteen (19), is amended to read as
6 follows:

7 1. ~~Except as provided in section three hundred~~
8 ~~twenty-one point fifty-two (321.52) of the Code, if~~
9 an application for transfer of registration and
10 certificate of title is not submitted to the county
11 treasurer of the residence of the transferee within
12 seven days of the date of assignment or transfer of
13 title, a penalty of five dollars shall accrue against
14 said vehicle, and no registration card or certificate
15 of title shall thereafter be issued until penalty
16 is paid.

17 Sec. 12. Section three hundred twenty-one point
18 fifty-one (321.51), subsection four (4), Code 1977,
19 as amended by Acts of the Sixty-seventh General
20 Assembly, 1977 Session, chapter one hundred three
21 (103), section twenty-two (22) is amended to read
22 as follows:

23 4. ~~The~~ Except as provided in section three hundred
24 twenty-one point fifty-two (321.52) of the Code, the
25 county treasurer of the county of residence of the
26 transferee upon receipt of the application for a new
27 certificate of title, the appropriate fee therefor,
28 and the affidavit as provided in subsection 2 of this
29 section, and when satisfied as to the genuineness
30 and regularity ~~thereof~~ of the application, shall issue
31 a restricted certificate of title to the applicant
32 but shall not issue registration plates or a
33 registration card. A restricted certificate of title
34 shall be red in color and shall have conspicuously
35 imprinted thereon in bold print, in a manner prescribed
36 by the department, the words "RESTRICTED CERTIFICATE
37 OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE
38 HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF
39 INSPECTION EXCEPT AS PROVIDED IN SECTION three hundred
40 twenty-one point fifty-one (321.51) of the Code."
41 At such time as the transferee surrenders a valid
42 approved certificate of inspection and the restricted
43 certificate of title to the county treasurer of the
44 county of residence, the county treasurer, upon payment
45 of the appropriate fees, shall issue a certificate
46 of title that is not restricted for the vehicle and
47 shall also issue a registration card and registration
48 plates to the applicant if the applicant is not in
49 possession of registration plates which may be attached
50 to the vehicle, however, if the registration fee for

1 the vehicle has been paid for the current year, the
2 county treasurer shall issue a registration card and
3 registration plates to the applicant if the applicant
4 is not in possession of registration plates which
5 may be attached to the vehicle upon payment of an
6 additional registration fee of five dollars. A vehicle
7 with a restricted certificate of title shall not have
8 a registration plate attached to the vehicle.

9 Sec. 13. Section three hundred twenty-one point
10 fifty-one (321.51), subsection seven (7), Code 1977,
11 as amended by Acts of the Sixty-seventh General
12 Assembly, 1977 Session, chapter one hundred three
13 (103), section twenty-two (22), is amended by striking
14 the subsection.

15 Sec. 14. Section three hundred twenty-one point
16 fifty-two (321.52), subsection one (1), Code 1977,
17 as amended by Acts of the Sixty-seventh General
18 Assembly, 1977 Session, chapter one hundred three
19 (103), section twenty-three (23), is amended by
20 striking the subsection.

21 Sec. 15. Section three hundred twenty-one point
22 fifty-two (321.52), Code 1977, as amended by Acts
23 of the Sixty-seventh General Assembly, 1977 Session,
24 chapter one hundred three (103), section twenty-three
25 (23), is amended by adding the following new
26 subsections:

27 NEW SUBSECTION. The purchaser or transferee of
28 a motor vehicle for which a certificate of title is
29 issued which is sold for scrap or junk shall surrender
30 the certificate of title and registration receipt
31 to the county treasurer of the county of residence
32 of the transferee within fifteen days after assignment
33 of the certificate of title. The county treasurer
34 shall issue to such person without fee a junking
35 certificate. A junking certificate shall authorize
36 the holder to possess, transport or transfer by
37 endorsement the ownership of the junked vehicle.
38 A certificate of title shall not again be issued for
39 the vehicle subsequent to the issuance of a junking
40 certificate. The county treasurer shall cancel the
41 record of the vehicle and forward the certificate
42 of title to the department. The junking certificate
43 shall be of a form to allow for the assignment of
44 ownership of the vehicle. The junking certificate
45 shall provide a space for the notation of the
46 transferee of the component parts of the vehicle
47 transferred by the owner of the vehicle.

48 NEW SUBSECTION. When a vehicle for which a
49 certificate of title is issued is junked or dismantled
50 by the owner, the owner shall detach the registration

S-5935
Page 7

1 plates and surrender the plates to the county
2 treasurer, unless the plates are properly assigned
3 to another vehicle. The owner shall also surrender
4 the registration receipt and certificate of title
5 to the county treasurer. Upon surrendering the
6 certificate of title, the county treasurer shall issue
7 to such person, without fee, a junking certificate,
8 which shall authorize the holder to possess, transport
9 or transfer ownership of the junked vehicle by
10 endorsement of the junking certificate. A certificate
11 of title shall not again be issued for the junked
12 vehicle for which a junking certificat is issued.
13 The county treasurer shall cancel the record of the
14 vehicle and forward the certificate of title to the
15 department.

16 NEW SUBSECTION. A vehicle rebuilder or a motor
17 vehicle dealer licensed under chapter three hundred
18 twenty-two (322) of the Code, upon acquisition of
19 a wrecked or salvage vehicle, shall surrender the
20 certificate of title and registration receipt or
21 manufacturer's or importer's statement of origin
22 properly assigned, together with an application for
23 a salvage certificate of title to the county treasurer
24 of the county of residence of the purchaser or
25 transferee within fourteen days after the date of
26 assignment of the certificate of title for the wrecked
27 or salvage motor vehicle. The provisions of this
28 subsection shall apply only to vehicles with a fair
29 market value of five hundred dollars or more, based
30 on the value before the vehicle became wrecked or
31 salvage. Upon payment of a fee of two dollars, the
32 county treasurer shall issue a salvage certificate
33 of title which shall be of a distinctive color and
34 bear the words "SALVAGE CERTIFICATE OF TITLE". A
35 salvage certificate of title may be assigned to any
36 person. Notwithstanding any other provisions in this
37 section a vehicle on which ownership has transferred
38 to an insurer of such vehicle, as a result of a
39 settlement with the owner of the vehicle arising out
40 of damage to, or unrecovered theft of the vehicle,
41 shall be deemed to be a wrecked or salvage vehicle
42 and the insurer shall comply with the provisions of
43 this subsection to obtain a salvage certificate of
44 title within fourteen days after the date of assignment
45 of the certificate of title of the vehicle. Any
46 owner, except an insurer of vehicles, who transfers
47 a wrecked or salvage vehicle with a fair market value
48 less than five hundred dollars, based on the value
49 before it became wrecked or salvage, shall comply
50 with the provisions of section three hundred twenty-

1 one point fifty-one (321.51) of the Code.

2 When a wrecked or salvage vehicle has been repaired
3 or rebuilt, that person shall make application for
4 a certificate of title to the county treasurer of
5 the county of residence of the owner, and shall
6 surrender the salvage certificate of title issued
7 for the vehicle. A verification of the vehicle
8 identification number of the vehicle shall be made
9 by a peace officer of the state department of
10 transportation, the department of public safety,
11 county sheriff or police department of cities with
12 a population exceeding five thousand persons or a
13 person designated by the commissioner of public safety
14 or the director. The verification shall be made on
15 forms provided by the department and signed by the
16 peace officer or the appropriately designated person
17 and the verification form shall be surrendered by
18 the owner to the county treasurer at the time
19 application is made for a certificate of title. Upon
20 payment of the appropriate fees and surrender of the
21 appropriate documents the county treasurer shall issue
22 a certificate of title to the person making
23 application.

24 For purposes of this subsection a "wrecked or
25 salvage vehicle" means a damaged vehicle for which
26 the cost of repair exceeds fifty percent of the fair
27 market value of the vehicle before it became damaged.

28 Sec. 16. Section three hundred twenty-one point
29 ninety-five (321.95), Code 1977, is amended to read
30 as follows:

31 321.95 RIGHT OF INSPECTION. Peace officers ~~or~~
32 ~~examiners-employed-in-the-department~~ shall have the
33 authority to inspect any vehicle or component part
34 in possession of a ~~demolisher~~ vehicle rebuilder,
35 vehicle salvager, used vehicle parts dealer or any
36 person licensed under chapter three hundred twenty-
37 two (322) of the Code, or found upon the public highway
38 or in any public garage or enclosure or property
39 in which vehicles or component parts are kept for
40 sale, storage, hire or repair and for that purpose
41 may enter any such public garage or enclosure or
42 property. Every person-doing-business-as-a-demolisher
43 vehicle rebuilder, vehicle salvager, used vehicle
44 parts dealer, or any person licensed under chapter
45 three hundred twenty-two (322) of the Code, or a
46 person having used engines or transmissions which
47 are component parts for sale shall keep an accurate
48 and complete record of all vehicles demolished and
49 of such component parts purchased or received for
50 resale as component parts in the course of business.

S-5935 Page 9

1 These records shall contain the name and address
2 of the person from whom each such vehicle or component
3 part was purchased or received and the date when the
4 purchase or receipt occurred or the junking certificate
5 if required for the vehicle. These records shall
6 be open for inspection by any police-authority peace
7 officer at any time during normal business hours.
8 Records required by this section shall be kept for
9 at least three years after the transaction which they
10 record.

11 Sec. 17. Section three hundred twenty-one point
12 one hundred (321.100), Code 1977 Supplement, is amended
13 by adding the following new subsection:

14 NEW SUBSECTION. To transfer in any manner or to
15 offer to transfer in any manner a certificate of
16 title, manufacturer's or importer's certificate to
17 any vehicle on which a salvage certificate of title
18 or junking certificate is required under section three
19 hundred twenty-one point fifty-two (321.52) of the
20 Code, with knowledge or reason to believe that the
21 certificate will be used for a vehicle other than
22 the vehicle for which the certificate is issued.
23 "Transfer" for the purposes of this subsection means
24 to sell, exchange, change possession or ownership
25 or convey in any manner.

26 Sec. 18. Section three hundred twenty-one point
27 one hundred one (321.101), Code 1977, is amended by
28 adding the following new unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. If a vehicle, for which
30 the registration has been suspended or revoked pursuant
31 to subsection four (4) of this section, is transferred
32 to a bona fide purchaser for value without actual
33 knowledge of such suspension or revocation then the
34 vehicle shall be deemed to be registered and the
35 provisions of sections three hundred twenty-one point
36 twenty-eight (321.28) and three hundred twenty-one
37 point thirty (321.30), subsections four (4) and five
38 (5), of the Code shall not be applicable to such
39 vehicle for the failure of the previous owner to pay
40 the required fees.

41 Sec. 19. Section three hundred twenty-one point
42 one hundred thirty-one (321.131), Code 1977, is amended
43 to read as follows:

44 321.131 LIEN OF FEE. All registration or other
45 fees provided for in this chapter shall be and continue
46 a lien against the vehicle for which said fees are
47 payable unless otherwise provided in this section
48 until such time as they are paid as provided by law,
49 with any accrued penalties. The county treasurer
50 may perfect a security interest in a vehicle for the

S-5935
Page 10

1 amount of such fees by noting the lien upon the
2 certificate of title for the vehicle as provided in
3 section three hundred twenty-one point fifty (321.50)
4 of the Code. If the lien is not perfected as provided
5 in this section, the lien shall not be valid against
6 a bona fide purchaser of the vehicle without actual
7 notice to the purchaser.

8 Sec. 20. Section three hundred twenty-one point
9 one hundred sixty-six (321.166), Code 1977, as amended
10 by Acts of the Sixty-seventh General Assembly, 1977
11 Session, chapter one hundred three (103), section
12 thirty-four (34), is amended by adding the following
13 new subsection:

14 NEW SUBSECTION. 6. Registration plates issued
15 a disabled veteran under the provisions of section
16 three hundred twenty-one point one hundred five
17 (321.105) of the Code, shall display the alphabetical
18 characters "DV", which shall be of the same size as
19 the characters in the registration plate number and
20 shall precede the registration plate number.

21 Sec. 20. Section three hundred twenty-one point
22 one hundred eighty (321.180), Code 1977, is amended
23 by adding the following new unnumbered paragraph:

24 NEW UNNUMBERED PARAGRAPH. A permittee shall not
25 be penalized for failing to have his or her permit
26 in immediate possession if the permittee produces
27 in court, within a reasonable time, an instruction
28 permit issued to him or her and valid at the time
29 of the permittee's arrest.

30 Sec. 21. Section three hundred twenty-one point
31 one hundred eighty-one (321.181), Code 1977, is amended
32 by striking unnumbered paragraphs two (2), three (3),
33 four (4), and five (5).

34 Sec. 22. Section three hundred twenty-one point
35 one hundred eighty-three (321.183), Code 1977, is
36 amended to read as follows:

37 321.183 CONTENTS OF APPLICATION. Every said
38 application shall state the full name, date of birth,
39 ~~occupation~~ sex, and residence address of the
40 applicant, and briefly describe the applicant, and
41 shall state whether the applicant has theretofore
42 been licensed as an operator or chauffeur, and if
43 so, when and by what state or country, and whether
44 any such license has ever been suspended or revoked,
45 or whether an application has been refused, and, if
46 so, the date of and reason for such suspension,
47 revocation, or refusal.

48 Sec. 23. Section three hundred twenty-one point
49 one hundred eighty-nine (321.189), subsection one
50 (1), Code 1977, as amended by Acts of the Sixty-seventh

1 General Assembly, 1977 Session, chapter one hundred
2 three (103), section forty-one (41), is amended to
3 read as follows:

4 1. MOTOR VEHICLE LICENSE. Upon the payment of
5 the required fee, the department shall issue to every
6 qualifying applicant an operator's license, motorized
7 bicycle license, or chauffeur's license, as applied
8 for. Appearing on this license shall be a
9 distinguishing number assigned to the licensee; the
10 licensee's full name, date of birth, ~~occupation~~, sex,
11 residence address; a colored photograph; a brief
12 description of the licensee; and the usual signature
13 of the licensee. If prior to the renewal date, a
14 person desires to obtain an operator's or chauffeur's
15 license in the form authorized by this section, such
16 license may be issued as a voluntary replacement upon
17 payment of the required fee. The number of places
18 where licenses are available shall not be reduced
19 because of procedures or equipment required in placing
20 colored photographs on licenses or permits. The
21 department shall provide a space on every license
22 where the licensee may affix a decal or sticker
23 indicating that the licensee is a donor under the
24 Uniform Anatomical Gift Act and shall provide a space
25 where the licensee may affix a symbol indicating the
26 presence of a medical condition. The license may
27 contain such other information as the department may
28 by rule require. No license shall be valid unless
29 it bears the usual signature of the licensee. The
30 department shall advise an applicant that he or she
31 may request a number other than a social security
32 number as the motor vehicle license number. The
33 department shall not retain a positive or negative
34 photograph of the licensee. The licensee may affix
35 a decal or sticker on the license in the space provided
36 which indicates that the licensee in the space provided
37 which indicates that the licensee is a donor under
38 the Uniform Anatomical Gift Act. The decal shall
39 not be larger than one-half inch in diameter. The
40 use of the decal or sticker on the license shall be
41 authorized only if the licensee has complied with
42 the provisions for making a gift under the Uniform
43 Anatomical Gift Act and shall be effective only if
44 the licensee carries on or about the licensee's person
45 a duly signed and executed donor card as authorized
46 by the Uniform Anatomical Gift Act.

47 Sec. 24. Section three hundred twenty-one point
48 one hundred eighty-nine (321.189), subsection three
49 (3), Code 1977, is amended to read as follows:

50 3. CARRIED AND EXHIBITED. Every licensee shall

S-5935
Page 12

1 have his or her operator's or chauffeur's, or motorized
2 bicycle license or instruction permit in his immediate
3 possession at all times when operating a motor vehicle
4 and shall display the same, upon demand of a judicial
5 magistrate or district associate judge, a peace
6 officer, or a field deputy or examiner of the
7 department. However, no person charged with violating
8 this section shall be convicted if he or she produces
9 in court, within a reasonable time, an operator's
10 or chauffeur's or motorized bicycle license or
11 instruction permit issued to him or her and valid
12 at the time of his the person's arrest.

13 Sec. 25. Section three hundred twenty-one point
14 two hundred ten (321.210), unnumbered paragraph five
15 (5), Code 1977, is amended to read as follows:

16 If the department assesses any points against an
17 operator or chauffeur of a motor vehicle under any
18 point system devised by the department for the purpose
19 of suspending operators' or chauffeurs' licenses,
20 the department must notify the licensee by ordinary
21 mail that such points have been assessed and the
22 reason therefor. Such notice shall also contain a
23 reference to all code sections under which the person's
24 motor vehicle license may be suspended, revoked,
25 canceled or denied. Provided that no license shall
26 be suspended on the basis of any point system devised
27 by the department without notice of proposed suspension
28 to the licensee and a reasonable opportunity for a
29 preliminary hearing before a member of the department
30 who shall have authority in meritorious cases to
31 revoke the suspension.

32 Sec. 26. Section three hundred twenty-one point
33 two hundred eleven (321.211), Code 1977, is amended
34 to read as follows:

35 321.211 NOTICE AND HEARING. Upon suspending the
36 license of any person as hereinbefore authorized the
37 department shall immediately notify the licensee in
38 writing and upon his or her request shall afford him
39 or her an opportunity for a hearing before the director
40 of his or her duly authorized agent as early as
41 practical within not to exceed thirty days after
42 receipt of such request in the county wherein the
43 licensee resides unless the department and the licensee
44 agree that such hearing may be held in some other
45 county. Upon such hearing the director or his or
46 her duly authorized agent may administer oaths and
47 may issue subpoenas for the attendance of witnesses
48 and the production of relevant books and papers and
49 may require a re-examination of the licensee. Upon
50 such hearing the department shall either rescind its

S-5935
Page 13

1 order of suspension or for good cause may extend the
2 suspension of such license or revoke such license.
3 There is hereby appropriated each year from the general
4 fund of the state to the department one hundred five
5 thousand dollars or so much thereof as may be necessary
6 to be used to pay the cost of notice and personal
7 delivery of service, if necessary to meet the notice
8 requirement of this section. The department shall
9 promulgate rules governing the payment of the cost
10 of personal delivery of service. The reinstatement
11 fees collected under section three hundred twenty-
12 one point one hundred ninety-one (321.191) of the
13 Code shall be deposited in the general fund of the
14 state in a manner provided in section three hundred
15 twenty-one point one hundred ninety-two (321.192)
16 of the Code, as reimbursement for the costs of notice
17 under this section.

18 A peace officer stopping a person for whom a notice
19 of a suspension or revocation has been issued or to
20 whom a notice of a hearing has been sent under the
21 provisions of this section may personally serve such
22 notice upon forms approved by the department to satisfy
23 the notice requirements of this section. The peace
24 officer may confiscate the motor vehicle license of
25 such person if the license has been revoked or has
26 been suspended subsequent to a hearing and the person
27 has not forwarded the motor vehicle license to the
28 department as required.

29 Sec. 27. Section three hundred twenty-one point
30 two hundred thirty-eight (321.238), subsection ten
31 (10), unnumbered paragraph one (1), Code 1977, is
32 amended to read as follows:

33 In making a vehicle inspection, the inspection
34 station shall inspect such of the following equipment
35 as is applicable to the vehicle: Brakes, lights,
36 turning signals, steering, sound devices, glass,
37 mirrors, exhaust system, windshield wipers, seat
38 belts, tires and such other safety equipment as may
39 be prescribed for inspection under rules adopted by
40 the director. ~~The inspection station shall also~~
41 ~~inspect each motor vehicle to ascertain that none~~
42 ~~of the factory-installed emission control devices~~
43 ~~have been removed or rendered inoperable.~~

44 Sec. 28. Section three hundred twenty-one point
45 two hundred thirty-eight (321.238), subsection twelve
46 (12), Code 1977, is amended to read as follows:

47 12. Every motor vehicle subject to registration
48 under the laws of this state, except motor vehicles
49 registered under section 321.115, and motorized
50 bicycles, motor vehicles transferred under the

1 provisions of sections three hundred twenty-one point
2 fifty-one (321.51) and three hundred twenty-one point
3 fifty-two (321.52) of the Code when first registered
4 in this state, other than a registration to a dealer
5 licensed under chapter 322, and each time when
6 transferred for use within this state or when
7 registration is changed from a registration as provided
8 in section 321.115 to a regular registration, other
9 than transfers to a dealer licensed under chapter
10 322, shall be inspected at an authorized inspection
11 station, unless there is affixed to the motor vehicle
12 a valid certificate of inspection which was issued
13 for the motor vehicle not more than sixty days prior
14 to the date on which the vehicle was transferred and
15 the vehicle has not been transferred during the sixty-
16 day period, provided that during a one-year period
17 the vehicle may be transferred between parents and
18 their children ~~ex-between-spouses~~ without another
19 inspection. A vehicle inspection is not required
20 when the transfer of a vehicle or an interest in the
21 vehicle is between spouses or when required pursuant
22 to a decree for dissolution of marriage between former
23 spouses. However, the certificate of inspection for
24 a new motor vehicle which has not previously been
25 sold at retail and which is not sold within sixty
26 days after the date the inspection was performed may
27 be revalidated by the inspection station without
28 another inspection provided the motor vehicle has
29 not been driven more than one hundred miles since
30 the inspection was performed. If the motor vehicle
31 is subject to inspection, the authorized inspection
32 station shall issue and affix a valid certificate
33 of inspection or certificate of rejection, as the
34 case may be, in accordance with the results of the
35 inspection. If an inspection is required, an applicant
36 shall file with an application for title to the vehicle
37 or for registration thereof under the provisions of
38 section 321.23, subsection 2 or 3, with the county
39 treasurer of the county of his or her residence, a
40 statement on a form provided by the director, signed
41 by an authorized inspection station certifying the
42 date that a certificate of inspection was issued for
43 and affixed to the vehicle. If an inspection is
44 required the county treasurer shall not issue a title
45 to the vehicle to the applicant or register the vehicle
46 unless such statement is filed with the application
47 showing that the inspection of the vehicle was made
48 not more than sixty days prior to the date of sale
49 or transfer, or unless the vehicle was purchased out
50 of this state by a resident of this state who resides

S-5935
Page 15

1 outside of this state, but desires to maintain his
2 or her Iowa residency and he or she executes a
3 statement to that effect in form and content as
4 prescribed by the director. The county treasurer
5 shall stamp the registration card for such vehicle
6 with the words "NOT INSPECTED." A vehicle so
7 registered shall be inspected at an authorized
8 inspection station within fifteen days after being
9 brought into this state. The county treasurer shall
10 mail the statement of inspection or statement of out-
11 of-state residence to the department at the time of
12 mailing copies of the registration receipt. The
13 department may destroy any forms, certificates or
14 statements after one year from the date they are filed
15 unless they relate to pending appeals. ~~The provisions~~
16 ~~of this subsection shall not be applicable to the~~
17 ~~transfer of a motor vehicle to the insurer of such~~
18 ~~vehicle who obtains ownership of such vehicle as a~~
19 ~~result of a settlement with the owner thereof arising~~
20 ~~out of damage to such vehicle and written proof thereof~~
21 ~~is submitted to the county treasurer on forms~~
22 ~~prescribed by the department.~~

23 Sec. 29. Section three hundred twenty-one point
24 two hundred fifty-six (321.256), Code 1977, is amended
25 to read as follows:

26 321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL
27 DEVICES. No driver of a vehicle ~~or meterman of a~~
28 ~~streetcar~~ shall disobey the instructions of any
29 official traffic-control device placed in accordance
30 with the provisions of this chapter, unless at the
31 time otherwise directed by a ~~police~~ peace officer
32 subject to the exceptions granted the driver of an
33 authorized emergency vehicle.

34 Sec. 30. Section three hundred twenty-one point
35 two hundred fifty-seven (321.257), Code 1977, is
36 amended by striking the section and inserting in lieu
37 thereof the following:

38 321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.

39 1. For the purposes of this section "stop at the
40 official traffic control signal" means stopping at
41 the first opportunity at either the clearly marked
42 stop line or before entering the crosswalk or before
43 entering the intersection.

44 2. Official traffic control signals consisting
45 of colored lights or colored lighted arrows shall
46 regulate vehicle and pedestrian traffic in the
47 following manner:

48 a. A "steady circular red" light means vehicular
49 traffic shall stop. Vehicular traffic shall remain
50 standing until a signal to proceed is shown or

S-5935
Page 16

1 vehicular traffic, unless prohibited by a sign, may
2 cautiously enter the intersection to make a right
3 turn from the right lane of traffic or a left turn
4 from a one-way street to a one-way street from the
5 left lane of traffic on a one-way street onto the
6 left most lane of traffic on a one-way street. Turns
7 made under this paragraph shall be made in a manner
8 that does not interfere with other vehicular or
9 pedestrian traffic lawfully using the intersection.
10 Pedestrian traffic facing a steady circular red light
11 shall not enter the roadway unless the pedestrian
12 can safely cross the roadway without interfering with
13 any vehicular traffic.

14 b. A "steady circular yellow" or a "steady yellow
15 arrow" light means vehicular traffic is warned that
16 the related green movement is being terminated and
17 vehicular traffic shall no longer proceed into the
18 intersection and shall stop. If the stop cannot be
19 made in safety, a vehicle may be driven cautiously
20 through the intersection. Pedestrian traffic is
21 warned that there is insufficient time to cross the
22 intersection and any pedestrian starting to cross
23 the roadway shall yield the right-of-way to all
24 vehicles.

25 c. A "steady circular green" light means vehicular
26 traffic may proceed straight, turn right or turn left
27 through the intersection unless otherwise specifically
28 prohibited. Vehicular traffic shall yield the right-
29 of-way to other vehicular and pedestrian traffic
30 lawfully within the intersection.

31 d. A "steady green arrow" light shown alone or
32 with another official traffic control signal means
33 vehicular traffic may cautiously enter the intersection
34 and proceed in the direction indicated by the arrow.
35 Vehicular traffic shall yield the right-of-way to
36 other vehicles and pedestrians lawfully within the
37 intersection.

38 e. A "flashing circular red" light means vehicular
39 traffic shall stop and after stopping may proceed
40 cautiously through the intersection yielding to all
41 vehicles not required to stop or yield which are
42 within the intersection or approaching so closely
43 as to constitute a hazard, but then may proceed.

44 f. A "flashing yellow" light means vehicular
45 traffic shall proceed through the intersection or
46 past such signal with caution.

47 g. A "don't walk" light is a pedestrian signal
48 which means that pedestrian traffic facing the
49 illuminated pedestrian signal shall not start to cross
50 the roadway in the direction of the pedestrian signal,

S-5935
Page 17

1 and pedestrian traffic in the crossing shall proceed
2 to a safety zone.

3 h. A "walk" light is a pedestrian signal which
4 means that pedestrian traffic facing the illuminated
5 pedestrian signal may proceed to cross the roadway
6 in the direction of the pedestrian signal and shall
7 be given the right-of-way by drivers of all vehicles.

8 Sec. 31. Section three hundred twenty-one point
9 two hundred fifty-eight (321.258), Code 1977, is
10 amended by striking the section and inserting in lieu
11 thereof the following:

12 321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC
13 CONTROL SIGNALS.

14 1. Colored lights placed on a vertical official
15 traffic control signal face shall be arranged from
16 the top to the bottom in the following order when
17 used: Circular red, circular yellow, circular green,
18 straight through yellow arrow, straight through green
19 arrow, left turn yellow arrow, left turn green arrow,
20 right turn yellow arrow, and right turn green arrow.

21 2. Colored lights placed on a horizontal official
22 traffic control signal face shall be arranged from
23 the left to the right in the following order when
24 used: Circular red, circular yellow, left turn yellow
25 arrow, left turn green arrow, circular green, straight
26 through yellow arrow, straight through green arrow,
27 right turn yellow arrow, and right turn green arrow.

28 Sec. 32. Section three hundred twenty-one point
29 two hundred sixty-five (321.265), Code 1977, is amended
30 to read as follows:

31 321.265 STRIKING FIXTURES UPON A HIGHWAY. The
32 driver of any vehicle involved in an accident resulting
33 only in damage to property legally upon or adjacent
34 to a highway shall take reasonable steps to locate
35 and notify the owner, a peace officer or person in
36 charge of such property of such fact and of his or
37 her name and address and of the registration number
38 of the vehicle he-is-driving causing the damage and
39 shall upon request and if available exhibit his or
40 her operator's or chauffeur's license and shall make
41 report of such accident when and as required in section
42 321.266.

43 Sec. 33. Section three hundred twenty-one point
44 three hundred twenty-two (321.322), Code 1977, is
45 amended by striking the section and inserting in lieu
46 thereof the following:

47 321.322 VEHICLES ENTERING STOP OR YIELD
48 INTERSECTION.

49 1. The driver of a vehicle approaching a stop
50 intersection indicated by a stop sign shall stop at

S-5935
Page 18

1 the first opportunity at either the clearly marked
2 stop line or before entering the crosswalk or before
3 entering the intersection or at the point nearest
4 the intersecting roadway where the driver has a view
5 of approaching traffic on the intersecting roadway
6 before entering the intersection. Before proceeding,
7 the driver shall yield the right-of-way to any vehicle
8 on the intersecting roadway which has entered the
9 intersection or which is approaching so closely as
10 to constitute an immediate hazard during the time
11 the driver is moving across or within the intersection.

12 2. The driver of a vehicle approaching a yield
13 sign shall slow to a speed reasonable for the existing
14 conditions and, if required for safety, shall stop
15 at the first opportunity at either the clearly marked
16 stop line or before entering the crosswalk or before
17 entering the intersection or at the point nearest
18 the intersecting roadway where the driver has a view
19 of approaching traffic on the intersecting roadway.
20 After slowing or stopping, the driver shall yield
21 the right-of-way to any vehicle on the intersecting
22 roadway which has entered the intersection or which
23 is approaching so closely as to constitute an immediate
24 hazard during the time the driver is moving across
25 or within the intersection.

26 Sec. 34. Section three hundred twenty-one point
27 three hundred forty-two (321.342), unnumbered paragraph
28 one (1), Code 1977, as amended by Acts of the Sixty-
29 seventh General Assembly, 1977 Session, chapter one
30 hundred three (103), section forty-seven (47), is
31 amended by striking the paragraph and inserting in
32 lieu thereof the following:

33 The driver of any vehicle approaching a railroad
34 grade crossing across which traffic is regulated by
35 a stop sign, a railroad sign directing traffic to
36 stop or an official traffic control signal displaying
37 a flashing red or steady circular red colored light
38 shall stop prior to crossing the railroad at the first
39 opportunity at either the clearly marked stop line
40 or at a point near the crossing where the driver has
41 a clear view of the approaching railroad traffic.

42 Sec. 35. Section three hundred twenty-one point
43 three hundred forty-five (321.345), Code 1977, is
44 amended to read as follows:

45 321.345 STOP OR YIELD AT THROUGH HIGHWAYS. The
46 department, based on an engineering study, with
47 reference to primary highways, and local authorities
48 with reference to other highways under their
49 jurisdiction may designate through highways and erect
50 stop signs or yield signs, in accordance with

S-5935
Page 19

1 specifications established by the department at
2 specified entrances ~~thereto~~ to the highway or may
3 designate any intersection as a stop intersection
4 or as a yield intersection and erect like signs at
5 one or more entrances to such intersection.

6 ~~Every said sign shall bear the word "Stop" or~~
7 ~~"Yield" in letters not less than six inches in height.~~
8 ~~Every stop or yield sign shall be located as near~~
9 ~~as practical at the property line of the highway at~~
10 ~~the entrance to which the stop or yield must be made,~~
11 ~~or at the nearest line of the crosswalk thereat, or,~~
12 ~~if none, at the nearest line of the roadway.~~

13 ~~Every driver of a vehicle and every motorist of~~
14 ~~a streetcar shall stop or yield at such sign or at~~
15 ~~a clearly marked stop line before entering an~~
16 ~~intersection except when directed to proceed by a~~
17 ~~police officer or traffic control signal.~~

18 Sec. 36. Section three hundred twenty-one point
19 three hundred ninety-three (321.393), unnumbered
20 paragraph one (1), Code 1977, is amended to read as
21 follows:

22 No lighting device or reflector, when mounted on
23 or near the front of any motor truck or trailer,
24 except school buses shall display any other color
25 than white, yellow, or amber; provided that
26 installations heretofore in place and otherwise
27 complying with the law may display a green light ~~until~~
28 replacements are made, however, such green light shall
29 be replaced with the appropriate color when replacement
30 is made or prior to January 1, 1980, whichever is
31 earlier.

32 Sec. 37. Section three hundred twenty-one point
33 four hundred thirty-seven (321.437), Code 1977, is
34 amended to read as follows:

35 321.437 MIRRORS. Every motor vehicle shall be
36 equipped with a mirror so located as to reflect to
37 the driver a view of the highway for a distance of
38 at least two hundred feet to the rear of such vehicle.
39 Any motor vehicle so loaded, or towing another vehicle
40 in such manner, as to obstruct the view in a rear
41 view mirror located in the driver's compartment shall
42 be equipped with a side mirror so located that the
43 view to the rear will not be obstructed however when
44 such vehicle is not loaded or towing another vehicle
45 the side mirrors shall be retracted or removed. All
46 van or van type motor vehicles shall be equipped with
47 outside mirrors of unit magnification, each with not
48 less than nineteen point five square inches of
49 reflective surface, installed with stable supports
50 on both sides of the vehicle, located so as to provide

S-5935
Page 20

1 the driver a view to the rear along both sides of
2 the vehicle, and adjustable in both the horizontal
3 and vertical directions to view the rearward scene.

4 Sec. 38. Chapter three hundred twenty-one (321),
5 Code 1977, is amended by adding the following new
6 section:

7 NEW SECTION.

8 1. Upon conviction and the suspension or revoca-
9 tion of a person's motor vehicle license under sections
10 three hundred twenty-one point two hundred nine
11 (321.209), subsections six (6) and seven (7), three
12 hundred twenty-one point two hundred ten (321.210)
13 or three hundred twenty-one point five hundred fifty-
14 five (321.555), subsection two (2), of the Code, and
15 upon the denial by the director of an application
16 for a temporary restricted license, a person may apply
17 to the district court having jurisdiction for the
18 residence of the person for a temporary restricted
19 permit to operate a motor vehicle to and from work.
20 The application may be granted only if all the
21 following criteria is satisfied:

22 a. The restricted temporary permit is requested
23 only for a case of extreme hardship where alternative
24 means of transportation does not exist.

25 b. The permit applicant has not made an application
26 for such a permit in any other district court in the
27 state which was denied or revoked.

28 c. The permit is restricted for travel to and
29 from work at times specified in the permit.

30 d. Proof of financial responsibility is established
31 as defined in chapter three hundred twenty-one A
32 (321A) of the Code.

33 2. The district court shall forward a record of
34 each application for such temporary restricted permit
35 to the department, together with the results of the
36 disposition of the request by the court.

37 3. A temporary restricted permit shall be valid
38 only if the department is in receipt of records
39 required by this section. The permit shall be canceled
40 upon conviction of a moving traffic violation as
41 defined in section three hundred twenty-one point
42 one hundred eighty-one (321.181) of the Code, or upon
43 any violation of the terms of the permit.

44 Sec. 39. Section three hundred twenty-one A point
45 seventeen (321A.17), Code 1977, is amended by adding
46 the following new subsection:

47 NEW SUBSECTION. An individual applying for a motor
48 vehicle license following a period of suspension or
49 revocation under the provisions of section three
50 hundred twenty-one point two hundred sixteen (321.216)

S-5935
PAGE 21

1 of the Code Supplement shall not be required to
2 maintain proof of financial responsibility under the
3 provisions of this section.

4 Sec. 40. Acts of the Sixty-seventh General
5 Assembly, 1977 Session, chapter one hundred three
6 (103), section fifty-four (54), the first new section
7 added to chapter three hundred twenty-one E (321E),
8 Code 1977, is amended to read as follows:

9 NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS.
10 Vehicles or a combination of vehicles with divisible
11 loads may be moved on the highways of this state
12 pursuant to a special permit issued for special or
13 emergency situations by the department or local
14 authorities subject to the discretion and judgment
15 provided for in section three hundred twenty-one E
16 point one (321E.1) of the Code. The combined gross
17 weight or gross weight on any one axle or group of
18 axles may exceed the limits established in section
19 three hundred twenty-one point four hundred sixty-
20 three (321.463) of the Code, subject to the limits
21 and routes established by the issuing authority.
22 However movement of hay, straw or stover may be allowed
23 in the absence of special or emergency situations,
24 however such movement shall be consistent with the
25 other requirements for movement of oversize divisible
26 loads.

27 Sec. 41. Section three hundred twenty-two point
28 two (322.2), subsection seven (7), Code 1977, is
29 amended to read as follows:

30 7. "Motor vehicle" means any self-propelled vehicle
31 subject to registration under the laws of this state.

32 Sec. 42. Section three hundred twenty-two point
33 five (322.5), Code 1977, is amended to read as follows:

34 322.5 LICENSE FEE. The license fee for a motor
35 vehicle dealer for each calendar year or part thereof
36 shall be the sum of thirty-five dollars for the
37 licensee's principal place of business in each city
38 or township and an additional ~~five~~ ten dollars for
39 ~~each used-car~~ car lot which is in the city or township
40 ~~wherein-said~~ in which the principal place of business
41 is located and which is not adjacent to such place,
42 to be paid to the department at the time a license
43 is applied for. In case the application is denied,
44 the department shall refund the amount of such fee
45 to the applicant.

46 A motor vehicle dealer may display new motor
47 vehicles at fairs, vehicle shows and vehicle
48 exhibitions. Motor vehicle dealers, in addition to
49 selling vehicles at their principal place of business
50 and car lots, may, upon receipt of a temporary permit

S-5935
Page 22

1 approved by the department, display and offer new
2 motor vehicles for sale and negotiate sales of new
3 motor vehicles only at county fairs, as defined in
4 chapter one hundred seventy-four (174) of the Code,
5 vehicle shows and vehicle exhibitions which fairs,
6 shows and exhibitions are approved by the department
7 and are held in the county of the motor vehicle
8 dealer's principal place of business. Application
9 for temporary permits shall be made upon forms provided
10 by the department and shall be accompanied by a ten
11 dollar permit fee. Permits shall be issued for periods
12 of not to exceed fourteen days. No sale of a motor
13 vehicle by a motor vehicle dealer shall be completed
14 nor any sales agreement signed at any such fair, show
15 or exhibition. All such sales shall be consummated
16 at the motor vehicle dealer's principal place of
17 business.

18 Sec. 43. Section eight hundred five point eight
19 (805.8), subsection two (2), paragraph b, Code 1977
20 Supplement, is amended to read as follows:

21 b. For registration violations under sections
22 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and
23 ~~321.199~~ section three hundred twenty-one point thirty-
24 two (321.32) and section three hundred twenty-one
25 point one hundred eighty-nine (321.189) of the Code,
26 the scheduled fine is five dollars. For violations
27 of ~~section-321.199~~ sections three hundred twenty-
28 one point thirty-two (321.32) and three hundred twenty-
29 one point one hundred eighty-nine (321.189), subsection
30 three (3), of the Code, the case shall be dismissed
31 without imposition of fine or costs if a license or
32 registration valid at the time of the issuance of
33 the citation is presented by the defendant to the
34 magistrate or scheduled violations office.

35 Sec. 44. Section eight hundred five point eight
36 (805.8), subsection two (2), paragraph c, Code 1977
37 Supplement, is amended to read as follows:

38 c. For improperly used or nonused, or defective
39 or improper equipment, other than brakes, driving
40 lights and brakelights, under sections 321.317,
41 321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
42 three hundred twenty-one point three hundred ninety-
43 three (321.393) of the Code, 321.399, 321.422, 321.432,
44 321.435, 321.436, 321.437, 321.438, 321.439, 321.440,
45 321.441, 321.442, 321.444, 321.445, and 321.447 the
46 scheduled fine is ten dollars.

47 Sec. 45. The state department of transportation
48 shall promulgate rules to provide for the placement
49 of motor vehicle registration validation stickers
50 on all registration plates issued for the motor vehicle

S-5935
Page 23

1 when such validation stickers are issued in lieu of
2 issuing new registration plates under the provisions
3 of section three hundred twenty-one point thirty-four
4 (321.34) of the Code.

5 Sec. 46. Sections three hundred twenty-one point
6 one hundred twenty-four (321.124) and three hundred
7 twenty-one point four hundred thirty-five (321.435),
8 Code 1977, are repealed.

9 Sec. 47. Sections one (1) through eighteen (18),
10 twenty (20), twenty-three (23), twenty-six (26),
11 thirty (30) and thirty-four (34) of this Act shall
12 become effective January 1, 1979."

13 2. Renumber as necessary in conformance with this
14 amendment.

S-5935 FILED
MAY 12, 1978

RECEIVED FROM THE HOUSE

See the enclosed - 12 p. 16 21

SENATE FILE 2187

AN ACT

RELATING TO TRANSPORTATION PROVIDING FOR LICENSING AUTHORIZED VEHICLE RECYCLERS, MODIFICATION OF TEMPORARY DRIVERS PERMIT PROVISIONS, THE ISSUANCE OF RESTRICTED CERTIFICATE OF TITLE, JUNKING CERTIFICATE AND SALVAGE CERTIFICATE OF TITLE, THE INSPECTIONS OF VEHICLES AND COMPONENT PARTS, REQUIREMENTS FOR PERFECTING STATE LIENS ON MOTOR VEHICLES, ELIMINATION OF THE LISTING OF "OCCUPATION" ON MOTOR VEHICLE LICENSES, THE PROHIBITION OF ELUDING OR ATTEMPTING TO ELUDE A MARKED POLICE VEHICLE, APPROPRIATIONS FOR NOTICE OF SUSPENSIONS AND REVOCATIONS, THE ELIMINATION OF INSPECTION REQUIREMENTS FOR POLLUTION CONTROL EQUIPMENT AND FOR VEHICLES FOR WHICH THE CERTIFICATE OF TITLE MUST BE SURRENDERED, DEFINITIONS FOR ILLUMINATED SIGNALS ON OFFICIAL TRAFFIC CONTROL SIGNALS AND THE DUTIES FOR STOPPING BEFORE YIELD SIGNS, STOP SIGNS AND RAILROAD CROSSINGS, THE REPORTING OF PROPERTY DAMAGE ACCIDENTS, THE PLACEMENT OF STOP SIGNS ON HIGHWAYS, THE PROMULGATION OF MOTOR VEHICLE NOISE AND EXHAUST REQUIREMENTS, THE PROHIBITIONS OF REMOVING CERTAIN MOTOR VEHICLE IDENTIFICATION NUMBERS, ELIMINATION OF CERTAIN FINANCIAL RESPONSIBILITY REQUIREMENTS, THE MOVEMENT OF OVERSIZED LOADS OF HAY, STRAW OR STOVER, A TEN DOLLAR FEE FOR CAR LOTS, PROVIDING FOR PENALTIES AND REPEAL OF CERTAIN SECTIONS.

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

Section 1. The Code editor, in codifying the provisions of this Act, is directed to codify sections two (2) through eight (8) of this Act as a new chapter.

Sec. 2. NEW SECTION. ADMINISTRATION. The administration of this chapter shall be vested in the director of the state department of transportation. The department may employ such employees as are necessary for the administration of this chapter, within applicable budget limitations.

Sec. 3. NEW SECTION. DEFINITIONS. As used in this chapter and unless a different meaning appears from the context:

1. "Person" includes any individual, firm, corporation, copartnership, joint adventure, or association, and the plural as well as the singular number.
2. "Department" means the state department of transportation.
3. "Selling" includes bartering, exchanging, or otherwise dealing in.
4. "Vehicle" means any vehicle as defined in chapter three hundred twenty-one (321) of the Code.
5. "Vehicle rebuilder" means a person engaged in the business of rebuilding or restoring to operating condition vehicles subject to registration under chapter three hundred twenty-one (321) of the Code, which have been damaged or wrecked.
6. "Used vehicle parts dealer" means a person engaged in the business of selling bodies, parts of bodies, frames or component parts of used vehicles subject to registration under chapter three hundred twenty-one (321) of the Code.
7. "Vehicle salvager" means a person engaged in the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under chapter three hundred twenty-one (321) of the Code.
8. "Authorized vehicle recycler" means a person licensed to operate as a vehicle rebuilder, used vehicle parts dealer or vehicle salvager.
9. "Wrecked or salvage vehicle" means a damaged vehicle for which the cost of repair exceeds fifty percent of the fair market value of the vehicle before it became damaged.
10. "Extension" means a place of business of an authorized vehicle recycler other than the principal place of business within the county of the principal place of business.

Sec. 4. NEW SECTION. PROHIBITIONS. Except for educational

institutions, people licensed as new or used vehicle dealers under chapter three hundred twenty-two (322) of the Code, people engaged in a hobby not for profit, people engaged in the business of purchasing bodies, parts of bodies, frames or component parts of vehicles only for sale as scrap metal or a person licensed under the provisions of this chapter as an authorized vehicle recycler, a person in this state shall not engage in the business of:

1. Selling used bodies, parts of bodies, frames or component parts of more than six used vehicles subject to registration under chapter three hundred twenty-one (321) of the Code in a calendar year; or
2. Wrecking or dismantling in a calendar year more than six vehicles or the parts of more than six vehicles subject to registration under chapter three hundred twenty-one (321) of the Code for resale; or
3. Rebuilding or restoring for sale six or more wrecked or salvage vehicles subject to registration under chapter three hundred twenty-one (321) of the Code in a calendar year; or
4. Storing vehicles not currently registered or storing damaged vehicles except where such storing of damaged vehicles is incidental to the primary purpose of the repair of motor vehicles for others, scrapping, disposing, salvaging or recycling more than six vehicles or parts of more than six vehicles subject to registration under chapter three hundred twenty-one (321) of the Code in a calendar year.

Sec. 5. NEW SECTION. LICENSE APPLICATION AND FEES.

1. Upon application and payment of a thirty-five dollar fee, a person may apply for a license to operate as an authorized vehicle recycler to engage in the business as one or more of the following:

- a. A vehicle rebuilder; or
 - b. A used vehicle parts dealer; or
 - c. A vehicle salvager.
2. Application for a license as an authorized vehicle

recycler shall be made to the department on forms provided by the department. The application shall be accompanied by the fee. The license shall be approved or disapproved within thirty days after application for the license. Each license shall expire, unless revoked or suspended by the department, on December thirty-first of the calendar year for which the license was granted. A separate license shall be obtained for each county in which an applicant conducts operations.

3. Each licensee shall file with the department a supplemental statement form when the licensee's principal place of business, an extension or the operation of business in the county is changed to differ from the information contained on the initial license application form within fifteen days after each operational change. The department shall notify each licensee of the approval of a change in license status. If a change in license status is approved by the department the licensee shall surrender the old license to the department together with a thirty-five dollar fee. The department shall issue a new license modified to reflect the principal place of business, each extension and the operations of the licensee.

Sec. 6. NEW SECTION. DISPLAY OF LICENSE. A license issued under the provisions of this chapter shall specify the location of the principal place of business, each extension within the county of the principal place of business and the license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modifications.

Sec. 7. NEW SECTION. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The license of a person issued under the provisions of this chapter may be denied, revoked or suspended if the department finds that the licensee has:

1. Violated any provisions of this chapter; or
2. Made any material misrepresentation to the department in connection with an application for a license, junking certificate, salvage certificate, certificate of title or

registration of a vehicle; or

3. Been convicted of a fraudulent practice in connection with selling or offering for sale vehicles or parts of vehicles subject to registration under chapter three hundred twenty-one (321) of the Code; or

4. Failed to maintain an established principal place of business in the county without notification to the department; or

5. Had a license issued under the provisions of this chapter denied, suspended or revoked within the previous three years; or

6. Been convicted of violation of any of sections three hundred twenty-one point fifty-two (321.52), three hundred twenty-one point seventy-one (321.71), three hundred twenty-one point seventy-eight (321.78), three hundred twenty-one point ninety-two (321.92), three hundred twenty-one point ninety-seven (321.97), three hundred twenty-one point ninety-eight (321.98), three hundred twenty-one point ninety-nine (321.99), three hundred twenty-one point one hundred (321.100), or seven hundred thirteen point twenty-four (713.24) of the Code.

Sec. 8. NEW SECTION. FEES. All fees of whatever character accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and shall be credited to the road use tax fund.

Sec. 9. Section three hundred twenty-one point one (321.1), Code 1977 Supplement, is amended by adding the following new subsections:

NEW SUBSECTION. "Vehicle rebuilder" means a person engaged in the business of rebuilding or restoring to operating condition vehicles subject to registration under chapter three hundred twenty-one (321) of the Code, which have been damaged or wrecked.

NEW SUBSECTION. "Used vehicle parts dealer" means a person engaged in the business of selling bodies, parts of bodies,

frames or component parts of used vehicles subject to registration under chapter three hundred twenty-one (321) of the Code.

NEW SUBSECTION. "Vehicle salvager" means a person engaged in the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under chapter three hundred twenty-one (321) of the Code.

Sec. 10. Section three hundred twenty-one point thirty (321.30), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The treasurer shall also refuse registration of any vehicle if the applicant for registration of such vehicle has failed to pay the required registration fees of any vehicle owned or previously owned when the registration fee was required to be paid by the applicant and for which vehicle the registration was suspended or revoked under the provisions of section three hundred twenty-one point one hundred one (321.101), subsection four (4), of the Code, until such fees are paid together with any accrued penalties.

Sec. 11. Section three hundred twenty-one point forty-nine (321.49), subsection one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section nineteen (19), is amended to read as follows:

1. if Except as provided in section three hundred twenty-one point fifty-two (321.52) of the Code, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within seven days of the date of assignment or transfer of title, a penalty of five dollars shall accrue against said vehicle, and no registration card or certificate of title shall thereafter be issued until penalty is paid.

Sec. 12. Section three hundred twenty-one point fifty-one (321.51), subsection four (4), Code 1977, as amended by

Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-two (22) is amended to read as follows:

4. The Except as provided in section three hundred twenty-one point fifty-two (321.52) of the Code, the county treasurer of the county of residence of the transferee upon receipt of the application for a new certificate of title, the appropriate fee therefor, and the affidavit as provided in subsection 2 of this section, and when satisfied as to the genuineness and regularity thereof of the application, shall issue a restricted certificate of title to the applicant but shall not issue registration plates or a registration card. A restricted certificate of title shall be red in color and shall have conspicuously imprinted thereon in bold print, in a manner prescribed by the department, the words "RESTRICTED CERTIFICATE OF TITLE--CANNOT BE REGISTERED AND OPERATED ON THE HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT AS PROVIDED IN SECTION three hundred twenty-one point fifty-one (321.51) of the Code." At such time as the transferee surrenders a valid approved certificate of inspection and the restricted certificate of title to the county treasurer of the county of residence, the county treasurer, upon payment of the appropriate fees, shall issue a certificate of title that is not restricted for the vehicle and shall also issue a registration card and registration plates to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle, however, if the registration fee for the vehicle has been paid for the current year, the county treasurer shall issue a registration card and registration plates to the applicant if the applicant is not in possession of registration plates which may be attached to the vehicle upon payment of an additional registration fee of five dollars. A vehicle with a restricted certificate of title shall not have a registration plate attached to the vehicle.

Sec. 13. Section three hundred twenty-one point fifty-

one (321.51), subsection seven (7), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-two (22), is amended by striking the subsection.

Sec. 14. Section three hundred twenty-one point fifty-two (321.52), subsection one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-three (23), is amended by striking the subsection.

Sec. 15. Section three hundred twenty-one point fifty-two (321.52), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section twenty-three (23), is amended by adding the following new subsections:

NEW SUBSECTION. The purchaser or transferee of a motor vehicle for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title and registration receipt to the county treasurer of the county of residence of the transferee within fifteen days after assignment of the certificate of title. The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department. The junking certificate shall be of a form to allow for the assignment of ownership of the vehicle. The junking certificate shall provide a space for the notation of the transferee of the component parts of the vehicle transferred by the owner of the vehicle.

NEW SUBSECTION. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly

assigned to another vehicle. The owner shall also surrender the registration receipt and certificate of title to the county treasurer. Upon surrendering the certificate of title, the county treasurer shall issue to such person, without fee, a junking certificate, which shall authorize the holder to possess, transport or transfer ownership of the junked vehicle by endorsement of the junking certificate. A certificate of title shall not again be issued for the junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department.

NEW SUBSECTION. A vehicle rebuilder or a motor vehicle dealer licensed under chapter three hundred twenty-two (322) of the Code, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title and registration receipt or manufacturer's or importer's statement of origin properly assigned, together with an application for a salvage certificate of title to the county treasurer of the county of residence of the purchaser or transferee within fourteen days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. The provisions of this subsection shall apply only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of two dollars, the county treasurer shall issue a salvage certificate of title which shall be of a distinctive color and bear the words "SALVAGE CERTIFICATE OF TITLE". A salvage certificate of title may be assigned to any person. Notwithstanding any other provisions in this section a vehicle on which ownership has transferred to an insurer of such vehicle, as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of the vehicle, shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply with the provisions of this subsection to obtain a salvage certificate of title within fourteen days after the date of

assignment of the certificate of title of the vehicle. Any owner, except an insurer of vehicles, who transfers a wrecked or salvage vehicle with a fair market value less than five hundred dollars, based on the value before it became wrecked or salvage, shall comply with the provisions of section three hundred twenty-one point fifty-one (321.51) of the Code.

When a wrecked or salvage vehicle has been repaired or rebuilt, that person shall make application for a certificate of title to the county treasurer of the county of residence of the owner, and shall surrender the salvage certificate of title issued for the vehicle. A verification of the vehicle identification number of the vehicle shall be made by a peace officer of the state department of transportation, the department of public safety, county sheriff or police department of cities with a population exceeding five thousand persons or a person designated by the commissioner of public safety or the director. The verification shall be made on forms provided by the department and signed by the peace officer or the appropriately designated person and the verification form shall be surrendered by the owner to the county treasurer at the time application is made for a certificate of title. Upon payment of the appropriate fees and surrender of the appropriate documents the county treasurer shall issue a certificate of title to the person making application.

For purposes of this subsection a "wrecked or salvage vehicle" means a damaged vehicle for which the cost of repair exceeds fifty percent of the fair market value of the vehicle before it became damaged.

Sec. 16. Section three hundred twenty-one point ninety-five (321.95), Code 1977, is amended to read as follows:

321.95 RIGHT OF INSPECTION. Peace officers ~~or-examiners employed-in-the-department~~ shall have the authority to inspect any vehicle or component part in possession of a ~~demolisher~~ vehicle rebuilder, vehicle salvager, used vehicle parts dealer or any person licensed under chapter three hundred twenty-

two (322) of the Code, or found upon the public highway or in any public garage ~~or~~, enclosure or property in which vehicles or component parts are kept for sale, storage, hire or repair and for that purpose may enter any such public garage ~~or~~, enclosure or property. Every person-doing-business as-a-demolisher vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter three hundred twenty-two (322) of the Code, or a person having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received for resale as component parts in the course of business.

These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred or the junking certificate if required for the vehicle. These records shall be open for inspection by any police-authority peace officer at any time during normal business hours. Records required by this section shall be kept for at least three years after the transaction which they record.

Sec. 17. Section three hundred twenty-one point one hundred (321.100), Code 1977 Supplement, is amended by adding the following new subsection:

NEW SUBSECTION. To transfer in any manner or to offer to transfer in any manner a certificate of title, manufacturer's or importer's certificate to any vehicle on which a salvage certificate of title or junking certificate is required under section three hundred twenty-one point fifty-two (321.52) of the Code, with knowledge or reason to believe that the certificate will be used for a vehicle other than the vehicle for which the certificate is issued.

"Transfer" for the purposes of this subsection means to sell, exchange, change possession or ownership or convey in any manner.

Sec. 18. Section three hundred twenty-one point one hundred one (321.101), Code 1977, is amended by adding the following

new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a vehicle, for which the registration has been suspended or revoked pursuant to subsection four (4) of this section, is transferred to a bona fide purchaser for value without actual knowledge of such suspension or revocation then the vehicle shall be deemed to be registered and the provisions of sections three hundred twenty-one point twenty-eight (321.28) and three hundred twenty-one point thirty (321.30), subsections four (4) and five (5), of the Code shall not be applicable to such vehicle for the failure of the previous owner to pay the required fees.

Sec. 19. Section three hundred twenty-one point one hundred thirty-one (321.131), Code 1977, is amended to read as follows:

321.131 LIEN OF FEE. All registration or other fees provided for in this chapter shall be and continue a lien against the vehicle for which said fees are payable unless otherwise provided in this section until such time as they are paid as provided by law, with any accrued penalties. The county treasurer may perfect a security interest in a vehicle for the amount of such fees by noting the lien upon the certificate of title for the vehicle as provided in section three hundred twenty-one point fifty (321.50) of the Code. If the lien is not perfected as provided in this section, the lien shall not be valid against a bona fide purchaser of the vehicle without actual notice to the purchaser.

Sec. 20. Section three hundred twenty-one point one hundred sixty-six (321.166), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section thirty-four (34), is amended by adding the following new subsection:

NEW SUBSECTION. 6. Registration plates issued a disabled veteran under the provisions of section three hundred twenty-one point one hundred five (321.105) of the Code, shall display the alphabetical characters "DV", which shall be of the same size as the characters in the registration plate number and

shall precede the registration plate number.

Sec. 21. Section three hundred twenty-one point one hundred eighty (321.180), Code 1977, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A permittee shall not be penalized for failing to have his or her permit in immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to him or her and valid at the time of the permittee's arrest.

Sec. 22. Section three hundred twenty-one point one hundred eighty-one (321.181), Code 1977, is amended by striking unnumbered paragraphs two (2), three (3), four (4), and five (5).

Sec. 23. Section three hundred twenty-one point one hundred eighty-three (321.183), Code 1977, is amended to read as follows:

321.183 CONTENTS OF APPLICATION. Every said application shall state the full name, date of birth, ~~occupation~~, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

Sec. 24. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section forty-one (41), is amended to read as follows:

1. MOTOR VEHICLE LICENSE. Upon the payment of the required fee, the department shall issue to every qualifying applicant an operator's license, motorized bicycle license, or chauffeur's license, as applied for. Appearing on this license shall be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, ~~occupation~~, sex,

residence address; a colored photograph; a brief description of the licensee; and the usual signature of the licensee. If prior to the renewal date, a person desires to obtain an operator's or chauffeur's license in the form authorized by this section, such license may be issued as a voluntary replacement upon payment of the required fee. The number of places where licenses are available shall not be reduced because of procedures or equipment required in placing colored photographs on licenses or permits. The department shall provide a space on every license where the licensee may affix a decal or sticker indicating that the licensee is a donor under the Uniform Anatomical Gift Act and shall provide a space where the licensee may affix a symbol indicating the presence of a medical condition. The license may contain such other information as the department may by rule require. No license shall be valid unless it bears the usual signature of the licensee. The department shall advise an applicant that he or she may request a number other than a social security number as the motor vehicle license number. The department shall not retain a positive or negative photograph of the licensee. The licensee may affix a decal or sticker on the license in the space provided which indicates that the licensee is a donor under the Uniform Anatomical Gift Act. The decal shall not be larger than one-half inch in diameter. The use of the decal or sticker on the license shall be authorized only if the licensee has complied with the provisions for making a gift under the Uniform Anatomical Gift Act and shall be effective only if the licensee carries on or about the licensee's person a duly signed and executed donor card as authorized by the Uniform Anatomical Gift Act.

Sec. 25. Section three hundred twenty-one point one hundred eighty-nine (321.189), subsection three (3), Code 1977, is amended to read as follows:

3. CARRIED AND EXHIBITED. Every licensee shall have his or her operator's or chauffeur's, or motorized bicycle license or instruction permit in ~~his~~ immediate possession at all times

when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he or she produces in court, within a reasonable time, an operator's or chauffeur's or motorized bicycle license or instruction permit issued to him or her and valid at the time of his the person's arrest.

Sec. 26. Section three hundred twenty-one point two hundred ten (321.210), unnumbered paragraph five (5), Code 1977, is amended to read as follows:

If the department assesses any points against an operator or chauffeur of a motor vehicle under any point system devised by the department for the purpose of suspending operators' or chauffeurs' licenses, the department must notify the licensee by ordinary mail that such points have been assessed and the reason therefor. Such notice shall also contain a reference to all code sections under which the person's motor vehicle license may be suspended, revoked, canceled or denied. Provided that no license shall be suspended on the basis of any point system devised by the department without notice of proposed suspension to the licensee and a reasonable opportunity for a preliminary hearing before a member of the department who shall have authority in meritorious cases to revoke the suspension.

Sec. 27. Section three hundred twenty-one point two hundred eleven (321.211), Code 1977, is amended to read as follows:

321.211 NOTICE AND HEARING. Upon suspending the license of any person as hereinbefore authorized the department shall immediately notify the licensee in writing and upon his or her request shall afford him or her an opportunity for a hearing before the director of his or her duly authorized agent as early as practical within not to exceed thirty days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon

such hearing the director or his or her duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or for good cause may extend the suspension of such license or revoke such license. There is hereby appropriated each year from the general fund of the state to the department one hundred five thousand dollars or so much thereof as may be necessary to be used to pay the cost of notice and personal delivery of service, if necessary to meet the notice requirement of this section. The department shall promulgate rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section three hundred twenty-one point one hundred ninety-one (321.191) of the Code shall be deposited in the general fund of the state in a manner provided in section three hundred twenty-one point one hundred ninety-two (321.192) of the Code, as reimbursement for the costs of notice under this section.

A peace officer stopping a person for whom a notice of a suspension or revocation has been issued or to whom a notice of a hearing has been sent under the provisions of this section may personally serve such notice upon forms approved by the department to satisfy the notice requirements of this section. The peace officer may confiscate the motor vehicle license of such person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the motor vehicle license to the department as required.

Sec. 28. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection ten (10), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

In making a vehicle inspection, the inspection station shall inspect such of the following equipment as is applicable to the vehicle: Brakes, lights, turning signals, steering,

sound devices, glass, mirrors, exhaust system, windshield wipers, seat belts, tires and such other safety equipment as may be prescribed for inspection under rules adopted by the director. ~~The inspection station shall also inspect each motor vehicle to ascertain that none of the factory installed emission control devices have been removed or rendered inoperable.~~

Sec. 29. Section three hundred twenty-one point two hundred thirty-eight (321.238), subsection twelve (12), Code 1977, is amended to read as follows:

12. Every motor vehicle subject to registration under the laws of this state, except motor vehicles registered under section 321.115, and motorized bicycles, motor vehicles transferred under the provisions of sections three hundred twenty-one point fifty-one (321.51) and three hundred twenty-one point fifty-two (321.52) of the Code when first registered in this state, other than a registration to a dealer licensed under chapter 322, and each time when transferred for use within this state or when registration is changed from a registration as provided in section 321.115 to a regular registration, other than transfers to a dealer licensed under chapter 322, shall be inspected at an authorized inspection station, unless there is affixed to the motor vehicle a valid certificate of inspection which was issued for the motor vehicle not more than sixty days prior to the date on which the vehicle was transferred and the vehicle has not been transferred during the sixty-day period, provided that during a one-year period the vehicle may be transferred between parents and their children ~~or between spouses~~ without another inspection. A vehicle inspection is not required when the transfer of a vehicle or an interest in the vehicle is between spouses or when required pursuant to a decree for dissolution of marriage between former spouses. However, the certificate of inspection for a new motor vehicle which has not previously been sold at retail and which is not sold within sixty days after the date the inspection was performed may be revalidated

by the inspection station without another inspection provided the motor vehicle has not been driven more than one hundred miles since the inspection was performed. If the motor vehicle is subject to inspection, the authorized inspection station shall issue and affix a valid certificate of inspection or certificate of rejection, as the case may be, in accordance with the results of the inspection. If an inspection is required, an applicant shall file with an application for title to the vehicle or for registration thereof under the provisions of section 321.23, subsection 2 or 3, with the county treasurer of the county of his or her residence, a statement on a form provided by the director, signed by an authorized inspection station certifying the date that a certificate of inspection was issued for and affixed to the vehicle. If an inspection is required the county treasurer shall not issue a title to the vehicle to the applicant or register the vehicle unless such statement is filed with the application showing that the inspection of the vehicle was made not more than sixty days prior to the date of sale or transfer, or unless the vehicle was purchased out of this state by a resident of this state who resides outside of this state, but desires to maintain his or her Iowa residency and he or she executes a statement to that effect in form and content as prescribed by the director. The county treasurer shall stamp the registration card for such vehicle with the words "NOT INSPECTED." A vehicle so registered shall be inspected at an authorized inspection station within fifteen days after being brought into this state. The county treasurer shall mail the statement of inspection or statement of out-of-state residence to the department at the time of mailing copies of the registration receipt. The department may destroy any forms, certificates or statements after one year from the date they are filed unless they relate to pending appeals. ~~The provisions of this subsection shall not be applicable to the transfer of a motor vehicle to the insurer of such vehicle who obtains ownership of such vehicle as a result~~

~~of a settlement with the owner thereof arising out of damage to such vehicle and written proof thereof is submitted to the county treasurer on forms prescribed by the department.~~

Sec. 30. Section three hundred twenty-one point two hundred fifty-six (321.256), Code 1977, is amended to read as follows:

321.256 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.

No driver of a vehicle ~~or motorman of a streetcar~~ shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a ~~police~~ peace officer subject to the exceptions granted the driver of an authorized emergency vehicle.

Sec. 31. Section three hundred twenty-one point two hundred fifty-seven (321.257), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.257 OFFICIAL TRAFFIC CONTROL SIGNAL.

1. For the purposes of this section "stop at the official traffic control signal" means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection.

2. Official traffic control signals consisting of colored lights or colored lighted arrows shall regulate vehicle and pedestrian traffic in the following manner:

a. A "steady circular red" light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or a left turn from a one-way street to a one-way street from the left lane of traffic on a one-way street onto the left most lane of traffic on a one-way street. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any

vehicular traffic.

b. A "steady circular yellow" or a "steady yellow arrow" light means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right-of-way to all vehicles.

c. A "steady circular green" light means vehicular traffic may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right-of-way to other vehicular and pedestrian traffic lawfully within the intersection.

d. A "steady green arrow" light shown alone or with another official traffic control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection.

e. A "flashing circular red" light means vehicular traffic shall stop and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but then may proceed.

f. A "flashing yellow" light means vehicular traffic shall proceed through the intersection or past such signal with caution.

g. A "don't walk" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.

h. A "walk" light is a pedestrian signal which means that

pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right-of-way by drivers of all vehicles.

Sec. 32. Section three hundred twenty-one point two hundred fifty-eight (321.258), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

321.258 ARRANGEMENT OF LIGHTS ON OFFICIAL TRAFFIC CONTROL SIGNALS.

1. Colored lights placed on a vertical official traffic control signal face shall be arranged from the top to the bottom in the following order when used: Circular red, circular yellow, circular green, straight through yellow arrow, straight through green arrow, left turn yellow arrow, left turn green arrow, right turn yellow arrow, and right turn green arrow.

2. Colored lights placed on a horizontal official traffic control signal face shall be arranged from the left to the right in the following order when used: Circular red, circular yellow, left turn yellow arrow, left turn green arrow, circular green, straight through yellow arrow, straight through green arrow, right turn yellow arrow, and right turn green arrow.

Sec. 33. Section three hundred twenty-one point two hundred sixty-five (321.265), Code 1977, is amended to read as follows:

321.265 STRIKING FIXTURES UPON A HIGHWAY. The driver of any vehicle involved in an accident resulting ~~only~~ in damage to property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner, a peace officer or person in charge of such property of such fact and of his or her name and address and of the registration number of the vehicle he-is-driving causing the damage and shall upon request and if available exhibit his or her operator's or chauffeur's license and shall make report of such accident when and as required in section 321.266.

Sec. 34. Section three hundred twenty-one point three hundred twenty-two (321.322), Code 1977, is amended by striking

the section and inserting in lieu thereof the following:

321.322 VEHICLES ENTERING STOP OR YIELD INTERSECTION.

1. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

2. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

Sec. 35. Section three hundred twenty-one point three hundred forty-two (321.342), unnumbered paragraph one (1), Code 1977, as amended by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section forty-seven (47), is amended by striking the paragraph and inserting in lieu thereof the following:

The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop or an official traffic control signal displaying a flashing red or steady

circular red colored light shall stop prior to crossing the railroad at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad traffic.

Sec. 36. Section three hundred twenty-one point three hundred forty-five (321.345), Code 1977, is amended to read as follows:

321.345 STOP OR YIELD AT THROUGH HIGHWAYS. The department, based on an engineering study, with reference to primary highways, and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs, in accordance with specifications established by the department at specified entrances thereto to the highway or may designate any intersection as a stop intersection or as a yield intersection and erect like signs at one or more entrances to such intersection.

~~Every said sign shall bear the word "stop" or "yield" in letters not less than six inches in height. Every stop or yield sign shall be located as near as practical at the property line of the highway at the entrance to which the stop or yield must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.~~

~~Every driver of a vehicle and every motorman of a streetcar shall stop or yield at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal.~~

Sec. 37. Section three hundred twenty-one point three hundred ninety-three (321.393), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

No lighting device or reflector, when mounted on or near the front of any motor truck or trailer, except school buses shall display any other color than white, yellow, or amber; provided that installations heretofore in place and otherwise complying with the law may display a green light ~~until~~

replacements are made, however, such green light shall be replaced with the appropriate color when replacement is made or prior to January 1, 1980, whichever is earlier.

Sec. 38. Section three hundred twenty-one point four hundred thirty-seven (321.437), Code 1977, is amended to read as follows:

321.437 MIRRORS. Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Any motor vehicle so loaded, or towing another vehicle in such manner, as to obstruct the view in a rear view mirror located in the driver's compartment shall be equipped with a side mirror so located that the view to the rear will not be obstructed however when such vehicle is not loaded or towing another vehicle the side mirrors shall be retracted or removed. All van or van type motor vehicles shall be equipped with outside mirrors of unit magnification, each with not less than nineteen point five square inches of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene.

Sec. 39. Chapter three hundred twenty-one (321), Code 1977, is amended by adding the following new section:
NEW SECTION.

1. Upon conviction and the suspension or revocation of a person's motor vehicle license under sections three hundred twenty-one point two hundred nine (321.209), subsections six (6) and seven (7), three hundred twenty-one point two hundred ten (321.210) or three hundred twenty-one point five hundred fifty-five (321.555), subsection two (2), of the Code, and upon the denial by the director of an application for a temporary restricted license, a person may apply to the district court having jurisdiction for the residence of the person for a temporary restricted permit to operate a motor

vehicle to and from work. The application may be granted only if all the following criteria is satisfied:

a. The restricted temporary permit is requested only for a case of extreme hardship where alternative means of transportation does not exist.

b. The permit applicant has not made an application for such a permit in any other district court in the state which was denied or revoked.

c. The permit is restricted for travel to and from work at times specified in the permit.

d. Proof of financial responsibility is established as defined in chapter three hundred twenty-one A (321A) of the Code.

2. The district court shall forward a record of each application for such temporary restricted permit to the department, together with the results of the disposition of the request by the court.

3. A temporary restricted permit shall be valid only if the department is in receipt of records required by this section. The permit shall be canceled upon conviction of a moving traffic violation as defined in section three hundred twenty-one point one hundred eighty-one (321.181) of the Code, or upon any violation of the terms of the permit.

Sec. 40. Section three hundred twenty-one A point seventeen (321A.17), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. An individual applying for a motor vehicle license following a period of suspension or revocation under the provisions of section three hundred twenty-one point two hundred sixteen (321.216) of the Code Supplement shall not be required to maintain proof of financial responsibility under the provisions of this section.

Sec. 41. Acts of the Sixty-seventh General Assembly, 1977 Session, chapter one hundred three (103), section fifty-four (54), the first new section added to chapter three hundred twenty-one E (321E), Code 1977, is amended to read as follows:

NEW SECTION. EXCESS SIZE DIVISIBLE LOAD PERMITS. Vehicles or a combination of vehicles with divisible loads may be moved on the highways of this state pursuant to a special permit issued for special or emergency situations by the department or local authorities subject to the discretion and judgment provided for in section three hundred twenty-one E point one (321E.1) of the Code. The combined gross weight or gross weight on any one axle or group of axles may exceed the limits established in section three hundred twenty-one point four hundred sixty-three (321.463) of the Code, subject to the limits and routes established by the issuing authority. However movement of hay, straw or stover may be allowed in the absence of special or emergency situations, however such movement shall be consistent with the other requirements for movement of oversize divisible loads.

Sec. 42. Section three hundred twenty-two point two (322.2), subsection seven (7), Code 1977, is amended to read as follows:

7. "Motor vehicle" means any self-propelled vehicle subject to registration under the laws of this state.

Sec. 43. Section three hundred twenty-two point five (322.5), Code 1977, is amended to read as follows:

322.5 LICENSE FEE. The license fee for a motor vehicle dealer for each calendar year or part thereof shall be the sum of thirty-five dollars for the licensee's principal place of business in each city or township and an additional ~~five~~ ten dollars for each used-car car lot which is in the city or township ~~wherein-said~~ in which the principal place of business is located and which is not adjacent to such place, to be paid to the department at the time a license is applied for. In case the application is denied, the department shall refund the amount of such fee to the applicant.

A motor vehicle dealer may display new motor vehicles at fairs, vehicle shows and vehicle exhibitions. Motor vehicle dealers, in addition to selling vehicles at their principal place of business and car lots, may, upon receipt of a

temporary permit approved by the department, display and offer new motor vehicles for sale and negotiate sales of new motor vehicles only at county fairs, as defined in chapter one hundred seventy-four (174) of the Code, vehicle shows and vehicle exhibitions which fairs, shows and exhibitions are approved by the department and are held in the county of the motor vehicle dealer's principal place of business. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Permits shall be issued for periods of not to exceed fourteen days. No sale of a motor vehicle by a motor vehicle dealer shall be completed nor any sales agreement signed at any such fair, show or exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business.

Sec. 44. Section eight hundred five point eight (805.8), subsection two (2), paragraph b, Code 1977 Supplement, is amended to read as follows:

b. For registration violations under sections 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and ~~321.190~~ section three hundred twenty-one point one hundred eighty-nine (321.189) of the Code, the scheduled fine is five dollars. For violations of ~~section-321-190~~ sections three hundred twenty-one point thirty-two (321.32) and three hundred twenty-one point one hundred eighty-nine (321.189), subsection three (3), of the Code, the case shall be dismissed without imposition of fine or costs if a license or registration valid at the time of the issuance of the citation is presented by the defendant to the magistrate or scheduled violations office.

Sec. 45. Section eight hundred five point eight (805.8), subsection two (2), paragraph c, Code 1977 Supplement, is amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections 321.317, 321.387, 321.388, 321.389, 321.390, 321.391, 321.392, three hundred twenty-one point three hundred

ninety-three (321.393) of the Code, 321.399, 321.422, 321.432, 321.435, 321.436, 321.437, 321.438, 321.439, 321.440, 321.441, 321.442, 321.444, 321.445, and 321.447 the scheduled fine is ten dollars.

Sec. 46. The state department of transportation shall promulgate rules to provide for the placement of motor vehicle registration validation stickers on all registration plates issued for the motor vehicle when such validation stickers are issued in lieu of issuing new registration plates under the provisions of section three hundred twenty-one point thirty-four (321.34) of the Code.

Sec. 47. Sections three hundred twenty-one point one hundred twenty-four (321.124) and three hundred twenty-one point four hundred thirty-five (321.435), Code 1977, are repealed.

Sec. 48. Sections one (1) through eighteen (18), twenty (20), twenty-three (23), twenty-six (26), thirty (30) and thirty-four (34) of this Act shall become effective January 1, 1979.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2187, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved June 23, 1978

ROBERT D. RAY
Governor