

Reprinted 4/5/83

FILED MAR 18 1983

SENATE FILE 493

BY COMMITTEE ON JUDICIARY
Approved 3/18/83 (p. 846)
(FORMERLY SSB 171)

Passed Senate, Date 3-31-83 (p. 1066) Passed House, Date 4-14-83 (p. 1323)
Vote: Ayes 46 Nays 0 Vote: Ayes 84 Nays 12
Approved 5/16/83

A BILL FOR

1 An Act relating to the motor vehicle code by providing a
2 rebuttable presumption of residency, by increasing the
3 penalty for improper use of a registration card,
4 registration plate, special plate, or permit, by
5 requiring a motor vehicle overtaking another vehicle
6 on the left to return to the right-hand portion of the
7 roadway before coming within three hundred feet of an
8 approaching vehicle, by clarifying certain language and
9 eliminating certain inconsistent language in the motor
10 vehicle code, and by increasing the ability of an officer
11 to issue a uniform citation and complaint.

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

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SF 493

1 Section 1. NEW SECTION. 321.1A PRESUMPTION OF RESIDENCY.

2 For purposes of this chapter there is a rebuttable presumption
3 that a natural person is a resident of this state if any of
4 the following elements exist:

5 1. The person has filed for a homestead tax exemption
6 on property in this state.

7 2. The person is a veteran who has filed for a military
8 tax exemption on property in this state.

9 3. The person is registered to vote in this state.

10 4. The person enrolls the person's child to be educated
11 in a public elementary or secondary school in this state.

12 5. The person is receiving public assistance from this
13 state.

14 6. The person resides or has continuously remained in
15 this state for a period exceeding thirty days except for
16 infrequent or brief absences.

17 7. The person has accepted employment or engages in any
18 trade, profession, or occupation within this state, except
19 as provided in section 321.55.

20 "Resident" does not include a person who is attending a
21 college or university in this state, if the person has a
22 domicile in another state and has a valid operator's license
23 and vehicle registration issued by the state of domicile.

24 A corporation, association, partnership, company, firm,
25 or other aggregation of individuals whose principal place
26 of business is located within this state is a resident of
27 this state.

28 Sec. 2. Section 321.99, Code 1983, is amended to read
29 as follows:

30 321.99 IMPROPER USE OF REGISTRATION. No A person shall
31 not lend to another any a registration card, registration
32 plate, special plate, or permit issued to ~~him~~ the person if
33 the other person desiring to borrow the same card, plate,
34 or permit would not be entitled to the use ~~thereof, nor shall~~
35 any of it. A person shall not knowingly permit the use of

1 ~~any-of-the-same~~ a registration card, registration plate,
2 special plate, or permit issued to the person by one not
3 ~~entitled thereto~~ to it, nor shall any a person display upon
4 a vehicle any a registration card, registration plate or
5 permit not issued for ~~such~~ that vehicle or not otherwise
6 lawfully used ~~thereon~~ on it under this chapter. Any A
7 violation of this section is a ~~simple~~ serious misdemeanor.

8 Sec. 3. Section 321.209, subsection 3, Code 1983, is
9 amended to read as follows:

10 3. Any A felony ~~is~~ if during the commission of which the
11 felony a motor vehicle is used.

12 Sec. 4. Section 321.303, Code 1983, is amended to read
13 as follows:

14 321.303 LIMITATIONS ON OVERTAKING ON THE LEFT. No A
15 vehicle shall not be driven to the left side of the center
16 of the roadway in overtaking and passing another vehicle
17 proceeding in the same direction unless ~~such~~ the left side
18 is clearly visible and is free of oncoming traffic for a
19 sufficient distance ahead to permit ~~such~~ the overtaking and
20 passing to be completely made without interfering with the
21 safe operation of any a vehicle approaching from the opposite
22 direction or any a vehicle overtaken. ~~In-every-event-the~~
23 The overtaking vehicle ~~must~~ shall return to the right-hand
24 side of the roadway before coming within ~~one~~ three hundred
25 feet of any a vehicle approaching from the opposite direction.

26 Sec. 5. Section 805.8, subsection 2, paragraph n,
27 unnumbered paragraph 1, Code 1983, is amended to read as
28 follows:

29 For violation of registration provisions under section
30 321.17; violation of intrastate hauling on foreign registration
31 under sections 321.54 and 321.55; ~~use-of-registration-under~~
32 ~~section-321-99,~~ and display of registration or plates under
33 section 321.98, the scheduled fine is twenty dollars.

34 Sec. 6. Section 805.10, subsections 2 and 4, Code 1983,
35 are amended by striking the subsections.

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EXPLANATION

This bill creates, under the motor vehicle chapter, a rebuttable presumption that a natural person is a resident of the state if certain conditions exist as delineated in section 1 of this bill.

Sections 2 and 5 increase the penalty for improper use of a registration card, registration plate, special plate or permit from a scheduled fine of twenty dollars to a serious misdemeanor.

Section 3 intends to clarify that the license of an operator or chauffeur shall be revoked if the person is convicted of a felony, if during the commission of the felony a motor vehicle is used.

Section 4 requires a vehicle overtaking and passing another vehicle on the left to return to the right-hand side of the roadway before coming within three hundred feet of an approaching vehicle.

Section 6 strikes a subsection which is inconsistent with a paragraph of section 805.8 which provides for scheduled violations for speed violations in excess of twenty miles per hour over the legal limit. The section also allows an officer to issue a uniform citation and complaint to the operator of a motor vehicle even if the officer believes the operator does not have in force a valid operator's or chauffeur's license or permit.

The bill creates new section 321.1A and takes effect July 1 following its enactment.

Her Transportation 4/6/83

Senate File 493

Transportation: Miller, Chair; Harbor and Woods.

To Pass 4/8/83

SENATE FILE 493

BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 31, 1983)

RePassed Senate, Date 4-19-83 (p. 1329) Passed House, Date 4-14-83 (p. 1323)

Vote: Ayes 42 Nays 2 Vote: Ayes 84 Nays 12

Approved May 16, 1983
*Repassed House as further amended by Senate
4-25-83 (p. 1556)
88-4*

A BILL FOR

1 An Act relating to the motor vehicle code by providing a
 2 rebuttable presumption of residency, by increasing the
 3 penalty for improper use of a registration card,
 4 registration plate, special plate, or permit, by
 5 requiring a motor vehicle overtaking another vehicle
 6 on the left to return to the right-hand portion of the
 7 roadway before coming within three hundred feet of an
 8 approaching vehicle, by clarifying certain language and
 9 eliminating certain inconsistent language in the motor
 10 vehicle code, by increasing the ability of an officer
 11 to issue a uniform citation and complaint, and providing
 12 a penalty.

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

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= New Language
by the Senate

1 Section 1. NEW SECTION. 321.1A PRESUMPTION OF RESIDENCY.

2 For purposes of this chapter there is a rebuttable presumption
3 that a natural person is a resident of this state if any of
4 the following elements exist:

5 1. The person has filed for a homestead tax exemption
6 on property in this state.

7 2. The person is a veteran who has filed for a military
8 tax exemption on property in this state.

9 3. The person is registered to vote in this state.

10 4. The person enrolls the person's child to be educated
11 in a public elementary or secondary school in this state.

12 5. The person is receiving public assistance from this
13 state.

14 6. The person resides or has continuously remained in
15 this state for a period exceeding thirty days except for
16 infrequent or brief absences.

17 7. The person has accepted employment or engages in any
18 trade, profession, or occupation within this state, except
19 as provided in section 321.55.

20 "Resident" does not include a person who is attending a
21 college or university in this state, if the person has a
22 domicile in another state and has a valid operator's license
23 and vehicle registration issued by the state of domicile.

24 "Resident" also does not include members of the armed forces
25 that are stationed in Iowa, providing that their vehicles
26 are properly registered in their state of residency.

27 A corporation, association, partnership, company, firm,
28 or other aggregation of individuals whose principal place
29 of business is located within this state is a resident of
30 this state.

31 Sec. 2. Section 321.99, Code 1983, is amended to read
32 as follows:

33 321.99 IMPROPER FRAUDULENT USE OF REGISTRATION. No A
34 person shall not knowingly lend to another any a registration
35 card, registration plate, special plate, or permit issued

1 to ~~him~~ the person if the other person desiring to borrow the
2 same card, plate, or permit would not be entitled to the use
3 ~~thereof, nor shall any~~ of it. A person shall not knowingly
4 permit the use of ~~any of the same~~ a registration card,
5 registration plate, special plate, or permit issued to the
6 person by one not entitled ~~thereto~~ to it, nor shall any a
7 person knowingly display upon a vehicle any a registration
8 card, registration plate or permit not issued for such that
9 vehicle or not otherwise lawfully used thereon under this
10 chapter. Any A violation of this section is a simple serious
11 misdemeanor.

12 Sec. 3. Section 321.209, subsection 3, Code 1983, is
13 amended to read as follows:

14 3. Any A felony ~~in~~ if during the commission of which the
15 felony a motor vehicle is used.

16 Sec. 4. Section 321.303, Code 1983, is amended to read
17 as follows:

18 321.303 LIMITATIONS ON OVERTAKING ON THE LEFT. No A
19 vehicle shall not be driven to the left side of the center
20 of the roadway in overtaking and passing another vehicle
21 proceeding in the same direction unless ~~such~~ the left side
22 is clearly visible and is free of oncoming traffic for a
23 sufficient distance ahead to permit ~~such~~ the overtaking and
24 passing to be completely made without interfering with the
25 safe operation of any a vehicle approaching from the opposite
26 direction or any a vehicle overtaken. ~~In every event the~~
27 The overtaking vehicle ~~must~~ shall return to the right-hand
28 side of the roadway before coming within ~~one~~ three hundred
29 feet of any a vehicle approaching from the opposite direction
30 when traveling on a roadway having a legal speed limit in
31 excess of thirty miles per hour, and the overtaking vehicle
32 shall return to the right-hand side of the roadway before
33 coming within one hundred feet of a vehicle approaching from
34 the opposite direction when traveling on a roadway having
35 a legal speed limit of thirty miles per hour or less.

1 Sec. 5. Section 805.8, subsection 2, paragraph n,
2 unnumbered paragraph 1, Code 1983, is amended to read as
3 follows:

4 For violation of registration provisions under section
5 321.17; violation of intrastate hauling on foreign registration
6 under sections 321.54 and 321.55; ~~use-of-registration-under~~
7 ~~section-321.99~~ and display of registration or plates under
8 section 321.98, the scheduled fine is twenty dollars.

9 Sec. 6. Section 805.10, subsections 2 and 4, Code 1983,
10 are amended by striking the subsections.

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SENATE FILE 493

S-3340

1 Amend Senate File 493 as follows:

- 2 1. Page 1, line 23, by inserting after the word
- 3 "domicile." the following: "'Resident" also does
- 4 not include members of the armed forces that are
- 5 stationed in Iowa, providing that their vehicles are
- 6 properly registered in their state of residency."
- 7 2. Page 1, line 30, by striking the word "IMPROPER"
- 8 and inserting in lieu thereof the following: "FRAUDULENT".
- 9
- 10 3. Page 1, line 31, by inserting after the word
- 11 "not" the word "knowingly".
- 12 4. Page 2, line 3, by inserting after the word
- 13 "person" the word "knowingly".
- 14 5. Page 2, by striking lines 5 and 6 and inserting
- 15 in lieu thereof the following: "permit not issued
- 16 for such that vehicle or not otherwise lawfully used
- 17 thereon under this chapter. Any A".

S-3340 FILED & ADOPTED
MARCH 24, 1983 (p. 947)

BY RICHARD F. DRAKE
DONALD V. DOYLE

SENATE FILE 493

S-3346

1 Amend Senate File 493 as follows:

- 2 1. Title page, line 10, by striking the word
- 3 "and".
- 4 2. Title page, line 11, by inserting after the
- 5 word "complaint" the words ", and providing a penalty".

S-3346 FILED
MARCH 25, 1983
Adopted 3/31 (p. 1066)

BY DONALD V. DOYLE
RICHARD F. DRAKE

SENATE FILE 493

S-3351

1 Amend Senate File 493 as follows:

- 2 1. Page 2, line 25, by inserting after the word
- 3 "direction" the following: "when traveling on a
- 4 roadway having a legal speed limit in excess of thirty
- 5 miles per hour, and the overtaking vehicle shall
- 6 return to the right-hand side of the roadway before
- 7 coming within one hundred feet of a vehicle approaching
- 8 from the opposite direction when traveling on a roadway
- 9 having a legal speed limit of thirty miles per hour
- 10 or less".

S-3351 FILED
MARCH 25, 1983
Adopted 3/31 (p. 1066)

BY ARNE WALDSTEIN
EMIL HUSAK

SENATE FILE 493

SI-3694

1 Amend Senate File 493 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 11 the
4 following:

5 "Sec. _____. Section 321.207, Code 1983, is amended
6 to read as follows:

7 321.207 RECORD FORWARDED. Every court having
8 jurisdiction over offenses committed under this
9 chapter, or any other law of this state or any city
10 or county traffic ordinances, other than parking
11 regulations, regulating the operation of motor vehicles
12 on highways, shall forward to the department a record
13 of the conviction of any person in the court for a
14 violation of any of the laws, and may recommend the
15 suspension of the operator's or chauffeur's license
16 of the person convicted, and the department shall
17 consider and act upon the recommendation. However,
18 a record of conviction for a speeding violation of
19 ten miles per hour or less over the legal speed limit
20 of section 321.285, subsection 5, 6, 7, or 8, section
21 321.286, or section 321.287, shall not be forwarded
22 to the department."

23 2. Page 2, by inserting after line 35, the
24 following:

25 "Sec. _____. Section 321.491, unnumbered paragraph
26 2, Code 1983, is amended to read as follows:

27 Within ten days after the conviction or forfeiture
28 of bail of a person upon a charge of violating any
29 provision of this chapter or other law regulating
30 the operation of vehicles on highways every said
31 magistrate of the court or clerk of the court of
32 record in which such the conviction was had or bail
33 was forfeited shall prepare and immediately forward
34 to the department an abstract of the record of said
35 the court covering the case in which said the person
36 was so convicted or forfeited bail, ~~which~~. However,
37 an abstract of a record of conviction for a speeding
38 violation of ten miles per hour or less over the legal
39 speed limit of section 321.285, subsection 5, 6, 7,
40 or 8, section 321.286, or section 321.287, shall not
41 be forwarded to the department. The abstract must
42 be certified to be true and correct by the person
43 so required to prepare the same-to-be-true-and-correct
44 abstract.

45 Sec. _____. Section 321A.3, Code 1983, is amended
46 to read as follows:

47 321A.3 DIRECTOR-TO-FURNISH ABSTRACT OF OPERATING
48 RECORD--FEES TO BE CHARGED AND DISPOSITION OF FEES.

49 1. The director shall upon request furnish any
50 person a certified abstract of the operating record

1 of any a person subject to chapter 321 or this chapter,
2 which. The abstract shall also fully designate the
3 motor vehicles, if any, registered in the name of
4 the person, ~~and, if.~~ If there shall ~~be~~ is no record
5 of any a conviction of the person having violated
6 any law relating to the operation of a motor vehicle
7 or of any injury or damage caused by the person, the
8 director shall so certify. The abstract shall not
9 include convictions of speeding violations of ten
10 miles per hour or less over the legal speed limit
11 of section 321.285, subsection 5, 6, 7, or 8, section
12 321.286, or section 321.287, if the convictions
13 occurred on or after July 1, 1983. A fee of ~~four~~
14 five dollars shall be paid for each abstract except
15 by state, county, city or court officials.

16 2. A sheriff may provide an abstract of the
17 operating record of a person to the person or an
18 individual authorized by the person, subject to the
19 limitations of subsection 1. The sheriff shall charge
20 a fee of five dollars for each abstract which the
21 sheriff shall transfer to the director quarterly.
22 The sheriff may charge an additional fee sufficient
23 to cover costs incurred by the sheriff in producing
24 the abstract.

25 3. The abstracts shall are not be admissible as
26 evidence in any an action for damages or criminal
27 proceedings arising out of a motor vehicle accident."

28 3. Amend the title, line 10, by inserting after
29 the word "code," the following "by prohibiting the
30 inclusion of certain speeding violations from inclusion
31 in certain abstracts, by allowing a sheriff to provide
32 an abstract of a person's operating record,".

33 4. Renumber as necessary.

H-3694 FILED APRIL 12, 1983

BY SCHROEDER of Pottawattamie

Revised not germane 4/14/83 (p 1320)
Revised not germane 4/14/83 (p 1323)

1 Amend Senate File 493, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 35, the follow-
4 ing:

5 "Sec. ____ Section 321A.3, Code 1983, is amended
6 to read as follows:

7 321A.3 ~~DIRECTOR-TO-FURNISH~~ ABSTRACT OF OPERATING
8 RECORD--FEES TO BE CHARGED AND DISPOSITION OF FEES.

9 The director shall upon request furnish any a person
10 a certified abstract of the operating record of any
11 a person subject to chapter 321 or this chapter,
12 ~~which.~~ The abstract shall also fully designate the
13 motor vehicles, if any, registered in the name of
14 the person; and, if, If there shall-be is no record
15 of any a conviction of the person having violated
16 any law relating to the operation of a motor vehicle
17 or of any injury or damage caused by the person, the
18 director shall so certify. The abstract shall not
19 include convictions of violations of chapter 321B,
20 if the convictions are for violations which occurred
21 more than six years prior to the date of certification.
22 A fee of four dollars shall be paid for each abstract
23 except by state, county, city or court officials.
24 The abstracts ~~shall~~ are not be admissible as evidence
25 in any an action for damages or criminal proceedings
26 arising out of a motor vehicle accident."

27 2. Amend the title, line 10, by inserting after
28 the word "code," the following: "by prohibiting
29 certain violations of chapter 321B from inclusion
30 in certain abstracts,".

31 3. Renumber as necessary.

H-3751 FILED APRIL 13, 1983

BY HANSON of Delaware

4/13 4/14/83 (p. 1322)

SENATE FILE 493

H-3759

1 Amend House amendment H-3749 to Senate File 493 as
2 follows:

3 1. Page 1, line 12, by inserting after the word
4 "side" the words "or rear".

5 2. Page 1, line 16, by inserting after the word
6 "window." the words "A light delivery truck, panel
7 delivery truck, pickup, motor truck, truck tractor,
8 road tractor, special truck, multipurpose vehicle,
9 or motor home may have a darkened or reflective rear
10 window."

H-3759 FILED APRIL 14, 1983

BY SPEAR of Lee

Adopted 4/14/83 (p. 1321)

SENATE FILE 493

H-3749

1 Amend Senate File 493 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 35 the
4 following:

5 "Sec. ____ Section 321.438, Code 1983, is amended
6 to read as follows:

7 321.438 WINDSHIELDS AND WINDOWS.

8 1. No A person shall not drive any a motor vehicle
9 equipped with a windshield, sidewings, or side or
10 rear windows which do not permit clear vision.

11 2. A person shall not operate on the highway a
12 motor vehicle equipped with a windshield or a side
13 window which is excessively dark or reflective so
14 that it is difficult for a person outside the motor
15 vehicle to see into the motor vehicle through the
16 windshield or window. The department shall adopt
17 rules establishing a minimum measurable standard of
18 transparency which shall apply to violations of this
19 subsection. This subsection does not apply to
20 windshields or windows originally installed by the
21 manufacturer of the motor vehicle and not subsequently
22 treated in a manner that lowers the transparency of
23 the windshield or window. This subsection does not
24 apply to loss of transparency of windows caused by
25 the use of drapes, curtains, screens, or blinds.

26 3. Every motor vehicle except a motorcycle, or
27 a vehicle included in the provisions of section 321.383
28 or section 321.115 shall be equipped with a windshield
29 in accordance with section 321.444."

30 2. Amend the title, line 8, by inserting after
31 the word "vehicle," the following: "by prohibiting
32 the operation of motor vehicles with excessively dark
33 windshields or windows,".

34 3. Renumbering sections as necessary.

BY MILLER of Woodbury
WOODS of Polk
BUHR of Polk

H-3749 FILED APRIL 13, 1983

Filed not germane 4/14/83 (p. 1322)
Bill suspended
Adopted as amended by 3756 & 3759 4/14 (1322)

SENATE FILE 493

H-3756

1 Amend the Miller amendment, H-3749, to Senate File
2 493, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by striking lines 19 through 23 and
5 inserting in lieu thereof the following: "subsection.
6 This subsection does not".

H-3756 FILED APRIL 14, 1983

Adopted 4/14/83 (p. 1321)

BY JAY of Appanoose

S-3622

1 Amend the House amendment, S-3588, to Senate File
2 493 as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 11 through 25, and
5 inserting in lieu thereof the following:

6 "2. A person shall not operate on the highway
7 a motor vehicle equipped with a front windshield,
8 a side window to the immediate right or left of the
9 driver, or a side wing forward of and to the left
10 or right of the driver which is excessively dark or
11 reflective so that it is difficult for a person outside
12 the motor vehicle to see into the motor vehicle through
13 the windshield, window, or side wing. The department
14 shall adopt rules establishing a minimum measurable
15 standard of transparency which shall apply to
16 violations of this subsection."

17 2. Page 1, by inserting after line 29 the follow-
18 ing:

19 "Sec. ____ . Section 805.8, subsection 2, paragraph
20 c, Code 1983, is amended to read as follows:

21 c. For improperly used or nonused, or defective
22 or improper equipment, other than brakes, driving
23 lights and brakelights, under sections 321.317,
24 321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
25 321.393, 321.422, 321.432, 321.436, 321.437, 321.438,
26 subsection 1 or 3, 321.439, 321.440, 321.441, 321.442,
27 321.444, 321.445 and 321.447, the scheduled fine is
28 ten dollars.

29 Sec. ____ . Section 805.8, subsection 2, Code 1983,
30 is amended by adding the following new paragraph
31 following paragraph c and by relettering the following
32 paragraphs:

33 NEW PARAGRAPH. d. For improper equipment under
34 section 321.438, subsection 2, the scheduled fine
35 is fifteen dollars."

36 3. By renumbering sections as necessary.

S-3622 FILED & ADOPTED
APRIL 19, 1983 (p. 1329)

BY DONALD V. DOYLE
RICHARD F. DRAKE

HOUSE AMENDMENT TO SENATE FILE 493

S-3588

1 Amend Senate File 493 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 35 the
4 following:

5 "Sec. ____ . Section 321.438, Code 1983, is amended
6 to read as follows:

7 321.438 WINDSHIELDS AND WINDOWS.

8 1. No A person shall not drive any a motor vehicle
9 equipped with a windshield, sidewings, or side or
10 rear windows which do not permit clear vision.

3622 11 2. A person shall not operate on the highway a
12 motor vehicle equipped with a windshield or a side
13 or rear window which is excessively dark or reflective
14 so that it is difficult for a person outside the motor
15 vehicle to see into the motor vehicle through the
16 windshield or window. A light delivery truck, panel
17 delivery truck, pickup, motor truck, truck tractor,
18 road tractor, special truck, multipurpose vehicle,
19 or motor home may have a darkened or reflective rear
20 window. The department shall adopt rules establishing
21 a minimum measurable standard of transparency which
22 shall apply to violations of this subsection. This
23 subsection does not apply to loss of transparency
24 of windows caused by the use of drapes, curtains,
25 screens, or blinds.

26 3. Every motor vehicle except a motorcycle, or
27 a vehicle included in the provisions of section 321.383
28 or section 321.115 shall be equipped with a windshield
29 in accordance with section 321.444."

3622 30 2. Amend the title, line 8, by inserting after
31 the word "vehicle," the following: "by prohibiting
32 the operation of motor vehicles with excessively dark
33 windshields or windows,".

34 3. Renumbering sections as necessary.

S-3588 FILED
APRIL 18, 1983

RECEIVED FROM THE HOUSE

Senate amended & concurred 4/19/83 (p 1529)

SEVENTIETH GENERAL ASSEMBLY
1983 REGULAR SESSION

DAILY
HOUSE CLIP SHEET

Monday, April 25, 1983

SENATE AMENDMENT TO
HOUSE AMENDMENT TO SENATE FILE 493

H-3830

1 Amend the House amendment, S-3588, to Senate File
2 493 as amended, passed, and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 11 through 25, and
5 inserting in lieu thereof the following:

6 "2. A person shall not operate on the highway
7 a motor vehicle equipped with a front windshield,
8 a side window to the immediate right or left of the
9 driver, or a side wing forward of and to the left
10 or right of the driver which is excessively dark or
11 reflective so that it is difficult for a person outside
12 the motor vehicle to see into the motor vehicle through
13 the windshield, window, or side wing. The department
14 shall adopt rules establishing a minimum measurable
15 standard of transparency which shall apply to
16 violations of this subsection."

17 2. Page 1, by inserting after line 29 the follow-
18 ing:

19 "Sec. ____ . Section 805.8, subsection 2, paragraph
20 c, Code 1983, is amended to read as follows:

21 c. For improperly used or nonused, or defective
22 or improper equipment, other than brakes, driving
23 lights and brakelights, under sections 321.317,
24 321.387, 321.388, 321.389, 321.390, 321.391, 321.392,
25 321.393, 321.422, 321.432, 321.436, 321.437, 321.438,
26 subsection 1 or 3, 321.439, 321.440, 321.441, 321.442,
27 321.444, 321.445 and 321.447, the scheduled fine is
28 ten dollars.

29 Sec. ____ . Section 805.8, subsection 2, Code 1983,
30 is amended by adding the following new paragraph
31 following paragraph c and by relettering the following
32 paragraphs:

33 NEW PARAGRAPH. d. For improper equipment under
34 section 321.438, subsection 2, the scheduled fine
35 is fifteen dollars."

36 3. By renumbering sections as necessary.

H-3830 FILED APRIL 21, 1983

RECEIVED FROM THE SENATE

Have concurred 4/25/83 (p. 1556)

SENATE FILE 493

AN ACT

RELATING TO THE MOTOR VEHICLE CODE BY PROVIDING A REBUTTABLE PRESUMPTION OF RESIDENCY, BY INCREASING THE PENALTY FOR IMPROPER USE OF A REGISTRATION CARD, REGISTRATION PLATE, SPECIAL PLATE, OR PERMIT, BY REQUIRING A MOTOR VEHICLE OVERTAKING ANOTHER VEHICLE ON THE LEFT TO RETURN TO THE RIGHT-HAND PORTION OF THE ROADWAY BEFORE COMING WITHIN THREE HUNDRED FEET OF AN APPROACHING VEHICLE, BY PROHIBITING THE OPERATION OF MOTOR VEHICLES WITH EXCESSIVELY DARK WINDSHIELDS OR WINDOWS, BY CLARIFYING CERTAIN LANGUAGE AND ELIMINATING CERTAIN INCONSISTENT LANGUAGE IN THE MOTOR VEHICLE CODE, BY INCREASING THE ABILITY OF AN OFFICER TO ISSUE A UNIFORM CITATION AND COMPLAINT, AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. 321.1A PRESUMPTION OF RESIDENCY. For purposes of this chapter there is a rebuttable presumption that a natural person is a resident of this state if any of the following elements exist:

1. The person has filed for a homestead tax exemption on property in this state.

2. The person is a veteran who has filed for a military tax exemption on property in this state.

3. The person is registered to vote in this state.

4. The person enrolls the person's child to be educated in a public elementary or secondary school in this state.

5. The person is receiving public assistance from this state.

6. The person resides or has continuously remained in this state for a period exceeding thirty days except for infrequent or brief absences.

7. The person has accepted employment or engages in any trade, profession, or occupation within this state, except as provided in section 321.55.

"Resident" does not include a person who is attending a college or university in this state, if the person has a domicile in another state and has a valid operator's license and vehicle registration issued by the state of domicile. "Resident" also does not include members of the armed forces that are stationed in Iowa, providing that their vehicles are properly registered in their state of residency.

A corporation, association, partnership, company, firm, or other aggregation of individuals whose principal place of business is located within this state is a resident of this state.

Sec. 2. Section 321.99, Code 1983, is amended to read as follows:

321.99 IMPROPER FRAUDULENT USE OF REGISTRATION. No A person shall not knowingly lend to another any a registration card, registration plate, special plate, or permit issued to him the person if the other person desiring to borrow the same card, plate, or permit would not be entitled to the use thereof; ~~nor shall any of it.~~ A person shall not knowingly permit the use of any-of-the-same a registration card, registration plate, special plate, or permit issued to the person by one not entitled thereto to it, nor shall any a

person knowingly display upon a vehicle any a registration card, registration plate or permit not issued for such that vehicle ~~or-not-otherwise-lawfully-used-thereon~~ under this chapter. Any A violation of this section is a simple serious misdemeanor.

Sec. 3. Section 321.209, subsection 3, Code 1983, is amended to read as follows:

3. Any A felony ~~is~~ if during the commission of which the felony a motor vehicle is used.

Sec. 4. Section 321.303, Code 1983, is amended to read as follows:

321.303 LIMITATIONS ON OVERTAKING ON THE LEFT. No A vehicle shall not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such the overtaking and passing to be completely made without interfering with the safe operation of any a vehicle approaching from the opposite direction or any a vehicle overtaken. ~~in-every-event-the~~ The overtaking vehicle ~~must~~ shall return to the right-hand side of the roadway before coming within ~~one~~ three hundred feet of any a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit in excess of thirty miles per hour, and the overtaking vehicle shall return to the right-hand side of the roadway before coming within one hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit of thirty miles per hour or less.

Sec. 5. Section 321.438, Code 1983, is amended to read as follows:

321.438 WINDSHIELDS AND WINDOWS.

1. No A person shall not drive any a motor vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision.

2. A person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver, or a sidewing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window, or sidewing. The department shall adopt rules establishing a minimum measurable standard of transparency which shall apply to violations of this subsection.

3. Every motor vehicle except a motorcycle, or a vehicle included in the provisions of section 321.383 or section 321.115 shall be equipped with a windshield in accordance with section 321.444.

Sec. 6. Section 805.8, subsection 2, paragraph c, Code 1985, 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, 321.393, 321.422, 321.432, 321.436, 321.437, 321.438, subsection 1 or 3, 321.439, 321.440, 321.441, 321.442, 321.444, 321.445 and 321.447, the scheduled fine is ten dollars.

Sec. 7. Section 805.8, subsection 2, Code 1983, is amended by adding the following new paragraph following paragraph c and by relettering the following paragraphs:

NEW PARAGRAPH. 6. For improper equipment under section 321.438, subsection 2, the scheduled fine is fifteen dollars.

Sec. 8. Section 805.8, subsection 2, paragraph n, unnumbered paragraph 1, Code 1983, is amended to read as follows:

For violation of registration provisions under section 321.17; violation of intrastate hauling on foreign registration under sections 321.54 and 321.55; ~~use-of-registration-under section-321.99;~~ and display of registration or plates under section 321.98, the scheduled fine is twenty dollars.

Sec. 9. Section 805.10, subsections 2 and 4, Code 1983,
are amended by striking the subsections.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 493, Seventieth General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 16, 1983

TERRY E. BRANSTAD
Governor

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